

REPUBLIC OF LITHUANIA

LAW ON SAFE NAVIGATION

August 29, 2000. No. VIII – 1897

(as amended by September 26, 2000. No. VIII – 1961)

Vilnius

CHAPTER I

GENERAL PROVISIONS

Article 1. Purpose and Application of the Law

1. The Law on Safe Navigation shall establish the requirements of safe navigation in the Republic of Lithuania and for ships registered in the Republic of Lithuania Register of Ships and also, shall regulate State supervision and administration of safe navigation, rescue of people and ships, investigation of ship related accidents, salvage of sunken property and liability for the failure to adhere to the requirements of safe navigation.

2. While implementing the legal acts of the International Maritime Organisation and the requirements of safe navigation, this Law aims to:

1) ensure, that the ships, sailing under the flag of the State of Lithuania would conform to all the international and national requirements of safe navigation;

2) decrease the number of ships which do not meet the international requirements of safe navigation.

3. The norms of this Law and the legal acts passed on the basis thereof shall not apply to:

1) the ships registered in a foreign state, which are sailing across the territorial sea waters of the Republic of Lithuania, availing themselves of the right of peaceful navigation, and the persons situated on them;

2) the Republic of Lithuania warships and coast guard vessels. In all instances these ships, while navigating in general use waterways for general navigation, shall rely upon the 1972

International Regulations on Prevention of Ship Collisions at Sea, and while sailing through the port areas, the masters of these ships must follow the directions regarding issues of safe navigation, provided by the officials of port ship traffic Services, on duty. In cases of military incidents, detention of ship violators or other extreme situations, the ships detailed in this paragraph shall make use of priority right, while navigating in port areas.

Article 2. Basic Definitions of this Law

1. **General use waterways** - mean waterways suitable for navigation, which are located within the territorial seawaters of the Republic of Lithuania and are indicated on the sea maps.

2. **Authorised classification company** - means an organisation authorised by the Government of the Republic of Lithuania, which implements the technical maintenance of ships and inspection in accordance with the requirements of the Republic of Lithuania legal acts, international agreements and classification company and issuing appropriate documents certifying this. The Government may authorise only the classification companies certified in the European Union.

3. **Passenger**- means a person who is not included on the list of the ship's crew and is not engaged in the performance of any duties on board a ship. Persons who have been rescued at sea and taken on board ship, pilots and their apprentices and children up to the age of one year and also persons, who are temporarily working on board ship while the latter is docked in a port, are not considered passengers.

4. **Passenger ferry** - means a passenger ship, equipped in such a way as to enable road and railway vehicles to drive aboard and to exit therefrom.

5. **Passenger ship** - means a ship transporting at least 12 passengers.

6. **Ship** - means any type of self-propelled or not floating structure, which is being used or can be used, for navigation.

7. **Ship's crew** - means the master of the ship and other seafarers performing duties on board the ship, in connection with the use or servicing of the ship, whose names are included in the list of the ship's crew.

8. **Master of the Ship** - means a seafarer, having an appropriate diploma of a seafarer's rank and being in charge of the ship's crew and being in command of the ship.

9. **Owner of a ship** - means the person, who has the right of ownership to the ship.

10. **Manager of a ship** - means a person who uses the ship, regardless of the fact whether or not he is the owner of the ship, or makes use of it on some other legal basis.

11. **Pilot** - means a seafarer, having a certificate of the prescribed form, from the Minister of Transport and Communications granting him the right to assist the ship's master in guiding the ship into the port or bringing it out of there. A pilot is not a member of the crew of the ship he is guiding.

12. **Navigation equipment** - means the equipment situated on the shore and that, which is afloat, by means of which information is obtained, which is necessary to ensure safe navigation.

13. **Coast Guard vessel** – a ship owned by the State by right of ownership, and used for non-commercial purposes, having special clearly visible marks and inscription and performing the functions of guarding of the State border.

14. **Requirements of safe navigation** - means the requirements of safe navigation and prevention of pollution from ships.

15. **Administration system of safe navigation** – means a structured and documented system, enabling the staff of a navigation company to effectively implement the navigation company's policy on ensuring safe navigation and environmental protection.

16. **Port** - means an area, in which a ship may dock and cargo may be loaded on board or unloaded from the ship.

17. **Port Captain** - means an official, implementing supervision of navigation and ensuring observance of order within the Republic of Lithuania seaport area and the quay in accordance with the procedure established by the Regulations of the Port Captain.

CHAPTER II

STATE ADMINISTRATION OF SAFE NAVIGATION

Article 3. Organising of State Administration of Safe Navigation

1. The Ministry of Transport and Communications shall implement the State administration of safe navigation.

2. The Ministry of Transport and Communications shall set the requirements of safe navigation and the procedure of implementation in the Republic of Lithuania, of the requirements of the International Maritime Organisation, codes and resolutions and legal acts of the European Union, which regulate safe navigation.

3. The Safe Navigation Administration of Lithuania shall be founded to organise the implementation of requirements of the Republic of Lithuania and international legal acts, which regulate safe navigation and to ensure the State supervision of the fulfillment thereof.

Article 4. Safe Navigation Administration of Lithuania

1. Safe Navigation Administration (hereinafter-Administration) of Lithuania shall be a budgetary institution. The Ministry of Transport and Communications shall be the founder of the Administration.

2. The Minister of Transport and Communications shall approve the organisational structure of the Administration.

3. The Administration shall be maintained from the deductions of the State Budget and port charges, the amounts whereof shall be set by the Government of the Republic of Lithuania. The Minister of Transport and Communications shall approve the annual estimate of expenses of the Administration.

Article 5. Functions of Administration

The Administration shall:

1) control, how the requirements of the Republic of Lithuania laws, international agreements and other legal acts on safe navigation are being implemented and how prevention of ship related pollution is being ensured;

2) register the ships, sailing under the Lithuanian State flag, and issue ship's documents;

3) conduct State control of ships in port and ships sailing under the Lithuanian State flag, and State control of the ship's flag;

4) issue seafarers' qualifying documents and seafarers' booklets, approve the work aboard ship and navigation experience status;

5) comprise a national hydrographic survey of the seaports of Republic of Lithuania, territorial sea waters and exclusive economic zone and publish hydrographic data;

6) equip, operate and develop navigation devices, control the operation thereof, provide navigation and hydro-meteorological information;

7) organise the liquidation operations in spillage of petroleum and other harmful substances within the territorial sea waters and exclusive economic zone of the Republic of Lithuania, control to what extent the port administrations and port users, enterprises, which operate within the territorial sea waters and the exclusive economic zone of the Republic of Lithuania, are prepared to liquidate the spillage of petroleum and other harmful substances;

8) supervise the activities of authorised classification companies within the Republic of Lithuania;

9) certify enterprises, which provide services in connection with safe navigation, instruction and training centres (courses) and ships used for instruction, trainers, bases of navigation equipment maintenance, ships' electronic centres and their instructors;

10) perform the other functions set forth in this Law.

Article 6. Port Captain

1. In the Republic of Lithuania, the captain of the port shall ensure the activities of the seaport, which concern navigation. The head of the seaport administration shall appoint and dismiss the captain of the seaport.

2. This Law and the Law on the National Seaport of Klaipėda and the Regulations on the Port Captain shall regulate the activities of the port captain. The head of the port administration shall approve the Regulations on the Port Captain, upon having coordinated this with the Administration.

3. The ships, which are in port, must upon the request of the port captain render assistance with all technical means at their disposal, to ships and persons who encounter disaster.

4. The decisions of a port captain regarding the issues within the scope of his competence, are binding and must be carried out at once. The decisions and actions of the port captain may be appealed in accordance with the procedure established by laws.

Article 7. Principal Functions of Port Captain

1. The port captain shall:

1) control the depth of the port water, implement the supervision of port navigation installations and port navigation signs;

2) control the gauge of ships;

3) control the condition of port quays;

4) provide port navigation and hydro-meteorological information to ships;

5) permit ships to enter the port and to exit from it, register the entry into and departure of ships from port;

6) in case of extreme conditions at the port, redeploy the ships.

2. The ship's master must not allow a ship to depart from port, if:

1) a decision is received from the inspector of the Administration regarding the detention of a ship in port;

2) the ship is loaded beyond the level that is allowed by the ship's loading marks.

CHAPTER III

SHIP'S NAVIGATION FITNESS

Article 8. Ship's Navigation Fitness

A ship shall be recognized as fit for navigation in a set navigation region if it is designed, built, equipped and used so as to ensure the technical, navigation, and ecological, labour protection, fire protection and seafarers' work on board ship requirements which shall be set for it and if the ship's administrator has the valid documents certifying this.

Article 9. Determination of Ship Navigation Region (Limits) and Permissible Meteorological Conditions

Authorised classification companies shall determine the permissible regional limits for ship navigation and the permissible meteorological conditions for safe navigation.

Article 10. Requirements of Ship Design, Construction and Equipping

Authorised classification companies shall set the design, construction and equipment of ship requirements. They also shall implement the supervision of these operations.

CHAPTER IV

SHIP'S CREW

Article 11. Requirements of Manning of Ship Crews

1. Only the seafarers who have valid seafaring degree diplomas or qualification certificates and confirmations thereof, which grant them the right to hold a certain position on board ship, shall be permitted to work on board ship. Guided by the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1995 amendments thereof) the Minister of Transport and Communications shall determine the procedure of awarding a degree in seafaring.

2. The Administration, guided by the Republic of Lithuania legal acts and the requirements of resolutions of the International Maritime Organisation and International Labour Organisation, shall approve the minimum makeup of the crew for each ship registered in the Republic of Lithuania Register of Ships and the ship a certificate of the minimum of the ship's crew, without which sailing out to sea shall be prohibited.

3. Without the approval of the master of the ship, no seafarer may be appointed to the ship's crew.

Article 12. Examination of Health Status of Ship's Crew Members

1. A basic and periodic health checkup must be given every member of the ship's crew and he must receive a document from a medical institution confirming the fact.

2. Institutions authorised by the Government, guided by the requirements of the International Maritime Organization and International Labour Organisation shall set the procedure of health checks for the seafarers.

Article 13. Work Shifts and Navigational Watch on Board

1. In order to ensure safe navigation during the course of a ship's voyage and also, during its stay after dropping its anchor and standing at a quay, work shifts and watchkeeping shall be organised.

2. The Statute on Service in the Republic of Lithuania Maritime Fleet shall establish the procedure of shift changes and navigational watch on board ships.

Article 14. Seafarers' Register

1. Persons, to whom the diplomas of Republic of Lithuania seafarer degrees, qualification certificates and seafarer booklets have been given, shall be registered in the Seafarer's Register.

2. The Government shall approve the regulations of the Seafarers' Register. The Administration shall manage the Seafarer's Register.

CHAPTER V

TECHNICAL INSPECTION OF SHIPS, SHIP'S DOCUMENTS

Article 15. Organising of Technical Inspection of Ships

1. Authorised classification companies shall perform the technical inspection of the ships, which are registered in the Fleet Register of Republic of Lithuania.
2. The technical inspection of ships, which shall be implemented by inspecting the ships and constantly controlling the technical, condition thereof. The ships will be permitted to set sail only after establishing that it meets the international and national requirements of safe navigation.

Article 16. Initial Inspection of Ship

An Administration inspector or a representative of the classification company authorised by the Administration must inspect every ship in accordance with the procedure established by the Registration of Sea-going Ship Regulations, prior to including it in the Republic of Lithuania Register of Ships. The manager of the ship shall compensate for the cost of inspecting the ship according to the procedure established by the Government or an institution authorised by it.

Article 17. Ship's Documents

1. The Administration shall approve the list of documents, which must be on a ship that is registered in the Republic of Lithuania Register of Ships.
2. The Consulates or consular departments of Republic of Lithuania abroad shall have the right to temporarily extend the validity of the ship's documents according to the procedure established by the Government of the Republic of Lithuania.

CHAPTER VI

ACTIVITIES OF PILOT

Article 18. Pilot

1. A navigator under 65 years of age, knowing both the State and the English languages and having at least the seafarer rank of chief mate of a ship, whose general capacity is 500 gross tonnage and more, may assume the duties of a pilot.
2. The Minister of Transport and Communications shall determine the qualification requirements and conditions for the persons, who wish to engage in pilot activities, and also the procedure of issuing pilot certification. The Administration shall issue the pilot certificate.
3. The Regulations of Pilot Service shall regulate pilot activities and procedure of navigation of ships with a pilot. The Minister of Transport and Navigation shall approve these regulations.

Article 19. Regions of Ship Navigation with Pilots, Wages for Pilot Services

1. The Administration shall determine the types of ships and regions, where it shall be necessary to employ the services of a pilot.
2. The Minister of Transport and Communications shall set the maximum and the minimum costs of pilot services, having agreed on this with the Competition Council.

Article 20. Relations between Pilot and Master of Ship being Navigated

1. The master of the ship being navigated shall always be responsible for the steering of the ship. Should the master leave the wheelhouse, he must inform the pilot as to who will be responsible for steering the ship in his place, until such time as the master will return.
2. The pilot must give advice to the master of the ship being navigated, ensuring safe steering of the ship, and to be certain that the master of the ship being steered has understood the advice correctly.
3. Should the master of the ship being navigated fail to heed the advice of the pilot, the pilot must nevertheless persist (as much as possible) in providing information to the master regarding the features of the navigation sailing area.

Article 21. Prohibition to Pilot to Abandon the Ship being Navigated

A pilot who has started navigating a ship, shall not have the right to abandon the ship without permission from the master of the ship being navigated as follows:

- 1) while piloting the ship out to sea namely, until the ship reaches the area from where it can sail safely without assistance from the pilot;
- 2) while piloting the ship into port namely, until the ship drops anchor or safely docks at a quay;

3) until the pilot in the ship being piloted is replaced by another pilot.

CHAPTER VII

SHIP CONTROL

Article 22. State Control of Foreign Registry Ships in Republic of Lithuania Seaports (State Control of Ships in Port)

1. The purpose of State control of ships in port is to determine, whether the foreign registry ships present in Republic of Lithuania seaports meet the requirements of safe navigation, and also the standards of life and work on board ships.

2. The Administration shall organise and implement State control of ships in port. The Minister of Transport and Communications shall determine the procedure of State control of ships in port, guided by the legal acts on State control of ships in port of the International Maritime Organisations and the European Union.

3. Should it be established upon having inspected a ship in a port of the Republic of Lithuania, that it does not meet the international requirements of safe navigation and also the standards of the life and work conditions on board ships and it is therefore detained in port for this reason, the administrator of the ship must compensate the expenses related to a repeated inspection of the ship, according to the procedure established by the Government or an institution authorised by it.

Article 23. Restrictions of Ship's Departure from Port

1. An Administration inspector, having established the violations of the international requirements of safe navigation and also, violations of the standards of the conditions of life and work on board ship, shall draw up a report on this according to the established form.

2. An Administration inspector shall detain the ship in port, if:

1) the crew of the ship fails to meet the criteria of the minimum manning of the crew, which are indicated on the certificate of the minimum manning of the crew, or the diplomas of seafarer degrees or qualification certificates of the crew members of the ship are not valid or do not grant them the right to assume appropriate duties on board ship;

- 2) The ship fails to meet the requirements of the standards of safe navigation and life and work on board ship established for it;
 - 3) the ship documents are either not valid or missing;
 - 4) the ship fails to meet the requirements of other international or Republic of Lithuania legal acts which regulate safe navigation.
3. The reasons for detaining the ship from leaving port and the terms for the elimination of the indicated deficiencies must be indicated in the Administration inspector's decision to detain the ship in port. The Administration shall inform the administrator of the ship, the Flag State of the ship, International Maritime Organisation and the Classification Company maintaining the ship.
 4. The port master shall control the decision of the Administration inspector regarding the detention of the ship in port.
 5. If the ship had been detained in port for due to an unfounded decision on the part of an Administration inspector, the damages incurred by the ship's administrator shall be compensated in accordance with the procedure set forth by Republic of Lithuania laws.

Article 24. Control of Ships Recorded in Republic of Lithuania Register of Ships (Flag State Control)

1. The purpose of flag state control of the ships recorded in the Republic of Lithuania Register of Ships is to control, how the international requirements of safe navigation are being implemented on the ships which are entered on the Republic of Lithuania Register of Ships, and also the standards of life and work on board ship and other legal acts of the Republic of Lithuania regulating safe navigation.
2. The Administration or persons authorised by it for that purpose shall implement flag state control of the ships recorded in the Republic of Lithuania Maritime Fleet Register according to the procedure established by the Minister of Transport and Communications.
3. If a ship entered on the Republic of Lithuania Ships' Register, is detained in the port of a foreign state, due to the violations of the international requirements of safe navigation, the Administration must investigate the causes of such detention. The ship's administrator must provide the Administration with all the information necessary for the investigation.
4. Having determined that the ship has been detained in port due to violations of international requirements, which could have endangered human lives at sea and protection of the maritime environment from pollution, the Administration must conduct a thorough inspection of the ship. The ship's administrator shall compensate the expenses of such an inspection according to the procedure established by the Government of Republic of Lithuania or an institution authorised by it.

Article 25. Inspectors, Implementing State Control in Port or Flag State Control

1. The Minister of Transport and Communications shall set the qualification requirements for the inspectors who conduct state control of ships in port or flag state control.
2. The ship's master must admit the inspector conducting state control of ships in port or flag state control on board ship and to his quarters, and also provide him with the documents and information required by him.

CHAPTER VIII

CERTIFICATION OF NAVIGATION COMPANIES AND SHIPS

Article 26. Certification of Navigation Companies and Ships

1. The goal of navigation company and ship certification is to confirm, that the safe navigation administration system of the navigation companies ships shall conform to the Republic of Lithuania system of safe navigation management and the requirements of the International Management Code for Safe Operation of Ships and for the Pollution Prevention.
2. The Administration or authorised classification companies shall evaluate the safe navigation management systems of navigation companies and ships in accordance with the procedure established by the Minister of Transport and Communications.
3. Should the safe navigation system of navigation company and ships be assessed positively, the Administration or an authorised company shall issue to the navigation company a Document of Conformity, and to the ship, a Certificate of Safe Management.

CHAPTER IX

RIGHTS AND OBLIGATIONS OF SHIP'S MANAGER AND SHIP'S MASTER WITHIN SPHERE OF ENSURING SAFE NAVIGATION

Article 27. Obligations of Ship's Manager within Sphere of Ensuring Safe Navigation

1. The manager of a ship must ensure the implementation of the requirements of safe navigation. He shall be responsible for the following:

1) every ship would be commanded by a ship's master and officers of the ship's crew, who have appropriate qualifications within the sphere of navigation, sailing, communications and maritime technology, that the ship's crew, according to the qualification and number of its crew members, would be appropriate for work on a specific ship, considering the type, size, engines and equipment thereof;

2) The ship's master and the officers and inasmuch as it shall be necessary, the crewmembers of the ship must be thoroughly acquainted with the international regulations regarding the protection of human life at sea, avoidance of collisions between ships, avoidance of pollution of maritime environment, radio communications and that the requirements of the aforementioned regulations would be adhered to;

3) the seafarers working on board ship would receive the necessary information in a language they understand;

4) that the requirements of this Law and the legal acts passed on the basis thereof, would be implemented in the navigation company and ship.

2. The ship's manager may not influence or restrict the master's decisions, regarding safe navigation and protection of maritime environment from pollution.

Article 28. Rights and Obligations of Ship's Master within Sphere of Ensuring Safe Navigation

1. The master of the ship shall be responsible for the safe navigation of the ship during navigation of the ship. He must:

1) maintain the ship's condition suitable for navigation;

2) immediately inform the manager of the ship and the Administration regarding any damage sustained by the ship;

3) Immediately inform the manager of the ship and the Administration concerning the changes occurring in the ship, due to which the ship may be deemed as unfit for navigation.

2. In the event of the death of a crewmember or his becoming unable to carry on with his duties due to other causes, in the course of navigation, the master of the ship shall have the right to continue navigation with an incomplete ship's crew, if he is confident that the present crewmembers of the ship shall ensure safe navigation. I shall be permitted to continue navigation with a ship's crew, which is incomplete, as far as the nearest port, where one must complete the ship's crew.

3. The master of the ship, prior to adopting the decision detailed in paragraph two of this Article, must inform the ship's manager and the Administration thereof.

CHAPTER X

SAFE LOADING AND OFFLOADING OF VESSEL

Article 29. General Requirements

1. The vessel shall be loaded and offloaded and ballast shall be used in accordance with an earlier factual layout plan (diagram), which had been approved by the master.
2. The master of the vessel shall be responsible for the safe loading, offloading of the vessel and the use of ballast.
3. The port master shall have the right to detain a vessel in port, if the laden vessel poses a danger to safe navigation.

CHAPTER XI

CARRIAGE BY SHIP OF DANGEROUS OR ENVIRONMENT POLLUTING CARGO

Article 30. Legal Acts Regulating Transport of Dangerous or Environment Polluting Cargo

1. Dangerous or environment polluting cargo shall be transported by ship according to the Republic of Lithuania laws and international agreements and the 1973 International Convention for Protection from Pollution from Ships, International Code of Dangerous Cargo Carriage by Sea, international Code for Construction and Equipment of Ships Intended for Carriage of Dry Bulk Chemical Cargo, International Code for the Construction and Equipment of Ships Intended for the Carriage of Liquid Gas and the procedure established by the other codes of the International Maritime Organisation.
2. The Minister of Transport and Communications, guided by the provisions of the legal acts indicated in paragraph one of this Article, shall determine the requirements of the safe carriage of dangerous and environment polluting cargo.

Article 31. Procedure of Carriage of Dangerous or Environment Polluting Cargoes

1. The manager of the ship, which is heading towards a Republic of Lithuania seaport and carrying dangerous or environment polluting cargoes, must prior to leaving the port of loading, submit in accordance with the procedure established by the Minister of Transport and Communications to the Republic of Lithuania Seaport administration the information regarding the dangerous or environment polluting cargoes on board the ship.
2. Every ship, which is transporting dangerous or environment polluting cargoes, must have a certificate issued by the flag state of the ship or by a classification company on behalf of it, confirming that the ship and the equipment thereof do conform to the requirements of carriage for the appropriate types of dangerous cargoes.
3. It shall be prohibited to load dangerous cargoes, or those which cause pollution to the environment, if the sender of the cargo has failed to supply the ship's master with a dangerous cargo declaration and also, if the ship does not have the certificate indicated in paragraph 2 of this Article.
4. If an accident involving a ship carrying dangerous or environment polluting cargoes, occurs in the territorial sea waters of the Republic of Lithuania or if circumstances have arisen, which pose danger to the Lithuanian coastline, the ship's master must immediately inform the Administration and provide information in accordance with the procedure established by the Minister of Transport and Communications.

CHAPTER XII

ADDITIONAL REQUIREMENTS FOR PARTICULAR CLASSES OF SHIPS

Article 32. Passenger Ship and Passenger Ferry Requirements

1. All passenger ships registered in the Republic of Lithuania must hold a valid passenger ship or passenger ferry certificate of safety, which must indicate the number of passengers these ships, may transport.
2. Authorised classification companies or the Administration shall issue the passenger ship or passenger ferry safety certificate.
3. It shall be prohibited to carry by passenger ship or passenger ferry, a higher number of passengers than has been indicated in the safety certificate of the passenger ship or passenger ferry, with the exception of instances set forth in the documents of the 1974 Convention of Safety of Life at Sea.
4. The Minister of Transport and Communications may set additional requirements for passenger ships and passenger ferries registered in the Republic of Lithuania Register of Ships.

Article 33. Requirements for Special Purpose and High Speed Ships

1. A ship of special purpose, meaning a ship, whose hull, equipment and mechanisms are designed for a concrete, specific activity and which is designated to sail in a defined navigation region, and the ship's crew shall be comprised of specially trained personnel, performing functions which conform to the purpose of the ship.
2. A high speed ship meaning one that can travel at maximum speed, which is the equivalent or higher than that indicated in paragraph 10 of Regulation one, of the 1974 Convention of Safety of Life at Sea.
3. The Minister of Transport and Communications, taking into account the corresponding requirements of the International Maritime Organisation for special purpose and high speed ships, shall approve the additional requirements of suitability for navigation, course changes and navigational watch, navigation equipment and crew preparation.

Article 34. Requirements for Fishing Vessels

1. A fishing vessel means a ship, which in the ship's documents issued by the classification companies carries the inscription "fishing vessel" and is adapted for commercial fishing.
2. The Minister of Transport and Communications, relying upon the universally recognized norms of international maritime law and the requirements of the European Union, may set special safety requirements or exceptions to such, for the fishing vessels registered in the Republic of Lithuania.

CHAPTER XIII

TOWAGE OF SHIPS

Article 35. Requirements of Safe Towage of Ships

1. The Minister of Transport and Communications shall approve the requirements of safe towage.
2. The Administration shall implement state supervision of compliance with the requirements of safe towage.

3. Port captains of these ports shall supervise compliance with the requirements of safe towage in Republic of Lithuania ports.

CHAPTER XIV

ENTERPRISES, PROVIDING SERVICES RELATED TO SAFE NAVIGATION

Article 36. Requirements of Enterprises, Providing Services Regarding Safe Navigation

1. Enterprises, which provide services linked to safe navigation, must be certified in accordance with the procedure set forth by the Minister of Transport and Communications.
2. The following services related to safe navigation, shall be established:
 - 1) the production, repair, inspection and testing of the means of rescue, fire prevention, and ship's rigging and pressure, temperature, electricity, alarm automation and other devices and also, the issuance of appropriate certificates to attest these;
 - 2) the production of repair, inspection and testing of navigational, radio-navigational and optical devices and also, the issuance of the appropriate certificates to attest these;
 - 3) the adjustment of the courses and other navigational documents;
 - 4) the provision of inter ship communications services;
 - 5) the pilot services;
 - 6) the towage of ships (towing) rescue and technical underwater operations;
 - 7) the measuring of the depth of port waters and of the waterways designated for general use;
 - 8) the loading of maritime cargoes;
 - 9) the moorage of ships;
 - 10) the ship design and construction operations;
 - 11) engaging in hiring seafarers in ships.
3. The Administration shall implement State supervision of the activities of enterprises, relating to the services listed in paragraph two of this Article.

CHAPTER XV

SHIP EQUIPMENT

Article 37. Equipment of Ships

1. The ship's equipment, the gear, which according to the Conventions of the International Maritime Organisation, must be used on board the ship for safe navigation and ensuring the protection of the maritime environment from pollution or which is voluntarily used on board the ship and for which, based upon international agreements, an approval by the Administration or an authorised classification shall be required.

2. Only such ship's equipment may be installed on board of all the ships, which are registered in the Republic of Lithuania Register of Ships, which shall conform to the requirements of international agreements. This proposition shall not apply to the ship's equipment, installed in the ship before the entry into force of this Law.

3. Whether the equipment of ships shall meet the requirements of international agreements, shall be determined approved by the Minister of Transport and Communications according to the regulations of Certification of the Equipment in Ships.

4. The Administration or an authorised qualification company must ensure, that in issuing or extending the certificates designated in the 1966 International Convention on Load Lines, 1972 International Convention on the International Regulations on Preventing Collisions at Sea, 1973 International Convention for Prevention of Pollution from Ships and 1974 International Convention for the Safety of Life at Sea, the ship's equipment present on the ships, which are registered in the Republic of Lithuania Register of Ships, for which the aforementioned certificates have been issued, would conform to the requirements of the Regulations of Ship Equipment Certification.

CHAPTER XVI

WATERWAYS, NAVIGATION EQUIPMENT

Article 38. Ensuring of Safe Navigation in Waterways

1. Waterways may be marked and denoted in sea maps and pilot maps only after the completion of the hydrographic and other explorations.
2. The Administration shall conduct the navigational marking of waterways designated for general use and the port waters.
3. The Administration shall implement the State supervision of the marking, maintenance and use of the waterways designated for general use.
4. The administration shall organise the publication and dissemination of sea maps, pilot maps, directories and other information literature, provision of information in the Republic of Lithuania on navigational changes and be responsible for the accuracy of this information. The Administration must announce every known danger posed to navigation in the territorial seawaters of the Republic of Lithuania.
5. The Minister of Transport and Communications shall establish the procedure of the implementation of construction operations within the seaways designated for general use and the Administration shall maintain the supervision of construction operations in seaways designated for general use and in seaports. Construction operations, which hinder the ensuring of safe navigation in the waterways designated for general use, shall be prohibited.
6. Navigation along the waterways for general use shall be conducted according to the 1972 International Regulations on Preventing Collisions at Sea.

Article 39. Restrictions in Sector of Operation of Navigation Facilities

1. Navigation equipment operation sector - means the area in which the information of navigational facilities needed for safe navigation shall be ensured on a mandatory basis.
2. It shall be prohibited to erect permanent or temporary structures, plant trees, set up powerful electric or other light sources, within the sector of operation of navigation equipment.
3. Each construction within the navigation equipment operation sector must be coordinated with the Administration.
4. The Government or an institution authorised by it shall set the limits of the navigation equipment operation sector and the restrictions to the users of land in this sector.

CHAPTER XVII

RESCUE OF PEOPLE, INVESTIGATION OF SHIP ACCIDENTS, RAISING OF SUNKEN PROPERTY

Article 40. Organisation of Search and Rescue Operations

1. The Administration guided by the 1979 Convention on Maritime Search and Rescue shall organise the search of people and ship and rescue operations in the Republic of Lithuania seawaters and in the search and rescue region in the Baltic Sea of the Republic of Lithuania.
2. Upon a request by the Administration, all of the ships present in the Republic of Lithuania territorial sea waters and ports must, while employing the available technical means, render assistance to people who have encountered misfortune at sea.

Article 41. Obligation to Render Assistance

1. The master of every ship in danger must by all possible means, search for assistance for the ship and the people on it.
2. The master of every ship must, without posing a serious threat to his own ship, crew or passengers:
 - 1) render assistance to any person at sea, in the presence of a threat of danger to his life;
 - 2) to sail at top possible speed to rescue people who have met with misfortune, if it had been announced that they needed assistance and if it is possible to render it.

Article 42. Duties of Masters of Ships Involved in Collision

1. The master of each ship involved in a collision, without posing a serious threat to his own ship, crew and passengers must if possible, render assistance to the other ship, its crew and passengers.
2. Following a collision between ships, the master of each ship, involved in a collision, must inform one another if possible, of the names of the ships, the ships' ports of registry and indicate the nearest port to which his ship will sail.

Article 43. Temporary Restriction of Ships Entering a Certain Zone of the Republic of Lithuania Territorial Sea Waters

1. In the presence of a likelihood, of a ship being in danger or a ship which has been damaged or its remains being present within a specific zone of the Republic of Lithuania territorial sea waters and that the Republic of Lithuania territorial sea waters or the coastline might be polluted directly or indirectly, with oil products or dangerous and noxious materials, and damage might be caused to persons or property thereof, while by restricting the entrance of ships into the zone, such consequences would be avoided or else they would be reduced.

The Administration shall have the right to temporarily restrict the entrance of ships into such a zone of the Republic of Lithuania territorial seawaters. According to the procedure established by the Minister of Transport and Communications, it is imperative to inform the interested institutions and seafarers of this decision as soon as possible.

2. Once the zone, described in paragraph one of this Article, has been reported, no ship may enter or be present there, except for the ships which have been noted in the Administration's decision regarding the temporary restriction of the entrance of shops into Republic of Lithuania territorial seawaters zone.

Article 44. Goals and Procedure of Investigation of Accidents Involving Ships

1. The goal of investigating accidents involving ships means determining

the circumstances and causes of the ship's accident and the persons responsible for it and also, to submit the conclusions and proposals regarding the application of preventive measures, in order to avoid accidents between ships.

2. The Minister Transport and Communications shall establish the procedure of investigation of ship accidents, based upon the recommendations of the International Maritime Organisation. The Administration shall investigate ship accidents.

Article 45. Report of a Ship's Accident

1. Following the occurrence of an accident involving a ship, the master of the ship must report it to the Administration. If the accident involving a ship, which is registered in the Republic of Lithuania Register of Ships, took place in the territorial sea waters or port of a foreign state, the master of the ship must in addition report that to the Republic of Lithuania diplomatic representation in that state.

2. If the accident involving a ship may interfere with the safe navigation in the Republic of Lithuania territorial sea waters, the Administration must immediately inform of this all ships, which are present in that region.

Article 46. Conclusion of Investigation of Ship's Accident

Following the investigation of a ship's accident, a conclusion for the investigation shall be drawn up, which will indicate:

- 1) the time and circumstances of the ship's accident;
- 2) description of the ship's voyage up to the accident;

- 3) actions by the ship's crew at the time of the accident;
- 4) whether the ship and the actions of its crew during the accident conformed to the requirements of safe navigation;
5. cause of the ship's accident;
6. classification of the ship's accident.

Article 47. Voluntary Salvage of Sunken Property from Lithuanian Territorial Sea Waters

1. If the ship, which sank in Republic of Lithuania Territorial Sea waters does not pose an obstacle to navigation, maritime commerce, hydro-technical or other operations, to human life or safety, does not pollute the environment however, the owner of the property does wish to salvage the sunken property, the owner of this property must inform the Administration thereof, at least three months from the day of the sinking of the property.
2. Having coordinated with the interested State institutions the Administration shall determine the period of time during which the sunken, property must be salvaged and the procedure of performing these operations and shall inform the owner of the property thereof.
3. The Administration shall have the right to prohibit the owner from salvaging the sunken property by his own means or in the way he has chosen to salvage it, if the sunken property is located in the waterways designated for general use, where a special system of administering is applied. In this case the Administration shall organize the salvage of the property, at the property owner's expense.

Article 48. Mandatory Salvage of Sunken Property from Republic of Lithuania Territorial Sea Waters

1. If the property, sunken in the Republic of Lithuania territorial sea waters, shall become an obstacle to navigation, maritime commerce, hydro-technical or other operations, shall pose a threat to human life or safety, may pollute or is polluting the environment, the owner of the property must by the request of the administration, salvage this property during the time limit set by it.
2. If a direct threat shall be posed to safe navigation, as a result of the sunken property or if the owner of the sunken property fails to salvage it by the appointed time limit, the administration shall employ the necessary measures to salvage the property or to eliminate it by other means.
3. Should the owner of the sunken property be not known, the administration should publish the time limits of the salvaging of the sunken property, in the public media.

Article 49. Salvaging of Sunken Military Property from Republic of Lithuania Territorial Seawaters

1. The military property sunk in the Republic of Lithuania territorial

seawaters shall be salvaged or eliminated or removed by some other means by the property's owner in accordance with the requirements of this Law.

2. If sunken military property should prove to be an obstacle to navigation, maritime commerce, hydro-technical or other operations, threatening to human life or safety or should pollute the environment, the owner of the sunken military property, according to the request of the Administration and by the time limit set by it, must salvage this property or remove it by other means.

Article 50. Sunken Property Salvaged by the Administration

The property, whose salvage has been organised by the Administration, as well as the property, whose salvage has been organised by the Administration because of its direct threat to navigation safety, human life or safety or because of its polluting the environment hindering maritime commerce, hydro-technical or other operations, shall become the owner's, provided that he has submitted an application within six months from the day the property has been salvaged. Even if the owner of the property refuses to accept the salvaged property, he must compensate the Administration for its salvage, keeping and other expenses in connection with it.

CHAPTER XVIII

LIABILITY FOR FAILURE TO IMPLEMENT REQUIREMENTS OF

SAFE NAVIGATION

Article 51. Liability for Failure to Implement Requirements of Safe Navigation

1. Liability, which shall be established in accordance with the Republic of

Lithuania laws shall apply to persons guilty of non-implementation of the requirements of safe navigation.

2. Should the requirements of safe navigation be constantly violated on a ship, which is registered in the Republic of Lithuania Register of Ships, and the ship has been for this reason detained in Republic of Lithuania or a foreign state's ports, the Administration shall have the right according to the procedure established by the Minister of Transport and Communications, to interrupt for three months the validity of the license of such a ship to fly the Lithuanian flag.

3. Should the requirements of safe navigation be constantly violated on a ship of a company certified in accordance with Article 26 of this Law and the ship shall be detained in the ports of Republic of Lithuania or a foreign state, the Administration shall have the right in accordance with the procedure established by the Minister of Transport and Communications, to conduct a non regularly scheduled assessment of the safe navigation system of the navigation company and suspend for this period the validity of the Safe Navigation Certificate which had been issued to such a ship.

4. The Minister of Transport and Communications shall determine the classification procedure of violations of the safe navigation requirements.

CHAPTER IX

FINAL PROVISIONS

Article 52. Entering of the Law into Force

This Law shall enter into force from October 1, 2001

I promulgate this Law passed by the Seimas of Republic of Lithuania

President of the Republic

Valdas Adamkus

