

Official translation

REPUBLIC OF LITHUANIA

**LAW AMENDING THE LAW ON MARITIME SAFETY**

29 August 2000 No VIII-1897

Vilnius

(A new version by 15 February 2005 No. X-116)

Article 1. Law of the Republic of Lithuania Amending the Law on Maritime Safety

The Law of the Republic of Lithuania on Maritime Safety shall be amended and set forth to read as follows:

**“REPUBLIC OF LITHUANIA**

**LAW ON MARITIME SAFETY**

## **CHAPTER I GENERAL PROVISIONS**

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### **Article 1. Purpose and Scope of the Law**

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1. The Law on Maritime Safety shall establish maritime safety requirements for ships flying the state flag of Lithuania and foreign ships bound for the sea-ports of the Republic of Lithuania as well as regulate state supervision and administration of maritime safety, rescue of persons and salvage of ships, investigation of the marine casualties, wreck removal and liability for

failure to meet maritime safety requirements

2. The purpose of this Law shall be, when implementing in the Republic of Lithuania legal norms of the international maritime law and of the European Union on maritime safety:

- 1) to ensure that ships flying the state flag of Lithuania, meet international maritime safety requirements, those established by the legal acts of the European Union and laws of the Republic of Lithuania as well as other legal acts;
- 2) to reduce the number of ships that do not meet the maritime safety requirements.

3. The provisions of this Law and those adopted on the basis thereof shall not apply to:

- 1) ships registered in foreign states which sail in the Territorial sea of the Republic of Lithuania exercising the right of innocent passage and persons on board these ships
- 2) warships and coast guard vessels of the Republic of Lithuania and foreign states. In case of military incidents, aggression, seizure of violating ships or in other cases of emergency the vessels indicated in this subparagraph when sailing in the port waters shall enjoy the right of priority.
- 3) ships sailing in the internal waters;
- 4) ships whose maximum length indicated in ship' s documents is less than 12 metres;
- 5) recreational craft which does not go on commercial journeys;
- 6) wooden ships of primitive build.

4. In all instances the vessels referred to in paragraph 3 of this Article, when sailing in public waterways, shall be governed by the provisions of the Convention on the International Regulations for Preventing Collisions at Sea, 1972, and, when sailing through the port waters, the ship-masters must abide by the port shipping regulations and follow the instructions on maritime safety given by the Vessel Traffic Services officers on duty.

5. The provisions of this Law shall be in compliance with the EU legal acts listed in the Annex to this Law.

## Article 2. Definitions

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1. “Public waterways” shall mean navigable waters within the territorial sea of the Republic of Lithuania indicated in the nautical charts.
2. “Rescue” shall mean any actions or activity performed seeking to render assistance to persons, ship and/or any other property in distress or to avoid any harmful effects to the environment or maritime safety in the outside part of the channel of the area of responsibility of the Republic of Lithuania.
3. “Rescue unit” shall mean a unit (vessel, aircraft, etc.) provided with the necessary technical equipment and composed of trained personnel, suitable for the expeditious conduct of search and rescue operations.
4. “High-speed craft” shall mean a ship whose maximum speed is not less than that specified in Chapter X-I(2) of the International Convention for the Safety of Life at Sea (SOLAS), 1974.
5. “Inspector” shall mean the civil servant of the Lithuanian Maritime Safety Administration certified according to the procedure established by the Minister of Transport and Communications of the Republic of Lithuania and carrying out the functions of the inspector of the flag State control of ships and/or of inspectors of port State control in ports.
6. “Passenger ferry” shall mean passenger ship equipped in such a way as to allow road or railway vehicles to be driven on or off it.
7. “Passenger ship” shall mean a ship intended to carry more than 12 passengers. <0}
8. “Classification society” shall mean a legal entity meeting the appropriate maritime safety requirements posed to the organisations which carry out technical supervision and inspection of ships and issue ships with mandatory documents.
9. “Ship” shall mean any self-propelled or non-self-propelled floating structure that is or can be used for navigation.
10. “Navigator” shall mean an officer holding a relevant certificate and navigating the ship.

11. "Ship' s crew" shall mean the master and other seafarers performing on board a ship the tasks relating to the operation or maintenance of the ship and whose names are on the crew list.
12. "Marine equipment" shall mean equipment which, according to international requirements on maritime safety must be placed on board a ship for use to ensure maritime safety and protection of marine environment against pollution, or which, on the instruction of the ship owner, is additionally used in the ship and for which, pursuant to the international treaties of the Republic of Lithuania, the approval by the Lithuanian Maritime Safety Administration or the authorised classification society to the effect that the equipment meets the international maritime safety requirements is required.
13. "Master" shall mean the person holding the appropriate certificate who is in charge of the ship' s crew and has command of the ship.
14. "The region of responsibility of the Republic of Lithuania" shall mean Lithuania' s sea area or any other area of the Baltic Sea in respect of which an agreement has been made with the neighbouring states under 1992 Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area, in which Lithuania shall be responsible for organising actions to respond to marine pollution
15. "Sea area of the zone of responsibility of the Republic of Lithuania" shall mean Lithuania' s search and rescue region in the Baltic Sea and the Curonian Lagoon. The sea area of the zone of responsibility of the Republic of Lithuania shall coincide with Vilnius Flight Information Region (Vilnius FIR).
16. "Pilot" shall mean a person holding the pilot' s certificate of the form established by the Minister of Transport and Communications, granting him the right to assist the master in navigating and mooring the vessel. The pilot shall not be a member of the crew of the piloted ship.
17. "Aids to navigation" shall mean coastal equipment and equipment floating on the public waterways, which provides the information necessary to ensure maritime safety.
18. "Sector of operation of aids to navigation" shall mean the territory within which the provision by aids to navigation of information necessary to maritime safety is ensured in a mandatory manner.
19. "Coast guard ship" shall mean a ship owned by the State and used for non-commercial purposes, bearing special clearly visible marks, an inscription and performing the State border guard function.

20. "Imposed salvage" shall mean salvage operation, performed without the request and/or consent of the ship and/or property owner or operator in order to eliminate a threat to maritime safety or to avoid hazardous impact upon the environment.
21. "Maritime safety requirements" shall mean the requirements of maritime safety and prevention of pollution from ships.
22. "Maritime safety management system" shall mean a structured and documented system, enabling the employees of a shipping company to effectively implement maritime safety and environmental protection policy.
23. "Special purpose ship" shall mean a ship whose hull, equipment and mechanisms are designed for concrete specific activity and which is intended for sailing in the prescribed shipping region, whereas its crew consists of specially trained personnel performing on board ship the functions corresponding to the purpose of the ship.
24. "International maritime safety requirements" shall mean the maritime safety requirements established by the international treaties of the Republic of Lithuania and the requirements established in accordance with the above-mentioned treaties by the International Maritime Organisation, International Labour Organisation, other international and regional organisations whose member is the Republic of Lithuania.
25. "Port" shall mean a territory (land and water area) intended for ships to enter and sail out, to dock, to be provided port services, to move goods from ships and to provide services to passengers.
26. "Port Authority" shall mean the entity managing the port.
27. "Harbour master" shall mean the person responsible for shipping control and for ensuring observance of order within the water area and on quays of the seaport of the Republic of Lithuania.
28. "Fishing vessel" shall mean any ship having an inscription "fishing vessel" in the issued ship's class certificate and equipped for commercial fishing.

## CHAPTER II ORGANISATION OF STATE

# ADMINISTRATION ON MARITIME SAFETY

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### Article 3. Organisation of State Administration on Maritime Safety

#### Article 3. Organisation of State Administration on Maritime Safety

1. State administration of maritime safety shall be organised by the Government of the Republic of Lithuania and carried out by the Ministry of Transport and Communications in conjunction with the Lithuanian Maritime Safety Administration (hereafter referred to as Administration).
2. The Ministry of Transport and Communications shall establish the maritime safety requirements and the procedure for fulfilling in the Republic of Lithuania the above requirements and the requirements set by the international treaties of the Republic of Lithuania and the EU legal acts regulating maritime safety.
3. The Administration authorised by the Ministry of Transport and Communications shall set technical and organisational requirements regulating maritime safety and fulfil other functions prescribed by this Law.

### Article 4. Authorised Classification Societies

#### Article 4. Authorised Classification Societies

1. The right to perform technical supervision and survey of ships according to the international treaties of the Republic of Lithuania, legal acts of the Republic of Lithuania, rules of the classification societies and to issue appropriate certification documents on behalf of the Republic of Lithuania shall be vested in the classification societies authorised by the decision of the Administration according to the procedure established by the Minister of Transport and Communications.
2. Only organisations recognised by the European Commission, which have been entered in the List of the Recognised Organisations by the decision of the Commission, may be authorised in the Republic of Lithuania.
3. The rights and duties of the authorised classification societies when

performing, on behalf of the Republic of Lithuania, technical supervision and survey of ships and issuing appropriate documents to ships shall be established according to the provisions of the agreements concluded between the Administration and the classification societies authorised by it. Such agreements shall be concluded according to the standard terms of agreement approved by the Minister of Transport and Communications.

4. The Administration shall monitor the operation of the authorised classification societies, publish in the "Valstybs inios" (official gazette) information on the classification societies that have been newly granted authorisation and the authorised classification societies whose right to perform technical survey on behalf of the Republic of Lithuania has been suspended for a limited period of time according to the procedure prescribed by the Minister of Transport and Communications.

## **Article 5. Lithuanian Maritime Safety Administration**

### Article 5. Lithuanian Maritime Safety Administration

1. The Administration is a budgetary body. The Ministry of Transport and Communications shall perform the functions of the founder of the Administration.

2. The organisational structure and regulations of the Administration shall be approved by the Minister of Transport and Communications

3. The Administration shall be financed from the State budget and deductions from port charges. The amount of the deductions shall be determined by the Government of the Republic of Lithuania.

4. The director of the Administration shall establish the positions of the Administration employees. Persons appointed to the positions shall hold the marine rank. During working hours the employees of the administration shall wear a uniform corresponding to the models approved by the Minister of Transport and Communications.

5. The employees referred to in paragraph 4 of this Article may be every two years granted leave for a period of up to six months to undergo advanced training sail to the sea.

# Article 6. Functions of the Administration

## Article 6. Functions of the Administration

The Administration shall perform the following functions:

- 1) exercise control over the compliance with the international maritime safety requirements and maritime safety requirements set by the European Union legal acts as well as laws and other legislation of the Republic of Lithuania;
- 2) register ships in the Register of Seagoing Ships of the Republic of Lithuania and issue documents specified in paragraph 2 of Article 16 of this Law;
- 3) carry out the port State control inspections and the flag State control inspections of the ships flying the state flag of Lithuania, perform their technical supervision and issue the mandatory documents;
- 4) grant accreditation to educational institutions of seafarers and supervise their activities, issue seafarers' qualification documents, seamen' s books, approve seagoing service;
- 5) compose the State hydrographic data in seaports, territorial sea waters of the Republic of Lithuania and exclusive economic zone, publish hydrographic data;
- 6) construct, operate and maintain coastal navigation equipment servicing public waterways, control the functioning of the equipment, provide navigational information;
- 7) organise and coordinate combating oil spill and spills of other dangerous and hazardous substances, within the region of responsibility of the Republic of Lithuania and in the Curonian Lagoon, control the preparedness of port authorities and port users, entities pursuing their activities in the territorial sea and the exclusive economic zone of the Republic of Lithuania to combat spills of oil and other dangerous and hazardous substances, to manage ship generated wastes;
- 8) organise, coordinate and conduct search and rescue of people in distress within the sea area of the region of responsibility of the Republic of Lithuania;
- 9) coordinate the wreck removal in the territorial sea, areas of ports and terminals that are not within the port area;



- 10) supervise the activities of authorised classification societies;
- 11) certify entities which provide maritime safety related services;
- 12) perform the procedures of recognition of diplomas of marine ranks issued by competent authorities of other states according to the procedure prescribed by the Minister of Transport and Communications;
- 13) perform other functions set in the laws of the Republic of Lithuania, acts of the secondary legislation and the regulations of the Administration.

## **Article 7. Harbour Master**

### Article 7. Harbour Master

1. Activities of seaport of the Republic of Lithuania, related to maritime safety prevention of pollution from ships shall be ensured by the Harbour Master. The Harbour Master shall be appointed and dismissed from office by the Head of the Port Authority.

2. The activities of the Harbour Master shall be regulated by this Law and other legal acts regulating sea port activities as well as the Harbour Master' s Regulations. The Harbour Master' s Regulations agreed with the Administration shall be approved by the Port Authority.

3. At the Harbour Master' s request the ships in the port must render assistance to ships in distress and people in the port using their technical means available.

4. The Harbour Master' s decisions on issues within his competence shall be binding and must be executed without delay. The Harbour Master' s decisions and actions may be appealed according to the procedure prescribed by the Law on Administrative Proceedings of Republic of Lithuania.

## **Article 8. Main Functions of the Harbour Master**

### Article 8. Main Functions of the Harbour Master

1. The harbour master shall, through the services subordinate to him:

- 1) organise vessel traffic and pilots' activities;
- 2) organise response works in cases of pollution in the port waters, provide operational assistance in case of oil-spill removal;
- 3) control the depth of the harbour, carry out supervision of the harbour aids to navigation and navigation signs;
- 4) control the draught of ships;
- 5) control the state of port quays;
- 6) provide the Administration and ships with port navigation and hydro meteorological information;
- 7) grant permission for ships to enter or leave port, shall register the entry of ships and their departure according to the procedure established by the Minister of Transport and Communications;
- 8) relocate ships in case of an emergency situation in the port;
- 9) control the loading, unloading and movement in the port of ships carrying dangerous cargoes.

2. The harbour master shall deny ship' s departure from the port if:

- 1) the decision of the inspector regarding the denying of departure from the port to the ship has been received;
- 2) the ship is overloaded;
- 3) in case of a marine casualty information necessary for casualty investigation is not submitted;
- 4) the loaded ship poses a threat to maritime safety in the cases established in Article 25 of this Law;
- 5) the court ruling regarding arrest or seizure of the ship has been received;
- 6) this is provided for in other effective legal acts of the Republic of Lithuania.

3. The harbour master shall have the right to deny departure from the port to the ship if the ship and/or cargo owner has not paid the port dues and fines, the ship has damaged or destroyed the port infrastructure and/or

superstructure, did not cover expenses sustained by the port authority when organising salvage of the ship or the cargo, as well as prevention of pollution from ships or combating pollution works, or did not provide the guarantee for the payment/compensation for damage.

4. The harbour master shall have the right to deny entrance to the port to a ship if the ship does not meet the maritime safety requirements set by international, EU and Republic of Lithuania legal acts.

## **CHAPTER III SHIP' S SEAWORTHINESS**

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#### **Article 9. Ship' s Seaworthiness**

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A vessel shall be recognised to be in a seaworthy condition fit to perform a particular voyage within the limits of the established sailing area if it has been designed, built, equipped and is being operated in compliance with the technical, navigational, ecological, ship manning, safety at work, fire protection requirements, whereas the ship operator is in possession of valid documents certifying this, issued by the Administration or the authorised classification society. <0}

#### **Article 10. Determining the Areas (Limits) of Ship Operation and the Meteorological Conditions Permissible for Safe Navigation**

##### **Article 10. Determining the Areas (Limits) of Ship Operation and the Meteorological Conditions Permissible for Safe Navigation**

The areas permitted for ship operation and their limits as well as the meteorological conditions permissible for safe navigation shall be determined by the Administration or the authorised classification societies.

# Article 11. Requirements for the Design, Construction and Equipment of Ships

Article 11. Requirements for the Design, Construction and Equipment of Ships

The requirements for the design and construction of ships shall be set by the authorised classification societies. The societies shall also supervise the performance of the works. The equipment of the ship must meet the regulations approved by the Minister of Transport and Communications.

## CHAPTER IV SHIP'S CREW

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### Article 12. Requirements for the Manning of the Ship

Article 12. Requirements for the Manning of the Ship

1. Only seafarers who hold valid certificates and endorsements thereof, qualification certificates or other documents entitling them to perform relevant duties on board ship as well as those who have been entered in the crew list shall be permitted to work on board ship.
2. The navigators of the ships that sail on regular routes to the sea port of the Republic of Lithuania must have a command of the Lithuanian language if the master has the permission to sail without a pilot. The requirement shall not apply if the pilot navigates the ship.
3. The procedure for the granting of marine rank to seafarers serving on ships engaged on international voyages shall be established by the Minister of Transport and Communications in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.
4. The procedure for granting marine rank to seafarers working on board ships that do not sail on international routes shall be established by the Administration.
5. A ship registered in the Register of Seagoing Ships of the Republic of Lithuania shall not be allowed to proceed to sea if its crew does not comply with the requirements of 1974 International Convention for the Safety of Life at Sea regarding the minimum number of the crew and the ship has no minimum

safe manning document issued by the Administration.

6. No member of the crew may be assigned to work on board ship without the consent of the master.

## **Article 13. Medical Examination of Members of the Ship' s Crew**

Article 13. Medical Examination of Members of the Ship' s Crew

1. Each member of the ship' s crew must undergo basic and periodic medical examinations and possess a document confirming this.

2. The procedure of medical examination of seafarers shall be established by the Government or the institution authorised by it having regard to the international maritime safety requirements.

3. The minimum requirements for the provision of medical aid on board ships registered in the Republic of Lithuania shall be established by the Minister of Health, Minister of Social Security and Labour and Minister of Transport and Communications in accordance with the universally recognised norms of the international maritime law and norms of the European Union law.

## **Article 14. Navigational Watch on Board Ship**

Article 14. Navigational Watch on Board Ship

1. In order to ensure maritime safety during the ship' s voyage as well as safe handling of the ship when moored or anchored, navigational watch shall be organised on board ship.

2. The procedure of navigational watch on board sea ships of the Republic of Lithuania shall be established by the Statute of Service on Marine Ships of the Republic of Lithuania. The Statute shall be approved by the Minister of Transport and Communications.

## **Article 15. Seafarers' Register**

## Article 15. Seafarers' Register

1. Persons who have been issued the Republic of Lithuania certificates, qualification certificates and seamen' s books shall be registered in the Seafarers' Register of the Republic of Lithuania.
2. The Seafarers' Register of the Republic of Lithuania shall operate following the procedure established by the Regulations of the Seafarers' Register of the Republic of Lithuania, which is subject to the approval by the Government.
3. The functions of the leading register management body of the Seafarers' Register shall be performed by the Ministry of Transport and Communications while the functions of the register management body of the Register shall be performed by the Administration.

# CHAPTER V REGISTRATION OF SHIPS, THEIR TECHNICAL SUPERVISION. SHIP' S DOCUMENTS

## CHAPTER V REGISTRATION OF SHIPS, THEIR TECHNICAL SUPERVISION. SHIP' S DOCUMENTS

### Article 16. Registration of Ships

#### Article 16. Registration of Ships

1. Ships registered in the Register of Seagoing Ships of the Republic of Lithuania must fly the state flag of Lithuania, except in cases prescribed by law.
2. The initial survey, technical supervision of the ship is performed and the ship' s documents are issued according to the procedure established by the Minister of Transport and Communications.

### Article 17. Initial Survey of a Ship

#### Article 17. Initial Survey of a Ship

Prior to its registration in the Register of Seagoing Ships of the Republic of Lithuania, every ship must be surveyed by the Inspector or a surveyor of the Classification Society authorised by the Administration according to the procedure prescribed by the Minister of Transport and Communications. The costs of the survey of the ship shall be covered by the ship operator according to the procedure prescribed by the Government or the institution authorised by it.

## Article 18. Ship' s Documents

### Article 18. Ship' s Documents

1. The list of documents which must be on board ship registered in the Register of Seagoing Ships of the Republic of Lithuania shall be approved by the Administration.
2. The diplomatic missions or consular posts of the Republic of Lithuania abroad shall have the right to extend the validity of the ship' s documents according to the procedure established by the Government of the Republic of Lithuania.
3. The ship' s plans provided for in the international treaties of the Republic of Lithuania shall be approved or agreed by the Administration or the Classification Society authorised by it.

## CHAPTER VI ACTIVITIES OF PILOTS

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## Article 19. Pilot

### Article 19. Pilot

1. The pilot' s duties can be performed by a person who is not older than 65 years of age, has a good command of the State language and of the English language, has a seafarer' s rank at least of chief mate of a ship of 3000 GT or more. On the submission of the port authority the pilot' s age limit may be extended up to 68 years according to the procedure prescribed by the Minister of Transport and Communications.

2. The qualification requirements for persons who want to engage in the pilot' s activities shall be established by the Administration.
3. The pilot' s certificate shall be issued by the Administration according to the procedure prescribed by the Minister of Transport and Communications.
4. The pilot' s activities, the procedure of navigation of ships with a pilot shall be regulated by the Regulations of Pilot Service. The Regulations shall be approved by the Administration.

## **Article 20. Areas of Mandatory Pilotage**

### Article 20. Areas of Mandatory Pilotage

1. The types of ships and areas in the territorial sea and the exclusive economic zone of the Republic of Lithuania where sailing with a pilot on board is mandatory shall be established by the Administration.
2. In port waters mandatory pilotage shall be established by the shipping rules of appropriate port.

## **Article 21. Relations between the Pilot and the Master of the Piloted Ship**

### Article 21. Relations between the Pilot and the Master of the Piloted Ship

1. The master shall always be responsible for the navigation of piloted ship. If the master leaves the bridge, he must inform the pilot as to who will be responsible for navigating the ship.
2. The pilot must give advice to the master of the piloted ship in order to ensure safe piloting of the ship and to make sure that the master of the piloted ship correctly understood the given advice.
3. If the master of the piloted ship does not take into account the pilot' s advice, the pilot nevertheless must (to the extent possible) provide the master with the information about the peculiarities of the shipping area.



## Article 22. Prohibition for the Pilot to Leave the Piloted Ship

### Article 22. Prohibition for the Pilot to Leave the Piloted Ship

Having started to pilot a ship the pilot shall have no right to leave the ship without the authorisation of the master:

- 1) when piloting the ship into the sea until the ship reaches the point from where it may safely sail without the pilot's assistance;
- 2) when piloting the ship into the port until the ship is anchored or moored;
- 3) until the pilot in the piloted ship is substituted by another pilot.

## CHAPTER VII CONTROL OF SHIPS

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## Article 23. Port State Control of Ships

### Article 23. Port State Control of Ships

1. The purpose of port State control of ships shall be to determine whether the ships registered abroad which enter the sea ports of the Republic of Lithuania comply with the international requirements for maritime safety as well as the standards of shipboard living and working conditions.

2. The port State control of ships shall be organised and carried out by the Administration. The procedure for carrying out port State control of ships shall be established by the Minister of Transport and Communications in compliance with the international maritime safety requirements and the EU legislation on port State control of ships.

3. Should it be established upon having inspected a ship in a sea port of the Republic of Lithuania that it does not meet the maritime safety requirements and does not comply with the standards of shipboard living and working conditions and the ship is therefore detained in the port, the ship operator must compensate for the expenses of re-inspection according to the procedure established by the Government or the institution authorised by it.

## Article 24. Flag State Control

### Article 24. Flag State Control

1. The purpose of flag State control of ships registered in the Register of Seagoing Ships of the Republic of Lithuania shall be to control whether the international maritime safety requirements as well as the standards of shipboard living and working conditions and other legal acts of the Republic of Lithuania regulating maritime safety are complied with aboard the ships registered in the Register of Seagoing Ships of the Republic of Lithuania.
2. The flag State control shall be carried out according to the procedure established by the Minister of Transport and Communications by the Administration or the persons authorised by it.
3. If a ship registered in the Register of Seagoing Ships of the Republic of Lithuania is detained in the port of a foreign state due to the violations of international maritime safety requirements, the Administration must investigate the causes of such detention. The ship operator must provide the Administration with all the information required for investigation.
4. Having established that the ship has been detained due to the violations of international maritime safety requirements which could endanger human lives at sea and marine pollution prevention the Administration must conduct a thorough inspection of the ship. The expenses of the inspection shall be covered by the ship operator according to the procedure established by the Government of the Republic of Lithuania or the institution authorised by it.

## Article 25. Restrictions of the Ship' s Departure from the Port due to Violations of Maritime Safety

### Article 25. Restrictions of the Ship' s Departure from the Port due to Violations of Maritime Safety

1. Having established violations of the international maritime safety requirements and of the standards of shipboard living and working conditions the inspector shall draw up an act of the established form.
2. The inspector shall deny ship' s departure from the port if:

- 1) the number of the crew does not comply with the requirements stated in the minimum safe manning document issued by the Maritime Safety Administration or the document or qualification certificates are invalid or do not grant them the right to perform their duties on board ship;
  - 2) the ship does not comply with the international requirements for maritime safety as well as the standards of shipboard living and working conditions;
  - 3) the ship' s documents are invalid or incomplete;
  - 4) the master refuses to produce the ship for inspection.
3. The inspector' s decision to deny ship' s departure from the port, shall specify the reasons for prohibiting to proceed to sea, time limits for removing the indicated deficiencies and the procedure for appealing the decision. The Administration shall notify the ship master (operator), the harbour master, the flag State, the International Marine Organisation and, if necessary, the Classification Society carrying out the technical supervision of the ship.
4. The inspector' s decision not to allow the ship to depart from the port shall be implemented by the harbour master.
5. In case the detention of the ship in the port was groundless, the losses sustained by the ship operator shall be reimbursed according to the procedure prescribed by the laws of the Republic of Lithuania.

## **Article 26. Inspectors Performing Port State or Flag State Control**

### Article 26. Inspectors Performing Port State or Flag State Control

1. Qualification requirements for inspectors performing port State or flag State control shall be established by the Minister of Transport and Communications.
2. The master shall allow the inspector performing port State or flag State control to board the ship and enter its rooms as well as present to him the required documents and information.

# CHAPTER VIII CERTIFICATION OF SHIPPING COMPANIES AND SHIPS, EVALUATION OF THE SECURITY OF SHIPS AND OF PORT FACILITIES

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## Article 27. Certification of Shipping Companies and Ships

Article 27. Certification of Shipping Companies and Ships

1. The purpose of certification of shipping companies and ships is to confirm that the shipping companies and the safety management system of ships comply with the requirements of Lithuanian Safety Management System and the International Safety Management Code providing for the safe operation of ships and for pollution prevention.

2. The safety management system of shipping companies and ships shall be evaluated by the Administration or the authorised Classification Societies according to the procedure established by the Minister of Transport and Communications.

3. If the safety management system of shipping companies and ships is given a positive evaluation, the Administration or the authorised Classification Society shall issue the shipping company with the document of compliance and the ship with the safety management certificate.

4. The expenses related to certification of shipping companies or ships shall be reimbursed by the shipping companies according to the procedure established by the Government of the Republic of Lithuania or the institutions authorised by it according to the established procedure.

## Article 28. Ship and Port Facility Security Evaluation

## Article 28. Ship and Port Facility Security Evaluation

1. The purpose of evaluation of the security of ships and of port facilities is to confirm that the system of security of ships and of port facilities complies with the requirements of the International Ship and Port Facility Security Code.
2. The Government of the Republic of Lithuania shall establish the procedure for compliance with the requirements of the International Ship and Port Facility Security Code, the responsible institutions and their functions.
3. The expenses related to ensuring and evaluating the security of ships and of port facilities shall be reimbursed, according to the procedure established by the Government of the Republic of Lithuania or the institution authorised by it, respectively by the ship owners and port users operating terminals serving ships engaged on international voyages.

# CHAPTER IX THE RIGHTS AND DUTIES OF THE SHIP OPERATOR AND THE MASTER IN ENSURING MARITIME SAFETY

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### Article 29. Duties of the Ship Operator in Ensuring Maritime Safety

#### Article 29. Duties of the Ship Operator in Ensuring Maritime Safety

1. Compliance with maritime safety requirements shall be ensured by the ship operator. He shall be responsible that:
  - 1) every ship is operated by the master and officers who are in possession of appropriate qualifications of seamanship, navigation, communication and marine engineering; that the ship's crew in term of qualification and number is appropriate to work on board of a specific ship, with respect to the ship's type, size, machinery and equipment;
  - 2) the master, officers and the crew, to the extent appropriate, have a

thorough knowledge of the international regulations on the safety of life at sea, on prevention of collisions at sea, on prevention of sea pollutions and on radio communications and that the said regulations are adhered to;

3) the seafarers employed on board ship receive the information necessary for their work in the language they understand;

4) the provisions of the Law on Maritime Safety and the implementing legal acts are complied with by the shipping company and the ship.

2. The ship operator may not influence or restrict the ship master's decisions related to the maritime safety and prevention of pollution of the marine environment.

## Article 30. Rights and Duties of the Master in Ensuring Maritime Safety

### Article 30. Rights and Duties of the Master in Ensuring Maritime Safety

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

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

2) promptly inform the ship operator and the Administration of the damage inflicted on the ship, its equipment or machinery, that may affect the ship's safety;

3) promptly inform the Administration of the detention of the ship in a foreign port because of the violations of the international maritime safety requirements.

2. If a crew member dies en route or is for other reasons unable to perform his duties, the master shall have the right to proceed sailing with the ship being not fully manned if he is convinced that the crew remaining on board will ensure maritime safety. The ship shall be allowed to sail not fully manned only to the nearest port where the ship must be fully manned.

3. Before making the decision provided for in paragraph 2 of this Article the master must notify the ship operator and the Administration thereof.

# CHAPTER X SAFE LOADING AND UNLOADING OF THE SHIP

## CHAPTER X SAFE LOADING AND UNLOADING OF THE SHIP

### Article 31. General Requirements

#### Article 31. General Requirements

1. The ship shall be loaded and unloaded and ballasted according to a preliminary and actual plan (scheme) of ship loading and cargo stowage approved by the master.
2. The master shall be responsible for safe loading, unloading of the ship, cargo securing and use of ballast.
3. The rules of safe loading and unloading of bulk carriers, in accordance with the international maritime safety requirements and with the provisions of the legal acts of the European Union shall be approved by the Minister of Transport and Communications.

# CHAPTER XI CARRYING OF DANGEROUS OR POLLUTING GOODS BY SHIPS

## CHAPTER XI CARRYING OF DANGEROUS OR POLLUTING GOODS BY SHIPS

### Article 32. Legal Acts Regulating the Carriage of Dangerous or Polluting Goods on Board Ships

#### Article 32. Legal Acts Regulating the Carriage of Dangerous or Polluting Goods on Board Ships

1. Dangerous or polluting goods shall be carried by seagoing ships in accordance with the requirements laid down by the International Convention for the Prevention of Pollution from Ships, 1973, The International Maritime Dangerous Goods Code, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gasses,

the legal acts of the European Union, laws of the Republic of Lithuania as well as other legal acts laying down the requirements of international maritime safety.

2. The requirements for safe carriage of dangerous or polluting goods shall be established by the Minister of Transport and Communications in accordance with the provisions of the legal acts referred to in paragraph 1 of this Article.

## Article 33. Procedure for Carrying Dangerous or Polluting Goods

### Article 33. Procedure for Carrying Dangerous or Polluting Goods

1. When departing from the port of loading, the master of the ship bound for the sea port of the Republic of Lithuania and carrying dangerous or polluting goods or one of the officers authorised by him, must submit to the Administration according to the procedure established by the Minister of Transport and Communications information about the dangerous or polluting goods that are on board ship.

2. Each ship carrying on board dangerous or polluting goods under the provisions of the international treaties of the Republic of Lithuania and the EU legal acts, must have a certificate issued by the flag State or on its behalf by the classification society confirming compliance of the ship and its equipment with the requirements set for the carriage of dangerous goods of a particular type. It shall be prohibited to start loading on board ship dangerous or polluting goods if the ship does not have the certificate.

3. It shall be prohibited to propose that the ship carry dangerous or polluting goods or to start loading dangerous or polluting goods on board ship if the shipper failed to deliver the declaration of the dangerous goods to the master.

4. In the event of an incident or accident at the territorial sea of the Republic of Lithuania involving the ship carrying dangerous or polluting goods or in case of the occurrence of circumstances causing a threat to Lithuania's coastal environment, the master must forthwith notify the Administration thereof.



# CHAPTER XII ADDITIONAL REQUIREMENTS FOR SHIPS OF DIFFERENT TYPES

## CHAPTER XII ADDITIONAL REQUIREMENTS FOR SHIPS OF DIFFERENT TYPES

### Article 34. Requirements for Passenger Ships and Passenger Ferries

#### Article 34. Requirements for Passenger Ships and Passenger Ferries

1. All passenger ships and passenger ferries registered in the Republic of Lithuania must have a valid passenger ship or passenger ferry safety certificate with an indication of the number of passengers each vessel may carry.
2. The passenger ship or passenger ferry safety certificate shall be issued by the Administration or the authorised classification societies.
3. Passenger ships or passenger ferries shall be prohibited to carry more passengers than indicated in the safety certificate except in cases provided for in the International Convention for the Safety of Life at Sea, 1974 or other legal acts setting forth the international maritime safety requirements.
4. The Minister of Transport and Communications shall have the right to establish additional requirements for passenger ships and passenger ferries registered in the Register of Seagoing Ships of Republic of Lithuania with a view to ensuring security of ships and maritime safety.

### Article 35. Requirements for Special Purpose, Rescue Ships and High-Speed Crafts

#### Article 35. Requirements for Special Purpose, Rescue Ships and High-Speed Crafts

The additional requirements of seaworthiness, watchkeeping, navigation equipment and crew training shall be approved by the Minister of Transport and Communications, taking into account the relevant international maritime safety requirements.

## Article 36. Requirements for Fishing Vessels

### Article 36. Requirements for Fishing Vessels

The Minister of Transport and Communications, following the universally recognised standards of international maritime law and the provisions of the EU law, shall establish for the fishing vessels registered in the Republic of Lithuania separate additional requirements ensuring the security of vessels and maritime safety.

## CHAPTER XIII TOWAGE OF SHIPS

### CHAPTER XIII TOWAGE OF SHIPS

## Article 37. Requirements for Safe Towage of Ships

### Article 37. Requirements for Safe Towage of Ships

1. The general requirements for safe towage of ships shall be established by the Administration.
2. The requirements for safe towage of ships in the port shall be established by the Port Authority.
3. State supervision of compliance with the requirements of safe towage of ships shall be carried out by the Administration.
4. Compliance with the requirements of safe towage of ships in the ports shall be supervised by harbour masters.

## CHAPTER XIV ENTERPRISES PROVIDING SERVICES RELATED TO MARITIME SAFETY

### CHAPTER XIV ENTERPRISES PROVIDING SERVICES RELATED TO MARITIME SAFETY

## Article 38. Requirements for Enterprises Providing

# Services Related to Maritime Safety

## Article 38. Requirements for Enterprises Providing Services Related to Maritime Safety

1. Enterprises providing services related to maritime safety must be certified according to the procedure prescribed by the Minister of Transport and Communications.
2. The following services related to maritime safety shall be identified:
  - 1) manufacture, repair, survey and testing of rescue, fire prevention, ship' s rigging, pressure, temperature, electricity, alarm, automatic and other devices as well as issuance of appropriate attesting certificates;
  - 2) manufacture, repair, survey and testing of navigational, radionavigational and optical devices and issuance of appropriate attesting certificates;
  - 3) correction and dissemination of nautical charts, including electronic nautical charts, and other navigational documents and literature, related to maritime safety;
  - 4) provision of communication services with ships;
  - 5) provision of pilot services;
  - 6) ship towing (tugging), ship salvage and underwater technical works;
  - 7) depth survey in port water areas and public waterways;
  - 8) loading of marine cargoes;
  - 9) mooring of ships;
  - 10) ship design and construction works, ship building and repair;
  - 11) mediation in recruitment of seafarers on board ships or engaging in the employment of seafarers on board ships.
3. State supervision of enterprise activities related to the services specified in paragraph 2 of this Article shall be carried out by the Administration.

# CHAPTER XV Marine EQUIPMENT

## CHAPTER XV Marine EQUIPMENT

### Article 39. Marine Equipment

#### Article 39. Marine Equipment

Only the marine equipment that has been manufactured, tested and certified in accordance with the Regulations of Marine Equipment Certification approved by the Minister of Transport and Communications may be placed on board ships, registered in the Register of Seagoing Ships of the Republic of Lithuania.

# CHAPTER XVI WATERWAYS, AIDS TO NAVIGATION

## CHAPTER XVI WATERWAYS, AIDS TO NAVIGATION

### Article 40. Ensuring Maritime Safety in Waterways

#### Article 40. Ensuring Maritime Safety in Waterways

1. Waterways shall be marked and designed in nautical charts and pilot's charts only upon completion of hydrographical and other surveys of these waterways.
2. Navigational marking of public waterways shall be carried out by the Administration and in port area and port waters by the harbour master.
3. The state supervision of marking, maintenance and operation of public waterways shall be carried out by the Administration.
4. The Administration shall organise the publishing and distribution of nautical charts, directories and other reference material, provision in the Republic of Lithuania of information on navigational changes and shall be responsible for the accuracy of the submitted information. The Administration must make a public announcement of every known danger for shipping in the territorial sea of the Republic of Lithuania and in port and terminal water area.

5. Construction works within the public waterways shall be carried out following receipt of a licence of the Government of the Republic of Lithuania. Construction works which are obstacle in ensuring maritime safety shall be prohibited.

## **Article 41. Restrictions in the Sector of Operation of Aids to Navigation**

Article 41. Restrictions in the Sector of Operation of Aids to Navigation

1. It shall be prohibited to build permanent or temporary structures, plant trees, install high power electric or other light sources in the Sector of Operation of Aids to Navigation.

2. All construction works within the zone of operation of aids to navigation must be agreed with the Administration.

3. The limits of the zone of operation of the aids to navigation, restrictions for the users of land within the zone, shall be established by the Government or the institution authorised by it.

## **CHAPTER XVII RESCUE OF PEOPLE AND SALVAGE OF SHIPS, INVESTIGATION OF MARINE CASUALTIES, wreck removal**

CHAPTER XVII RESCUE OF PEOPLE AND SALVAGE OF SHIPS, INVESTIGATION OF MARINE CASUALTIES, wreck removal

### **Article 42. Organisation of Search and Rescue Operations**

Article 42. Organisation of Search and Rescue Operations

1. The work of search and rescue of people within the sea area of the region of responsibility of the Republic of Lithuania shall be organised, co-ordinated and directed by the Administration. The Coast Guard District of the

State Border Guard Service under the Ministry of the Interior, and the units of the Naval Force as well as other state and municipal institutions shall be notified of the search and rescue works being carried out.

2. Upon the request of the Administration all ships located in the territorial sea and ports of the Republic of Lithuania must, employing all available technical means, provide assistance to people in distress at sea.

3. The decision on the imposed salvage within the territorial sea of the Republic of Lithuania shall be taken by the head of the Administration, in port waters by the head of the Port Authority in compliance with the international treaties of the Republic of Lithuania and taking into account the character and size of the threat arising to maritime safety or adverse effect to the environment.

4. The costs of the imposed salvage and related expenses shall be reimbursed by the ship and the cargo owners jointly. If the owner of the cargo or the ship is not known, the expenses shall be reimbursed according to the procedure established by the Government of the Republic of Lithuania.

5. Municipal and State authorities must ensure, according to their respective competence, the performance of imposed salvage and provide assistance to the Administration in the course of said salvage.

## **Article 43. Obligation to Render Assistance**

### **Article 43. Obligation to Render Assistance**

1. The master of every ship in distress must, where possible, seek in all possible ways to rescue the people on board and the ship.

2. The master of every ship, without endangering his ship and the people on board, must:

1) render assistance to any person at sea if his life is at risk;

2) sail at full possible speed to rescue persons in distress if notified that they are in need of assistance and if such assistance can be rendered.

3. The peculiarities of participation by the rescue unit in the rescue and organisation of its work shall be established by the Minister of Transport and Communications.

## Article 44. Duties of Masters of Collided Ships

### Article 44. Duties of Masters of Collided Ships

1. Every master of the collided ship must render assistance to the other ship and people on board, without seriously endangering his own ship and the people on board.
2. Every masters of the collided ship must, where possible, communicate to each other the ships' names, ports of the ship registration, specify the nearest port of call and coordinate further reciprocal actions.

## Article 45. Temporary Entry Restriction for Ships into a Certain Area of the Territorial Sea of the Republic of Lithuania

### Article 45. Temporary Entry Restriction for Ships into a Certain Area of the Territorial Sea of the Republic of Lithuania

1. Should it be likely that, due to a ship in distress or a damaged ship or its wreck or other constructions or structures located in a particular territorial sea area of the Republic of Lithuania, the territorial sea of the Republic of Lithuania or its coastline may be directly or indirectly polluted with oil products or dangerous and hazardous substances, damage may be caused to persons or their property, whereas entry restriction for ships into the zone would help to avoid or would reduce such consequences, the Administration shall have the right temporarily restrict the entry of ships into that area of the territorial sea of the Republic of Lithuania. The decision must be forthwith notified to the interested persons according to the procedure established by the Minister of Transport and Communications.
2. Upon the notification of the establishment of the zone characterised in paragraph 1 of this Article, no ship may enter or stay in the zone, except ships provided for in the Administration' s decision on temporary entry restriction for ships into a certain area of the territorial sea of the Republic of Lithuania.

## **Article 46. Purpose and Procedure of Investigation of Marine Casualties**

### Article 46. Purpose and Procedure of Investigation of Marine Casualties

1. The purpose of investigation of marine casualties is to identify the circumstances, causes and consequences of the marine casualty, submit findings and proposals concerning the application of preventive measures in order to avoid marine casualties in the future.
2. The classification of marine casualties and procedure for investigation of marine casualties shall be established by the Minister of Transport and Communications following the legal acts set forth in the international maritime safety requirements.

## **Article 47. Notification of a Marine Casualty**

### Article 47. Notification of a Marine Casualty

Following the occurrence of marine casualty, the master must forthwith report the casualty to the Administration. If a serious or very serious marine casualty, as identified according to the classification specified in paragraph 2 of Article 46 of this Law, involving a ship registered in the Register of Seagoing Ships of the Republic of Lithuania, occurred in the territorial sea or port of a foreign state, the master must additionally notify thereof the diplomatic mission or consular post of the Republic of Lithuania in that state.

## **Article 48. Voluntary Wreck Removal from the Territorial Sea of the Republic of Lithuania**

### Article 48. Voluntary Wreck Removal from the Territorial Sea of the Republic of Lithuania

1. If the wreck in the territorial sea of the Republic of Lithuania does not pose a danger to navigation, does not endanger human lives and safety, does not pollute the environment, but the owner of the wreck wants to remove the wreck, the owner of the wreck shall within 3 months from the day of sinking of the wreck notify the Administration thereof in writing.



2. The Administration shall fix the deadline for removing the wreck and the procedure for performing the works and shall notify the wreck owner thereof.

3. The Administration shall have the right to preclude the property owner from removing the wreck with his own means or by the method and within the time limits for organising the removal chosen by him if this may pose a danger to navigation, endanger human lives or safety or may result in harmful consequences to the marine environment. In such case the wreck removal shall be organised by the Administration at the property owner' s expense.

## **Article 49. Mandatory Wreck Removal from the Territorial Sea of the Republic of Lithuania**

Article 49. Mandatory Wreck Removal from the Territorial Sea of the Republic of Lithuania

1. If a wreck in the territorial sea of the Republic of Lithuania poses a danger to navigation, endangers human lives or safety, may pollute or is polluting the environment, the owner of the wreck must remove the wreck on the Administration' s request within the deadline set by it.

2. Where the wreck poses a direct threat to maritime safety or the environment, or if the owner does not remove the wreck within the deadline or the owner of the wreck is unknown, the Administration must taken necessary measures to remove the wreck or eliminate the hazard created by it in any other way.

3. If the owner of the wreck is unknown, the Administration shall announce in the public information media the time limits set for wreck removal.

## **Article 50. Wrecks Removed by the Administration**

Article 50. Wrecks Removed by the Administration

1. The wreck, removal of which was organised by the Administration, shall be returned to the owner if the latter submits a request to the effect within 6 months of the day of removal of the wreck. In such event the wreck owner must reimburse to the Administration the wreck removal, safekeeping, decontamination and other reasonably incurred expenses.

2. If the owner of the wreck removed by the Administration is unknown, the wreck shall be transferred into State ownership according to the requirements of the Civil Code.

## CHAPTER XVIII LIABILITY FOR NON-COMPLIANCE WITH THE MARITIME SAFETY REQUIREMENTS

### CHAPTER XVIII LIABILITY FOR NON-COMPLIANCE WITH THE MARITIME SAFETY REQUIREMENTS

#### Article 51. Liability for Non-compliance with the Maritime Safety Requirements

Article 51. Liability for Non-compliance with the Maritime Safety Requirements

1. Non-compliance with maritime safety requirements shall make the guilty persons liable under laws of the Republic of Lithuania.

2. If maritime safety requirements are violated on a regular basis on the ship, registered in the Register of Seagoing Ships of the Republic of Lithuania and the ship is for that reason denied permission to depart from the ports of the Republic of Lithuania or foreign states, the Administration shall have the right according to the procedure established by the Minister of Transport and Communications to suspend for up to 3 months the validity of the safety management certificate issued according to Article 27(3) of this Law.

Annex to the Law of the Republic of Lithuania  
on Maritime Safety

#### **LEGAL ACTS OF THE EU THAT ARE IMPLEMENTED BY THIS LAW**

1 Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels.

2. Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant

activities of maritime administrations (with amendments of Directive 2001/105/EC of the European Parliament and of the Council of 19 December 2001).

3. Council Directive 94/58/EC of 22 November 1994 on the minimum level of training of seafarers (with amendments of Directive 2003/103/EC of the Council of 17 November 2003).

4. Directive 2001/106/EC of the European Parliament and of the Council of 19 December 2001 amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) (with amendments of Directive 2001/106/EC of the European Parliament and of the Council of 19 December 2001).

5. Commission Directive 96/40/EC of 25 June 1996 establishing a common model for an identity card for inspectors carrying out port State control (Text with EEA relevance).

6. Council Directive 96/98/EC of 20 December 1996 on marine equipment (with amendments of Directive 2002/75/EC of the European Commission of 2 September 2002).

7. Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over (with amendments of Directive 2002/35/EC of the European Commission of 25 April 2002).

8. Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (with amendments of Directive 2003/75/EC of the European Commission of 29 July 2003).

9. Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community.

10. Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services.

11. Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues – Commission declaration.

12. Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers (Text with EEA relevance).

13. Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC.

14. Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships (Text with EEA relevance).

15. Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships (Text with EEA relevance). “

## **Article 2. Proposal to the Government of the Republic of Lithuania, the Ministry of Transport and Communications and the Administration**

Article 2. Proposal to the Government of the Republic of Lithuania, the Ministry of Transport and Communications and the Administration

The Government of the Republic of Lithuania, the Ministry of Transport and Communications and the Administration shall by 1 July 2005 draw up and approve the laws necessary for implementing this Law.

## **Article 3. Entry into Force of the Law**

Article 3. Entry into Force of the Law

1. This Law shall enter into force on 1 July 2005.

2. The requirement set forth in Article 19 (1) of the Law that is amended by this Law to have a seafarer's rank of chief mate of a ship of 3000 GT or more shall apply to persons who are issued the pilot's certificate after the entry into force of this Law.

I promulgate this Law adopted by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC VALDAS ADAMKUS



全球法律法规  
Global Laws & Regulations



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