

THE CROATIAN PARLIAMENT

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Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby pass the

DECISION

PROMULGATING THE ACT ON THE GRADUAL PHASING-OUT OF SINGLE HULL OIL TANKERS

I hereby promulgate the Act on the Gradual Phasing-out of Single Hull Oil Tankers, adopted by the Croatian Parliament at its session on 2 April 2004.

No: 01-081-04-1356/2

Zagreb, 8 April 2004.

The President
of the Republic of Croatia
Stjepan Mesić, m.p.

ACT

ON THE GRADUAL PHASING-OUT OF SINGLE HULL OIL TANKERS

Article 1

This Act shall regulate the procedure for the gradual phasing-out of single hull oil tankers and the phasing-in of double hull oil tankers or other equivalent construction requirements in accordance with the International Convention for the Prevention of Pollution from Ships, 1973/78 (hereinafter referred to as: MARPOL 73/78) and the ban on transport of heavy grade oil into and out of ports of the Republic of Croatia by single hull oil tankers.

Article 2

For the purposes of this Act the following definitions apply:

1) "*MARPOL 73/78*" means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, (Official Gazette – International Treaties, No 1/92) as well as all later amendments thereto,

2) "*revised Regulation 13G of Annex 1 of MARPOL 73/78*" means the amendments to Regulation 13G of Annex 1 to MARPOL 73/78 and the Supplement to the IOPP Certificate as adopted by Resolution MEPC 94(46) of 27 April 2001 which entered into force on 1 September 2002,

3) "*oil tanker*" means an oil tanker as defined in Regulation 1(4) of Annex 1 of MARPOL 73/78,

4) "*deadweight*" means deadweight as defined in Regulation 1(22) of Annex 1 of MARPOL 73/78,

5) "*new oil tanker*" means a new oil tanker as defined in Regulation 1(26) of Annex 1 of MARPOL 73/78,

6) "*category (1) oil tanker*" means an oil tanker of 20000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and an oil tanker of 30000 tons deadweight and above carrying oils other than those mentioned, which does not comply with the requirements for new oil tankers as defined in Regulation 1(26) of Annex 1

of MARPOL 73/78,

7) “*category (2) oil tanker*” means an oil tanker of 20000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo and an oil tanker of 30000 tons deadweight and above carrying oils other than those mentioned, which complies with the requirements for new oil tankers as defined in Regulation 1(26) of Annex 1 of MARPOL 73/78,

8) “*category (3) oil tanker*” means an oil tanker of 5000 tons deadweight and above but less than those mentioned in subparagraphs 6 and 7,

9) “*single hull oil tanker*” means an oil tanker that does not meet the double hull or other equivalent construction requirements in accordance with Regulation 13F of Annex 1 of MARPOL 73/78,

10) “*double hull oil tanker*” means an oil tanker that meets the double hull or other equivalent construction requirements in accordance with Regulation 13F of Annex 1 MARPOL 73/78. An oil tanker that complies with the provisions of paragraph 1(c) of the revised Regulation 13G of Annex 1 of MARPOL 73/78 is also considered a double hull oil tanker,

11) “*age*” means the age of a ship expressed in number of years since the date of its delivery,

12) “*heavy diesel oil*” means diesel oil as defined in the revised Regulation 13G of Annex 1 of MARPOL 73/78,

13) “*fuel oil*” means oil consisting of heavy distillates or residues from crude oil or blends of such materials as defined in the revised Regulation 13G of Annex 1 of MARPOL 73/78,

14) “*heavy grade oil*” means:

a) crude oil having a density at 15°C higher than 900 kg/m³

b) fuel oil having either a density at 15°C higher than 900 kg/m³ or a kinetic viscosity at 50°C higher than 180 mm²/s

c) bitumen, tar and their emulsions,

15) “*Condition Assessment Scheme-CAS, hereinafter referred to as CAS*” shall be the procedure for the evaluation of the condition of the ship hull as regulated by Resolution MEPC 94(46) of 27 April 2001 with amendments thereto,

15.) “*Ministry*” means the ministry competent for maritime affairs.

Article 3

This Act shall apply to oil tankers of 5000 tons deadweight and above that sail into ports of the Republic of Croatia or along offshore terminals over which the Republic of Croatia has the authority to carry out administrative controls and inspections, irrespective of the flag they may be flying or oil tankers of 5000 tons deadweight and above, entered in the appropriate register of ships of the Republic of Croatia.

This Act shall not apply to warships and public ships.

Article 4

No tanker that is not a double hull oil tanker shall be entered into the register of commercial ships of the Republic of Croatia, nor shall any other such oil tanker irrespective of which flag they may be flying sail into ports of the Republic of Croatia or dock along offshore terminals over which the Republic of Croatia has the authority to carry out administrative controls and inspections after the anniversary of the date of its delivery as follows:

CATEGORY 1 OIL TANKERS:

– 2003 for ships delivered in 1980 or earlier

- 2004 for ships delivered in 1981
- 2005 for ships delivered in 1982 or later

CATEGORY 2 and 3 OIL TANKERS:

- 2003 for ships delivered in 1975 or earlier
- 2004 for ships delivered in 1976
- 2005 for ships delivered in 1977
- 2006 for ships delivered in 1978 and 1979
- 2007 for ships delivered in 1980 and 1981
- 2008 for ships delivered in 1982
- 2009 for ships delivered in 1983
- 2010 for ships delivered in 1984 or later.

By way of derogation from provisions of paragraph 1 of this Article, oil tankers in categories 2 and 3 fitted with only a double bottom or only double sides, not used for the carriage of cargo and extending to the entire cargo tank length, but not meeting the requirements for exemption provided in the provisions of Article 1(c) of the revised Regulation 13G of Annex 1 of MARPOL 73/78, shall be permitted to sail and carry cargo after the date stated in paragraph 1 of this Article.

The exemption provided in paragraph 2 of this Article shall not be later than the anniversary of the date of delivery of the ship in 2015 or the date on which the ship reaches 25 years of age after the date of its delivery, depending on which date is earlier.

Article 5

Oil tankers of 600 tons deadweight and above, irrespective of which flag they may be flying, transporting heavy grade oil, shall be banned from sailing into ports of the Republic of Croatia or docking along offshore terminals over which the Republic of Croatia has authority to carry out administrative controls and inspections if they do not meet requirements for double hull or other equivalent construction requirements.

Article 6

Article 5 of this Act shall not apply to oil tankers used exclusively in one port area under the condition that valid certificates have been issued to the same.

Article 7

Oil tankers of less than 5000 tons deadweight must comply with the requirements of Article 5 of this Act not later than the anniversary of the date of its delivery in the year 2008.

Article 8

Single hull oil tankers of more than 15 years of age, irrespective of which flag they may be flying, shall not be permitted to sail into or out of ports of the Republic of Croatia or dock along stationary offshore terminals over which the Republic of Croatia has authority to carry out administrative controls and inspections, after the anniversary of the date of delivery in the year 2005 for category 2 and 3 ships, unless they satisfy the CAS requirements.

Article 9

After the anniversary of the date of delivery of a ship in 2015, all single hull oil tankers in categories 2 and 3 that fly the Croatian flag shall be banned from navigation in ports of the Republic of Croatia including offshore terminals over which it has authority to carry out administrative control and inspections.

Article 10

By way of derogation from provisions of Articles 4, 5, 7, 8 and 9 of this Act, the Ministry may in exceptional cases allow individual ships to sail into or out of ports of the Republic of

Croatia if the oil tanker is in distress and searching for shelter or if the oil tanker without cargo requests permission to sail into or out of a repairing yard.

Article 11

The Ministry shall, on the basis of Article 8 (b) of the revised Regulation 13G of Annex I of MARPOL 73/78., inform the International Maritime Organisation of every decision regarding the banning of navigation of tankers in accordance with Articles 5 and 8 of this Act.

Article 12

Inspection of the implementation of this Act shall be carried out by the navigation safety inspection of the Ministry and the port master's office.

Article 13

The shipping company operating the ship which contrary to the provisions of this Act sails into a port of the Republic of Croatia or offshore terminal over which the Republic of Croatia has authority to carry out administrative control and inspections, shall be fined for misdemeanour in the amount of 500,000.00 HRK.

Article 14

On the day this Act enters into force the Regulation on Gradual Phasing-out of Single Hull Oil Tankers (Official Gazette, No 187/03) shall cease to apply.

Article 15

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

Class: 342-01/04-01/01
Zagreb, 2 April 2004.

THE CROATIAN PARLIAMENT
The President
of the Croatian Parliament
Vladimir Šeks, m.p.