

# MINISTRY OF THE SEA, TOURISM, TRANSPORT AND DEVELOPMENT

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Pursuant to Article 1021, paragraph 1, indent 1 of the Maritime Code (Official Gazette 181/04 and 76/07), the Minister of the Sea, Tourism, Transport and Development hereby passes the

## ORDINANCE ON PLACES OF REFUGE

### GENERAL PROVISIONS

#### Article 1

This Ordinance stipulates the selection procedure and approval of places of refuge for ships in need of assistance, competent authorities and responsible persons for selection and approval of places of refuge, conditions which must be met by places of refuge, conditions and manner of use of places of refuge, content, and manner of passing and amendments to the Plan for admittance of ships in distress, liabilities in view of compensation of damages and costs, compulsory insurance, that is, other financial security for ships, and procedure after approval of a places of refuge.

#### Article 2

This Ordinance shall apply to marine vessels, other than war ships requesting a place of refuge from the competent authorities in the Republic of Croatia.

#### Article 3

Individual terms within this Ordinance shall have the following meaning:

1. *a place of refuge* shall mean a location where it is possible to temporarily accommodate a ship for the purpose of providing assistance or elimination of a possible threat to persons, the ship or the environment.
2. *a ship in need of assistance or ship in distress* shall mean a marine vessel in a situation, apart from the one requiring rescue of persons, which indicates a possibility of loss of ship or a marine environment or navigational hazard;
3. *IMO Guidelines* shall mean Guidelines on places of refuge for ships in need of assistance, adopted by Resolution of the Assembly IMO A.949 (23), with all subsequent amendments;
4. *Minister* shall mean the minister competent for maritime activities;

#### Article 4

The activities of the maritime assistance service (MAS) as defined by this Ordinance, Plan for admittance of a ship in distress, and the Resolution of the Assembly IMO A.950(23) are

conducted by the National Maritime Rescue Coordination Centre (hereinafter referred to as: the National Centre).

## PLAN FOR ADMITTANCE OF A SHIP IN DISTRESS

### Article 5

(1.) The plan for admittance of a ship in distress (hereinafter referred to as: the Plan) shall be passed taking into account the Guidelines of the IMO and contains at least:

- details of the competent authority responsible for receiving and processing of calls from a ship in distress;
- details of the competent authority or person responsible for evaluation of circumstances, selection of a suitable place of refuge and decision on admittance of a ship in distress into the selected place of refuge;
- a list of possible places of refuge, and summary of the factors enabling prompt evaluation and rendering of a decision including descriptions of social and environmental factors, and natural conditions of possible places of refuge;
- the evaluation procedure and selection of places of refuge on the basis of possible locations on the list referred to in indent 3;
- a list of available resources and devices suitable for providing assistance, rescue or limiting and elimination of pollution;
- the procedure for international coordination and decision making where applicable;
- the procedure connected to financial security and liability systems of ships admitted to a place of refuge.

(2.) The National Centre is obliged to manage the updating of data contained in the Plan, and proposes amendments thereof where necessary.

(3.) The Plan referred to in paragraph 1 of this Article is enclosed in the supplement to this Ordinance and is a constituent part thereof.

## APPLICATION FOR APPROVAL AND GRANTING OF A PLACE OF REFUGE

### Article 6

(1.) The application for approval and granting of a place of refuge is submitted by the shipmaster of the ship in distress.

(2.) The application shall contain at least the following details:

- name, type and flag of the ship
- IMO number
- type and quantity of cargo on the ship
- tonnage, length, width and draft of the ship
- name of the ship agent in the Republic of Croatia (if any)
- name and address of the owner/ship operator of the ship
- name and address of the company
- name and manner of contacting the authorised person of the company (DPA)
- name and address of insurer,
- name and address of P&I representative,
- position, course and speed of the ship,
- state of the wind and sea,
- type and quantity of fuel on the ship,

- type and quantity of dangerous or pollutant substances,
- type and scale of threat or accident,
- number of dead or injured persons,
- necessary assistance,
- estimate of the actual or possible pollution,
- evaluation of the urgency of intervention;
- manner of maintaining contact.

(3.) For a deserted ship in distress, the application for approval and granting of a place of refuge shall be submitted to the competent harbourmaster, and in the event of a concluded rescue agreement, the application for granting a place of refuge may be submitted by the shipmaster of the salvage vessel.

#### Article 7

- (1.) The application for granting a place of refuge shall be received by the National Centre.
- (2.) If the application for granting a place of refuge is received by another authority or institution it shall forward it without delay to the National Centre.
- (3.) Upon receipt of the application the National Centres shall confirm receipt thereof.

#### EVALUATION OF THE JUSTIFIABILITY FOR APPROVAL AND GRANTING OF A PLACE OF REFUGE

#### Article 8

- (1.) The National Centre shall evaluate the justifiability of the application for approval and granting of a place of refuge on the basis of the submitted application, all the available data, risk assessment, availability of the financial security referred to in Article 10 of this Ordinance, and in accordance with the Plan.
- (2.) If the National Centre evaluates that before rendering a decision, it is necessary to also gather additional data about the state of the ship and other circumstances, and should the circumstances allow, send a special expert team to the ship.
- (3.) The expert team referred to in paragraph 2 of this Article shall consist of the harbourmaster of the harbourmaster's office in whose area the ship in need of assistance is located, or persons appointed by him, authorised pilot, and other expert persons which in each individual case are determined by the harbourmaster.
- (4.) The expert team shall, in the shortest possible time period, forward to the National Centre findings and opinion, and propose a manner for providing assistance if it is required.
- (5.) When the National Centre evaluates that the application is justified it will commence to establish the proposal for a place of refuge, in accordance with the Plan.
- (6.) When the National Centre evaluates that the application is not justified or that the shelter of a ship in a place of refuge represents a greater threat to the life and health of persons, and environment from another manner of providing assistance, it shall propose its rejection.
- (7.) In the case referred to in paragraph 6 of this Article, the National Centre shall continue to monitor the state of the ship and other relevant circumstances while the ship is located in an area under the competency of the Republic of Croatia or until the elimination of the threat.

#### Article 9

(1.) Pursuant to the proposal of the National Centre, the assistant minister competent for activities of safe navigation and protection of the sea against pollution, upon the consent of the ministry competent for environmental protection, shall render a decision on the granting of a place of refuge and directing of a ship to a place of refuge or decision rejecting the application for determining a place of refuge.

(2.) If the place of refuge is a specific port, the port authority or other authority managing a port shall accept the ship which is in need of assistance into the port and provide the necessary assistance.

## SECURITY

### Article 10

(1.) The ship owner, ship operator or company shall compensate all the costs and all damage ensuing from the application for determining a place of refuge and providing assistance in accordance with this Ordinance.

(2.) For the liabilities referred to in paragraph 1 of this Article, all ships requesting a place of refuge in the Republic of Croatia must have valid insurance or other financial security.

(3.) The insurance or other financial security referred to in paragraph 2 of this Article may be issued in the form of a certificate, confirmation on P&I insurance, confirmation on security issued by a P&I club or other corresponding institution.

(4.) Non-existence of the financial security referred to in paragraph 2 of this Article shall not effect the obligation to conduct the procedure referred to in Article 8 of this Ordinance.

## PROCEDURE AFTER APPROVAL OF A PLACE OF REFUGE

### Article 11

(1.) After approval of a place of refuge, the harbourmaster or other competent authority shall decide about other measures for providing assistance to a ship when necessary pursuant to special legislation.

(2.) The National Centre shall conduct coordination of all activities connected to providing assistance to a ship.

(3.) Direct managing of the activities at the place of refuges shall be conducted by the competent harbourmaster.

(4.) Insofar as from the circumstances of the case it ensues that it is necessary to activate the Intervention plan for sudden marine pollution, further activities shall be conducted in accordance with the same.

After termination of the circumstances which led to the determining a place of refuge, the ship shall leave the place of refuge.

## TRANSCRIPTS

### Article 12

The National Centre shall keep transcripts about all circumstances and facts related to the determining the place of refuge, from the moment of receipt of the application and the entire

time the ship is located in the area within the competency of the Republic of Croatia or until the elimination of the threat.

#### Article 13

(1.) After the completion of each individual case of determining a place of refuge and providing assistance to a ship in accordance with the provisions of this Ordinance, an expert team appointed by the Minister shall analyse all the circumstances of the case and implemented measures and activities, and as required propose appropriate improvements.

(2.) The assistant minister competent for activities of safe navigation and protection of the sea against pollution from the ship shall regularly notify the minister about the implementation of this Ordinance and Plan, and propose measures for their improvement.

(3.) At least once annually the directorate competent for navigation safety and protection of the sea against pollution from ships shall organise drills for implementing this Ordinance.

#### Article 14

This Ordinance shall enter into force on the eighth day following its publication in the Official Gazette.

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Minister

**Božidar Kalmeta**, manu propria

### PLAN FOR ADMITTANCE OF A SHIP IN DISTRESS

#### 1. INTRODUCTION

(1) In its guidelines for the future development, the Republic of Croatia has opted for gradual accession into the European Union<sup>1</sup>. In this respect, the obligation of aligning the legal system of the Republic of Croatia with the legal system of the Union was adopted. Consequently it is essential, among other things, also to align the working procedure of the Ministry of the Sea, Tourism, Transport and Development and relevant services with the provisions of individual Directives of the European Community which apply to the safety of maritime transport.

(2) In the section regulating safe maritime traffic the 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 especially stands out.<sup>2</sup> With this Directive the European Community has bound all its members to, by the 5 February 2004, establish (and notify the European Commission about this) places of refuge in which it is possible to admit ships requesting assistance in navigation close to their coastlines, that is, to develop procedures for providing assistance to such ships.

(3) Pursuant to the aforementioned in the Maritime Code<sup>3</sup>, the Minister of the Sea, Tourism, Transport and Development shall pass an Ordinance on places of refuge, which fulfils the

obligation of the Republic of Croatia established by the aforementioned directive, and which applies to places of refuge.<sup>4</sup>

(4) The Ordinance on places of refuge establishes the basic guidelines or legal framework which applies to: the procedure in the case of an request for a place of refuge, content of the Plan for admittance of a ship in distress, competency of the authorities and their responsibilities in procedure after receiving applications for a place of refuge, and procedure for securing financial security for liability in the event of damage.

(5) In particular, the Ordinance on places of refuge establishes the obligation of passing and updated maintenance of the Plan for admittance of ships in distress as the basic implementing document and which, in accordance with the Guidelines<sup>5</sup> of IMO (Resolution A949 (23), contains at least:

- details of the competent authority responsible for receiving and processing of calls from a ship in distress;
- details of the competent authority or person responsible for evaluation of circumstances, selection of a suitable place of refuge and decision on the admittance of a ship in distress into the selected place of refuge;
- list of possible places of refuge, summary of factors enabling rapid evaluation and rendering of a decision including descriptions of social and environmental factors, and natural conditions for possible places of refuge;
- the procedure for evaluation and selection of a place of refuge on the basis of possible places on the list referred to in indent 3;
- list of available means and devices suitable for providing assistance, rescue, that is, limiting and elimination of pollution;
- procedure for international coordination and decision making where applicable;
- procedure connected to financial securities and liability systems of ships admitted in the place of refuge.

(6) The Plan, aside from the aforementioned also contains implementing procedures which apply to the Maritime assistance services, as laid down in Resolution IMO A.950.<sup>6</sup>

<sup>1</sup> National Programme for the Integration of the Republic of Croatia into the European Union, 2004.

<sup>2</sup> 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

<sup>3</sup> Article 1021, paragraph 1, indent 1, Official Gazette 181/04 and 76/07.

<sup>4</sup> Article 20 of the listed Directive.

<sup>5</sup> Resolution A.949(23) GUIDELINES ON PLACES OF REFUGE FOR SHIPS IN NEED OF ASSISTANCE, 2004

<sup>6</sup> Resolution A.950(23) MARITIME ASSISTANCE SERVICES (MAS).

## 2. DEFINITIONS

(1) The Ordinance means the Ordinance on places of refuge.

(2) The ship requiring assistance is the ship in a situation, apart from one requiring rescue of persons, which indicates a possibility of loss of ship or an environmental or navigational hazard;

(3) A place of refuge means a port, part of a port or sheltered pier or anchorage or other sheltered area which is listed as such in chapter 5 of this Plan.

(4) A sheltered area is any area in the internal marine waters or territorial sea in which a ship is less exposed to the effects of wind and sea, regardless of whether it is navigating, floating or is anchored.

(5) The National Centre is the National Maritime Rescue Coordination Centre, as established by the National Plan for Maritime Rescue of persons.

(6) The on duty officer is the officer of the National Centre trained and authorised to undertake measures in accordance with the Ordinance and this Plan.

(7) Dangerous substances are: substances listed in the IMDG Code, the noxious liquids listed as such in chapter 17 of the IBC Code, dangerous gases listed as such in chapter 19 IGC Code and solid substances listed as such in Supplement B of the BC Code.

(8) Pollutant substances are: oil as listed in Annex I of the MARPOL convention, noxious liquid substances, as listed in Annex II of the MARPOL convention and harmful substance as listed in Annex III of the MARPOL convention.

(9) The competent harbourmaster's office is the harbourmaster's office in whose area the ship in need of assistance is located or, in the event the ship is moving, the harbourmaster's office which upon agreement with neighbouring harbourmaster's office has assumed responsibility for monitoring of the movement of the ship in need of assistance.

(10) The area of competency includes the internal marine waters, territorial sea and the Ecological and Fisheries Protection Zone of the Republic of Croatia.

(11) Marine casualties and incidents are events as determined by the IMO Code for investigation of marine casualties and incidents and Code for investigation of marine casualties.

(12) A company is the company as defined by Rule 1 (2), Chapter IX of the SOLAS convention or Article 5 of the Maritime Code.

(13) An agent is a legal or natural person authorised or given the power of attorney to forward data on behalf of the ship manager.

(14) The maritime assistance service (MAS) conducting tasks established by the Resolution of the Assembly IMO A.950 (23), in accordance with the provisions of the Ordinance, is the National Maritime Rescue Coordination Centre and monitoring of marine navigation of the Republic of Croatia.

(15) The GIS application (Geographical Information System – GIS) is a computer support system for decision making containing the possible places of refuge and other associated information.

### 3. RECEIPT AND PROCESSING OF AN APPLICATION FOR GRANTING A PLACE OF REFUGE FOR A SHIP IN DISTRESS

(1) An application for granting a place of refuge in the Republic of Croatia shall be received by the National Maritime Rescue Coordination Centre.

(2) An application for granting a place of refuge may be sent to some of the public communication networks or marine communication system.

(3) In the event the application reaches another subject (harbourmaster's office or their branches, coastal radio, port authority monitoring centre, etc.) they must immediately forward it to the National centre.

(4) An application for granting a place of refuge may be sent by any ship which:

– is located in the area of competency, or

– is in open sea, if the circumstances are such that the shipmaster justifiably expects assistance from one of the ports in the territory of the Republic of Croatia or if it is certain that the consequences of the marine accident could significantly effect the state of the marine environment in the area of competency or other nearby marine coast of the Republic of Croatia.

(5) In the event of an application by a ship which is located outside the area of competency, such an application will be redirected to the competent authorities of the coastal country

which may more efficiently provide assistance to the ship in distress or secure an appropriate place of refuge. Additionally, such a notification shall also be forwarded by the on duty officer to the competent government authorities, whose coast could be endangered by pollution or in some other ways from such a ship, if it is assessed that such a threat exists.

Before redirecting such a call, the on duty officer of the National Centre shall obtain approval from the assistant minister competent for activities of safe navigation and protection of the sea against pollution. The on duty officer of the National Centre shall monitor the development of the event until the moment when the competent authorities of the neighbouring country confirm that they will assume responsibility about the ship in need of assistance. If such an application has been sent from a ship with Croatian nationality, the on duty officer of the National Centre shall monitor the development of the event to the moment of termination of the threat.

(6) The National Centre shall confirm the applications for granting of a place of refuge to a ship from which the application was received. If the application was received indirectly, through mediation of a competent harbourmaster's office or a third party, the National Centre shall also confirm receipt of the notification to the person through whose mediation the application was received.

(7) In the event of observing unusual ship movement, e.g. observation of ship movement using an AIS receiver or reported by another subject monitoring the marine area (e.g. the radar system of the Croatian Navy), the on duty officer of the National Centre shall establish communication between the subject ship and review the need for providing assistance also including granting a place of refuge.

(8) The application for granting a place of refuge shall at least contain the following:

- name, type and flag of the ship
- IMO number
- type and quantity of cargo on the ship
- tonnage, length, width and draft of the ship
- name of the ship agent in the Republic of Croatia (if it has one)
- name and address of the owner/ship operator of the ship
- name and address of the company
- name and manner of contacting the authorised person of the company (DPA)
- name and address of insurer,
- name and address of P&I representative,
- position, course and speed of the ship,
- state of the wind and sea,
- type and quantity of fuel on the ship,
- type and quantity of dangerous or pollutant substances,
- type and scale of threat or accident,
- number of dead or injured persons,
- necessary assistance,
- estimate of the actual or possible pollution,
- manner of maintaining contact.

(9) In the case where the message received in the National Centre does not contain all the stipulated items, and from circumstances of development of the event it is evident that the ship represents or may represent a danger to the environment, the National Centre shall consider such a message an application for granting of a place of refuge and proceed as if the application was complete. The National Centre shall obtain the missing data and notifications in the shortest possible time period, depending on the current circumstances.

(10) The application for granting of a place of refuge should be considered complete if the shipmaster:



- has gathered data about the state of the ship, environment and possible threat to persons, the ship and marine environment,
- evaluated level of danger and concluded that there is not direct and serious threat to persons,
- is convinced that continuation of the journey would mean exposing the ship to increased danger,
- is convinced that the conducting of planned actions in the place of refuge would significantly reduce the threat to the environment.

(11) After receipt of the application, regardless of the manner in which it reached the National Centre, the on duty officer shall in the shortest possible time period gather data about the state of the surrounding area and threat to the ship and environment using the appropriated check list.

(12) The application for granting a place of refuge may also be sent by the harbourmaster of the competent harbourmaster's office if:

- the ship has been deserted,
- upon his evaluation, the ship is in such a state that in the event of not undertaking the appropriate measures that the sinking of the ship or pollution of the sea is certain or highly probable, and the shipmaster refuses to undertake appropriate measures to eliminate the danger.

(13) In the case where pursuant to the exchange of messages with the ship, its course or other sources it is obvious that there exist extraordinary circumstances due to which the ship or environment is threatened or could be threatened by danger, and an application for granting a place of refuge has not been sent from the ship, the National Centre shall assume the existence of danger and in accordance with this assumption begin with the evaluation of the circumstances, preparations for providing assistance to the ship or granting of a place of refuge.

#### 4. EVALUATION OF CIRCUMSTANCES, SELECTION OF APPROPRIATE PLACE OF REFUGE AND DECISION ON ADMITTANCE OF THE SHIP IN DISTRESS TO THE SELECTED PLACE OF REFUGE

##### *4.1. Evaluation of circumstances*

(1) The evaluation of circumstances shall be conducted by the on duty officer of the National Centre. The evaluation of the circumstances consists of:

- gathering data about the ship, its general characteristics and threats to which it is exposed,
- gathering data about the environment, especially the state of the wind and sea, and development of weather conditions,
- evaluation of the justifiability of the requested assistance, and
- evaluation of the expected result, that is, effect on the environment in the case of most probable or most unfavourable development of events.

(2) In the case of a ship without it own power, an evaluation of circumstances, aside from the aforementioned, must also determine the following:

- area on the coast towards which the wind, waves and currents are directing the ship and the time the ship shall arrive in the region directly along the coast in the event of successful and unsuccessful anchorage,
- place and time of arrival of tugboat,
- time necessary to transport equipment to limit pollution.

(3) The gathering of data is conducted using checklists. Checklist simultaneously also serve as a permanent transcript on the development of events.

(4) In the case when there are extraordinary circumstances on board a ship, however the granting of a place of refuge has not been requested nor has additional assistance been requested from the coast, the on duty officer of the National Centre shall in an interval not exceeding 1 hour obtain reports from the ship on the development of events.

(5) In the case when an evaluation of the circumstances indicates an imminent or possible request for granting a place of refuge or necessary assistance (in any measure or form), the on duty officer of the National Centre shall notify the following about the current or ensuing circumstances:

- the harbourmaster and on duty officer of the competent harbourmaster's office and corresponding harbourmaster's branches,
- on duty officer of the neighbouring harbourmaster's office,
- National Centre of neighbouring countries (if justifiable), and
- any other person whose assistance could be necessary.

(6) Wherever possible, the initial evaluation of the circumstances shall also be confirmed by the findings and opinions of an expert team.

#### *4.2. Expert team*

(7) An expert team for evaluation of the state of a ship shall be sent:

- if weather conditions permit,
- if there is sufficient time to put one together and it them to the ship.

(8) An expert team consists of a harbourmaster of the harbourmaster's office on whose territory the ship is located, or persons appointed thereof, authorised pilot and other expert persons who in each individual case are determined by the on duty officer of the National Centre from the list of experts determined by the Minister and who are listed as such in the GIS application.

(9) Exceptionally, an expert team may also be sent from another harbourmaster's office (which is not competent at this moment – as a rule the neighbouring harbourmaster's office) if:

- the ship has been blown towards its area of competency,
- the time of arrival of the expert team from the area of that harbourmaster's office is significantly shorter than from the harbourmaster's office which is territorially competent for the ship at that moment.

(10) Additionally, the team may also be joined by other persons not mentioned on the list of expert persons (e.g. representatives of the closest dry dock), if with their knowledge and experience they can significantly contribute to the decision making process on the granting of a place of refuge or further providing of assistance to the ship. The inclusion of such persons shall be conducted on the basis of an order by the competent harbourmaster and notification of the on duty officer of the National Centre.

(11) The expert team shall deliver to the findings and opinions to the on duty officer of the National Centre in the shortest possible time period, and propose a manner of providing assistance, if such is necessary.

(12) An expert team or its individual members may stay on a ship while providing assistance, that is, until the moment the threat has been eliminated:

- if the are not threatened by unnecessary dangers during their stay on board the ship,
- if their stay on board the ship may significantly assist in the elimination of danger,

(13) As a rule the expert team is transported to the ship using a helicopter. Transport by boats or ships are used only if air transport is not possible. In this case vessels enabling the fastest and most secure manner of transport and boarding of persons on board the ship are used.

(14) If from available data the manner of providing assistance to the ship is unquestionable, the on duty officer of the National Centre shall without delay and without waiting for the opinion of the expert group begin with preparations for providing assistance.

#### *4.3. Selection of a suitable place of refuge*

(15) The selection of a possible place of refuge, on the basis of an evaluation of the circumstances and characteristics of the coast along which it is possible to accommodate the ship, shall be conducted by the on duty officer of the National Centre. The selection of possible place of refuge is limited to two, exceptionally three possible places of refuge.

(16) Selection of a place of refuge shall only be conducted in the event of an unfavourable development of events lesser environmental damage is expected compared to that which would eventuate in the case of the development of the same events in the open sea.

(17) Selection of a place of refuge along the coast shall be conducted in the event that:

- this does not endanger the safety and health of persons on the coast;
- accommodation of the ship along the coast reduces the danger to human life on the ship, and the level of threat of pollution remains equal or less;
- significantly reduces the probability of environmental pollution, first and foremost of the coastal edge (upon the assumption that there is not threat to animals or health of the humans on board the ship);
- significantly reduces the unwanted consequences of possible pollution;
- in this manner it enables the crew of the ship to eliminate the breakdowns which at some later time may seriously threaten the safety of persons or contribute to possible pollution of the environment;
- at this place assistance may be provided more successfully than on land.

(18) A place of refuge along the coast shall not be proposed if:

- the application is not founded or if the shipmaster refuses to provide the required explanations and details;
- there exists a threat to animals or persons on the coast;
- the damage to the environment is greater in the case of pollution along the coast than if it occurs in the open sea;
- accommodation of the ship along the coast shall not increase the success of providing assistance to the ship.

(19) After determining the possible places of refuge or determining that no such places along the coast exist, the on duty officer of the National Centre shall, together with a brief explanation of the proposal on the stipulated form, notify the assistant minister competent for activities of safe navigation and protection of the sea against pollution.

#### *4.4. Decision on admittance of a ship to a place of refuge*

(20) Pursuant to the proposal of the National Centre, the assistant minister competent for activities of safe navigation and protection of the sea against pollution, upon the consent of the assistant minister competent for environmental protection shall pass:

- a decision granting a place of refuge and referring a ship to a place of refuge, or
- a decision rejecting an application for determining a place of refuge.

(21) The assistant minister competent for activities of safe navigation and protection of the sea against pollution shall notify the on duty officer of the National Centre about his decision in written form within the shortest possible time period.

(22) The on duty officer of the National Centre shall notify the shipmaster about the approved place of refuge, as well as about the way of arriving at this place immediately after the approval is granted.

(23) The on duty officer of the National Centre shall, in the case when there is more than one access waterway to the selected and granted place of refuge, choose:

- the waterway offering the greatest level of security to the ship or
- the waterway in which there is less of a threat to the environment.

(24) Immediately after notifying the ship, and its movement towards the place of refuge, the on duty officer of the National Centre shall notify the harbourmaster or on duty service of the harbourmaster's office about the approved place of refuge. If the expert team has not able to board the ship by this time, the competent harbourmaster's office shall ensure boarding of an expert team onto the ship as soon as possible.

(25) During navigation of the ship towards the place of refuge, the on duty officer of the National Centre shall gather additional data about the state and threats to the ship, and establish communication with all subjects which are able to provide assistance to the ship or could do so under certain conditions.

(26) In the case of refusal of an application, the on duty officer of the National Centre shall:

- immediately notify the shipmaster thereof,
- monitor the state of the safety of the ship and if necessary ensure assistance during deserting the ship,
- provide any other assistance to the shipmaster when eliminating danger,
- in the event of a change in circumstances once again evaluate the justifiability of the application and, if it is evaluated as appropriate, once again application approval for a place of refuge.

(27) If required, the on duty officer of the National Centre shall notify the centres of neighbouring countries about the state and development of circumstances.

(28) The on duty officer shall keep notes during the course of providing assistance on the stipulated form (Assistance logbook).

## 5. POSSIBLE PLACES OF REFUGE

(1) Details about the possible places of refuge are listed in the GIS application. All suitable places in the immediate vicinity which in individual cases may provide a greater level of safety to the ship or environmental protection, aside from those listed earlier, shall be considered possible places of refuge.

(2) In places of refuge the ship may be accommodated by anchoring in a protected coastal area, along a constructed coast or by running a ground on a beach.

(3) A place of refuge located in a cove is as a rule in the centre of a cove, except if some other place within the cove under given circumstances provides better shelter.

(4) Mooring of a ship along a constructed coast is a rule conducted with the assistance of a tugboat.

(5) A site of anchorage or running a ground of a ship in the immediate vicinity of a place of refuge shall be determined, in each individual case, by the shipmaster and this on the basis of instructions of a pilot or competent harbourmaster.

(6) After accommodating the ship in a place of refuge, the ship's crew is not given freedom of movement on land, except in the event of conducting essential activities on maintaining the safety of the ship or preventing or removal of pollution.

(7) The list of places of refuge or constructed ports or beaches on which it is possible to intentionally run a ground is updated by the head of the National Centre. Updating of data in

the GIS application is conducted by the competent person of the Croatian hydro graphic institute, as a rule once a month.

## 6. PROCEDURE FOR EVALUATION AND SELECTION OF PLACE OF REFUGE

(1) The selection of the place of refuge is carried out as follows:

- the initial place of refuge is the location on the list of possible place of refuge with is closest to the location of the ship in need of assistance.
- if the initial place of refuge is to a greater extent inappropriate or unsuitable then the next location of the list of possible place of refuge on the list shall be selected as the possible place of refuge;
- exceptionally, a place unsuitable on the basis of general principles of environmental protection may be taken into account if this shall significantly reduce the threat or possible pollution of the environment, and if it facilitates effective reduction of damage to the environment.

(2) The procedure shall be repeated until a location is determined which to a greater extent enables the providing of assistance to the ship.

(3) After implementing the basic procedure, a multi-criteria analysis of available places of refuge may be conducted. If the multi-criteria analysis indicates significantly different places of refuge than those selected by applying basic iterative procedure, the on duty officer of the National Centre shall once again review the adequacy factors, that is, suitability of the reviewed places of refuge.

(4) If it is certain that the threat to the safety of persons and ship may not be eliminated by providing assistance (as established in chapter 7) then rescue of persons shall be carried out, and a suitable place of refuge shall be selected exclusively from the viewpoint of environmental protection.

(5) A place of refuge shall be considered suitable from the viewpoint of safety of the ship if:

- it provides satisfactory protection from the influence of external forces, first and foremost the wind and waves, and this for the purpose of preserving navigability, stability and/or sturdiness of the ship;
- it enables disembarking of persons from the ship;
- it enables the conducting of work on the ship by which the threat is eliminated or danger of a maritime or other accident is reduced;
- it enables disembarking of persons and equipment for the purpose of eliminating the threat or reduction of danger;
- it provides the possibility of intentional grounding of a ship for the purpose of preventing its uncontrolled sinking;

(6) A place of refuge should be considered suitable if the presence of the ship at this place:

- reduces the unapproved release of substances from the ship into the sea, first and foremost due to lesser exposure of the ship to the forces of winds, waves and sea currents;
- enables suitable protection against spreading of pollution (single or multiple encircling with protective barriers);
- enables intentional grounding of a ship for the purpose of preventing the spreading of pollution (in the event of sinking of the ship somewhere else);

(7) A certain place or marine area shall be considered unsuitable for accommodation of a ship if:

- it is not sheltered from prevailing winds and waves;
- in the event of worsening weather conditions it does not provide a satisfactory level of safety for the ship; in accordance with this, all those places in which a ship cannot be safely

anchored in the event of 8 Beaufort strength storms shall be considered unsuitable places of refuge.

- in the immediate vicinity there is significant traffic of other ships and vessels;
- the deserting of the ship, if required, would be significantly more difficult;
- access to the ship, people and resources from land is lengthy or unsuitable or therein becomes in the case of slightly increased winds and waves.

(8) A place of refuge should also be considered unsuitable if:

- it is located in the immediate vicinity of national parks, nature parks and other regions of natural wealth;
- there are densely populated localities in the immediate vicinity;
- there are breeding farms and similar facilities nearby whose successful work is crucially dependant in the long term on the quality of the sea;
- it is not possible to effectively encircle the ship or to close a smaller area with protective barriers;
- the sinking of the ship would obstruct the conducting of regular marine traffic.

(9) All areas in the immediate vicinity of tourist or similar facilities shall be considered unsuitable places of refuge if the presence of commercial ships in these places is not common.

(10) In particular, industrial ports, especially those removed from inhabited localities shall be considered suitable places of refuge if the providing of assistance may be conducted without increasing the danger for persons on the coast. Commercial activities in such ports shall not be considered an obstacle for providing assistance to the ship, especially if this reduces the threat to the environment.

(11) If there are more than one possible places of refuge of almost equal characteristics and/or distance from the position of the ship which is in need of assistance then precedence should be given to:

- the location which provides greater shelter from external influences (if these represent a basic threat),
- the location which can be reached faster and with less navigational limitations (greater width of waterway, less number of changes of course, lesser exposure to the wind and waves, lesser number of reefs, etc.),
- the location to which access by persons and equipment from land is simpler,

(12) In the event that this ship is threatened by immediate danger of sinking, turning over or breakage, in the selection of the place of refuge precedence shall be given to:

- the location which would enable better constraint or collection of polluted sea,
- the location which enables simpler intentional running a ground,
- the location in whose vicinity there are not protected areas, breeding farms, tourist localities or larger settlements.

(13) If after applying the principles listed in items (11) and (12) it is still not possible to give precedence to one location then all the considered places should be proposed as places of refuge. The total number of places of refuge should be limited to three at most.

## 7. PROVIDING ASSISTANCE

(1) The providing of assistance encompasses all actions undertaken by the National Centre or any other subject with the ultimate objective of providing assistance to a ship in need.

(2) Active providing of assistance is conducted first and foremost on the basis of a commercial agreement, common in international shipping industry (e.g. LOF). Different approaches to the bearing of costs ensuing from providing assistance are permitted only exceptionally if this cannot be avoided in any other manner.

(3) While providing assistance, the assistant minister competent for activities of safe navigation and protection of the sea against pollution shall be responsible for:

- rendering crucial decisions on the basis of proposals of the on duty officer of the National Centre and
- public relations.

(4) While providing assistance, the on duty officer of the National Centre shall be responsible for:

- supervision and coordination of joint activities of the services, commercial and other subjects included,
- reporting to the competent assistant minister and all included services and persons,
- international cooperation.

(5) While providing assistance, the harbourmaster of the competent harbourmaster's office shall be responsible for:

- supervision and coordination of the activities of the services and subjects participating in the provision of assistance to the ship,
- reporting to the on duty officer of the National Centre.

#### *7.1. Pollution of the sea*

(6) In the case of discovering the onset of pollution of the sea or the existence of immediate threat of pollution, the on duty officer of the National Centre shall forward the available data to the Command for implementation of the Plan, in accordance with the existing Intervention plan for sudden marine pollution of the sea in the Republic of Croatia.

(7) In the event of threat to human life, the providing of assistance to persons has precedence over removal of pollution, and the National Centre shall assume responsibility for providing assistance to persons in distress.

#### *7.2. Permission to sail into a sheltered area*

(8) Sailing into a sheltered area shall be proposed as a measure of assistance in the case of:

- the need to repair a machine, hull or other equipment of a ship which due to weather conditions cannot be conducted in a satisfactory manner while sailing;
- moving cargo;
- sheltering of a ship ("leeward shelter") into an area in which it will not be endangered directly by the action of the wind and waves or navigation through such area.

(9) Sailing into a sheltered area includes navigation, floating and/or anchoring in the area of territorial sea and internal sea waters.

(10) In the event that the ship for which sailing into a sheltered area has been approved, due to the influence of the wind and sea, is moving towards the open sea or toward the territorial sea of a neighbouring country, the on duty officer of the National Centre shall notify the assistant minister competent for activities of safe navigation and protection of the sea against pollution and later the competent services of the neighbouring countries.

(11) The repair of the machine, hull or other equipment shall be conducted as a rule within the borders of the territorial sea in the ship which is floating or is anchored, according to the request of the shipmaster. When this is possible, in the case of the need for floating longer than 4 hours or during the night, the ship should be anchored.

(12) In the case of approval of anchoring or floating in territorial sea or in internal sea waters the place of anchoring or floating area is determined by the harbourmaster or on duty officer of the competent harbourmaster's office. The person approving the place of anchoring or floating area shall notify the on duty officer of the National Centre.

(13) Sheltering of a ship into a sheltered area may be permitted to ships shorter than 80 m, to ships without dangerous or hazardous cargo and ships with less than 150 tonnes of fuel.

(14) Sheltering of a ship exceeding 80 m, a ship with dangerous or hazardous cargo or ship with more than 150 tonnes of fuel shall be only exceptionally permitted.

(15) Sheltering of a ship exceeding 200 m is not permitted.

(16) In the event of anchoring or floating of a ship for the purpose of repair in internal sea waters of a duration exceeding 4 hours or in the event that on the ship there are dangerous, hazardous or pollutant substances of a quantity greater than 200 tonnes or in the case of unfavourable weather conditions the on duty officer shall consider:

- sending an expert team or employee (PSCO) of the competent harbourmaster's office to the ship, as suitable,

- sending of a pilot onto the ship,

- sending a tugboat,

- setting up of protective barriers around the ship,

- gathering together and send of expert assistance from land, if the malfunction cannot be eliminated within a reasonable time period.

(17) The aforementioned measures, aside from sending an employee of the competent harbourmaster's office, are conducted at the expense of the ship with prior securing of payment.

### *7.3. Intentional running a ground of a ship*

(18) Intentional running a ground may be permitted as a safety measure in the case when a significant probability exists of imminent sinking of a ship in an area of great depth. Great depths shall be considered sea areas in which the depth of the sea is greater than 50 m.

(19) The objective of intentional running a ground of a ship may be:

- saving a ship, when the ship is under threat of sinking, or

- prevention of even greater pollution, when there is a large quantity of pollutant or hazardous substances on board and when long-term release of these substances from the ship into the sea threatens if the ship sinks in an area of greater depth.

(20) Intentional sinking of a ship may be permitted if:

- the location of the incident is in the immediate vicinity of the part of the coast where the bottom of the sea is of a suitable depth, incline and composition,

- the ship can move independently under its own thrust or it may be towed within a reasonable time period to the place of running a ground.

(21) A depth which is equal or less than the sum of the draft and freeboard of the ship (equal or less than the height of the main deck over the keel) shall be considered a suitable depth.

(22) During intentional running a ground, the ship must be positioned in way that the greatest possible surface of the bottom of the hull lays on the sea floor for the purpose of reducing the unfavourable influence of waves and winds or reducing the danger of subsequent rupturing of the hull. Hence a location of running a ground with the least possible slope should be given precedence. In regard to the composition of the floor, sandy or muddy floors shall be considered suitable.

(23) Intentional running a ground on a rocky or stony part of the coast or on part of the coast on which the composition is unknown shall not be permitted.

(24) Before proposing intentional running a ground, the on duty officer of the National Centre shall:

- send an expert team onto the ship or location of the incident and on the basis of their findings propose a location for running a ground,



- immediately upon sending an expert team begin collecting protective barriers and personnel, vessels and equipment necessary for setting up the barriers in the immediate vicinity of the selected location,
- organise scuba divers with the necessary equipment for inspecting the hull,
- organise the presence of a sufficient number of tugboats for providing assistance during running a ground,
- organise guarding of the ship and maintenance of mooring after running a ground to the moment until the reloading of cargo or saving of the ship or removal of the wreck.

(25) Intentional running a ground without the presence and inspection of an expert team into the circumstances and state of the ship shall be permitted only in the case of ultimate necessity.

(26) In the case of permitted intentional running a ground it is necessary for a marine pilot appointed by the duty officer of the National centre to board the ship before it approaches the edge of the coast, and to disembark all person whose presence on the ship is not essential.

#### *7.4 Reloading of cargo*

(27) Reloading is a measure which may be permitted in the case when there is cargo with the following characteristics on board a ship:

- it would endanger the environment in the event of its release or sinking of the ship or
- it would prevent the elimination of a malfunction on the ship or
- it would prevent the elimination of some other threat to the safety of the ship.

(28) The proposal for reloading of the cargo shall be first and foremost rendered by the shipmaster. In the event that circumstances indicate the need for reloading of the entire or part of the cargo, and the shipmaster does not make the appropriate decision or does not explain the decision on retaining the cargo on the ship in an acceptable manner, the on duty officer of the National Centre shall:

- send an expert team as soon as possible on board the ship or the location of the incident and on the basis of their findings render a decision on further actions,
- immediately upon sending an expert team begin notifying subjects who can or are will to participate in the reloading of the cargo,
- begin preparations for setting up protective barriers and begin notifying personnel who will organise the setting up of the barriers around the ship,
- notify subjects who can accept the reloaded cargo and collect notifications on quantities which may be accepted, speed of acceptance, technological and financial conditions about the acceptance of the cargo, required guarantees, conditions and limitations in relation to securing and storage of cargo and the time of readiness.

(29) In the event that it is necessary to reload such quantities of cargo or cargo of such characteristics which significantly influence the conducting of individual economic activities on land (e.g. the need for reloading multiple tens of thousands of tonnes of mineral oils) or the reloading requires substantial financial resources or guarantees, the on duty officer of the National Centre shall before any such action request the approval from the assistant minister competent for activities of safe navigation and protection of the sea against pollution.

#### *7.5. Providing assistance to tugboats*

(30) Providing assistance to ships with tugboats may be permitted when it is not certain whether the ship shall arrive safely at the destination or at the place of refuge or when the safety of the ship at the anchorage is questionable.

(31) Providing assistance with tugboats primarily includes:

- accompanying a ship (Escort) to its destination or place of refuge in the case of partial loss of buoyancy (e.g. rupture of the hull), serious damage to the hull (e.g. after a collision, impact) or setting a ship aloft, during navigation towards the place of docking,
- accompanying a ship to the destination or place of refuge, and action in the event of uncertain navigability of the ship,
- readiness in the event of a fire or immediately after its extinguishing by the ship fire fighting systems,
- readiness in the event of unfavourable weather conditions for ships in navigation or at anchorage (e.g. in the case of reduced stability of the ship or partial loss of buoyancy),
- accompanying a ship in the event of threat of pollution due to hull damage.

(32) Accompanying a ship with one or more tugboats is applied in the area of the territorial sea and inland sea waters.

(33) The accompanying of tankers for oil, chemical or liquefied gas during their navigation in the inland sea waters of the Republic of Croatia in the case of justifiable doubt or actual malfunction and/or unreliability of the steering device is mandatory. As a rule, the fastening of tugboats is carried out on the stern of the tanker.

(34) In the case of providing assistance with tugboats or indication that the sending of tugboats may be necessary, the on duty officer of the National Centre:

- as a rule proposes the most appropriate tugboat which is presently available,
- depending on the type of threat, shall contact expert persons (e.g. fire-fighters in the case of a fire on the ship or with experts of the Croatian Register of Ships in the event of hull damage) who may assist in decision making about further actions,
- notifies subjects who, with their equipment and resources, may provide assistance if required (e.g. subjects who have at their disposal persons and equipment for underwater repair of ships or portable pumps, etc.)

(35) In the case of concluding agreements on towing, rescue or some other activity between ship owners and some other persons, the on duty officer of the National Centre shall monitor the development of events to the end of the threat, and act as required, especially in the case of possible threat to human life or health or possible pollution.

#### *7.6. Towing of a ship*

(36) Towing of a ship may be approved in the case when the ship is not in a state to sail under its own thrust to a destination or to the place of refuge.

(37) The on duty officer of the National Centre shall monitor the development of events until the end of the threat and act as required, especially in the case of possible threat to human life or health or possible pollution, regardless whether an agreement on towing or rescue or some other activity between the shipmaster and another person eventuated or not.

(38) Towing of a ship may also be approved when the on duty officer of the National Centre, on the basis of available facts, establishes that the relocation of the ship which cannot move under its own thrust is necessary from the place it is currently located to the place of refuge. In this case towing is conducted to the nearest place of refuge in which the ship will not be exposed to significant threats and with the constant readiness of tugboats which conducted the towing.

(39) Before proposing towing as a measure for eliminating danger, the on duty officer of the National Centre shall:

- send an expert team to the ship and on the basis of their findings make a decision on further actions,
- as a rule select and send the most powerful tugboat currently available; in the case that only tugboats of lesser towing strength are available more than one tugboat should be sent,

- depending on the type of threat in relation to the expert persons (e.g. fire-fighters in the case of a fire on board a ship or experts of the Croatian Register of Ships in the event of hull damage) who may assist in decision making about further actions,
- notifies subjects who, with their equipment and resources, may provide assistance if required (e.g. subjects who have at their disposal persons and equipment for underwater repair of ships or portable pumps, etc.)

#### *7.7. Sending expert staff and special equipment from land*

(40) Sending expert staff, with or without special equipment, shall be undertaken in cases when expert knowledge and the capability of the shipmaster and members of the crew are not sufficient to eliminate the breakdown or threat to the ship. The sending of an expert team as a rule is based on:

- a request from the shipmaster of a ship,
- proposal of an expert team.

(41) The composition of the team sent to a ship depends on the threats or needs in each individual case. The team as a rule is comprised of employees of the nearest dry dock or other commercial subject which usually carries out maintenance and repair of ships and ship equipment.

(42) Work conducted by expert staff is as a rule conducted in the place of refuge where the ship is sufficiently sheltered from the influences of the weather and the sea. Any relocation of a ship from the place of refuge must be approved by the on duty officer of the National Centre.

(43) In the event that it is necessary to disable the thrust of a ship, located outside port areas, for a certain period of time and if a possibility exists of the worsening of weather conditions, the on duty officer of the National Centre shall, depending on the location of the incident:

- ensure the constant presence of at least one tugboat immediately along the side of the ship,
- ensure an additional tugboat whose time of activity is less than 60 minutes.

(44) In the event of discovering possible pollution of the sea during work on a ship, the on duty officer of the National Centre shall before the commencement of work organise the setting up of protective barriers and a sufficient number of persons and equipment for removal of pollution, if such occurs.

(45) During the carrying out of work the on duty officer must regularly obtain reports on the state of safety on board the ship. These reports may be submitted by the expert staff on the ship or an employee of the competent harbourmaster's office may intermittently or permanently be sent to the ship until the conclusion of the activities.

#### *7.8. Use of coastal machinery*

(46) Use of coastal machinery, primarily docking, is essential when crew or expert staff from land cannot carry out the repair of the ship at the place of refuge or it would be significantly impeded.

(47) Use of coastal machinery includes:

- mooring and/or docking of a ship in a dry dock,
- mooring in the area of the port open to public traffic,
- mooring along the coast of an industrial or other port managed by a concession holder.

(48) In the event of sending a ship towards the port of a dry dock or some other port, the on duty officer shall:

- provide assistance to the shipmaster or his agent when locating suitable assistance,

- immediately after making a decision about the port in which the repair shall be conducted, send a pilot to the ship and secure an appropriate number of tugboats to accompany the ship or for the needs of manoeuvring mooring,
- ensure that during navigation or upon mooring of the ship all conditions of safety of navigation and protection of the marine environment are complied with,
- immediately upon discovering in which port the repair or other work shall be carried out, notify the on duty officer of the competent harbourmaster's office.

(49) In the case that multiple shipyards or coastal machinery are involved in the repair of ships, the on duty officer of the National Centre shall select the coastal machinery to which the navigation of the ship represents the least danger of pollution.

(50) During navigation of a ship towards a port where work shall be conducted as well as during work on a ship, the on duty officer must regularly obtain reports about the state of safety on board a ship. These reports should be obtained from the shipmaster, employee of the competent harbourmaster's office or from authorised employees of the dry dock, if they are located on board the ship.

## 8. RESOURCES AND EQUIPMENT FOR PROVIDING ASSISTANCE AND RESCUE OR LIMITING AND REMOVAL OF POLLUTION

(1) Resources and equipment for providing assistance and rescue, their position and spatial reach are managed by a computer system, within the framework of GIS applications.

(2) The head of the National Centre shall ensure updating of data about new or replaced or written off resources and equipment for providing assistance and rescue and ensure their computer preparation or entry.

(3) Data about resources and equipment for limiting and removal of pollution are taken from the Intervention plan for sudden marine pollution in the Republic of Croatia.

(4) The list of resources and equipment for limiting and removal of pollution is updated by the head of the National centre. The updating of data in GIS applications is conducted by the competent person of the Croatian Hydrographic Institute, as a rule once a month.

## 9. INTERNATIONAL COORDINATION AND DECISION MAKING

(1) The on duty officer of the National Centre shall notify the National Centres of neighbouring countries or their services responsible for providing assistance to a ship which needs it, in cases:

- when a ship that needs assistance floats freely and within a certain time shall reach the area of competency of a Centre of the neighbouring countries,
- when possible consequences of marine casualties may also encompass an area of competency of a neighbouring country,
- when the inclusion of personnel and resources of neighbouring countries in providing assistance or limiting the consequences of marine casualties is certain, regardless of whether such inclusion is based on bilateral or multilateral international treaties or not.

(2) The on duty officer shall request approval before the first notification of a National Centre of a neighbouring country or other responsible authority of that country. Approval for notification is issued by assistant minister competent for activities of safe navigation and protection of the sea against pollution.

(3) The inclusion of foreign public ships or aircraft or foreign commercial subjects for the purpose of providing assistance (e.g. tugboat, expert staff or special equipment) in the area of competency, upon the proposal of the on duty officer of the National Centre must be approved

by the assistant minister competent for activities of safe navigation and protection of the sea against pollution.

(4) The inclusion of foreign vessels and airplanes or other resources and staff on the basis of multilateral treaties, and in relation to the protection against pollution or its removal from the sea must be approved by the assistant minister competent for activities of safe navigation and protection of the sea against pollution along with the consent of the assistant minister competent for environmental protection.

(5) In the event that the ship requesting assistance is located in the immediate vicinity of an area of competency of a neighbouring country and its admittance into a place of refuge determined in various countries is possible, the place of refuge shall be determined by agreement between assistant minister competent for activities of safe navigation and protection of the sea against pollution and the responsible person of the neighbouring country.

(6) During the agreement, the on duty officer of the National Centre shall prepare the necessary data for assistant minister competent for activities of safe navigation and protection of the sea against pollution. During the agreement the assistant minister shall attempt to realise the selection by which the greatest possible protection of sea and coastal area shall be achieved.

(7) In principle, care of the ship not capable of moving on its own shall be assumed by that country for which the ship, through its natural movement, represents a greater threat.

(8) In principle, care of the ship not capable of moving on its own shall be assumed by that country in which it is possible to ensure a greater level of protection against pollution in the case of an unfavourable result of providing assistance.

#### 10. FINANCIAL SECURITIES AND LIABILITY SYSTEMS OF THE SHIP ACCEPTED INTO A PLACE OF REFUGE

(1) Each ship requesting a place of refuge in the Republic of Croatia must have valid insurance or other financial securities.

(2) Upon submitting an application for granting a place of refuge, the shipmaster shall submit proof of insurance or other financial securities. Insurance or other financial securities may be issued in the form of a certificate, confirmation on P&I insurance, confirmation on a guarantee issued by the P&I club or other corresponding institution (e.g. bank).

(3) All ships requesting a place of refuge must have insurance to the amount of the limitation of liability in accordance with the Protocol from 1996 on the Convention on limitation of liability for maritime claims, 1976. An example of a confirmation of a financial security and P&I insurance is shown in the supplement.

(4) A ship transporting more than 2,000 tonnes of oil as cargo must have insurance and other financial securities to the amount of the limitation of liability stipulated under the Protocol of 1992 to amend the International Convention on civil liability for oil pollution damage. The existences of financial securities of the countries of the flags of the ship confirm the issuing of the certificate whose form is shown in the supplement.

#### 11. SUPPLEMENTS

11.1 Checklist – Call for assistance – Granting a place of Refuge

CALL FOR ASSISTANCE RCC Rijeka  
GRANTING A PLACE OF REFUGE Date:

SHIP

Name of ship.....  
Nationality.....  
IMO number.....  
Call sign.....  
MMSI.....  
INMARSAT.....  
Number of crew members.....  
Number of injured members.....  
Position.....  
Determined by.....GPS/radar/visual/computer/estimation  
Course.....  
Speed.....  
Type.....general/ro-ro/loose/tanker/LNG/LPG  
.....container ship/tanker for chemicals/passenger  
Year of construction.....  
Length.....m  
Width.....m  
Draft.....m  
GT.....  
Point of origin.....  
Destination.....  
PASSENGERS  
Number of persons.....  
Number injured.....  
Majority nationality.....  
REASON FOR CALL  
Threat.....fire/explosion/collision/impact/running a ground  
.....rupture of hull/storms/other  
Expected.....sinking/turning over  
Description of damage.....  
.....  
Deserting ship.....urgent/possible/uncertain  
STATE OF THE ENVIRONMENT  
Wind – direction and speed.....  
Sea waves – direction and height.....  
Swell waves – direction and height.....  
Sea current – direction and speed.....  
Visibility.....M  
SHIP EQUIPMENT  
Navigation.....radar/GPS/AIS/compass/maps/ENC  
Type of thrust.....  
Strength and accuracy.....kW  
Type of steering machinery.....

State of the steering device .....  
 Bow thrusters .....  
 Steer thrusters .....  
 Diameter of rotation .....  
 Anchor (number/length of chain).....m  
 Fastened equipment .....

11.2 Checklist – Details of the authorised persons

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RCC Rijeka

DETAILS OF THE AUTHORISED PERSONS

Date:

---

SHIP

Name of ship.....  
 Nationality .....  
 IMO number .....  
 SHIP OPERATOR  
 Name (title) .....  
 Country/city of head office .....  
 Telephone number .....  
 Fax number .....  
 Email .....  
 Name of authorised person (DP) .....

AGENT

Name (title) .....  
 Country/city of head office .....  
 Telephone number .....  
 Fax number .....  
 Email .....

INSURER

Name (title) .....  
 Country/city of head office .....  
 Telephone number .....  
 Fax number .....  
 Email .....

CLASSIFICATION COMPANY

Name (title) .....  
 Country/city of head office .....  
 Representative office..... Pula/Rijeka/Split/Zagreb/Other  
 Telephone number .....  
 Fax number .....  
 Email .....

P&I

Name (title) .....  
 Country/city of head office .....  
 Telephone number .....  
 Fax number .....  
 Email .....

.....  
.....  
.....  
.....

On duty officer:

### 11.3 Checklist – Incident and malfunction of ship

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RCC Rijeka

INCIDENT AND MALFUNCTION OF SHIP

Date:

---

#### SHIP

Name of ship .....

Nationality .....

IMO number .....

Call sign .....

MMSI .....

INMARSAT .....

Position.....

Determined by.....GPS/radar/visual/computer/estimation

Course .....

Speed .....

Type.....general/ro-ro/loose/tanker/LNG/LPG  
.....container ship/tanker for chemicals/passenger

Year of construction .....

Length .....

Width .....

Draft .....

GT .....

Point of origin .....

Destination .....

#### COLLISION OR IMPACT

With another ship?.....yes/no

With vessel?.....yes/no

Is there damage above the water line? .....yes/no

Is there damage below the water line? .....yes/no

#### FIRE/EXPLOSION

In the engine room .....yes/no

In cargo areas .....yes/no

In superstructure .....yes/no

In the area of pumps.....yes/no

Extinguishing undertaken .....yes/no

Extinguishing successful .....yes/no

#### FAILURE

Power supply? .....yes/no

Thrust? .....yes/no

Steering system? .....yes/no

Cargo system? ..... yes/no



**RUNNING A GROUND**

Is the ship moving due to the action of the waves? .....yes/no

Does sea pollution exist? .....yes/no

What is the variation in draft/displacement? .....yes/no

**MOVEMENT OF CARGO**

Damage to the formwork of the ship? .....yes/no

Stability endangered?.....yes/no

**PENETRATION OF WATER**

In the engine room?.....yes/no

In the cargo area? .....yes/no

In the ballast area? .....yes/no

In the fuel tanks?.....yes/no

Water penetrating in multiple watertight areas?.....yes/no

Can navigability be maintained with pumps? .....yes/no

Estimated time of retaining navigability..... hours

**ELIMINATION OF BREAKDOWN**

Can the breakdown be eliminated by the crew of the ship? .....yes/no

The breakdown can be eliminated in the following ..... hours

11.4 Checklist – Approach of the ship to the place of refuge

RCC Rijeka

**APPROACH OF THE SHIP TO THE PLACE OF REFUGE**

Date:

**SHIP**

Name of ship.....

Nationality .....

IMO number .....

Call sign .....

MMSI .....

INMARSAT .....

Position.....

Determined by.....GPS/radar/visual/computer/estimation

Course .....

Speed .....

Type.....general/ro-ro/loose/tanker/LNG/LPG

.....container ship/tanker for chemicals/passenger

Year of construction .....

Length..... m

Width .....

Draft .....

GT .....

Point of origin .....

Destination .....

**PLACE OF REFUGE**

Geographical width ( $\varphi$ ) .....

Geographical length ( $\lambda$ ).....

Description .....

APPROACH TO THE PLACE OF REFUGE

Location of boarding by pilot .....

Expected time of boarding by pilot.....

Manner of boarding by the pilot .....

Basic waterway .....

Alternative waterway .....

Place of connection of tugboat .....

Important navigation signs during navigation:

(1) .....

(2) .....

(3) .....

(4) .....

(5) .....

(6) .....

Limitations on the waterway:

width and depth .....

possibility of anchoring .....

speed of navigation .....

Navigational dangers on the waterway to the place of refuge:

(1) .....

(2) .....

(3) .....

(4) .....

Important navigation signs at the entry to a sheltered area:

(1) .....

(2) .....

(3) .....

(4) .....

Navigational dangers in the immediate vicinity of the place of refuge:

crags .....

shipwreck .....

shallows .....

11.5 Checklist – Deserted ship

\_\_\_\_\_ RCC Rijeka

DESERTED SHIP

Date:

\_\_\_\_\_ SHIP

Name of ship .....

Nationality .....

IMO number .....

Call sign .....

MMSI .....

INMARSAT .....

Position.....

Determined by.....GPS/radar/visual/computer/estimation

Course .....

Speed .....

Type.....general/ro-ro/loose/tanker/LNG/LPG  
.....container ship/tanker for chemicals/passenger  
Year of construction .....

Length ..... m  
Width ..... m  
Draft ..... m  
GT .....

Point of origin .....

Destination .....

SOURCE OF NOTIFICATION  
The first notification was received at .....

Notification sent by .....

Notification received by .....

DESERTING OF SHIP  
Reason for deserting ship .....

Time of deserting ship .....

Place of deserting ship.....

Number of persons .....

Number injured .....

MOVEMENT OF SHIP  
Type of thrust .....

Strength ..... kW

Type of steering device .....

State of the steering device .....

Bow thrusters .....

Steer thrusters .....

Anchor (number/length of chain)..... m

Fastened equipment .....

Drive – speed and direction of movement .....

Expected location of running a ground .....

Expected time of running a ground .....

HULL  
Time of damage .....

Cause of damage .....

Location of damage .....

Penetration of water? .....yes/no

Expected duration of navigability .....hours

Possibility of access to the ship .....yes/no

STATE OF THE ENVIRONMENT  
Wind – direction and speed .....

Sea waves – direction and height .....

Swell waves – direction and height .....

Sea current – direction and speed .....

Visibility .....M

#### 11.6 Proposal for granting a place of refuge

RCC Rijeka

PROPOSAL FOR GRANTING A PLACE  
OF REFUGE

Date:

SHIP

Name of ship .....  
Nationality .....  
IMO number .....  
Call sign .....  
MMSI .....  
INMARSAT .....  
Position .....  
Determined by ..... GPS/radar/visual/computer/estimation  
Course .....  
Speed .....  
Type ..... general/ro-ro/loose/tanker/LNG/LPG  
..... container ship/tanker for chemicals/passenger  
Year of construction .....  
Length ..... m  
Width ..... m  
Draft ..... m  
GT .....  
Point of origin .....  
Destination .....

SOURCE OF NOTIFICATION

The first notification was received at .....  
Notification sent by .....  
Notification received by .....  
Manner of primary communication with the ship .....

INCIDENT

Collision or impact ..... with other ship/vessel  
Fire/explosion ...in engine room/ in cargo areas/on the superstructure  
Failure of .....energy supply/thrust/steering system  
Penetration of water .....into the engine room/cargo area/tanks  
Movement of cargo .....with damage to the hull/loss of stability  
Running a ground .....(approximate location)

STATE OF THE ENVIRONMENT

Wind – direction and speed .....  
Sea waves – direction and height .....  
Swell waves – direction and height .....  
Sea current – direction and speed .....  
Visibility .....M

POLLUTION OF THE SEA

Release into the sea ..... fuel/cargo/no pollution  
Released quantity ..... t  
Expected location of coastal pollution .....  
Expected time of coastal pollution .....

NECESSARY ASSISTANCE

Medical assistance? ..... yes/no  
Evacuation of injured persons? ..... yes/no  
Reloading of cargo? ..... yes/no  
Assistance of tugboats? ..... yes/no

Towing? .....yes/no  
 Intentional running a ground? .....yes/no  
 Expert assistance? ..... yes/no  
 Secured financial securities? .....yes/no

IT IS PROPOSED

granting/rejection  
 Places of refuge:

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11.7 Checklist – Sea pollution

SEA POLLUTION  
 RCC Rijeka  
 Date:

SHIP

Name of ship .....  
 Nationality .....  
 IMO number .....  
 Call sign .....  
 MMSI .....  
 INMARSAT .....  
 Position.....  
 Determined by.....GPS/radar/visual/computer/estimation  
 Course .....  
 Speed .....  
 Type.....general/ro-ro/loose/tanker/LNG/LPG  
 .....container ship/tanker for chemicals/passenger  
 Year of construction .....  
 Length ..... m  
 Width ..... m  
 Draft .....m  
 GT .....  
 Point of origin .....  
 Destination .....

SOURCE OF NOTIFICATION

The first notification was received at .....  
 Notification sent by .....  
 Notification received by .....  
 Manner of primary communication with the ship .....  
 Person responsible for constant communication with the ship .....  
 Backup manner of maintaining communication with the ship .....

COMMUNICATION WITH ASSOCIATED SERVICES

Were the following notified:  
 Members of the competent Command? ..... ()

- Healthcare services? ..... ( )
- Competent ministries? ..... ( )
- Competent harbourmaster's office? ..... ( )
- Is the person in charge of public relations known? ..... ( )
- Has the keeping of notes about the course of providing assistance or removal of pollution been organised? ..... ( )

**POLLUTION**

Are the following known:

- Type and origin of the polluting substance? .....( )
- Quantity of released and remaining substance? .....( )
- Chemical and physical characteristics of released substance? .....( )
- Behaviour of released substance in current circumstances of the sea temperature, waves, sea currents, etc. ....( )
- Toxicity of the released substance:  
in the sea (for sea organisms) .....( )  
on land (for people and land organisms) .....( )
- Has an assessment of the natural removal of the pollution or impact of oceanological and meteorological circumstances (Weathering) been made?.....( )
- Has monitoring of the pollution, especially aerial observation by a trained observer been organised? .....( )

11.7 Work logbook

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Unit \_\_\_\_\_

**WORK LOGBOOK**

M/B (Tax Number) \_\_\_\_\_ Date: \_\_\_\_\_

Time and location	Event

Competent officer:  
\_\_\_\_\_

*11.9. Certificates and other documents on financial security and insurance*

Klasa (Class):  
Urbroj (Ref. No.):  
Zagreb

**SVJEDODŽBA O OSIGURANJU ILI DRUGOM FINANCIJSKOM  
JAMSTVU O GRAĐANSKOJ ODGOVORNOSTI ZA ŠTETU  
ZBOG ONEČIŠĆENJA ULJEM**

*CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY  
IN RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION  
DAMAGE*

Izdano u skladu s odredbom članka VII Međunarodne konvencije  
o građanskoj odgovornosti za štetu nastalu zbog onečišćenja uljem  
iz 1992.

*Issued in accordance with the provisions of article VII of the International  
Convention on Civil Liability for Oil Pollution Damage, 1992.*

Ime broda <i>Name of Ship</i>	Slova ili brojevi za raspoznavanje <i>Distinctive Number of Letters</i>	Luka upisa <i>Port of Registry</i>	Ime i adresa vlasnika <i>Name and address of owner</i>

Ovim se potvrđuje da je u pogledu gore imenovanoga broda na snazi  
polica osiguranja ili drugo financijsko jamstvo prema odredbama  
članka VII Međunarodne konvencije o građanskoj odgovornosti za  
štetu zbog onečišćenja uljem iz 1992.

*This is to certify that there is in force in respect of the above – named  
ship a policy of insurance or other financial security satisfying the  
requirements of article VII of the International Convention on Civil  
Liability for Oil Pollution Damage, 1992.*

Vrsta jamstva  
*Type of Security*

Trajanje jamstva  
*Duration of Security*

Ime i adresa osiguratelja (ili više njih) i/ili jamca (jamaca)  
*Name and Address of the Insurer(s) and/or Guarantor(s)*

Ime  
*Name*

Adresa  
*Address*

Ova svjedodžba vrijedi do  
*This certificate is valid until*

Izdana ili ovjerena od Vlade .....  
*Issued or certified by the Government of ....*

U  
*At*

\_\_\_\_\_  
Potpis  
*(Signature)*

TRANSLATION

STANDARD LETTER OF GUARANTEE TO BE GIVEN TO PORT  
OR PROPER AUTHORITY IN RELATION TO A SHIP SEEKING  
ENTRY TO A PLACE OF REFUGE

Dear Sirs,

**Heading – Details of Ship, Casualty and Place of Refuge**

In consideration of:

- 1) your agreeing to the entry into port or other place of refuge, of the *(name of ship)* and;
- 2) your agreeing not to arrest or detain the *(name of ship)* or any other ship or property in the same or associated ownership, management, possession or control;

and upon condition that:

- 1) such refuge is given and;
- 2) the *(name of ship)* or any other ship or property in the same or associated ownership, management, possession or control is not arrested or detained by you:

we *(name of Club)* hereby undertake to pay you, within 14 days of receipt by us of your written demand, such sum or sums as may be found by the final unappealable judgment of a Court of competent jurisdiction *(or name of specific Court having jurisdiction)* or agreed in writing between us to be due to you from *(name of Owners)* the Owners [*(name of Bareboat Charterers)* the Bareboat Charterers] of the *(name of ship)* in respect of (i) the removal, destruction or marking of the wreck of the *(name of vessel)* and/or (ii) any pollution clean-up or pollution prevention expenses (individually and collectively »the Claims«), provided always that our liability hereunder shall be:

- 1) limited in any event to the total aggregate sum of US\$10 million (Ten million United States dollars), less:
  - a) any amounts we *(name of Club)* have paid under any Certificate of Financial Security issued by us or on our behalf in respect of or relating to the Claims; and
  - b) any amounts paid or payable by *(name of Owners)* the Owners [*(name of bareboat charterers)* the bareboat charterers] of the *(name of ship)* or by us in respect of or relating to the Claims, whether paid under this Guarantee or otherwise; and
  - c) any amount equal to any limitation fund(s) constituted by us and/or *(name of Owners)* the Owners [*(name of bareboat charterers)* the bareboat charterers] of the *(name of ship)* in relation to the Claims in accordance with any applicable law; and
- 2) without prejudice to or waiver of:
  - a) any rights *(name of Owners)* the Owners [*(name of bareboat charterers)* the bareboat charterers] of the *(name of ship)* may have to limit their liability under any applicable law or convention;
  - b) any rights (including the right to limit liability) or defences which we *(name of Club)* may have under any applicable law or convention

We hereby further undertake, when called upon to do so, to instruct solicitors in *(name of appropriate city)*, to accept service of any proceedings issued on your behalf in connection with the above incident and hereby confirm that we have irrevocable instructions and authority from *(name of Owners)* Owners [*(name of bareboat charterers)*, the bareboat charterers] of the *(name of vessel)* so to do and further to agree that any claim of each party against the other and any and all disputes between the parties arising from this incident shall be exclusively determined by a competent.....court *(or name of specific court)*.

This guarantee shall be governed by and construed in accordance with .....law.

TRANSLATION



NOT TRANSFERABLE

**P&I CLUB  
XYZ**

Certificate No.

Certificate Furnished as Evidence of Insurance Pursuant to Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1969, and Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Name of Ship      Distinctive Numbers/Letters      Port of Registry

Name and Address of Owner

This is to certify that there is in force in respect of the above named ship while in the above ownership a policy of insurance satisfying the requirements of (A) Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1969, and (B) Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992, where and when applicable.

**Period of Insurance from nn-NNN-nnnn to nn-NNN-nnnn**

Provided always that the Insurer may cancel this Certificate by giving three months written notice to the above Authority whereupon the liability of the Insurer hereunder shall cease as from the date of the expiry of the said period of notice but only as regards incidents arising thereafter.

This Certificate has been issued for and on behalf of  
Director of XY P&I Ltd

The Managers' Agent, of the above Association

Dated

TRANSLATION

PROVIS

Certificate Number 9999/8

**CERTIFICATE OF P&I INSURANCE**

This certificate confirms that

(AS OWNER)

[hereinafter referred to as Member(s) are covered by The Shipowners' Mutual Protection and Indemnity Association (Luxembourg) (hereinafter referred to as the Association] from 30<sup>th</sup> May 2006 to 20<sup>th</sup> February 2006 (and thereafter as renewed) in relation to claims made against the Member(s) arising out of the operation of

MV	IMO No	GT	Register in
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subject always to the Rules of the Association applicable at the date of any incident giving rise to a claim and the vessel's terms of Entry.

The insurance provided by the Association includes cover for:

- Illness, injury or death of passengers, crew of third parties
- Loss or damage to third party property (including piers, jetties, etc.)
- Loss or damage to third party cargo
- Wreck removal
- Collision liabilities
- Loss or damage arising out of the towage of third party vessels

The Association does not cover:

- Loss, damage or salvage of the vessel itself or Member(s) equipment thereon
- Demurrage, detention or claims for loss of charter, freight or hire
- Nuclear risks
- War risks
- Any claim (including collision liabilities) covered by any other insurance policy held by Member's)
- The first US\$5,000 of any cargo claim
- The first US\$2,500 of any other claim

The cover provided by the Association is limited to:

- Such sums as are provided by the International Group's reinsurance and overspill arrangements except for:
- Pollution liabilities which are limited to US\$ 1 billion each accident or occurrence.

TRANSLATION

PROV