

# **MINISTRY OF MARITIME AFFAIRS, TRANSPORT AND INFRASTRUCTURE**

**1380**

Based on Article 64 paragraph 1 point 2 of the Act on Amendments to the Maritime Code ("Official Gazette", No. 61/2011), and in connection with Article 60 of the Maritime Code ("Official Gazette", Nos. 181/2004, 76/2007, 146/2008, 61/2011, 56/2013) the Minister of Maritime Affairs, Transport and Infrastructure, hereby issues

## **ORDINANCE**

### **ON CERTIFICATES, DOCUMENTS AND DATA ON MARITIME TRAFFIC, AND ON THEIR DELIVERY, COLLECTION AND EXCHANGE, AND ON THE METHOD AND CONDITIONS OF GRANTING APPROVAL FOR FREE PRATIQUE**

#### **I BASIC PROVISIONS**

##### **Article 1**

This Ordinance transposes into the legislation of the Republic of Croatia the following directives:

- Directive 2002/59/EC of the European Parliament and European Council of 27 June 2002 on establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (Official Journal 208, 5 August 2002.);
- Directive 2009/16/ EC of the European Parliament and European Council of 23 April 2009 on port State control (Official Journal 131, 28 May 2009);
- Directive 2009/17/EC of the European Parliament and European Council of 23 April 2009 amending the provisions of Directive 2002/59/EC on establishing a Community vessel traffic monitoring and information system of the Community (Official Journal 131, 28 May 2009);
- Directive 2010/65/EU of the European Parliament and European Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (Official Journal 283, 29 October 2010);
- Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (Official Journal 188, 2 July 1998).

##### **Article 2**

(1) This Ordinance prescribes the certificates, documents and data on maritime traffic in national and international navigation that ships submit in their notice of arrival or departure,

during the stay, and when entering or leaving port, and it prescribes the conditions and method of delivery, collection and exchange of certificates, documents and data on maritime traffic in the conventional and electronic form, and the method and conditions of issuing approvals for free pratique, or approval for ship leaving port.

(2) The provisions of this Ordinance related to entering, staying in and leaving port in international navigation in the appropriate way shall apply also to anchoring in international voyage in other parts of internal seawaters and the territorial sea of the Republic of Croatia, when not caused by extraordinary events, and when the ship is directly and immediately affected by actions involving the movement of persons or goods or provisions of port services on or from the ship.

(3) The provisions of this Ordinance related to the ship shall be applied by the ship operator, company, ship master or the maritime agent of the ship unless prescribed otherwise the provisions of this Ordinance.

### Article 3

Within the meaning of this Ordinance, particular terms have the following meanings:

1. *ship master* is the person in command on the ship, and the person in command on a floating structure;

2. *port managing authority* is the port authority or concession holder for special purpose ports;

3. *harbourmaster's office* is the competent harbourmaster's office or harbourmaster's branch office;

4. *IMO FAL Convention* is the IMO Convention on Facilitation of International Maritime Traffic 1965, as amended;

5. *IMO FAL forms* are standardized IMO FAL forms 1-7 in A-4 form as prescribed by the IMO FAL Convention;

6. *ship's stores* are goods intended to be used aboard the ship, including consumable goods, goods aimed to be sold to passengers and the crew, fuel and lubricants, excluding shipboard equipment and spare parts;

7. *shipboard equipment* are products except for ship spare parts located aboard the ship in order to be used aboard the ship and they can be mobile, but not consumable, including additional equipment such as survival boats, life-preservers, furniture, decorative and similar items;

8. *ship spare parts* are things intended for replacements, repairs or installation aboard the ship that they are located on;

9. *crew's effects* are clothes, everyday items and other objects, including the money the crew members have aboard the ship;

10. *The estimated time of arrival of the ship at port* (hereinafter: ETA) is the estimated time of arrival of the ship at the pilot station to the position of (coastal or) port pilotage, at the berth or anchorage point, whichever occurs sooner;

11. *Actual time of arrival of the ship at the port* (hereinafter: ATA) is the time when the ship cast anchor at anchorage, veers out the anchor cable and puts out anchor buoys, and confirms via radio station the anchoring time and position, or the time of arrival of the ship at the pilot station if the ship calls to port with the aid of a pilot or the berthing time at the approved berth if the ship enters without a pilot, whichever occurs sooner.

12. *Estimated time of departure of the ship from port* (hereinafter: ETD) is the estimated time of departure of the ship to the pilot station to the position of (coastal or) port pilotage, of the departure of the ship from the berth or anchorage, whichever occurs sooner.

13. *Actual time of departure of the ship from port* (hereinafter: ATD) is the time when the ship raised the anchor at anchorage and via radio station confirmed the departure time, or the time of unberthing from the approved berth, whichever occurs later.

14. *The ship/port interface* means the interaction which occurs when the ship is directly and immediately affected by actions involving the movement of persons or goods or provision of port services on or from the ship.

15. *Ship at anchorage* is a in a port or other area under the competence of the port, but not berthed, and with an established ship/port interface.

16. *maritime agent* is the legal or natural person registered in the Registry of Maritime Agents pursuant to the provisions of the Maritime Code and the appropriate bylaws and authorised to perform the activities of ship acceptance and/or dispatch including the exchange of data, documents and certificates in the name of the ship and for the ship.

17. *SafeSeaNet* is a maritime information system of the European Union for the exchange of data in maritime traffic pursuant to the regulations referred to in Article 1 of this Ordinance;

18. *The Croatian Integrated Maritime Information System (CIMIS)* (hereinafter: CIMIS) is the information system ensuring the e-activities in ship acceptance and dispatch between system users in the Republic of Croatia and the exchange of data with the SafeSeaNet system;

19. *The authorised user* is the person authorised or obliged to undertake all or some activities in the procedures carried out by the national competent authority and harbourmaster's offices pursuant to the provisions of this Ordinance, special regulations of international agreements.

20. *The official reporting procedure* is the procedure of delivering, collecting and exchanging the data, documents and certificates in maritime traffic that must be delivered to the national competent authority pursuant to the provisions of this Ordinance, and related administrative and non-administrative procedures of ship acceptance or dispatch, navigation safety and protection of marine waters from ship pollution pursuant to the provisions of the Maritime Code and the Act on Maritime Ship and Port Security;

21. *The national competent authority* (hereinafter: the NCA) is the body that establishes and maintains the national SafeSeaNet information system for gathering, storing and exchanging

data in maritime traffic with and among the users of the system - the authority of the Ministry, competent for navigation safety;

22. *maritime liner service* is a series of frequent navigations between two or more ports pursuant to the sailing list approved pursuant to special regulations on maritime liner service

23. *dangerous goods* are goods determined by the regulation on handling, loading, unloading and transport of dangerous goods in maritime traffic

24. *pollutants* are substances determined by the regulation on handling, loading, unloading and transport of harmful substances in maritime traffic

25. *wood on deck* - is the cargo within the meaning of the regulation on handling, loading, unloading and transport of harmful substances in maritime traffic

26. *dry bulk* – is the cargo within the meaning of the regulation on handling, loading, unloading and transport of harmful substances in maritime traffic

27. *waste* is waste within the meaning of the regulation on the method and conditions of keeping order in ports;

28. *cargo residue* is the residue of cargo within the meaning of the regulation on the method and conditions of keeping order in ports;

29. *The Ministry* is the ministry responsible for maritime affairs,

30. *The Minister* is the minister in the ministry responsible for maritime affairs,

31. *The concession holder* is legal or natural person that is, based on a concession contract, authorised to carry out business activity in the port,

32. *The shipper* is the contracting entity or the contracting entity's person that based on a contract on the transport of goods, hands the items over to the transporter for the purpose of transport.

## II THE OFFICIAL PROCEDURE OF REPORTING A SHIP ENGAGED ON INTERNATIONAL NAVIGATION

### *Ship arrival notice*

#### Article 4

(1) A ship engaged on international navigation shall notify the harbourmaster's office and the port managing authority of its arrival to the port.

(2) The notice referred to in paragraph 1 of this Article shall contain the data, documents and certificates referred to in Annex I-1 of this Ordinance that forms an integral part of the Ordinance.

(3) The ship arrival notice referred to in paragraph 1 of this Article shall be delivered at least 24 hours before the ETA or at latest after leaving the previous port if the navigation took less than 24 hours or if the destination port is not known at the moment when the ship leaves the previous port or has been changed during the navigation, as soon as that information is known.

### *Ship arrival report*

#### Article 5

(1) A ship engaged on international navigation shall deliver the data, documents and certificates on ship's stores, crew's effects and the health status of the persons aboard the ship to the harbourmaster's office and the competent authorities of state administration.

(2) The data, documents and certificates referred to in paragraph 1 are defined by Annex II of this Ordinance that forms an integral part of the Ordinance.

(3) The data, documents and certificates referred to in paragraph 1 of this Article shall be delivered at latest 12 hours after the ATA, or earlier upon the request from the competent authorities.

### *Permit for the arrival/departure of the ship to/from the port*

#### Article 6

(1) When during the official reporting procedure the harbourmaster's office establishes that pursuant to the provisions of this Ordinance and special regulations a ship engaged on international navigation cannot be accepted to or dispatched from port or cannot berth in the port or sail into international seawaters or the territorial sea or when the ship cannot be allowed to arrive or depart to or from the port, the harbourmaster's office shall issue a written notice of this to the ship.

(2) The notice referred to in paragraph 1 of this article shall be issued by the harbourmaster's office even when a ship engaged on international navigation does not deliver all the prescribed data, documents and certificates accurately and completely.

### *Issuing a Certificate of Pratique*

#### Article 7

(1) The harbourmaster's office shall issue a Certificate of Pratique to a ship engaged on international navigation, based on received data, documents and certificates referred to in the provisions of this Ordinance.

(2) The Certificate of Pratique shall be issued when all the conditions for acceptance are met pursuant to the provisions of this Ordinance and special regulations.

(3) The Certificate of Pratique shall also be requested by ships engaged on national navigation if during navigation the ship came into contact with a vessel or maritime structure engaged on international navigation.

(4) The Certificate for Pratique contains: the name of the ship, ship nationality, call sign, IMO number, MMSI number, registration port, gross tonnage, name of the ship master, name of the ship operator, name of the agent, date and ATA, previous port of call, type of cargo, total number of persons aboard, and the date and time of issuing.

### *Ship departure report*

#### Article 8

(1) A ship engaged on national navigation shall at the time of departure deliver data, documents and certificates to the harbourmaster's office and the port managing authority.

(2) Data, documents and certificates referred to in paragraph 1 shall be defined in Annex I-1 of this Ordinance which is an integral part of the Ordinance.

(3) Data, documents and certificates referred to in paragraph 1 of this Article shall be delivered at the latest 1 hour before the ETD.

### *Issuing the ship departure permit*

#### Article 9

(1) The harbourmaster's office shall based on received data, documents and certificates referred to in the provisions of this Ordinance issue a ship departure permit to a ship engaged on international navigation and leaving port.

(2) The Ship departure permit shall be issued when all conditions for the dispatch of the ship are met in accordance with special regulations.

(3) The Ship departure permit shall contain: name of ship, gross tonnage, nationality, registration port, name of the ship master, international code, IMO number, MMSI number, total number of persons on board, departure port, date and ETD, and the first destination port.

(4) The ship departure permit shall, in addition to the data referred to in paragraph 3 of this Article, also contain the list of previous departure ports if those ports are in the Republic of Croatia.

## III THE OFFICIAL REPORTING PROCEDURE OF A SHIP ENGAGED ON NATIONAL NAVIGATION

#### Article 10

(1) Fishing ships and ships transporting passengers engaged on national navigation, except for ships in maritime liner service, shall report their departure and the following data to the harbourmaster's office:

(a) NIN or IMO number

(b) the number of passengers disembarked at the port of departure

- (c) the number of passengers embarked at the port of departure
- (d) the number of passengers kept on board in the port of departure (in transit),
- (e) the next port of call
- (f) ETA to the next port of call
- (g) ETD from the next port of call.

(2) The departure report referred to in paragraph 1 of this Article shall be delivered at the time of departure, and at latest 15 minutes after leaving port, and shall represent the ship arrival notice to the next port of call.

(3) The ship referred to in paragraph 1 of this Article shall deliver all changes of data from the departure report within the deadlines referred to in paragraph 2 of this Article, and especially changes of next port of call and the ETA if the difference is over 30 minutes.

(4) By delivering the data referred to in paragraphs 1 and 3 of this Article the ship shall confirm its arrival report to the next port of call.

(5) The reports referred to in this Article shall be considered delivered if they contain correct and complete data.

(6) The Ministry shall release the detailed specification of the data referred to in paragraph 1 of this Article on the CIMIS portal.

#### Article 11

(1) A ship engaged on national navigation transporting cargo, except for ships in maritime liner service, shall report its departure and the following data to the harbourmaster's office:

- (a) NIN or IMO number
- (b) cargo type and volume loaded in the port of departure
- (c) cargo type and volume unloaded in the port of departure
- (d) cargo type and volume kept on board in the port of departure (in transit),
- (e) the next port of call
- (f) ETA to the next port of call
- (g) ETD from the next port of call.

(2) The departure report referred to in paragraph 1 of this Article shall be delivered at the time of departure, and at the latest 15 minutes after departure, and shall represent the ship arrival notice to the next port of call.

(3) The ship referred to in paragraph 1 of this Article shall deliver all changes of data from the departure report within the deadlines referred to in paragraph 2 of this Article, and especially changes of next port of call or ETA if the difference is over 30 minutes.

(4) By delivering the data referred to in paragraphs 1 and 3 of this Article the ship shall confirm its arrival report to the next port of call.

(5) The provisions of this Article shall not refer to cargo containing dangerous goods and pollutants.

(6) The Ministry shall release the detailed specification of data referred to in paragraph 1 of this Article on the CIMIS portal.

#### Article 12

(1) A ship that was engaged on international navigation and then continued navigation in national navigation, except for ships in maritime liner service, shall in addition to the data referred to in Articles 10 and 11 of this Ordinance deliver all changes of other data delivered pursuant to the provisions of Articles 4 and 13 of this Ordinance in the course of international navigation and not present in the provisions of Articles 10 and 11 of this Ordinance.

(2) The provision of paragraph 1 of this Article shall apply until the delivery of a departure notice of a ship engaged on international navigation or the report of customs control cessation of the ship is received.

### IV SPECIAL OFFICIAL REPORTING PROCEDURES

#### *Extended inspection*

#### Article 13

(1) A ship available for extended inspection pursuant to special regulations on the issues of ship inspections, and is engaged on national or international navigation, shall notify the harbourmaster's office of its arrival at port or anchorage.

(2) The notice referred to in paragraph 1 of this Article shall contain the data, documents and certificates referred to in Annex I-2 that forms an integral part of the Ordinance.

(3) The ship arrival notice referred to in paragraph 1 of this Article shall be delivered at least 72 hours before the ETA or at the latest upon leaving the previous port if the navigation lasts less than 72 hours.

#### *Reporting dangerous goods and pollutants*

#### Article 14

(1) A ship that transports or intends to transport dangerous goods, pollutants, wood on deck or dry bulk in national or international navigation shall deliver the appropriate data, documents and certificates to the port managing authority, pursuant to the regulation on handling,



loading, unloading and transport of dangerous goods in maritime traffic, and the data in IMO FAL form 7.

(2) The shipper or concession holder shall deliver the data, documents and certificates on the transport of dangerous goods or pollutants to the port managing authority and the harbourmaster's office pursuant to the regulation on handling, loading, unloading and transport of harmful substances in maritime traffic.

(3) The port managing authority shall deliver the data, documents and certificates on the transport of harmful or polluting substances to the harbourmaster's office pursuant to the regulation on handling, loading, unloading and transport of harmful substances in maritime traffic.

### *Reporting waste and cargo residues*

#### Article 15

(1) Ships, except for fishing and public ships, engaged on national or international navigation, shall deliver the data, documents and certificates on solid and liquid waste, oily waters, foul sewage and cargo residues (and all other substances that pollute the sea and coast) on the ship to the harbourmaster's office and the port managing authority when intending to call to port, pursuant to the special regulation on the contents of information on ship waste, method of delivery and storing, and delivery deadlines.

(2) The port managing authority shall deliver the data, documents and certificates related to solid and liquid waste, oily waters, foul sewage and cargo residues (and all other substances that pollute the sea and coast) on the ship to the harbourmaster's office and the ship, pursuant to the special regulation on order in ports and other parts of internal seawaters regarding navigation safety and protection from pollution.

### *Reporting security data*

#### Article 16

(1) A ship that the provisions of the special regulation on the security of maritime ships and ports apply to, engaged on national or international navigation, shall deliver security data, documents and certificates to the harbourmaster's office and the port managing authority when intending to call port, pursuant to that special regulation and Annex I-3 that forms an integral part of the Ordinance.

(2) The harbourmaster's office and port that the provisions of the special regulation on maritime ships and port security apply to, shall deliver and sign the documents on the acceptability of security reports and the Declaration on security pursuant to the special regulation.

### *Reporting ballast waters*

#### Article 17

(1) The ship shall, within the arrival notice referred to in Article 4 of this Ordinance, deliver the data, forms and documents related to the management of ballast waters, when applicable pursuant to special regulations.

## V THE OFFICIAL REPORTING PROCEDURE OF SHIPS IN MARITIME LINER SERVICE

### Article 18

(1) The sailing list approved pursuant to special regulations shall be considered the arrival notice or departure notice for a ship engaged on national navigation in maritime liner service for the purposes of this Ordinance, and the times of entering and leaving port (established in the sailing list) shall be considered the ETA and ETD.

(2) The sailing list approved pursuant to special regulations shall be considered an early arrival notice or departure notice for a ship engaged on international navigation in maritime liner service for the purposes of this Ordinance and the times of entering and leaving port shall be considered the ETA and ETD.

(3) The ship referred to in paragraphs 1 and 2 of this Article shall announce its arrival or departure to/from ports by delivering an approved sailing list.

(4) The notice referred to in paragraph 2 of this Article shall be delivered no later than three days before the sailing list is applied, and for the entire approval time period, and shall contain the line number, name of the ship, name of the replacement ship and the IMO or NIN number, ports of call, ETA, ETD.

(5) The ship referred to in paragraphs 1 and 2 of this Article shall deliver all changes of data delivered pursuant to paragraph 3 of this Article, and especially in the following cases:

- a. changes in the implementation of the approved sailing list
- b. additional voyages
- c. voyage cancellation or navigation termination
- d. changes of over 30 minutes of ETD or ETA
- e. ship changes
- f. introduction of an additional ship to a certain line.

(6) The delivery of data referred to in paragraph 5 of this Article shall be ensured by the ship immediately after finding out about the changes, and at the latest before those changes are implemented.

### Article 19

- 1) A ship performing maritime liner services in national navigation shall deliver the arrival and departure reports referred to in Article 11 of this Ordinance at the latest 12 hours after leaving/entering port.
- 2) A ship with gross tonnage of over 300 performing maritime liner service in national navigation shall deliver arrival and departure reports pursuant to the provisions of Article 10 of this Ordinance.
- 3) A ship with gross tonnage of under 300 performing maritime liner service in national navigation shall deliver the arrival and departure reports within 12 hours of arrival/departure pursuant to the provisions of Article 10 of this Ordinance.
- 4) A ship that performs maritime liner service in international navigation shall deliver the arrival and departure reports and notices pursuant to the provisions of Title II of this Ordinance.

#### Article 20

- (1) By way of derogation from Article 19 paragraph 2 of this Ordinance, a ship with gross tonnage of over 300 performing maritime liner service in national navigation can deliver the number of passengers referred to in Article 10 of this Ordinance at the latest within 12 hours under the condition that the company performing maritime liner service has an internal system to ensure the option of transmitting this information electronically without delay to the harbourmaster's office upon request 24 hours a day;
- (2) In the case referred to in paragraph 1 of this Article, the NCA shall upon request of the company issue an exemption for a particular ship on a particular line.
- (3) The NCA shall withdraw the exemption approved in accordance with paragraph 2 of this Article if it establishes that the company does not meet the prescribed requirements.
- (4) The NCA shall deliver to the Commission the list of companies and ships with approved exemptions pursuant to this Article, as well as all updates to this list.
- (5) By way of derogation from Article 19 paragraph 4, the provisions of this Article can apply to ships with a gross tonnage of over 300 tonnes that perform maritime liner service in international navigation when the international regular line runs between two or more states, with at least one of them a Member State of the European Union.
- (6) In the case referred to in paragraph 5 of this Article, the exemption request shall be submitted by the Member State of the European Union that is the flag state of the ship or by the coastal states where the navigation takes place.
- (7) The provisions of this Article shall not apply to:
  - a. maritime liner service approved for a period of less than one month;
  - b. voyages in maritime liner service with a duration of over 12 hours.

## VI RECORD OF PASSENGERS SAILING ON PASSENGER SHIPS TO AND FROM CROATIAN PORTS

### Article 21

For the purposes of this Title, particular terms shall have the following meaning:

- *persons* are all people aboard a ship, regardless of age;
- *passenger ship* is a passenger ship and high-speed passenger ship within the meaning of the Maritime Code
- *record keeper of passengers* is the person ashore authorised by the company for the purpose of meeting the obligations in accordance with the ISM Code or the person ashore appointed by the company as the person responsible for the record keeping of data on persons who embark on passenger ships of the company;
- *sheltered marine area* is a marine area sheltered from the effects of the open sea where a ship shall not move further than 6 nautical miles from a place of refuge where persons can be disembarked in the event of a shipwreck and in whose vicinity the resources for search and rescue are provided;
- *liner service* is a series of voyages of a ship that sails between two or more same ports in accordance with a published sailing schedule or in such a way that its navigation is regular and frequent to such an extent that it represents a recognizable systematic order;
- *competent authority* is the Maritime Rescue Coordination Centre.
- *ISM Code* is the International Safety Management Code adopted by the International Maritime Organisation (IMO) with the Assembly Resolution A.741(18) of 4 November 1993, as amended.

### Article 22

- (1) Before a passenger ship leaves port, the company shall establish the number of persons on the passenger ship.
- (2) The number of persons referred to in paragraph 1 of this Article shall, before the ship leaves port, be known to the master of the passenger ship and the company record keeper of passengers or entered into a system established ashore by the company.
- (3) The master of the passenger ship shall ensure that the number of passengers aboard the passenger ship does not exceed the maximum allowed number of persons that the ship is authorised to transport.

### Article 23

- (1) The company shall gather the following data about the persons on each passenger ship leaving a Croatian port when the destination port is over 20 miles away from the port of departure:

- name or initial of the name and surname,
- gender,
- indication of the age group (adults, children or infants) that each passenger belongs to, or age or year of birth,
- data referring to needs of special care or assistance in emergencies, that the person can voluntarily provide.

(2) The data referred to in paragraph 1 of this Article shall be gathered by the company before the ship leaves port and deliver it to record keeper of passengers or enter it into a system established ashore by the company, no later than 30 minutes before the ship leaves port.

(3) The data referred to in Article 22 paragraph 1 and paragraph 1 of this Article shall be available to the competent authorities in case search and rescue operations are required.

#### Article 24

(1) Every company shall do the following for each ship that Articles 22 and 23 of this Title refer to:

- establish a record-keeping system on passengers that shall meet the criteria laid down in Article 25 of this Title;
- appoint a record-keeper of passengers in charge of keeping and submitting data in emergency cases or when eliminating the results of marine casualties.

(2) The company shall ensure that the data to which this Title of the Ordinance refers be available without delay to competent authorities in emergency cases or in case of marine casualties.

(3) The personal information referred to in Article 23 paragraph 1 of this Title shall not be kept for longer than is necessary for search and rescue purposes and for investigations of marine casualties.

(4) The company shall ensure that the information on persons who declared a need for special care or assistance in emergency cases be submitted to the ship master of passenger ships before the departure.

#### Article 25

(1) The record-keeping system on passengers referred to in Article 24 paragraph 1 subparagraph 1 (hereinafter: the system) must meet the following criteria:

- a) readability – data shall be in a form that is easy to read;
- b) availability – data shall be easily accessible to competent authorities that the data is relevant to;

c) simplicity – the system shall be such that it does not cause unnecessary increase in the time required for the embarkation or disembarkation of passengers;

d) security – the data shall be protected in an appropriate way from accidental or illegal destruction or unauthorised access, changes or publication of the data.

(2) The systems managed for the same or similar lines shall be compatible.

(3) The system shall be approved by the Ministry.

(4) The Ministry shall carry out checks to see whether the system functions properly, and if shortcomings are established, it shall order measures for their removal.

#### Article 26

(1) When required due to safety navigation reasons, the Ministry can decide to expand the application of Article 24 of this Title to ships sailing on lines where the destination port is closer than 20 nautical miles from the port of departure.

(2) For international travel between ports in the Republic of Croatia and ports in the Member States of the European Union, the decision of the Ministry referred to in paragraph 1 of this Article shall be adopted in advance in agreement with the competent authorities of the relevant country.

#### Article 27

(1) The Ministry may exempt a ship leaving a port in the Republic of Croatia and sails in a sheltered marine area or a ship on regular lines if the voyage is shorter than one hour, from the provisions of Article 22 paragraph 2 of this Title regarding delivering data to the company record keeper of passengers or entering the data in a system established ashore by the company.

(2) The Ministry may exempt a ship sailing in a sheltered marine area between two ports or to and from the same port without entering port in between, from the provisions of Article 24 of this Title.

(3) The exemptions referred to in paragraphs 1 and 2 of this Article shall be approved in agreement with the ship's flag state.

(4) In the case referred to in paragraphs 1 and 2 of this Article, the Ministry shall without delay inform the European Commission on their decision to provide an exemption with an appropriate explanation.

(5) Regular transport in areas where the probability of significant wave height on an annual basis exceeding 2 meters is less than 10 % and:

– when the voyage does not exceed approximately 30 nautical miles from the departure port to the destination port or;

– when regular transport serves primarily to ensure connecting the island population to the mainland,

– when gathering information pursuant to Article 24 of this Title is not practical, the Ministry can ask the European Commission to completely or partially annul the particular request related to ships and companies on particular lines.

(6) The Ministry shall provide evidence on the unfeasibility of applying provisions referred to in Article 24 when submitting the request referred to in paragraph 4 of this Article, as well as the data on the organisation and instruments of the search and rescue service and the maritime traffic management service in relevant areas, the availability of weather forecast and the organisation of the company safety service.

(7) The Ministry shall neither approve nor suggest exemptions pursuant to the provisions of this Article for ships of third countries parties of the SOLAS Convention, 1974, as amended, when the flag state of the ship does not agree to that exemption.

## VII OTHER OFFICIAL REPORTING PROCEDURES

### Article 28

The ship shall without delay delivering a report to inform the harbourmaster's office of any unexpected events that occurred during navigation that puts at risk navigation safety, human lives and affects marine pollution, at latest one hour after the ATA.

### Article 29

(1) The port managing authority and the pilot shall without delay inform the harbourmaster's office of visible irregularities that can put at risk navigation safety or represent a danger of pollution of marine environment observed on the ship during regular duties.

(2) The report referred to in paragraph 1 of this Article shall contain at least the following information:

- a. ship information (name, IMO identification number, call sign and flag),
- b. navigation data (last port, arrival port),
- c. a description of obvious irregularities determined aboard the ship.

### *Mooring and berthing pattern*

### Article 30

(1) In the official procedure of delivering an arrival report of a ship engaged on international navigation in liner service at port, the port managing authority shall provide the harbourmaster's office with the information of a berthing place along the operational quay or a place at the port anchorage at least one hour before the ETA.

(2) If the berthing place referred to in paragraph 1 of this Article is located outside the border crossing area, the port managing authority shall deliver that data to the harbourmaster's office.

### *Data on piloting*

#### Article 31

The ship and the pilotage company shall deliver data to the competent harbourmaster's office pursuant to the provisions of the special regulation on maritime pilotage.

## VIII METHOD AND CONDITIONS OF DELIVERING DATA, CERTIFICATES AND DOCUMENTS

#### Article 32

For the purposes of this Title, particular terms have the following meanings:

- 1) *Electronic data transmission* is the process of transmitting digitally coded information using an adaptable structured format that can be used directly for storing and processing data;
- 2) *E-activities* is the implementation of the official procedure of reporting via electronic data transfer with an electronic data interchange system or with a web-application, using an advanced e-signature, computer equipment, safe telecommunication channels, computer networks, application systems and other e-activity tools.
- 3) *Electronic data interchange system* is a system for the interchange of standardised messages with the national competent authority and harbourmaster's offices with the purpose of carrying out the official reporting procedure,
- 4) *Electronic data interchange* is the electronic transfer of data between two computer systems in conformity with the standards established by the national competent authority pursuant to the provisions of this Ordinance.
- 5) *Standardised message* is a pre-established and accepted message for electronic interchange of data for carrying out the official reporting procedure.

#### Article 33

(1) In the official reporting procedure, the data, documents and certificates shall be delivered with the name and signature of the authorised user.

(2) The official reporting procedure shall be considered carried out if the report contains correct and complete data, with all forms and appropriate documents and certificates, or their copies as prescribed by the regulations of this Ordinance and special regulation, completely filled out.

(3) If the provisions of this Ordinance do not state differently, the ship and other authorised users shall deliver all changes of data, documents and certificates delivered pursuant to the provisions of this Ordinance immediately as those changes are known.



#### Article 34

(1) The authority competent for navigation safety appointed by the Ministry and the harbourmaster's offices as the national competent authority (NCA) shall ensure the e-activity service and its public availability via the Croatian Integrated Maritime Information System - CIMIS, that consists of the CIMIS Web application and the e-FAL electronic data interchange system.

(2) The authorised user shall use the e-activity service referred to in paragraph 1 of this Article in the method and under the conditions determined in the provisions of this Ordinance:

a) with an own electronic data interchange system compatible with the CIMIS system, and as an external user connect to the CIMIS system in a way that enables the exchange of standardised messages via the e-FAL service, or

b) by using the CIMIS Web application directly.

(3) Authorised users shall carry out the official reporting procedure pursuant to the provisions of this Ordinance, except for the provisions of Title VI of this Ordinance, by using e-activities.

(4) The systems referred to in paragraph 1 of this Article shall constitute a single interface to carry out e-activities in maritime traffic.

#### Article 35

(1) The NCA shall determine the method of using the CIMIS system and reserve the right to change it.

(2) The system referred to in paragraph 1 of this Article shall be used according to user instructions, technical documentation and specifications adopted by the NCA, which shall be binding.

(3) User instructions, technical documentation and specifications for the implementation and use of the system and the exchange of standardised messages with the systems referred to in paragraph 1 of this Article shall be published on the portal of the CIMIS system.

(4) In order to ensure e-activities, the NCA shall handle and update the register of personal data and records as determined by Annex III of this Ordinance that forms an integral part of the Ordinance.

#### Article 36

(1) The CIMIS system can be used exclusively by authorised users that have the approval for e-activities, issued by the NCA.

(2) The approval referred to in paragraph 1 of this Article shall be issued based on a written request of the authorised user, containing:

– the name of the authorised user

- headquarters or residence address
- registration number or PIN
- method of using CIMIS (pursuant to Article 34 paragraph 2 points a) and b))
- type of user – the legal basis for the official reporting procedure (e.g. port managing authority, maritime agent, ship owner, and other)
- name and contact details of the responsible person
- name, PIN and contact information of the administrator (in the case referred to in Article 34, paragraph 2, point a))
- name and PIN of the authorised user/s - natural persons of system users
- contact information of all authorised employees.

(3) The applicant referred to in paragraph 2 of this Article shall list all facts and circumstances and submit certificates and other evidence required to pass the approval and especially submit complete and correct data on employees authorised to take action in the procedures carried out by the NCA.

(4) For purposes of identifying the signatory and confirming the authenticity of the signed electronic record, the applicant shall ensure the option of using an advanced electronic signature with a digital certificate.

(5) The applicant for using the e-FAL service with his own electronic data interchange system shall in cooperation with the NCA successfully carry out previous testings of electronic data interchange.

(6) Upon meeting all the conditions referred to in this Article, the NCA shall issue the e-activity approval to the authorised user, awarding user rights (user account and password) to work on or with the CIMIS system.

#### Article 37

(1) The NCA shall keep a record of authorised users of approvals for e-activities in the CIMIS system.

(2) The authorised user of the approval shall immediately inform the NCA of any facts occurring after the approval is passed that affect or could affect its validity or contents.

(3) The authorised user of the approval shall inform the NCA of any amendments to the data of the approval and the records referred to in paragraph 1 of this Article. Amendments shall be carried out by entering the appropriate data in the records of authorised users of e-activity approvals.

(4) The authorised user shall train an authorised user to use the CIMIS system and ensure that his acts are lawful and correct.

(5) The authorised user of the approval shall appropriately warn the authorised employees of the consequences of unauthorised use and any other misuse or irregularities related to using the CIMIS system.

#### Article 38

Users of own electronic data exchange systems shall adjust their application systems, i.e. format, size and data structure of the files, and ensure that the user and technical documentation referred to in Article 34 paragraph 3 of this Ordinance, required to implement the official reporting system using the e-FAL system, is filled out.

#### Article 39

(1) For signing data exchanged within the CIMIS system and determined by the NCA, authorised users of the approval can use exclusively advanced electronic signatures pursuant to the provisions of the regulations on e-activities and procedures in the electronic environment.

(2) The NCA shall accept digital certificates issued by the certification service provider pursuant to the regulations on the records of providers of electronic signature certification services.

(3) When carrying out administrative and non-administrative procedures in the official reporting procedure, the NCA and harbourmaster's offices can use the electronic signature that replaces the handwritten signature and the stamp imprint of the administration competent for navigation safety appointed by the Ministry and harbourmaster's offices.

#### Article 40

(1) The NCA shall store all electronic records generated during the implementation of the official reporting procedure in e-activities in their original electronic form, and these data, documents and certificates shall be considered authentic.

(2) The maritime agent and the port managing authority shall keep the data, documents and certificates obtained for the official reporting procedure in their conventional form for three months for verification purposes.

#### Article 41

(1) The NCA shall exchange data, documents and certificates or electronic records which are the subject of this Ordinance with other public authorities on their request, pursuant to special regulations on protecting personal and business information and based on special agreements.

(2) The data exchange referred to in paragraph 1 of this Article shall be used for the activities of public authorities, and cannot be used for commercial purposes.

(3) The data exchange referred to in paragraph 1 of this Article shall be ensured in the way referred to in Article 34 paragraph 2 and pursuant to Article 35 of this Ordinance and the SafeSeaNet Interface and Functionalities Control Document and the SafeSeaNet technical documentation pursuant to Directive 2002/59/EC, as amended.

## *Exemptions in exceptional cases*

### Article 42

(1) If for technical reasons the authorised user is not able to carry out the official reporting procedure pursuant to the provisions of Title VII of this Ordinance, he shall deliver the prescribed data, documents and certificates to the harbourmaster's office or the port managing authority within the prescribed deadlines by fax, e-mail, hand delivery or some other method.

(2) In the case referred to in paragraph 1 of this Article the ship shall inform the VTS in the Republic of Croatia via the ship's radio station, and other authorised users shall inform the competent harbourmaster's office.

(3) In the case referred to in paragraph 1 of this Article the authorised user shall fill out and verify the appropriate forms: Notice of arrival (NOA), Arrival report, Notice of departure (NOD), Departure report, and the IMO FAL forms published by the NCA on the CIMIS portal.

(4) In the case referred to in paragraph 1 of this Article, the arrival report shall be delivered to the harbourmaster's office immediately after the ship enters port. The ship arrival report shall be submitted within 6 hours of the ship berthing along the operational quay or within 12 hours of the ship arriving at the port anchorage.

### *The method and conditions of exchanging data with Member States of the European Union and the European Commission*

### Article 43

(1) CIMIS is an integral part of the SafeSeaNet system.

(2) Upon request of a Member State of the European Union or by official appointment via SafeSeaNet or in another appropriate way, the NCA shall deliver, receive, store and exchange the available data, pursuant to the provisions of this Ordinance, with the national and regional maritime authorities of the Member States of the European Union and with the European Commission without delay 24 hours a day, for the needs of navigation safety and security and the protection of the marine environment.

(3) The data management referred to in paragraph 1 of this Article shall be carried out using the CIMIS system pursuant to the SafeSeaNet Interface and Functionalities Control Document and the SafeSeaNet technical documentation pursuant to Directive 2002/59/EC, as amended.

## IX TRANSITIONAL AND FINAL PROVISIONS

### Article 44

(1) This Ordinance shall enter into force on the day of accession of the Republic of Croatia to the European Union, except for:

a. the provisions of Article 34 related to the implementation of the provisions of Articles 7, 9, 10, 11, Article 14 paragraph 1 on national navigation, Article 14 paragraphs 2 and 3, Article

15 paragraph 1 on national navigation, Article 15 paragraph 2, Article 16 paragraph 1 on national navigation, Article 16 paragraph 2, Article 18, paragraphs 5 and 6, Article 19, paragraphs 1, 2 and 3, and in the implementation of Title VII, that all enter into force on 26 November 2013

b. the provisions of Article 34 paragraph 2 point a) that shall apply from the day the technical documentation for the exchange of standardised messages referred to in Article 35 paragraph 3 of this Ordinance is published, and not later than 1 May 2015.

(2) Until the provisions of paragraph 1 point 2 of this Article enter into force, the provisions of Article 42 of this Ordinance shall apply to the official reporting procedure.

(3) It shall be possible to carry out the official reporting procedure pursuant to Article 42 until 1 May 2015. As of 1 May 2015, carrying out the official reporting procedure with a legally binding effect shall be possible exclusively via e-activities.

Class: 080-01/12-01/228

Number: 530-04-13-22

Zagreb, 5 June 2013

Minister  
**Siniša Hajdaš  
Dončić,**  
**Ph.D.**  
m.p.

## ANNEX I-1

### Notice of arrival/departure

#### **A. Ship information:**

Ship's name, ship type, IMO number, MMSI number, call sign, flag state, registration port, name of ship master, data on the ship agent (name, telephone), INMARSAT area codes if available, gross tonnage (GT), net tonnage (NT), dead weight tonnage (DWT), length overall (m), width (m), year of construction, draught (m), summer load line (m), propulsion machinery power (kW), classification society, navigation category, shipper, owner, company name, CIN, keel laying date (dd, mm, yyyy), and other data pursuant to the IMO FAL form.

#### **B. Data about the voyage:**

voyage number, ETA, ETD, total number of persons on ship, previous port, previous country, port of arrival/departure, next port of call, next country, notice location, notice date, ship position in the port (berth or anchorage), port facility of arrival, if known, short description of the voyage (previous ports and next ports of call and where the remaining cargo will be unloaded), arrival draught, stay period of the ship in port, and other data pursuant to the IMO FAL form.

**C. Data about the crew:**

Number of crew members, and other data pursuant to the IMO FAL Crew list form

**D. Data about the passengers:**

Number of passengers, port of embarkation of passengers, country of embarkation of passengers, port of disembarkation of passengers, transit passenger or not, and other data pursuant to the IMO FAL Passenger list form.

**E. Data about the cargo:**

Short description of the cargo, type of cargo, cargo loading/unloading, port in which the report was given, port of loading the cargo, country of loading the cargo, port of unloading the cargo, country of unloading the cargo, marks and numbers (including the departure ports of the cargo shipment), number and type of packaging, description of the goods or the HS Code (if available), gross weight, measurement unit, departure country of the cargo, destination country of the cargo, loading unit, number of loading units, and other data pursuant to the IMO FAL Cargo manifest form.

**F. Documents/certificates:**

1. Certificate of the registration in the register of ships (issued by, issue date, expiration date)
2. Certificate of fitness for ships carrying dangerous goods
3. The ISCC certification with the validity date and the issuing body
4. certificate on the existence of insurance/financial guarantee and its validity period, and the issuing body/institution with regard to:
  - a. bunker oil pollution damage (BUNKER)
  - b. covering the costs of locating, marking and removing the wreck (WRECK)
  - c. civil liability certificates for oil pollution damage (CLC).
  - d. Statement on the anti-fouling system (ANTI-FOULING)

Note: The notice of departure consists of the data, documents and certificates altered in relation to the delivered data, documents and certificates in the notice of arrival.

**ANNEX I-2**

**Extended inspection**

In addition to the data referred to in Annex I-1, deliver the following for tankers:

1. hull form: single hull, single hull with SBT, double hull

2. planner statutory inspections and extensive maintenance and repairs that need to be carried out in the destination port,
3. date of the last extended inspection in the area of the Paris Memorandum of Understanding,
4. the state of cargo and ballast tanks: full, empty, inert, volume and type of cargo.

### **ANNEX I-3**

#### **Maritime ship and port security**

the position of the ship at the moment of sending the data, name of the SSO, name of the CSO, 24-hour contact data of the CSO, ship safety level, the last 10 ports that the ship entered with from-to dates, port state, UNLOCODE (if available), port facility, safety level, primary reason for the ship to enter port, does the ship possess an approved SSP, special or additional security measures in addition to those in the approved SSP,

list the ship-to-ship activities in the last 10 ports in port facilities, were the procedures from the approved SSP followed during the stated ship-to-ship activities, if not, state the from-to date, the position of the ship or long/lat, the type of ship-to-ship activity, applied security measures, additional information regarding security, identification of the person providing the information (master, SSO, CSO, agent), does the ship own a valid ISSC, if yes, the data of the ISSC (certificate validity date, issuing body), if not: explanation, enclosed crew list yes/no, enclosed passenger list yes/no.

or by delivering data as stated in the following Form:

**OBRAZAC NAJAVE ZA PRUŽANJE INFORMACIJA O SIGURNOSNOJ ZAŠTITI ZA SVE BRODOVE PRIJE ULASKA U LUKU REPUBLIKE HRVATSKE**  
(SHIP PRE-ARRIVAL SECURITY INFORMATION FORM FOR ALL SHIPS PRIOR TO ENTRY INTO THE PORT OF REPUBLIC OF CROATIA)

*(Prevlada 9. poglavlja XI-2 Međunarodne konvencije o zaštiti ljudskog života na moru (SOLAS) iz 1974. i članak 6. stavak 3. Uredbe (EZ) br. 725/2004 / 1974 International Convention for the Safety of Life at Sea (SOLAS) Regulation 9 of Chapter XI-2 and Article 6(3) of Regulation (EC) No 725/2004 )*

Podaci o brodu i podaci za kontakt (Particulars of the ship and contact details)							
IMO broj (IMO number)		Ime broda (Name of ship)					
Luka upisa (Port of registry)		Država zastave (Flag State)					
Vrsta broda (Type of ship)		Pozivni znak (Call sign)					
Bruto tonaža (Gross tonnage)		Inmarsat pozivni brojevi (ako postoje) (Inmarsat call numbers (if available))					
Ime kompanije i identifikacijski broj kompanije (Name of company and company identification number)		Ime osobe za sigurnosnu zaštitu u kompaniji i podaci za 24 h kontakt (CSO name and 24 hour contact details)					
Luka dolaska (Port of arrival)		Lučko područje dolaska (ako je poznato) (Port facility of arrival (if known))					
Informacije o luci i lučkim područjima (Port and port facility information)							
Očekivani datum i sat dolaska broda u luku (ETA) (Expected date and time of arrival of the ship in port (ETA))							
Glavna svrha dolaska broda u luku (Primary purpose of call)							
Informacije koje se zahtijevaju pravilom 9.2.1 Poglavlja XI-2 SOLAS (Information required by SOLAS Regulation 9.2.1 of Chapter XI-2)							
Ima li brod valjanu Međunarodnu svjedodžbu o sigurnosnoj zaštiti broda (ISSC)? (Does the ship have a valid International Ship Security Certificate (ISSC)?)	DA (YES)	ISSC	NE – zašto ne? (NO – why not?)	Izdala (naziv uprave ili priznate organizacije) (Issued by (name of Administration or RSO))	Datum isteka (dd/mm/gggg) (Expiry date (dd/mm/yyyy))		
Nalazi li se na brodu odobreni plan sigurnosne zaštite broda? (Does the ship have an approved SSP on board?)	DA (YES)	NE (NO)	Trenutni stupanj sigurnosne zaštite na brodu? (Security level at which the ship is currently operating?)	Stupanj sigurnosne zaštite 1 (Security Level 1)	Stupanj sigurnosne zaštite 2 (Security Level 2)	Stupanj sigurnosne zaštite 3 (Security Level 3)	
Položaj broda u vrijeme sastavljanja ovog izvješća (Location of ship at the time this report is made)							
Navedite posljednjih 10 pristajanja na lučkim područjima kronološkim redom (počevši od posljednjeg pristajanja) (List the last 10 calls at port facilities in chronological order (most recent call first))							
Br. (No)	Od (dd/mm/gggg) (Date from (dd/mm/yyyy))	Do (dd/mm/gggg) (Date to (dd/mm/yyyy))	Luka (Port)	Država (Country)	UN/LOCODE (ako postoji) (if available)	Lučko područje (Port facility)	Stupanj sigurnosne zaštite (Security level)
1							SL =
2							SL =
3							SL =
4							SL =
5							SL =
6							SL =
7							SL =
8							SL =
9							SL =
10							SL =
Jesu li na brodu poduzete bilo kakve posebne ili dodatne mjere sigurnosne zaštite osim onih u odobrenom planu sigurnosne zaštite broda? Ako je odgovor DA, dolje navedite posebne ili dodatne mjere koje su poduzete na brodu. (Did the ship take any special or additional security measures, beyond those in the approved SSP? If the answer is YES, indicate below the special or additional security measures taken by the ship.)						DA (YES)	NE (NO)
Br. (kao gore) (No (as above))	Posebne ili dodatne mjere koje su poduzete na brodu (Special or additional security measures taken by the ship)						
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
Navedite aktivnosti brod-brod kronološkim redom (počevši od posljednje), koje su obavljene tijekom posljednjih 10 pristajanja na gore navedenim lučkim područjima. Prema potrebi produžite tablicu dolje ili nastavite na posebnoj stranici – unesite sve aktivnosti brod-brod. (List the ship-to-ship activities, in chronological order (most recent first), which were carried out during the last 10 calls at port facilities listed above. Expand table below or continue on separate page if necessary — insert total number of ship-to-ship activities)							
Jesu li se postupci sigurnosne zaštite na brodu, navedeni u odobrenom planu sigurnosne zaštite broda, provodili tijekom svake od navedenih aktivnosti brod-brod? Ako je odgovor NE, u posljednjem stupcu dolje navedite pojedinosti o mjerama sigurnosne zaštite koje su primijenjene umjesto tih mjera. (Were the ship security procedures specified in the approved SSP maintained during each of these ship-to-ship activities? If NO, provide details of the security measures applied in lieu in the final column below.)						DA (YES)	NE (NO)

Br. (No)	Od (dd/mm/gggg) (Date from (dd/mm/yyyy))	Do (dd/mm/gggg) (Date to (dd/mm/yyyy))	Položaj ili geografska dužina i širina (Location or longitude and latitude)	Aktivnost brod-brod (Ship-to-ship activity)	Mjere sigurnosne zaštite primijenjene umjesto odobrenih mjera (Security measures applied in lieu)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					



## ANNEX II

### **Ship arrival report**

- (a) Declaration of the ship's stores
- (b) Declaration of crew's effects
- (c) crew list book (ships of Croatian nationality)
- (d) IMO FAL form of the International statement on the health status of all persons on a ship
- (e) day and time of arrival (ATA)
- (f) bow draught on arrival
- (g) stern draught on arrival
- (h) next port of call

The statements must, especially regarding the contents, signatories and technical details, be in accordance with the Convention on Facilitation of International Maritime Traffic from 1965 (IMO FAL Convention 1965), as amended.

## ANNEX III

### **List of identifier registers, personal and reference data:**

- (1) List of ports:
  - a. port name
  - b. register of unique port codes: permanent or temporary UNLOCOD or the port national number (NBL)
  - c. single list of berths and anchorages
  - d. port state
- (2) Register of unique voyage numbers of the ship (VOYAGE ID)
- (3) Register of unique port call numbers (PORT CALL ID)
- (4) Register of reference data on the actual (ATA, ATD) and estimated (ETA, ETD) times of arrival and departure of the ships

(5) Record of unsafe ships – ships that meet the below-mentioned criteria, and are therefore considered a potential risk to maritime traffic or a threat to maritime safety, the safety of individuals or of the environment:

(a) ships that during their navigation:

a. participated in marine casualties or accidents as defined in a special regulation

b. did not meet the requirements of this Ordinance on the official reporting procedure, or

c. did not follow the applicable regulations for systems of routing and traffic separation and VTS systems under the jurisdiction of the Member State of the European Union;

(b) ships for which there is evidence or probable evidence of intentional oil pollution or other violations of the MARPOL Convention under the jurisdiction of the Member States of the European Union;

(c) ships who have had access to ports of the Member States of the European Union denied or those reported by a Member State of the European Union pursuant to special regulations on navigation safety inspection.

(d) ships that did not inform of their certificate of insurance or financial guarantees pursuant to the legislation of the Community and international regulations, or don't have any;

(e) ships for which pilots or the port managing authority reported obvious irregularities that can bring into question their safe navigation or cause danger to the environment.