

# MINISTRY OF THE SEA, TOURISM, TRANSPORT AND DEVELOPMENT

1744

Pursuant to Article 1023, paragraph 1, fourth indent of the Maritime Code (Official Gazette 181/04), the Minister of the Sea, Tourism, Transport and Development, with approval of the Minister of the Environment, Physical Planning and Construction hereby issues the

## ORDINANCE

### ON BALLAST WATER MANAGEMENT AND CONTROL

#### GENERAL PROVISIONS

##### Article 1

With the purpose to improve environmental protection, this Ordinance regulates the principles and procedures of ballast water management and inspection on floating facilities and ships while staying and navigating in internal sea waters, territorial sea and Protected Ecological and Fishing Zone of the Republic of Croatia.

This Ordinance applies to all the merchant ships, regardless of their nationality, as well as to other vessels and floating facilities built so as to be loaded with ballast water, calling at ports in the Republic of Croatia or navigating the internal waters, territorial sea or Protected Ecological and Fishing Zone of the Republic of Croatia.

This Ordinance shall not apply to merchant ships and other floating facilities and ships which navigate or stay exclusively in the internal sea waters or territorial sea of the Republic of Croatia.

All or some provisions of this Ordinance may by virtue of the order of the minister responsible for maritime affairs, apply to all or certain ships referred to in paragraph 3 of this Article should imminent hazard of transferring the harmful organisms by way of ballast water arise.

##### Article 2

The terms used in this Ordinance shall have the following meanings:

- "*ballast water*" is the water with substances therein, loaded on board the ship to control stability, trim, list, draft or stresses of the ship or floating facility;
- "*ballast water capacity of a ship*" is the total volumetric capacity of all the tanks, spaces or compartments on board a ship, used for transport, loading or discharge of water ballast, including also the multipurpose tanks, spaces or compartments built so as to transport ballast water;
- "*ballast system*" is the system of tanks, spaces and compartments aboard the ship used for transport, loading or discharge of ballast water, including also the multipurpose tanks, spaces or compartments built so as to transport ballast water together with ballast piping and associated pumps;

- *“ballast tank”* is any tank or hold aboard the ship used for transport of water ballast, regardless of whether the tank and hold have been constructed for such a purpose;
- *“MARPOL 73/78 Convention”* is the International Convention for the Prevention of Pollution from Ships 73/78, as amended;
- *“oil”* is oil as defined in Article 5, paragraph 1, point 44 of the Maritime Code;
- *“IMO Guidelines”* are the Guidelines for the Control and Management of Ship's Ballast Water, pursuant to IMO Resolution A.868 (20) and Resolution MEPC.127(53);
- *“noxious liquid substances”* are the substances as specified in Annex II to MARPOL 73/78 Convention - Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk
- *“inspector”* is the marine safety inspector or other authorized employee from the Ministry or Harbour Master Office, pursuant to Article 165 of the Maritime Code;
- *“Ministry”* is the ministry responsible for maritime affairs;

### Article 3

Ballast water management involves individual or multiple operations of:

- ballast water exchange,
- ballast water treatment,
- ballast water discharge into reception facilities, or
- retaining ballast water on board the ship.

### Article 4

Master of the ship must, to the extent which the requirements concerning navigational safety and protection of the marine environment so allow, avoid or restrain loading of ballast water in the zones:

- for which the existence of harmful micro-organisms is commonplace,
- where industrial discharges are present
- where submarine dredging takes place,
- with exceptionally high tide variations,
- with high water turbidity resulting from the running of ship propulsion machinery (shallow ports, estuaries, berths)
- spawning of the fish, and
- of encounter of marine currents.

### Article 5

A ship which loaded ballast water must prior to entering internal sea waters, territorial sea or Protected Ecological Zone of the Republic of Croatia implement one of the measures of ballast water management referred to in Article 3 of this Ordinance.

If a ship applies ballast water exchange as a measure of ballast water management, ballast water exchange must involve at least 95% of the ballast water volume.

A ship exchanging ballast water using the method of discharging/pumping shall be deemed to have complied with the standard referred to in paragraph 2 of this Article if discharge/pumping has been carried out at least three times per volumetric capacity of each ballast tank.

Ballast water exchange is authorized at the distance of at least 200 Nm from the nearest land and at sea depth of at least 200 metres.

When the ship has no possibility to exchange ballast water pursuant to paragraph 4 of this Article, ballast water exchange shall be performed pursuant to IMO Guidelines as far as possible from the nearest land, and in any case at a distance less than 50 Nm from the nearest land and at sea depth of at least 200 metres.

A ship is not obliged to deviate from the planned route or run behind the voyage schedule in order to perform the operation of exchange of ballast water.

#### Article 6

Master of the ship is not bound to implement the ballast water management measures with the view of minimising the introduction of harmful organisms and preventing their discharge:

- if the operation of loading or discharge of ballast water must be performed in order to preserve safety of the ship and persons on board and
- if loading or discharge of ballast water must be carried out in order to prevent or mitigate pollution of the sea by other hazardous or harmful substances.

### REPORTING AND RECORDING THE BALLAST WATER

#### Article 7

Each ship designed to carry ballast water, calling at ports in the Republic of Croatia, must have on board and implement the Ballast Water Management Plan  
The Plan referred to in paragraph 1 of this Article must be approved by competent authority of the state whose flag the ship flies taking into account applicable Guidelines developed by the International Maritime Organization – IMO.

#### Article 8

Any tanker of 150 GT or above, as well as any other ship of 300 GT or above, arriving from abroad, must report the quantities and origin of ballast water on board the ship to competent Harboru Master Office.

The report referred to in paragraph 1 of this Article shall be submitted on the Ballast Water Reporting Form.

The form of report referred to in paragraph 2 of this Article is presented in Annex 1 which constitutes an integral part of this Ordinance.

Report referred to in paragraph 1 of this Article must be delivered by master of the ship within 48 hours prior to calling of the ship at port, or immediately upon departure from the last foreign port if time of navigation prior to calling at Croatian port is less than 48 hours.

### SAMPLING AND TESTING OF BALLAST WATER

#### Article 9

In order to examine the composition of ballast water, inspector may request the approved institution or the approved laboratory to perform sampling and testing of ballast water intended for discharge into the sea.

Testing of ballast water consists of testing on the presence of micro-organisms in ballast water and of testing the salinity and nutrient salts in order to establish the origin of ballast water.

Sampling and testing of ballast water must be carried out pursuant to applicable IMO Guidelines.

The ministry responsible for the tasks of environmental protection will, upon approval of the ministry responsible for health, authorize the institutions or laboratories for performing the tasks of sampling and testing ballast water, while the data on such institutions will be published regularly.

Approved institution or laboratory must have access to appropriate technical devices and expertise necessary for carrying out the tasks prescribed in this Article.

## BALLAST WATER DISCHARGE

### Article 10

Contaminated ballast water from ships which are allowed to load ballast water into fuel tanks may only be discharged into the sea through the oil filtering equipment fitted with alarm device and automatic arrest in case the oil content exceeds 15 ppm.

Contaminated water ballast from ships which are allowed to load water ballast into fuel tanks may be discharged without the oil filtering equipment into the land-based reception facilities only.

It is prohibited to discharge contaminated ballast water from ballast tanks, cargo tanks and tanks for oily mixtures of oil tankers into the sea.

Contaminated water ballast from ballast tanks, cargo tanks and tanks for oily mixtures of oil tankers may only be discharged into land-based reception facilities.

Discharge of clean or separated ballast into the sea from ships transporting oil in the bulk is permissible when it contains no organisms referred to in Articles 8 and 9 of this Ordinance.

### Article 11

It is prohibited to discharge ballast water into the sea from ships transporting noxious liquid substances in bulk if ballast water contains noxious liquid substances, save when such discharge complies with requirements contained in Annex II to MARPOL 73/78 Convention - Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk.

Discharge of clean or separated ballast into the sea from vessels transporting noxious liquid substances in bulk is permissible unless it contains organisms referred to in Article 12 and 13 of this Ordinance.

### Article 12

Irrespective of ballast water management measures applied, it is forbidden to discharge in internal waters, territorial sea and the Protected Ecological and Fishing Zone of the Republic of Croatia the ballast water from ships and floating facilities when it contains micro-organisms mentioned in Annex 1, which constitutes an integral part of this Ordinance.

### Article 13

Irrespective of the ballast water management measures applied, it is forbidden to discharge in internal waters, territorial sea and the Protected Ecological and Fishing Zone of the Republic of Croatia the ballast water from ships and floating facilities when it contains the following:

- cysts (resting phases) of any organisms
- *Vibrio cholerae*
- *Escherichia coli*
- Enterococci.

### Article 14

It is forbidden to dump into the sea the ballast water sediment which remains settled in ballast tanks.

The sediment referred to under paragraph 1 of this Article must be collected by mechanical means only, and dumped thereupon in the specially designated land-based reception facilities.

#### Article 15

An inspector may ban the discharge of ballast water pending completion of ballast water testing pursuant to Article 5 of this Ordinance.

With the scope of avoiding unnecessary arresting of the ship and hampering the cargo loading and/or unloading operations, the ship master must forward in time the data concerning the quantity and origin of ballast water to be discharged from the ship and provide assistance to approved institution or competent body at sampling.

The inspector must take all the measures required in order that the sampling would not result in unnecessary delays of the ship.

The samples of water ballast may, on the basis of inspector's order, be taken from the tanks also prior to calling of the ship at port or in course of navigation.

The results of tests on water ballast loaded in a foreign port and conducted by the body or organization authorized for sampling and testing the water ballast in such a port may be recognized in the Republic of Croatia.

#### Article 16

Where it is established that ballast water contains micro-organisms or substances which it must not contain pursuant to provisions of this Ordinance, the inspector will prohibit the discharge of ballast water, while the expenses of sampling and testing ballast water shall be borne by the ship-owner.

Where it is established that ballast water does not contain micro-organisms or substances on account of which the discharge of ballast water is prohibited pursuant to this Ordinance, the costs of sampling and testing shall be borne by the Ministry.

#### Article 17

Port Authorities must within the time period of no more than a year conduct basic studies in order to analyse the state of the sea in port area.

#### Article 18

The Ministry responsible for the tasks of environmental protection shall within 90 days from the date of coming into force of this Ordinance publish the first list of approved institutions or laboratories referred to in Article 9 of this Ordinance.

#### Article 19

This Ordinance shall enter into force on the 8<sup>th</sup> day following that of its publication in the "Official Gazette", and shall apply as of 1<sup>st</sup> September 2007.

Class: 011-01/06-02/23


No.: 530-04-06-3

Zagreb, 28<sup>th</sup> May 2007.

Minister  
**Božidar Kalmeta, m.p.**

ANNEX 1

**Ballast Water Reporting Form**

 <b>BALLAST WATER REPORTING FORM</b>																
1. VESSEL INFORMATION					2. VOYAGE INFORMATION					3. BALLAST WATER USAGE AND CAPACITY						
Vessel Name:		0			Arrival Port:		0			<i>Specify units below (m3,MT,LT,ST)</i>						
IMO Number:		0			Arrival Date:		0			<b>Total Ballast water on board</b>						
Owner:		0			Agent:		0			Volume		Units		No. of tanks in ballast		
Type*:		0			Last Port:											
DWT:		0	GT:	0	0		0		<b>Total Ballast Water Capacity</b>							
Flag:		0			Next Port:		Next Country:			Volume		Units		No. of tanks in ballast		
Call Sign:		0			0		0									
*Type codes: bulk (BC), ro-ro (RR), container (CS), oil tanker (OT), chemical tanker (CT), oil/bulk ore (OB), general cargo (GC), reefer (RF), other (O)																
<b>4. CARGO OPERATIONS:</b>		Total Cargo(Type/MT) to be Loaded			0			to be Discharged			0					
<b>5. Ballast Water Management:</b>					Total No. Ballast Water Tanks to be Discharged											
Of tanks to be discharged, how many:					Underwent exchange:					Underwent Alternative Management:						
Please specify alternative method(s) used, if any:																
If no ballast treatment conducted, state reason why not:																
Ballast management plan on board:					YES <input type="checkbox"/>		NO <input type="checkbox"/>		Management plan implemented:					YES <input type="checkbox"/>		NO <input type="checkbox"/>
IMO Ballast water guidelines on board (res A 868 (20))?					YES <input type="checkbox"/>		NO <input type="checkbox"/>									
<b>6. BALLAST WATER HISTORY: Record all tanks to be deballasted in port state of arrival; IF NONE GO TO #7 (use additional sheets as needed)</b>																
Tank/Holds List multiple source tanks separately	BW SOURCES				BW MANAGEMENT PRACTICES						BW DISCHARGES					
	Date dd/mm/yy	Port or Lat/Long	VOLUME (units)	Temp (units)	Date dd/mm/yy	End Point Lat/Long	VOLUME (units)	% Exch	Method (B/P/ALT)	Sea HT (m)	Date dd/mm/yy	Port or Lat/Long	VOLUME (units)	Salinity (units)		
<b>5. RESPONSIBLE OFFICER'S NAME (Printed and signature):</b>																

ANNEX 2

**LIST OF MICROORGANISMS WHICH MUST NOT BE CONTAINED IN  
BALLAST WATER DISCHARGED IN INTERNAL WATERS,  
TERRITORIAL SEA AND PROTECTED ECOLOGICAL AND FISHING  
ZONE OF THE REPUBLIC OF CROATIA**

**Cyanobacteria**

Hormothamnion enteromorphoides Grunow.  
Lyngbia mayascula Harvey  
Anabaena spp.  
Aphanizomenon spp.  
Microcystis spp.  
Nostoc spp.  
Oscillatoria spp.  
Synechococcus spp.  
Trichodesmium spp.

**Raphidophyta**

Olisthodiscus luteus N. Karter  
Heterosigma akashiwo Hada  
Chatonella spp.

**Haptophyta**

Chrysochromulina spp.  
Phaeocystis spp.  
Prymnesium spp.

**Dinoflagellata**

Amphidinium carterae Hulburt  
Alexandrium minutum Halim  
Alexandrium tamarense (Lebour) Balech  
Cochlodinium polykrikoides Margalef  
Coolia monotis Meunier  
Dinophysis acuminata Claparède et Lachmann  
Dinophysis acuta Ehrenberg  
Dinophysis caudata Saville-Kent  
Dinophysis fortii Pavillard  
Dinophysis mitra (Schutt) Abe  
Dinophysis norvegica Claparède et Lachmann  
Dinophysis rotundata Claparède et Lachmann  
Dinophysis sacculus Stein  
Dinophysis tripos Gourret  
Gonyaulax polygramma Stein  
Gymnodinium catenatum Graham  
Karenia brevis (Davis) Hansen et Moestrup  
Karenia mikimotoi (Miyake et Kominami ex Oda) G. Hansen and Moestrup  
Lingulodinium polyedrum (Stein) Dodge  
Pfiesteria piscicida Steidinger et Burkholder  
Prorocentrum lima (Ehrenberg) Dodge

**Ciliata**

Mesodinium rubrum (Lohmann) Hamburger & Buddenbrock