



REPUBLIKA SLOVENIJA
MINISTRSTVO ZA INFRASTRUKTURO

REPUBLIC OF SLOVENIA
MINISTRY OF INFRASTRUCTURE

UPRAVA REPUBLIKE SLOVENIJE ZA POMORSTVO

SLOVENIAN MARITIME ADMINISTRATION

Ukmarjev trg 2, 6000 Koper

Ukmarjev trg 2, 6000 Koper

T: 05 663 21 00
F: 05 663 21 02
E: ursp.box@gov.si
www.up.gov.si

Number: 3730-22/2020/1
Date: 22.04.2020

The Ministry of Infrastructure, Slovenian Maritime Administration issues on the basis the Article 26, par. 1, fifth indent, of the Maritime Code (Official Gazette of the RS, No. 62/16 - Official Consolidated Text, 41/17, 21/18 - ZNOrg and 31/18 - ZPVZRZECEP, hereinafter referred to as PZ), the following

DECISION

1. Upon arrival at the anchorage area of the cargo port of Koper bounded by the meridian 013° 40' E and the parallel 45° 35' N, the master shall ensure that the ship is sailing at a maximum speed of 6 knots and then safely reduce it until the berthing of the ship.
2. An appeal against this decision shall not stay its enforcement.

The statement of grounds:

In accordance with Article 26, paragraph 1, fifth indent of the PZ the Slovenian Maritime Administration is responsible for regulating maritime transport. Based on reports from sea pilots on direct communication with the crew, the Slovenian Maritime Administration determined that in several cases the pilots' embarkation was not possible due to the high speed of the ship at the point of entry into the cargo port of Koper, where the mandatory pilotage area is defined.

In accordance with Article 31 of the Rules on the Conditions for the Operation of Maritime Transport (Official Gazette of the Republic of Slovenia, Nos. 72/01, 107/03, 22/05, 66/05, 22/07 and 69/12) the vessel arriving at or departing from the port must reduce speed.

In accordance with Article 7 of the of the Rules on Collision Avoidance at Sea (Official Gazette of the Republic of Slovenia, No. 84/05) every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and



be stopped within a distance appropriate to the prevailing circumstances and conditions. In determining a safe speed the following factors shall be among others those taken into account: the traffic density, the maneuverability of the vessels with the special reference to stopping distance and turning ability in the prevailing conditions; at night presence of background lights, such as from shore lights or from back scatter of their own lights; the state of wind, sea and currents and proximity to navigational hazards; and the draught in relation to the available water depth.

Considering the high traffic density in the port of Koper, the requirement for pilotage in the area and the restrictions on the depth of navigational channels where special careful navigation is necessary, this decision fixes the maximum speed for ships at 6 knots when entering the anchorage of the cargo port of Koper. Notwithstanding this limitation, however, the actual speed of the ship must be even lower if this is necessary for the safety of navigation given all the circumstances which must be taken into account when determining the safe speed.

Since the safe maximum speed for ships when entering the anchorage of the cargo port of Koper is not absolutely prescribed, in practice, however, it happens that ships are entering the port area at a speed that does not guarantee safety of navigation, the Slovenian Maritime Administration concludes, that a decision fixing the maximum speed should be issued as a matter of urgency. Pursuant to the Article 144 of the General Administrative Procedure Act (Official Gazette RS, No. 24/06 - UPB, 105/06 - ZUS-1, 126/07, 65/08, 8/10 and 82/13, hereinafter: ZUP) the need for emergency measures shall be demonstrated if there is a danger to the life and health of people, to public order and peace, to public safety or to property of major value. The Slovenian Maritime Administration of the Republic of Slovenia notes that this is an emergency measure to ensure public safety and property of major value. In the event of a maritime accident due to the high speed of the ship, there is a hazard of considerable material damage and danger to safety of life and the marine environment, which could have irreparable consequences.

In accordance with Article 144, paragraph 1, item 4, of the ZUP the authority may, following a summary procedure, immediately decide on a case if the case concerns emergency measures which need to be taken due to public interest and which cannot be postponed, while the facts on which the decision is to be grounded are established or at least plausibly demonstrated. The finding that ships are approaching the port of Koper too fast when sailing over 6 knots results is based on the fact that the higher speed makes impossible for a sea pilot to board a ship from a pilot boat, as reported by sea pilots. At the same time, the ship can no longer safely stop in time and make a secure berth at the pier if its speed at the anchorage of the cargo port of Koper exceeds 6 knots.

Pursuant to Article 211, paragraph 2, of the ZUP, the authority may in case of emergency measures order the decision to be enforced immediately, so it was decided as follows from point 2 of the operative part of this decision.

If the case concerns a large number of persons with whom the authority is not familiar, a joint decision may be issued for all of them, which must include data from which it can be established to which persons the decision refers to, in accordance with Article 217, paragraph 2 of the ZUP, the authority therefore provided the parties with a descriptive character, namely that the decision applies to all masters of ships intending to enter the cargo port of Koper.

Instruction on legal remedies:

The party may file the appeal, with the Ministry of Infrastructure in 15 days after the service. The amount of the fee to be paid is 18,10 EUR (Tar. n. 2, Administrative Fees Act). The appeal may be lodged with the Slovenian Maritime Administration, Ukmarjev trg 2, 6000 Koper and may also be put on the record of the authority which has issued the decision.



Jadran Klinec, mag. inž. pom.
Director

To be served:

- by public notification posted on the information board of the Slovenian Maritime Administration
- on the state web portal e-uprava,
- on the web page of the Slovenian Maritime Administration,
- by the National Single Maritime Window to all ship agency. Sea pilots and Luka Koper Ltd.

