

MINISTRY OF THE SEA, TRANSPORT AND INFRASTRUCTURE

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Pursuant to Article 1025 point 21 and 22 of the Maritime Code ("Official Gazette", No. 181/04), the Minister of Sea, Transport and Infrastructure hereby issues the following

ORDINANCE

ON AMENDMENTS TO 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

Article 1

Article 2 of 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" 51/2005) is amended to read:

"Unless this Ordinance prescribes otherwise, specific terms used in this Ordinance have the following meaning:

1. *dangerous goods* are the goods as defined by the Dangerous Goods Transport Act, goods classified according to the IMDG Code, noxious liquid substances listed in Chapter 17 of the IBC Code, liquified gases listed in Chapter 19 of the IGC Code, solid bulk cargoes from Supplement I of the IMSBC Code, and substances the transport of which is regulated in accordance with Article 1.1.3 of the IBC Code or Article 1.1.6 of the IGC Code;
2. *pollutants* are oils as defined in Annex I to the MARPOL (73/78) Convention, noxious liquid substances as defined in Annex II to the MARPOL (73/78) Convention, harmful substances as defined in Annex III to the MARPOL (73/78) Convention;
3. *qualified person* is every person who has been professionally trained for handling specific dangerous goods and who has been appointed as such by the port managing authority or the legal person registered for handling dangerous goods;
4. *handling dangerous goods* includes: loading, unloading and transshipment from ship or vehicle, storage, lifting from warehouse and transport and other activities related to handling and disposal of dangerous goods in the port area;
5. *vehicle* is any land-based means of transport;

6. *dangerous chemicals* are liquids with a vapour pressure not exceeding 0.28 MPa at a temperature of 37.8 °C, which are dangerous due to inflammability or explosion, and are biologically dangerous due to their reactivity;

7. *port authority* is a legal person managing a port open to public traffic, or holder of a concession at a special purpose port;

8. *the Ministry* is the ministry responsible for maritime affairs;

9. *the Minister* is the minister in the ministry responsible for maritime affairs;

10. *concession holder* is a legal or natural person who is, pursuant to a concession agreement, authorised to perform business activity of handling dangerous goods at port;

11. *shipper* is a buyer, or a person designated by the buyer, who, based on a transport agreement, submits goods to the transport operator for the purpose of their transport;

12. *manifest/cargo list* is a ship's document containing the list and stowage of dangerous goods on board;

13. *HM office* is the harbourmaster's office."

Article 2

Article 3 is amended to read:

"To the handling dangerous goods in packages and bulk, to liquefied gases on board ships at port and to transport of dangerous goods in maritime traffic, in addition to security measures prescribed by this Ordinance, the Rules for Statutory Certification of Seagoing Vessels (hereinafter: Rules), provisions of the International Convention for the Safety of Life at Sea - SOLAS 1974 (hereinafter: SOLAS 1974), the International Maritime Dangerous Goods (IMDG) Code, International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code, 1975), International Convention for the Prevention of Pollution From Ships with the Protocol (hereinafter: (MARPOL 73/78), International Bulk Chemical Code from 1971 and 1983 (IBC Code 1971, 1983), International Maritime Solid Bulk Cargoes Code (IMSBC Code, 2008), EU legislation and International Code of Practice for the safe loading and unloading of bulk carriers (BLU Code, 1998) shall apply correspondingly."

Article 3

In Article 9 paragraph 1 item A, indent (h) is amended to read as follows:

"(h) Certification, i.e. Certificate of ship's compliance for loading of dangerous goods in packaged form or in solid form in bulk"

In Article 9 paragraph 1, item C is amended to read as follows:

"C. Cargo information:

(a) correct technical name, IMO class of cargo in accordance with IMDG, IBC, IMSBC, INVES and IGC codes, UN number, method of packaging, amount of dangerous goods and, in case when cargo is transported in containers, their identification number;

(b) cargo list, cargo manifest and cargo stowage plan on board the ship;

(c) for substances from Annex I to the MARPOL Convention, as amended, safety list with data on physico-chemical parameters of substances including, where applicable, viscosity expressed in cSt at 50 °C, density at a temperature of 15 °C, as well as other data in accordance with the Resolution MSC.150 (77) of the International Maritime Organisation;

(d) Contact details providing detailed data on dangerous or polluting substances, including data on physico-chemical characteristics of substances and handling in case of emergency."

In Article 9, paragraph 5 is amended to read:

"For dangerous or polluting substances which are transported in vehicles, the Declaration shall be submitted not later than 24 hours before entry of the vehicle into the port area."

Article 4

In Article 11, the words: "based on a single loading order" are deleted.

Article 5

Article 12 paragraph 5 is amended to read:

"Inspection of dangerous goods shall be performed on the port anchorage or another location determined by the harbourmaster's office."

Article 6

Article 13 is amended to read:

"(1) Any ship transporting dangerous goods or pollutants shall have a detailed plan of the goods and substances loaded on board or a Cargo Manifest, which shall contain the following information:

- UN number,
- IMDG class,
- Location of the goods on board the ship,
- Quantity of the goods,
- "Booking reference" number
- Packing group

– SUBSIDIARY RISK

– Flashpoint temperature in (°C)

– Marine pollutant

– EmS – "Emergency Schedule Numbers"

(2) Any ship transporting dangerous goods or polluting substances shall deliver a copy of the plan or Cargo Manifest referred to in paragraph 1 of this Article to the harbourmaster's office not later than 48 hours before calling at port, i.e. immediately before issuing the ship departure permit."

Article 7

In Article 14, the words "Class 9. Other dangerous goods, i.e. goods for which a scientific testing confirmed that based on specific characteristics the goods cannot be classified in classes 1 to 8 of this Article (asbestos, dry ice, magnetic materials)" are replaced by words: "Class 9. All other dangerous goods and point for which experience has proved that because of their dangerous characteristics requirements of this Ordinance must apply, and goods to which requirements of Annex III of the MARPOL Convention apply."

Article 8

In Article 15, the word "enter" is replaced by the word "sail in".

Article 9

Article 16 is amended to read as follows:

"The concession holder shall have instructions (IMDG code, IMSBC Code, MFAG and EMS) on all relevant transport procedures and incidents involving cargo being handled, as well as prescribed first aid instruments.

Article 10

Article 17 is amended to read as follows:

"The harbourmaster's office shall prohibit entry at port to a ship transporting dangerous goods:

1. in case it establishes that declaration has not been presented according to Article 9 of this Ordinance;
2. in case it establishes that it involves dangerous goods the entry or handling of which at port has not been allowed based on the special act referred to in Article 15 of this Ordinance;
3. if during examination of dangerous goods it establishes that declaration data do not correspond to the true state of dangerous goods on board the ship;

4. in case that the ship is transporting a larger quantity of dangerous goods than the quantity permitted based on the special act referred to in Article 15 of this Ordinance, for a specific port;
5. in case that dangerous goods are not properly packed or not marked with stickers and labeled with technical names;
6. if the containers contain incompatible dangerous goods;
7. if the containers in which the cargo is being transported are damaged, technically incorrect or do not have a safety certificate, where applicable;
8. if separation of dangerous goods has not been performed according to relevant regulations;
9. in case it established that devices for handling dangerous goods are not in good order or are inappropriate.
10. ako brod ne posjeduje svjedodžbe odnosno potvrde za prijevoz opasnih tvari."

Article 11

Article 18 is amended to read as follows:

"If during examination of dangerous goods the harbourmaster's offices establishes that there are deficiencies which by their nature do not represent an imminent hazard, it shall be ordered that those deficiencies be removed within a specified period.

If during examination of dangerous goods the harbourmaster's offices establishes that there are deficiencies which by their nature represent an imminent hazard, it shall inform competent services and, if necessary, order the ship to leave the port immediately, i.e. to move to a safe distance."

Article 12

Article 19 paragraph 3 is amended to read as follows:

"By verification of a safety checklist by the port authority referred to in paragraph 1, handling of dangerous goods shall be permitted."

Article 13

In Article 31, after the words "shall have", the following words are added: "a valid towage approval certificate issued by a competent authority of the ship's flag state "..

In Article 31, paragraph 2 is added to read as follows:

"In addition to the conditions referred to in paragraph 1 of this Article, the harbourmaster's office can establish additional security measures before towage ".

Article 14

In Article 35, new paragraph 2 is added to read as follows:

"In case that closing of ship holds referred to in paragraph 1 of this Article is not possible, or if dangerous goods are located on board the ship, the harbourmaster's office shall determine special security measures."

Article 15

In Article 36 paragraph 1, the words: "with the exception of tankers in the petroleum ports that have all the fixed coastal installations for the supply of fuel" are deleted.

Article 16

In Article 47 paragraph 1 point 1, the words: "and at least two connecting fire hoses ready for immediate use" are deleted.

Article 17

Article 48 is deleted.

Article 18

In Article 49 paragraph 1, point 8 is deleted.

Article 19

In Article 146, paragraph 1 is amended to read as follows:

Dangerous goods may be transferred by ship only if they have been issued a certificate of ship's compliance for transport of those goods by a recognised organisation or by a competent authority of the ship's flag state, for ships sailing under a foreign flag.

Article 20

In Article 164, after the word "natural form", a comma is inserted and the following words added: "which is carries in bulk".

Article 21

In Article 166, after the word ship, the words: "because of" are replaced by the words: "due to".

In Article 166, points 2 and 3 are amended to read as follows:

"2. residual dynamic stability of the ship may not, under any conditions, be less than 0.075 meter radians.

3. initial transverse metacentric height after correction for free surface effect of liquids in tanks may not be less than 0.30 meters."

Article 22

Article 170 is amended to read as follows:

"Wood means sawn wood or lumber, partially processed timber, timber, log columns, stakes, pulp wood and any other type of wood, packaged or unpackaged, except wood pulp, as well as any similar cargo.

Wood cargo on deck means wood transported on an uncovered part of a freeboard deck or on a deck above the freeboard deck."

Article 23

In Article 172 paragraph 2 point 2, after the word "consumption" the following words are added: "of fuel, lubricants, food and water".

Article 24

Annex 1 is amended to read as follows:

"ANNEX 1

Podnositelj deklaracije Lučkoj upravi:

(Party submitting the Declaration): (To Port Authority):

DEKLARACIJA O OPASNIM ILI ONEČIŠĆUJUĆIM TVARIMA (DECLARATION OF DANGEROUS OR POLLUTING GOODS)

A.	PODACI O BRODU SHIPS PARTICULARS	
1.	Ime broda, zastava broda Ships name, Flag of the ship	
2.	Pozivni znak i MMSI Call sign and MMSI number	
3.	Godina gradnje Year of built	
4.	IMO Broj IMO number	
5.	Nosivost, gaz i dužina broda	

	Vessel's DWT, draft and length	
6.	Potvrda o sposobnosti broda za krcanje opasnih tvari u upakiranom ili rasutom stanju vrijedi do*: Validity of the document of compliance for the carriage of dangerous goods in packaged form or the authorisation for carriage dangerous solids*:	
7.	Tanker s dvostrukom oplatom? Ako nije navedi kategoriju tankera (1,2,3) – Izmjenjeno Pravilo 13G Annex I M73/78 ** Doublehull tanker? If not, give tanker category (1,2,3) –Revised Reg.13G Annex I M73/78**	
8.	Da li postoji potvrda o financijskom osiguranju u slučaju onečišćenja (CLC 69, art.VII)?** Certificate of insurance in respect of civil liability for oil pollution damage (CLC 69,art.VII) exist on board? **	
	*Za brodove osim tankera *For ships other than tankers **Samo za tankere **For tankers only	
9.	Luka odredišta Port of destination	
10.	Brodovi koji napuštaju hrvatske luke Ships leaving croatian ports	
10.1	Procijenjeno vrijeme odlaska iz luke Estimated time of departure (ETD)	
10.2.	Procijenjeno vrijeme dolaska u luku odredišta Estimated time of arrival at port of Destination (ETA)	
11.	Brodovi koji uplovljavaju u hrvatske luke Ships entering croatian ports	
11.1	Procijenjeno vrijeme dolaska broda u luku odredišta Estimated time of arrival in port of Destination (ETA)	
12.	Ukupan broj osoba na brodu Total number of persons on board	

B.	PODACI O VOZILU VEHICLE PARTICULARS	
1.	Vrsta vozila Kind of vehicle	
2.	Oznaka vozila Number and mark of vehicle	
3.	Predviđeno vrijeme dolaska u luku Estimated time of arrival in port	
C.	PODACI O TERETU CARGO INFORMATION	
1.	Ukrcaj, iskrcaj, provoz, skladištenje u luci Loading, unloading, transit, storage in port	
2.	Ispravno tehničko ime Correct technical name	
3.	UN broj (gdje postoji) UN number (where they exist)	
4.	IMO klasa u skladu s IMDG, IBC, IGC kodeksima IMO hazard class in accordance with IMDG, IBC, IGC Codes	
5.	Klasa broda u skladu s INF Kodeksom (ako je primjenjivo) Class of the ship as defined by INF Code (if appropriate)	
6.	Količina tereta Quantity of cargo	
7.	Smještaj na brodu (na palubi, pod palubom, u tankovima) Location on board (on deck, underdeck, in cargo tanks)	
8.	Da li postoji plan smještaja opasnih ili onečišćujućih tvari na brodu? Dangerous or polluting goods Manifest or stowage Plan is available on board?	
9.	Identifikacijski broj transportne jedinice ako je različita od tanka tereta Identification number of cargo transport unit other than tanks	

10.	Adresa gdje se mogu dobiti detaljne informacije o teretu Adress from where detailed Information on cargo may be obtained
11.	Podatke za hitni kontakt krcatelja ili drugog tijela koje raspolaže podacima o psiho-kemijskim karakteristikama tvari i postupanju u slučaju hitnosti. The emergency numbers of the shipper or any other person or body in possession of information on the physico-chemical characteristics of the products and on the action to be taken in an emergency.
D.	RADIOAKTIVNE TVARI RADIOACTIVITY GOODS
1.	Vrsta i stanje radioaktivnih tvari Kind and condition of radioactivity goods
2.	Radioaktivnost (Bq) Radioactivity (Bq)
3.	Kategorija koleta (žuta ili bijela oznaka) Packag ecategory (yellow or whitemark)
4.	Stupanj zračenja ako je kolet o žuto označeno Radioactivity effect in case of yellowmark
5.	Grupa radioaktivnosti Poisonous group

Za tvari iz Dodatka I MARPOL Konvencije, kako je izmijenjena i dopunjena, u prilogu dostavljam Sigurnosnu listu s podacima o psiho-kemijskim karakteristikama tvari uključujući, gdje je primjenjivo, viskozitet izražen u cSt at 50 °C, gustoću pri temperaturi od 15 °C, kao i druge podatke u skladu s Rezolucijom MSC.150 (77) Međunarodne pomorske organizacije.

For the substances referred to in Annex I to the MARPOL Convention, please find here with attached the safety data sheet detailing the physico-chemical characteristics of the products, including, if applicable, their viscosity expressed in cSt at 50 °C and their density at 15 °C and the other data contained in the safety data sheet in accordance with IMO Resolution MSC.150(77);

Ovim potvrđujem da je sadržaj gore navedene pošiljke potpuno i točno opisan pravilnim tehničkim nazivom, da je ista pravilno klasificirana, upakirana, obilježena i označena te da je u svakom pogledu pogodna za prijevoz u skladu s primjenjivim međunarodnim i nacionalnim propisima.

I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name(s) and are classified, packaged, marked and labelled/placarded,

and are in all respects in proper condition for transport according to applicable international and national regulations.

Podnositelj deklaracije M. P.

Party submitting the Declaration Seal

.....

Potpis

Signature

.....

Na osnovi podnesene deklaracije dozvoljava se brodu/vozilu koji prevoze opasne ili onečišćujuće tvari uplovljavanje/ulazak u luku.

On the basis of the submitted declaration ship/vehicle is permitted to enter the port with dangerous or polluting goods.

Mjesto i datum Potpis ovlaštene osobe lučke uprave

(Place and date) (Signature of authorised person)

M. P.

(Seal)

Napomena: Dio A ispunjava se samo za brodove, dio B samo za vozila, dio C ispunjava se i za brodove i za vozila

Remark: Part A is only for the ships, part B is only for the vehicles, part C is for ships and vehicles.

C/C: Podaci iz deklaracije dostavljaju se i lučkoj kapetaniji

Informations from Declaration also to be delivered to harbourmaster's office"

Article 25

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

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Zagreb, 26 October 2010

Minister
Božidar
Kalmeta, m. p.