

**CMI International Working Group on the Fair Treatment of Seafarers**

**QUESTIONNAIRE**

**PART I (Answers to these Questions are essential)**

**Question 1:**

Who has responsibility for administering and enforcing maritime safety and marine pollution prevention and control in the waters under the jurisdiction of your State?

The responsibility is on Ministry for transportation and connections (for the maritime safety) and the Ministry for environment (for the marine pollution prevention). The Direction for maritime transport, which is under Ministry for transportation and connections is controlling the condition of the vessels to prevent marine pollution incidents.

**Question 2:**

When maritime accidents and/or marine pollution incidents occur within the waters under the jurisdiction of your State, what process of accident investigation is legally required?

When the accidents and/or marine pollution incidents occur, the Direction for maritime transport starts the accident investigation on the bases of the standing orders on investigation of the maritime accidents (adopted in 1989).

**Question 3:**

Do your State's maritime accident and/or marine pollution investigative processes contemplate criminal charges against any ships' personnel involved and, if so what action may be involved?

Only the master of the vessel and his substitutes can be charged for the criminal act if the vessel by the infringement of the law causes a serious pollution of the environment and the people lives are put in danger and the environment is seriously damaged. (Slovenian Criminal Act)

**Question 4:**

If there is no criminal process, what other investigative process is utilized?

**Question 5:**

Does your State's investigative process permit detention of seafarers and, if so, under what circumstances and with what safeguards?

In the case of criminal act the detention of seafarers is permitted and they enjoy all the rights of the detainee established by the provisions of the Slovenian process criminal act.

**Question 6:**

If seafarers are required to be present for an investigation, trial or other hearing will they be permitted to leave your State until such investigation, trial or other hearing takes place?

If there're present the reasons for the protective custody, the seafarers can not leave the state.

**Question 7:**

Does your State require a financial surety to ensure that seafarers return for any subsequent hearing and, if so, how is the amount of such a surety determined and what form is required?

This is also a possibility on the base of the provisions of the Slovenian criminal process act. The amount depends on the circumstances.

**Question 8:**

Is your State's maritime administration or other authority given legal responsibility for the protection, rights and welfare of all seafarers and, if so, how is this responsibility administered?

In Slovenia doesn't exist any particular authority that is responsible for the protection, rights and welfare of all seafarers.

## **PART II (Answers to these Questions would be most helpful)**

### **Question 9:**

If a maritime accident resulting in serious pollution occurs in waters under the jurisdiction of your State that involves a foreign-flag vessel with a crew of different nationalities, what is the expected role of vessel crew members held responsible in the subsequent investigative process?

### **Question 10:**

If the accident, as outlined in Question 10, is due to negligence but not wilful misconduct by responsible crew members, will your State proceed only with pollution damage claims under the accepted international civil liability and compensation system?

### **Question 11:**

If the answer to Question 10 is 'No', what other processes or procedures will be undertaken by your State?

### **Question 12:**

If the maritime accident outlined in Question 9 occurred outside your State's Territorial Seas, although damage occurs in areas under your State's jurisdiction, would the procedures involved be different?

### **Question 13:**

Regardless whether your State's investigative process utilizes the criminal justice system or any other system, will the relevant vessel crew members be detained? If so:

- a. What is the legal reason for such detention?
- b. What rights will the accused/detained crew member have during the process, and do such rights differ from those available to citizens of your State?
- c. Will full reasons and/or charges be provided to those detained?
- d. What is the expected length of such detention?
- e. Where and how will the seafarers involved be detained?
- f. What access to legal advice and/or defence will such personnel have available to them?
- g. Will the vessel's representatives, agents, family members, labour organisation representatives, or lawyers be given immediate and full access to those detained?
- h. Will the relevant seafarers have the legal right not to answer questions that may be considered self-incriminating, if so advised?

### **Question 14:**

Does your Association have any other comments, suggestions or recommendations on this subject?