

# CROATIAN PARLIAMENT

1141

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the following

## DECISION

### PROMULGATING THE ACT ON AMENDMENTS TO THE MARITIME CODE

I hereby promulgate the Act on Amendments to the Maritime Code, as adopted by the Croatian Parliament at its session on 26<sup>th</sup> of April 2013.

Class: 011-01/13-01/106

Number: 71-05-03/1-13-2

Zagreb, 2<sup>nd</sup> May 2013

President  
of the Republic of Croatia  
**Ivo Josipović, m. p.**

## ACT

### ON AMENDMENTS TO THE MARITIME CODE

#### Article 1

In the Maritime Code ("Official Gazette", No. 181/04, 76/07, 146/08 and 61/11), after Article 1, the following Article 1a is added to read:

#### "Article 1a

This Act contains provisions that are in conformity with the following regulations of the European Union:

- Council Regulation No 3577/92/EEC of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage),
- Council Regulation No. 392/2009 on the liability of carriers of passengers by sea in the event of accidents (text with EEA relevance),

- Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims (text with EEA relevance),
- Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues,
- Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC."

## Article 2

In Article 5, point 31a is deleted.

After point 32, point 32a is added to read:

"32a) *yacht user* is a natural or legal person who, pursuant to the yacht rental or yacht lease agreement, uses the yacht, with the assumption, until proven otherwise, that the yacht user is a person who has been registered in the yacht register as the yacht owner."

Point 38 is amended to read:

"38) *notified body* is an organisation which fulfils the conditions prescribed by special regulation and which is authorised by the Ministry for certification of marine equipment or for conformity assessment of sports and leisure boats and yachts up to 24 m long during construction."

After point 38, point 38a is added to read:

"38a) *statutory certification* is the process of assessment of fulfilment of international and national regulations, which includes:

- 1) requirements which have to be fulfilled by vessels or maritime structures and companies,
- 2) method of technical supervision,
- 3) procedure for issuing prescribed documents, records and books to vessels or maritime structures and companies,"

After point 52, points 53 and 54 are added to read:

"53) *third country* is the country other than the Republic of Croatia and other than a European Member State,

54) *third country ship* is a ship which does not fly the flag the Republic of Croatia or the flag of a European Union Member State."

## Article 3

In Article 6, after point 6, paragraphs 7 and 8 are added to read:

"(7) The Government of the Republic of Croatia adopts the Maritime Development and Integrated Maritime Policy of the Republic of Croatia.

(8) The Government of the Republic of Croatia adopts the Maritime Development and Integrated Maritime Policy for the purpose of preservation, protection and improvement of marine environment."

#### Article 4

In Article 8, paragraph 1, the words: "Foreign merchant ship" are replaced by: "Third country merchant ship".

#### Article 5

Article 9 is amended as follows:

"(1) Transport of goods and passengers between Croatian ports (maritime cabotage) includes:

1) coastal cabotage: transport of passengers or goods by sea between the ports which are located on the mainland, without calling at island ports;

2) supplying of offshore facilities: transport of passengers or goods by sea between any ports and facilities or structures which are located in the continental shelf of the Republic of Croatia;

3) island cabotage: transport of passengers and goods by sea between:

– mainland ports and one or more island ports;

– island ports;

4) passenger transport by yacht or boat in internal waters and territorial sea, for a fee.

(2) Maritime cabotage in the Republic of Croatia shall be performed according to a European Union regulation regulating maritime cabotage.

(3) In exceptional cases, the minister can give approval to a third country vessel for performing cabotage in internal waters and territorial sea of the Republic of Croatia.

(4) Amount of the fee for the granting approval referred to in paragraph 3 of this Article shall be regulated by the minister.

(5) The minister shall regulate conditions regarding the number and composition of crew, working language, and living and working conditions onboard ships up to 650 BT in coastal cabotage, ships in island cabotage, besides cargo vessels larger than 650 BT in cabotage, when the concerned journey follows after the journey or precedes the journey towards or from another country."

## Article 6

After Article 9, Article 9a is added to read:

### "Article 9a

Transport of persons by yachts or boats in internal waters and territorial sea of the Republic of Croatia for a fee, i.e. performance of services of rental of yachts or boats, with or without crew (charter), shall be performed on terms and in the manner regulated by a special regulation adopted by the minister, with the consent of the minister competent for the tourist sector."

## Article 7

In Article 10, paragraph 1, after the words: "fishing vessel" the following is added: "or boat", after the words: "scientific research vessel" the following is added: "or boat", and the words: "for the purpose of entering a port open for international traffic or a port with a shipyard in which that ship will be repaired" are deleted.

After paragraph 2, new paragraph 3 is added to read:

"(3) The approval referred to in paragraph 1, point 2 of this Article can be issued if the approval from Article 13 or Article 31 of this Code was previously issued to the foreign scientific research ship or boat."

Paragraphs 3, 4 and 5 become paragraphs 4, 5 and 6.

## Article 8

Article 12 is amended to read:

"Foreign yachts and boats are intended for leisure, sport or recreation can sail and stay in internal waters and territorial sea of the Republic of Croatia, except in prohibited areas referred to in Articles 16 and 29 of this Code, in accordance with regulation on navigation and stay of foreign yachts and boats in internal waters and territorial sea, adopted by the Government of the Republic of Croatia, with payment of a fee for navigation safety and protection of marine waters from pollution, the amount of which shall be regulated by the minister."

## Article 9

In Article 16, paragraph 5, after the words: "Notices to mariners" the following is added: "published by the Hydrographic Institute of the Republic of Croatia (hereinafter: "Notices to mariners")".

## Article 10

In Article 24, paragraph 4 is amended to read:

"(4) Waterways, traffic separation schemes and ship reporting systems referred to in paragraph 1 of this Article shall be drawn in official maritime navigational charts published by the Hydrographic Institute of the Republic of Croatia and announced in "Notices to mariners ".".

#### Article 11

In Article 40, paragraph 2 is deleted.

#### Article 12

Above Article 47, title of Part 3 is amended to read:

"NAVIGATION SAFETY AND PROTECTION FROM POLLUTION FROM VESSELS AND MARITIME STRUCTURES".

#### Article 13

In Article 47, after the words: "Navigation safety" the following is added: "and protection from pollution from vessels and maritime structures".

Under point 1, after the words: "territorial sea of the Republic of Croatia" the following is added: "and economic zone of the Republic of Croatia, in accordance with the international law".

After paragraph 1, paragraph 2 is added to read:

"(2) In addition to provisions of this Code, navigation safety and pollution protection conditions shall be regulated by European Union regulations, bylaws and technical rules adopted by the minister."

#### Article 14

In Article 48, paragraph 1, after the word: "waterways" the following is added: "and public institution performing hydrographic activity".

Paragraphs 3 and 4 are amended to read:

"(3) The Ministry shall keep official records of ships of Croatian nationality containing:

- 1) ship name and IMO ship number,
- 2) shipowner data and data on the responsible person in the legal person who is the shipowner,
- 3) data on the person responsible for security in the company,
- 4) data on recognised organisation issuing vessel certificates,

5) data on inspections of ships by port states, including the name of competent authorities which carried out inspections and inspection dates, as well as inspection results, and any irregularities and specific delays,

6) data on all events important for the safety of ship, persons and environment, including data on marine accidents,

7) data on ships which no longer have Croatian nationality and which lost Croatian nationality in previous twelve months.

(4) Owner and/or company and/or recognised organisation of the ship of Croatian nationality shall submit to the Ministry the data referred to in paragraph 3 of this Article without delay, no later than 15 days from the day of event or change of facts, i.e. from the occurrence of the event to which the data refer. The data referred to in paragraph 3, points 5 of this Article shall be submitted 24 hours from the occurrence of the event."

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

"(5) After reporting that foreign bodies responsible for supervision of the port state have delayed a ship of Croatian nationality, the Ministry will supervise fulfilment of requirements of relevant Conventions of the International Maritime Organisation by detained ship."

Paragraph 5 becomes paragraph 6.

#### Article 15

In Article 49, paragraph 4, the sentence: "Agency shall also perform other activities in accordance with provisions of this Codes and regulations adopted based on this Code and in conformity with the Agency Statute." is deleted.

Paragraph 7 is amended to read:

"(7) The Agency competent for implementation of safety investigation referred to in paragraph 4 of this Article shall be founded by a special act."

#### Article 16

After Article 49, Title Ia is added, followed by the name of the Title and Articles 49a, 49b, 49c, 49d, 49e, 49f, 49g and 49h, to read:

#### "Title Ia

### PROTECTION FROM POLLUTION FROM VESSELS AND MARITIME STRUCTURES

#### Article 49a

(1) The ship master, crew members, a person operating the boat or yacht and crew members of this boat or yacht, as well as crew members or skilled workers on fixed offshore and

floating structures shall, when navigating or staying in internal waters, territorial sea, epicontinental or economic zone of the Republic of Croatia, comply with international, European and Croatian regulations and standards on the protection from sea and air pollution from vessels and maritime structures and pollution resulting from sinking from maritime structures.

(2) The provision of paragraph 1 of this Article shall also apply to the master and crew members of vessels and maritime structures of Croatian nationality, regardless of the navigation area.

#### Article 49b

(1) It shall be forbidden to discharge and discard into the sea and on the coast solid and the liquid waste, oily waters, faeces and cargo residues from vessels and maritime structures, as well as all other substances which pollute sea, air or coast.

(2) Vessels and maritime structures shall apply measures to prevent harmful transmission of marine aquatic organisms and pathogens by way of ships' ballast waters and sediments, as well as by fouling.

(3) Detailed regulation on the protection from pollution of marine environment from vessels and floating structures, and on conducting investigations about sea pollution shall be issued by the minister.

(4) The strategy for ballast waters and sediments management shall be adopted by the Government of the Republic of Croatia.

(5) The minister shall, in agreement with the minister competent for environmental protection, issue a regulation on ballast water management and inspection.

#### Article 49c

(1) Vessels and floating structures can discharge solid and liquid waste, oily waters, faeces and cargo residues from the ship, as well as all other sea and coast polluting substances, only at ports or outside ports where there are devices for acceptance of those substances.

(2) The ship master, other than fishing and public service vessel, shall submit to the port authority, the harbourmaster's office and the concession holder of a special purpose port the information about the ship waste.

(3) The information referred to in paragraph 2 of this Article shall be kept on the ship at least until reaching the next port of call, and shall be available for inspection.

(4) The contents of the information, the method of its submission and keeping, and the delivery deadlines shall be regulated by the minister, with the consent of minister competent for environmental protection.

#### Article 49d

(1) The ship master, before leaving the port, shall deliver all ship waste in port reception facilities.

(2) In exceptional cases, ship can leave the port without delivering the ship waste if it follows from the information submitted in accordance with Article 49c of this Code that the capacity for the waste collection aboard is sufficient for all ship waste which has been collected or will be collected on the planned journey to the port in which it will be delivered.

(3) If the harbourmaster's office determines that due to a lack of adequate port reception facilities in the port in which the ship was intended to dump the waste, or when the port is unknown, there could come to discharge of the waste into the sea during navigation, it will order the master of the vessel or the floating structure to dump the waste before leaving the port.

(4) If, in the case referred to in paragraph 3 of this Article, the vessel or the floating structure does not dump waste oils, sediment, cargo residues or other substances, the harbourmaster's office can prohibit the ship from leaving the port.

#### Article 49e

(1) Cargo residues can be delivered only in port reception facilities, according to provisions of the International Convention for the Prevention of Pollution from Ships, as amended (MARPOL 73/78).

(2) Fee for use of port reception facilities for cargo residues shall be paid based on the delivered cargo residues.

#### Article 49f

(1) The master of the vessel or maritime structure from Article 49a of this Act which causes pollution of the sea, air or coast, or who notices such pollution, shall report this to the Ministry without delay.

(2) Upon information about the pollution of the sea, the Ministry shall perform immediate on-site inquiry, assess the situation, investigate all circumstances leading to the pollution, appraise the level of incurred damage, if possible, perform the procedure of determining the perpetrator and, according to the circumstances of the case, initiate legal proceedings and/or file criminal charges pursuant to regulation on criminal proceedings.

#### Article 49g

(1) In case of pollution of the sea, the harbourmaster's office shall prohibit the vessel from leaving the port, i.e. order the stay of the vessel which caused the pollution in marine waters of the Republic of Croatia until the vessel pays the costs of cleaning and other damage caused by pollution, or until deposition of appropriate guarantee for covering of those damages.

(2) The incurred damage has to be established and appraised, if possible, in the presence of the perpetrator of the pollution and, if necessary, in the presence of a court expert and a witness. Records shall be made on the performed on-site inquiry.

(3) The perpetrator of the damage to the marine environment shall compensate the damage.

(4) The damage referred to in paragraph 1 of this Article includes material damage and environmental damage.

(5) Environmental damage is a special kind of damage resulting in devastation of the environment, nature and landscape. The criteria for determination of environmental damage are: preserved condition and authenticity of nature, level of legal protection, beauty of landscape, possibility of restitution, richness of flora and fauna, etc. Environmental damage shall be compensated also when nature is not intact, in adequate amount.

#### Article 49h

(1) The harbourmaster's office shall inform the competent county authority about the pollution of the sea for the purpose of undertaking appropriate measures, and the competent county authority shall, without delay, take any measures necessary in order to prevent spreading of the polluting, and eliminating polluting, as established in the Contingency Plan for Accidental Marine Pollution.

(2) The Contingency Plan for Accidental Marine Pollution, including the system of equipping and training for its implementation, shall be regulated by the Government of the Republic of Croatia."

#### Article 17

In Article 50, paragraph 2, before the words: "radio stations" the word "coastal" is added.

After paragraph 4, paragraph 5 is added to read:

"(5) It shall be prohibited to put any inscriptions on navigation safety objects referred to in paragraph 2 of this Article without authorisation, as well as to cause damage to and place/mount/install remove, replace or change the meaning of the navigation safety objects."

#### Article 18

In Article 51, paragraph 3, after the words: "hydrographic objects" the following is added: "(mareograph station, current-meter station marked with a buoy, thermistor station marked with a buoy, wave-recording buoy, multi-purpose oceanographic buoy etc.)".

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

"(5) It shall be prohibited to put any inscriptions on hydrographic objects referred to in paragraph 3 of this Article without authorisation, as well as to cause damage to and remove, replace or change the meaning of the hydrographic objects."

Paragraph 5 becomes paragraph 6.

#### Article 19

After Article 54, Article 54a is added to read:

#### "Article 54a

(1) In the process preparing documents and acts for physical planning and construction, the Ministry shall participate in establishing conditions for spatial interventions on the coast, internal waters, territorial sea and continental shelf of the Republic of Croatia.

(2) The designated competent authority preparing the act or the document for physical planning shall duly inform the body referred to in paragraph 1 of this Article about the preparation of documents or acts for physical planning and construction, and invite it to submit approval and special requirements in connection to navigation safety and protection of marine waters from pollution from ships.

(3) In the process of preparing documents or acts referred to in paragraph 1 of this Article, the Ministry may request production of a maritime study, especially for those interventions in the sea which significantly affect navigation safety and protection of marine waters from pollution from ships.

(4) The maritime study referred to in paragraph 3 of this Article should include at least navigation and meteorological-oceanographic features of the maritime zone, i.e. of the spatial intervention, technical and technological and traffic-navigation properties of the intervention in the sea, measures of maritime safety with respect to navigation and stay of vessels and maritime structures, as well as protection of marine waters from pollution from vessels and maritime structures at entrance and within the intervention in the sea.

(5) Physical planning documents for spatial interventions referred to in paragraph 1 of this Article shall contain and be based on official hydrographic and oceanological data."

#### Article 20

Above Article 56, name of Title III, Part 3, is amended to read: "PORTS AND OTHER PARTS OF INTERNAL WATERS".

#### Article 21

Article 56 is amended to read:

"(1) The ports shall fulfil the prescribed requirements of navigation safety, security and protection from pollution.

(2) The port authorities, concession holders of special purpose ports, natural and legal persons and vessels and maritime structures using the port, shall follow or fulfil regulations on port order, navigation safety, life safety and protection from pollution, issued by the minister.

(3) In ports and other parts of internal waters, it shall be prohibited to perform activities established by a special regulation issued by the minister.

(4) Divers and diving contractors shall follow or fulfil provisions on diving safety issued by the minister.

(5) Other issues regarding ports, which have not been regulated by this Code, shall be regulated by a special act."

## Article 22

After Article 56, Articles 56a, 56b and 56c are added to read:

### "Article 56a

(1) The port authority and concession holders of special purpose ports shall provide equipment of the port with adequate equipment and facilities for handling and acceptance of solid and liquid waste, cargo residues from vessels, oily waters and faeces, as defined in MARPOL Convention 73/78, as amended; prepare and implement the plan for acceptance and handling of waste and cargo residues, and ensure acceptance and collection of waste from vessels.

(2) The plan referred to in paragraph 1 of this Article shall be adopted after consultation with representatives of port users and other interested persons and bodies.

(3) The plan referred to in paragraph 1 of this Article shall be verified by competent harbourmaster's office every three years.

(4) The right to port waste collection and disposal shall be given to persons duly authorised for this purpose by a special regulation.

(5) Capacity and availability of equipment and devices referred to in paragraph 1 of this Article shall answer the needs of ships which usually use the port, without causing unnecessary delays.

(6) The Ministry shall inspect each reported case of inadequacy or insufficiency of the system for acceptance of waste from ships, and order elimination of identified deficiencies.

(7) The minister shall, with consent of the minister competent for environmental protection, by a regulation from Article 56b, paragraph 9 of this Code, regulate contents of the plan for acceptance and handling of waste and cargo residues, as well as the method of dealing with complaints.

### Article 56b

(1) Costs of provision and use of equipment and devices from Article 56a of this Code shall be borne by vessels by way of payment of a fee for acceptance and collection of waste.

(2) The amount of the fee in ports open to public traffic shall be established by the minister, at the proposal of port authorities. The amount of the fee in special purpose ports shall be established by the concession holder.

(3) The amount of the fee in ports open to public traffic shall be established by the minister, at the proposal of port authorities. The amount of the fee in special purpose ports shall be established by the concession holder.

(4) All ships, except fishing and public vessels, which call at port, shall pay a fee for acceptance and collection of waste, regardless of the actual waste delivery. The fee shall be established with respect to the category, type and size of the vessel.

(5) If the funds gathered by the fee referred to in paragraph 4 of this Article are not sufficient for provision of acceptance and collection of waste, the port authority and the concession holder of special purpose port can, with the agreement of the minister, establish the obligation of payment of a fee based on the type and volume of ship waste actually delivered, and separately for acceptance and collection of hazardous waste.

(6) The fee from paragraphs 4 and 5 of this Article shall be reduced if the ship has a system of environmentally friendly waste management, and if the ship master can prove that the use of such system, devices and equipment reduces the volume of ship waste.

(7) In exceptional cases, the Ministry can, based on the contract between the shipper and port authorities, provide approval to ships in regular transport service, as well as day-trip vessels which regularly call at particular ports, to deliver ship waste and pay the fee in one of the ports of call. Once a year, the Ministry shall submit a report to the European Commission on issued approvals.

(8) The minister shall regulate the criteria, amount and method of payment of the fee for fishing vessels, yachts and boats by the regulation referred to in paragraph 9 of this Article.

(9) More detailed regulations on order in ports and other parts of internal waters with respect to navigation safety, protection from pollution, including obligations regarding delivery, acceptance and collection of waste and cargo residues from vessels, as well as the criteria for establishing the amount of the fee referred to in paragraph 3 of this Article shall be regulated by the minister, with prior consent of the minister competent for environmental protection."

#### Article 56c

(1) Handling hazardous and noxious substances in ports and in maritime traffic, as well as terms and conditions under which loading and unloading of hazardous and noxious substances, bulk and other loads in ports is to be performed, as well as the method of pollution prevention, shall be regulated by the minister.

(2) Fuel supply can be performed on and outside of the port area, from vessels or floating structures, according to navigation safety and marine environment protection conditions established by the competent harbourmaster's office.

(3) The port authority, concession holder of a special purpose port or concession holder who manages devices, machines and facilities for acceptance, storage or processing of oil in the maritime domain shall, on the occasion of unloading, reloading or loading of those substances, take measures for successful prevention of discharge or release of those oils, i.e. prevent spreading of expired oil into the sea or ashore.

(4) Pipelines and connections shall be subjected to regular quarterly inspection by an expert commission designated by the harbourmaster's office.

(5) One member of the commissions shall be the representative of the legal entity or the natural person referred to in paragraph 3 of this Article."

#### Article 23

In Article 60, after paragraph 5, paragraph 6 is added to read:

"(6) The method and conditions for harmonised delivery and exchange of data and documents on maritime traffic through a unique interface, between the ship and the competent authorities of state administration, between the state administration bodies, and international exchange of data and documents, shall be regulated by the Government of the Republic of Croatia."

#### Article 24

Article 62 is amended to read:

"(1) Domestic and foreign vessel carrying more than 2,000 tonnes of oil as cargo and intending to sail into a Croatian port or land at an offshore structure in the Croatian territorial sea shall hold a certificate on insurance or other financial security for the purpose of covering the liability for damage due to oil pollution as provided in Article 820 of this Code.

(2) The provision of paragraph 1 of this Article also refers to a vessel carrying more than 2,000 tonnes of oil as cargo, owned by a foreign country and not covered by insurance or other financial security, if it does not hold a certificate of the country in which it has been registered confirming that it is owned by this country and that its liability has been covered within the limits provided in Article 816 of this Code.

(3) Domestic and foreign vessel with gross tonnage over 1000 intending to sail into a Croatian port or land at an offshore structure in the Croatian territorial sea shall hold a certificate on insurance or other financial security for the purpose of covering the liability for damage due to bunker oil pollution as provided in Article 823e of this Code.

(4) The provision of paragraph 3 of this Article also refers to a vessel with gross tonnage over 1000, owned by a foreign country and not covered by insurance or other financial security, if it does not hold a certificate of the country in which it has been registered confirming that it is owned by that country and that its liability has been covered within the limits provided in Article 823d paragraph 1 of this Code.

(5) Domestic passenger vessel on international voyage and foreign passenger vessel intending to sail into a Croatian port shall hold the certificate on insurance or other financial security in accordance with the Regulation EU 392/2009 on the liability of carriers of passengers by sea in the event of accidents.

(6) The provision of paragraph 5 also refers to a vessel certified to carry over 12 passengers, owned by a foreign country and not covered by insurance or other financial security, if it does not hold the certificate of the country in which it has been registered confirming that it is owned by that country and that its liability has been covered in accordance with the Regulation EU 392/2009 on the liability of carriers of passengers by sea in the event of accidents.

(7) Domestic and foreign watercraft with gross tonnage of or over 300 intending to sail into the internal waters or land at an offshore structure in the territorial sea, is obliged to provide a proof of conclusion of an insurance policy or other financial security, such as a guarantee from a bank or a similar institution, for the purpose of covering the costs of locating, marking and removing a wreck in the amount provided in Article 840p of this Code.

(8) Domestic and foreign vessel with gross tonnage of or over 300 intending to sail into a Croatian port or land at an offshore structure in the Croatian territorial sea is obliged to provide a proof of conclusion of an insurance policy or another financial security from Article 747a of this Code."

#### Article 25

In Article 63, paragraph 2 is deleted.

#### Article 26

Article 64 is deleted.

#### Article 27

Article 65 is amended to read:

"(1) It is prohibited to throw into the waterway objects which can hinder or endanger safe navigation.

(2) In exceptional cases, by decision of the competent harbourmaster's office and after obtaining an opinion by the ministry competent for environmental protection, the sinking to the sea floor may be allowed for vessels which would not pollute the environment or hinder navigation safety. The location of the sunken vessel shall be determined and entered into the maritime navigational charts and publications by the Hydrographic Institute of the Republic of Croatia."

#### Article 28

In Article 70 paragraph 2 subparagraph a), after the words: "Croatian passenger vessels," the words: "and passenger vessels flying the flag of a European Union Member State," are added.

After paragraph 9, paragraph 10 is added to read:

"(10) Pilot boarding locations referred to in paragraph 7 of this Article are drawn and described in official maritime navigational charts and the publication "Peljar I" issued by the Hydrographic Institute of the Republic of Croatia and announced in the "Notice to Mariners".

#### Article 29

In Article 76 paragraph 1 point 4 the word: "garbage" is replaced by the word: "waste".

In paragraph 2, after point 4, point 5 is added to read:

"5) if the vessel carries up-to-date official maritime navigational charts and publications."

#### Article 30

In Article 77, after paragraph 1, new paragraph 2 is added to read:

"(2) Seaworthiness according to the provisions of Article 76 paragraph 1 of this Code with respect to vessels of Croatian nationality engaged on national voyages is established by the Croatian Register of Shipping."

Former paragraphs 2 and 3 become paragraphs 3 and 4.

Former paragraph 4, which becomes paragraph 5, is amended to read:

"(5) Rights and obligations of recognised organisations with respect to the Ministry, the authorisation method and procedure and the performance of inspection will be regulated by the minister."

Former paragraph 5 becomes paragraph 6.

#### Article 31

In Article 87, after paragraph 2, paragraph 3 is added to read:

"(3) The Ministry issues certificates on exemption from the obligation to comply with individual provisions in accordance with this Article of the Code, keeps records on all issued exemption certificates, and notifies them to the International Maritime Organisation and, when this is prescribed, to the competent authorities of the European Union."

#### Article 32

In Article 95 paragraph 1, after the word: "script", the full stop is replaced by a comma and followed by the words: "except for the vessel's log and the engine room log which can be kept in English onboard vessels on international voyages."

#### Article 33

In Article 96, after the word: "Code" words: "and the regulations adopted on the basis of this Code" are added.

#### Article 34

In Article 102 paragraph 1 point 2, the word: "garbage" is replaced by the word: "waste".

In paragraph 2, point 1 is amended to read:

"1) if it has the prescribed number of skilled workers which a facility must have for safe operation."

#### Article 35

In Article 103, after paragraph 1, paragraph 2 is added to read:

"(2) The capability for use is established by the Croatian Register of Shipping."

#### Article 36

Article 106 is deleted.

#### Article 37

In Article 112 paragraph 1, the words: "designated body" are deleted.

After paragraph 2, new paragraph 3 is added to read:

"(3) Duties of the recognised organisation referred to in paragraph 1 of this Article are performed by the Croatian Register of Shipping."

Former paragraphs 3 and 4 become paragraphs 4 and 5.

#### Article 38

In Article 113, paragraph 1 is amended to read:

"(1) A legal or natural person intending to start the construction or conversion of a boat or yacht is obliged to report the construction of a boat or yacht, before its start, to the recognised organisation, designated body or competent harbourmaster's office or branch office as referred to in paragraphs 4 to 8 of this Article."

In paragraph 2 in the introductory sentence, after the words: "and public purposes" the word: "or" is added.

In point 6, after the word: "boat", the word: "or" is added.

Paragraph 3 is amended to read:

"(3) Technical inspection of sports and leisure boats or yachts of up to 24 m in length includes the following:

- 1) conformity assessment of the boat or yacht during construction at the premises of the constructor,
- 2) boat or yacht equipment check,
- 3) examinations of the existing boats or yachts."

In paragraph 4, the word: "Inspection" is replaced by the words: "Technical inspection".

Paragraphs 6, 7 and 8 are amended to read:

"(6) Inspection over the construction of a sports and leisure boat built for private purposes of the constructor (amateur boat building) is performed by the harbourmaster's office or the harbourmaster's branch office.

(7) The harbourmaster's office or the harbourmaster's branch office may entrust the inspection over the construction referred to in paragraph 6 of this Article, if it deems it appropriate, to a recognised organisation.

(8) Inspection over the construction of a yacht built for private purposes of the constructor (amateur yacht building) is performed by a recognised organisation."

In paragraphs 9 and 10, after the word: "Inspections", the words: "and the equipment check" is added.

Paragraph 11 is deleted.

#### Article 39

In Article 118 paragraph 1, after the words: "is performed", a comma is inserted and the words: "upon owner's request, when this is necessary" are added.

#### Article 40

In Article 125, after paragraph 4, paragraphs 5 and 6 are added to read:

"(5) The regulation regulating in detail the method of applying the Maritime Labour Convention of 2006 is issued by the minister.

(6) Provisions of this Code and of the international agreements concluded and confirmed in accordance with the Constitution of the Republic of Croatia and published, as well as of the collective agreements regulating the labour relations for seafarers on international voyages, have precedence over the provisions of the Labour Act."

#### Article 41

In Article 126, paragraph 2 is deleted.

#### Article 42

In Article 127, paragraph 2 is amended to read:

"(2) The pay and other income claimed on the basis of an employment contract and/or a collective agreement for seafarers or on an extra-contractual basis can be paid to a crew member on an international voyage, regardless of the vessel's nationality, in foreign means of payment."

#### Article 43

In Article 129, after paragraph 6, new paragraph 7 is added to read:

"(7) By way of derogation from the provision of paragraph 6 of this Article, the crew member referred to in paragraph 1 of this Article that submits to the harbourmaster's office a proof that his employment contract is concluded for the period longer than his period aboard a vessel remains insured until the day of termination of his employment contract."

Former paragraphs 7, 8, 9 and 10 become paragraphs 8, 9, 10 and 11.

#### Article 44

In Article 131, after paragraph 5, new paragraph 6 and paragraph 7 are added to read:

"(6) Health examinations of crew members can be performed only by those medical institutions or clinics which are authorised for the provision of medical examinations of crew members.

(7) Every authorised medical institution or clinic must introduce and maintain a quality management system which covers the provision of medical examinations of crew members of vessels, boats and yachts and which must be evaluated by an independent certification body."

Former paragraph 6 becomes paragraph 8.

#### Article 45

In Article 145 paragraph 2, after the word: "activity", a comma is inserted and the words: "as well as for such damage as the crew member suffers at work or in connection with the work aboard due to the lack of safe working conditions," are added.

Paragraph 3 is deleted.

In paragraph 4, which becomes paragraph 3, the words: "and 3" are deleted

#### Article 46

In Article 166 paragraph 1 point 3, the word: "garbage" is replaced by the word: "waste".

After point 13, point 14 is added to read:

"14) recognised organisations and the Croatian Register of Shipping."

#### Article 47

In Article 167 paragraph 2, after point 9, points 10 to 13 are added to read:

"10) the Maritime Labour Convention, 2006

11) the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001

12) the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004

13) the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, as amended by the 2002 Protocol."

After paragraph 2, new paragraph 3 is added to read:

"(3) Beside the documents in accordance with paragraph 1 of this Article, the inspection of foreign vessels also includes checks whether the vessel holds valid documents in accordance with the Regulation 392/2009 of the European Parliament and of the Council on the liability of carriers of passengers by sea in the event of accidents, the Directive 2009/20/EC of the European Parliament and of the Council on the insurance of shipowners for maritime claims, as well as proof of other compulsory insurances prescribed by this Code."

Former paragraphs 3, 4 and 5 become paragraphs 4, 5 and 6.

#### Article 48

In Article 171 paragraph 8, the words: "through a legal or natural person engaged in this business activity" are deleted.

Paragraph 11 is amended to read:

"(11) The removal of a vessel within the meaning of paragraphs 8 and 9 of this Article means every form of prevention, mitigation or removal of danger. The removal of a vessel can also include the sale of a vessel at a public auction."

After paragraph 11, new paragraph 12 is added to read:

"(12) With respect to the claim concerning the compensation of costs of vessel removal within the meaning of paragraphs 8 and 9 of this Article, the Republic of Croatia holds a lien on the vessel which is the object of removal."

Former paragraph 12, which becomes paragraph 13, is amended to read:

"(13) If the removal of a vessel within the meaning of paragraphs 8 and 9 of this Article produces certain financial assets, they will be used for the settling of reasonable costs in connection with the removal, while the possible remainder of assets will be deposited with the commercial court having territorial jurisdiction over this matter to the shipowner's name, of which the Ministry will publish an announcement in the Official Gazette".

After the former paragraph 13, which becomes paragraph 14, paragraphs 15 and 16 are added to read:

"(15) The method and procedure for the sale of vessel at a public auction in accordance with paragraph 11 of this Article will be regulated by a special regulation issued by the minister.

(16) Decisions and notifications issued on the basis of this Article are delivered to the owner and published on the Ministry's website. The delivery is deemed to have been duly performed on the eighth day from the day of publication of the decision or notification on the Ministry's website."

#### Article 49

In Article 189 paragraph 2, after the word: "vessel", the words: "under construction" are added.

In paragraph 3, after the word: "yacht", the words: "under construction" are added.

#### Article 50

In Article 190, paragraph 1 is deleted.

Former paragraphs 2 and 3 become paragraphs 1 and 2.

#### Article 51

In Article 195 paragraph 3, the words: "the directory of vessel owners" is replaced by the words: "the directory of owners of vessels or maritime structures".

In paragraph 6, the word: "vessels" is deleted.

In paragraph 7, after the words: "fixed offshore structures," the words: "the register of floating structures under construction, the register of fixed offshore structures under construction," are added.

#### Article 52

In Article 200, after paragraph 2, new paragraph 3 is added to read:

"(3) The company, or the name and head office of the legal person using the yacht as a lessee, or the name and permanent residence of a natural person using the yacht as a lessee, must be entered in sheet B of the general register record of the yacht register."

In former paragraph 3, which becomes paragraph 4, the words: "shipper and" are deleted.

Former paragraph 4 becomes paragraph 5.

#### Article 53

In Article 201, after the words: "bareboat charter of vessels", the words: "or other maritime structures" are added.

#### Article 54

In Article 207 paragraph 1 point 4, the words: "to less than three meters" are replaced by the words: "to the length of 2.5 meters or less".

#### Article 55

In Article 212 paragraph 2, after the words: "of the vessel under construction", the words: "or the yacht under construction" are added.

## Article 56

In Article 214, paragraph 1 is amended to read:

"(1) Ownership right and other proprietary rights over a vessel, yacht or boat can be acquired, transferred, limited and revoked only by entry into the corresponding register or record."

## Article 57

In Article 235, after the words: "the yacht register", the full stop is replaced by a comma and the words: "or yachts under construction entered into the register of yachts under construction" are added.

## Article 58

In Article 253, after the words: "floating structures, or offshore fixed structures", the words: "and floating structures under construction, or offshore fixed structures under construction" are added.

## Article 59

Article 274 is deleted.

## Article 60

In Article 276 paragraph 1, the words: "whose entry into the register of vessels is obligatory (Article 187)" are deleted.

## Article 61

In Article 277 paragraph 1, after the words: "i.e., the name and head office", the words: "and the personal identification number" are added.

## Article 62

In Article 294 paragraph 1, after the word: "documents", the full stop is deleted and the words: "or in unauthenticated copy if the source document was issued by the Ministry" are added.

In paragraph 3, the word: "record" is replaced by the word: "register".

In paragraph 5, after the word: "fax", the words: "or in some other appropriate way" are added.

## Article 63

In Article 298 paragraph 1 point 2, after the words: "the name and permanent residence", the words: "and the personal identification number" are added.

## Article 64

In Article 315, after paragraph 1, new paragraph 2 is added to read:

"(2) It is not necessary to enclose the confirmation from point 7 paragraph 1 of this Article in the process of registering a vessel bought at a public auction conducted by the Republic of Croatia or a judicial sale conducted in the Republic of Croatia."

Former paragraphs 2 and 3 become paragraphs 3 and 4.

#### Article 65

In Article 339, the abbreviation: "e.g." is deleted, the words: "action to exercise the maritime lien" are deleted and the abbreviation: "etc." is deleted.

#### Article 66

Article 347 is deleted.

#### Article 67

In Article 429a paragraph 1, subparagraph a) is amended to read:

"a) from business activities by vessels in his ownership or the ownership of domestic or foreign dependent shipowning companies, vessels in bareboat charter or charter,".

#### Article 68

In Article 598 paragraph 1, after point 2, new point 3 is added to read:

"3) the carrier who actually performs the whole or a part of the carriage is the performing carrier, or, in so far as the carrier actually performs the carriage, the carrier,".

In former point 3, which becomes point 4, after the words: "contract on the carriage", the words: "of passengers" are added.

In former point 4, which becomes point 5, after the words: "contract on the carriage", the words: "of passengers" are added.

In subpoint a, the words: "bareboat charter agreement" are replaced by words: "charter party".

Former point 5 becomes point 6.

After former point 6, which becomes point 7, point 8 is added to read:

"8) *vessel defect* is poor functioning, breakdown or non-conformity with applicable safety regulations with respect to any part of the vessel or vessel equipment used for escape, evacuation, embarkation and disembarkation of passengers, or used for propulsion, steering, safe navigation, mooring, anchoring, arrival at or departure from a berth or anchorage, or for damage control after flooding, or used for the lowering of rescuing equipment.".

#### Article 69

In Article 599, after paragraph 1, paragraph 2 is added to read:

"(2) If not otherwise contracted, the fare is paid at the time of travel ticket issuance, and if the travel ticket has not been issued, at the time of passenger's embarkation on the vessel."

#### Article 70

Article 601 is amended to read:

"(1) The carrier is obliged to issue a travel ticket to the passenger.

(2) The travel ticket can be a name ticket or a bearer ticket.

(3) The travel ticket can be issued in electronic form."

#### Article 71

In Article 603, after paragraph 1, paragraph 2 is added to read:

"(2) If not otherwise contracted, a complaint against the content of the name ticket may be lodged before the beginning of the voyage."

#### Article 72

In Article 604, after paragraph 1, paragraph 2 is added to read:

"(2) The bearer ticket may not, after the passenger has started the voyage, be transferred to another person without the carrier's consent."

#### Article 73

Article 606 is amended to read:

"(1) The provisions of the Regulation (EU) No 1177/2010 concerning passenger rights when travelling by sea and inland waterway and amending Regulation No (EC) 2006/2004 apply to the rights of passengers, except with respect to passengers travelling:

a) on watercraft certified to carry up to 12 persons;

b) on watercraft which have a crew composed of not more than three members or where the distance of the overall passenger service is less than 500 meters, one way;

c) on excursion or sightseeing tours other than cruises;

d) on watercraft not propelled by mechanical means as well as original, and individual replicas of, historical passenger watercraft designed before 1965, built predominantly with the original materials, certified to carry up to 36 passengers.

(2) The implementing authority for the provisions of paragraph 1 of this Article, as well as the provisions of the Regulation specified in paragraph 1 of this Article, is the Agency for Coastal Maritime Liner Services."

#### Article 74

Articles 610 and 611 are deleted.

#### Article 75

Article 612 is amended to read:

"(1) The carriage of passengers and their luggage on international and national voyages on Class A and B ships within the meaning of Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships is subject to the Regulation 392/2009 of the European Parliament and of the Council on the liability of carriers of passengers by sea in the event of accidents. The carriage of passengers and their luggage on national voyages on vessels which do not fall under the Classes A and B is subject to the provisions of this Code.

(2) The provisions of this Code and of the Regulation on the liability of carriers for the death of or personal injury to a passenger also apply when the carriage is performed free of charge."

#### Article 76

In Article 614, after paragraph 1, paragraphs 2 to 7 are added to read:

"(2) The carrier remains liable for the whole carriage, also in the case when he entrusts the whole or a part of the carriage to the performing carrier.

(3) The carrier, with regard to the carriage performed by the performing carrier, is also liable for acts and omissions of persons working for the performing carrier and his authorised agents when they act within the scope of their employment.

(4) The performing carrier, for the part of the carriage he performs, is liable according to the provisions of this Code which apply to the liability of the carrier.

(5) Every special agreement concluded by the carrier concerns the performing carrier only if he explicitly consents to this agreement and expresses his consent in writing.

(6) When action for damages is brought against the carrier and the performing carrier, they are liable jointly and severally.

(7) No provision of this Code shall prejudice any right of recourse between the carrier and the performing carrier."

#### Article 77

After Article 615, Article 615a is added to read:

## "Article 615a

"(1) Any carrier who actually performs the whole or a part of the international carriage by a vessel registered in the Croatian vessel register which is authorised to carry over 12 passengers shall maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover liability in respect of the death of and personal injury to passengers in the amount which corresponds to the limits of liability prescribed in the Regulation EU 392/2009 on the liability of carriers of passengers by sea in the event of accidents.

(2) The carrier referred to in paragraph 1 of this Article shall request from the harbourmaster's office keeping the register of vessels in which the vessel is registered to issue a certificate attesting that insurance or other financial security is in force and in conformity with the provisions of the Regulation EU 392/2009 on the liability of carriers of passengers by sea in the event of accidents.

(3) The certificate referred to in paragraph 2 of this Article is issued in Croatian and English and contains the following particulars:

a) vessel name, call sign and port of registry,

b) name and principal place of business of the carrier who actually performs the whole or a part of the carriage,

c) IMO vessel identification number,

d) type and duration of security,

e) name and principal place of business of insurer or other person providing financial security and, where appropriate, place of business where the insurance or other financial security is established,

f) period of validity of the certificate, which shall not be longer than the period of validity of the insurance or other financial security,

g) all allowed limitations and conditions of, as well as exceptions to, the insurance coverage.

(4) The certificate referred to in paragraph 2 of this Article shall be carried on board the vessel, and a copy shall be kept in the register of the vessel."

## Article 78

Article 624 is amended to read:

"The carrier and the passenger may agree, expressly and in writing, to higher limits of liability than the limits of liability prescribed in Articles 620, 621 and 622 of this Code."

## Article 79

In Article 627, paragraph 2 is amended to read:

"(2) Besides the periods referred to in paragraph 1 of this Article, with regard to cabin luggage, the carriage also covers the period during which the passenger is in a passenger terminal or in or on any other port installation on shore if that luggage has been taken over by the carrier and has not been re-delivered to the passenger."

After paragraph 2, paragraph 3 is added to read:

"(3) The carriage of other luggage which is not cabin luggage covers the period from the time of its taking over by the carrier on shore or on board until the time of its re-delivery by the carrier to the passenger."

#### Article 80

In Article 629 paragraph 1 point 1 subparagraph 1, the words: "before or at the time of its unloading" are replaced by the words: "before and at the time of disembarkation of the passenger".

#### Article 81

In Article 743 paragraph 2, the words: "Where the insurance referred to in paragraph 1 of this Article is compulsory" are replaced by words: "Where specifically prescribed".

#### Article 82

After Article 747, Articles 747a to 747d are added to read:

#### "Article 747a

(1) A vessel of 300 gross tonnes or more, except warships, auxiliary warships or government-owned vessels or vessels managed by the state that are used for non-economic public purposes, shall have a certificate of liability insurance for maritime claims indicated in the International Convention on Limitation of Liability for Maritime Claims of 1976, up to the amounts of the insurance indicated in the 1996 Protocol to this Convention.

(2) Insurance with or without a damage waiver, in the form of coverage provided by members of the International group of P&I clubs or other adequate guarantees such as financial guarantees or self-insurance that provide similar conditions of coverage.

(3) The certificate issued by the insurance provider must contain the following data:

a) name, "IMO number and port of registry of vessel;"

b) name of shipper or other person responsible for the management of the vessel;

c) type and duration of insurance;

d) name and head office of the insurance provider and, where appropriate, head office where the insurance was established.

(4) The certificate shall be issued in English, French or Spanish or shall contain a translation into one of these languages.

#### Article 747b

Foreign vessels that meet the conditions referred to in Article 747 paragraph 1 of this Code and that intend to sail into a Croatian port or berth next to an offshore structure in the territorial sea or the continental shelf of the Republic of Croatia or intend to carry out activities in the internal waters, territorial sea or continental shelf of the Republic of Croatia shall be obliged to hold the certificate referred to in Article 747a of this Code.

#### Article 747c

If based on an inspection or examination of the vessel's documents or based on information received from other EU member states it is determined that the vessel does not hold the certificate referred to in Article 747a of this Code, the harbourmaster's office can prohibit vessels from entering into ports or issue an order for the vessel to leave the port. The Ministry shall inform the European Commission, EU member states and the vessel's flag state of the measures carried out.

#### Article 747d

Article 743 paragraph 2 of this Code shall not apply to the insurance referred to in Article 747.a of this Code, except in cases when such insurance is prescribed as obligatory under another Article of the Code."

#### Article 83

In Article 760, after the words: "at sea" the comma is replaced with a full stop and the words: "including raising sunken property from the sea." are deleted.

#### Article 84

In Article 761 paragraph 1 is replaced to read:

"1) *rescue operations* are any act or performance undertaken for the purpose of helping the vessel or any other property in danger at sea,".

#### Article 85

In Article 762 paragraph 1 after the words: "warships" the comma is replaced with a full stop, and the words: "except for the provisions of Articles 781– 783 of this Code." are deleted.

#### Article 86

This amendment does not concern the English language wording of the provision of Article 763.

#### Article 87

Article 769 is amended to read:

"(1) Persons whose lives were saved shall not be obliged to pay any remuneration for this.

(2) If several rescuers participated in the same rescue operation, of which some saved persons, and some the vessel or other property, the rescuer who only saves persons shall be entitled to a fair share in the remuneration recognised to the other rescuer for rescuing the vessel or other property or of the remuneration for preventing or reducing damage to the maritime environment."

#### Article 88

In Article 770 paragraph 1 the word: "property" is deleted.

Paragraph 2 is amended to read:

"(2) The master shall be authorised to conclude contracts for rescuing in the name of the shipper and owner of the vessel. The master, shipper or owner of a vessel that is in danger shall be authorised to conclude a contract for rescue operations in the name of the owner of the property on board this vessel."

#### Article 89

Article 771 is amended to read:

"(1) Rescue operations that had a useful outcome shall give the rescuer the right to a remuneration.

(2) Unless prescribed otherwise, if the rescue operation had no useful outcomes, the rescuers shall not be entitled to any remuneration under this title of the Code.

(3) The amount of the remuneration, excluding interest rates and the reimbursable costs of the legal proceedings cannot exceed the value of the boat and other property rescued."

#### Article 90

In Article 772, paragraph 1 is amended to read:

"(1) The rescuer shall be obliged towards the shipper, owner of the vessel and the owner of other property that is in danger to carry out the rescue operations with due diligence and take due care in the prevention or reduction of damage to the maritime environment. The rescuer shall be obliged, whenever the circumstances reasonably warrant it, to request assistance from other rescuers, and to accept the assistance from other rescuers when the master, shipper or owner of the vessel in danger or the owner of the property that is rescued reasonably request him to do so. If it is determined that such a request of the master, shipper, owner of the vessel or owner of other property was unreasonable, this shall not impact the amount of the reimbursement given to the rescuer."

In paragraph 2, after the word: "owner" the words: "other" are added and the words: "during rescue operations, apply due diligence in the rescue operation" are replaced with the words: "during rescue operations, and apply due diligence in the prevention of".

#### Article 91

In Article 775 paragraph 1, the words: "so in accordance with the provisions of Article 774 paragraph 2" are replaced with the words: "so in accordance with the provisions of Articles 771 and 774", after the words "remuneration" the word: "determined" is added, and after the words: "special remuneration in the amount of" the words: "shipper or" are added.

In paragraph 2, after the words: "special remuneration that" the words: "shipper or" are added.

In paragraph 4, the word: "rate" is replaced with the word: "amount".

In paragraph 6 after the words: "recourse claim" the words: "shipper or" are added.

#### Article 92

In Article 777 paragraph 1 the words: "no payment obligation shall exist" are replaced with the words: "no payment shall be owed".

Paragraphs 2 and 3 is amended to read:

"(2) The rescuer who carries out a rescue operation of a vessel or other property despite an explicit and reasonable prohibition against it from a master, shipper, owner of the vessel or the owner of other property that is not located and never was located on the vessel shall not be entitled to a payment in accordance with this Title of the Code.

(3) The court can partially or completely deprive the rescuer of the right to the payment in accordance with this Title of the Code to the extent that the rescuer caused the need for rescue operations or made them more difficult or if the rescuer is guilty of fraud or other dishonest conduct."

#### Article 93

In Article 778 paragraph 1 the words: "or shipper of the vessel in danger" are replaced with the words: "shipper or owner of the vessel in danger", after the words: "remuneration for the rescue" the words: "under Article 774 of this Code" are added, and after the words: "shall be paid by the shipper" the words: "or owner" are added.

In paragraph 2 after the words: "jointly liable with the shipper" the words: "and the owner of the vessel" are added.

In paragraph 3 after the words: "shipper" the words: "or owner" are added.

In paragraph 4 after the words: "shipper" the words: "or owner" are added.

#### Article 94

In Article 779 paragraph 2 the words: "owner and shipper of the rescued vessel shall be obliged" are replaced with the words: "shipper or owner of the rescued vessel shall be obliged".

#### Article 95

Article 780 is deleted.

#### Article 96

In Article 781 paragraph 1 the words: "caused to the vessel rescuer" are replaced with the words: "caused to the vessel or the equipment of the rescuer".

#### Article 97

Article 783 is amended to read:

"The provisions of this Title of the Code shall also apply in cases when the rescued vessel and the vessel used for the rescue operations belong to the same shipper or owner."

#### Article 98

In Article 784 paragraph 1 after the words: "environmental protection" the full stop is replaced with a comma, and the following words are added: "and determine the conditions and deadlines for the performance of the rescue operation."

In paragraph 2 the words: "or removal of" are deleted.

#### Article 99

Articles 785, 786 and 787 are deleted.

#### Article 100

In Article 809 paragraph 2 after the words: "Articles 813 – 823" the words: "and Articles 823a – 823h" are added.

#### Article 101

Article 809a is amended to read:

"The provisions of the sections 3, 4 and 5 of this Title of the Code shall apply to the damage caused on the area of internal waters, territorial sea, continental shelf and the ecological and fisheries protection zone of the Republic of Croatia, and to the safety measures undertaken in order to prevent or reduce the damage, regardless of where they are undertaken, and the provisions of section 2 apply to the damage caused in the area of the internal waters and the territorial sea of the Republic of Croatia."

#### Article 102

In section VIII, Title IV the title of the section 4 is amended to read: "4. Liability for pollution of the sea with oil transported as cargo."

#### Article 103

In Article 813, paragraph 2 is deleted.

Paragraph 3 becomes paragraph 2.

#### Article 104

In Article 820, paragraph 1 is amended to read:

"(1) The owner of the vessel registered in the registry of vessels in the Republic of Croatia, which transports more than 2,000 tonnes of oils as cargo shall be obliged to maintain in force insurance or other financial guarantees such as a bank guarantee or certificate issued by one of the international funds for compensation of damages, for the purpose of liability coverage for oil pollution damage, in the amount that corresponds to the limits of liability prescribed by Article 816 of this Code."

Paragraph 2 is deleted.

Paragraph 3 becomes paragraph 2 and is amended to read:

"(2) The owner of the vessel referred to in paragraph 1 of this Article shall be obliged to request from the harbourmaster's office in which the registry of the vessels in which the vessel is registered is kept, the issuance of the certificate confirming that the insurance or other financial guarantee are in force in accordance with the provisions of the International Convention on Civil Liability for Oil Pollution Damage of 1992 and the provisions of this Code."

Paragraph 4 becomes paragraph 3 and the words: "Certificate referred to in paragraph 3" are replaced with the words: "Certificate referred to in paragraph 2."

In subparagraph e the word: "times" is replaced with the word: "periods".

In paragraph 5, which becomes paragraph 4, the words: "Certificate referred to in paragraph 3" are replaced with the words: "Certificate referred to in paragraph 2".

Paragraph 6, which becomes paragraph 5 is amended to read:

"(5) The insurance or other financial guarantee referred to in paragraph 1 of this Article may be terminated only with the expiration of the validity period of the insurance or guarantee indicated in the certificate referred to in paragraph 2 of this Article or the expiry of the deadline of three months calculating from the day when the harbourmaster's office referred to in paragraph 2 of this Article sends the notice of the termination of the insurance or guarantee. In exceptional cases, the insurance or other financial guarantee may be terminated before the expiration of this three-month deadline if the certificate has been returned to the competent harbourmaster's office or if simultaneously a new valid certificate has been issued. This shall

also apply for any changes that result in the insurance or guarantee no longer meeting the provisions of this Article."

#### Article 105

In Article 821 paragraph 2, after the words: "liquidation" the full stop is replaced with a comma, and the following words are added: "but may not use the arguments in a statement of defence with respect to a claim filed against him by the vessel owner."

Paragraph 3 is amended to read:

"(3) By way of derogation from the provision of paragraph 2 of this Article, the insurer or guarantor may use in a statement of defence as an argument the fact that the pollution damage was caused by the wilful unlawful conduct of the vessel owner. In any case, the insurer or guarantor may make reference to the limits of liability referred to in Article 816 of this Code, even when the vessel owner has no right to limit his liability."

#### Article 106

After Article 823, the title of section 5 is added to read: "5. Liability for sea pollution with fuel oil".

Article 823a is amended to read:

"For the purposes of this section of this Title of the Code:

1. *A vessel* denotes any watercraft of any kind.
2. *The owner of the vessel* denotes the owner of the vessel, the shipper, lessee and manager of the vessel.
3. *Fuel oil* means all hydrocarbon mineral oils, including lubrication oils, which are used or will be used for the operation or propulsion of a vessel, as well as the residues of this oil.
4. *Safety measures* mean any reasonable measure that is *undertaken by any person after an accident in order to prevent or reduce damage due to pollution*.
5. *An accident* means any occurrence or series of occurrences of the same origin that cause damage due to pollution or represents a severe and immediate threat of such damage.
6. *Damage due to pollution* means:
  - a) loss or damage caused outside of the vessel due to pollution that is the result of a leakage or release of fuel oil from the vessel, no matter where the leakage or release occurred, as long as the reimbursement amount for the pollution of the environment, not calculating the loss of profits due to such pollution, is limited to the measures reasonable measures undertaken for the establishment of the state prior to the damage incurred; and

b) the costs of the safety measures and any loss or damage caused by these measures."

#### Article 107

Article 823b is amended to read:

"(1) The vessel owner is liable for the damage caused by the vessel leaking or ejecting fuel oil if it is not proven that the leakage or ejection of fuel oil:

a) is the result of warfare, hostilities, civil war, rebellion or natural phenomena of extraordinary, unavoidable or irremovable character,

b) is fully the result of an activity or failure of a third person done with intent to cause damage or

c) is fully caused by the negligence or other wrongful act of any country or other body responsible for the maintenance of a lighthouse or other navigational aid.

(2) When in accordance with paragraph 1 of this article several persons are liable, their liability is joint.

(3) If the vessel proves that the damage has been caused fully or partially by the activity or failure of the damaged person with the intent to cause the damage or by the gross negligence of this person, he or she can be fully or partially relieved of his or her liability towards the person concerned.

(4) A claim for compensation for pollution damage cannot be submitted against the vessel owner except on the basis of this Code.

(5) With the reservation referred to in paragraph 6 of this Article, a claim for compensation for pollution damage, whether it is based on this Code or not, cannot be submitted against persons who undertake safety measures as well as persons employed by them, unless it is proven that the damage was caused by their personal action or failure, whether with the intention to cause damage or recklessly, knowing the damage will probably be caused.

(6) No provision of this Code shall have any prejudice to the right of the owner of the vessel to recourse."

#### Article 108

After Article 823b the Articles 823c to 823f are added to read:

#### "Article 823c

If the damage due to pollution is the result of an accident in which two or several vessels participated, the owners of all vessels shall be jointly and severally liable for all damages that can be reasonably divided, if they cannot be relieved of liability according to Article 823b of this Code.

#### Article 823d

(1) The owner of the vessel can limit his or her liability for the damage due to sea pollution by bunker oil by establishing a limited liability fund in the amount that corresponds to the limits of liability prescribed by Article 391 paragraph 1 point 2 of this Code.

(2) The limited liability fund referred to in paragraph 1 of this article can also be established by an insurer or other person that has issued the financial guarantee in accordance with Article 823e of this Code.

(3) The establishment of the fund under paragraph 2 of this Article shall have the same legal effect as the establishment of the fund by the vessel owner.

(4) The insurer or other person that has issued the financial guarantee in accordance with Article 823e of this Code can also establish the limited liability fund when the vessel owner in accordance with the provisions of Article 390 paragraph 1 of this Code is not authorised for the limitation of liability.

#### Article 823e

(1) The owner of a vessel of the gross tonnage exceeding 1000 registered in the registry of vessels in the Republic of Croatia shall be obliged to maintain in force insurance or other financial guarantees such as a bank guarantee or guarantee issued by a similar financial institution, for the purpose of liability coverage for oil pollution damage, in the amount that corresponds to the limits of liability prescribed by Article 391 paragraph 1 point 1 of this Code.

(2) The owner of the vessel referred to in paragraph 1 of this Article shall be obliged to request from the harbourmaster's office in which the registry of the vessels in which the vessel is registered is kept, the issuance of the certificate confirming that the insurance or other financial guarantee are in force in accordance with the provisions of the International Convention on Civil Liability for Oil Pollution Damage of 2001 and this Code.

(3) The certificate under paragraph 2 of this Article shall be issued in English and Croatian and contain the following data:

a) name of vessel, numbers or letters for identification and port of registry,

b) name and principal place of business of the registered owner,

c) IMO number for the identification of the vessel,

d) type and duration of guarantee,

e) name and principal place of business of the insurer or other person that provides the financial guarantee, and when appropriate, the principal place of business in which the insurance or other financial guarantee was concluded,

f) validity period of the certificate, which cannot exceed the validity period of the insurance or other guarantee.

(4) The certificate referred to in paragraph 2 of this Article must be located onboard the vessel, and a copy shall be kept in the vessel registry.

(5) The insurance or other financial guarantee referred to in paragraph 1 of this Article may be terminated only with the expiration of the validity period of the insurance or guarantee indicated in the certificate referred to in paragraph 2 of this Article or the expiry of the deadline of three months calculating from the day when the harbourmaster's office referred to in paragraph 2 of this Article sends the notice of the termination of the insurance or guarantee. In exceptional cases, the insurance or other financial guarantee may be terminated before the expiration of this three-month deadline if the certificate has been returned to the competent harbourmaster's office or if simultaneously a new valid certificate has been issued. This shall also apply for any changes that result in the insurance or guarantee no longer meeting the provisions of this Article.

#### Article 823f

(1) Claims for damages caused by fuel oil pollution can be submitted directly against the insurer or other persons that issued the financial guarantee in accordance with Article 823e of this Code.

(2) The insurer or guarantor may use against the plaintiff any objection that the vessel owner could, except for bankruptcy and liquidation, but may not use objections he could use in a statement of defence with respect to a claim filed against him by the vessel owner.

(3) By way of derogation from the provision of paragraph 2 of this Article, the insurer or guarantor may use in a statement of defence as an argument the fact that the pollution damage was caused by the wilful unlawful conduct of the vessel owner. In any case, the insurer or guarantor may make reference to the limits of liability referred to in Article 823e of this Code, even when the vessel owner has no right to limit his liability.

(4) The insurer or guarantor shall be entitled to require from the vessel owner to join the proceedings as an intervener."

#### Article 109

After Article 840 the Title VI and the Articles 840a to 840z are added to read:

#### "Title VI.

### EXTRACTION AND REMOVAL OF WRECKS AND SUNKEN OBJECTS

#### *1. General provisions*

#### Article 840a

Within the meaning of the provisions of this Title of this Code:

(1) A wreck that occurred after a marine accidents, hereinafter a wreck, shall be considered the following:

a) a sunken or stranded water craft or the floating structure or

b) any part of a sunken or stranded watercraft or floating structure, including all objects that were or are located on it or

c) any object that disappeared in the sea from the watercraft or floating structure and that is stranded, sunken or left to float or

d) a watercraft or floating structure that will soon sink or be stranded or of which this can be reasonably expected, if effective measures for the purpose of rescuing these objects or other endangered property have not yet been taken.

e) The term wreck shall not refer to floating platforms that at the time of the marine accident have been set up for research or the exploitation of the seabed.

(2) A sunken object shall be considered any object, except for wrecks, that has sunken or become stranded, or that will soon sink or be stranded or of which this can be reasonably expected, if effective measures for rescuing this object have not yet been undertaken.

(3) A marine accident is the collision of watercrafts or floating structures, grounding or other accidents at sea, or other occurrence on the watercraft or floating structure or outside of it, which causes material damage or represents an imminent danger of the occurrence of material damage on the watercraft or floating structure or its cargo.

(4) A danger is any circumstance or threat:

a) that endangers or inhibits navigation safety; or

b) of which has harmful impacts for the marine environment or coast or relevant interests can be reasonably expected.

(5) Relevant interests are interests that re directly endangered by the wreck or sunken object or interests that are threatened by the danger from the wreck or sunken objects, such as:

a) maritime activities in coastal areas, ports and confluences, including fishery, that represent a basic source of income to the persons that engage in them;

b) tourist landmarks and other economic interests of this area;

c) the health of the population and the welfare of the coastal area, including the preservation of marine living resources and flora and fauna; and

d) offshore and submarine infrastructure.

(6) Removal is any form of prevention, reduction or removal of the dangers caused by the wreck or sunken object.

(7) Extraction includes the lifting of the wreck or sunken object to the surface and other measures of extracting the object from the sea.

(8) The authorised person is any person who is the owner of the sunken object or wreck or who has any other right based on which he or she is authorised to dispose with this object or wreck. Especially, with respect to the wreck, the authorised person is the owner or any legal entity or natural person, such as a manager or the lessee, who has taken over from the owner the responsibility for the operation of the watercraft or floating structure and who, by taking over this responsibility, has taken take over all obligations and liabilities of the company as defined in Article 5 point 33 of this Code.

(9) The honest finder is a person who found the wreck or sunken object that has been abandoned or lost or whose owner is unknown or which the authorised person has no intention to extract, who reported the discovery and undertook the extraction based on an approval of the competent harbourmaster's office complying with the provisions of Articles 840d and 840dž of this Code.

(10) The works contractor is the person who carried out the measures of removing or extracting the wreck or sunken object. The works contractor can be appear in the capacity of a rescuer within the meaning of the provisions of Title II of part VIII of this Code.

#### Article 840b

(1) The provisions of this Title of this Code shall apply to the extraction of wrecks and sunken objects in the territorial sea and internal waters of the Republic of Croatia and the extraction of wrecks and sunken objects in the territorial sea, internal waters and in the area of the continental shelf and the ecological and fisheries protection zone of the Republic of Croatia.

(2) To the extent to which the measures from this Title of this Code are considered rescuing, the provisions of this Code which refer to rescue operations or the provisions of the applicable international convention on rescue operations, with the corresponding exclusion of the provisions of this Title of this Code apply to the conditions between the rescuer and owner of the wreck or sunken object and all issues concerning remunerations given to rescuers.

#### Article 840c

(1) The owner shall be obliged to extract or remove the wreck or sunken object at his own expense.

(2) If the owner fails to take out or remove the wreck or sunken object he shall be liable for the damage incurred to third parties due to the wreck or sunken object.

(3) The owner shall be discharged of the liability if he proves that the damage is the result of unpredictable causes that could not have been prevented, avoided or removed.

(4) The owner shall be discharged of liability if he proves that the damage was completely caused by an act or failure to act by a third person done with the intention to cause the damage.

(5) The owner shall be discharged of liability if he proves that the damage was completely caused by a damaging activity of the competent public authority.

(6) The owner shall be discharged of liability partly or fully if he proves that the damage was fully or partly caused by an action or failure to act by the injured party.

#### Article 840č

(1) A wreck or sunken object which is not recovered within two years from the date of sinking or being stranded shall become the ownership of the Republic of Croatia.

(2) If the wreck or sunken object represents money, valuable items, archive material of general cultural interest or another valuable object the owner of which can no longer be determined, it shall be in the ownership of the Republic of Croatia.

(3) Any person with direct knowledge of the existence of a wreck or sunken object in a particular location is obliged to inform the competent harbourmaster's office about it.

(4) It is prohibited to tamper with, move or relocate the wreck or sunken object or alter its existing condition in any other way.

(5) The harbourmaster's office is obliged to report immediately the discovery of a wreck or sunken object referred to in paragraph 2 of this Article to the state authority competent for the protection of cultural monuments or to an archive institution, authorised to take this object into possession and under protection, unless it is otherwise specified by a special law.

(6) If the date of sinking or stranding cannot be established for the purpose of determining the period referred to in paragraph 1 of this Article, it shall be presumed that the vessel, floating structure or aircraft, or their parts, cargo and other objects found on them were sunken or stranded the day after the receipt of the latest news on the vessel, floating structure or aircraft, while for all other objects, the period shall be determined with respect to the date of establishing the location of their sinking or stranding.

(7) The competent harbourmaster's office can recover the wreck or sunken object which has become the ownership of the Republic of Croatia and the Ministry can sell it at a public auction, so as to pay all reasonable costs and fees related to the removal, public announcement, keeping and sale with the amount earned from the sale. Any surplus from that amount remaining after the deduction of costs and fees shall be at the disposal of the state budget.

## *2. Recovery of wrecks and sunken objects*

#### Article 840ć

(1) The wreck or sunken object shall be recovered by an authorised person, except in cases referred to in Articles 840n and 840s of this Code.

(2) For the recovery of a wreck or sunken object it is necessary to obtain the approval of the competent harbourmaster's office.

(3) The request for the approval of the recovery of a wreck or sunken object shall indicate the name, description, identification code and characteristics of the wreck or sunken object, its location, the recovery method and the funds required for the recovery, a proof of ownership or another right of the authorised person, as well as the planned time of the start and completion of recovery works.

(4) The harbourmaster's office shall issue a decision on the approval of the recovery of the wreck or sunken object, provided that the conditions referred to in paragraph 3 of this Article are met. According to the circumstances of the case, the decision shall determine the nautical and technical conditions of recovery and the appropriate period for the start and completion of the execution of works.

(5) Approval for the recovery of the wreck or sunken object of military importance shall be issued by the harbourmaster's office, with the prior consent of the ministry competent for defence affairs.

(6) Approval for the recovery of a wreck or sunken object which has or is presumed to have the characteristics of a cultural property shall be issued by the harbourmaster's office, with the prior consent of the ministry competent for cultural affairs.

(7) No appeal may be lodged against the decision giving or denying approval for the recovery referred to in paragraphs 5 and 6 of this Article, however, administrative action may be initiated against it.

(8) The authorised person is obliged to notify without delay the harbourmaster's office which has issued the approval of the start, suspension, continuation or abandonment of recovery works.

(9) The approval of the harbourmaster's office is not required for the recovery of a wreck or sunken object which does not require special nautical and technical resources or expertise, provided that the value of the object is negligible and that the object has no characteristics of a cultural property and is of no military importance.

#### Article 840d

(1) If the authorised person is unknown or if it is known, but it has been established that he or she does not intend to recover the sunken object or wreck, or if he or she suspends or abandons the recovery without a justified reason, the recovery of the sunken object or wreck may be undertaken by the competent harbourmaster's office and the honest finder.

(2) It shall be considered that the authorised person does not intend to undertake the recovery of the sunken object if he or she does not institute proceedings for the granting of approval for recovery within thirty days from the date of sinking or stranding, or if he or she does not start recovery within 30 days from obtaining the approval.

(3) It is considered that the authorised person has suspended or abandoned the started recovery without justified reason if he or she does not continue the recovery of the sunken object which he or she has suspended or abandoned within five days, without informing the competent harbourmaster's office about this.

(4) If the time of sinking or stranding cannot be established for the purpose of determining the period referred to in paragraph 2 of this Article, the provision of Article 840č paragraph 6 of this Code shall apply *mutatis mutandis*.

(5) If recovery is undertaken by an honest finder, the provisions of Article 840ć paragraphs 2 to 9 of this Code shall apply *mutatis mutandis*.

(6) An honest finder who has started the recovery of a wreck or sunken object based on the approval of the harbourmaster's office may not suspend or abandon works without a justified reason, if such a suspension or abandonment could cause damage.

(7) If a request for the approval of recovery was submitted by several honest finders, the harbourmaster's office shall issue a decision approving of the recovery to the honest finder that submitted the request for recovery first and that fulfils the prescribed requirements.

#### Article 840dž

(1) When the competent harbourmaster's office issues the approval for the recovery of a wreck or sunken object to an honest finder or when it undertakes recovery on its own, the Ministry shall publish an announcement about this on its website and in the Official Gazette and invite the owner or other authorised person to take over the sunken object or wreck within 15 days.

(2) The Ministry is obliged to keep the wreck or sunken object recovered by the competent harbourmaster's office for its owner and to undertake all reasonable measures for the purpose of the preservation of this object.

(3) If the recovery was undertaken by an honest finder, the competent harbourmaster's office shall order him to keep the recovered wreck or sunken object for its owner and undertake all reasonable measures for the purpose of the preservation of this object. In this case, the honest finder shall be personally responsible for the recovered object or wreck.

(4) If the recovered sunken object or wreck is subject to fast decay or the costs of its keeping or maintenance are disproportionate to its value, the sunken object or wreck can be sold immediately at a public auction, while the money earned and remaining after the deduction of the costs of the sale shall be deposited with the locally competent commercial court, about which the Ministry shall publish an announcement in the Official Gazette.

#### Article 840ď

(1) If the owner or authorised person responds within 15 days from the publication of the announcement referred to in Article 840dž paragraph 1 of this Code, the object or wreck or the amount earned from its sale shall be delivered to him as soon as all reasonable costs in connection with the recovery, keeping, announcement and sale, as well as the reward to the honest finder and the fees of the competent harbourmaster's office, have been deducted from it.

(2) If there is doubt as to which of the several persons the recovered sunken object or wreck needs to be handed over to and unless the circumstances point to another person, the person who lost it from under direct possession shall have priority.

(3) The procedure of handover of the recovered object or wreck, or the amount earned from its sale, as well as the procedure of the recovery of costs from the authorised person, shall be carried out by the Ministry.

(4) The authorised person can be released from the obligation of payment of costs, fees and the reward to the finder by relinquishing the object. In that case, Article 840f of this Code shall immediately apply *mutatis mutandis*, regardless of the expiry of the 15-day period.

#### Article 840e

(1) The authorised person is obliged to pay the honest finder a reward in the amount of no more than 10% of the actual value of the wreck or sunken object, as well as full compensation for the reasonable costs which he or she has incurred in connection with the recovery, keeping and sale at a public auction.

(2) If the value of the wreck or sunken object cannot be estimated or exists only for its owner or authorised person, a fair amount of the reward to the finder shall be established.

(3) In establishing the amount of the reward to the finder, the proportionality of its benefit for the honest finder and the authorised person that is obliged to pay the reward to the finder is taken into account, along with the amount of all reasonable costs incurred in connection with the removal and other circumstances under which the object sank or was stranded, as well as those under which it was recovered.

#### Article 840f

(1) If the owner or other authorised person does not respond and prove his right to the sunken object or wreck, or if he refuses to take over the object or pay all reasonable costs and the reward to the finder within 15 days from the publication of the announcement referred to in Article 840dž paragraph 1 of this Code, the sunken object or wreck shall:

a) become the ownership of the honest finder with that kept it up to then, unless the honest finder explicitly refuses to accept the ownership, or

b) become the ownership of the Republic of Croatia if it is being kept with the Ministry or if the object is of value as a cultural property.

(2) In the case referred to in paragraph 1 point a) of this Article, if the honest finder refuses to accept ownership, the recovered sunken object or wreck shall become the ownership of the Republic of Croatia and shall be handed over to the possession of the Ministry. In such a case, all reasonable costs which the honest finder has incurred in connection with the recovery, keeping and sale of the wreck or sunken object shall be charged to the state budget and compensated to him, along with the payment of the reward to the finder in the amount determined by application *mutatis mutandis* of Article 840e of this Code.

(3) In cases referred to in paragraph 1 point b) and paragraph 2 of this Article, the provision of Article 840č paragraph 7 of this Code shall be applied *mutatis mutandis*.

(4) If the wreck or sunken object was sold at a public auction before the expiration of the 15-day period from the publication of the announcement under Article 840dž paragraph 4 of this

Code and if the amount obtained by sale at the public auction has been deposited on a court, provided that the owner or other authorised person does not respond and prove his right to the sunken object or wreck or refuses to pay all reasonable costs, fees and the reward to the finder within three months from the publication of the announcement referred to in Article 840dž paragraph 1 of this Code, the following shall apply:

a) the fees of the harbourmaster's office and all reasonable costs which the Ministry and the honest finder have incurred regarding the recovery, announcement, keeping and sale of the sunken object or wreck shall be covered by the amount deposited on the court;

b) any surplus amount remaining after the deduction of costs and fees shall be handed over to the honest finder who recovered the wreck or sunken object;

c) if the recovery was undertaken by the competent harbourmaster's office, any surplus amount remaining after the deduction of costs and fees shall be at the disposal of the state budget.

#### Article 840g

(1) A person who undertakes the recovery of a wreck or sunken object without the approval or contrary to the decision of the competent harbourmaster's office shall be liable for the damage caused by recovery under the general regulations on liability for damage from dangerous activities.

(2) For the purposes of this article, recovery undertaken without the approval or contrary to the decision of the competent harbourmaster's office shall be considered a dangerous activity.

#### Article 840h

The contractor which carries out the recovery based on a contract concluded with the authorised person, harbourmaster's office or honest finder shall be liable for the damage caused by his work, unless it is proven that the damage could not have been avoided even with the application of due diligence and unless it has been otherwise determined by the contract.

#### Article 840i

If not otherwise stated in the contract, the contractor shall have lien on the recovered sunken object or wreck, for the purpose of ensuring compensation for the recovery and keeping of the object, and may keep the recovered sunken object or wreck until the responsible person settles his claims, unless it has been established that the sunken object or wreck has the characteristics of a cultural property or is of military importance.

### *3. Obligatory removal of wrecks and sunken objects*

#### Article 840j

(1) In accordance with the provisions of this part of this title of the Code, the competent harbourmaster's office can undertake measures of removal of a wreck or sunken object which

represents a hazard within the meaning of the provision of Article 840a paragraph 4 of this Code.

(2) The measures referred to in paragraph 1 of this Article undertaken by the harbourmaster's office must be proportionate to the hazard.

(3) The harbourmaster's office can undertake only those measures which it considers reasonable for the purposes of the removal of a hazardous wreck or sunken object, and as soon as the wreck or sunken object is removed, these measures must be suspended. Such measures must not unnecessarily interfere with the rights and interests of the owner and other interested persons.

(4) The harbourmaster's office shall undertake measures related to the removal of a hazardous wreck or sunken object which has or is presumed to have the characteristics of a cultural property, or is of military importance, with the prior approval of the competent ministry.

(5) The provisions of this part of this title of the Code shall not apply to the measures undertaken according to the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, as amended, or according to the Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil from 1973, as amended.

#### Article 840k

(1) The master of the vessel or maritime structure and the authorised person are obliged to report without delay to the nearest harbourmaster's office on the involvement of the vessel or maritime structure in a marine accident in which the wreck was formed. Insofar as one of them, whether the master or the authorised person, has met the reporting obligation in terms of this Article, the other shall be released from it.

(2) This report must contain the name and the principal place of business of the owner, as well as other relevant data required in order for the harbourmaster's office to establish whether the wreck represents a hazard in terms of Article 840l of this Code, which shall include the following:

- a) the exact location of the wreck;
- b) the type, size and structure of the wreck;
- c) the type of damage and condition of the wreck;
- d) the type and volume of the cargo, especially of hazardous and noxious substances, and
- e) the amount and type of oil on the vessel or maritime structure, including fuel oil and lubrication oil.

#### Article 840l

In establishing whether the wreck represents a hazard, the harbourmaster's office shall consider the following criteria:

- a) type, size and structure of the wreck;
- b) water depth in the area;
- c) tidal amplitude and sea currents in the area;
- d) particularly sensitive maritime areas or a clearly defined ecological and fisheries protection zone for which special mandatory measures against ship-source pollution have been accepted;
- e) proximity of seaways or separation zones;
- f) traffic density and frequency;
- g) transport mode;
- h) type and volume of the cargo on the wreck, the quantity and type of oil (such as fuel oil and lubrication oil) and, especially, potential damage in case of discharge of cargo or oil into the marine environment;
- i) exposure of port facilities;
- j) prevailing meteorological and hydrographical conditions;
- k) topography of the seabed in the area;
- l) height of the wreck above or below the water surface at the minimum extratidal level;
- m) acoustic and magnetic characteristics of the wreck;
- n) proximity of offshore devices, pipelines, telecommunication cables and similar structures;  
and
- o) any other circumstance due to which it is necessary to remove the wreck.

#### Article 840lj

(1) Having found out about the existence of the wreck, the competent harbourmaster's office must use all the means at its disposal in order to urgently warn seafarers and other interested states about the type and location of the wreck.

(2) If it has reason to believe that the wreck represents a hazard, the competent harbourmaster's office must ensure the undertaking of all possible actions for the purpose of determining the exact location of the wreck.

#### Article 840m

(1) If it establishes that the wreck represents a hazard, the competent harbourmaster's office must ensure the undertaking of all reasonable measures in order to mark the wreck.

(2) The marking of the wreck must be in accordance with the internationally accepted system of marking (beaconage) which applies in the area where the wreck is located.

(3) The Ministry must publish details on these markings, using all appropriate means, including the relevant nautical publications.

#### Article 840n

(1) When the competent harbourmaster's office establishes that the wreck represents a hazard, it shall issue a decision ordering the owner to remove the wreck.

(2) In the case referred to in paragraph 1 of this Article, the owner or other authorised person must provide the competent harbourmaster's office with proof of insurance or other financial guarantee, as prescribed in Article 840p of this Code.

(3) The owner can conclude a contract with the contractor for the removal, in the name of the owner, of the wreck for which it has been established that it represents a hazard. Before such removal starts, the harbourmaster's office can determine the conditions of the removal, insofar as it is necessary to ensure that it is carried out in a manner which is safe and protects the marine environment.

(4) When the removal regulated by paragraphs 1 and 3 of this Article starts, the competent harbourmaster's office can intervene insofar as it is necessary to ensure that the removal is indeed being carried out in a manner which is safe and protects the marine environment.

(5) The decision of the competent harbourmaster's office shall:

a) determine a reasonable period in which the owner is obliged to remove the wreck, as well as the conditions of removal referred to in paragraph 3 of this Article, taking into consideration the nature of the hazard established under Article 840l of this Code;

b) emphasise that the competent harbourmaster's office may remove the wreck at the expense of the owner, if he fails to do so in the specified period.

(6) In cases where urgent intervention is required, i.e. when the hazard becomes especially grave, the competent harbourmaster's office shall issue a decision based on which it shall immediately intervene in wreck removal in the most efficient and fastest manner possible, with due regard to the safety and protection of the marine environment.

(7) If the owner does not remove the wreck within the period specified in accordance with paragraph 5 point a) of this Article, the harbourmaster's office may remove the wreck in the most efficient and fastest manner possible, with due regard to the safety and protection of the marine environment.

(8) The harbourmaster's office is obliged to inform the owner whose data are contained in the reports referred to in Article 840k paragraph 2 of this Code about the measures referred to in this Article.

(9) Appeal against the decision referred to in paragraphs 1, 5, 6 and 7 of this Article shall not be permitted; however, administrative action may be initiated against it.

(10) Decisions and notifications issued based on this Article shall be delivered to the owner and published on the website of the Ministry. The decision or notification shall be considered as duly delivered if it is published on the website of the Ministry.

#### Article 840nj

(1) With the reservation of Article 840o of this Code, the owner shall be liable for the payment of the costs of locating, marking and removing the wreck in accordance with Articles 840lj, 840m and 840n of this Code, unless he proves that the marine accident in which the wreck was formed was:

a) a consequence of war, hostility, civil war, uprising or an exceptional, unavoidable and insurmountable natural phenomenon;

b) entirely caused by the activity or omission of a third person, done with intent to cause damage; or

c) entirely caused by the negligence or other damaging activity of the competent public body responsible for the maintenance of lights or other devices for assistance in navigation, during the carrying out of its duty.

(2) No request for the compensation of costs referred to in paragraph 1 of this Article can be filed against the owner if it is not in accordance with the provisions of this part of this title of the Code.

(3) The provisions of this Article shall not influence the right of recourse to third parties.

#### Article 840o

The owner is not liable for payment of the costs referred to in Article 840nj paragraph 1 of this Code, if, and to the extent in which, the responsibility for covering such costs is in opposition to the following:

a) the applicable international convention or provisions of this Code which regulate civil liability for damage caused by oil pollution;

b) the applicable international convention or provisions of this Code on civil liability for damage caused by bunker oil pollution; or

c) the applicable international convention or domestic regulations which regulate civil liability for nuclear damage.

#### Article 840p

(1) The owner of the vessel with a gross tonnage of 300 tonnes or more registered in a register of ships in the Republic of Croatia is obliged to maintain in force an insurance or other financial guarantee, such as that of a bank or similar institution, for the purpose of liability coverage referred to in Article 840nj of this Code, in the amount which corresponds to the limits of liability prescribed in Article 391 paragraph 1 point 2 of this Code.

(2) An insurance or other financial guarantee referred to in paragraph 1 of this Article may be in the form of a reinsurance provided by the members of the International Group of P&I Clubs or another satisfactory guarantee, such as a financial guarantee or self-insurance, which provides appropriate conditions of coverage.

(3) The insurance certificate or the certificate of financial guarantee which serves as evidence that the insurance or other financial guarantee referred to in paragraph 1 is in force must be drawn up in Croatian or English and must contain the following data:

a) name of the ship, numbers or letters for identification and registry port;

b) gross tonnage of the vessel;

c) name and principal place of business of the owner;

d) IMO identification number or other unique identifiers of the vessel;

e) type and duration of insurance or other guarantee;

f) name and principal place of business of the insurer or other person providing the guarantee and, where appropriate, the place of business where the insurance or guarantee is established; and

g) signature and seal of the insurance company or of the provider of another financial guarantee.

(4) The certificate referred to in paragraph 3 of this Article must be kept on board the vessel.

#### Article 840r

(1) A claim for the compensation of the costs of locating, marking and removing the wreck according to the provisions of this part of this title of the Code can be filed directly against the insurer or other person which has provided the financial guarantee according to Article 840p of this Code.

(2) The insurer or guarantor may raise, against the claimant, any arguments which might be raised by the owner, except for the argument of bankruptcy or liquidation, but may not use the arguments which he might raise in the statement of defence with respect to the claim filed against him by the owner.

(3) By way of derogation from the provision of paragraph 2 of this Article, the insurer or guarantor may raise the argument that the marine accident is a result of the wilful unlawful conduct of the owner. In any case, the insurer or guarantor can limit his liability to the amount of the insurance or guarantee referred to in paragraph 1 of this Article, even if the owner has no right to limit his liability.

(4) The insurer or guarantor has the right to require from the owner to join the proceedings as intervener.

#### Article 840s

(1) The competent harbourmaster's office shall establish whether a sunken object is dangerous in the sense of Article 840a paragraph 4 of this Code, applying Article 840l of this Code *mutatis mutandis*.

(2) As soon as it has found out about the existence of a dangerous sunken object, the harbourmaster's office shall take measures to locate and mark the sunken property, applying Articles 840lj and 840m of this Code *mutatis mutandis*.

(3) When it has established that the sunken object presents a danger, the competent harbourmaster's office shall issue a decision ordering the owner to remove the sunken object in due time.

(4) If the owner or another authorised person does not act pursuant to the decision from paragraph 3 of this Article, or when they abort or give up on a removal already under way, the harbourmaster's office shall at the expense and risk of the owner immediately remove the sunken object and it shall not be obliged to take care of it.

(5) In the event when the danger is too serious, the harbourmaster's office can, without issuing a previous decision from paragraph 3 of this Article, act pursuant to paragraph 4 of this Article.

(6) If it is established that the sunken object does not present a danger in the sense of Article 840a paragraph 4 of this Code, and the competent harbourmaster's office is not familiar with the owner, the harbourmaster's office shall remove the sunken object immediately and shall not be obliged to take care of it. The funds to remove the sunken object shall be provided from the state budget. If the harbourmaster's office finds out the identity of the owner afterwards, the owner shall recompensate these funds by making a payment to the state budget.

(7) An appeal against a decision from paragraphs 3, 4, 5, 6 of this Article shall not be allowed, but administrative action may be initiated.

(8) Decisions and notifications issued based on this Article shall be delivered to the owner and published on the website of the Ministry. The delivery shall be considered carried out when the decision or notification are published on the website of the Ministry.

#### Article 840š

In the process of establishing the danger and in the process of removing the wreck or sunken object, if there is imminent danger to the environment, the environmental inspection shall participate as required, alongside the competent harbourmaster's office.

#### Article 840t

The responsibility of the owner of the sunken object for the costs of locating, marking and removing the sunken object shall be regulated *mutatis mutandis* with Article 840nj of this Code.

#### Article 840u

(1) When the harbourmaster's office acts pursuant to the provisions of Article 840a, paragraphs 4, 6 or 7, or Article 840s, paragraphs 4, 5 or 6 of this Code, the Republic of Croatia shall have lien on the removed sunken object or wreck in order to ensure the compensation for the costs of locating, marking and removing the wreck, and can keep the removed sunken object or wreck until the competent entity settles these claims, except for sunken objects or wrecks established to have the characteristics of cultural heritage or those that are of military importance.

(2) The Republic of Croatia shall be authorised to settle its claims from the selling value of the wreck or sunken object, accomplished by selling it on a public auction or judicial sale by applying *mutatis mutandis* the provisions of Title II, part VIII of this Code.

(3) The provisions of Article 171 of this Code shall apply *mutatis mutandis* to the public auction referred to in paragraph 2 of this Article.

#### Article 840v

The contractor carrying out the removal by order of the competent harbourmaster's office shall be responsible for any damage caused by his work unless he proves that the damage would not have been avoided even with due care.

#### Article 840z

(1) The right to compensation of costs for locating, marking and removing the wreck or sunken object shall grow old, pursuant to the provisions of this part of this Title of this Code, five years from the day when the danger was established pursuant to Article 840l of this Code.

(2) The right to compensation of costs for locating, marking and removing the wreck shall be lost if the claim is not presented within 10 years starting from the day that the existence of the wreck was made known.

(3) The right to compensation of costs for locating, marking and removing the wreck shall be lost if the claim is not presented within 10 years starting from the day that the decision was issued for the removal of the sunken object."

#### Article 110

In Article 841, paragraph 3 is amended to read:

"(3) The expression "ship" in this part of the Code shall include, and shall be applied *mutatis mutandis* to other maritime craft, except for boats. Enforcement and insurance for vessels and maritime structures considered a boat in the sense of the provisions of Article 5 of this Code shall be carried out pursuant to the Enforcement Act."

#### Article 111

In Article 844 paragraphs 2 and 3 are amended to read:

"(2) The enforcement order on a ship from paragraph 1 of this Article can be requested by the creditor at every court with subject-matter jurisdiction where the ship is located when the enforcement is to be carried out.

(3) Enforcement for a ship or ship in construction in the Croatian Register, in the part consisting of the enforcement of certain inputs in the Register, shall be carried out by the body in charge of the Register."

#### Article 112

Article 846 is amended to read:

"If at the time when the request for enforcement is submitted for a ship not in the register, it is not known whether the ship is located in the territorial seas or in the internal waters of the Republic of Croatia, the creditor can submit the request for enforcement to any court with subject-matter jurisdiction. The enforcement order can be submitted by the creditor in order to carry out the enforcement to any court with subject-matter jurisdiction in the area where the ship is located."

#### Article 113

Article 850 is amended to read:

"For the enforcement, or insurance for the cargo on the ship, the provisions of Article 845 of this Code shall be applied *mutatis mutandis*."

#### Article 114

In Article 856 paragraph 3 is amended to read:

"(3) If the residence of the debtor is unknown, or if the debtor is abroad, the court shall deliver the enforcement order to the ship master. If the ship master abandoned the ship, the court shall appoint another appropriate person as the debtor representative."

#### Article 115

In Article 857 paragraphs 6 and 7 are amended to read:

"(6) For the priority rank of the right to settlement belonging to the creditor in the sense of paragraph 3 of this Article, the deciding moment shall be when the body lead by the register of ships received the conclusion from the court ordering the recordation of the enforcement order in the sense of paragraph 1 of this Article.

(7) If the object for enforcement is not registered in the register of ships, priority rank in the sense of paragraph 3 of this Article shall be determined based on the moment when the letter of request to carry out the list was sent to the court competent for carrying out the enforcement, i.e. if that court is competent to make a decision on the enforcement - according to the moment when that court determined to carry out the confiscatory list."

#### Article 116

In Article 861 paragraph 1 the full stop is deleted and the words "with appropriate maritime vocation and experience" are added after the word "watchmen".

#### Article 117

In Article 867 paragraphs 7 and 9 the words "more than one third" are replaced by the words "more than one fifth".

#### Article 118

In Article 878 paragraph 3 is added after paragraph 2 to read:

"(3) Upon a request from the buyer that deposited the sale price within the time limit, and satisfied the special conditions, if any were set, to sell the ship, the court can establish the transfer of the ship to the buyer before the adjudication decision is in force if this is justified due to economic reasons. In this case, the court shall require the deposit of an appropriate guarantee for the transfer of the ship. This insurance can be used if, in the event that the adjudication decision is cancelled, the buyer does not return the ship in the same state as it was when he received it. The amount and conditions for this guarantee shall be determined by the court based on the circumstances of the case."

#### Article 119

In Article 902 paragraph 8, the word "final" is deleted.

#### Article 120

In article 911 paragraph 3 is amended to read:

"(3) Creditors whose claims are ensured through maritime lien are paid from the assets to be divided if they reported their claims at latest during the sale hearing."

#### Article 121

In Article 912 paragraph 1 a new point 1 is added to read:

"1.) The Republic of Croatia for claims based on Articles 171, 840lj, 840m and 840n of this Code".

The former points 1, 2, 3 and 4 become points 2, 3, 4 and 5.

Paragraph 2 is amended to read:

"(2) Costs incurred during the ship sale process shall be settled before the distribution of the sale amount and before any claim mentioned in paragraph 1 of this Article."

#### Article 122

In Article 993, paragraph 1, after the word "misdemeanour", the word "party" is deleted.

Point 2 is amended to read:

"2) If the ship, boat or yacht carries out maritime cabotage contrary to EU regulations for maritime cabotage or contrary to regulations in Article 9, paragraph 2 of this Code."

In point 3, the words "make port and" are deleted.

In point 4, after the word "ship", the words "or boat" are added.

In paragraph 2, after the word "shipper", the words "or user" are added.

#### Article 123

In Article 995, paragraph 1, point 2, after the word "Article", the words "49c, paragraph 2)" are added.

#### Article 124

In Article 998, paragraph 1 is amended to read:

"(1) A legal entity shall be fined for an offence with HRK 5,000 to HRK 250,000:

- 1) if an inspection reveals that the ship is not capable of navigation (Articles 76 and 166)
- 2) if the ship and its equipment are not maintained in accordance with Article 85 of this Code,
- 3) if he does not apply for renewed tonnage measurement of the Croatian ship before the completion of modification works altering the gross or net tonnage of the ship, or does not submit such a request after the boat arrives in the first Croatian port if the works are carried out abroad, and the boat was not measured abroad pursuant to the provisions of this Code (Article 93),
- 4) if as the ship master, he accepts onboard a person without a seaman's book (Article 137, paragraph 1),
- 5) if the boat has no name and does not bear the name of the port of registry or if the technical vessel and floating structure have no mark and no name of the port of registry, or if it carries these marks without authorisation, and if the name is not displayed in accordance with the regulations adopted based on this Code (Articles 183 and 184),
- 6) if it does not take measures, or does not take measures within the specified period or does not carry out the necessary works ordered by the decision of the navigation safety inspection (Articles 172, 173, 174 and 175),
- 7) if he does not submit a request to remove the ship from the register (Article 192, paragraph 4),
- 8) if he carries out public maritime transport, or carries out the activity of vessel charter or other business activities at sea contrary to provisions of Article 48, paragraph 1 of this Code,

9) if he does not establish or maintain a documented safety management system and security system, does not maintain the state of the ship and its equipment, making the ship seaworthy at any point at sea and safe to carry out all operations during service, does not make sure that the ship has valid certificates and documents, does not ensure that the technical requirements and other regulations are obeyed on the ship and in relation to the ship (Article 48, paragraph 2),

10) if he does not carry out duties related to keeping watch and carrying out the onboard operations prescribed by a special regulation (Article 135),

11) if he does not submit the data from Article 48, paragraph 3 of this Code within the period prescribed by paragraph 4 of that Article,

12) if he does not submit the proposal for the registration of changed data. The data shall be entered into sheet B of the general ledger of the vessel or maritime structure pursuant to Article 200, paragraph 4 of this Code."

#### Article 125

In Article 1001, paragraph 1, the words "from HRK 2,000.00 to 15,000.00" are replaced by the words "from HRK 5,000.00 to 50,000".

Points 12 and 13 are added after point 11 to read:

"12) if contrary to the provision of Article 49d, he does not deliver all the ship waste to reception facilities before sailing out,

13) if he damages or removes without authorization a navigational safety facility or hydrographic object with the vessel (Article 50, paragraph 5 and Article 51, paragraph 5)."

In paragraph 4, the words "after paragraph 1, point 12 of this Article" are deleted.

#### Article 126

In Article 1001a, paragraph 1, point 2 is amended to read:

"2) if during navigation or during the stay in internal waters, the territorial sea, epicontinental shelf or the economic zone, he does not respect international, European and Croatian regulations and standards on sea and air pollution prevention for vessels and maritime structures and pollution caused by submersion from vessels and maritime structures (Article 49a),".

Points 3, 4 and 5 are added after point 2 to read:

"3) if he discharges or throws away into the sea and onto the coast solid and liquid waste, oily water, faeces and cargo residues from the vessel or maritime structure as well as all other substances that pollute the sea, air or the coast (Article 49b, paragraph 1),

4) if he acts contrary to the regulation from Article 49b, paragraph 3 or paragraph 5 of this Code,

5) if he empties storage facilities for solid and liquid waste, oily water, faeces and cargo residues from the ship, as well as all other substances that pollute the sea and coast, outside reception facilities (Articles 49c and 49e)."

#### Article 127

In Article 1009, paragraph 1, point 5, the word "Ministry" is replaced by the words "the competent ministry".

#### Article 128

In Article 1010, paragraph 1, point 4 is added after point 3 to read:

»4) if he puts up a sign on a navigational safety facility or a hydrographic object, or damages a navigational safety facility or hydrographic object, or puts up, removes or replaces without authorization a navigational safety facility or a hydrographic object or changes the meaning of a navigational safety facility (Article 50, paragraph 5 and Article 51, paragraph 5).".

#### Article 129

In Article 1013, paragraph 3, the words "and 56a, and by regulations prescribed based on that Article" are added after the words "Article 56".

#### Article 130

In Article 1016, paragraph 1, the words "Article 56, paragraph 3" are replaced by the words "Article 56c of this Code and the regulation issued on the basis of that Article".

#### Article 131

Articles 1016e, 1016f and 1016g are added after Article 1016d to read:

#### "Article 1016e

(1) The owner of the ship, shipper and the company of the ship shall be fined for an offence with HRK 50,000.00 to 150,000.00 if the ship sails without a certification or certificate of insurance or another appropriate warranty prescribed by Article 62 of this Code.

(2) The ship master and the responsible person in the legal entity from paragraph 1 of this Article shall be fined for an offence with HRK 25,000.00 to 50,000.00.

#### Article 1016f

(1) The port authority and the concession holder of the special purpose port shall be fined for an offence with HRK 50,000.00 to 150,000.00 if they do not ensure that the port is equipped with appropriate devices and equipment and do not ensure the bringing and implementation of a Plan for accepting and handling waste and cargo residues and do not ensure the reception and collection of waste from vessels (Article 56a).

(2) The responsible person in the legal entity shall be fined with 15,000.00 to 30,000.00 for the offence from paragraph 1 of this Article.

#### Article 1016g

(1) The legal entity performing the transport, the terminal operator, the travel agent or tour operator that acts contrary to the provisions of the regulations from Article 606 of this Code shall be fined for an offence with HRK 40,000.00 to 150,000.00.

(2) The legal entity performing the transport, the terminal operator, the travel agent or tour operator shall be fined with HRK 30,000.00 to 100,000.00 for an offence against paragraph 1 of this Article.

(3) The responsible person of the legal entity performing the transport, the terminal operator, travel agent or tour operator shall be fined with HRK 5,000.00 to 15,000.00 for an offence against paragraph 1 of this Article."

#### Article 132

Article 1017 is amended to read:

"(1) The trades and crafts business owner owning the vessel, maritime structure or wreck shall be fined with HRK 25,000 to 100,000 if it is established that he acted against the regulations of Article 840c of this Code.

(2) A legal entity shall be fined with HRK 25,000 to 300,000 for a maritime offence from paragraph 1 of this Article.

(3) The vessel or maritime structure master or the natural person owner of the vessel or maritime structure and the responsible person in the legal entity shall be fined with HRK 10,000 to 25,000 for a maritime offence against paragraph 1 of this Article."

#### Article 133

Articles 1017a through 1017e are added after Article 1017 to read:

##### "Article 1017a

(1) The legal entity that touches, moves, relocates or in any other way alters the current state of the wreck and sunken object shall be fined with HRK 25,000.00 to 300,000.00 (Article 840č, paragraph 4).

(2) The natural and responsible person in the legal entity responsible for the offence from paragraph 1 of this Article shall be fined with HRK 25,000.00 to 100,000.00.

##### Article 1017b

(1) The legal entity removing wrecks or sunken objects contrary to the provisions of Article 840ć of this Code shall be fined with HRK 25,000.00 to 300,000.00.

(2) The natural and responsible person in the legal entity responsible for the offence from paragraph 1 of this Article shall be fined with HRK 25,000.00 to 100,000.00.

#### Article 1017c

(1) The legal entity acting contrary to Article 840d, paragraph 6 of this Code shall be fined with HRK 25,000.00 to 300,000.00.

(2) The natural and responsible person in the legal entity responsible for the maritime offence from paragraph 1 of this Article shall be fined with HRK 25,000.00 to 100,000.00.

#### Article 1017d

The master of the vessel or maritime structure and the authorized person acting contrary to the regulations of Article 840k of this Code shall be fined with HRK 25,000.00 to 100,000.00.

#### Article 1017e

(1) The legal entity owner of the wreck that does not remove the wreck in accordance with Article 840n of this Code shall be fined with HRK 25,000.00 to 300,000.00.

(2) The natural person and responsible person in the legal entity responsible for the maritime offence from paragraph 1 of this Article shall be fined with HRK 25,000.00 to 100,000.00."

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 134

The Government of the Republic of Croatia shall adopt, within a year from the date of entry into force of this Act:

- the Maritime Development and Integrated Maritime Policy of the Republic Of Croatia (Article 3),
- the Regulation on the conditions for the entry and stay of foreign yachts and boats designed for sport and leisure (Article 8),
- the Regulation on a common interface for formalities in maritime traffic (Article 23).

#### Article 135

The minister shall, within one year from the entry into force of this Act, adopt regulations on:

- the method and procedure for selling a boat on a public auction (Article 48),
- the fee amount to carry out a cabotage on vessels with a flag of a third country (Article 5),
- the fee amount for navigation safety and protection from pollution (Article 8),
- the method of applying the Maritime Labour Convention from 2006 (Article 40),

- requirements for maritime equipment with conditions for the placement of that equipment on the market and with conditions that the appointed bodies for the statutory certification of marine equipment need to meet, and the method and procedure of their appointment (Article 30),
- the handling of dangerous and harmful goods in ports and in maritime traffic, as well as the conditions and method of loading and unloading dangerous and harmful goods, bulk and other cargo in ports and the methods for preventing pollution (Article 22 in the part related to Article 56c, paragraph 1).

#### Article 136

The minister shall, within six months from the entry into force of this Act, adopt regulations on:

- ship crew in cabotage (Article 5),
- rights and obligations of recognised organisations and the method and procedure for granting them authorization (Article 30).

#### Article 137

The minister shall, with the agreement of the minister competent for tourism, within six months from the entry into force of this Act, adopt a regulation on the conditions to carry out the activity of renting boats and yachts with or without a crew (Article 6).

#### Article 138

The minister shall, with the agreement of the minister competent for environmental protection, within six months from the entry into force of this Act, adopt the regulations on:

- the content of information on the ship waste, the method of delivery and keeping, and delivery terms (Article 16 in the part related to Article 49c, paragraph 4).
- order in ports and other parts of internal water with respect to navigation safety, pollution protection, including obligations in terms of delivering, accepting and collecting waste and cargo residues from vessels, and the criteria to determine the fee amount (Article 22, in the part related to Article 56b, paragraph 9).

#### Article 139

Until the regulations from Article 134 paragraph 1 subparagraph 2 of this Act enter into force, the Ordinance on the requirements for the arrival and stay of foreign yachts and boats designed for sport and pleasure in internal sea waters and the territorial sea of the Republic of Croatia shall remain in force (Official Gazette, No. 40/06).

Until the regulations from Article 138, paragraph 1, subparagraph 2 of this Act enter into force, the Ordinance on the terms and methods of maintaining order in ports and other parts of internal waters and territorial sea of the Republic of Croatia shall remain in force (Official Gazette, Nos. 90/05, 10/08, 155/08, 127/10, 80/12).

Until the regulations from Article 135, paragraph 1, subparagraph 6 of this Act enter into force, the Ordinance on handling dangerous goods, the conditions and method of transport in maritime traffic, loading and unloading of dangerous goods, bulk and other cargo in ports and the method of preventing the spreading of oil spills in ports (Official Gazette, Nos. 51/05, 127/10) shall remain in force.

Until the regulations from Article 137 of this Act enter into force, the Ordinance on the conditions that must be met by vessels, and natural or legal persons that carry out vessel chartering services (Official Gazette, Nos. 41/05 and 62/09) shall remain in force.

#### Article 140

The first report to the tax system based on tonnage prescribed by Article 429c of the Maritime Code shall refer to the 10 year period starting on 1 January 2014 and it shall be submitted to the Ministry at latest six months before the period to which it refers starts.

#### Article 141

In the process of registering yachts from the entry into force of this Act until the accession of the Republic of Croatia to the European Union, a temporary registration sheet can be issued with a validity period of six months under the condition that the yacht is technically acceptable pursuant to Article 315, paragraph 1, point 4 of the Maritime Code.

In the process of registering boats in the boat register from the entry into force of this Act until the accession of the Republic of Croatia to the European Union, a temporary registration sheet can be issued with a validity period of six months under the condition that the boat is technically acceptable pursuant to Article 315, paragraph 1, point 4.

#### Article 142

Authorised medical institutions or clinics for the provision of medical examinations to crew members shall meet the conditions from Article 131, paragraph 7 at the latest by 1 January 2015 of the Maritime Code added by Article 44 of this Act.

#### Article 143

In the entire text of the Maritime Code (Official Gazette, Nos. 181/04, 76/07, 146/08, 61/11) the words "designated body" in certain cases and numbers are replaced by the words "notified body" in the appropriate case and number.

#### Article 144

This Act shall enter into force on the eighth day after being published in the Official Gazette, except for:

– the provisions of Articles 4, 5 and 60 of this Act, that shall enter into force on the day of accession of the Republic of Croatia to the European Union, and in accordance with transitional periods as defined by Annex V of the Act of Accession, List from Article 18 of the Act of Accession: transitional measures;

– Article 36 of this Act, that shall enter into force on the same day as the new Act that regulates the maritime domain and seaports; and

– Article 50 of this Act, that shall enter into force the following day after a year has passed from the entry into force of this Act.

Class: 022-03/13-01/36

Zagreb, 26 April 2013

CROATIAN PARLIAMENT

Speaker of the  
Croatian  
Parliament

**Josip Leko, m.p.**