

1582 Maritime Code (PZ)

Pursuant to the second indent of the first paragraph of Article 107 and the first paragraph of Article 91 of the Constitution of the Republic of Slovenia I hereby issue an

DECREE
promulgating the Maritime Code (PZ)

I hereby promulgate the Maritime Code (PZ) adopted by the National Assembly of the Republic of Slovenia at its session of 23 March 2001.

No. 001-22-31/01
Ljubljana, 2 April 2001

President of the Republic of Slovenia
Milan Kučan,
[signed]

MARITIME CODE (vessels, the registration of vessels, the limitation of a shipowner's liability, the execution and insurance on vessels, and the conflict of laws.

Article 2

The provisions of this Code (hereinafter: Act) shall apply to ships, boats and other vessels of Slovenian nationality, and to relations concerning navigation in the territorial sea and internal waters of the Republic of Slovenia, unless otherwise stipulated by this Act.

Article 3

Unless otherwise stipulated by this Act, terms shall be used with the following meanings:

1. A vessel shall be an object intended for sea navigation.
2. A floating object shall be an object which is permanently moored or anchored or laid on the seabed and is not intended for navigation (floating hotels, restaurants, workshops, warehouses, pontoon bridges, platforms, bathing platforms, mooring and signalling buoys, clam fisheries and other sea exploitation structures).
3. A ship shall be a seaworthy vessel, which is 24 metres long or more, excluding military vessels.
4. A merchant ship shall be a ship used for commercial purposes.
5. A passenger ship shall be a ship certified to transport more than 12 passengers.
6. A cargo ship shall be a ship for the transport of cargo.
7. A tanker shall be a ship for the transport of liquids and gases.
8. A fishing ship shall be a ship intended and equipped for the fishing or hunting of live creatures in the sea or the seabed.
9. A scientific research ship shall be a ship or other vessel equipped for scientific or other research in the sea, the sea bed or its underground areas.
10. A nuclear ship shall be a ship powered by nuclear energy or a ship with nuclear equipment.
11. A public ship shall be a ship owned or used by the State which is not a military vessel and is not used by the State or its bodies exclusively for non-commercial purposes.

12. A military vessel shall be any vessel belonging to the armed forces, under the command of a military officer, whose crew is military or under military discipline, and which carries the external identification marks of a military vessel.

13. A fleet of foreign military vessels shall comprise several foreign military vessels under the command of one military officer.

Foreign nuclear ships, foreign military vessels with nuclear weapons on board, and foreign military vessels whose visit places the safety of the Republic of Slovenia in danger may not be permitted to visit or stay in the internal waters of the Republic of Slovenia.

Foreign scientific research ships may enter the internal waters of the Republic of Slovenia in order to sail into a port in the Republic of Slovenia open to international shipping trade without the advance permit referred to in point 2 of the second paragraph of this Article under the condition of reciprocity, or if they are scientific research

Article 14

Ships of all States enjoy the right of innocent passage through the territorial sea of the Republic of Slovenia under the conditions laid down by this Act and the regulations issued on the basis thereof.

The innocent passage of a ship shall mean navigation through the territorial sea of the Republic of Slovenia without entry into the internal waters, or navigation in order to enter such waters or exit them in the direction of

The country of origin of a military vessel must, through diplomatic channels, inform the ministry responsible for foreign affairs of the harmless passage of its military

2. effect continual monitoring of the safety of navigation;
3. manage the obligatory information of importance for the safety of navigation;
4. manage documents and gather information on seafarers on board vessels, their experience, training, medical fitness and abilities to perform their assigned duties and work on ships.

Article 26

The Maritime Directorate of the Republic of Slovenia shall be responsible for:

- individual tasks related to the development of the port infrastructure owned by the Republic of Slovenia;
- supervising the safety of navigation, and the implementation of port regulations and of regulations concerning other parts of territorial sea and internal waters;
- organising a radio watch service and a navigational monitoring and supervision service;
- issuing licences for the operation of ports;
- regulating maritime transport;
- expert inspection of the regular maintenance of sea lanes, of navigation safety facilities, and of the regular collection of ship-generated waste;
- issuing authorisations for the construction and renovation of facilities on shore or at sea in the context of the safety of navigation;
- issuing permits for water-based events and other water-based activities within the port area;
- issuing pilots' identity cards and keeping a register of pilots;
- ordering mandatory pilotage and towage operations and determining the number of tug boats required for towing, fire fighting and salvage operations;

If the person mentioned in the preceding paragraph does not set up the prescribed lights or other signalling devices, or does not maintain them in good condition, that person shall bear the costs when this is carried out, at the request of the Maritime Directorate of the Republic of Slovenia, by a body competent to maintain and mark sea lanes.

The persons mentioned in the first paragraph of this Article must give immediate notice of an obstruction to the Maritime Directorate of the Republic of Slovenia, which shall in turn publish the details of the obstruction in the

The development of port infrastructure shall be planned by the port operator in the form of a port development programme which must be in accordance with the national programme mentioned in the preceding Article and

Article 41

The port operator must organise the operation of the port in such a way as to guarantee safe navigation and the

The commercial public service in the area of maritime activities shall be provided by:

- private-law entities that have been granted concessions;
- public companies;
- administrative units.

The official rules on the provision of the commercial public service shall be adopted by the Government in respect of the services to be provided by the Republic of Slovenia and by the competent local community authorities in respect of the services provided by the local community.

4. Financing the commercial public service

Article 48

The commercial public services referred to in Article 43 of this Act shall be financed from the following sources:

- fees for the use of the port;
- demurrage fees;
- mooring fees;
- fees for the reception of ship-generated waste;
- the budget.

Port fees and prices for the services referred to in the previous paragraph shall be paid to the commercial public service provider who will record them as part of the income from providing the commercial public service in the area of maritime transport and/or port services.

Commercial public service providers must keep separate accounting records for expenditure and for the revenue referred to in the first paragraph of this Article.

The difference between the expenditure associated with provision of the commercial public service and revenue from fees shall be paid into the budget.

Article 49

For the use of ports open to international public traffic and the payment of port fees, foreign ships shall be equal to Slovenian ships subject to reciprocal agreements.

Article 50

If, during supervision of sea transport, port inspectors who establish that a boat operator is failing to observe the rules of navigation, as set out by the Regulations for Preventing Collisions at Sea or other regulations on the safety of navigation, shall prohibit the irregular manner of navigation.

Article 62

Port inspectors who establish, during supervision, that a boat fails to meet the conditions regarding seaworthiness shall order that the irregularities be remedied within a specified period. If the nature of deficiencies is such as to endanger the boat's safety, persons on board and other persons in sea traffic, the inspector shall prohibit further navigation.

Article 63

Port inspectors who determine, during supervision, that a person operating a boat does not have the necessary certificate of competence to operate a boat or is under the influence of alcohol, drugs, psychoactive medicines or other psychoactive substances diminishing his ability to navigate or is in a psychophysical state such as to endanger navigational safety, shall prohibit that person from continuing to operate the boat.

Persons operating a boat shall be considered to be under the influence of alcohol if they have 0.5 grams of alcohol per kilogram of blood in their body unless, at lower concentrations of alcohol, they display signs of behavioural disorder which would entail unreliable operation in sea traffic.

The blood alcohol level shall be determined using equipment for the determination of alcohol content. The costs for the breath test shall be borne by the person operating a boat and/or person tested if they are found to have a higher concentration of alcohol in the body than permitted by this Act; otherwise the costs shall be borne by the authority which ordered the test.

A test report shall be drawn up and signed by the person in respect of whom the test was ordered. If the person declines to sign, the reason for declining shall be entered into the report and an expert examination ordered.

A person in respect of whom an alcohol test using equipment or an expert examination has been ordered must follow the orders of the supervisor. If the person refuses to be tested, or if the test is not carried out according to instructions of the manufacturer of the equipment, the port inspector shall enter this in the report and shall prohibit the person from operating the boat further.

If the person disputes the results of the test, an expert examination shall be ordered. The costs of transporting the person to the place where an expert examination is carried out and the costs of the test shall be paid by the person in respect of whom the test has been ordered if it is found that they have a concentration of alcohol in the body higher than that permitted by this Act; otherwise the costs of transport, examination and analysis shall be borne by the authority that ordered the test.

Port inspectors who suspect that a person is under the influence of alcohol, drugs, psychoactive medicines or other psychoactive substances diminishing his abilities to operate a boat shall order a test by means of equipment or an expert examination and prohibit further operation of the boat. The costs of transport to the place where the test or expert examination is carried out and the costs of the test shall be paid by the person on whom the test or examination is carried out if it is found that said person is under the influence of drugs, psychoactive medicines or other psychoactive substances.

The contents of the alcohol test report shall be prescribed by the minister in agreement with the minister responsible for internal affairs.

Article 64

An authorisation issued by the Maritime Directorate of the Republic of Slovenia regarding conditions for the safety of navigation shall be necessary for the construction or renovation of port infrastructure facilities or facilities which may affect navigational safety inshore or at sea.

During the construction work, contractors carrying out construction or other work shall be obliged to report every three months to the Maritime Directorate of the Republic of Slovenia regarding any changes in the outline of the shore or depth of the sea.

Article 65

Ships entering the port from abroad must report their arrival and present the following documents to the Maritime Directorate of the Republic of Slovenia: a general declaration, a health declaration, a crew list and a passenger list.

A ship coming from abroad is not allowed to conduct traffic with other ships, bodies and persons on shore until it obtains free pratique from the Maritime Directorate of the Republic of Slovenia.

When a ship bound for a destination abroad leaves the port, it must notify its departure at least one hour prior to sailing out and deliver a crew list and a passenger list, covering only persons who have embarked on or disembarked from the ship while the ship was in port, to the Maritime Directorate of the Republic of Slovenia.

A ship on a short international trip must deliver a passenger list to the Maritime Directorate of the Republic of Slovenia.

Slovenian or foreign ships transporting dangerous goods must, prior to their arrival in port, deliver a dangerous goods declaration to the Maritime Directorate of the Republic of Slovenia.

Article 66

A shipmaster of a Slovenian ship must, immediately upon arrival of the ship from another Slovenian port, notify his arrival to the Maritime Directorate of the Republic of Slovenia and also his departure from the port for another Slovenian port.

A passenger ship on a regular line or cruise in the territorial sea and internal waters of the Republic of Slovenia shall report its departure only in the port where the regular route or cruise begins and shall report its arrival only in the port where the regular route or cruise ends.

Article 67

A ship carrying more than 2 000 tonnes of oil which does not have a certificate of insurance or other financial security in respect of civil liability for oil pollution damage in accordance with this Act, shall not be allowed to enter a port or leave a port in the Republic of Slovenia and to load or unload oil in a port.

The shipowner or agent representing the owner shall be obliged to submit the certificate referred to in the previous paragraph to the Maritime Directorate of the Republic of Slovenia prior to arrival in the port.

Article 68

If there is a fire or other accident in the port or at sea that could endanger human lives or vessels, the vessels specified below must, upon the order of the Maritime Directorate of the Republic of Slovenia, immediately head for the location of the fire and/or accident:

1. the closest or other vessel – to save the endangered human lives;
2. a Slovenian vessel – to save another Slovenian vessel or objects on the vessel which are the property of Slovenian persons, or to protect the environment.

Article 69

Any action in port or territorial sea and internal waters which might endanger the safety of people or vessels, pollute the sea or damage the shore or navigation safety facilities and installations, or any action violating the regulations on order in ports and in other parts of the territorial sea and/or internal waters is prohibited.

Article 70

The Maritime Directorate of the Republic of Slovenia may determine urgent safety measures and the manner of loading and unloading dangerous goods from or onto a ship, while respecting the conditions .0.2(tih)-7(a)6.9(t)-12.8(a)-5.9(p)-0.6(p)-7(1) carriag0.2(2(e) -6.3(o0.2(2(f)-7.7(d)-6.2(a)1.3(ng0.2(2(e)-5.1(r)5(ou)-12.6(s g0.2(2(ood)-6.2(s)-8.8(.4.7()JTJ0 -1.1456 TD0.0015 Tc-0.00 must be issued with the agreement of the minister responsible for the environment.

Article 72

Ships may dispose of waste oils and other waste materials in ports only at the locations specifically intended for this purpose.

While in port, ships must deliver their waste to a person in charge of reception of waste from ships.

Article 73

The cleaning of ships with hazardous gases (degasification, fumigation, etc.) or pest control on ships may be carried out only with preliminary approval from the Maritime Directorate of the Republic of Slovenia, at special locations designated for this purpose, within the specified time limits, and in the prescribed manner.

Article 74

Vessels and floating objects may not obstruct public traffic in the port.

Vessels without a permit granted by the Maritime Directorate of the Republic of Slovenia shall be banned from navigation within the port area open to international transport.

Aquatic events and other water-based activities in the area of a port may take place only with the permission of the Maritime Directorate of the Republic of Slovenia and with the agreement of the port manager. In other parts of the territorial sea and internal waters, permission shall be required from the Maritime Directorate of the Republic of Slovenia only.

Swimming and fishing shall not be permitted in port.

Article 75

Any damaged, stranded or submerged vessel or floating object which obstructs or endangers navigational safety,

Coastal pilotage shall entail directing of the movements of a ship in parts of the territorial sea outside the scope of port pilotage.
Port pilotage shall entail directing of the movements of a ship within port areas.

Tug boats must be equipped for fire-fighting on board ships or in facilities on shore.

3. Supervision of pilotage and towage of vessels

Article 90

The pilotage and towage of vessels shall be supervised by the maritime inspectors with the ministry responsible for maritime affairs.

Pilotage and towage of vessels in and between ports in the Republic of Slovenia may be performed by foreign persons subject to reciprocal agreements.

Section VI – SHIPS

1. Establishing the seaworthiness of a ship

Article 91

A ship shall be deemed to be seaworthy within the specified bounds of navigation and for a specific purpose:

Classification societies shall be obliged to conduct inspections pursuant to this Article in accordance with classification society rules. The classification society shall issue a conformity certificate after inspection of the ship.

The repair of shortcomings established during an inspection as per the first paragraph of this Article shall be verified by a surveyor from an authorised classification society.

Article 95

A ship must undergo a compulsory basic inspection:

1. prior to its being entered in the register of ships, if the construction or conversion of the ship was not supervised by a classification society which is a member of the International Association of Classification Societies;
2. each time the ship permanently alters its purpose or expands its limits of navigation, prior to entry into service;
3. each time the ship is converted in a manner whereby its construction and the properties of its engine are changed, prior to entry into service.

Article 96

Regular inspections shall be carried out at specified intervals to ascertain that the condition of the ship corresponds to the technical standards of the classification society.

Article 97

An extraordinary inspection of a ship shall be carried out:

1. after damage to the ship if this affects the seaworthiness of the ship;
2. after any major repairs or renovation of the ship excluding those required as a result of a basic or regular inspection;
3. if the ship has been on lay-up for more than one year;
4. in the event of a temporary change to its purpose or expansion of its limits of navigation;
5. when regular inspections have been postponed for more than three months.

Article 98

A ship to which the International Convention on Safety of Life at Sea, the International Load-Line Convention or the International Convention on the Prevention of Pollution from Ships apply, and which represents a new type of ship, may be permitted by classification societies to undertake one or several international voyages as trials, without implementing the provisions of the cited conventions, if it has been established through inspection that the ship is seaworthy.

Article 101

A classification society may establish that a ship is seaworthy within specific narrower limits, if it has been established through inspection that the ship is not seaworthy within the limits it formerly had the right to sail within but is capable of sailing within these narrower limits.

The classification society may also establish that the ship shall be seaworthy for one or more specific voyages which exceed the limits it ordinarily has the right to sail within, if it has been established through inspection that

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Article 108

Under the provisions of this Act, measuring shall be compulsory for Slovenian ships and for foreign ships which must pay a fee in Slovenian ports on the basis of registered tonnage or the maximum permitted displacement of

A ship must have the following documents: certificate of origin, proof of seaworthiness and proof of other characteristics of the ship.

The books to be kept by ships shall be the records of important events and actions performed on board the ship.

A ship which has been established as seaworthy shall be issued with the following certificates:

1. a passenger ship safety certificate issued to a passenger ship to which the International Convention on Safety of Life at Sea applies;
2. a cargo ship safety construction certificate issued to a cargo ship of 500 tonnes or more to which the International Convention on Safety of Life at Sea applies;
3. a cargo ship safety equipment certificate issued to a cargo ship of 500 tonnes or more to which the International Convention on Safety of Life at Sea applies;

Notwithstanding the preceding paragraph, a Slovenian ship may be permitted to keep its foreign tonnage certificate or international tonnage certificate for one year after its arrival at the first Slovenian port, if the measuring has been performed using a system which is not substantially different to the measurement system recognised in the Republic of Slovenia.

Article 127

A ship equipped with devices for the loading and unloading of goods must have a register of ships' lifting appliances and items of loose gear.

Ships referred to in the preceding paragraph must have a certificate of test and thorough examination of lifting

aforementioned convention to apply to ships making such voyages, if this is admissible under said conventions –

Ships must have the following documents and books relating to environmental protection:

1. tankers of 150 tonnes or more (gross) and ships which are not tankers of 400 tonnes or more (gross) to which the International Convention for the Prevention of Pollution from Ships applies must have an international oil pollution prevention certificate if they make international maritime voyages;
2. the following vessels must have an oil pollution prevention certificate and supplement thereto:
 - tankers of 150 tonnes or more (gross) and ships which are not tankers of 400 tonnes or more (gross) which use oil for fuel but do not conduct international maritime voyages;
 - tankers of up to 150 tonnes (gross);
 - ships of 400 tonnes or more (gross) which are not tankers and which use oil for fuel;
 - ships with an engine with 220 kW or more of drive-shaft power, regardless of tonnage, if they use oil for fuel.
3. every tanker or ship of 50 tonnes or more (gross), or ship with an engine with 220 kW or more of drive-shaft power, regardless of tonnage, must have an oil record book (Part I: Machinery Space Operations), if it uses oil for fuel;

- it has been issued with a navigation license;
- it is operated by a qualified person.

Article 143

The person in charge of the boat must, during navigation, act in compliance with the regulations and technical standards on navigational safety, the protection of human life at sea, and environmental protection.

Article 144

A boat may be operated by a person whose ability to operate boats has been established in the prescribed manner and who was accordingly issued with a certificate, which he must have with him at all times when operating the boat. The procedure of establishing the ability to handle a boat and the issuing of the corresponding documents shall be managed by the Maritime Directorate of the Republic of Slovenia.

3. Documents relating to the seaworthiness of boats

Article 145

Documents on the seaworthiness of a boat issued by foreign countries shall be recognised in Slovenia on the principle of reciprocity.

If a boat does not have papers attesting to its seaworthiness, it shall be prohibited from sailing by the maritime inspector until seaworthiness has been established through in9h10.2(s)2456 C b44(s)6.3ethe

Section IX – SHIP'S CREW

1. Common provisions

Article 150

A ship's crew shall comprise the persons (seafarers) who are entered in the crew list for work on a ship.

Article 151

A ship must have the appropriate number of crew members with prescribed professional qualifications to perform the work required to effect navigation.

Article 152

A person who has earned the appropriate title and who holds a certificate qualifying him to perform the work corresponding to that position on a ship, or a trainee for such a position, may become a crew member of a Slovenian ship.

A crew member must perform his work on board a ship in compliance with the duties prescribed by the law and the rules of navigation.

He must perform his work in a manner which does not endanger transport safety, damage the ship or the ship's cargo, endanger the safety of passengers or other persons on the ship or pollute the environment.

A crew member under the influence of alcohol or of other psychotropic substances, or in a mental or physical state which renders him incapable of performing work in connection with the safety of navigation, may not handle the vessel or perform other work in connection with the safety of navigation. Crew members may not consume alcohol for at least four hours prior to the start of watch duty on a ship.

A crew member shall be deemed to be under the influence of alcohol if more than 0.5% alcohol is found in his blood.

Article 158

A crew member must immediately inform the officer on duty or the shipmaster:

1. of any exceptional events which may endanger the safety of the ship, the passengers, other persons or the ship's cargo, or which may pollute the environment with hazardous and harmful substances from the ship;
2. if, during navigation in sea lanes, he notices that an individual lighthouse or signal light is not functioning, or if the markers and signal buoys are not in the correct position.

In the event of danger, shipwreck or other accidents, crew members must strive to save the ship, the passengers, other persons and the ship's cargo, and to protect the environment until the shipmaster issues the order to abandon ship.

Article 159

After a shipwreck or other shipping accident, the shipowner shall reimburse the crew members for the loss of or damage to personal belongings on the ship.

An employed crew member shall be entitled to the wages specified in the contract of employment for at least two months after the accident.

The provisions of Articles 155 and 156 shall apply to the return voyage of a crew member of a ship that has been shipwrecked.

Article 160

The shipowner shall be liable for damages in respect of physical injury to or the death of a crew member, unless he can prove that he is not liable for causing the damage.

The court with jurisdiction over maritime (navigational) disputes shall be competent to rule on disputes arising

The shipmaster or the deck officer on duty must take all the action necessary to ensure the safety of the ship and of navigation.

The shipmaster must command the ship in person every time this is required for its safety, in particular upon entering or departing from a port, channel, canal, strait, other dangerous navigational areas or a river, and when visibility is limited or obstructed by fog.

Article 164

If the ship or persons on the ship are in danger, the shipmaster must take every action necessary to rescue people, to prevent danger to the ship and objects on the ship, and to protect the environment.

In the cases referred to in the preceding paragraph where it is necessary to sacrifice or damage part of the ship, cargo or other objects on board the ship, the shipmaster shall first sacrifice the objects not essential for navigation, which are less useful and of lesser value, so as to minimise the damage caused to the shipowner or

committed and its consequences; the shipmaster shall keep records of each hearing, shall keep the objects on or with which the offence was committed or which contain visible traces of the committed offence as evidence, and shall take all the action necessary to establish the circumstances in which the criminal offence was committed. If the ship is abroad, the shipmaster must report any criminal offence committed to the diplomatic or consular

The shipmaster shall not be obliged to rescue a ship referred to in the preceding paragraph if he is unable to do so without exposing the persons on board his ship or his ship in serious peril or if he justifiably judges that rescue of the ship would be unwise and unreasonable with respect to the value of the ship in peril and the items on board the ship and with respect to the risks and costs his ship would be exposed to.

The shipmaster shall record in the ship's logbook the reason why he did not commence the rescue of a ship and items on board that ship.

The owner of the ship and the shipowner shall not be liable for damages incurred because the shipmaster violated duties under Articles 178 and 179 of this Act and from this Article.

The provisions of Articles 178 and 179 of this Act shall also apply to military vessels.

Section X – INSPECTION

Article 181

Supervision of the implementation of the provisions of this Act and provisions issued on the basis of other regulations governing the safety of maritime navigation shall be carried out by means of inspection by the maritime inspectors of the ministry responsible for maritime affairs.

The inspectors must be persons with at least graduate-level professional qualifications. Nautical inspectors must have passed a professional exam qualifying them as shipmaster of a ship with a tonnage of 3000 tonnes (gross) or more, and engineering inspectors must have passed a professional exam qualifying them as chief engineer on a ship with engine power of 3000 kW or more.

Inspectors shall independently carry out the supervision by means of inspection, issue decisions and orders in line with administrative procedure and order other measures for which they are authorised. The minister shall regulate, in detail, the manner and conditions of the work of the maritime inspectors.

Inspectors shall have a prescribed uniform and official card issued by the minister. The manner and conditions for wearing the uniform, official insignia and the official card form shall be prescribed by the minister.

The inspection of Slovenian military vessels shall be carried out by the competent inspection authority with the ministry responsible for defence.

The supervision by means of inspection referred to in the preceding paragraph may, with the prior consent of the ministry responsible for defence, be carried out by the maritime inspectors with the ministry responsible for maritime affairs.

Article 182

Under this Act, supervision by inspection of navigational safety shall encompass the supervision of:

1. vessels with regard to their seaworthiness, the protection of people on them and environmental protection;
2. the application of international port rules in compliance with the international commitments of the Republic of Slovenia, supervision of conditions in ports and of the fulfilment of conditions for the safe navigation and

and a load-line certificate in accordance with the regulations of its country of origin, as well as an oil pollution prevention certificate.

If the foreign ship has the valid documents referred to in the first paragraph of this Article, the supervision by inspection shall be limited to the following checks:

1. that the position of the load line or the freeboard corresponds to the data contained in these documents;
2. that the ship has been loaded in compliance with the established load line and/or freeboard line and that the cargo is distributed correctly under the conditions stated in those documents.

In addition to examining the documents referred to in the first paragraph of this Article, the maritime inspector shall also examine that a ship which is loading or unloading cargo has a valid document certifying that the ship's loading and unloading equipment is in perfect condition and shall check that the state of this equipment corresponds to the data in the documents.

Article 184

If the maritime inspector establishes that a ship does not have the valid documents referred to in the first paragraph of the preceding Article, or that the position of the load-line or the freeboard does not correspond to the data in those documents, or that the ship is not loaded in compliance with the established load line or freeboard line, or if the cargo is not correctly distributed, he shall prohibit the ship from leaving the port until it can continue the voyage without endangering the lives of people on board.

If the maritime inspector establishes that a ship is polluting the environment, or if justifiable grounds exist for suspecting that it will pollute, he shall prohibit it from leaving the port until the established deficiencies or circumstances which were the grounds for the prohibition have been redressed.

If the maritime inspector, during the inspection mentioned in the third part 71(m)9.8(e)0.4(d(h)5.31-0.0029 Tw[d]-1.2(d)5.2(o)3(n)-0.7(

If the maritime inspector establishes that the ship does not have a valid cargo gear register as mentioned in the second paragraph of the preceding Article or if the condition of this equipment is not in accordance with the register, he shall prohibit the ship from loading, unloading or transporting cargo using its own equipment.

Article 188

If the maritime inspector establishes that the rules determined by the international commitments of the Republic of Slovenia are not being implemented in a port with an international border crossing, he shall order the person managing the port to redress the deficiencies within a specified period.

Article 189

If the maritime inspector establishes that a crew member does not have an appropriate authorisation to work or a valid document on his enrolment on the ship, he shall set a period in which these deficiencies must be redressed. If the crew member has not redressed the established deficiencies within the specified period from the preceding paragraph, the maritime inspector shall order the shipmaster to remove the crew member from the ship. If the maritime inspector establishes, during supervision, that the person who is operating a boat does not have a document attesting to his qualifications, he shall prohibit that person from continuing to operate the boat.

Article 195

PART THREE - NATIONALITY, IDENTIFICATION AND REGISTRATION OF A SHIP

Section I – NATIONALITY AND IDENTIFICATION OF SHIPS

Article 201

A ship shall acquire Slovenian nationality when it is entered in the Slovenian register of ships.

Article 202

A ship with Slovenian nationality shall have the right and duty to fly the Slovenian marine flag.

Everyone shall be entitled to examine the data in the main book under the supervision of an authorised staff member.

The body responsible for the register of ships must deliver a certificate on the state of entries in a particular section to a person who submits a request and makes the required payment.

The certificates mentioned in the preceding paragraph shall be public documents.

The collection of documents may be examined and a copy of a document requested only by a person with a justifiable interest.

Bona fide persons shall not be affected by legal consequences arising from incorrect data contained in the register of ships.

2. Registration of ships

Article 209

Ships shall be entered in the following sections:

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Section II – LIENS

1. Mortgage (*hypothèque*)

Article 224

A mortgage on a ship shall be the right of a creditor to a repayment from the sale price of the ship at a court sale. A mortgage may also include the right of the creditor in the event of an outstanding debt to repay his claims by utilising the ship, if so stipulated in the contract.

If the mortgagees decline to give the consent mentioned in the preceding paragraph, the mortgager may apply to court for the ship to be sold at a public auction.

Article 232

The provisions of this Act relating to mortgage on a ship shall also apply to the mortgage on a ship under construction entered in the section on ships under construction.

Article 233

A mortgage on a ship shall expire:

1. if the ship is removed from the register;
2. if the ship is sold in an execution or bankruptcy procedure;
3. if the ship is claimed as sea booty or spoils of war at sea.

In the case described in point 3 of the preceding paragraph, if the ship is released, the mortgage shall become valid again.

Article 234

The rights and the order of precedence of rights acquired with the registration of a mortgage shall not expire when a ship is removed from the register of ships because it has been destroyed, or is presumed destroyed, or because it has been permanently withdrawn from navigation (points 1 and 3 of the first paragraph of Article 369 of this Act).

Article 235

A mortgage on the same claim may be entered as a single mortgage on two or more ships or ships under construction or as two or more mortgages (consolidated mortgage).

In the cases mentioned in the preceding paragraph, the creditor shall have the right to request repayment of the entire claim from each individual ship under mortgage.

Article 236

A mortgage recorded in a foreign register of ships on a ship which acquires Slovenian nationality and which is reported in the document concerning its removal from a foreign register of ships shall be entered in the Slovenian register of ships as a provisional note on a mortgage; it shall be recognised as having the same order of precedence as at the moment when its order of precedence in the foreign register of ships was determined.

A mortgagee for whose benefit such a note is made must justify the note within 60 days of receiving notice of the entry.

2. Maritime lien

Article 237

Liens on a ship (hereinafter: maritime lien) shall be used to secure the following:

1. the legal costs which are necessary in the joint interests of all creditors in the process of execution or securing in order to preserve or sell the ship, and the costs of protection and supervision as of the time when the ship arrives at the last port; the port fees and the fees for the services rendered by the navigational safety authority; the costs of pilotage and of compulsory towage; social security contributions; and claims by the competent authority lifting or removing a wreck as ordered;
2. claims by the shipmaster and other crew members arising from their employment on the ship;

Article 238

Liens on a ship shall include the freight or transport fare and towage fee for the voyage which gave rise to the claim secured by the lien as well as the pertaining claims on the ship and the freight and transport fares and towage fees acquired since the start of the voyage.

Article 239

The claims by the shipmaster and other crew members arising from employment from point 2 of the first paragraph of Article 237 shall be the claims arising from their wages in employment relationships which are governed solely by Slovenian law; for others, they shall be the claims arising from the contract of employment.

Article 240

The provisions relating to liens on a ship shall not apply to claims for repayment of nuclear damage.

Article 241

Maritime liens shall not expire with a change in a ship's ownership, unless otherwise stipulated by this Act.

Article 242

Liens on a ship shall include the following pertaining claims and freights:

1. outstanding compensation claims for material damage to a ship that has not yet been repaired, and for the loss of freight fares, transport fares or towage fees;
2. claims outstanding due to the general average, if they apply to material damage to the ship that has not yet been repaired, or to the loss of freight fares, transport fares and towage fees;
3. claims for salvage rewards which have not yet been paid, after the deduction of the amounts for the shipmaster and other crew members.

Article 243

Liens on a ship shall not apply to the outstanding claims of the owner of the ship under the insurance contract, nor to premiums, subsidies and other forms of State assistance.

Article 244

For the purposes of the provisions of this Act in respect of maritime liens, the 'freight or transport fare' of a ship shall mean the freight or transport fare which the charterer or the passenger owes to the shipowner. The maritime liens for the benefit of persons referred to in point 2 of the first paragraph of Article 237 shall encumber the freight fare and/or the transport fare and the towage fees outstanding for the voyages which have been performed during the same employment relationship on the same ship. Maritime liens for claims mentioned in points 3 and 5 of the first paragraph of Article 237 and the claims arising from collisions and other accidents during navigation and for damage caused to port facilities, docks and sea lanes as mentioned in point 4 of the first paragraph of Article 237 shall only include the pertaining claims of the ship and freight fares, transport fares and towage fees mentioned in Article 242 that came into being after the above claims originated.

Article 245

Claims secured with a maritime lien which applies to the same voyage of the ship shall be settled in the order given in the first paragraph of Article 237 of this Act; while the claims mentioned in point 2 of the first paragraph of Article 237 of this Act shall have the same order of priority as the claims arising from the last voyage.

If claims described in the individual points of the first paragraph of Article 237 cannot be settled in full, they shall be settled in proportion to the amounts of the claims. In the case of the claims referred to in points 3 and 5 of the first paragraph of Article 237, in each of these points claims created later shall take a higher order of precedence than those from an earlier date.

Claims linked to the same event shall be deemed to have arisen simultaneously.

Article 246

Claims secured with the maritime lien of the last voyage of the ship shall have a higher order of precedence than the claims from the voyage before.

Maritime liens for the benefit of the persons cited in point 2 of the first paragraph of Article 237 of this Act and arising from the same employment relations which apply to several voyages shall have the same order of precedence as the claims from the last voyage.

Article 247

Maritime liens on freight fares and/or transport fares and towage fees may be presented while the freight fares and/or transport fares and towage fees are still outstanding or while the amount paid for them is still with the shipmaster or the shipping agent or the shipowner.

Maritime liens on pertaining claims may be presented while the claim is still outstanding or while the amount that has been paid out for it is still with the shipmaster or the shipping agent or the shipowner.

Article 248

Liens on a ship shall expire:

1. when the claim secured by the maritime lien expires;
 2. after one year (or, for the maritime liens mentioned in point 5 of the first paragraph of Article 237, after 6 months);
 3. when the ship is sold in an execution or bankruptcy procedure;
 4. when the ship is sold under the following conditions:
 - the transfer of the property right is entered in the register of ships;
 - the entry on the transfer of the property right to a ship in the register of ships is published in the Official Journal of the Republic of Slovenia and published in the notices of the court for the area in whose register of ships the ship is entered;
 - the privileged creditor does not initiate a procedure to settle his claims within two months of the publication of the entry in the Official Journal of the Republic of Slovenia or before the expiry of the period mentioned in point 2 of this paragraph;
 5. when a limited liability fund is set up for claims, secured by a maritime lien, to which limited liability applies.
- Liens on a ship shall expire when the ship is claimed as sea booty or as spoils of war at sea. If such a ship is released, the maritime liens which, under point 2 of the preceding paragraph of this Article, had not expired prior to the seizure of the ship shall resume their validity.

Article 249

The period mentioned in point 2 of the first paragraph of the preceding Article shall start to run as follows:

- for maritime liens on claims arising from salvage – from the day salvage is completed;
- for maritime liens arising from collisions or other accidents during navigation and for claims for physical injury – from the day the damage is inflicted;
- for maritime liens for lost or damaged cargo or luggage - from the day the cargo or luggage is delivered or should have been delivered;
- for maritime liens on repair and supply and on other claims mentioned in point 5 of the first paragraph of Article 237 – from the day the claim arises;
- in all other cases - from the day of maturity of the claim.

The period mentioned in point 2 of the first paragraph of the preceding Article shall cease when a suit is filed to present a claim secured by means of a maritime lien. in the case of a maritime lien on a ship, the period shall end

A lien on a ship shall be transferred together with the withdrawal of a claim secured by the lien.

Article 252

A lien on a ship shall not expire when a ship's entry is removed from the register of ships.

Article 253

The provisions of Articles 237 to 252 of this Act shall not apply to publicly-owned ships.

Article 254

The provisions of this Act relating to liens on ships shall also apply to boats and ships under construction which navigate on water.

Section III – SHIP REGISTRATION PROCEDURE

1. Common provisions

Article 255

An entry in the register of ships shall contain the text of the operative part of the decision on registration. If the state of the entry in the register of ships is such that the decision on registration cannot be executed, the entry may only be made on the basis of a new decision amending or modifying the previous decision.

Article 256

The registration entries performed on the basis of this Act shall be as follows:

1. initial entry in the section on ships – registration of a ship which has not previously been registered in the Slovenian register of ships.
2. a sheet A entry – registration of a ship's identification data and technical characteristics on sheet A of the insert in the main book of the section on ships;
3. a book entry (registration) – registration or a record of the transfer, limitation or expiry of a right without any specific justification (unconditional entry of

3. the name and permanent address or the title and the registered office of the mortgage creditor;
4. the provisions on the maturity of the claim in whole or in part.

Article 260

If a mortgage is used to secure claims that may arise as a result of an approved loan, assumed insurance or repayment of damages, the maximum amount of the loan or liability must be stated in the document which was the basis for the registration entries.

If a claim secured by a mortgage is linked to a foreign exchange clause or any index-linked determination of its value, this must be entered in the register of ships.

A mortgage may be entered on a ship on the basis of an agreement between the parties.

Article 261

Entries shall be permitted only against the person whose property right, or the right which is the subject of the entry, is registered or is being registered at the time when the proposal is submitted to the register of ships.

Article 262

If several persons successively acquire the entitlement to register a right on a ship, the right registered on the ship and have not registered it, the last to acquire the right may request that the right be registered directly to him, if he proves who his predecessors are.

If a claim secured by a mortgage and entered in the register of ships is assigned and the claim has been settled, the debtor may request the removal of the entry without a preliminary request if he proves the conveyance.

Article 263

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The situation may not revert to its previous state if the deadlines determined by this Act for entry in the register of ships have been missed.

Article 275

For the initial registration of a ship, for the entry of changes to be recorded on sheet A of the insert of the main book, and for the entry of changes as a result of which a ship is removed from the register of ships and for other entries a written proposal must be submitted.

Article 276

In an application or proposal for the entry of a ship in the register of ships, the following must be specified: the body responsible for the register of ships to which the application or proposal is submitted; the name and permanent address or the title and the registered office of the applicant and of the persons to whom a copy of the

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4. Registration procedure

a) Common provisions

Article 282

All entries in the register of ships shall be made in accordance with the provisions of the General Administrative Procedure Act, unless otherwise stipulated by this Act.

Article 283

Persons who request an entry as well as persons whose rights are entered in the register of ships shall be party to a registration procedure.

Article 284

The parties and other participants in the registration procedure may be heard in an oral hearing or may submit a written statement. If several persons are to be heard, they may be heard individually in the absence of others.

Article 285

During the registration procedure, written records shall be kept for any actions carried out orally. With statements and information of lesser importance, an official note may be entered in the file instead of a full record.

Article 286

Each of the parties shall cover his own costs relating to the registration procedure.

Article 287

The time when the application or proposal was delivered to the body responsible for the register of ships shall be considered to be the decisive moment.

Article 288

Receipt of an application or proposal for registration shall be recorded in the logbook together with the date, hour and minute of its arrival. At the same time, it shall be recorded in the insert concerning the ship, if already

The body responsible for the register of ships shall permit entries on the basis of a proposal or application and annexes thereto:

1. if no obstacles arise from the register of ships with regard to the ship or the rights on the ship in connection with the requested entry, and/or if, with the applications or proposals for the initial registration of a ship in the Slovenian register of ships, the conditions from Article 215 have been met;
2. if there is no justified reason to doubt that the applicant is entitled to request registration or that the participants to whose rights the entry relates are capable of asserting these rights;
3. if the contents of the documents submitted indicate that the request is justified;
4. if the documents are in the prescribed form necessary for registration, a provisional note or a note to be permitted.

Article 292

The body responsible for the register of ships shall itself come to a decision on each application or proposal, as a rule without hearing the party and without a preliminary order, unless explicitly stipulated otherwise by this Act. The body responsible for the register of ships must explicitly state in its decision whether it has approved or rejected the proposal.

If the proposal has been approved only in part, it shall decree the entry of the part which was approved and reject the part which was not approved.

If it rejected the proposal compl9(t)-6.6.3(b)i12.6(d)5.2((e)58(sta2]TJ0 rde)]T)5.2(t)y sta2]Tit ts su rell cit6.3(t)6.props on aye dasodiev

Article 296

If the documents show that the person who obtained book rights has been granted a permit to effect a book entry and at the same time restrictions were placed on the assertion of the acquired right or if he was placed under

If several proposals relating to the same ship are delivered to the body responsible for the register of ships at the same time, it shall note the numbers of the proposals that arrived at the same time in each entry made on the basis of these proposals.

Article 311

Nothing may be erased from the register of ships or made illegible in any other manner, nor may anything be added or changed.

All entries in the register of ships must be made in a manner and by means which render the writing permanent. An error in recording must be crossed out so that it can still be read.

An error which was noticed after entry may be corrected only pursuant to a decision.

The body responsible for the register of ships must hear a participant if the error could have any legal consequence. A note shall be made regarding the instigation of this procedure on the sheet where the error was made. The effect of this note shall be that all subsequent entries shall not obstruct the correction of the error.

Once the decision on the correction of the error becomes final, the note shall be removed *ex officio*.

The corrections of incorrect entries must bear the date, signature and stamp of the body responsible for the register of ships.

Article 312

The decision to remove a ship from the register of ships and a note that the request to remove a ship from the register of ships was rejected shall be entered on sheet A.

After the decision to remove a ship from the register of ships becomes final, the body responsible for the register of ships shall cross out each page of the insert of the main book with two intersecting red lines and one horizontal line on each page below each entry, whereby it shall not cross out individual entries.

The body responsible for the register of ships shall act in compliance with the preceding paragraph even after the decision to reject an application or proposal for the initial registration of a ship in the Slovenian register of ships becomes final.

Article 313

At the same time, the body responsible for the register of ships shall stipulate a suitable period within which the party must supply the original of the certificate of removal from the register of ships. If the original of the certificate is not supplied within the prescribed or extended period, the register of ships shall reject the application and decree *ex officio* that the note be removed.

If the owner of the ship is a foreign citizen or a foreign legal entity, he must, together with the application, supply documents which are evidence of his right to enter the ship in the Slovenian register of ships as well as the data contained in the documents referred to in the first paragraph of this Article.

Article 315

The register of ships shall permit initial registration of a ship under construction if the following documents have been supplied with the application for entry:

1. a document proving the property right to the ship;

Article 320

A provisional note on a mortgage shall only be permitted if the claim and the legal basis for the mortgage have been proved plausible.

Article 321

When a ship formerly entered in a foreign shipping register is entered in the Slovenian register of ships and the document on the removal of the ship's entry from the foreign register of ships shows that the ship is mortgaged, a provisional note on the mortgage shall be made *ex officio* and shall have the same order of precedence as of the moment which determined its order of precedence in the foreign register of ships, if the conditions for registering an entry on a mortgage, as laid down by this Act, have not been met at the time of registration.

Article 322

A provisional note of a bareboat charter right, a time charter and a right of first refusal shall be permitted only if the existence of the right and the permission to register are proved to be plausible.

Article 323

A provisional note shall also be permitted on the basis of the following documents:

1. non-final court decisions either granting or rejecting a request for the establishment, acquisition, restriction or expiration of a registered right;
2. court decisions allowing provisional notes in the securing procedure in accordance with the rules on executive procedures;
3. requests by courts, administrative bodies or persons performing public duties assigned to them by law, where they are entitled by law to order *ex officio* that certain claims be secured with a mortgage.

Article 324

If a debt secured with a mortgage has been deposited with the court but may not justifiably be paid to the creditor under the rules of the law of obligations, a provisional note may be made on the basis of a court certificate to the

If a provisional note is justified, all the entries made for the book entry owner of the ship after the proposal was submitted, and on the basis of which the provisional note on property right was made, shall be removed *ex officio* together with the entry of its justification.

If a provisional note on a property right is removed, all the entries which were performed in connection with this provisional note shall be removed *ex officio* at the same time.

The provisions of this Article shall also apply in cases where a provisional note against the mortgagee on the transfer of the claim to another person was made.

Article 335

If there is a provisional note on the removal of an entry on any right, further entries (of, for example, second mortgages or on the assigning of mortgages) shall be permitted; however, the legal effect of these entries shall depend on whether or not the provisional note removing an entry is justified.

If a provisional note removing an entry is justified, all entries which were permitted in the meantime in connection with the removed right shall be removed *ex officio* together with the entry of the justification.

Article 336

If second mortgages are still registered on a claim secured by a mortgage at the time when removal is requested, the entry on the claim may be removed only if a comment is added to the effect that the removal of the entry with regard to the second mortgages shall have legal force only after they have been removed.

Once a book entry on removing the entry of a claim secured by a mortgage is made, further entries on this mortgage shall no longer be permitted; if only a provisional note has been made on the removal of the mortgage, further entries on this right shall be permitted, but only with the legal effect mentioned in Article 325 of this Act.

Notes

Article 337

The legal consequence of a note on personal relations, particularly in connection with restrictions on the right to use property, shall be that no person who is the beneficiary of any right entered in the register of ships may claim

If a note on the order of precedence of the planned encumbrance of a ship with a mortgage is permitted, it shall cease to be effective after one year; in other cases, listed in Article 339 of this Act, it shall cease to be effective 60 days after permission has been granted.

The body responsible for the register of ships shall indicate the date the note shall cease to be effective in the decision permitting a note.

Article 342

A proposal to enter a right or removal with an order of precedence protected by a note (Article 339 of this Act) must be submitted within the time limits set in Article 327 of this Act; the proposal must be accompanied by a copy of the decision permitting the note.

The document which forms the basis for the entry or removal of a right, associated with a note on its order of precedence, may be drafted after the proposal to enter a note has been submitted.

If a mortgage is removed on a ship or a claim which is secured with a mortgage entered in the main insert, all subsequent entries on the consolidated mortgage in this insert shall also be removed and transferred to one of the auxiliary inserts. If a consolidated mortgage still exists, this insert shall be treated as the main insert. The conversion of an auxiliary insert into the main insert shall be recorded *ex officio* in each existing auxiliary insert.

Article 367

Only one suit shall be required for the justification of a provisional note on a consolidated mortgage on the same claim entered in different inserts.

Article 368

Extracts from the inserts which are kept as auxiliary in relation to the consolidated mortgage must contain an instruction to consult the main insert and a comment to the effect that changes to the consolidated mortgage are recorded only in the main insert.

Removal of a ship's entry

Article 369

5. Legal remedies

Article 373

A complaint may be filed with the ministry responsible for maritime affairs against a decision by the body responsible for the register of ships concerning an application or a proposal for registration. The parties may state new facts and submit new evidence in a complaint only if these apply to any material violations of procedural rules.

Article 374

The period for submitting a complaint against a decision served in the Republic of Slovenia shall be 30 days, and for those served abroad, 60 days.

Article 375

A complaint not submitted on time, or which is incomplete or illegal, shall be rejected by the body responsible for the register of ships.

If a complaint is not rejected by the body responsible for the register of ships, copies thereof shall be sent to the parties to whom the disputed decision was delivered.

The body responsible for the register of ships may not alter or annul its decision.

A complaint which was submitted directly to a body of second instance shall be sent by this body to the body responsible for the register of ships, and it shall be considered that this complaint was submitted on the day it arrived at the body responsible for the register of ships.

Article 376

If a complaint against a decision permitting book entry (registration), a provisional note or initial registration has been made, the body responsible for the register of ships shall decide to introduce a note on the complaint.

If the complaint is rejected, the note shall be removed.

The introduction of the note and its removal referred to in the first and second paragraphs of this Article shall be performed by the body responsible for the register of ships *ex officio*.

If a complaint against a decision permitting book entry (registration), a provisional note or initial registration has been made, the body responsible for the register of ships shall decide to introduce a note on the complaint.

Article 381

An administrative dispute shall be permitted in the procedure of entering a ship in the register of ships.

PART FIVE – SHIPOWNER

Section I – SHIPOWNER'S LIABILITY

Article 387

The shipowner shall lose the right to limited liability referred to in Article 388 of this Act if he causes damage intentionally or through gross negligence.

The shipowner may not limit liability for damage arising from the death of or physical injury to persons employed by the shipowner.

Article 388

The liability limits for claims (except for those mentioned in Article 389 of this Act) originating from the same event shall be calculated in the following manner:

1. for claims arising from death and physical injury:

a) SDR 333 000 for a ship not exceeding 500 tonnes;

b) for a ship exceeding 500 tonnes, the following amounts shall be added to the amount at (a):

- for each tonne between 501 and 3 000 – SDR 333

- for each tonne between 3 001 and 30 000 – SDR 333

- for each tonne between 30 001 and 70 000 – SDR 250

- for each tonne exceeding 70 000 – SDR 167;

2. for other claims:

a) SDR 167 000 for a ship not exceeding 500 tonnes;

b) for a ship exceeding 500 tonnes, the following amounts shall be added to the amount at (a):

- for each tonne between 501 and 30 000 – SDR 167

- for each tonne from 30 001 to 70 000 – SDR 125

- for each tonne exceeding 70 000 – SDR 83.

When the amount referred to in point 1 of the preceding paragraph is insufficient to settle all the claims cited in this paragraph, the funds mentioned in point 2 of the same paragraph shall be used to settle the outstanding amount, whereby the outstanding amount shall compete proportionately with the claims mentioned in point 2.

The limitation of the liability of the salvager who either does not perform salvage work from a ship, or conducts it exclusively on the ship which is the subject of a salvage operation, shall be calculated by using gross tonnage of 1 500 as the basis.

For the purposes of this part of the Act, the ship's gross tonnage, calculated on the basis of Appendix I to the International Convention on Tonnage Measurement of Ships (1969), shall be used.

Article 389

In the event of claims arising from the death of or physical injury to passengers on board a ship originating from the same event, the shipowner shall be liable in the amount of SDR 46 666 multiplied by the number of passengers that the ship may carry pursuant to the navigation list, but not more than SDR 25 million.

The claims from the preceding paragraph include all claims made by a person travelling on a ship or on whose account a voyage is conducted pursuant to a contract of passage or who, with the approval of the shipowner, accompanies a vehicle or live animals pursuant to a contract of affreightment.

Article 390

The limits of liability determined on the basis of Article 388 of this Act shall be used for, on a ship of 15234.9(80

The fund is to be used to settle claims in respect of which it is possible to make reference to limited liability. The fund may be established by depositing the amount in cash or in another suitable form of security. A fund established by one of the persons mentioned in points 1, 2 or 3 of the first paragraph of Article 390 of this Act or in the second paragraph of the same Article or by their insurer shall be considered to have been founded by all the persons mentioned in points 1, 2 or 3 of the first paragraph or the second paragraph of Article 390.

Article 392

Claims by creditors shall be settled from the fund in proportion to the established amount. The responsible person and/or his insurer who, prior to the distribution of the fund's resources, completely or partly settles any claims from this part of the Act shall, in relation to the fund, occupy the position of a creditor whose claim has been settled up to the amount which has been paid.

Article 393

The creditors for whose benefit a limited liability fund was established may have their claims settled from this fund only.

Following the establishment of the fund in compliance with Article 391 of this Act, any ship or other property that belongs to the persons for whose benefit this fund was established must be released, if it has been stopped or seized because of the claims that may be settled from the fund.

In case of the fund, the fund was established for the benefit of the persons mentioned in Article 390 of this Act.

The proposal to initiate the procedure of limiting the shipowner's liability must, in addition to the general data that must be stated in any application, also contain the following:

1. a description of the event giving rise to the claim for which limited liability is proposed;
2. the grounds for and amounts of limited liability;
3. the manner in which the proposer proposes to establish a limited liability fund (cash deposits or other suitable security);

liability or to whom the limited liability fund applies, the executive court shall, at his request, stop the executive procedure or the procedure to secure claims by means of a decision and shall annul all the actions performed in the procedure.

The party at whose proposal the court stopped an execution procedure or a procedure to secure claims shall pay the costs of the suspended procedure and, at the request of the opposing party, shall also cover the costs incurred by the opposing party.

Once the limited liability fund has been established, a request for a regular execution procedure or a procedure to secure claims which, under the provisions of this Act, shall be settled from the limited liability fund may no longer be made.

Article 403

Creditors whose claims are in a foreign currency shall register them in their Tolar equivalent, calculated by using the average exchange rate of the Bank of Slovenia on the day the limited liability fund is established.

For claims registered on time (point 5 of Article 401 of this Act), the legal interests on arrears shall accrue from

The resources of the limited liability fund shall be distributed when the decision issued according to the preceding Article becomes final.

The court may, at the proposal of the creditor, temporarily distribute a part of the resources of the limited liability fund in order to pay tested claims in advance, if the creditor who makes such a proposal proves as plausible that suits under Articles 406, 407 and 408 of this Act will not end in less than six months.

The distribution of the resources referred to in the preceding paragraph shall include that part of the limited liability fund that remained once the resources required to settle any disputed claims were removed from the total, in the amount they would have been settled if their existence had been confirmed in the registered amount.

The resources removed from the limited liability fund under the first, second or third paragraphs of Article 411 of this Act shall be distributed when the procedure to test disputed claims with which the removed sums are associated has been finally concluded, whereby the distribution performed under the first, second and third paragraphs of this Article shall be taken into account.

Article 415

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Article 421

Article 428

Section II - CONTRACTS FOR THE EXPLOITATION OF SHIPS

1. Common provisions

Article 434

Contracts for the exploitation of ships shall be divided into contracts of carriage and charter parties (lease).

Article 435

A contract of carriage shall be a contract of affreightment by sea, a contract of passage by sea, a contract of towage at sea, and other contracts relating to other contracts of carriage.

Article 436

The provisions of this Act relating to a specific contract of carriage shall apply *mutatis mutandis* to other contracts of carriage also, unless otherwise stipulated by this Act.

Article 437

The terms used in this section of the Act shall have the following meaning:

1. the charterer shall be that contracting party who signs a contract with the shipowner on the carriage of affreightment or passage, of towage or pushing of a vessel, or on any other contracts of carriage;
2. the shipper shall be the charterer, or a person appointed by him, who, under the contract of affreightment, delivers the goods to the shipowner for carriage;
3. the consignee shall be the person entitled to take delivery of the goods from the shipowner;
4. the beneficiary shall be the person who, under the contract of affreightment, enjoys certain rights with regard to the shipowner (charterer, shipper, consignee);
5. lay days shall be the normal time specified for the loading or unloading of goods;
6. demurrage shall be the extension to the time for loading and unloading beyond the lay days.

Article 438

The provisions of this chapter shall also apply to the following:

1. military vessels;
2. boats.

Notwithstanding the provision of point 1 of the preceding paragraph, the following shall not apply to contracts for the exploitation of military vessels:

1. the provisions on time charter (Articles 442, 443, 570 and 572 of this Act, and in Article 440 of this Act, the provisions applying to this contract);
2. the provisions on the right of the charterer to sign a contract of affreightment with someone else (Article 444 of this Act);
3. the provisions on the carriage of passengers and luggage (Articles 586 to 621 of this Act), except for the provisions on the shipowner's liability for the death of and physical injury to passengers, and the provisions of Article 598 of this Act;
4. the provisions on bareboat charter (Articles 643 to 657 of this Act);
5. the provisions of Articles 452 and 565 of this Act.

2. Contracts of carriage

a) *Carriage of goods*

Common provisions on the carriage of goods

Article 439

With a contract of affreightment, the shipowner undertakes to carry goods and the charterer undertakes to pay the freight.

Article 440

A contract of affreightment may be for the entire ship, a part thereof or a specific part of the ship (a charter party), or for the carriage of individual items (contract of carriage).

A charter party may be signed for one or several voyages (a voyage charter) or for a period of time (a time charter).

Article 441

A charter party must be drawn up in written form.

A contract mentioned in the preceding paragraph which is not drawn up in written form shall have no legal effect.

With contracts of affreightment not mentioned in the first paragraph of this Article, each party may request a written document to be drawn up on the concluded contract.

If the party who is obliged to draw up the document in writing does not fulfil this demand, the other party shall be entitled to withdraw from the contract, unless the fulfilment of the contract has already begun.

The provision of the preceding paragraph shall not interfere with the compensation rights of the party who requested the document in writing.

Article 442

With charter party, the shipowner shall not be liable to the charterer for the obligations assumed by the shipmaster in connection with the fulfilment of the charterer's special orders.

Article 443

With charter parties, the charterer must not decide on voyages which would expose the ship and the ship's crew to danger which could not have been foreseen at the time the contract was signed, or voyages which cannot be expected to be completed without seriously exceeding the time for which the contract has been concluded.

Article 444

The charterer of a charter party may sign a contract with another person on the carriage of goods on the ship which is the subject of the charter party.

The shipowner shall also be liable to others for the obligations arising from the contract mentioned in the preceding paragraph, under regulations whose application cannot be excluded with an agreement between the parties, and under the conditions determined for such a type of carriage.

If, in the case mentioned in the preceding paragraph, the shipowner's obligations are increased, the charterer shall be liable for them to the shipowner.

If the other person with whom the contract mentioned in the first paragraph of this Article has been concluded

Article 448

If a contract of affreightment cannot be fulfilled for a short period of time only, the contracting parties may not withdraw from the contract.

Article 449

With a charter party for the entire ship, the charterer may withdraw from the contract by the end of loading, or by the end of demurrage if loading has not been completed by then, on condition that he pays half the agreed freight, the cost of demurrage and other costs of the shipowner not included in the freight.

The provisions of the preceding paragraph shall also apply when the charter party has been concluded for a part of the ship or a specific space only, or in case of a contract of carriage if all the charterers withdrew from the contract.

Article 465

The shipmaster must notify the charterer in writing that the ship is ready for loading (letter of readiness). The letter of readiness must be sent to the charterer's address during working hours. If the shipmaster does not have the charterer's address or if the letter of readiness cannot be delivered to that address, the letter of readiness must be published in the public media and attached to the notice board of the Maritime Directorate of the Republic of Slovenia.

Article 466

Letters of readiness shall not be used in liner shipping. In liner shipping, the cargo shall be loaded immediately upon the ship being ready for loading at the agreed place.

Article 467

The shipmaster may deliver a letter of readiness if the ship is ready for loading and in the location in the port mentioned in Articles 458, 459, 461 and 462 of this Article. A letter of readiness may be delivered even if the ship has not been brought to the location mentioned in the preceding paragraph, if this could not be done for reasons for which the charterer is responsible.

Article 468

In maritime shipping, the cargo shall be taken over by the shipowner when loaded on the pulleys.

Article 469

The shipmaster must give instructions to the shipper who is loading cargo on the ship on stowage so as to prevent damage caused by the cargo. The instructions shall be given in writing and shall be attached to the bill of lading. The shipmaster shall be liable for damage to the cargo caused by the cargo if the shipper has not followed the instructions given by the shipmaster. The shipmaster shall be liable for damage to the cargo caused by the cargo if the shipper has not followed the instructions given by the shipmaster.

If demurrage is not paid by its due date, the ship may leave immediately with the loaded part of the cargo. In the cases mentioned in the preceding paragraph, the shipowner shall retain the right to payment of the full freight, demurrage and other claims to which he is entitled under the contract.

Article 484

The ship may depart immediately after the end of demurrage with that part of the cargo which has been loaded on the ship.

In the cases mentioned in the preceding paragraph, the shipowner shall retain the right to payment of the full freight, demurrage and other claims to which he is entitled under the contract.

Article 485

Until the end of lay days or possible demurrage, the shipowner may not refuse to load cargo which is ready on the port side of the ship, even though the loading and stacking of such cargo may delay the ship beyond the duration of lay days or demurrage.

In the cases mentioned in the preceding paragraph, the shipowner shall be entitled to a payment for delaying the ship beyond demurrage (exceptional demurrage).

The payment for exceptional demurrage shall be 50% higher than the demurrage payment.

The shipowner shall, in addition to the payment for exceptional demurrage, be entitled to compensation for the delaying of the ship if the damage is higher than the payment for exceptional demurrage.

Article 486

Transport documents

Article 491

After loading, the shipowner must issue the charterer, at his request, with a bill of lading.

Article 492

If the cargo has been delivered to the shipowner before loading, the charterer may request a bill of lading from the shipowner for the accepted cargo with "received for shipment bill of lading" clearly marked on it. Instead of issuing a bill of lading, the shipowner who issued a received for shipment bill of lading may write "shipped" on it and state the date, thus certifying that the cargo has been loaded.

Article 493

If the shipowner issued a received for shipment bill of lading, the shipowner must return it when he receives the bill of lading.

Article 494

If the cargo which is to be carried is loaded onto several ships, if different types of goods are involved, or if the cargo is divided into several parts, the shipowner and the charterer may request a separate bill of lading for each ship used, for each type of goods or for each part of the cargo. If the cargo is loaded in bulk, the charterer shall have the right to request a separate bill of lading for specific quantity of cargo.

Article 495

Any agreement between the parties which is contrary to the provisions of Article 491 of this Act and the first paragraph of Article 492 of this Act shall have no legal effect.

Article 496

A bill of lading may be straight, order or blank. If an order bill of lading contains no name for the person under whose order the shipowner is to deliver the cargo, it shall be delivered under the order of the charterer.

Article 497

A straight bill of lading shall be transferred through assignment, an order bill of lading with an endorsement, and a blank bill of lading with a delivery. The form and effect of an endorsement shall be regulated *mutatis mutandis* by the provisions on bills of exchange, except for the provisions on recourse.

Article 498

The shipowner must issue the charterer, at his request, with several originals of the bill of lading and mark on each of the originals the number of originals issued.

Article 499

Each of the parties may request several copies of the bill of lading for their own needs. It shall be stated on each of the copies that it is a copy. The charterer must, at the request of the shipowner, sign for a copy of the bill of lading.

Article 500

A bill of lading shall contain the following:

1. the title and registered office or the name and permanent residence of the shipowner issuing the bill of lading;
2. the name or other data on the identity of the ship;
3. the title and registered office or the name and permanent residence of the charterer;
4. the title and registered office or the name and permanent residence of the consignee, or an "order" or "to the bearer" note;

5. the port of destination, or when or where that port shall be determined;

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Voyage

Article 508

freight and other claims arising from the contract of carriage have not been paid, the shipowner may sell the

1. hidden faults of the ship or through the ship not being seaworthy, but only if the conditions mentioned in Article 453 of this Act are met;
2. *force majeure*, accident at sea, military events, international crime at sea, unrest or mutiny;
3. health restrictions or other measures and actions taken by State authorities;
4. actions or omissions by beneficiaries of carriage or by persons working for them;
5. work stoppages or strikes, mass exclusions of staff from work, or any other full or partial obstacles to work;
6. rescue or salvage and attempted rescue or salvage of people and property at sea;
7. changes of course in cases mentioned in the preceding point or for other justified reasons;
8. loss of weight or volume of the cargo that is natural or due to damage, or loss as a result of a mistake involving the cargo, hidden faults or the special nature of the cargo;
9. unsuitable packaging, or unclear or insufficiently durable markings on the cargo.

Article 548

Cargo whose import, export or transit is prohibited may be returned by the shipmaster to the port of loading or

Article 555

The amount of damages for lost goods shall be determined on the basis of the trade value for the same amount of other goods with the same properties at the port of destination as of the day they arrived at this port or as of the day they should have arrived.

If the amount of damages for lost goods cannot be determined under the preceding paragraph, the trade value of the goods at the port of loading at the time of the ship's departure shall be determined and the costs of transportation added.

The amount of damages for damaged goods shall equal the difference between the trade value of the goods in good condition and its trade value in damaged condition.

The amount of damages for lost or damaged goods which cannot be determined under the first or second paragraphs of this Article shall be determined by the court.

The costs which were saved because the cargo did not arrive at the place of destination or because they arrived damaged shall be deducted from the amount which must be paid by the shipowner in compensation for damaged, missing or lost cargo.

Article 556

The provisions of Articles 550, 554 and 555 of this Act shall also apply when the shipmaster, a crew member or any other person who works for the shipmaster under general regulations is liable for the damage created by missing, damaged or lost goods, if it is proved that they were created during work, in connection with work, while performing a service, or in connection with service.

The persons mentioned in the preceding paragraph may not refer to limitation of liability if they caused the damage intentionally or through gross negligence.

Article 557

The total compensation amount paid by the shipowner and persons mentioned in the first paragraph of the preceding Article may not exceed the amount specified in Article 550 of this Act.

The provisions of the preceding paragraph shall not interfere with the provisions of the second paragraph of the preceding Article of this Act.

Article 558

The persons mentioned in the first paragraph of Article 556 of this Act shall be liable up to the amount specified in Article 550 of this Act, even if the shipowner raises the limit of liability in line with Article 551 of this Act.

Article 559

The provisions of this Act relating to the shipowner's liability may not be altered with a contract to the detriment of the beneficiary of carriage.

Notwithstanding the preceding paragraph, the provisions of this Act relating to the shipowner's liability may be altered with a contract to the benefit of the shipowner:

1. if damaged, missing or lost cargo arose prior to the start of loading or after unloading;
2. in the event of damage caused by delay;
3. in the transport of live animals;
4. in the transport of cargo which, with a written permit from the shipper, is stored on the main deck.

Article 560

Any contractual provisions contrary to the preceding Article shall be void.

Freight

Article 563

Freight shall be determined with a contract.

If the freight has not been determined with a contract, it shall be determined according to the average freight item which was used to determine contractually the freight for the type of cargo in question when loading the cargo at the port of loading.

Article 564

If more cargo is loaded than is specified in the contract, the freight shall increase proportionately.

If cargo other than that specified in the contract is loaded and for which the freight is higher than the agreed amount, the freight shall be paid for that cargo which was actually loaded.

If less cargo than specified or none is loaded, the freight for the entire agreed quantity of the cargo shall be paid.

Article 570

With a time charter the charterer must, in addition to paying the hire, at his own expense supply the ship with the fuel, lubricants and water required for the ship's engines and other ship's machinery, and shall pay port and other fees.

Article 571

The time period for paying the hire pursuant to a time charter party shall start in the same manner as for a voyage charter party, where the freight is determined on the basis of a time unit (Article 567 of this Act).
For the time the ship is on a voyage for the benefit of charterer after the expiry of a time charter party without any guilt on the part of the shipowner, double hire shall be paid.

Article 572

The reward received by a ship for salvage during a bareboat charter shall be divided equally between the shipowner and the charterer, after deducting the salvage costs and the share for the crew.

Article 573

For cargo that was loaded without a permit from the shipowner and for cargo which is incorrectly or incompletely listed, the freight shall be paid under the highest freight rates used to agree on the freight when loading the same type of cargo, for the same or approximately the same voyage, if the freight agreed in this manner is higher than the agreed amount.

Article 574

Freight shall be paid only for cargo that has been transported and tendered to the consignee at the port of destination.
In addition to the examples given in Articles 449, 450, 451, 483, 486, 541, 547, 548 and 549 of this Act, the freight shall be paid, notwithstanding the preceding paragraph, for cargo which was not transported and tendered to the consignee, if this was through the fault of the charterer, the shipper, the person entitled to handle the cargo, or any person for whom these persons are responsible, or if the reason for the cargo not arriving at the port of destination lies with the cargo and the shipowner is not responsible for this reason.
Notwithstanding the preceding paragraph, the shipowner shall be entitled to freight in proportion to the usefully travelled distance when he is not responsible for the suspension of the voyage for the cargo transported only part of the way in addition to the cases described in Articles 447, 542, 548, 575 of this Act.

Article 575

In the event of shipwrecks or other shipping accidents, or the seizing or detaining of the ship or cargo due to a military event, international crime at sea, unrest or mutiny, the shipowner shall be entitled to the freight for the remaining cargo in proportion to the usefully travelled distance.

Article 576

If the cargo is transported without any transportation document being issued, the consignee must pay the freight and other claims in connection with the transport before accepting the cargo, unless otherwise agreed between the charterer and the shipowner.

Article 577

If the consignee accepts cargo on the basis of a bill of lading, he shall only have to pay for the claims listed in the bill of lading, or for those created after its issuing.

Article 578

If the consignee fails to fulfil his obligations under Articles 576 and 577 of this Act, the shipowner shall have the right to retain and sell the cargo under the provisions of Articles 531 to 533 of this Act.
The shipowner shall retain the right described in the preceding paragraph even when he delivers the cargo to a person who was not the consignee.

Article 579

The shipowner who delivered the cargo to the consignee may not demand from the charterer the amount he has

b) *Carriage of passengers and luggage*

Article 586

For the application of the provisions of this Act on the carriage of passengers and their luggage, the individual terms used shall have the following meanings:

A passenger without a ticket shall pay the full fare from the port of embarkation to the port of disembarkation; passengers who fail to report to the shipmaster or the authorised crew member promptly shall pay a double fare for the distance travelled.

When the port where the passenger boarded the ship cannot be established, the passenger shall be deemed to have boarded at the ship's port of departure.

Article 594

If the ship does not embark on an international voyage within three hours of the time specified in the contract or navigational timetable, the passenger may withdraw from the contract.

In the case described in the preceding paragraph, the passenger shall be entitled to reimbursement of the fare.

If the start of the voyage on a ship is delayed intentionally or through the gross negligence of the shipowner or the persons working for him, the shipowner shall reimburse the passenger for the damage.

Article 595

The fare shall not be reimbursed when the passenger does not board the ship by the time of its departure or when he abandons further travel during the voyage.

Article 596

The shipowner must reimburse the fare of a passenger whose name is on the ticket if the passenger decides at least six hours before the start of a voyage not to undertake an international voyage.

If the passenger decides not to undertake a voyage in line with the preceding paragraph, the shipowner shall have the right to retain a maximum of 10% of the fare.

Article 597

If the ticket is blank, the shipowner must reimburse the fare of a passenger who decides not to undertake the voyage at least 2 hours before the start of the voyage, unless the ticket states otherwise.

If the passenger decides not to undertake a voyage in line with the preceding paragraph, the shipowner shall have the right to retain a maximum of 10% of the fare.

Article 598

If the voyage is suspended once it has started for reasons which are not attributable to the passenger, and the suspension lasts for more than 24 hours, the passenger shall have the following rights:

1. to request that the shipowner transport him and his luggage to the destination using his own or other suitable means of transport;
2. to request that the shipowner transport him and his luggage within a reasonable time period to the port of departure and reimburse the fare;
3. to withdraw from the contract and request that the shipowner reimburse the fare.

If the voyage was suspended intentionally or through the gross negligence of the shipowner or of the persons working for him, the shipowner must reimburse the passenger for the damage.

Article 599

A passenger who requests to be reimbursed for the fare or for the damage must, within eight days of the end of the voyage, request in writing that the shipowner reimburse him for the fare or for the damage, or file a suit with a court within that period.

The passenger must, within 24 hours of the end of the period specified in the first paragraph of the preceding Article, send the shipowner a written request to be returned to the place of departure or to continue the voyage.

A passenger who does not act under the first or second paragraphs of this Article shall lose the right to request that the shipowner reimburse him for the damage or fare, to continue the voyage, or to be returned to the port of departure.

Article 600

The provisions of this Act relating to the shipowner's liability for the death of or physical injury to a passenger shall also apply even when transport is free of charge.

Article 601

Article 623

Towage or pushing shall be conducted under the command of the master of the towed or pushed vessel, unless explicitly otherwise stipulated in the contract.

Article 624

Under this Act:

1. towage shall start when the towage vessel under the orders of the master of the towed vessel is in such a position that it may conduct towage or, if under the orders of the master of the towed ship, when the towage vessel accepts or delivers the towing rope or when it begins to push the towed ship or engages in any other

The provisions of this Act relating to freight for the carriage of goods shall apply *mutatis mutandis* to the contracts referred to in the first paragraph of this Article.

Article 630

Unless otherwise agreed, the shipowner shall be liable for the seaworthiness of the ship under the provisions of the second, third and fourth paragraphs of Article 453 of this Act.

Article 631

Unless otherwise agreed by the parties, the shipowner shall be liable for the actions and omissions of the persons who work for the shipowner on the fulfilment of the contract, and for his own actions and omissions if this does not interfere with the provisions of Article 629 of this Act.

The shipowner and the persons who work for him shall, under the provisions of this Act relating to liability for the death of and physical injury to crew members, be liable for the death of and physical injury to the client's people who are on board as part of the fulfilment of the contract.

e) Through carriage

Article 632

A contract on the carriage of goods, passengers or luggage may specify that the shipowner perform the carriage partly on his own ship and partly on ships of other shipowners ('through carriage').

A shipowner who accepts cargo under a contract for the through carriage of goods shall issue a bill of lading for the entire agreed voyage (through bill of lading).

A shipowner who concludes a contract on the through carriage of passengers shall issue the passenger with a ticket for the entire agreed voyage (through ticket).

A shipowner who accepts luggage from passengers for carriage under the contract on the through carriage of passengers shall issue a luggage ticket for the entire agreed voyage (through luggage ticket).

Each subsequent shipowner shall enter into a contract for the through carriage of goods or luggage if he accepts the cargo or luggage and a through carriage document.

Each subsequent shipowner shall enter into a contract for the through carriage of passengers if he agrees to transport a passenger with a through ticket.

Article 633

A shipowner who signed a contract of through carriage, a shipowner who issued a through carriage document, a shipowner who delivered cargo to a consignee, and a shipowner during whose carriage an event occurred which gave rise to compensation claims for damaged, missing or lost cargo, shall be held in joint and separate liability to the beneficiary for such claims.

A shipowner who signed a contract of carriage and a shipowner who delivered cargo to a consignee shall be liable for the damage caused to the beneficiary of carriage by a delay in the carriage of goods.

The first and second paragraphs of this Article shall also apply to the through carriage of luggage.

Article 634

A shipowner who has settled the claims referred to in the preceding Article shall be entitled to recourse from the shipowner during whose carriage the event occurred which gave rise to the claim.

If the shipowner during whose carriage the event from the preceding paragraph occurred cannot be established, the amounts of the settled claims shall be debited to the shipowners who participated in through carriage in proportion to their shares in the agreed freight except for the shipowners who can prove that the event did not occur on those sections of the voyage in which they provided the carriage.

If the shipowner who settled the claim without any guilt on his part cannot assert his right of recourse from the shipowner during whose carriage the event occurred, the amount of the settled claim shall be debited to all the shipowners participating in through carriage, in proportion to their shares in the agreed freight.

Article 635

A shipowner who participates in through carriage and who entered no clauses on the through carriage documents as specified by Article 504 of this Act must prove to the other shipowners participating in such carriage that he delivered the cargo to the subsequent shipowner or the consignee in the same state as he received it from the previous shipowner and/or the shipper.

Other shipowners must prove to the shipowner who participates in through carriage and who enters a clause on the through carriage document from Article 504 of this Act that they received the cargo from the shipper or the previous shipowner in the state described in the through carriage document.

Article 636

A shipowner who has concluded a contract for the through carriage of a passenger shall be liable for the entire agreed voyage.

Each subsequent shipowner who participates in the through carriage of the passenger shall be liable to the

Article 644

Article 654

A bareboat charter party shall expire if the ship is destroyed, permanently unusable, or if, due to *force majeure*, the ship could not be used during the charter.
If the repairs that are to be debited to the owner take too long or if it can be expected that they will take too long, the charterer may withdraw from the contract.

Article 655

If the charterer does not redeliver the ship to the owner following expiration of the bareboat charter party, he shall pay a double charter hire for the overdue period.
If the delay in redelivery of the ship was caused by the charterer, he shall also be liable to the owner for any damage in excess of the amount mentioned in the preceding paragraph.

Article 656

During the bareboat charter party the charterer shall be entitled to a salvage reward for the chartered ship.

Article 657

The charterer may subcharter the ship only with the written permission of the owner.

4. Statute of limitations

Article 658

The statute of limitations on claims arising from contracts for the exploitation of ships shall be one year, with the

Section III - SHIPPING AGENCY CONTRACTS

Article 659

With a shipping agency contract the agent shall undertake to conduct, on the basis of a general or special authorisation, shipping agency transactions on behalf and for the account of the client, and the client shall undertake to reimburse the costs and pay the reward.

The client may be the shipowner or the owner of the equipment on behalf of whom and for whose account the agent of the vessel shall conduct transactions.

An offer by the agent of the vessel shall be binding on the client, if made within the limits of the authorisation. The agent of the vessel may appoint a sub-agent, unless prohibited by a shipping agency contract; the agent of the vessel must inform the client of such an appointment.

Article 660

A shipping agency contract based on a general authorisation must be drawn up in writing.

A verbal or written contract may be concluded to execute an individual order. At the request of the agent of the

An insured person may request compensation for the damage covered by the insurance (insurance benefit) only in the event that he has an interest in the insured object at the time of the occurrence of the insured loss, or if he acquired it subsequently.

Article 682

The party taking out insurance (insurer) may conclude an insurance contract for himself, for a specified other person or for an unspecified person with an interest in the insured item.

If it is not clear from the insurance contract whether the insurance was taken out for a specified person, it shall be considered that it was taken out for the party taking out insurance or for a specified other person.

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Article 687

The insurance company shall be obliged, at the request of the party taking out insurance, to issue him with a correct and signed copy of the insurance policy.

If the insurance company, at the request of the party taking out insurance, issues the insurance policy in two or more originals, each of the copies must state the number of originals issued.

The policy must cite all the provisions of the concluded insurance contract which oblige the insurance company to reimburse the damage from the insurance.

If the policy was issued and handed over to the party taking out insurance, the insurance company shall not be obliged to fulfil its obligations arising from the insurance until it has been presented with the policy and/or if the insured party proves as plausible that the policy has been lost or destroyed before it has received an appropriate insurance from the insured person.

The insurance company shall be free from its obligations deriving from the insurance if it has paid the policyholder fairly or, if the policy was issued in several originals, if it paid the bearer of one of the originals who proves as plausible his right to the insurance benefit pursuant to this policy.

Article 688

The insured person may transfer his right arising from the insurance before damage occurs only to another person who is an insured person, as stipulated in the first paragraph of Article 681 of this Act.

If a policy has been issued, the rights deriving from the insurance may be transferred by endorsing the policy or in another suitable manner.

The insurance company may assert the same objections from the concluded insurance against the new insured person as it did against the original insured person.

Notwithstanding the preceding paragraph, the insurance company may not, against a new bona fide insured person, apply an objection with which it would contest the contents of the policy it issued, except in the event of an obvious error which the new insured person could have noticed.

The assigning of rights on an insured object to another person shall not result in the transfer of the rights arising from the insurance, unless the insured person and the person acquiring the right explicitly or tacitly came to an agreement to this effect.

The insured person may not transfer his right deriving from the insurance as stipulated in the first paragraph of this Article if the possibility of such transference has been explicitly ruled out in the insurance contract.

Article 689

The insured object must be identified in the insurance contract and the eventual policy in a manner which allows its identity to be established.

If the insured object is deficiently or incorrectly identified, making it impossible to establish even indirectly if it has been exposed to an insurance risk and damaged, the insurance company shall not be obliged to pay the insurance benefit for the actual damage.

Article 690

The value of an insured item that was determined consensually in the insurance contract or the insurance policy (the agreed value) shall be compulsory for the insurance company and the insured person.

The insurance company may only contest the agreed value if an obvious error or fraud has been committed.

Article 691

The value of an insured item at the start of insurance (the actual value) shall be taken as the value of the insured item, unless explicitly agreed otherwise.

The actual value of an insured item shall be its market value at the start of insurance.

It shall not be necessary for the actual value of the insured item to be quoted in the contract or the insurance policy.

Article 692

The insurance company must pay the insurance benefit only up to the amount quoted in the insurance contract as insured (hereinafter: the sum insured), unless stipulated otherwise by this Act or the contract.

Unless explicitly agreed otherwise, the sum insured shall not also mean the agreed value of the insured item.

The preceding paragraph shall also apply if the damage arose after the ship returned to its original course. Detours which were in the interests of the insurance company, or which were made in order to salvage property and people at sea or to provide someone with medical assistance, and cases where such detours did not have any significant effect on the occurrence and size of damages, shall be exempt from the first paragraph of this Article.

Article 699

With fixed-term insurance, the insurance shall start at 0 hours on the first day and end at 24 hours on the last day determined in the insurance contract.

The time referred to in the preceding paragraph shall be determined using the official local time of the place where the policy was issued, and if there is no policy, by using the official local time of the place the insurance contract was concluded.

Article 700

Unless otherwise stipulated in the insurance contract, the maritime insurance shall cover the risks that the insured object is exposed to, namely; shipping accident, natural disaster, explosion, fire and theft.

An insurance contract may also cover other risks to which the insured object is exposed during insurance, such as: theft, non-delivery, handling risks, shore risks, war and political risks, etc.

Article 701

A change in risk after the conclusion of the insurance contract which occurred independently of the will of the insured person shall not affect the validity of the insurance or the obligations of the parties.

If the risk worsened considerably through the actions of the insured person or with his permission, the insurance company shall not have to repay the damage which may be attributed to such a change.

If the risk improved significantly through the actions of the insured party or with his permission, the insurance company shall not have to return to the insured party a proportionate part of the premium paid or reduce the agreed premium proportionately.

Article 702

Unless otherwise agreed, the insurance shall cover the damage due to the insured risks, i.e.:

1. total loss of the insured object;
2. partial loss of or damage to the insured object;
3. salvage costs and costs caused directly by the occurrence of an insured loss;
4. general average;
5. salvage reward;

The costs of the insured person, caused directly by the occurrence of the insured loss, shall be compensated from the insurance up to the sum of the insured amount only.

If the insured object was under-insured, the costs of salvage and the costs created directly by the occurrence of the insured loss shall be compensated in proportion to the sum insured and the agreed or actual value of the object.

Notwithstanding the preceding paragraph and the provisions relating to under-insurance, the costs of salvage, spent at the request of the insurance company, shall be compensated in full despite a justified objection by the insured person.

Article 709

In the event of a general average created in connection with the insured risks, the insurance shall be used to compensate for the loss and damage of the insured object and the costs of the insured person relating to the insured object, which were acknowledged on a valid allotment basis, and the contributions to the general average as determined for the insured objects on such an allotment basis.

When establishing the compensation amount referred to in the preceding paragraph, the provisions of Articles 707 and 708 of this Act shall apply *mutatis mutandis*, independently of the value of the insured object established on the valid allotment basis.

With a payment of compensation for the loss, damages and costs mentioned in the first paragraph of this Article, the right of the insured person to a contribution from the general average shall pass to the insurance company, but only up to the amount of the paid compensation, increased by the appropriate amount for the interest and commissions that were admitted to on the valid allotment basis.

Article 710

Salvage rewards for salvaging an insured object in danger which is covered by the insurance and which must be paid by the insured person, and the costs of the procedure of determining the reward, shall be reimbursed from the insurance.

If the insured object was under-insured, the provisions of Article 694 of this Act shall apply to the reimbursement from the preceding paragraph, regardless of the value that was used as the basis for determining the salvage reward.

Article 711

The costs of the insured person necessary to establish and liquidate damage covered by the insurance shall also be fully reimbursed from the insurance in the event of under-insurance.

Article 712

The insurance company must compensate the subsequent damages arising during the same insurance, even if the total insurance benefit to cover the damage is higher than the sum insured.

If the total loss of the insured object occurs after partial loss or damage under the same insurance, the insurance company shall be obliged to reimburse, in addition to the insurance benefit for the total loss, only those costs connected to the partial loss and damage covered by the insurance.

Article 713

Unless all the specially agreed conditions which are essential for the decision on coverage in general are met, the insurance company may request that the insurance contract be terminated.

Unless all the specially agreed conditions which were only important for the weight of individual risks and the size of damage are met, the insurance company may deduct from the insurance benefit a part of the damage which was probably created because these conditions were not met.

Article 714

During insurance, the insured person shall be obliged to look after the insured object with the due care and

3. ensure the right to compensation from the person responsible.

If, during the validity of the insurance cover, the insured person intentionally or through gross negligence does not take care of the insured object or does not fulfil his obligations under point 1 of the preceding paragraph, the insurance company shall not be obliged to cover the damage thus caused.

If, during the validity of the insurance cover, the insured person intentionally or through gross negligence prevents the assertion of the right to compensation from the person who is responsible for the damage, or if he does not fulfil his obligations under points 2 and 3 of the second paragraph of this Article, the insurance company may subtract from the insurance benefit the amount equalling the damage which it suffered as a result.

Article 715

When the insured person submits a claim for the payment of the insurance benefit, he must supply the insurance company, at its request, with data, and must submit any documentation available and other evidence required in order to establish the nature, cause and amount of damage and other circumstances that could be the basis for establishing his right to the insurance benefit or to at least proving it as plausible.

If the insured person intentionally or through gross negligence does not establish the damage on time in the agreed manner, and if there are no provisions relating to this in the contract in the usual manner, the insurance company must compensate him for the damage only if the insured person supplies reliable evidence on the nature, causes and amount of the damage and on the circumstances that are essential for establishing that the damage is covered by the insurance.

Article 716

The insurance company shall be obliged to pay the insurance benefit within one month of the day the insured person submitted the claim mentioned in the preceding Article and supplied all the claims and documentation for establishing its obligations arising from the insurance contract.

Article 717

If an insurance contract concluded with several insurance companies quotes their individual shares, each of the insurance companies shall only be obliged to reimburse the damage in proportion to its own share.

Article 718

With the payment of the insurance benefit, all the rights of the insured person against other persons which arose in connection with the damage for which he received the insurance benefit shall pass to the insurance company, but only up to the amount that was paid.

If the insured object was under-insured, the right of the insured persons referred to in the preceding paragraph shall pass to the insurance company only in proportion to the sum insured and the agreed or actual value of the insured object.

The insured person shall be obliged to provide the insurance company, at its request, with all assistance in asserting his rights against other persons, and must submit correctly filled-in and signed documents on the assigning of his rights.

Article 719

The statute of limitations on claims arising from an insurance contract shall be five years.

The period mentioned in the preceding paragraph shall start to run as follows:

1. for the insurance benefit for contributions to the general average and salvage rewards - from the day the

2. Hull insurance

Article 721

Hull insurance shall cover the hull of the ship, its engines, machines and equipment, ordinary supplies of fuel, lubricants and other ship materials, and supplies of food and drink required for the ship's crew.

Article 726

If a damaged ship is repaired or the lost parts of the hull, engines, machines, equipment and supplies are replaced, the damage shall be reimbursed in the amount equalling the actual costs of urgent repair or replacement of parts, but not also the damage for the lost value of the ship which occurred despite repair and replacement.

the insured party shall, in addition to the costs of unloading, be paid from the insurance in line with the third paragraph of Article 708 of this Act.

Article 733

In addition to the cases mentioned in the first paragraph of Article 706 of this Act, the insured person shall have the right to claim the insurance benefit as if a total loss of the insured goods from Article 705 of this Act had occurred in the following cases:

1. if the ship becomes unseaworthy during the voyage because an insured risk has occurred and the goods cannot be forwarded to the place of destination-

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Article 738

Unless otherwise stipulated by this Act, the provisions applying to freight insurance shall apply *mutatis mutandis* to freight insurance for the carriage of specific goods, while for the insurance of other freight the provisions which apply to ship insurance shall be applied.

Article 745

The provisions of this section of this Act shall apply to liability for damage:

1. sustained by a ship, persons and goods on board a ship through the collision of ships;
2. caused by one ship to another due to a manoeuvre, failure to carry out a manoeuvre or failure to comply with safety of navigation regulations, even if a collision has not occurred;
3. caused by, or to, an anchored ship;
4. caused by a ship to another ship in tow.

Article 746

Liability for damage occurring in the instances set out in the preceding Article shall rest with the ship or ships proven to be at fault and responsible for the damage.

Liability of a ship shall be understood to mean the liability of the owner of the ship or the shipowner.

Article 747

Under the provisions of this section of this Act, liability of a ship shall also be considered to exist where the damage is caused by an act or the omission of an act by the pilot, regardless of whether or not pilotage was compulsory.

Article 748

Where two or more ships are to blame for the damage, each ship shall be held responsible in proportion to the respective degree of fault.

If the degree of fault cannot be established, liability for damage shall be divided equally between the ships involved.

Article 749

In the event of damage caused by a collision of ships, the loss of profit shall be compensated regardless of the degree of fault.

Article 750

If a collision of ships causes death or physical injury, the ships at fault for the collision shall be held jointly and separately liable for the death or injury.

Article 751

A ship which, in the instances set out in the preceding Article, pays higher indemnity than is proportionate to its fault shall be entitled to claim from the other ship as much indemnity as the other would be liable to pay in proportion to its fault.

A ship which, for reasons beyond its control, cannot recover from another ship or other ships the sum to which it is entitled under the preceding paragraph may claim that amount from the other ships responsible for the occurrence of damage in proportion to their respective fault.

Article 752

If damage is caused accidentally or by *force majeure*, or the cause of a collision of ships cannot be established, the damage shall be borne by the injured party.

Article 753

In the event of a collision, the shipmaster must prioritise the rescue of the people and, thereafter, the ship with which his ship has collided if it is possible for him to do so without seriously endangering the ship under his command and the people on board it.

If possible, the shipmaster shall inform the ship with which his ship has collided of the name of his own ship and its port of registration, the name of the last port from which it put to sea, and the name of the port it is bound for. The ship shall not be liable for damage caused by a shipmaster who fails to honour the obligation referred to in the preceding paragraph.

The obligation referred to in the second paragraph shall not be binding on the commander of a military vessel, but he shall be bound to abide by the obligation set out in the first paragraph of this Article.

Article 754

The statutory limitation for indemnity claims for damage caused by a collision between ships shall be two years from the day of collision.

The statute of limitation of a claim to recourse referred to in Article 751 of this Act shall be one year.

Statutory limitations for the claims referred to in the first and second paragraphs of this Article shall be counted:

1. as of the day the court decision fixing the amount of joint and separate liability becomes final;
2. as of the day of payment, in instances where no court proceedings took place;
3. in the event of claims for the division of the amount owed by an insolvent debtor (second paragraph of Article 751 of this Act), as of the day the creditor came to know of the insolvency of his debtor, whereby the period set by the statute may not be longer than two years from the day of payment or the day the court judgement becomes final.

Article 755

The provisions of this section of this Act shall not interfere with the provisions of this Act governing the limitation of shipowner's liability, nor upon the rights and obligations stemming from contracts on the use of ships or from some other contract.

Section II - SALVAGE

Article 756

Within the meaning of this section of this Act, salvage shall be considered to include the rescue of people, ships and goods on board ships, and extending help in salvaging.

Article 757

The provisions of this section of this Act shall apply to all vessels and floating objects.

The provisions of Articles 770 to 773 and the provisions of the second paragraph of Article 774 of this Act shall not apply to military vessels.

Article 758

Except where stipulated otherwise by a contract of salvage, the provisions of this section of this Act shall apply to the salvage of ships and the goods therein.

The shipmaster or shipowner of a ship in danger shall be entitled to conclude a contract of salvage on behalf of the owner of goods on the ship.

The contract may not exclude or diminish the obligations of the parties with respect to the protection of the marine environment, as stipulated by Article 767 of this Act, nor disregard the provisions of Article 761 of this Act.

Article 759

There shall be no reward for the rescue of people.

Notwithstanding the preceding paragraph, a person who was rescuing only people as a member of a rescue team in which some were saving people and some salvaging the ship and the goods therein shall be entitled to a fair portion of the reward granted to the salvager of the ship and the goods therein.

Article 760

A salvager shall be entitled to a fair reward for each successful salvage of a ship or the goods therein.

A reward may not exceed the value of the salvaged ship or goods.

Article 761

At the request of a party, the court may declare a contract of salvage invalid, or change it, in the following instances:

1. if the contract was concluded at the time of and under the influence of an impending danger and if the court finds that the provisions of the contract are unfair;

The expenses for the salvage referred to in the first and second paragraphs of this Article should be understood to mean reasonable cash expenses incurred during the salvage and a fair amount for the equipment and crew actually and reasonably engaged in the salvage, taking into consideration the criteria set out in points 8, 9 and 10 of the second paragraph of Article 762 of this Act.

The entire special compensation under this Article shall be paid out only when and if this compensation is higher than the reward for salvage normally due to the salvager under Article 770.

If, through his own fault, a salvager fails to prevent or diminish damage to the marine environment, the court may reduce or withdraw the special compensation referred to in this Article.

The provisions of this Article shall not exclude or affect the possibility of the owner of the ship which put the marine environment in danger making a claim for recourse.

Section III – SALVAGING OF SUNKEN GOODS

Article 775

The provisions of this section of the act shall apply to the salvaging of vessels, floating objects and aircraft, their

Article 782

The contractor who salvages sunken goods, pursuant to a decision of the Maritime Directorate of the Republic of Slovenia or the maritime inspector, shall be liable for the damage caused by the operations performed by him, unless he proves that, in spite of due care and attention, the damage could not have been avoided.

Unless otherwise agreed between the rightful claimant and the contractor, the provisions of the preceding paragraph shall also apply to sunken goods salvaged under a contract between the rightful claimant and the contractor.

The liability for damage caused by the salvaging of sunken goods in instances other than those cited in the first and second paragraphs of this Article shall rest with the contractor, unless he proves that the damage was occasioned by the rightful claimant or by a person for whom the latter is responsible.

Article 783

The contractor shall be entitled to payment for the salvaging of sunken goods.

The contractor shall not be entitled to payment for the salvaging of sunken goods if he undertakes the salvaging in spite of an explicit prohibition by the rightful claimant.

Unless the parties agree to the contrary, the payment for the salvaging of sunken goods may not exceed the value of the salvaged goods.

The limitation set out in the preceding paragraph shall not apply to payment for the salvaging, removal or destruction of sunken goods executed under the order of the competent authority mentioned in the second paragraph of Article 777 of this Act.

Article 784

Unless agreed otherwise, the contractor shall have a lien on the salvaged sunken goods as a security for the reward due to him for the salvaging and storage of them. The contractor shall be entitled to effect payment of the reward from the goods.

Article 785

The contractor shall be entitled to payment for the salvaging of sunken goods if he undertakes the salvaging in spite of an explicit prohibition by the rightful claimant. Unless the parties agree to the contrary, the payment for the salvaging of sunken goods may not exceed the value of the salvaged goods. The limitation set out in the preceding paragraph shall not apply to payment for the salvaging, removal or destruction of sunken goods executed under the order of the competent authority mentioned in the second paragraph of Article 777 of this Act.

1. the general average shall be any intentional and rational extraordinary cost and any intentional and rationally inflicted damage caused by the shipmaster or his substitute in order to save the value of the property of the participants in the same maritime venture from a real danger that threatens them all;
2. a participant in a maritime venture shall be the owner of the ship, the shipowner and the person entitled to dispose of the cargo carried on board;
3. a maritime venture shall be the voyage of a ship from the beginning of the loading until the end of the unloading of the cargo of each individual participant;
4. contributory interest and values shall be the property whose value, under the provisions of this Act, is the criterion of contribution for compensation of damages or to a refund of the costs caused by the general average;
5. the amount to be made good shall be the damage or the costs caused by the general average which, under the provisions of this Act, are to be refunded from contributory interest and values;
6. the port of a completed joint venture shall be the port in which the last part of the cargo on board is unloaded during the general average.

Article 790

The second paragraph of the preceding Article shall apply *mutatis mutandis* to the cargo referred to in the preceding paragraph.

Article 806

A general average creditor who does not receive security that his claim will be settled shall be entitled to stop the ship and the cargo in order to collect his claims.

3. General average adjustment

Article 807

General average adjustment shall be performed by the general average adjuster (hereinafter: adjuster) in accordance with the provisions of this Act.

Article 808

The adjuster shall be a person qualified and authorised to perform general average adjustment.

Article 809

The shipowner shall have the right to appoint an adjuster for the adjustment of the general average until the expiry of the statute of limitations from Article 823 of this Act. He shall be obliged to inform the court mentioned in the second paragraph of Article 819 of this Act on the appointment of an adjuster within that period.

If, within 30 days of the arrival of the ship at the port of the concluded joint venture, the shipowner does not act as stipulated by the preceding paragraph, the participants in the maritime venture in which a general average has occurred shall, until the expiry of the statute of limitation, have a right to request the court to appoint an adjuster. Each participant in the joint venture shall, within 10 days of the receipt of notification about the appointment of the adjuster, h0 -1.1456 TD10.0033 Tw[(the a)6.2(d)5.1(jus)8.8(t)-0.7(er)9.9(, hw)5(ith2.1(on qua)5.9(t)-[(per)Tc-D0.002dsn3(n2.1(on)5

An extract from the distribution basis shall contain the sum total of the amount to be made good and the contributory interest and values, the contribution percentage, the value of the contribution due from the participant concerned, and the amount payable as his contribution to the general average.

Article 815

A participant in a maritime venture shall have the right, within 30 days of the day he received the distribution basis or the extract referred to in the second paragraph of the preceding Article, to raise objections to the distribution basis.

The distribution basis or the extract from the distribution basis shall contain a note indicating that the participant in the maritime venture has a right to complain in the sense of the preceding paragraph.

Article 816

The complaints shall be handled by the adjuster, after which the adjuster shall work out the final distribution basis as stipulated by Article 813 of this Act.

Article 817

The final distribution basis or its extract shall be delivered to the participants in the maritime venture, in accordance with Article 814 of this Act.

Article 818

If, within 30 days of the day of receipt of the final distribution basis or its extract, no participant in the maritime venture files with the court the complaint in accordance with Article 819 of this Act, the distribution basis shall become enforceable.

The adjuster and each participant in the maritime venture may ask the court to issue a certificate of enforceability of the final distribution basis.

Article 819

Participants in the marine venture shall have the right to file with the court complaints against the final distribution basis within 30 days of the date of receipt thereof.

The procedure to test the complaints against the final distribution basis shall be conducted by the court in Koper with subject matter jurisdiction.

The court shall assign the final distribution basis and the complaint of the participant to the notary.

The notary shall be obliged to conduct the procedure to test the complaint of the participant against the distribution basis at the hearing. The notary must summon the general average adjuster and all participants in the maritime venture to the hearing to test the complaint against the final distribution basis.

All the participants in the maritime venture are entitled to appear at the hearing and make statements concerning the complaints of individual participants. If a participant who lodged a complaint against the final distribution basis does not appear at the hearing, it shall be considered that he has waived his complaint.

The notary shall, at the hearing, present to the participants in the maritime venture the complaints against the final distribution basis which were filed in good time.

If, at the hearing to test the complaints, an agreement on the content of the final distribution basis or its disputed part is reached, the notary shall draw up a notarial protocol on the agreed final distribution basis or part thereof and the notarial protocol shall acquire an executory title.

If no full or partial agreement is reached between the participants of the maritime venture, the notary shall return the final distribution basis with the complaints and the notarial protocol concerning the test of complaints against the final distribution basis to the competent court.

The notary shall conduct the hearing even if none of the participants in the maritime venture appear at the hearing.

It shall be considered that the participants in the maritime venture who have not appeared at the hearing do not acknowledge the complaints by other participants.

Article 820

If, at the hearing to examine the complaints, no full or partial agreement of all the participants in the maritime venture is reached, the court shall, by means of a decision, instruct the party who lodged the complaint to bring an action, within 30 days of the day the decision is served, to establish that the complaint against the participant in the maritime venture whose rights are contested is justified.

If, within the time limit from the preceding paragraph, the party who filed the complaint does not act as instructed by the court or withdraws the complaint, it shall be considered that he has withdrawn the complaint.

1. the death or physical injury occurred in a swimming beach area or an area in which navigation is forbidden, unless he proves that the victim caused the damage intentionally or through gross negligence;
2. death or physical injury occurred in the sea belt extending 150 metres from the coast which does not belong to the area specified in points 1, 3 and 4 of this paragraph, unless he proves that the cause of death or physical injury was *force majeure* or the fault of the dead or injured person;
3. death or physical injury occurred in a port, a port access, a usual sea lane, an area used exclusively for sports and similar navigation (rowing and sailing regattas, water-skiing, etc.), or an area more than 150 metres away from the coast, but not the area specified in point 4 of this paragraph, if it has been proven that the ship is to blame for the death or physical injury;
4. death or physical injury occurred in an area in which specific ways or means of navigation are forbidden (e.g. hydrofoils, water skis, excessive speed) if caused during navigation in a forbidden way or using forbidden means.

The minister shall propose the conditions on the basis of which the extent of the sea belt specified in point 2 of the preceding paragraph may be extended or reduced.

The owner of the ship and the shipowner shall not be liable in line with the first paragraph of this Article if they were unlawfully dispossessed of the ship.

In the instance referred to in the preceding paragraph, liability shall be borne by the person who was in charge of the ship and the person who took possession of it unlawfully.

3. Liability for damaged goods and environmental pollution

Article 827

The owner of the ship and the shipowner shall be liable for damage caused in an operational area of the coast, to breakwaters, port facilities, floating objects, underwater and other facilities in the port, and at sea, unless the damage was caused by the person managing such facilities.

Article 828

The owner of the ship and the shipowner shall be liable for the damage caused by a ship polluting the environment.

4. Liability for pollution from tankers carrying oil as cargo

Article 829

Liability for damage inflicted by spillages from an oil tanker of oil not intended for the propulsion of the ship shall be borne by the owner of the ship, unless it proves that the cause thereof was:

1. war, hostility, civil war, rebellion or an extraordinary, inevitable and uncontrollable natural event;
2. exclusively an act or omission of another person with intent to cause damage;
3. exclusively an act or omission by authorised persons responsible for navigation safety in the discharge of their functions.

If the owner of the ship proves that blame for damage lies completely or partly with the injured party, the court shall absolve him completely or partly from responsibility for the damage suffered.

A claim for damages under the first paragraph of this Article may not be filed against members of the ship's crew or other persons working on behalf of the shipowner.

The provision of the preceding paragraph shall not encroach upon the right of recourse of the owner of the ship against the person who caused the damage.

Article 830

Where two or more ships spill oil or throw it overboard and it is impossible to ascertain the extent of damage done by each individual ship separately, they shall be held jointly and severally liable for the damage.

The provision of the preceding paragraph shall not encroach upon the provisions of the preceding Article.

Article 831

The shipowner may limit his liability for damage referred to in Article 829 of this Act up to the amounts specified in the second paragraph of this Article by setting up a limited liability fund for damage caused by ejected or spilt oil.

The shipowner may limit his liability for damage referred to in Article 829 of this Act to SDR 133 per case and

Article 832

The shipowner may recover from the limited liability fund referred to in the preceding Article the costs he incurred voluntarily in order to avoid or reduce pollution of the environment.

Article 833

The determination of the tonnage of a ship pursuant to Article 831 of this Act shall be performed as specified in the fourth paragraph of Article 388 of this Act.

If the tonnage of the ship cannot be determined pursuant to the preceding paragraph, its tonnage, taking into consideration the provisions of Articles 829 to 837 of this Act, shall be taken to be 40% of the carrying capacity of the space for carrying oil as freight.

Pursuant to the preceding paragraph, one tonne of load capacity shall mean 1000 kg.

Article 834

The limited liability fund referred to in Article 831

11. arising from the insurance premiums that the owner or charterer of the ship subject to the execution process has with that ship;
12. arising from damage, or risk of causing damage, due to

2. the name or company, place of residence or registered office and citizenship of the debtor;
3. the name, mark, type, port of registration and nationality of the ship;
4. the place in which the ship is to be found;
5. the amount of the claim for which the sale of the ship is requested;
6. documents on the basis of which the execution of a judgement is requested;
7. the list of known lien creditors;
8. a statement as to whether any insurance security regarding the ship for which the execution is requested was granted;
9. if possible, the quantity and kind of cargo on the ship and the number of crew members.

Article 846

The following enclosures shall be attached to the proposal referred to in the preceding paragraph:

1. the original or certified copy of the executory title;
2. the document testifying to the existence of mortgages, property encumbrances and pre-emptive rights recorded in the register of ships and data about the known maritime liens of the ship subjected to the execution process. If the ship being subjected to the execution process is a Slovenian vessel, an extract from the register of ships proving that the debtor has the right of ownership of the ship shall be enclosed with the proposal; if the ship is not entered in the register of ships, the document proving that the ship being subjected to the execution process is in the possession of one or more debtors shall be enclosed with the proposal.

If, at the time the proposal for sale is submitted, a foreign ship for which an execution process is requested has already been stopped, a certified copy of the document providing evidence, in accordance with the law of that foreign country, on the ownership and country of domicile of the ship, as well as the translation of the document into the language in official use at the court shall be enclosed in the proposal for execution of a judgement.

If, at the time the proposal for sale is submitted, a foreign ship for which an execution process is requested has not yet been stopped, the creditor shall be obliged to prove the probability that the ship is owned by the debtor.

After a foreign ship subjected to an execution of a judgement by sale has been stopped, the court shall call on the creditor to submit the documents referred to in the third paragraph of this Article within three days.

If the creditor does not abide by the preceding paragraph, the court shall issue a decision to discontinue the execution procedure.

Article 847

If the ship for which execution by sale is requested is entered in the register of ships and the person entered in the register of ships as the owner of the ship is a person other than the debtor, the creditor shall submit to the court the appropriate documents for the entry of the ownership right of the debtor in the register of ships.

If the creditor does not have the documents mentioned in the preceding paragraph, the right to have the

Under the decision on execution by sale of a ship which is not entered in the register of ships, the court shall authorise the seizure of the ship.

The time the proposal for execution by sale was submitted shall be the element determining the order of precedence for the rights to repayment.

Article 850

In the event of the sale of a ship, creditors who have a lien on the ship being sold shall have the right to repayment even though they did not propose the sale.

Article 851

From the moment a note on the decision on execution by sale is entered in the register of ships and/or the record of seizure is made until the procedure of the sale is discontinued, it shall not be possible to subject the same ship to another execution by sale in order to satisfy some other claim from the same or another creditor.

If, in the case cited in the preceding paragraph, the court permits the seizure of the ship in order that another claim from the same or another creditor be satisfied, the court shall enter in the record of the seizure the data from the subsequently issued decision on execution.

The creditor whom the court, by a subsequent decision, permitted to satisfy a claim with the execution by sale of the same ship shall be included in the process as it is at the time he joins in.

All those on whom, under Article 848 of this Act, the court is obliged to serve the decision on execution shall be

In the case referred to in the preceding paragraph, the court shall, at the proposal of a party at the sale session, re-appraise the ship by a decision if the party demonstrates that it is probable that the value of the ship has changed considerably between the earlier appraisal and the day of sale.

Article 861

The court shall summon the parties to the seizure and appraisal session.
The court shall typically fix the venue of the seizure and appraisal session at the place where the ship is situated.
The court shall appoint one or more experts for the appraisal of the ship.
The court shall render a decision establishing the value of the ship at its discretion, taking into account expert opinion and other information obtained during the procedure.
No complaint shall be allowed against the decision on the appointment of experts referred to in the third paragraph of this Article.
The parties and any other persons entitled to repayment from the purchase price achieved by the sale of the ship shall be allowed to complain against a decision determining the value of the ship.

Article 862

A person who is entitled to repayment from the purchase price achieved by the sale of the ship and who, according to the order of precedence, comes before the creditor who proposed the execution of a judgement, may propose that the execution be discontinued if the established value of the ship does not cover his claims even in part.
The proposal referred to in the preceding paragraph may be submitted within eight days of the order on sale being served.
The court shall decide whether, in view of the circumstances and the probable amount of partial repayment of the creditor who proposed the discontinuation of the execution, the sale is worthwhile.

Article 863

The court shall decide whether or not to postpone issuing a decision on the terms of sale until a decision rejecting the proposal mentioned in the preceding paragraph becomes final.

Article 866

The terms of sale shall include:

1. the name or company, place of residence or registered office and citizenship of the creditor;
2. the name or company, place of residence or registered office and citizenship of the debtor;

The buyer shall not be required to deposit in cash the purchase price or a part thereof if the creditors whose claims are secured by lien on the ship agree that the buyer shall assume those debts. If the buyer has met all obligations under the terms of sale, the cash which he has deposited with the court as a security deposit may be used towards the purchase price.

Article 872

The risks for the ship sold shall pass to the buyer on the day the ship is finally awarded to him. As of that day, the buyer shall also assume all encumbrances connected with the ownership rights to the ship. The awarded ship shall be delivered to the buyer, together with its appurtenances, and the ownership rights of the buyer shall be recorded only after he has fulfilled all the conditions of the sale.

7. Sale of the ship

Article 873

After the decision determining the value of the ship has become final and the terms of sale have been determined, the court shall announce the sale. In the announcement, the court shall indicate the method of sale and, in the event of an auction, the place and the time thereof. The time period between the first announcement and the day of sale may not be less than 15 days or more than 30 days. The sale may not take place before the decision on execution and the decision determining the terms of the sale become final.

Article 874

The announcement of the sale shall contain:

1. the name or marking of the ship and appurtenances put up for sale, and the value of the ship being subjected to the execution process;
2. the name or company, place of residence or registered office and citizenship of the parties;
3. the day of the sale and, in the event of an auction, the venue of the sale session;
4. the lowest acceptable bid and the amount of the security deposit;
5. information to the effect that the terms of sale and the documents relating to the ship being subjected to the execution process can be viewed at the court;
6. an invitation to lien creditors whose rights are not recorded in the register of ships to report their claims by the day of the sale, or on the day of the sale session at the latest, with a notice to the effect that their rights shall otherwise be taken into consideration in the procedure only insofar as they stem from the executory title;
7. an invitation to all those whose rights, if any, on the ship being subjected to the execution process might render the sale thereof unlawful to report their rights to the court by the day of sale, or on the day of the sale session at the latest, before the beginning of the public auction, with a notice to the effect that it will otherwise be impossible to exercise those rights to the detriment of a fair buyer;
8. a notice to the effect that a person having any right or encumbrance on the ship being subjected to the execution process will be served with information on the course of the process only if he is a permanent resident of the Republic of Slovenia, or has an authorised representative or a person authorised to be served with information in the Republic of Slovenia.

Article 875

The court shall serve the announcement of the sale to the parties and to all those who, according to data in the documents, have any lien, property encumbrance or right of pre-emption on the ship subjected to the execution process.

The court shall at the same time invite creditors who have claims secured by lien on the ship subjected to the execution process to state, not later than five days before the sale session, whether they want their claims paid in cash or whether they agree to the buyer assuming the debt and freeing the debtor thereof. If the creditors do not declare themselves by the fixed deadline, they shall be assumed to want their claims to be paid in cash.

If a mortgage on the ship subjected to the execution process is entered in the register of ships, the court shall invite creditors to report, before the beginning of the sale at the latest, the amounts of their claims under legal relationships secured by those liens.

The announcement of the sale shall be served to the parties according to the provisions relating to personal service.

Article 876

The court shall publish the notice of sale in the Official Journal of the Republic of Slovenia, on the notice-board of the court, on the notice-board of the Maritime Directorate of the Republic of Slovenia in the port, or in some other appropriate manner.

The parties are entitled to request that the announcement of the sale be published at their expense in a manner proposed by them.

Article 877

If a Slovenian ship is to be put up for sale, the court shall order that the intended sale be noted in the register of ships in which the ship is entered.

Article 878

The debtor shall be bound, in the period between the announcement and the day of sale, to enable those who intend to attend the sale to inspect the ship subjected to the execution process and the documents relating thereto. With the order concerning the inspection of the ship subjected to the execution process, the court shall fix the days and hours for inspection, taking care not to interfere with the operation of the ship.

Article 879

The sale session shall be public and shall be held, as a rule, in the court building.

The court may order that the sale session be held in the place where the ship subjected to the execution process is situated.

At the sale session the court shall allow the participants to inspect the terms of the sale and other documents relating thereto.

If the sale session is attended by only one bidder, the court shall decide whether to adjourn or continue.

Article 880

After establishing that there are no obstacles to holding the sale session, the court shall announce the terms of the sale, data about the claims of creditors entitled to repayment from the achieved purchase price, the statements of creditors concerning the payment or assumption of debts, data about the claims secured by mortgages, and other factors relevant to the sale session.

Article 881

The debtor, judge, court reporter and any other person attending the sale *ex officio* shall

If a bidder so requests, the court shall allow a brief time for reflection.

The public auction shall end if, five minutes after the second call, no higher bid has been made. The court shall specifically warn those present thereof.

Before closing the sale, the court shall once again announce the last bid and then declare the sale concluded.

Article 885

After the sale has been concluded, the court shall call on those present to immediately lodge any objections against the award at th

Article 905

The hearing shall consider the claims to be taken into consideration in the distribution of the purchase price and the order of payment thereof.

The debtor shall be bound to give the court all the necessary explanations for verifying the regularity of the order of precedence of claims to be repaid from the purchase price.

A creditor whose claim could be taken into consideration in the distribution of the purchase money if a contested claim were eliminated may be the last to complain at the hearing for the distribution of the purchase price against the reported claims or those arising from executory documents. The objection may be as to the existence of a claim, amount or order of precedence of repayment.

The debtor shall only be entitled to object to those claims which he deems to be totally unwarranted.

Article 911

If, at the proposal and with the consent of the participants, the court does not rule otherwise, the recurring payments shall be settled by first paying the amounts overdue until the day of the award and then depositing, against interest, as much of the principal as is needed to settle with interest the payments which become due after the day of the award.

The principal which, by reason of the termination of the right to payment will remain free, shall, if possible, be assigned by the court in advance to those claimants who have not been repaid in full from the distributable

Article 916

Beneficiaries of easement not assumed by the buyer shall be paid out by acquiring compensation for their rights

4. in respect to the award of the ship subjected to the execution process, the co-owners shall, all other conditions being equal, take priority over other participants in the auction;
5. if several co-owners offer the same terms of sale, the court shall award them equal shares of the part of the ship being sold.

14. Decision on the distribution of the purchase price

Article 921

Article 926

Execution by delivery of a ship held by the debtor is effected by an official person taking the ship from the debtor and delivering it to the creditor against a certificate of receipt.

Execution by delivery of a ship shall also be conducted as stipulated by the preceding paragraph in cases where the ship is held by a person other than the debtor, if that person agrees to deliver it to the official person.

If that person refuses to deliver the ship to the official person, the creditor may propose to the executive court that the liability of the debtor for the delivery of the ship be transferred to him.

Article 927

Creditors whose claims are secured by liens entered in the register of ships, and creditors about whom the court can find information in the execution procedure documents, shall be notified by the court of the completion of the execution procedure for delivery of the ship.

Article 934

The court shall notify the debtor that it has ordered the seizure and shall notify him of the place and date thereof. The seizure of a ship shall be carried out on the spot by entering a description of the object seized in the record. If a document upon which the ownership right of the debtor is based or which testifies thereto is found in the course of seizure, the court shall enter that the seizure has been performed in a document. When the lien on the ship subjected to seizure terminates, the court shall make a note thereon in the document. The court shall notify the parties of the seizure.

Article 935

Until irregularities are established in the execution of a seizure, the securing of another claim of the same or some other creditor, for which the establishment of a lien on the same ship is afterwards requested, shall not be

3. Lien on a ship on the basis of an agreement between parties

Article 941

The creditor and debtor may agree and request the court to authorise and register a lien on the ship of the debtor which is entered in the register of ships and/or, in the case of an unregistered ship, to authorise and execute the seizure of the ship in order to secure the pecuniary claim of the creditor by a lien on the ship of the debtor. Claims may also be secured by a lien on a ship which is the property of a third person. In this case, this person is also a party to the agreement as the pledger.

Article 942

At the proposal of the parties, the court shall schedule a hearing at which it enters in the record the agreement of

Article 947

The court shall authorise the temporary stopping of a ship at the proposal of the creditor only for the claims referred to in the second and third paragraphs of Article 841 of this Act.

Article 948

Any ship owned by the same individual debtors or which, by virtue of the claim for which its stoppage is requested, is encumbered with a maritime lien or mortgage or any other foreign law lien, as well as with other claims cited in the third paragraph of Article 841 of this Act relating to that ship, may be stopped.

Where the debtor is the charterer of a ship or a client who, under the law applying to contractual relations between him and the owner of the ship or the shipowner, is individually liable to others, such a ship or any other ship owned by the debtor may be stopped.

The provision of the preceding paragraph shall also apply to all other instances where the shipowner or client, who is the individual debtor but not the owner of the ship, is individually liable for the claim for which the stoppage of the ship is requested.

At the request relating to ownership rights, co-ownership rights and lien on a ship, only the ship to which that particular request refers may be stopped.

Article 949

Article 968

Notwithstanding the provisions of the preceding Article, the following shall apply:

1. the provisions of this Act - in cases where only persons and not ships and goods on board were salvaged and all such persons were citizens of the Republic of Slovenia, and in cases where the rescue ship or salvaged ship or one of several ships involved is a Slovenian military vessel or public ship;
2. the provisions of the first and second paragraphs of Article 627, Articles 759 to 765, and Articles 770 and 773 of this Act;
3. the provisions of the statute of limitations relating to the limitations for claims and provision of this Act relating to the statutes of limitations (Article 774 of this Act);
4. the law of the country of nationality of the salvage ship - to the division of the reward for salvage between the owner or shipowner of the salvage ship and its crew.

Any agreement signed contrary to the preceding paragraph shall be null and void.

Article 969

The following shall apply to the recovery of damage caused by the collision of ships:

1. the law of the country in whose territorial sea or internal waters the collision occurred;
2. the provisions of this Act - if the collision occurred on the high seas.

Notwithstanding the preceding paragraph, the following shall apply for the recovery of damage caused by collision of ships:

1. where all the ships that collided are of the same nationality - the law of that country;
2. where the ships which collided are of different nationalities and the law of all those countries is identical - the law of those countries.

Article 970

Notwithstanding the provisions of the preceding paragraph which refer to the application of a foreign law, the following shall apply:

1. the provisions of this Act - if all the persons concerned are citizens of the Republic of Slovenia or Slovenian legal entities, or if one of the ships involved in the collision is a Slovenian military vessel or publicly owned ship;
2. the provisions of the second paragraph of Article 745, the first paragraph of Article 746, and Articles 747 to 752 of this Act;
3. the provisions of the law governing the statute of limitations relating to the limitations for claims and provision of this Act relating to the statutes of limitations (Article 754 of this Act).

Any agreement signed contrary to the preceding paragraph shall be null and void.

Article 971

If it is impossible in the event of a general average to apply the law the parties have chosen to the entire contract or a relationship arising therefrom, or if the parties have not explicitly indicated which law should apply and their intentions as to the application of a particular law cannot be ascertained from the circumstances of the case, the law of the port of unloading of the last part of the cargo that was on board the ship at the time of the general average shall apply.

If all the parties to a general average are citizens of the Republic of Slovenia or Slovenian legal entities, Slovenian law shall apply to the instances referred to in the preceding paragraph.

Article 972

If it is impossible in the case of the contract for the building, conversion or repair of ships to apply the law the parties have chosen to the entire contract or a relationship arising therefrom, or if the parties have not explicitly indicated which law should apply and their intentions as to the application of a particular law cannot be ascertained from the circumstances of the case, the law with which they have the closest relation shall apply to the contract or contractual relationship.

Unless the specific circumstances of a particular case command the application of some other law, it shall be considered that the closest relationship is with the law of the country in which the shipyard is situated.

Article 973

The law of the registered office of the insurance company shall apply to a marine insurance contract and the relations arising therefrom, if:

Article 978

A legal person shall be fined an amount between SIT 500 000 000 and SIT 6 000 000 000 000 for the following offences:

territorial sea or internal waters of a such a country, he does not request instructions from the shipowner or, if this is not possible, from the competent Slovenian authorities (third paragraph of Article 169);
if he does not take all necessary action to deal with a crew member, passenger or another person on board who commits a criminal offence during the voyage in order to

8. if he does not record in the logbook the reasons why he did not set out to rescue people in distress and initiate the rescue of these people or the reasons why he did not salvage the ship or goods on board that ship (second paragraph of Article 179 and third paragraph of Article 180);

9. if, while being in a position to do so, he did not inform the ship with which his ship had collided of the name of the last port from which his ship put to sea and the name of the port for which it was bound (second paragraph of Article 753).

Article 983

A member of a ship's crew shall be fined at least SIT 60 000 for an offence if he discharges into the sea lane

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PART ELEVEN – TRANSITIONAL AND FINAL PROVISIONS

Article 990

Papers issued on the basis of the Maritime and Inland Waterways Navigation Act before this Act enters into force shall apply under the conditions and for the period laid down by regulations in force until now, but for no more than two years after this Act enters into force.

Article 991

Unless they contradict the Constitution and this Act, the regulations and other acts listed below shall be applied *mutatis mutandis* until the enactment of regulations which, under this Act, fall within the competence of the Government of the Republic of Slovenia or the minister:

– Rules on the minimum number of crew members for the safe navigation of the merchant marine ships of the Socialist Federal Republic of Yugoslavia¹ (Official Journal of the SFRY, Nos. 29/81, 32/81),

– Rules on the minimum number of crew members for the safe navigation of inland navigational ships of the merchant marine of the SFRY (Official Journal of the SFRY, No. 32/82),

– Rules on the special powers of crew members on ocean-going vessels and on the examination programme for the acquisition of special powers (Official Journal of the Republic of Slovenia,² Nos. 20/86, 33/98),

– Rules on the maritime and .8(n)-1.. a(- R)6t-1(i)4.5(l)-7.2d -0.5(rm1(iRe).9(i)-rk.6(i)-g)l and .8(n)-1.k.6(g)4..1(e7(86)503 Twric o)ew5

– Rules on the entry of ships in specific registers, on the data to be entered in the insert of the main book of the register of ships, on the collection of certificates, on auxiliary books kept in addition to ship's records, and on

- Order on the reduction of port fee rates for segregated ballast oil tankers (Official Journal of the Republic of Slovenia, Nos. 1/00, 23/00)
- Rules on the boatmaster's examination and testing of skills for operating a boat (Official Journal of the Republic of Slovenia, Nos. 42/00, 87/00)
- Order on the fixing of remuneration and reimbursement of costs related to the work in examination boards (Official Journal of the Republic of Slovenia, No. 2/01).

Article 992

On the day this Act enters into force, the following shall cease to be in force:

- Article 103 of the Courts Act, insofar as it has a bearing on the keeping of registers of ships (Official Journal of the Republic of Slovenia, Nos. 19/94, 45/95, 38/99);

- the Maritime and Inland Waterways Navigation Safety Act (Official Journal of the Republic of Slovenia, No.

17/88), insofangnpb1()-6.3(1(fa)i)-0.S18lF4.8(o)(a)-0.2(96nm9(8)-7(1()-(s)-1.2(oi)-0.S;-1.1(s0.0012 Tc-00093 Tw[1.002e)12.5.4(h)-

Ljubljana, 23 March 2001.

President of the National Assembly of the Republic of
Slovenia

Borut Pahor,

[signed]