

# HOUSE OF REPRESENTATIVES OF THE CROATIAN NATIONAL PARLIAMENT

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

## DECISION

### PROMULGATING THE CROATIAN SHIPPING REGISTER ACT

I hereby promulgate the Croatian Shipping Register Act, adopted by the House of Representatives of the Croatian National Parliament at the session held on 20 September 1996.

Number: 01-96-1618/1 Zagreb, 25 September 1996

President of the Republic of Croatia

**Franjo Tudman, PhD, m.p.**

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### CROATIAN SHIPPING REGISTER ACT

#### Article 1

The public company "Hrvatski registar brodova" d.o.o. Split (Croatian Shipping Register), established by the Croatian Shipping Register Act (Official Gazette, No. 22/92) shall become a public institution which performs activities of special interest for the Republic of Croatia.

The activity of the Croatian Shipping Register public institution is one of social concern, in connection with the protection of life and property at sea and on inland waterways and the protection of the marine and inland waterway environment.

#### Article 2

The funds of the "Croatian Shipping Register" public company shall become the funds of the Croatian Shipping Register public institution.

The rights which the Republic of Croatia holds as the founder of the Croatian Shipping Register shall be exercised by the Government of the Republic of Croatia.

#### Article 3

The title of the public institution referred to in Article 1 of this Act is Croatian Shipping Register.

The abbreviated title of the public institution is CSR.

The headquarters of the CSR are in Split.

#### Article 4

The activity of the CSR shall be performed as a public service.

The activity of the CSR shall not be performed for the purpose of acquiring profit.

Unless otherwise specified by this Act, the regulations on institutions shall apply to the CSR.

#### Article 5

The CSR shall perform its activity on the entire territory of the Republic of Croatia.

The CSR may perform part of its activity in other countries, according to this Act and the laws of those countries.

The CSR shall have branch offices - regional offices competent for the performance of a part of its activity in specific areas.

The internal organisation of the CSR shall be determined in detail by the Statute of the CSR.

#### Article 6

Within the scope of the activity referred to in Article 1 of this Act, the CSR shall perform the following activities of special interest to the Republic of Croatia:

1. determining the seaworthiness and performing tonnage measurement of ships and specific types of boats,
2. determining the capability for use and performing tonnage measurement of floating facilities,
3. determining the safety of containers,
4. determining the suitability of the organisational structure of the ship operator with regard to safe operation and environmental protection during the use of ships,
5. participating in investigations of causes of incidents involving ships,
6. participating in the work concerning international organisations and in the fulfilment of obligations towards them, with respect to the activities referred to in points 1 to 5 of this Article.

#### Article 7

The activities referred to in Article 6 of this Act, which the CSR performs based on public authority, shall include the following:

- adoption of technical rules which regulate the highest practically implementable internationally accepted technical standards,
- carrying out technical supervision and tonnage measurements in accordance with technical rules,
- issuing of documents, books and reports based on carried out technical supervision or tonnage measurements.

Appeals against decisions of the CSR with regard to the performance of activities referred to in paragraph 1 of this Article shall be addressed by the body established by the Statute of the CSR.

#### Article 8

The technical rules shall regulate requirements related to the following:

- hull and hull equipment, machinery, electrical equipment, automation, navigation characteristics, fire fighting, life-saving appliances, radio equipment, navigational aids and signalling devices, handling equipment, occupational health and safety and crew accommodation, passenger transport, carriage of cargo, environmental protection and tonnage measurement of ships and other watercraft and floating facilities,
- compliance of the ship operator with regard to safe operation and environmental protection during the use of ships,
- containers.

The decisions on the adoption of technical rules shall be published in the Official Gazette, the national gazette of the Republic of Croatia, while the text of the technical rules shall be published in a special publication by the CSR.

#### Article 9

For the purpose of better utilisation of human and material capacities, required for the performance of activities referred to in Article 6 of this Act, the CSR may also perform the following activities:

- activities referred to in Article 6 of this Act, in the name of foreign competent authorities by which it has been duly authorized,
- classification of ships and other watercraft and floating facilities,
- expert and technical activities in connection with the design, construction, conversion, repair and use of ships, other watercraft and floating facilities, as well as containers and vessels ashore,
- activities in connection with quality assurance.

#### Article 10

The CSR shall perform activities based on a valid request of the direct users of services (ship operators, shipbuilders, project engineers, producers of material, machinery and equipment, insurers, competent authorities and other legal and natural persons).

#### Article 11

For the purpose of efficient and cost-effective performance of activities in areas outside of the jurisdiction of its regional offices, the CSR may, based on a contract on mutual cooperation, commission the carrying out of examinations (parts of its activities) to legal persons which meet the standards of the International Maritime Organisation (IMO).

#### Article 12

Funds for the performance and development of the CSR's activities shall be provided in the following ways:

- from revenues realised by charging fees to the direct users of services,
- from state budget funds, based on a special programme of the Government of the Republic of Croatia.

#### Article 13

The bodies of the CSR shall be the management board and the director general.

#### Article 14

The management board shall consist of the president and eight members.

Three members of the management board shall be appointed by the Government of the Republic of Croatia, from amongst experts who perform activities in connection with the following:

- maritime navigation safety in the ministry competent for maritime sector activities - one member,
- inland waterway navigation safety in the ministry competent for inland waterway navigation - one member,
- occupational health and safety in the ministry competent for labour - one member.

Four members of the management board shall be appointed, with the subsequent approval of the Government of the Republic of Croatia, by the most significant service users:

- the Croatian Shipowners' Association - two members,
- the Croatian Shipbuilders' Association - one member,
- Croatian ship insurers and reinsurers - one member.

If the Government of the Republic of Croatia does not give subsequent approval for a specific member of the management board referred to in paragraph 3 of this Article, the service users shall appoint a new member within 15 days.

Two members of the management board shall be elected by the experts of the CRS from amongst themselves, in a manner determined in the Statute.

The president shall be elected by the management board from amongst its own members.

The president and the members of the management board shall be appointed or elected for a period of four years.

The members of the management board may be discharged or recalled by the body which appointed or elected them, before the expiration of the time period referred to in paragraph 7 of this Article.

## Article 15

The management board shall:

- adopt the Statute with the subsequent approval of the Government of the Republic of Croatia,
- adopt the technical rules of the CRS,
- adopt the rules on the conditions of performance of and fee for services,
- adopt other general acts,
- appoint the director general based on the published competition,
- adopt the decisions on the acquisition, encumbrance or alienation of real estate and other property or signing of contracts of a value higher than that established by the Statute,
- approve partnership agreements between the CRS and other legal persons referred to in Article 11 of this Act,
- adopt the work and development programmes and supervise their implementation,
- make decisions concerning the financial plan and annual statement of account,
- provide incentive to the Government of the Republic of Croatia for proposing changes of activity and legal status of the CRS,
- submit proposals and opinions regarding particular issues to the Government of the Republic of Croatia and the director general of the CRS,
- adopt other decisions and perform other activities determined by this Act and the Statute of the CRS.

## Article 16

The head of the CRS shall be the director general.

The director general shall organise and manage the work and operation of the CRS, represent it, undertake all legal acts in the name and on behalf of the CRS, represent the CRS in all procedures before courts, administrative and other state authorities, as well as before legal entities with public authority.

## Article 17

Should it make profit as a result of the performance of its activities, the CRS shall use this profit exclusively for the performance of activities, setting up a reserve for covering possible losses in the forthcoming period, as well as for the development and improvement of its operation in conformity with the Statute.

## Article 18

The CRS shall meet its liabilities with its entire assets.

## Article 19

The appointment and election of the management board shall be carried out within 30 days from the day of entry into force of this Act.

The management board shall adopt the Statute of the CRS within 60 days from the day of entry into force of this Act. The management board shall publish a competition for the appointment of the director general of the CRS within 15 days from the adoption of the Statute.

Until the adoption of the Statute referred to in paragraph 2 of this Article, the Statute and other general acts of the "Croatian Shipping Register" public company shall apply as appropriate.

## Article 20

The present director of the CRS and the members of the management board shall continue to perform their duties until the appointment of the director general, that is, until the appointment and election of the members of the management board, according to this Act.

The director general of the CRS shall submit an application for the entry of the CRS into the court register of institutions.

## Article 21

Monitoring of the implementation of this Act shall be carried out by the ministry responsible for maritime affairs.

## Article 22

The Croatian Shipping Register Act (Official Gazette, No. 22/92) shall expire on the day of entry into force of this Act.

Article 23

The Act enters into force on the 8<sup>th</sup> day from the day of its publication in the Official Gazette.

Class: 342-01/95-01/07

Zagreb, 20 September 1996

HOUSE OF REPRESENTATIVES OF THE CROATIAN NATIONAL PARLIAMENT

Speaker

of the House of Representatives of the Croatian National Parliament  
**academician Vlatko Pavletić, m.p.**