

# MINISTRY OF THE SEA, TOURISM, TRANSPORT AND DEVELOPMENT

1789

Based on Article 1021 paragraph 3 subparagraph 5 of the Maritime Code (Official Gazette No. 181/04) the Minister of the Sea, Tourism, Transport and Development hereby issues

## ORDINANCE

### ON THE TERMS AND METHODS OF MAINTAINING ORDER IN PORTS AND OTHER PARTS OF INTERNAL WATERS AND THE TERRITORIAL SEA OF THE REPUBLIC OF CROATIA

#### I. BASIC PROVISIONS

##### Article 1

This Ordinance prescribes the terms and methods of maintaining order in ports and other parts of internal waters and the territorial sea of the Republic of Croatia,

##### Article 2

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

1. *ship master* is the person operating a ship and the person operating floating facilities;
2. *yacht skipper* is the person operating a yacht;
3. *boat operator* is the person operating a boat;
4. *towage* is every service that the tug boat provides to another ship or boat by towing, pushing, holding, moving or relocating inside or outside a port;
5. *boat* is a watercraft intended for maritime navigation and is not as a ship or yacht or vessel as referred to in Article 5 point 15 of the Maritime Code not included in the term boat;
6. *port managing authority* is the port authority or concession holder for special purpose ports;
7. *harbourmaster's office* is the harbourmaster's office or harbourmaster's branch office.

##### Article 3

- (1) Order in ports shall be kept by the port managing authority.
- (2) The port managing authority shall regulate order in ports with a special Act approved by the harbourmaster's office.
- (3) The Act referred to in paragraph 2 of this Article shall prescribe, among other, the purpose of specific parts of the port, the reporting procedure, methods of entering port, docking, mooring, relocating, anchoring and leaving port for vessels or maritime structures, the control method for the performance of those activities.
- (4) The Act referred to in paragraph 2 of this Article shall designate the permanent and operational berth and the berth for purposes of public maritime liner service and the accommodation of public vessels.
- (5) The port managing authority shall place a valid weather forecast issued by the Croatian Meteorological and Hydrological Service in a visible place.
- (6) The control over maintaining order in ports and in other parts of internal seawaters and the territorial sea of the Republic of Croatia shall be carried out by the harbourmaster's office.

#### Article 4

The harbourmaster's office shall, while monitoring the maintaining of order in ports and other parts of internal seawaters and the territorial sea, pay special attention to:

1. navigation, docking, mooring, unmooring and anchoring of vessels and maritime structures;
2. embarking and disembarking passengers and loading and unloading cargo;
3. maintaining order on beaches, swimming, diving and sports activities at the sea and in other parts of the maritime domain;
4. keeping the coast and sea clean of pollution from maritime structures.

#### Article 5

The harbourmaster's office shall monitor the facilities, installations and devices located in the port and in other parts of the maritime domain.

### II ORDER IN PORTS

#### Article 6

The ship master, yacht skipper, boat operator and the responsible person on a floating facility without a master shall, during navigation, docking, mooring, unmooring and anchoring of a watercraft in a port act so that those acts do not endanger human lives or pollute the sea, and do not damage their watercraft or other vessels or maritime structures in the port through collision, impact or running aground.

#### Article 7

- (1) A ship located in port shall be ready for manoeuvring.
- (2) By way of derogation from the provision of paragraph 1 of this Article, the port managing authority shall approve machine repairs in the port with consent from the harbourmaster's office upon request from the ship master.

#### Article 8

- (1) When the ship is located in the port, it shall hold as many members as necessary to navigate the ship safely in case of an emergency.
- (2) The crew onboard the ship referred to in paragraph 1 of this Article shall contain one deck and engineer officer, and the watch keeping duty at night, as designated by the ship master.
- (3) When the ship is located at anchorage, the crew must have the same composition as when it carries out its services during navigation.

#### Article 9

- (1) When a fishing ship is located in a port, it must have at least one deck and engine crew member onboard. If these ships are grouped and tied alongside, there shall be at least two deck and engine crew members for every three ships.
- (2) In exceptional cases, the harbourmaster's office can, if circumstances permit, reduce the number of crew members on the ships referred to in paragraph 1 of this Article.

#### Article 10

- (1) A ship that is being laid up, repaired or reconstructed shall have a designated number of crew members on watch, i.e. watchmen, during day and night.
- (2) The number and composition of the persons referred to in paragraph 1 of this Article and their professional education shall be determined by the harbourmaster's office for each particular case.

(3) In special purpose ports the harbourmaster's office can allow a specific number of persons referred to in paragraph 1 of this Article to watch over several watercrafts.

#### Article 11

(1) Vessels and maritime structures shall not obstruct public transport or the functional use of operational quays and berths.

(2) Boats from ships moored or anchored in the port can be afloat only with the prior consent from the port managing authority and it shall inform the harbourmaster's office of this.

(3) The port managing authority can for reasons of functional use of the operational quays and berths ask the watercraft owner to move the watercraft to another berth.

(4) if the owner is not available, or if he does not meet the requirement referred to in paragraph 3 of this Article, the port managing authority can relocate the watercraft at the expense and risk of the owner with consent from the harbourmaster's office.

#### Article 12

(1) The port managing authority shall, having previously informed the harbourmaster's office, determine a berth along the operational quay, or a place at the port anchorage for the watercraft.

(2) The harbourmaster's office shall order an already moored and anchored watercraft to move to another berth or move from the assigned location, and remove a partially or completely loaded watercraft from the operational quay to a specific position, for navigation safety reasons, safety and protection of human lives, the environment, port facilities and other facilities, having previously, and in exceptional cases subsequently informed the port managing authority.

#### Article 13

The harbourmaster's office shall deny consent for mooring or anchoring a watercraft at the operational quay or the anchorage for justified reasons, i.e. when it receives an earlier notification from the port managing authority that it endangers navigation safety, the safety of human lives and facilities on the coast or at sea, and if the watercraft is in such condition that it might pollute the sea.

#### Article 14

(1) A watercraft located in the port shall be moored with appropriate and proper berths on mooring devices (bitts, mooring buoys, mooring eyes etc.).

(2) The port managing authority or the concession holder shall perform the maintenance on the devices referred to in paragraph 1 of this Article and obtain the appropriate documents for them.

(3) In case of approaching bad weather (storm, wind, waves etc.), watercrafts moored or anchored in the port shall reinforce their berths or increase the number of anchors, and if the harbourmaster's office so orders, leave port or take position so as to be protected from the wind.

(4) If the watercraft does not possess sufficient fenders, berths or anchors if the berths are not of sufficient strength and length i.e. if the boat does not possess the appropriate equipment, the harbourmaster's office shall order the boat to obtain the appropriate equipment. If the ship or boat does not obtain the appropriate equipment, the harbourmaster's office shall prohibit it from mooring or anchoring in the port.

(5) In exceptional cases, for reasons of navigation safety and environmental protection, the harbourmaster's office can declare and announce that the port or part of port is closed, with a prior notification to the port managing authority.

#### Article 15

(1) The mooring of watercrafts moored in the port shall not obstruct the navigation of other watercrafts, the movement of persons and vehicles on the coast and the operation of port devices.

(2) In exceptional cases, if there is no alternative, the harbourmaster's office can allow mooring of watercrafts not in accordance with the provision of paragraph 1 of this Article.

(3) If the watercraft is moored or anchored in the port, it shall display a red flag in the place where the mooring enters the watercraft, and at night display an all-round red light, and when required, loosen, tighten or untie the mooring.

#### Article 16

(1) If another ship can moor in front or behind the ship moored along the operational quay, the moored ship shall at night mark its bow or stern with an all-round light, or both bow and stern if required.

(2) If the ship is moored along the operational quay in a port in such a way that the ends stick out of the edge of the coast, those ends shall be marked in accordance with the provision of Article 15, paragraph 3 of this Ordinance.

#### Article 17

The ship master, yacht skipper and boat operator shall upon the order of the port managing authority with consent from the harbourmaster's office allow one or more other watercrafts to moor along the watercraft in order to keep a connection with the coast.

#### Article 18

(1) When choosing a location to anchor, the person operating the watercraft shall take into consideration anchored watercrafts and the places where no anchoring is allowed.

(2) Anchoring shall not obstruct the navigation of other watercrafts.

#### Article 19

If the person operating the watercraft notices that objects in the port that are hazardous for navigation safety or could damage other ships, boats, port facilities, devices, machines and installations or pollute the sea, he shall inform the harbourmaster's office and port managing authority of this.

#### Article 20

The port managing authority shall clean the port from waste that presents a danger for navigation safety and pollutes the sea.

#### Article 21

Yachts and boats shall keep waste and waste oils until they arrive at port, where they shall deliver them.

#### Article 22

Ships shall be dismantled (broken) only in shipyards or breaker's yards.

#### Article 23

(1) Stranded, unserviceable sunken vessels or maritime structures or sunken objects may be located in ports only with approval from the port managing authority and with consent from the harbourmaster's office.

(2) If the vessel or maritime structure or sunken object referred to in paragraph 1 of this Article is hazardous for navigation safety or there is risk of sea pollution, the ship operator or owner of vessel or maritime structure shall, upon request by the harbourmaster's office, relocate the vessel or maritime structure or sunken object to a place designated by the port managing authority.

(3) If the ship operator or owner of vessel or maritime structure or sunken object does not act in accordance with the request by the harbourmaster's office referred to in paragraph 2 of this Article, the harbourmaster's office shall order the port managing authority to relocate the vessel or maritime structure or sunken object from the port to a location designated by the port managing authority with prior consent from the harbourmaster's office, at the risk and expense of the ship operator, owner of the vessel or maritime structure or sunken object.

(4) A laid up watercraft can be kept in port only with consent from the port managing authority, with prior consent from the harbourmaster's office.

#### Article 24

(1) The shipyard shall report in time on retrieving, docking or lowering a ship and yacht in the sea. The harbourmaster's office may establish special safety measures to undertake during this process.

(2) Boats can be retrieved and held in the area of the port only in places determined by the port managing authority with consent from the harbourmaster's office.

#### Article 25

The ship owner or owner of the watercraft shall take care of a watercraft docked in the port and shall be held responsible for any damage caused by the watercraft to other watercrafts, the quay, devices, machines and installations.

#### Article 26

Should a special event occur on the watercraft to the persons, hull, equipment, machine or cargo, or if environmental pollution is observed, the person managing the watercraft shall inform the harbourmaster's office without delay.

#### Article 27

(1) While a watercraft is at a floating object, protective booming shall be placed around it.

(2) In exceptional cases and if possible due to coast configuration, the port managing authority can set up protective booming to enclose a certain part or the entire port maritime zone, with consent from the harbourmaster's office.

#### Article 28

(1) The port managing authority can determine the number of tug boats that a ship can use in the port with the act referred to in Article 3 paragraph 2 of this Ordinance.

(2) In case of bad weather conditions, port congestion, simultaneous manoeuvring by more watercrafts, or if a watercraft transports dangerous goods and in other justified cases, the harbourmaster's office can determine a higher number of tug boats.

#### Article 29

(1) When several watercrafts request towage at the same time, and there are not enough tug boats present, the port managing authority shall determine the order of priority towage taking into consideration that liners have mooring priority.

(2) In the case referred to in paragraph 1 of this Article when navigation safety and human lives are at risk or there is risk of marine pollution, the harbourmaster's office shall determine the order of priority towage.

#### Article 30

(1) The following shall be prohibited in a port:

1) to prevent access to mooring devices;

2) to transfer, change and remove berths, anchors and devices of another watercraft unless when necessary to prevent direct and obvious damage or when required due to arrival or departure of a watercraft;

3) to fasten watercrafts to seamarks and other marks, devices and machines not intended for mooring and to move on those objects;

4) to set, transfer, change, remove or damage seamarks and other marks or mooring devices without authorisation;

5) to damage operational quays with heavy vehicles or by placing objects over the allowed maximum load, to drive wedges, beams and the like in the quay and remove stones from the quay walls or carry out any other activities damaging the operational quays;

6) to weld or make an open fire on the quay or on the watercraft and on mooring devices;

7) to clean, scrape and paint the above-water or underwater part of the hull of the watercraft;

8) to pollute the air by releasing dust, smoke and other gases above the allowed amounts prescribed by special regulations;

9) to keep the ship propeller active, except for ship manoeuvring purposes,

10) to swim, dive, plane, surf, haul or teach water-skiing;

11) to keep a boat or yacht which is not worked on, or any sort of material on the slipway;

12) to carry out repairs and maintenance works and reconstructions of the hull, deck, equipment and machine on the watercraft outside the usual activities;

13) to incinerate waste on the watercraft;

14) in any way put at risk navigation safety, human lives and the environment.

(2) The activities referred to in paragraph 1 points 6, 7, 8, 10, 12, 13 and 14 shall be prohibited at port anchorages as well.

(3) The activities referred to in paragraph 1 points 2, 6, 7, 8, 9, 10 and 12 of this Article can be carried out in shipyards and in other ports they can be carried out only based on approval from the port managing authority with consent from the harbourmaster's office.

#### Article 31

(1) Fishing, sport activities and other activities can be carried out in the port only based on an approval from the port managing authority with consent from the harbourmaster's office.

(2) Carrying out activities referred to in paragraph 1 of this Article that disturb the progress of maritime traffic near the port approach shall be prohibited, unless approval from the harbourmaster's office has been obtained.

(3) The request to issue the approval referred to in paragraph 1 of this Article shall be submitted to the port managing authority at least eight days before the day envisaged to carry out fishing, sport activity or another activity in the port.

#### Article 32

If there is a drawbridge above the waterway in the port, the time of opening the bridge and the navigation duration shall be stated in a visible place by the legal person or body that manages

the bridge. The navigation regime and the method of marking the waterway shall be determined by the harbour master's office.

#### Article 33

(1) Ships, yachts and boats when arriving into port or departing from port and during navigation in the port, shall slow down so that the waves caused by their navigation do not damage other watercrafts, the quay and port devices.

(2) Watercrafts shall, upon seeing a sign or warning to reduce speed, navigate at the minimum speed near vessels or maritime structures and other objects that are to be protected from waves and near places where coastal or underwater operations are underway, so that the waves from navigation do not disturb the works or cause damage.

#### Article 34

(1) The master of the ship carrying out international maritime transport shall notify the harbourmaster's office and the port managing authority of arriving at the port via fax, e-mail or agent, with the following data:

– ship information: ship name, flag state, registration port, call sign, IMO number, MMSI number, gross tonnage, dead weight capacity, net tonnage, length over all, width, year of construction, arrival draught, departure draught, previous port and country, ETA, next port of call and country, ETD,

– cargo information: loading/unloading the cargo, type of cargo, type and class of dangerous cargo

– information on the crew and passengers: crew and passenger list on IMO prescribed forms, information on embarked/disembarked crew members and passengers, total number of persons on board.

– information on ship security: ship position at the time of data communication, International Ship Security Certificate (ISSC certification), with the validity date and body that issued it, the name of the ship security officer (SSO), name of the company security officer, ship security level, the last 10 ports that the ship entered, ship agent information.

– the place and date of the notification, the name of the person that drew up the notification, the signature of an official person

(2) The ship arrival notification referred to in paragraph 1 of this Article shall be delivered at least 24 hours before the ship enters port or no later than leaving the previous port if the journey took under 24 hours or if the destination port is not known at the time of departure from the previous port or was changed during the journey, as soon as that information is known.

(3) By way of derogation, ships that perform international passenger liner shipping shall not be obliged to notify of their arrival at port when sailing between Croatian ports.

(4) Ships that enter ports with dangerous cargo on board shall deliver the Declaration on dangerous and polluting goods to the port managing authority pursuant to the regulations on transporting dangerous goods in maritime traffic.

#### Article 35

(1) The ship master shall deliver the ship arrival report to the harbourmaster's office immediately after the ship enters port. In case of justified inability, the ship arrival report shall be submitted no later than 6 hours from the ship mooring along the operational quay or 12 hours from the ship arriving at port anchorage.

(2) When submitting the ship arrival report the ship master shall inform the harbourmaster's office of any special event that occurred during the journey and that put at risk the safety navigation, human lives and could cause marine pollution.

(3) If the ship enters port at a time when the harbourmaster's office is closed, the ship arrival and departure reports shall be submitted to the harbourmaster's office as soon as it is opened again.

(4) If the ship referred to in paragraph 1 of this Article enters into a port that does not have a harbourmaster's office, the arrival and departure reports shall be submitted to the competent harbourmaster's office via mail within 24 hours.

(5) The ship arrival report shall be issued on a valid form.

#### Article 36

(1) The harbourmaster's office shall, based on a ship arrival report, issue an Approval for free pratique to a ship arriving from abroad.

(2) The Approval for free pratique shall also be requested by ships arriving from domestic ports if during the journey they came in physical connection with a ship or boat arriving from abroad.

(3) The approval for free pratique shall contain: name of the ship, flag state, call sign, IMO number, MMSI number, registration port, gross tonnage, name of the ship master, name of the shipper, name of the agent, date of arrival at port, previous port of call, type of cargo, total number of persons on board.

#### Article 37

Ships that are subject to the obligation of requesting the Approval for free pratique shall display a quarantine sign before entering port.

#### Article 38

The following can moor along a ship that did not acquire the approval for free pratique:

- 1) public ship;
- 2) ship or boat in order to provide rescue assistance;
- 3) a tug boat for the purpose of towage;
- 4) a pilot ship or boat for the purpose of piloting.

#### Article 39

When a watercraft enters into port and there is doubt that there are persons on board sick with quarantine disease, the harbourmaster's office shall inform the competent health authority of this in order to inspect the watercraft.

#### Article 40

(1) The master of a ship arriving from abroad shall, in addition to the ship arrival report, deliver to the harbourmaster's office the general declaration, the crew list extract and the list of passengers, and ships of Croatian nationality shall deliver the crew list book as well.

(2) The ship master shall in the case referred to in paragraph 1 of this Article deliver the international statement on the health status of persons on board to the body competent for health care activities.

(3) The general declaration shall contain: the name and type of the ship, flag state, ship registration data, tonnage, name of the ship master, name of the agent, brief cargo description, number of crew members, number of passengers, brief journey description, day and hour of arriving and departing from port, port of arrival/departure, and ship's position in the port.

(4) The crew list shall contain: the name and flag state of the ship, names of crew members, nationality, date and place of birth, profession and function, number and place of issuing of the discharge book, ship arrival port and date.



(5) The passenger list shall contain: the name and flag state of the ship, names of the passengers, nationality, date and place of birth, port of embarkation, port of debarkation, ship arrival port and date.

(6) The general declaration, crew list and passenger list shall especially regarding contents, signers and technical details be as prescribed by the Convention on Facilitation of International Maritime Traffic from 1965 (IMO FAL Convention 1965).

(7) The master of a foreign ship that enters from a domestic port shall in addition to a ship arrival report also deliver to the harbourmaster's office the general declaration, the crew list extract and the list of passengers only for those persons that embark and disembark in that port, and the master of a ship of Croatian nationality shall deliver only a ship arrival report.

#### Article 41

(1) Ships navigating on regular lines between Croatian ports and foreign ports can enclose embarkation cards instead of passenger lists.

(2) The embarkation card shall contain the following information: name of the passenger, date and place of birth, sex, nationality, information on passengers that stated the need for additional care or aid in case of emergency, passport number and place of issuing, passenger's signature.

#### Article 42

(1) The master of a ship used for international journeys shall when departing deliver to the harbourmaster's office the port departure report, general declaration, crew list extract and passenger list only for the persons embarked or disembarked in that port, and the cargo report.

(2) The master of a ship departing to a domestic port shall before departing deliver to the harbourmaster's office the ship departure report and the crew list extract and the passenger list only for the persons embarked or disembarked in that port and the cargo report, and for Croatian ships he shall deliver just the ship departure report and the cargo report.

(3) The ship departure report shall be delivered no later than one hour before the ship departure.

(4) The ship departure report shall be issued on a valid form.

(5) The harbourmaster's office shall, based on the ship departure report, issue a ship departure permit.

(6) The ship departure report shall contain: the name of the ship, gross tonnage, nationality, registration port, name of the master, area code, IMO number, MMSI number, total number of persons on board, and the first destination port.

#### Article 43

(1) If the harbourmaster's office establishes that there are person not on the crew list or passenger list on board a ship that intends to depart from port, or that the number of the passengers on a passenger ship is different from the report on the number of passengers, it shall prohibit the ship from departing from port.

(2) The harbourmaster's office shall prohibit a ship or boat from leaving port in cases when it is established that there is not a sufficient number of crew members on board the ship.

#### Article 44

The harbourmaster's office shall prohibit the ship or boat from leaving the port if it establishes that the number of persons, passengers or amount of cargo on board a ship exceeds the maximum allowed number or amount, or that the cargo is placed in such a way that puts at risk the safety of the ship or boat and the persons on it.

#### Article 45

The harbourmaster's office shall prohibit the ship or boat from entering into or departing from port if due to unfavourable weather conditions the safety of the ship or boat or the persons and cargo on board might be placed at risk.

#### Article 46

(1) After the loading or unloading of cargo and passenger vehicles is carried out, each ship or boat in a port shall be ready to leave port as soon as the time required to prepare the ship or boat for navigation expires.

(2) When the time required to prepare the ship or boat for navigation has expired, and at a request from the port managing authority, the ship or boat shall leave port or transfer to a berth or anchorage determined by the port managing authority.

(3) By way of derogation from the provision referred to in paragraph 1 of this Article, at a request from the person operating the ship or boat, the port managing authority can allow for a longer time to prepare the ship or boat for navigation at the same or different berth or anchorage as determined by the port managing authority with consent from the harbourmaster's office, if the time is required for activities related to navigation safety.

#### Article 47

(1) The ship master shall report to the harbourmaster's office on the disappearance or wilful removal of a crew member and any other changes in crew structure.

(2) The master of a foreign ship shall report to the harbourmaster's office of changes in crew and changes in data about the ship that occurred in the port.

#### Article 48

During the bunkering in a port, special regulations on the handing and transport of dangerous goods in maritime traffic shall apply.

#### Article 49

(1) On a watercraft staying in a port it is forbidden to carry out activities that can endanger human lives, cause fires, pollute the sea or cause damage to other ships and boats, and the coast, port devices, equipment and facilities.

(2) The ship whistle and overall dressing may only be used in port with prior approval from the harbourmaster's office. In case of emergency or danger and while manoeuvring, the ship whistle can be used without prior approval from the harbourmaster's office.

(3) A ship performing international journeys shall not be allowed to moor in a port without placing devices for protection from rodents.

#### Article 50

(1) Removing dangerous gases (degasification) and rodents (deratisation and cargo fumigation) from vessels or maritime structures can be carried out in a port with a decision from the port managing authority with prior consent from the harbourmaster's office only in places specified for these activities, in a specific manner and at a specific time.

(2) Other cleaning activities carried out on vessels or maritime structures, during which there is no risk of incidents or sea pollutions (disinfection, disinfestation etc.) can be carried out in the usual way at any location in the port at any time with appropriate precaution measures.

#### Article 51

(1) The port managing authority shall give the ship, yacht or boat berthing priority when human lives or navigation safety are at risk.

- (2) Berthing priority along the operational quay in a port shall be given to ships on regular lines with a published timetable and ships or boats that transport passengers.
- (3) The port managing authority shall ensure sufficient berthing place for passenger ships on regular lines.
- (4) By way of derogation from the provision of paragraph 2 of this Article, if a certain ship, yacht or boat has to be given priority due to special reasons, a different order of berthing priority can be established.
- (5) The port managing authority shall inform the harbourmaster's office about the reasons for changing the berthing priority for ships, yachts or boats.

#### Article 52

- (1) After unloading dangerous liquid or gaseous goods, the ship shall obtain the certification on completing degasification (gas free) from the competent authority if the ship is set to lay-up for repairs, or before entering another port that is not a petroleum port.
- (2) The competent authority referred to in paragraph 1 of this Article shall deliver a copy of the certification on completing degasification to the harbourmaster's office.
- (3) The certification referred to in paragraph 1 of this Article shall be renewed every 24 hours while staying in a port that is not a petroleum port if works are carried out on the ship, or every 7 days if the ship is laid out, or in shorter intervals if required by the circumstances.

#### Article 53

- (1) The bunkering of the ship or boat in a port shall not start before the passengers are disembarked.
- (2) Embarkation on the ship or boat can start after the bunkering has been completed.
- (3) Passengers and their luggage shall not be loaded or unloaded over the ship railing.

#### Article 54

- (1) The border coastal area in the port shall be free at any point, and in the part of the port where embarkation/disembarkation of passengers is carried out, it shall be specially fenced off or visibly marked by the concession holder and if there is no concession holder, by the port managing authority.
- (2) The width of the border coastal area shall be determined by the port managing authority with consent from the harbourmaster's office.

#### Article 55

- (1) The port managing authority, ship and yacht master shall during embarkation, disembarkation and while transferring passengers and cargo undertake the required measures to remove all dangers for the safety of people and property, and for the prevention of marine pollution.
- (2) While handling the cargo, the contractor shall undertake the necessary measures to prevent the cargo from spilling in the sea and on the quay.
- (3) After the loading, unloading, transferring or any other activity is finished, the contractor shall clean up the used part of the coastal area.

#### Article 56

- (1) The embarkation/disembarkation of passengers to/from the operational quay in a port to/from a ship, yacht or boat shall be carried out on the part of quay prescribed for it and with prescribed bridges or a gangway.

(2) The port managing authority shall ensure a place for the mooring of ships or boats and free space for passenger access at the part of the quay prescribed for embarking and disembarking passengers and keep that part of the quay properly illuminated at night.

(3) By way of derogation from the provision of paragraph 1 of this Article, the embarkation and disembarkation of passengers can be carried out with a boat that shall not approach the ship before it completes its manoeuvre.

(4) The conditions referred to in paragraph 3 of this Article shall be determined by the harbourmaster's office.

#### Article 57

The ship, yacht or boat intended for commercial purposes shall during embarkation or disembarkation of passengers and cargo undertake the following measures:

1) The opening in the railing shall not be opened before the ship moors along the quay, i.e. before the ship stops, and it shall be closed before the ship is unmoored;

2) The bridge for the embarkation and disembarkation of passengers and cargo shall have transverse battens attached to the floor, be set safely and solidly and have side railings of sufficient power. The bridge shall be well-lighted at night;

3) The gangway on the sides and the auxiliary bridge that connects the gangway to the quay shall be well attached, and the side railings shall have sufficiently strong and safely planted posts with tightened rope. The gangway shall be well lighted at night. An appropriate safety net shall always be under the gangway;

4) The hatches of the warehouse and all deck openings shall be fenced and closed so that safe passage over them is possible;

5) There shall be at least one crew member from the deck department present at the bridge or the gangway during embarkation or disembarkation and he shall have at hand a lifebuoy with appropriate rope;

6) The boom barrier on RO-RO passenger ships that serves both for embarking and disembarking passengers and vehicles shall not be opened before the ship is moored along the quay, except in special cases when the boat has to moor with the boom barrier open, in which case access to the open boom barrier shall be fenced off. While the ship is mooring, the passengers are prohibited from staying on the deck between the vehicles.

7) On RO-RO passenger ships without special stand-alone gangways for passengers, the embarkation/disembarkation of passengers shall be carried out via the ship boom barrier, but not simultaneously with the vehicles.

#### Article 58

(1) Commercial boats transferring passengers shall be located in specific places in the port and shall have a price list of transport services, and the boat operator shall display the price list on request from the authorised person passenger.

(2) The harbourmaster's office can prescribe that in certain places in the port, the schedule of passenger transport and the price list of transport services are displayed visibly.

(3) The port managing authority shall establish the daily number of boats that can perform passenger transport in the port, the order and time of their operations, and the place and manner of embarking and disembarking passengers.

#### Article 59

(1) Vehicles embarked on Ro-Ro passenger ships shall be placed in such way that a passage at least 400 mm wide is ensured between them for crew and passengers.

(2) On Ro-Ro passenger ships engaged on international navigation, vehicles shall be secured before the journey starts as prescribed in the approved Cargo Securing Manual.

(3) For Ro-Ro passenger ships engaged on national navigation, the conditions of securing vehicles pursuant to the regulations of the CSR shall apply, based on navigation category.

(4) Before the Ro-Ro passenger ship leaves port and during navigation, the entrance and exit door for the vehicles shall be completely closed and it shall be ensured that they cannot be opened.

### III. REPORTING AND ACCEPTING WASTE AND CARGO RESIDUES FROM WATERCRAFTS

#### Article 60

For the purposes of this Title of the Ordinance, the following terms shall be used:

"waste" is waste from watercrafts as defined in Article 2 of the Regulation on the conditions that ports need to meet (OG 110/04);

"cargo residues" are: any cargo residues on the deck, in ship holds or tanks that remain on board after unloading cargo and carrying out cleaning operations, including the loading/unloading cargo surpluses and remains from washing cargo tanks.

#### Article 61

(1) The provisions of this Title refer to:

a) all ships, yachts and boats, regardless of nationality, that enter Croatian ports, except for war and public ships;

b) all ports entered by the watercraft referred to in point a) of this Article.

(2) Ships exempted from the provisions of this Title shall as often as possible deliver ship waste and cargo residues in a way conforming to the provisions of this Ordinance.

#### Article 62

(1) All ports open to public traffic and special purpose ports shall prepare and apply the Plan for the reception and handling of waste and cargo residues as defined in Article 3 point 7 of the Regulation on the conditions that ports need to meet.

(2) The Plan referred to in paragraph 1 of this Article shall be adopted by the port managing authority, taking into consideration the interests of the concession holder.

(3) The Plan referred to in paragraph 1 of this Article can for the purpose of efficiency be where appropriate drafted on a regional level that includes certain ports, in an appropriate way and stating the requirements and availability of reception facilities for each port separately.

(4) The Plan referred to in paragraph 1 of this Article shall be approved by the harbourmaster's office for a period not longer than three years.

(5) In the event of significant changes in the port area, the Plan shall be harmonized with the changes that occurred and be given to the harbourmaster's office for approval even outside the term referred to in paragraph 4 of this Article.

#### Article 63

(1) The master of a ship, except for a fishing ship, shall deliver the data on ship waste and cargo residue to the harbourmaster's office and the port managing authority when entering Croatian ports.

(2) The data referred to in paragraph 1 of this Article shall be entered into the prescribed form that constitutes an integral part of this Ordinance (Annex 1).

(3) The data referred to in paragraph 1 of this Article shall be delivered to the harbourmaster's office and the port managing authority at least 24 hours before arriving at the port if the destination port is known or immediately after the destination port is known if that information is not known 24 hours before entering port or at the latest when leaving the previous port if the journey lasts under 24 hours.

(4) The data referred to in paragraph 1 of this Article shall be kept on board at least until reaching the next port and shall be displayed at the request of the harbourmaster's office.

#### Article 64

(1) The master of the ship or yacht or the boat operator shall deliver all of the ship waste to the port reception facilities before leaving port.

(2) In exceptional cases, the ship can proceed to the next port without delivering the waste if it is clear from the data delivered pursuant to Article 63 of this Ordinance and Annex 8 of this Ordinance that there is sufficient space on board to accommodate all of the existing waste and the waste that will be produced during the intended journey of the ship to the port in which that waste will be delivered to the reception facilities.

(3) In exceptional cases, the harbourmaster's office can order the ship referred to in paragraph 2 of this Article to unload all the waste before leaving port if it is known that the destination port does not have the appropriate reception facility or the destination port is unknown and there is risk of throwing the waste overboard.

(4) The port managing authority shall ensure the reception of waste occurred during cleaning and regular use of vessels or maritime structures.

(5) The harbourmaster's office shall prohibit watercrafts from leaving port if they do not comply with paragraph 3 of this Article.

#### Article 65

(1) The costs of waste reception in ports, including the treatment and disposal of waste shall be covered in an appropriate way with the fees for using reception facilities.

(2) The amount of the fee referred to in paragraph 1 of this Article shall be determined by the Minister at the proposal of the port managing authority and it shall be determined based on gross tonnage, category and ship type. The fee can be reduced based on the ship's level of waste treatment equipment.

(3) The fee referred to in paragraph 1 of this Article shall refer to all ships except for fishing ships.

(4) The port managing authority shall publish the fee amount referred to in paragraph 1 of this Article and applied in the port in the appropriate way and in the appropriate place.

#### Article 66

If ships performing domestic liner passenger transport delivered the waste referred to in Article 64 of this Ordinance and paid the fee referred to in Article 65 of this Ordinance in one of the port of the established shipping line, they are not obliged to deliver waste and pay the fee in other ports on that line.

#### Article 67

(1) The master of a ship entering Croatian ports shall deliver cargo residues to the port reception facilities in accordance with the provisions of the MARPOL 73/78 Convention.

(2) The costs of cargo residue reception shall be compensated for by the user of the reception facilities.

(3) In exceptional cases, the ship can proceed to the next port without delivering cargo residues if it is clear from the data delivered pursuant to Article 63 of this Ordinance and Annex 8 of this Ordinance that there is sufficient space on board to accommodate all of the existing cargo residues until reaching the port in which the cargo residues shall be delivered to the reception facilities.

(4) In exceptional cases, the harbourmaster's office can order the ship referred to in paragraph 2 of this Article to unload the cargo residues before entering port if it is known that the destination port does not have the appropriate reception facility or the destination port is unknown and there is therefore risk of throwing the waste overboard.

(5) The harbourmaster's office shall prohibit a ship from leaving port if it does not comply with the order referred to in paragraph 4 of this Article.

#### IV. ORDER IN OTHER PARTS OF INTERNAL WATERS AND THE TERRITORIAL SEA OF THE REPUBLIC OF CROATIA

##### Article 68

During navigation through straits, canals, river mouths, next to unprotected coasts and places where coastal or underwater operations are carried out and in places with placed warning signs, watercrafts shall navigate at a speed that does not cause waves large enough to endanger and damage other vessels or maritime structures on the coast and at sea, as well as underwater coastal operations.

##### Article 69

(1) Concession holders, permission holders, local self-government units (cities, municipalities), regional self-government units (counties) shall keep the objects and devices constructed or placed on the coast or in internal waters and the territorial sea of the Republic of Croatia in a state that does not represent a hazard to human lives and navigation safety, pursuant to special regulations.

(2) The harbourmaster's office can determine measures to be undertaken to bring those objects or devices in good working order, or it shall order their removal.

##### Article 70

(1) Vessels or maritime structures and other objects that can disturb navigation shall be properly marked by day and night as prescribed by special regulations and the international IALA system.

(2) The conditions and manner of ship and boat navigation near the objects referred to in paragraph 1 of this Article shall be determined by the harbourmaster's office.

##### Article 71

(1) Sports and other activities can be carried out on the waterway only with prior consent from the harbourmaster's office.

(2) The request for the consent referred to in paragraph 1 of this Article shall be submitted to the harbourmaster's office at least eight days before the sport or other activity starts.

(3) In the consent referred to in paragraph 1 of this Article, the harbourmaster's office shall determine the measures to be undertaken during the sport or other activity on the waterway.

##### Article 72

(1) Ships, yachts, boats and seaplanes shall not approach the coast during navigation in internal waters and the territorial sea of the Republic of Croatia, specifically:

1. ships and seaplanes, at a distance less than 300 meters;
2. yachts at a distance less than 150 meters;
3. motor boats and sailboats at a distance less than 50 meters.

(2) Takeoffs/landings of a seaplane can be approved by the harbourmaster's office at a distance less than 300 meters provided that the takeoff/landing location is published in the Notice to mariners.

(3) By way of derogation, the vessels referred to in paragraph 1 of this Article can navigate at smaller distances from the coast for the purpose of entering port and anchorage, or to dock along the coast if required by the waterway configuration, but shall reduce their speed while doing so in order to be able to perform the turning and stopping manoeuvre easily and quickly.

(4) Boats under oars, sailboards and surfing boards, canoes, kayaks, gondolas, beach canoes and pedal boats may navigate at a distance of less than 50 m from the coast.

(5) In the water space next to beaches, yachts and boats shall navigate at a distance greater than 50 meters from the railing of a developed beach, or 150 meters from the coast of a natural beach.

(6) Speedboats and jet-propelled boats (scooters, jet skis, air-cushion boats etc.) may plane only at the distance greater than 300 meters from the coast, in an area in which they are not prohibited to plane.

(7) Areas in which speedboats and jet-propelled boats are prohibited to plane shall be determined by the harbourmaster's office.

#### Article 73

It is prohibited to give false signals of danger, messages of distress, urgency or safety, as well as false identification signals from vessels or maritime structures on the mainland in any manner (radio, visual or sound signals).

#### Article 74

(1) Taking off and landing with a parachute on a maritime domain shall be allowed only from properly marked surfaces.

(2) The passage of speedboats and jet-propelled boats until the area where planing is not prohibited can be carried out only at the lowest possible speed.

(3) If planing is used to carry out a business activity, the speedboat and jet-propelled boat referred to in paragraph 2 of this Article shall carry it out in the prescribed water passage.

(4) Marking the water passage referred to in paragraph 3 of this Article shall be carried out by the concession or permission holder in a way determined by the harbourmaster's office.

#### Article 75

It shall be prohibited to swim in ports and port approaches, narrow water passages and canals in which navigation is carried out,

#### Article 76

It shall be prohibited to windsurf in the port approach area, in narrow passages where navigation of ships and boats is carried out, and at developed beaches.

#### Article 77

(1) Persons performing spear fishing or another underwater activity shall during these activities drag on the sea surface a yellow or orange buoy with a minimum diameter of 30 cm.

(2) If a competition in spear fishing or in another underwater activity is held, the manner of marking the competitors and the competition area shall be determined by the harbourmaster's office.

#### Article 78

(1) Swimmers shall be prohibited from swimming outside the fenced water area of a developed beach.



(2) Swimmers shall be prohibited from swimming at a distance greater than 100 meters from the coast of a natural beach.

(3) By way of derogation from the provision of paragraph 2 of this Article, swimmers can swim at a distance greater than 100 meters in the water area of a natural beach that makes navigation impossible due to its configuration (shallows, sandbanks, cliffs, reefs etc.).

#### Article 79

The provisions referred to in Article 6, Article 7 paragraph 1, Article 8, Article 9, Article 10 paragraph 1, Article 11, Article 12 paragraph 1, Articles 14, 15, 16, 17, 18 and 19, Articles 21, 22, 23, 24, 25, 26 and 28, Article 29 paragraph 1, Article 30 paragraph 1 points 1, 2, 3, 4, 5, 6, 7, 8, 11 and 14, Articles 32, 38, 39, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58 and 59 of this Ordinance shall be applied appropriately to maintaining order in other parts of internal seawaters and the territorial sea of the Republic of Croatia.

#### Article 80

(1) Ships, yachts and boats intended for commercial purposes can temporarily dock outside the port for the purpose of loading and unloading cargo and passengers.

(2) The harbourmaster's office shall establish whether the conditions referred to in paragraph 1 of this Article are met and it shall establish the manner and time to submit the ship arrival and departure reports.

### V. INSPECTION

#### Article 81

The inspection of the implementation of this Ordinance shall be carried out by navigation safety inspectors and other authorised employees of the Ministry and the harbourmaster's office.

### VI. TRANSITIONAL AND FINAL PROVISIONS

#### Article 82

On the day of entry into force of this Ordinance, the Ordinance on maintaining order in ports and other parts of internal waters and the territorial sea of the Republic of Croatia and navigation borders of ships and boats outside ports (Official Gazette, No. 91/94 and 161/98) shall cease to be valid.

#### Article 83

The port managing authority shall adopt the act referred to in Article 3 paragraph 2 of this Article within 6 months from the day of entry into force of this Ordinance.

#### Article 84

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

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Number: 530-04/05-6

Zagreb, 30 June 2005

Minister

**Božidar Kalmeta, m.p.**

ANNEX 1

PODACI O BRODSKOM OTPADU I OSTACIMA OD TERETA KOJI SE DOSTAVLJAJU  
PRIJE UPLOVLJENJA BRODA U LUKU (INFORMATION ON WASTE AND CARGO  
RESIDUES TO BE DELIVERED BEFORE ENTRY INTO PORT)

1. Ime, pozivni znak, IMO broj:  
(Name, callsign, IMO number)
2. Država pripadnosti:  
(Flagstate)
3. Predviđeno vrijeme dolaska:  
(Estimated time of arrival ETA)
4. Predviđeno vrijeme odlaska:  
(Estimated time of departure ETD)
5. Prethodna luka uplovljenja:  
(previous port of call)
6. Sljedeća luka:  
(next port of call)
7. Zadnja luka i datum dostavljanja broskog otpada:  
(last port and date when ship-generated waste was delivered)

Sve  nešto  ništa   
(all) (some) (none) (\*)

(\*) Popuni odgovarajuću kućicu  
(tick the appropriate box)

Od broskog otpada u lučke prihvatne uređaje?  
(of your waste into port reception facilities?)

9. Vrsta i količina otpada i ostataka od tereta koji se dostavlja i/ili ostaje na brodu, i postotak od maksimalnog uskladištenja:  
(type and amount of waste and cargo residues to be delivered and/or remaining on board, and percentage of maximum storage capacity)

Ako se dostavlja cjelokupni otpad, popuniti drugi stupac.

Ako se dostavlja nešto ili ništa, popuniti sve stupce.

(if delivering all waste, fill out second column as appropriate)

(if delivering some or no waste, fill out all columns)

Vrsta (type)	Količina za	Maksimalni	Količina otpada	Luka u kojoj će se	Procijenjena količina
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	dostavu m <sup>3</sup> ( <i>waste to be delivered m<sup>3</sup></i> )	raspoloživi smještajni prostor m <sup>3</sup> ( <i>maximum dedicated storage capacity m<sup>3</sup></i> )	koja ostaje na brodu m <sup>3</sup> ( <i>amount of waste retained on board m<sup>3</sup></i> )	dostaviti preostali otpad ( <i>port at which remaining waste will be delivered</i> )	otpada koja će nastati između prijave i sljedeće luke m <sup>3</sup> ( <i>estimated amount of waste to be generated between notification and next port of call m<sup>3</sup></i> )
1. Otpadna ulja ( <i>waste oils</i> )					
Talog ( <i>sludge</i> )					
Kaljuže ( <i>bilgewater</i> )					
Ostalo (navedi) ( <i>other specify</i> )					
2. Smeće ( <i>garbage</i> )					
Ostaci hrane ( <i>food waste</i> )					
Plastika ( <i>plastic</i> )					
Ostalo ( <i>other</i> )					
3. Otpad od Tereta (1) ( <i>cargo associated waste</i> )					

Napomene :

(Notes)

1. Ovi podaci mogu biti upotrijebljeni za inspekcijske svrhe  
(*This information may be used for port State control and other inspection purposes*)
2. Dostavlja se lučkoj kapetaniji i lučkoj upravi  
(*To be delivered to the harbourmaster's office and port authority*)
3. Ovaj formular se ispunjava uvijek osim ako je brod izuzet u skladu s člankom 9. Direktive 2000/59/EC  
(*This form is to be completed unless the ship is covered by an exemption in accordance with Article 9 of Directive 2000/59/EC*)

Potvrđujem da su gore navedeni podaci točni i ispravni i da na brodu ima dovoljno prostora namijenjenog isključivo za brodski otpad gdje će se smjestiti sav otpad koji će nastati između prijave i sljedeće luke u kojoj će se otpad predati.

*(I confirm that the above details are accurate and correct and there is sufficient dedicated on board capacity to store all the waste generated between the notification and the next port at which the waste will be delivered)*

Datum .....

*(date)*

Vrijeme .....

*(time)*

Potpis .....

*(signature)*