

Based on Article 1021 paragraph 3 subparagraph 10 of the Maritime Code ("Official Gazette", Nos. 181/04, 76/07, 146/08 and 56/13) and Article 56 paragraph 1 subparagraph 2 Act on Maritime Ship and Port Facility Security ("Official Gazette" No. 124/09 and 59/12), the Minister of Maritime Affairs, Transport and Infrastructure hereby adopts the following

ORDINANCE

ON AMENDMENTS TO THE ORDINANCE ON NAVIGATION SAFETY INSPECTION

Article 1

In the Ordinance on Navigation Safety Inspection ("Official Gazette" No. 39/2011), Article 1 is amended to read as follows:

"Article 1

(1) This Ordinance determines the method and procedures of carrying out navigation safety inspections in accordance with the standards and criteria of the Paris Memorandum, marine environment protection, protection of living and labour conditions of crew members onboard ships, ballast waters with the goal of significantly reducing substandard vessels that calls to ports in the Republic of Croatia, ensuring ship and port security, and implementing Port State Control systems (PSC) based on inspections carried out in the Community and region, the procedure of entry and control of inspections in databases and the obligation of covering the costs of additional inspections of foreign and domestic ships, the control of sulphur content in ship fuels, labour and rest hours, control of oily waters, security, insuring shippers from claims, conditions that must be met by the navigation safety inspector, forms and method of issuing cards and badges of navigation safety inspectors, and training authorised employees to carry out certain inspection activities.

(2) This Ordinance also determines the implementation of mandatory inspections that will enable a safer navigation of ro-ro passenger ships and fast passenger ships on regular lines that call to ports or leave ports in the Republic of Croatia towards or from ports of Community and ensure member states the right to carry out, participate in or cooperate on investigation procedures of marine accidents or accidents on these lines."

Article 2

After Article 1, Article 1a is added and reads as follows:

"Article 1a

This Ordinance contains provisions that are in accordance with the following regulations of the European Union:

- Commission Directive 96/40/EC of 25 June 1996 establishing a common model for an identity card for inspectors carrying out port State control (SL L 196, 7.8.1996);

- Council Directive 1999/35/EC on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services (SL L 138, 1.6.1999);
- Directive 2000/59/EC of the European Parliament and Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (SL L 332, 28.12.2000);
- Directive 2001/96/EC of the European Parliament and Council of 04 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers, Text with EEA relevance, (SL L 13, 16.1.2002);
- Directive 2002/59/EZ 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 (SL L 208, 5.8.2002);
- Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (SL L 131, 28.5.2009);
- Directive 2013/38/EU of the European Parliament and of the Council amending Directive 2009/16/EC on port State control (SL L 218, 14.8.2013).

Article 3

In Article 2, paragraph 11 subparagraph 7 is amended to read as follows:

"- Maritime Labour Convention, 2006 (MLC 2006)."

After point 41, the points 42 and 43 are added and read as follows:

"42. The *"Maritime labour certificate"* is the certificate indicated in Regulation 5.1.3. of the MLC 2006

43. The *"Declaration of Maritime Labour Compliance"* is the declaration indicated in Regulation 5.1.3. of the MLC 2006;"

The points 42 – 45 become the points 44 – 47.

Point 44 is amended and reads as follows:

"44. *"Thetis"* is the computer-based database of inspections of the Commission that contributes to the implementation of the port State control systems within the European Community regarding data that refer to inspections carried out within the European Community and the Memorandum area."

After point 47 the point 48 is added and reads as follows:

"48. The *"mentor"* is the navigation safety inspector authorised for the inspection of foreign vessels who provides assistance in the professional development of new inspectors or inspectors with less experience"

Article 4

After Article 2, the Article 2a is added and reads as follows:

"Article 2a

"All references to conventions, international codes and resolutions, including references to certificates and other documents, in this Ordinance shall be considered as references to these conventions, international codes and resolutions in their most recent version."

Article 5

In Article 3, paragraph 1 after subparagraph 13, the new subparagraphs 14 and 15 are added and read as follows:

"- the inspection of concessions and permissions to grant concession to the maritime domain
- the inspection of sulphur content in ship fuels, labour and rest hours, inspection of oily waters, ship and port security, and insurance of ship operators from claims"

Article 6

After Article 5, the Article 5a is added and reads as follows:

"Article 5a

(1) Persons can be appointed as navigation safety inspectors whose scope of competence includes inspections of domestic ships if:

- a) they have a certificate of competence for the title of master of a ship of 3,000 GT or more, or a certificate of competence for the title of chief engineer officer on a ship of 3,000 kW propulsion power or more and have at least 3 years of experiences in service onboard a ship in the capacity of officers in the deck department or engine department or
- b) diploma of a naval architect, engineer of mechanical engineering – marine engineering programme, or vessel traffic engineer – nautical, marine-engineering or communication and marine electronic engineering programme and has least 3 years of work experience on activities of designing, construction, equipment and ship repair of ships or in service onboard a ship in the capacity of officers in the deck department or engine department.

(2) The inspectors referred to in paragraph 1 of this Article must be able to communicate in the English language orally and in writing.

(3) The inspectors referred to in paragraph 1 of this Article must successfully complete the training programme in accordance with the quality management system."

Article 7

In Article 6 paragraph 1 point 1 indent 4, and in point 2 indent 4, the words: "2 years" are replaced with the words: "1 year".

Article 8

In Article 8 after paragraph 3 the paragraphs 4 and 5 are added and read as follows:

"(4) The training programme of navigation safety inspectors of the legal profession shall of the following training aspects:

1. participation in seminars for navigation safety inspectors organised by the Ministry;

2. completion of training programmes in accordance with modules for individual international conventions.

(5) The inspectors referred to in paragraphs 1, 3 and 4 shall attend a training programme for the control of port security for ports open for international traffic by attending seminars and training programmes organised by EMSA, the Memorandum, IMO or other organisations."

The paragraphs 4, 5 and 6. become paragraphs 6, 7 and 8.

Article 9

After Article 8, the Articles 8a, 8b, 8c and 8d are added and read as follows:

"Training and professional evaluation of new inspectors"

Article 8a

(1) When a navigation safety inspector assumes his duty, he shall begin with a professional training programme in accordance with the quality system procedure. The training programme shall last one year and consist of a basic and an additional part.

The basic part shall contain the following:

- at least 10 inspections with the supervision of a mentor, one of which must be a detailed inspection,

- participation in a seminar for new inspectors organised by the European Maritime Safety Agency (EMSA)/Memorandum after meeting the conditions referred to in indent 1.

- performance of at least 15 inspections after completing the seminar referred to in indent 2 with the supervision of a mentor, one of which must be a detailed and one an extended inspection.

The additional part of the training programme includes completing the distance learning modules of the European Maritime Safety Agency (EMSA):

- procedures of the Memorandum

- safety management system (International Safety Management)

- human factor (one of three by choice ILO/MLC, STCW, Human element)

- conventions (SOLAS, MARPOL, LL66 (at least 4 of 11))

- security (International Ship and Port Facility Security)

(2) After meeting the conditions referred to in paragraph 1, the inspector shall undergo a professional evaluation to receive his/her authorisation.

(3) The professional evaluation shall consist of an oral and written exam. The programme and method of the professional evaluation is regulated by the quality system procedure.

(4) Before the professional evaluation, the Authority shall verify whether the conditions for the professional evaluation have been met and prepare the written exam. The oral part of the assessment shall be carried out by the head of the inspection department of the harbourmaster's office.

(5) After a successful professional evaluation, the inspector shall acquire the authorisation for the performance of inspections of foreign ships and the authorisation for the inspection of requirements for ship security.

(6) The personal information on training programmes and professional evaluation of inspectors shall be kept in the competent department of inspection activities.

(7) Mentors shall be entitled to a fee for their work in accordance with special regulations.

Special circumstances for obtaining the authorisation of new inspectors

Article 8b

- (1) In special circumstances when a new inspector, due to justified reasons is not able to perform the prescribed number of inspections, it shall be considered that the inspector has fulfilled the conditions for obtaining the authorisation if the number of the carried out inspections was at least 15.
- (2) Special circumstances shall be considered circumstances that the Ministry has no influence over and that are of such a nature that the inspector is not able to meet the number of inspections required for acquiring the authorisation.
- (3) The Ministry shall keep records of the authorisations referred to in paragraph 1 of this Article taking into account that the maximum number of authorisations may not exceed 15% of the total number of new inspectors.
- (4) The special circumstances referred to in paragraph 1 of this Article shall not apply to inspectors of ports in which at least 30 inspections per year are carried out, provided the inspector can reach this port within a reasonable time-frame.
- (5) The new inspector to whom the special circumstances referred to in paragraph 1 of this Article apply shall be obliged to perform at least 15 inspections under the supervision of a mentor, of which at least one is a detailed and one an extended type of inspection.

Renewals of authorisations of existing inspectors

Article 8c

- (1) Navigation safety inspectors for the inspection of foreign ships shall be obliged to renew their authorisations every 5 years
- (2) The authorisation shall be renewed on the basis of meeting the conditions of the basic and additional part by receiving at least 30 points during the five-year work in inspections of foreign ships.
- (3) The basic part consists of performing inspections, which are scored in the following way:
 - 50 inspections within a period of 5 years, minimally 10 per year - 5 points,
 - 125 inspections, minimally 25 per year - 10 points and
 - 200 inspections, minimally 40 per year - 20 points.
- (4) The additional part shall be evaluated according to the participation in professional seminars of the European Maritime Safety Agency (EMSA)/Memorandum in the following way:
 - participation in professional seminars of the Memorandum - 5 points for every participation within a five-year period (PSC seminar, ET and ST),
 - completion of all professional modules of the EMSA - 5 points,
 - refresher seminar once within a five-year period - 10 points,
 - participation in national seminars for the inspection of foreign ships - 5 points for at least three participations within a five-year period.
- (5) When due to special circumstances the inspector is not able to meet the conditions for the authorisation renewal for a 5-year period referred to in paragraphs 1,2, 3 and 4 of this Article, the Ministry can apply other equivalent criteria for the authorisation renewal based on inspections that are of the same quality as inspections of foreign ships.

(6) Special circumstances shall be considered circumstances that the Ministry has no influence over and that are of such a nature that the inspector is not able to meet the conditions for the authorisation renewal.

(7) The special requirements for the authorisation renewal referred to in paragraphs 5 and 6 of this Article are regulated by Appendix XXXII of this Ordinance.

The Ministry shall keep records of authorisations referred to in paragraph 5 of this Article. The records shall contain the elements from Appendix XXXII of this Ordinance.

Mentor

Article 8d

(1) The training of new inspectors shall be carried out under the supervision of mentors.

(2) The mentor can be an employee of the Department of inspection activities in the Authority, the Head of inspection activities or an inspector of navigation safety in the harbourmaster's office.

(3) The conditions to become a mentor shall be the following:

- 10 years of experience in performing inspections of foreign ships or the performance of at least 100 inspections of foreign ships within the last 5 years, including inspections of domestic ships in international voyage,
- participation in professional seminars of the Memorandum and EMSA, and preferably other additionally training programmes."

Article 10

Article 10 is amended to read as follows:

“Article 10

(1) Employees of the Coast Guard can be authorised for the provision of certain inspection activities if they have the corresponding profession in the maritime sector in accordance with regulations adopted on the basis of the Maritime Code, and:

- have at least 1 year of professional training on activities of navigation safety inspection in the competent harbourmaster's office,
- have passed the general part and the special part of the state examination in the field of maritime studies in accordance with the Civil Servants and Civil Service Employees Act
- have successfully completed special programmes of the professional training programme for the performance of inspections of navigation safety.

(2) The plan, admission criteria and other criteria, as well as the special programmes of the professional training programme referred to in paragraph 1 of this Article shall be determined by the Authority of the Ministry competent for activities of navigation safety."

Article 11

After Article 10, the Article 10.a shall be added and reads as follows:

"Article 10a

(1) Ministry of the Interior can be authorised for the provision of inspections of boats regardless of their purpose, and yachts for personal needs, if they are qualified as operators of pleasure crafts C in accordance with regulations passed on the basis of the Maritime Code, and:

- have passed the special part of the state examination in the field of the maritime sector
- have successfully completed special programmes of the professional training programme for the performance of inspections of navigation safety.

(2) The plan, admission criteria and other criteria, as well as the special programmes of the professional training programme referred to in paragraph 1 of this Article shall be determined by the Authority of the Ministry competent for activities of navigation safety."

Article 12

In Article 11 paragraph 1 the words: "and inspector cards shall be issued to duly authorized officials of the vessel traffic management and information service" are deleted.

After paragraph 6 paragraph 7 shall be added and reads as follows:

"(7) The ship master can verify the authenticity of the navigation safety inspector by verifying with the competent harbourmaster's office or authority competent for navigation safety. The contact details are published on the official website of the Ministry."

Article 13

In Article 17 paragraph 3 is amended to read as follows:

"(3) In case of inspections of foreign ships, the inspector shall be obliged, in addition to reviewing the databases referred to in paragraph 2 of this Article, to review the Thetis database of EMSA, the information system of IMO Equasis and the Rulecheck database as well as to consult the most recent relevant procedures and circular letters of the Memorandum on the basis of which he or she shall carry out the inspection in accordance with the procedures of the Memorandum."

Article 14

In Article 19 paragraph 1 after indent 5, a new indent 6 is added and read as follows:

„- data on inspections in the maritime domain.”

Article 15

After Article 19, the Articles 19a and 19b are added and read as follows:

"Monthly reports

Article 19a

(1) The Head of the Inspection Department of the Harbourmaster's Office or the person substituting him or her shall submit to the Department for inspection activities within the Authority monthly reports on validated foreign ships by the 10th day of the month for the previous month by e-mail or official mail to the competent authority.

(2) The monthly report shall contain the following:

- data on the number of validated foreign ships for the previous month,
 - data on the date of the inspection and validation,
 - name and IMO number of ship,
 - data on the competent harbourmaster's office and validator.
- (3) The form of the quarterly report is prescribed within the quality management system.

Quarterly reports

Article 19b

(1) The Head of the Inspection Department of the Harbourmaster's Office or the person substituting him or her shall submit to the Department for inspection activities within the Authority quarterly reports and plans by the 10th day of the month after the quarter is complete by e-mail or official mail to the competent authority.

(2) The quarterly report shall contain the following:

- Work reports of the Department of inspection activities of the HMO for the previous quarter,
- Workplan progress reports of the Department of inspection activities of the HMO for the previous quarter,
- Workplan of the Department of inspection activities of the HMO for the next quarter,
- Updated table with data about on carried out regular inspections of ports according to the ISPS,
- Records of complaints of citizens and bodies for the previous quarter..

(3) The form of the quarterly report is prescribed within the quality management system."

Article 16

In Article 23, after paragraph 1, the paragraph 2 is added and reads as follows:

"(2) The inspector shall enter the inspections referred to in Articles 110 and 113 that refer to ro-ro passenger ships and high-speed passenger ships immediately into the database of ro-ro passenger and high-speed passenger vessels into the Thetis database."

Article 17

The amendment does not apply to the English text.

Article 18

In Article 31 paragraph 1, after the word "crew", the following words are added: "sulphur content in marine fuels, hours of work and rest, control of oily waters, security, insurance of ship's operator".

In paragraph 3, after the words: "the Republic of Croatia", the following words are added: "and work of recognised port security organisations".

Article 19

The amendment does not apply to the English text.

Article 20

In Article 33 paragraph 1, after point 16, points 17 and 18 are added to read as follows:

"17. ships reported by other natural or legal persons, and where there is proof or reasonable suspicion that there has been a violation of living and working conditions and rights of seafarers according to requirements of the MLC 2006 Convention.

18. ships which are suspected of failing to comply with prescribed security standards."

After paragraph 1, paragraphs 2 and 3 are added to read as follows:

"(2) The Ministry makes sure that the information that has been submitted to it in accordance with paragraph 1 are forwarded to corresponding port authority and harbourmaster's office, or any other body determined by the authority competent for navigation safety.

(3) Upon receipt of the information referred to in paragraph 2 of this Article, the navigation safety inspection shall perform ship inspection and inform all interested Member States about the results of the inspection and the measures undertaken."

Article 21

After Article 42, Article 42a is added to read as follows:

"Article 42a

(1) For inspection of a domestic ship on international voyages, the inspector shall use procedures and guidelines for control of ships according to Appendix VI, which forms an integral part of this Ordinance.

(2) After inspection of the ship on international voyages, the inspector shall make a record of the security of the ship according to Appendix XXXIII of this Ordinance.

(3) For a detailed inspection of the security of the domestic ship referred to in paragraph 1 of this Article, the inspector shall use the Ship Security Inspection Check List from Appendix XXXV.

(4) Criteria for detailed inspection referred to in paragraph 2 of this Article are provided in Appendix XXXIV of this Ordinance."

Article 22

In Article 45, after paragraph 5, paragraphs 6, 7 and 8 are added to read as follows:

"(6) In addition to the record referred to in paragraph 1, the inspector shall, during inspection of a ship on international voyages, make special records for control of sulphur contents in marine fuels, hours or work and rest, control of oily waters, control of anti-fouling systems (AFS), control of pollution from ships and insurance of ship operators from claims.

(7) The department for inspection activities of the competent harbourmaster's office shall keep records of inspections referred to in paragraph 6 of this Article.

(8) Report forms have been regulated within the quality management system."

Article 23

In Article 52 paragraph 1 point b), the word: "two" is replaced by the word: "once".

After point b), point c) is added to read as follows:

"c) the ship that changed its nationality in a foreign port and now flies the flag of the Republic of Croatia."

Article 24

In Article 53, after paragraph 1, paragraph 2 is added to read as follows:

"(2) The company, the master or the owner of dangerous or harmful cargo which is transported on board the ship shall fully cooperate with the competent harbourmaster's office and other state authorities in case of a special event on board the ship, an incident or accidents at sea."

Article 25

After Article 53, Article 53a is added to read as follows:

"Article 53a

(1) The Ministry shall inform, without delay, the flag state and any other interested states about the measures undertaken in regard of ships posing a threat referred to in Article 53 of this Ordinance and paragraphs 2 and 3 of this Article.

(2) Where the competent harbourmaster's office finds that the company referred to in Article 53 paragraph 2 has not been able, on the occasion of a marine accident or incident, to establish and maintain a link with the ship or the coastal stations concerned, it shall so inform the state which issued the ISM, or on whose behalf it was issued, and the recognized organisation which issued them.

(3) Inspection service of the competent harbourmaster's office shall, upon receipt of the information referred to in Article 53 paragraph 2 of this Ordinance, perform ship inspection for the purpose of establishing non-compliance in safety management systems (ISM). In case of existence of a major incidence of non-compliance, the ship shall be prohibited to navigate, and the flag state or recognised organisation which issued the security certificates requested to perform assessment of the safety management system (ISM)."

Article 26

In Article 54, paragraph 1 point b), the word: "except" is replaced with the words: "outside of the areas".

In paragraph 2, the words "involved in" are replaced with the words: "involved in performance".

Paragraph 4 is amended as follows:

"(4) When inspecting a ship flying the flag of a State which is not a party to a Convention, Member States shall ensure that the treatment of such ship and its crew is not more favourable than that of a ship flying the flag of a State party to that Convention. Such ship shall be subjected to a more detailed inspection on the "no more favourable treatment" principle in accordance with the procedures established in the Memorandum."

After paragraph 7, paragraph 8 is added to read as follows:

"(8) The measures adopted for the purpose of implementation of this Ordinance should under no circumstances constitute grounds justifying a reduction in the general level of protection of seafarers under the applicable Union social law, in areas of application of this Ordinance, as compared to the prevalent situation in each Member State. In implementing those measures, if the navigation safety inspection becomes aware of a clear violation of Union law on board ships flying the flag of a Member State, it shall, in accordance with Article 66 of this Ordinance, inform any other relevant competent authority in order for further action to be taken as appropriate."

Article 27

In Article 60 paragraph 3, point b) is amended to read as follows:

"b) taking into account the need for a balanced annual inspection share, it can determine ships qualifying for the inspection, i.e. Priority II ships, in accordance with Part II 3B of Appendix I."

Article 28

In Article 63 paragraph 2, the words: "provided that they do not fly the flag of the State in which inspection is performed" are deleted.

Article 29

After Article 66, Articles 66a and 66b are added to read as follows:

"Article 66a

(1) In the case of living and working conditions on board which are clearly hazardous to the safety, health or security of seafarers, or deficiencies which constitute a serious or repeated breach of MLC 2006 requirements (including seafarers' rights), the navigation safety inspection shall ensure that the ship is detained or that the operation in the course of which the deficiencies are revealed is stopped.

(2) The detention order or stoppage of an operation shall not be lifted until those deficiencies have been rectified or if the navigation safety inspector has accepted a plan of action

(Rectification Action Plan - RAP) to rectify those deficiencies and is satisfied that the plan will be implemented in an expeditious manner. Prior to accepting a plan of action, the inspector may consult the flag State. The inspector will check the contents of the plan according to Appendix XXX this Ordinance.

Moreover, if a ship is prevented from sailing due to serious or repeated breach of the requirements of MLC 2006 (including seafarers' rights) or due to the living and working conditions on board being clearly hazardous to the safety, health or security of seafarers, the authority competent for navigation safety shall forthwith notify the flag State accordingly and invite a representative of the flag State to be present, if possible, during the inspection, requesting the flag State to reply within a prescribed deadline. Authority competent for navigation safety shall also immediately inform competent organisations of seafarers and shipowners at the port in which the inspection was performed.

Article 66b

(1) Where, following a more detailed inspection, the living and working conditions on the ship are found not to conform to the requirements of MLC 2006, the inspector shall forthwith bring the deficiencies to the attention of the master of the ship, with required deadlines for their rectification.

(2) In the event that the inspector considers such deficiencies to be significant, or if they relate to a complaint from Appendix V, Part A of this Ordinance, the inspector shall bring the deficiencies to the attention of the appropriate seafarers' and shipowners' organisations in the Republic of Croatia, and may:

(a) notify a representative of the flag State

(b) provide the competent authorities of the next port of call with the relevant information.

(3) In respect of matters concerning MLC 2006, the Member State in which the inspection is carried out shall have the right to transmit a copy of the inspector's report, to be accompanied by any reply received from the competent authorities of the flag State within the prescribed deadline, to the Director-General of the International Labour Office with a view to such action as may be considered appropriate and expedient in order to ensure that a record is kept of such information and that it is brought to the attention of parties who might be interested in availing themselves of relevant recourse procedures."

Article 30

In Article 68, after paragraph 7, paragraphs 8, 9 and 10 are added to read as follows:

"(8) In addition to the records referred to in paragraph 1 of this Article, the inspector shall, during ship inspection, make special records of control of sulphur content in marine fuels, hours of work and rests, control of oily waters, control of anti-fouling systems (AFS), control of air pollution from ships and insurance of ship's operator from receivables.

(9) After inspection, the inspector shall make the report of the ship's security according to Appendix XXXIII of this Ordinance.

(10) The department of inspection of the competent harbourmaster's office shall keep records of the inspection referred to in paragraph 8."

Article 31

In Article 70, paragraph 5 is amended to read as follows:

"(5) The identity of the complainant shall not be revealed to the master or the owner or the operator of the ship concerned. The navigation safety inspections shall take appropriate steps to safeguard the confidentiality of complaints made by seafarers, including ensuring confidentiality during any interviews of seafarers."

Article 32

After Article 70, Article 70a is added to read as follows:

"Onshore MLC 2006 complaint-handling procedures

Article 70a

(1) A complaint by a seafarer alleging a breach of the requirements of MLC 2006 (including seafarers' rights) may be reported to the Ministry or the navigation safety inspection. In cases when such ship calls at the port in the Republic of Croatia, the navigation safety inspection shall undertake an initial investigation, and in cases when the ship not did call at the port in the Republic of Croatia, it shall report this to the control service of the port State in which the ship is expected to call at.

(2) Where appropriate, given the nature of the complaint, the initial investigation shall include consideration of whether the on-board complaint procedures provided for under Regulation 5.1.5 of MLC 2006 have been pursued. The navigation safety inspection may also conduct a more detailed inspection in accordance with Article 61 of this Ordinance.

(3) The inspector shall, where appropriate, seek to promote a resolution of the complaint at the ship-board level.

(4) In the event that the investigation or the inspection reveals a non-conformity that falls within the scope of Article 66 of this Ordinance, that Article shall apply.

(5) Where paragraph 4 does not apply and a complaint by a seafarer related to matters covered by MLC 2006 has not been resolved at the ship-board level, the navigation safety inspection shall forthwith notify the flag State, seeking, within a prescribed deadline, advice and a corrective plan of action to be submitted by the flag State. A report of any inspection carried out shall be transmitted by electronic means to the Thetis database.

(6) Where the complaint has not been resolved following action taken in accordance with paragraph 5 of this Article, the navigation safety inspection shall transmit a copy of the inspector's report to the Director-General of the International Labour Office, accompanied by any reply received within the prescribed deadline from the competent authority of the flag State. The

navigation safety inspection shall also inform the appropriate seafarers' and shipowners' organisations in the Republic of Croatia. In addition, statistics and information regarding complaints that have been resolved shall be regularly submitted by the Ministry to the Director-General of the International Labour Office.

(7) Provisions of Article 70 of this Ordinance shall also apply to complaints mentioned in this Article."

Article 33

In Article 71 paragraph 2, after the words: "paragraph 4", the following words are added: "including examination of the repeal of the measure of expulsion from port mentioned in Article 67."

Article 34

The title above Article 72 is amended to read as follows: "*THETIS database*".

In Article 72, paragraphs 1 and 2 are amended to read as follows:

"(1) The THETIS inspections database shall contain all the information necessary for implementation of the system of inspections established in accordance with Titles VI-2 and VIII-1 of this Ordinance, and shall include the functions mentioned in Appendix XII of this Ordinance.

(2) The Ministry shall have access to all information in the THETIS database which is important for implementation of inspection procedures from Titles VI-2 and VIII-1 of this Ordinance."

Article 35

Article 78 is amended to read as follows:

"Publication of Company performance

Article 78

(1) The Ministry shall establish and publish regularly on a public website information relating to companies whose performance, in view of determining the ship risk profile from Appendix I, Part I of this Ordinance, has been considered as low and very low for a period of 36 months.

(2) For the purposes of publication of the information referred to in paragraph 1 of this Article, the Ministry shall consult the companies database of the European Maritime Safety Agency (EMSA) which publishes in its website, since 1 January 2014, on a daily basis, the following updated information:

a) a list of companies with a very low performance, constantly during the period of at least 36 months

b) a list of companies with a low or very low performance, constantly during the period of at least 36 months

c) a list of companies with very low performance, constantly during the period of at least 36 months."

Article 36

In Article 87 paragraph 3, after indent 9, indents 10 and 11 are added to read as follows:

- "- fuel and ballast tanks
- examination of powerhouse, where applicable."

Article 37

In Article 88 paragraph 4, after the word: "person" the following words are added: "whom the inspector has to allow to declare themselves regarding the statements from the records".

Article 38

In Article 98 paragraph 4, the word: "deposited" is replaced with the word: "submitted".

Article 39

In Article 101 point 2, after the word "routes" the following words are added: "and navigational safety facilities".

Article 40

In Article 102 paragraph 1 indent 1, after the word "cargo," the following words are added: "fire-fighting appliances and equipment".

In indent 3, the words: "and the plan," are replaced with the words: "and whether the plan has been made".

In indent 4, after the word: "device", the word: "for" is added".

In indent 7, after the word: "ports" the following words are added: "and whether the port keeps other prescribed books, certificates and documents".

After indent 9, indent 10 is added to read as follows:

- "- whether the person managing the port has issued an act which regulates the order at port."

Article 41

In Article 103 paragraph 1, after indent 10, indent 11 is added to read as follows:

- "- whether the port authority or the port concession holder have a valid declaration of conformity of the port."

After paragraph 1, paragraphs 2 and 3 are added to read as follows:

"(2) During inspection of a port open to international traffic, the inspector will fulfil the control sheet from Appendix XLI of this Ordinance.

(3) The inspectors referred to in paragraph 1 of this Article shall perform ship and port security activities based on their inspection card. The card shall satisfy the conditions from Article 11 of this Ordinance."

Article 42

In Article 104, indent 4, after the word: "on" the following words are added: "maintenance, adaptation or construction".

Article 43

In Article 105 paragraph 1, after the word: "construction" the following words are added: "of navigational safety facilities".

In indent 2, after the word: "coasts," the word: "performed" is added.

(Note: This word order does not necessarily apply to language versions other than Croatian)".

After indent 2, indent 3 is added to read as follows:

"- whether the construction of navigational safety facilities is performed according to technical rules and regulations for construction of navigational safety facilities,".

In paragraph 2, after the word: "in relation to" the following words are added: "unknown investor/contractor".

Article 44

In Article 106 paragraph 2, the words: "request for initiation of proceedings for maritime offence" are replaced with words: "accusatory proposal on account of the committed maritime offence".

After paragraph 4, new paragraph 5 is added to read as follows:

"(5) Where criminal offence from Article 212 of the Criminal Code has been committed, the inspector, based on corresponding provisions of the Criminal Procedure Act, shall initiate initiation of criminal complaint by the harbourmaster's office."

Article 45

In Article 108 paragraph 1, after the words: "ship and" the following words are added: "where applicable, for".

In paragraph 1, after point d), point e) is added to read as follows:

"e) that they fulfil special requirements for stability, according to provisions of the Rules for Statutory Certification of Seagoing Ships, when sailing in the area covered by national legislation harmonised with the provisions of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of

technical standards and regulations and of rules on Information Society services, taking into consideration that these requirements cannot be stricter than those defined in Appendix of Resolution 14 as adopted at the 1995 SOLAS Conference on 29 November 1995."

After paragraph 1, new paragraph 2 is added to read as follows:

"(2) If an exemption certificate was issued to the ship sailing under a foreign flag, before initial control of the ship, the flag State shall submit the certificate to the Ministry. If the exemption certificate was issued to the ship of Croatian nationality, the Ministry shall submit the certificate to the competent department of the State where the port in which the ship calls at is located."

Paragraphs 2 and 3 hereby become paragraphs 3 and 4.

Article 46

After Article 106, Title VII and Article 106a are added and read as follows:

"VIIa INSPECTION IN THE AREA OF HYDROGRAPHIC ACTIVITY

Article 106a

Inspection in the area of hydrographic activity includes control of legal persons authorised for the performance of hydrographic activity, holders of a spatial intervention project, investors in a building or holders of a concession on a maritime domain and persons managing ports, according to the Hydrographic Activity Act. The control especially refers to the following:

- whether the legal person that performs particular hydrographic activities has obtained authorisation for it from the ministry competent for maritime affairs;
- whether the legal person performs a hydrographic activity in conformity with the provisions of the Hydrographic Activity Act and the regulations adopted on the basis of it, as well as in conformity with IHO standards and other standards laid down in international agreements which oblige the Republic of Croatia;
- whether the natural or legal person submitted, before the implementation of a project or activity in areas referred to in Article 2 of the Hydrographic Activity Act, data on the project or activity to the competent harbourmaster's office for the purpose of their publication in the "Notice to Mariners";
- whether the holder of a spatial intervention project, investor in a building or holder of a concession on a maritime domain in the areas referred to Article 2 of the Hydrographic Activity Act submitted without delay, after the construction or reconstruction of a building or other spatial intervention for which it is necessary, according to special regulations, to obtain a physical planning or construction document, and before its use, or before the issuing of an operating permit in accordance with special regulations, a verified hydrographic study of the as-built state to the Hydrographic Institute of the Republic of Croatia, for the purpose of its publication in the official nautical charts and publications, that is, in the "Notice to Mariners";
- whether the holder of a project or concession at sea or on the sea floor submitted without delay to the Hydrographic Institute of the Republic of Croatia the official data on any changes which occurred after the submission of data referred to in the previous indent;

- whether the person which manages the port submitted to the Hydrographic Institute of the Republic of Croatia the official hydrographic measurement for the overall port area, within the legally prescribed term or another term determined by the competent harbourmaster's office."

Article 47

Paragraph 4 is added after paragraph 3 of Article 113, and reads as follows:

"(4) When a detailed inspection is carried out on a foreign RO-RO passenger or fast passenger ship, according to the inspection programme from Title VIII-2 of this Ordinance, the inspection shall be entered in Thetis as detailed or extended, for the purpose of inclusion in the fair share, provided that the maximum number of items from Appendices VII and VII A of this Ordinance is inspected. Without prejudice to the stoppage of operation of the RO-RO passenger or fast passenger ship in accordance with Article 115 of this Ordinance, the provisions of Title VI-2 of this Ordinance shall apply to the procedure of rectification of deficiencies, detention, additional inspections and actions of expulsion from port."

Article 48

Article 120a is added after Article 120 and reads as follows:

"Article 120a

- (1) Upon completion of an inspection, a detailed inspection or an extended inspection referred to in Article 110 or 113, the inspector shall make a record according to the quality system.
- (2) The record shall contain the results of the inspection, the established deficiencies and details on each undertaken action.
- (3) The inspector is obliged to familiarise the master of the ship or vessel with the contents of the record, as well as with all the obligations of the master, owner or other authorised person arising from the record.
- (4) When a detailed inspection is carried out on a foreign RO-RO passenger or fast passenger ship, according to the inspection programme from Title VIII-2 of this Ordinance, inspection shall be entered in Thetis as detailed or extended for the purpose of inclusion in the fair share, provided that the maximum number of items from Appendices VII and VII A of this Ordinance is inspected.
- (5) If deficiencies are established during inspection, due to which the stoppage of operation referred to in Article 120 is instituted, the inspector shall, in addition to the inspection record, prepare a decision on the stoppage of operation on a form, according to the quality system.
- (6) The inspector is obliged to deliver without delay a copy of the record and the decision on the stoppage of operation to the master, the shipping company and the Ministry.
- (7) The Ministry shall notify the competent authority of the flag state, recognised organisation or other interested parties on the results of the inspection referred to in paragraph 6 of this Article as soon as possible and not later than within 24 hours."

Article 49

In Appendix I, point 2B, *Unforeseen Factors*, indents 9 and 10 are added after indent 8 and read as follows:

" - ships which were a subject of reports or complaints, including complaints from the coast, the master, a crew member or any person or organisation which has a legitimate interest in the safe navigation of the ship, the living and working conditions on board the ship or pollution prevention, unless navigation safety inspection considers these reports or complaints evidently unfounded;

- ships for which a rectification action plan referred to in Article 66A, paragraph 2 has been agreed upon, but whose implementation has not been verified by competent inspection services."

Article 50

Points 21, 22 and 23 of Appendix IV are amended to read as follows:

"21 Medical certificates (see MLC 2006)

22 Table of shipboard working arrangements (MLC 2006 and STCW 78/95)

23 Records of hours of work and hours of the rest of seafarers (MLC 2006)".

In point 44, the words "by bunker" are added after the word "pollution".

Points 53 and 54 are added after point 52 and read as follows:

"53 Maritime labour certificate

54 Declaration of Maritime Labour Compliance, Parts I and II".

Article 51

In Appendix V, part A - *Evident reason for conducting a detailed inspection exists especially in the following cases*, new points 20, 21, 22 and 23 are added after point 19 and read as follows:

"20. A complaint has been filed stating that certain working and living conditions on board are not in conformity with the requirements of MLC 2006.

21. Documents required on the basis of MLC 2006 are not available or are not kept or are kept using counterfeit data; or the available documents do not contain data required on the basis of MLC 2006, or they are invalid on other grounds.

22. The working and living conditions on board are not in conformity with the requirements of MLC 2006.

23 There is reasonable suspicion that the ship has changed its flag for the purpose of avoiding compliance with MLC 2006."

Article 52

Appendix VI is amended as follows:

"APPENDIX VI

GUIDELINES AND PROCEDURES FOR SHIP SAFETY AND SECURITY MONITORING

(with regard to article 42a, paragraph 1 and Article 63, paragraph 1)

Annex I to the Paris Memorandum of Understanding on Port State Control and the following amended versions of instructions from the Paris Memorandum:

- 46/2013/15 Operational controls;
- Guideline 45/12/09 ECDIS REV.4;
- Guideline 46//2013/13 MLC 2006;
- Guideline 46/2013/06 Monitoring of the implementation of the provisions of the STCW 78/95 Convention, as amended);
- Guideline 46/2013/07 Inspection regarding hours of work/rest;
- Guideline 46/2013/17 Monitoring of port state with respect to security;
- Guideline 43/2010/32 Monitoring of port state with respect to checking the Voyage Data Recorder (VDR);
- Guideline 46/2013/18: Monitoring of the implementation of Annex I to the MARPOL Convention 73/78;
- Guideline 38/2005/07: Monitoring of the Condition Assessment Scheme (CAS) for single-hull oil tankers;
- Guideline 46/2013/12 Monitoring of the port state with respect to the International Safety Management system (ISM);
- Guideline 43/2010/21 Monitoring of the port state with respect to the control of GMDSS;
- Guideline 43/2013/11 Access refusal action;
- Guideline 43/2010/42 Monitoring of the port state with respect to the testing of ballast tanks and the simulation of main electricity supply malfunction (blackout test);
- Guideline 43/2010/43 Monitoring of the construction of bulk carriers,
- Guideline 41/2008/07 Code of conduct of inspectors carrying out monitoring of the port state,
- Guideline 46/2013/08 Criteria for assessment of the responsibility of recognised organisations;
- Guideline 44/2011/15 Inspections carried out as part of the monitoring of the port state for the purpose of compliance with Annex VI of the Marpol 73/78 Convention)."

Article 53

A new Appendix IXa is added after Appendix IX and reads as follows:

"APPENDIX IXa

(regarding Article 120a, paragraph 1)

The record of inspection must contain at least the following elements:

Form A

1. Type of inspection
2. The competent authority which prepared the report
3. Other authority which participated in the inspection
4. Name of inspected ship
5. Flag
6. Type of ship (as indicated in the Safety Management Certificate)
7. Maritime Mobile Service Identity
8. IMO identification number
9. Gross tonnage (GT)
10. Year of construction based on the date indicated in the ship safety certificates

11. Date of completion of the inspection report
12. Location of inspection
13. Classification society or classification societies as well as, as necessary, any other organisation which issued classification certificates to the ship
14. Date of stoppage of operation
15. Date of issuing the notice of stoppage
16. Name and address of the company or ship's operator
17. Name and signature of the competent person verifying the accuracy of data under point 18
18. Navigation route
19. Controls regarding the company (initial special inspection or unannounced inspection)
20. Certificates issued based on relevant conventions, the authority or organisation which issued a specific certificate or certificates, including the date of issue and the validity expiry date
21. The port and date of the last intermediate or annual inspection and the name of the organisation which carried out the inspection
22. Whether there were deficiencies
23. Whether the ship was detained
24. Whether deficiency rectification actions were undertaken
25. Indication, as necessary, of whether the recognised organisation or non-governmental body which carried out the inspection is responsible with regard to deficiencies which have, individually or in conjunction, led to detention
26. Contact details of the competent office
27. Names and signatures of inspectors who participated in the inspection

Form B

1. Name of inspected ship
2. IMO identification number
3. Date of completion of the inspection report
4. Location of inspection
5. Code of the deficiency
6. Description of the deficiency
7. Reference to the Convention 98/18
8. Code of undertaken action
9. Nonregular deficiencies (whether they have been removed, date of inspection, type of deficiency, description of deficiency, reference to the Convention, additional comments, responsibility of recognised organisation, comments on the inspection report)
10. Names and signatures of inspectors who participated in the inspection"

Article 54

The title of point 3.10 of Appendix X is amended as follows: "3.10. Areas according to MLC 2006".

In point 3.10. subpoint 7., the word "work" is replaced by the words "first watch and subsequent shifts, is of reduced ability due to fatigue".

Subpoints 8. and 9. are added after subpoint 7. and read as follows:

"8. Conditions on board the ship evidently endanger the safety, health or security of seafarers.

9. The deficiency represents a grave or repeated violation of the requirements of MLC 2006 (including the rights of seafarers) which refer to the living and working conditions of seafarers on board the ship, as established in the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance of the ship."

Article 55

In Appendix XI, paragraph 1, last indent, the words "according to specific legislation" are replaced by the words "according to this Ordinance and other regulations which determine the performance of duties of the navigation safety inspection".

Article 56

In the title of Appendix XII, the words "COMMISSION INSPECTION DATABASE" are replaced by the words "THETIS DATABASE".

Article 57

In Appendix XXVI, point 4 of the part entitled DOCUMENTS, LOGS AND AUTHORISATIONS OF CREW MEMBERS, the words "Medical Certificates (see ILO Convention No.73)" are replaced by the words "Medical Certificates (see MLC 2006)", while the "X" mark in the column which marks the navigation category 5-8 is deleted.

Points 47 and 48 are added after point 46 in the part entitled SHIP'S PAPERS, and read as follows:

"47 Maritime Labour Certificate

48 Declaration of Maritime Labour Compliance, parts and II";

in points 47 and 48, the "X" mark is placed in the column which marks the navigation category 1-4.

Points 26 and 27 of the part entitled SHIP'S LOGS, MANUALS AND RECORDS are amended as follows:

"26 Table of shipboard working arrangements (MLC 2006 and STCW 78/95);

27 Records of hours of work and hours of the rest of seafarers (MLC 2006)."

Article 58

A new APPENDIX XXX is added after Appendix XXIX and reads as follows:

"APPENDIX XXX

(regarding Article 66a, paragraph 2)

Rectification Action Plan (RAP) - MLC 2006 A5.2.1.

Name of the ship/Ime broda Name of the Company:/Ime Kompanije: Master informed/Obavješten zapovjednik: Company informed/Obaviještena Kompanija:	Inspection date: Next port informed:
Report prepared by/Izvješće sastavio: Accepted by (FS)/PSC/Prihvaćeno od strane FS/PSC:	Inspection Area(s)/Područje inspekcije: Inspection Team/Tim inspektora*:

Deficiency/Nedostak (MLC)	Nature of def /Priroda nedostatka(MLC)	Corrective action required/Ko rektivna mjera	Time frame/rok za otklanjanja	Responsible person /Odgovorna osoba	Completion Date/Datum otklanjanja

Rectification Action Plan/ Plan otklanjanja nedostatka

When deciding whether to accept a RAP the following elements should be considered/*Pri odlučivanju da li će prihvatiti plan inspektor će sljedeće elemente uzeti u obzir:*

- the length and nature of the intended voyage or service/*Duljinu i prirodu planiranog putovanja*
- the nature of the hazard to seafarers' safety, health or security/*Prirodu opasnosti za zaštitu, zdravlje ili sigurnost pomoraca;*
- the seriousness of the breach of the requirements of the MLC, 2006 (including seafarers' rights)/ *Ozbiljnost povrede zahtjeva MLC, 2006 (uključujući prava pomoraca);*
- any previous history of deficiencies or repeated deficiencies/*Povijest nedostataka ili jesu li nedostaci ponovljeni;*
- whether or not the appropriate work or rest periods for seafarers are being observed/*Jesu li nedostaci vezani za radno vrijeme ili vrijeme odmora;*
- the safe manning requirements of the flag State/*Najmanji broj članova posade sukladno MSMD;*
- the number and nature of deficiencies found during the particular inspection/*Broj i prirodu nedostataka utvrđenih tijekom inspeksijskog pregleda.*

Article 59

Appendix XXXI is added after Appendix XXX and reads as follows:

"APPENDIX XXXI

Record of port inspection – security (regarding Article 103)



**MINISTRY OF MARITIME AFFAIRS,
TRANSPORT AND
INFRASTRUCTURE
Maritime Safety Directorate
HARBOURMASTER'S OFFICE _____**

**CLASS:
NUMBER:**

Navigation safety inspector/Authorised employee, competent based on Article 30, paragraph 4 and Article 45, paragraph 1 of the Act on Maritime Ship and Port Security ("Official Gazette" Nos. 124/2009 and 59/2012) has prepared the following

**RECORD
of monitoring of the implementation of the Port Facility Security Plan**

1	Name and classification of the port:		
2	Location, date and duration of the inspection:		
3	Legal person which manages the port / Concession holder:		
	Port facility security officer:		
4	Inspected: Implementation of the Port Facility Security Plan	Reference to regulation: Act on Maritime Ship and Port Security	Results
4.1	Observing the dynamics of procurement of devices and equipment determined by the plan for security purposes	Article 33, paragraph 1, indent 3	
4.2	Completion of works defined in the plan for security purposes	Article 33, paragraph 1, indent 3	
4.3	Procedures in case of ship accommodation to which the provisions of the SOLAS Convention XI-2 do not apply	Article 33, paragraph 1, indent 3	
4.4	Register of Declarations of Security	Article 33, paragraph 1, indent 4	
4.5	Register of ship accommodation	Article 33, paragraph 1, indent 3	
4.6	Plan and programme of training and drills of personnel assigned to security duties	Article 33, paragraph 1, indent 8	
4.7	Record of communication with the ship security officer	Article 33, paragraph 1, indent 9	
4.8	Register of courses, seminars and other forms of training of personnel assigned to safety and security duties, as well as of other employees	Article 33, paragraph 1, indent 8	
4.9	Register of drills carried out for	Article 43, paragraph 6	

	the purpose of maintaining the safety level		
4.10	Register of annual comprehensive drills for testing the functionality of the Plan	Article 43, paragraph 6	
4.11	Register of internal supervision (by the PFSO) of the personnel assigned to security duties	Article 33, paragraph 1, indent 5	
4.12	Register of external supervision by authorised persons of competent authorities	Article 45, paragraph 1	
4.13	Register of proposals for complementation of the security assessment	Article 33, paragraph 1, indent 6	
4.14	Register of modifications of the Port Facility Security Plan	Article 33, paragraph 1, indent 6	
4.15	Register of reports of the PFSO and other personnel responsible for security on occurrences which have or might have endangered port security	Article 33, paragraph 1, indent 3	
4.16	The procedure of receiving and distributing to relevant persons the decision on the change of security level and a register of such cases	Articles 32 and 38	
4.17	Procedure in case of receiving information of a security threat or the discovery of its existence: - response to a security threat which was communicated directly by telephone or other means of communication, to the discovery of a security threat communicated in another way, or to an incident which has damaged the security system - reporting on a security threat or an occurrence which endangered port security	Article 38	
4.18	Signalisation in case of evacuation of the port or a part of it and an evacuation plan	Article 33, paragraph 1, indent 3	
4.19	Procedures for handling harmful substances and a register of data on their handling	Article 33, paragraph 1, indent 3	
4.20	Storage of harmful substances	Article 33, paragraph 1, indent 3	
4.21	Plan of relocating the ship on board which an incident is taking place or a threat of such an	Article 33, paragraph 1, indent 3	

	incident exists to an isolated berth		
4.22	Procedure in case of a necessity to urgently abandon ship (crew and passengers)	Article 33, paragraph 1, indent 3	
4.23	Equipment for the detection of weapons and explosives carried by persons or in the cargo, luggage etc.	Article 33, paragraph 1, indent 3	
4.24	Procedure in case of a security breach: - discovery of a suspicious object in the port area; - unauthorised persons in the port area; - unauthorised parked vehicles in the port area; - unauthorised anchored vessel or vessel at berth at the port; - suspicious behaviour or activity - loss of power / lighting	Article 33, paragraph 1, indent 3	
4.25	Video surveillance	Article 33, paragraph 1, indent 3	
4.26	System of identification of persons and vehicles	Article 33, paragraph 1, indent 3	
4.27	Certificates of validity of the fire equipment; a list and storage of other devices and equipment for the protection of persons and objects	Article 33, paragraph 1, indent 5	
4.28	Internal communication and communication with ships at anchorage and berth at the port	Article 33, paragraph 1, indent 3	
4.29	Communication with other competent services: A list of telephone numbers and persons in all services with which the performance of security duties is coordinated	Article 33, paragraph 1, indent 3	

Article 60

After Annex 31, a new Annex 32 is added to read as follows:

"Annex 32 (regarding Article 8c-)

Conditions to obtain the authorisation renewal for control of foreign ships

1. Special training programme carried out within 12 months
2. The basic guidelines of the renewal programme are:
 - capacity

- knowledge
- understanding
- skills

The verification shall contain all the elements from point 2 of this Annex

3. The renewal programme shall consist of the following elements

a) Participation at national inspectors' seminars including mastering the programme for new inspectors, ship inspections not taken into consideration

b) Carrying out at least 15 inspections under the supervision of a mentor, with at least one detailed and one extended inspection.

c) Mastering at least 6 different distance learning modules (DLM) sorted in the following way:

- Memorandum procedures
- 2 modules from the Human factor group (ILO, STCW, ISM or Human Element)
- 3 modules from IMO instruments (SOLAS, MARPOL;LL66, COLREG)
- participation at EMSE/PMOU seminars
- Carrying out interviews with the mentor or another inspector

Authorisation can be renewed if the conditions listed in this Annex have been met."

Article 61

After Annex 32, a new Annex 33 is added to read as follows:

"Annex 33(regarding Articles 42a. and 68, paragraph 9)



INSPEKCIJSKI ZAPISNIK NADZORA MJERA U SKLADU SA SMJERNICAMA ZA UNAPREĐENJE SIGURNOSNE ZAŠTITE

(RezolucijaMSC.159(78))

REPORT OF THE IMPOSITION OF A CONTROL AND COMPLIANCE MEASURE IN ACCORDANCE WITH INTERIM GUIDANCE ON CONTROL AND COMPLIANCE MEASURE TO ENHANCE MARITIME SECURITY

(ResolutionMSC.159(78))

Nadležno tijelo/reporting authority: Ministarstvo pomorstva, prometa i infrastrukture Reporting authority: Ministry of Maritime Affairs, Transport and Infrastructure	Prisavlje 14 10000,Zagreb +1 6169138 +1 6169250	Preslika/Copy to: zapovjedniku / master Inspektor/Sec.Off. If control measures other than lesser are taken, additional copy to: Administration Recognized security organization IMO
--	--	---

Podaci o brodu: Ships particulars:			
1. Ime broda: Name of ship:		2. Zastava broda: Flag of ship:	
3. Tip broda: Type of ship:		4. Pozivni znak: Call sign:	
5. IMO broj: IMO number:		6. Tonaža: Gross tonnage:	
7. Godina gradnje: Keel date:		8. Nosivost: Deadweight:	
9. Datum pregleda: Date of inspection:		10. Priznata organizacija za sigurnosnu zaštitu: Recognized security organization:	

11. Brodar/Kompanija (vidi Trajni zapis broda TZB): Company (from Continuous Synopsis Record):			
12. Ime i naziv sadašnje upisanog vlasnika: (vidi Trajni zapis broda) Name of current registered owner: (from Continuous Synopsis Record)			
13. Identifikacijski broj sadašnje upisanog vlasnika (vidi Trajni zapis broda): Identification number of current registered owner (from CSR):			
14. Ime/naziv sadašnjeg zakupoprmatelja, ako je primjenjivo (vidi Trajni zapis broda): If applicable, name of current registered bareboat charterer(s) (from CSR):			
15. Priznata organizacija odgovorna za izdavanja Svjedodžbe o sigurnosnoj zaštiti broda: Recognized organization responsible for issuance of ISCC:			
16. Datum izdavanja svjedodžbe: Date of issue of ISCC:	ističe: expired on:	TZB izdan do: CSR Issued by:	datum izdavanja: date of issuance:
17. Stupanj sigurnosne zaštite Security level:	luke: port:		broda: ship:

18. Utvrđene nesukladnost(i):

Reason(s) for non conformity(s):

19. Poduzete mjere od strane inspektora (ISPS):

Action taken by Duly authorized Officer:

20. Posebne mjere (označiti "x" ili ".") Specific control measures taken (marks follow: "x" action taken, "." no action taken)

Nije poduzeta mjera	<input type="checkbox"/>	None
Manja administrativna mjera	<input type="checkbox"/>	Lesser administrative measures
Deteljni inspekcijski pregled	<input type="checkbox"/>	More detailed inspection
Brod zadržan	<input type="checkbox"/>	Ship departure delayed
Ograničavanje brodskih operacija:	<input type="checkbox"/>	Restricted Ship Operation:
Operacije sa teretom zaustavljene/izmjenjene	<input type="checkbox"/>	Cargo operation modified or stopped
Brod premješten na drugi vez	<input type="checkbox"/>	Ship directed to other location in port
Brod zaustavljen	<input type="checkbox"/>	Ship detained:
Brodu zabranjeno uplovljenje	<input type="checkbox"/>	Ship denied entry into port
Brod protjeran	<input type="checkbox"/>	Ship expelled from port

21. Korektivne mjere broda/Kompanije:

Corrective action taken by ship or Company:-

Duly Authorized Officer(s)

Signature: _____

Article 62

After Annex 33, a new Annex 34 is added to read as follows:

"Annex 34

The criteria to carry out a detailed security inspection (related to Article 42a, paragraph 3).

1. The International Ship Security Certificate has expired
2. It has been determined that the security officer does not possess a Ship security officer certificate
3. It has been determined that the ship is at a lower security level than the port where the ship is located
4. It has been determined that security exercises have not been held in the regular period
5. It has been determined that the list of the 10 last ports is not complete
6. There is a report or information from other states, authorities, organisations, crew members related to ship security
7. If the ship has had an interim ship security certification issued several times in a row and there are several indications, or the inspector determines based on his own judgement, that the certifications were issued for evasion purposes
8. Is the access to the ship controlled and are visitors always accompanied by crew members (SSZ 1)
9. Is the access to the command bridge or to the engine room adequately ensured (by locking doors)
10. Is the identity and luggage of the visitors checked (SSZ 2)
11. Are all doors in sensitive areas locked (wheel-house, engine room, air-conditioning room)
12. Are sensitive areas marked properly
13. Are the ship's foodstuff controlled before being loaded onboard, and are they locked in the storage
14. Are embarkation passengers separated from debarkation passengers
15. Are limited movement areas determined on the coast in accordance with port security
16. Do the crew observe the situation on the coast, in the sea and near the ship during watch keeping duty"

Article 63

After Annex 34, a new Annex 35 is added to read as follows:

„Annex 35

Ship security inspection check list
(related to Article 42a, paragraph 2)



**MINISTARSTVO POMORSTVA, PROMETA I INFRASTRUKTURE
UPRAVA SIGURNOSTI PLOVIDBE
MINISTRY OF MARITIME AFFAIRS, TRANSPORT AND INFRASTRUCTURE
MARITIME SAFETY DIRECTORATE**

Pursuant to Article 42a, paragraph 2 related to Annex 34 (detailed inspection criteria) of the Ordinance on navigation safety inspection (OG, 39/11, the navigation safety inspector shall fill out:

Kontrolnu listu nadzora sigurnosne zaštite brodova - Ship Security Inspection Check List

Questions	Yes/No	Comments
APPROACHING THE SHIP		

1) Is Ship Identification Number marked as defined in SOLAS XI-1/3		
Access Control (preventing unauthorised access and articles)		
2) Are procedures implemented for identification for ship's personnel, passengers and visitors, as specified in the SSP?		
3) If a pass system is defined in the SSP is it implemented?		
4) If a pass system is defined in the SSP, are crew passes withdrawn when that person leaves the ship permanently?		
5) If a pass system is defined in the SSP, are visitor or contractor passes withdrawn on exiting the ship?		
6) Are the Ship's deck and access points illuminated?		
7) Is there controlled access to the ship?		
8) Is there effective control of the embarkation of persons and their effects?		
9) Is checking of identification of all persons seeking to board the ship carried out?		
10) Are Inspections and searching of persons carried out in designated areas (as applicable)?		
11) Are access points that should be secured or attended secured or attended?		
12) Is the 'search' signage as defined in SSP in place?		
13) For Ro-Ro ships, is the frequency for searching vehicles for the designated ship as described in the SSP maintained (as applicable)?		
14) For passenger ships, are checked and unchecked persons segregated as well as embarking and disembarking passengers?		
15) For passenger ships, are the unattended spaces adjoining areas, to which passengers and visitors have access secured or locked?		
16) For passenger ships, are there at least one male and one female searcher at each access point?		
17) For passenger ships, do passengers have passes and return them when leaving the ship at the end of the voyage?		
18) If the ship has operated at SL2, have the addition protective access control measures defined in SSP been implemented?		
19) If the ship has operated at SL3, have the further specific protective access control measures defined in SSP been implemented?		
20) At SL3, are the provisions in the SSP for limited access by officers authorized understood?		
IN MASTER'S CABIN / SHIP'S OFFICE		
Certification and Ship Security Plan		
21) Is the ISSC an original version?		
22) Do the entries on ISSC agree with those on CSR, SMC and DOC?		
23) Is there an up to date Continuous Synopsis Record on board?		
24) Do the entries on the CSR agree with those on the Certificate of Registry and Class Certificate?		
25) Is the version of SSP held on board the same as Administration's approved version?		

26) Is the SSP based on the current ship security assessment (SSA)?		
27) Are the SSP, SSA, and other associated material, protected from unauthorized access or disclosure?		
28) If the SSP is in electronic format, is it protected against unauthorized deletion, destruction or amendment?		
29) If the SSP is in electronic format, is the password changed regularly?		
30) Is the SSP written in the working language of the ship and English?		
31) Is the organizational structure as described in SSP for security known, understood and implemented?		
32) Are the relationships with company, port facilities, other ships and relevant authorities known and understood by key personnel?		
33) Are the evacuation procedures in case of security threats or breaches of security known and implemented?		
34) Are SSP amendments or changes in the security equipment approved, if required, by the Administration?		
35) Are these changes clearly identified in the SSP?		
36) Have any amendments to the SSP been implemented?		
37) Does the SSO understand the procedure to follow changes?		
38) Are the company policy and objectives on security understood?		
39) Does the master understand the discretion available for safety and security?		
40) Has the company ensured that the necessary support is given to the CSO to enable the Master and SSO to fulfil their duties and responsibilities?		
41) Are contact points available for Flag State and other relevant contracting governments?		
Security Records		
42) Have Security records (training, drills and exercises; threats and incidents; breaches of security; change in SL; internal audits and reviews; implementation of SSP amendments, maintenance, calibration & testing of security equipment,) been kept up to date?		
43) Are security records kept for the length of time in the SSP?		
44) Are security records in the ship's working language?		
45) Are records protected from unauthorized access or disclosure?		
46) When kept in electronic format, are records protected to prevent unauthorized deletion, destruction or amendment?		
Ship/Port and Ship/Ship Interface		
47) Has the ship acted upon the security levels set by the Administration?		
48) Are procedures understood regarding instructions from Contracting Governments when at SL3?		
49) Is the receipt of instructions by the Administration including change of the security levels acknowledged?		
50) Has the ship informed nearby Coastal States regarding operating at SL 2 or SL3, if applicable?		
51) Has the ship acted upon the security levels set by the Contracting Government of ports?		

52) Has the provision been made to ensure that the ship does not have a lower SL than the Port Facility?		
53) Has Contracting Government and PFSO been informed if the ship is been at a higher security level than the port facility?		
54) Have the pre-arrival notifications been handled correctly?		
55) Have the procedures for interfacing with the port facility specified in the ship security plan been followed?		
56) Are Declarations of Security completed as defined in the SSP?		
57) Is the procedure understood regarding failure by the Port Facility or other ship to acknowledge a DOS?		
58) Are appropriate ship security procedures maintained during any ship-to-ship interface?		
Security Training, Drills and Exercises		
59) Does the Ship Security Officer have a certificate of proficiency as SSO?		
60) Has familiarization training for all personnel been carried out?		
61) Do all crew have certificates of proficiency in security awareness?		
62) Do all crew with designated security duties have certificates of proficiency in security duties?		
63) Are security briefings for the crew carried out?		
64) Have security drills been carried out as detailed in SSP?		
65) Have security exercises been carried out at the frequency shown in SSP?		
Responding to security threats and breaches of security		
66) Has the CSO obtained information on the assessments of threat for the ports of call and their protective measures and is this available on board?		
67) Is information available with respect to security threats from Contracting Governments?		
68) Are procedures for raising an alarm for security threats or security incidents known and implemented?		
69) Are Procedures known, and can be implemented, for responding to security threats or breaches of security, including maintenance of critical operations of the ship or ship/port interface?		
70) Have any breaches of security been reported to the Administration, port facility, coastal state or CSO?		
71) Have breaches of security been investigated and mitigation measures implemented?		
72) Have potential on-board weapons that could be used by those committing a breach of security been identified?		
73) Are such potential weapons controlled to prevent their unauthorized use?		
Audit and Review		
75) Have internal audits been undertaken as required by the SSP?		
76) Have reviews of security been undertaken as required by the SSP?		
77) Have personnel been conducting internal audits of the security activities independent of the activities being audited? (unless this is impracticable due to the size and the nature of the company or of the ship)		

78) Have the Non-conformities of previous internal audits and reviews been properly dealt with?		
79) Have the Non-conformities of previous external audits been properly dealt with?		

TOURS OF SHIP

Restricted Areas

80) Are the restricted areas identified and known?		
81) Are the procedures in the SSP implemented to prevent unauthorized access to restricted areas?		
82) If coded key pads are used, is the code changed as required by the SSP?		
83) Are there any other ship critical areas that should be restricted areas?		
84) Are there other areas that require extra vigilance at higher security levels (e.g. galley or crew mess)?		
85) Is the functionality of emergency escapes maintained while preventing unauthorized access to restricted areas?		
86) If the ship has operated at SL2, has the additional monitoring as defined in SSP been implemented?		
87) If the ship has operated at SL3, have measures been taken in co-operation with those responding to the incident or threat?		

Monitoring security

88) Is there an effective deck watch while ship is in port or anchored off?		
89) Are areas surrounding the ship, particularly to seaward, monitored?		
90) Is there lighting on all decks and access points whilst berthed?		
91) Is CCTV used when available?		
92) Have patrols as detailed in the SSP been implemented?		
93) For Ro-Ro ships, are car decks monitored when loading and unloading?		
92) If the ship has operated at SL2, have the additional measures defined in SSP been implemented?		
93) If the ship has operated at SL3, have measures been taken in co-operation with those responding to the incident or threat?		

Handling of cargo, stores and unaccompanied baggage

94) Is handling of cargo supervised as defined in the SSP?		
95) For Ro-Ro ships, are vehicles searched prior to loading according to the frequency in the SSP?		
96) Is handling of deck, engine-room and catering stores supervised as defined in the SSP?		
97) Is handling of unaccompanied baggage supervised as defined in the SSP?		
98) If the ship has operated at SL2, have the addition measures defined in SSP been implemented?		
99) If the ship has operated at SL3, have measures been taken in co-operation with those responding to the incident or threat?		

Security Equipment

100) Can the sending of a test SSAS be demonstrated?		
101) Are Procedures (testing, activation, de-activation and resetting, limiting false alarms) understood for the use of the SSAS including location of activation buttons?		
102) Are tests of the SSAS conducted at the frequency specified in the SSP?		
103) Is any other security equipment inspected, tested and calibrated as applicable?		
104) Is all security equipment in working order?		
Communication		
105) Are the crew able to communicate on security issues?		
106) Is the CSO 24-hour contact known to key personnel?		

Notice of Non-Compliance

Name of Ship	IMO Number	Type of Ship	Flag State	Date of Inspection	Place of Inspection		
Item Number	Deficiency			Regulatory reference	Due date	Date rectified	Date checked
1.							
2.							

The information on this form is collected under the authority of

.....
Signature of inspector (for the national authority)

.....
Date

.....
Signature of authorized representative acknowledging receipt

.....
Date

Article 64

In the entire text of the Ordinance, the words "Head of Department" are replaced with the words "Section Manager" in the appropriate case.

Article 65

This Ordinance enters into force on the eighth day after its publication in the "Official Gazette".

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Zagreb, 22 August 2014

MINISTER

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