

GOVERNMENT OF THE REPUBLIC OF CROATIA

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Pursuant to Article 119 paragraph 2 subparagraph d) of the Maritime Domain and Seaports Act ("Official gazette", Number 158/2003), the Government of the Republic of Croatia, at its session held on 4 August 2004, passed the following

DECREE

ON THE CONDITIONS THAT MUST BE MET BY SEAPORTS

I. COMMON PROVISIONS

Article 1

This Decree regulates the conditions that must be met by seaports in order to ensure safe calling to port, berthing, anchoring and stay of watercraft as well as the protection of marine waters from pollution from ships.

Article 2

Terms for the purposes of this Decree shall have the following meaning:

– *port open to public traffic* is a seaport which, on equal terms, can be used by every natural and legal person in accordance with its purpose and within the scope of available capacities;

– *special purpose port* is a seaport that is used for a special or economic purpose by a legal or natural person (nautical port, industrial port, shipyard port, fishing port etc.) or state authority (military port);

– *liquid and solid waste reception facility or cargo residue reception facilities* are fixed, floating or mobile facilities capable of receiving liquid and solid waste or cargo residues from watercraft;

– *watercraft waste* is any waste including faeces and residues that occur during the use of the ship and to which Annexes I, IV and V of the MARPOL 73/78 Convention apply, except for cargo residues;

– *MARPOL 73/78* is the International Convention for the Prevention of Pollution from Ships of 1973, as amended with Protocols from 1978 and all subsequent amendments;

– *bulk carrier* is a ship defined by regulation IX/1.6 of the SOLAS Convention of 1974 with the interpretation from Resolution 6 of the SOLAS Conference of 1997;

– *bulk cargo* is the cargo defined by regulation XII/1.4 of the SOLAS Convention of 1974;

– *the SOLAS Convention from 1974* is the International Convention for the Safety of Life at Sea, together with Protocols and all amendments.

II. BASIC CONDITIONS FOR ALL PORTS

Article 3

A port must have the following:

1. a port basin that, with its position and the size, enables safe berthing, anchoring and manoeuvring of watercraft, the safe performance of commercial operations, embarking and disembarking of passengers and other activities that are usually carried out considering the

purpose of the port;

2. navigational safety facilities;
3. proper maintenance of depth in the sea section of the port area, locations for anchoring, manoeuvring area and berthing area in accordance with published data in marine publications;
4. coast, devices and equipment that enable safe berthing, docking and anchoring of watercraft;
5. developed and illuminated land access roads and working areas for cargo transshipment, and for the work and movement of staff, passengers and transport media;
6. reception facilities capable of accepting types and amounts of liquid and solid waste and cargo residues, considering the type and size of watercraft that usually use the port, and considering the size and geographical position of the port, in a manner that does not cause unnecessary delays of watercraft;
7. location plans, published on a notice board, of reception facilities with the description of the type of waste and cargo residue from ships that can be accepted, and instructions on the use of reception facilities, a list of offered operators and services, a description of the procedures for unloading, and procedures for reporting according to Annex 1 of this Decree
8. ensured sea pollution prevention devices and equipment , and devices and equipment for the removal of the results of the pollution of the sea;
9. devices, equipment and trained staff for fire fighting protection within a scope that depends on the purpose of the port/within a scope determined by special regulations.

The port managing authority can require from ships that they report on their needs for using the waste and cargo residue reception facilities for the purpose of the effective planning of waste management.

Waste from fishing vessels and recreational vessels authorised for the transport of up to 12 passengers can be received without special announcement.

Article 4

A port in which the loading and/or unloading of bulk carriers is carried out must meet all conditions prescribed in Annex 2 of this Decree.

The port referred to in paragraph 1 of this Article must publish information on the port that contain at least the data from Annex 3 of this Regulation in such a way that they are available to masters of ships that are transporting bulk cargo.

The concession holder for the loading and unloading of bulk cargo must have introduced, applied and maintained a quality system in accordance with ISO 9001:2000 or an appropriate system that meets at least the standards from this standard, and which system must be verified and attested in accordance with the Guidelines ISO 10011:1991 or another corresponding standard that satisfies at least the conditions from the above Guidelines.

Article 5

Every newly built port, part of a port or particular landing or berthing location must have, before the preparation of the main project or before the first use of the port, if the main design is not required, a maritime study accepted and verified by the competent harbourmaster's office.

The maritime study must include at least the navigation and meteorological and oceanographic features of the maritime zone, the technical and technological features of the coast and watercraft that will call to port, the maritime safety measures during the manoeuvring and stay of watercraft in the berthing location, and procedures in extraordinary circumstances.

The maritime study referred to in paragraph 1 of this Article must also be prepared by

existing ports or parts of ports if they are reconstructed or if their purpose is changed or if the type and size of watercraft that will call to port is changed if this is required by the competent harbourmaster's office.

III. PORTS OPEN TO INTERNATIONAL TRAFFIC

A. Ports open to international public traffic

Article 6

In addition to the conditions referred to in Article 3 of this Decree, the port authority of a port open to international public traffic must ensure the following:

1. the provision of pilot services 24 hours a day;
2. the provision of port towage services 24 hours a day;
3. the provision of mooring services 24 hours a day;
4. a building or premises developed for the admittance of passengers and luggage and the stay of passengers, if the port is intended for passenger transport;
5. provision of transshipment and stowage of cargo;
6. services of docking, anchoring, stay and navigation control of watercraft in the port area 24 hours a day;
7. the provision of fuel, lubricant, potable water and electric power supply to ships;
8. the provision of emergency health care;
9. the provision of hygienic and sanitary protection and disinfection, disinfestation and vermin control of ships and the port;
10. supplying the ship, crew and passengers with essential products;
11. area with accompanying facilities and organisation for the purpose of unhindered border control services in accordance with the Act on State Border Control ("Official Gazette" number 34/1995)

B. Special purpose ports open to international traffic

Article 7

In addition to the conditions referred to in Article 3 of this Decree, in special purpose ports open for international traffic, the concession holder must ensure the following:

1. the provision of pilot chart services, if ships that are obliged to carry out such services enter the port;
2. the service of port towage, if ships that need the service for the purposes of navigation safety enter the port;
3. mooring services;
4. devices for the transshipment and stowage of cargo, depending on the purpose of the port;
5. control of docking, anchoring, stay and navigation of watercraft in the port area 24 hours a day;
6. provision of fuel, potable water, electric power, food products, provision of emergency health care to watercraft.

IV. PORTS OPEN TO DOMESTIC TRAFFIC

A. Ports open to domestic public traffic

Article 8

In addition to the conditions referred to in Article 3 of this Decree, in ports open to domestic public traffic, the port authority must ensure the following:

1. the provision of berthing services to watercraft for ports into which ships that carry out coastal line passenger-ferry traffic enter;
2. developed and protected area for passengers and luggage if the port is intended for passenger transport;
3. the provision of transshipment and stowage of cargo, depending on the purpose of the port;
4. the provision of supply of potable water, electric power and fuel to watercraft, depending on the size and purpose of the port;
5. the possibility of providing emergency health care.

The harbourmaster's office can exempt ports open to domestic public transport of local importance in which the traffic is of smaller scope of the fulfilment of the obligations referred to in paragraph 1 points 2, 3 and 5 of this Article.

B. Special purpose ports open to domestic traffic

Article 9

In addition to the conditions referred to in Article 3 of this Decree, concession holders of special purpose ports open to domestic traffic must ensure the following:

1. devices for the transshipment and stowage of cargo, depending on the purpose of the port;
2. the possibility of supplying potable water, electric power and fuel to watercraft, depending on the size and purpose of the port;
3. the possibility of providing emergency health care.

The harbourmaster's office can exempt special purpose ports open to domestic traffic of county significance in which the transport is of smaller scope of the fulfilment of the obligations referred to in paragraph 1 points 2 and 3 of this Article.

V. FINAL PROVISIONS

Article 10

The port authority or concession holder shall be obliged to submit to the competent harbourmaster's office, once in three years, a report on the state of the depths referred to in Article 3 paragraph 1 point 3 of this Decree, verified by the Croatian Hydrographic Institute.

The competent harbourmaster's office can request a report on the state of the depths more often if the depth is susceptible to more frequent changes (siltation, drop of cargo, etc) or can determine a longer deadline than the deadline referred to in paragraph 1 of this Article for reporting on the depth if the depth is less susceptible to changes, but not over five years.

The indicated data shall be published in maritime charts and maritime publications of the Croatian Hydrographic Institute.

Article 11

The port authority or concession holder of special purpose ports shall be obliged within 6 months from the entry into force of this Decree to submit to the competent harbourmaster's office a document on the maximum allowed load of the coast issued by the authorised professional person and the Certificate on the technical characteristics of the berthing devices of the watercraft referred to in Article 3 paragraph 1 point 4 of the Decree issued by a recognised organisation.

Article 12

The competent harbourmaster's office shall determine, with a decision, for the each individual port, taking into consideration the size and purpose of the port, and in accordance with special regulations and international regulations, the minimum conditions referred to in

Article 3 paragraph 1 point 6 and Article 6 paragraph 1 points 2 and 3 of this Decree.

Article 13

All ports shall be obliged within one year from the entry into force of this Decree to meet the conditions referred to in this Decree.

Article 14

Authorised persons of concession holders in ports shall be obliged once a year to report to the Ministry of Maritime Affairs, Tourism, Transport and Development on the condition of watercraft waste and cargo residue reception facilities.

Article 15

The monitoring of the application of the provisions of this Decree shall be carried out by navigation safety inspectors of the Ministry of Maritime Affairs, Tourism, Transport and Development and port harbour master's offices, as well as other professional ministry officials with inspection authorisations.

Article 16

In addition to these conditions, ports must meet other conditions prescribed by special regulations.

Article 17

The authorised persons of concession holders referred to in Article 4 paragraph 3 shall be obliged to establish a certified quality system within three years from the date of the entry into force of this Decree.

Persons who become authorised persons of concession holders for loading and unloading of bulk cargo after the entry into force of this Decree shall be obliged to establish the quality system referred to in Article 4 paragraph 3 of this Decree within one year from the date of the conclusion of the concession agreement.

Article 18

On the date of entry into force of this Decree, the Decree on the Conditions that Must be Met by Seaports ("Official Gazette" number 22/95) shall cease to be valid.

Article 19

This Decree shall enter into force on the eighth day from the day of its publication in the "Official Gazette".

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Zagreb, 4 August 2004

Prime Minister
dr. sc. Ivo Sanader, m.p.

ANNEX 1

The plan for the reception and handling of watercraft waste and cargo residue from vessels referred to in Article 3 paragraph 1 subparagraph 7 must include the following:

1. assessment of the need for port reception facilities with respect to the need of ships that usually enter the port;
2. description of the type and capacity of port reception facilities;
3. instructions for the use of the reception facilities;
4. description of the collection system;
5. reporting procedure on inadequacies of reception facilities;
6. consultation procedure for port users, waste contractors, terminal operators and other interested persons;
7. type and amount of received and processed waste and cargo residues from watercraft;
8. summary of pertinent legislation and formalities for delivery;
9. list of persons in charge of the implementation of the plan;
10. description of equipment for pre-testing (if it exists);
11. description of method for the storage of data on the real use of the reception facilities at port; and
12. description of the way of the disposal of waste and cargo residues from vessels.

ANNEX 2

The conditions that must be met by the port for the loading and/or unloading of bulk cargo shall be the following:

1. a berth enabling the safe berthing of watercraft alongshore on which the loading and unloading of cargo is carried out, taking into account the depth, maximum ship size, conditions of anchoring, fenders, and safe access to the berth;
2. the device and equipment for loading and unloading at port must have the prescribed certificates and must be maintained and in the condition prescribed by the relevant standards; the persons who handle the devices and equipment must be professionally trained;
3. the persons who carry out the activities of loading and unloading must be trained in the safety of loading and unloading, in conformity with their duties
4. the concession holder for the loading and unloading of bulk cargo shall be obliged to ensure the organisation of the appropriate training programme of the persons referred to in subparagraphs 2 and 5 of this Annex, during which they are to be familiarized with the dangers of loading and unloading of bulk cargo, and the negative consequences of improper loading and unloading for the safety of the ship; and
5. the persons who carry out the loading and unloading shall be equipped with personal protection equipment and shall be well-rested in order to avoid accidents that are a consequence of fatigue.

ANNEX 3

Information on ports and terminals on which the transshipment of bulk cargo is carried out shall at least contain the following information:

I. for the port:

1. position of the port and terminals;

2. detailed administrative information on port and terminals;
3. radio-communication procedures and frequencies;
4. data requested when calling into port;
5. health, customs and immigration regulations and procedures, and procedures and regulations regarding quarantine;
6. relevant nautical charts and nautical publications;
7. requests regarding piloting;
8. towage services;
9. data on anchorages and coasts;
10. procedures in states of emergency;
11. significant meteorological and hydrological data;
12. availability of water, food, oil and oil derivatives;
13. the largest ship type that the port can accept;
14. the greatest permitted draught and the minimum depths in the port and port approach;
15. sea density at port;
16. maximum permitted air draught of ship;
17. requirements of the draught and trim for the navigation along waterways;
18. data on sea currents and tides;
19. limitations and conditions for the discharge of ballast waters
20. legislative requirements regarding the loading and declaration of cargo;

II. for terminals:

1. contact staff and other contact details;
2. technical data on coasts and equipment for loading/unloading
3. depth at berth;
4. sea density at berth;
5. minimum and maximum ship size for which the berth is envisaged including minimum gap between obstacles on ship deck;
6. devices for berths and the provision of berthing services;
7. loading/unloading prices;
8. procedures and communication in loading/unloading;
9. determining the weight of load with devices for weighing or by using draught marks;
10. conditions for ship accommodation for the transport of combined cargo;
11. access to coast from ship and vice versa;
12. procedures in extraordinary circumstances;
13. envisaged procedures and other information important for damages and compensation of damages;
14. location for the lowering of ladders for the embarkation/disembarkation of persons.