

# CROATIAN PARLIAMENT

3046

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby bring a

## DECISION

### PROMULGATING THE ACT ON MARITIME SHIP AND PORT SECURITY

I hereby promulgate the Act on Maritime Ship and Port Security, as adopted by the Croatian Parliament on its session held on 2 October 2009.

Class:

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71-05-03/1-09-2

Zagreb, 7 October 2009

President

of the Republic of Croatia  
**Stjepan Mesić, m. p.**

## ACT

### ON MARITIME SHIP AND PORT SECURITY

#### Part 1

#### GENERAL PROVISIONS

##### Article 1

This Act regulates the security of merchant ships intended for maritime transport and port areas intended for their docking or anchoring, responsibilities of state administration bodies, companies, port authorities, concession holders, recognised security organizations, and other natural and legal persons responsible for security, measures for ensuring ship and port security, procedures in case of security threats, monitoring the application of security measures and maritime offences, for the purpose of ensuring maritime ship and port security in cases of risks of a security incident.

##### Article 2

Certain terms within the meaning of this Act have the following meanings:

1. *SOLAS Convention* means the International Convention for the Safety of Life at Sea, 1974, as amended,

2. *Special security measures of the SOLAS Convention* mean ship and port security measures as regulated in Chapter XI-2 of the Annex to the SOLAS Convention, in its latest version,

4. *Part A of the ISPS Code* means the Preamble and the mandatory requirements forming Part A of the ISPS Code, concerning the provisions of Chapter XI-2 of the Annex to the SOLAS Convention, as amended,

5. *Part B of the ISPS Code* means the guidelines forming Part B of the ISPS Code, regarding the provisions of Chapter XI-2 of the Annex to the SOLAS Convention, as amended, and of Part A of the ISPS Code,

6. *Security* means the system of preventive measures intended to protect shipping and port facilities against threats of intentional unlawful acts,

7. *Unlawful act* means a deliberate act, which, by its nature or context, could harm the vessels used for international or national maritime traffic, their passengers or their cargoes, or the port facilities connected therewith,

8. *Risk of a security incident* means any event, activity or circumstance which endangers or can endanger the safety of a ship or a port or any allowed activity on the port area,

9. *Port* means seaport, i.e. interconnected areas of sea and land, with built and unbuilt coasts, breakwaters, devices, installations and other facilities for calling at port, anchoring and protection of ships, yachts and boats, embarking and disembarking passengers and cargo, storage and the other cargo handling, production, finishing and improvement of cargo, and other business activities which are mutually connected in terms of economy, traffic or technology,

10. *Port facility* means a location where the ship/port interface takes place; this can include any part of the port area, as well as anchorages and approaches from seaward,

11. *Ship/port interface* means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons or goods or the provision of port services to or from the ship,

12. *Company* means a natural or legal person who assumed responsibility for managing the ship from the owner of the ship and who, by assuming such a responsibility, took over the powers and liabilities pursuant to the International Safety Management (ISM) Code,

13. *International navigation* means navigation of a watercraft to or from a port or anchorage in the Republic of Croatia, i.e. from fixed offshore or floating object in the maritime area over which the Republic of Croatia has sovereignty or sovereign rights to or from a foreign port or anchorage, or a maritime area outside of the area of sovereignty or sovereign rights of the Republic of Croatia,

14. *Domestic navigation* means navigation of a watercraft between ports in the Republic of Croatia, including the anchorages, or between ports in the Republic of Croatia and fixed offshore or floating objects in maritime areas over which the Republic of Croatia has sovereignty or sovereign rights,

15. *Scheduled service* means a series of sailings organised in such a way as to provide a service linking two or more port facilities either on the basis of a published timetable, or with a regularity or frequency such as to constitute a recognisable systematic service,

16. *Ship Security Plan (SSP)* means a plan developed to ensure the application of measures on board the ship designed to protect persons on board, cargo, cargo transport units, ship's stores or the ship from the risks of a security incident,

17. *Port Facility Security Plan (PFSP)* means a plan developed to ensure the application of measures designed to protect the port facility and ships, persons, cargo, cargo transport units and ship's stores within the port facility from the risks of a security incident,

18. *Competent authority for maritime security* means an authority of the Ministry competent for navigation safety, protection of marine waters from pollution from ships and security, as well as for coordination, implementation and monitoring of the application of security measures laid down in this Act in respect of ships and port facilities, and for communication and coordination of activities with the European Commission and Member States, according to provisions of this Act,

19. *Port security service* means an organisational unit of a port authority or a concession holder of a special purpose port competent for port security,

20. *Ship security officer (SSO)* means officer on board the ship, designated by the ship's operator, as the person responsible for the security of the ship, including implementation and maintenance of the ship security plan and for liaison with the company security officer and port facility security officers,

21. *Company security officer (CSO)* means the person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with port facility security officers and the ship security officer,

22. *Port facility security officer (PFSO)* means the person designated as responsible for the development, implementation, revision and maintenance of the port facility security plan and for liaison with the ship security officers and company security officers,

23. *Security level* means the qualification of the degree of risk that a security incident will be attempted or will occur,

24. *Declaration of Security (DoS)* means an agreement reached between a ship and either a port facility or another ship with which it interfaces specifying the security measures each will implement,

25. *Recognised security organization (RSO) (hereinafter: recognised organisation)* means the legal person complying with the conditions laid down in this Act, and authorised for performing activities established by this Act,

26. *Technical rules for statutory certification of maritime objects (hereinafter: Technical rules)* are regulations specifying requirements to be complied with by the maritime objects

and the companies, as well as the method of carrying out technical supervision and issuing the certificates, records and books of the maritime object and the company,

*27. Member state is the European Union Member State,*

*28. Minister is the minister competent for activities in the maritime sector,*

*29. Ministry is the ministry competent for activities in the maritime sector.*

### Article 3

This Act applies to:

1. passenger ships, including high-speed passenger craft engaged on international voyages,
2. cargo ships, including high-speed craft, of 500 gross tonnage and upwards, engaged on international voyages,
3. maritime offshore non-fixed structures for research and exploitation of the seabed and submarine area registered in appropriate registers or records in the Republic of Croatia, except when located in internal waters or territorial sea of the Republic of Croatia, and maritime offshore structures for research and exploitation of the seabed and submarine area, regardless of nationality, when located in epicontinental shelf, or ecological and fisheries protection zone of the Republic of Croatia,
4. passenger ships on national voyages performing journeys more than 20 Nm from the coast which persons in danger can safely approach during mean tide levels,
5. port facilities serving such ships and structures as mentioned under points 1, 2, and 4 of this paragraph.

This Act applies also to vessels or maritime structures on national voyages, ports and port facilities which were determined by the minister according to a risk assessment performed and at the proposal of the Ministry competent for internal affairs.

Risk assessment referred to in paragraph 2 of this article shall be performed by the ministry competent for internal affairs, if necessary, at least every five years.

In exceptional cases, based on risk assessment and following the opinion of the ministry competent for internal affairs, the minister can temporarily exclude from application of all or individual provisions of this Act ports or individual parts thereof referred to in paragraph 1 point 5 of this Article.

Competent authority for maritime security shall identify and keep a list of ports and/or port facilities with coordinates of areas to which provisions of this Act apply.

All provisions of this Act referring to ships shall apply correspondingly to other vessels or maritime structures mentioned in paragraph 1 point 3 of this Article.

### Article 4

Ships and ports to which this Act applies shall fully apply the provisions of Part A of the ISPS Code, as well as the following parts of Part B of the ISPS Code, as mandatory:

- 1.12. Revision of ship security plans
- 1.16. Port facility security assessment
- 4.1. Protection of the confidentiality of security plans and assessments
- 4.4. Recognised security organizations
- 4.5. Minimum competencies of recognised security organisations
- 4.8. Setting the security level
- 4.14, 4.15, 4.16. Contact points and information on port facility security plans
- 4.18. Identification documents
- 4.24. Ships' application of the security measures recommended by the State in whose territorial waters they are sailing
- 4.28. Manning level
- 4.41. Communication of information when entry into port is denied or the ship is expelled from port
- 4.45. Ships from a State which is not party to the Convention
- 6.1. Company's obligation to provide the master with information on the ship's operators
- 8.3. – 8.10. Minimum standards for the ship security assessment
- 9.2. Minimum standards for the ship security plan
- 9.4. Independence of recognised security organisations
- 13.6. and 17.7. Frequency of security drills and exercises for ships' crews and for company and ship security officers
- 15.3.- 15.4. Minimum standards for the port facility security assessment
- 16.3. and 16.8. Minimum standards for the port facility security plan
- 18.5. and 18.6. Frequency of security drills and exercises in port facilities and for port facility security officers

Parts of Part B of the ISPS Code which are not specified in paragraph 1 of this Article shall apply as a recommendation.

## Article 5

For ships on short international voyages on fixed routes, international agreements may be concluded to establish security arrangements different from those prescribed in this Act.

Arrangements referred to in paragraph 1 of this Article shall ensure approximately equivalent security level as established by this Act, and shall not compromise the level of security of other ships or of port facilities provided by measures and procedures established by this Act.

Arrangements referred to in paragraph 1 of this Article shall be reviewed periodically, in periods not exceeding five years, taking into account the experience gained as well as any changes in the particular circumstances or the assessed threats to the security of the ships, the port facilities or the routes covered by the arrangements

The Ministry shall inform the European Commission of the contents of the agreements referred to in paragraph 1 of this Article.

## Article 6

Based on risk assessment, the Ministry may establish special security arrangements for vessels or maritime structures on national voyages from Article 3 paragraph 2 of this Act, and for ports at which they call or anchor, provided that those arrangements are no less efficient than the security system prescribed by this Act and Chapter XI-2 SOLAS Convention and mandatory provisions of the ISPS Code.

Security arrangements referred to in paragraph 1 of this Article shall be reviewed periodically, in periods not exceeding five years.

The Ministry shall inform the European Commission of the contents of the arrangements referred to in paragraph 1 of this Article, as well as of the results of the review referred to in paragraph 2 of this Article.

## Part 2

### STATE AUTHORITIES, PUBLIC INSTITUTIONS, LEGAL AND NATURAL PERSONS RESPONSIBLE FOR MARITIME SHIP AND PORT SECURITY

## Article 7

The Ministry shall inform the International Maritime Organisation, the European Commission and other Member States of the measures undertaken according to provisions of Chapter XI-2 of the SOLAS Convention and provisions of the ISPS Code.

The Ministry shall submit to the European Commission the information about the competent authority for security and about the person responsible for security at the Ministry.

The competent authority for security shall report on and coordinate activities with the European Commission and its Member States regarding application of this Act and the corresponding EU regulations.

The competent authority referred to in paragraph 2 of this Article shall inform the European Commission about ports and/or port facilities to which this Act applies.

The competent authority for security referred to in paragraph 2 of this Article shall inform the European Commission about ships denied from calling at ports in the Republic of Croatia and ships expelled from ports in the Republic of Croatia.

## Article 8

The port facility security level in the Republic of Croatia is set by the ministry competent for internal affairs.

The ministry competent for internal affairs can set different security levels for particular ports, individual parts of port area or individual port facilities.

The security level to be applied by ships referred to in Article 3 of this Act flying the flag of the Republic of Croatia is set by the ministry competent for internal affairs having previously obtained the opinion of the ministry competent for foreign affairs.

The Ministry competent for internal affairs sets one of the following security levels:

- *security level 1 (SL1)* means the level for which minimum appropriate protective security measures, as defined by the ship security plan and/or the port facility security plan, shall be maintained at all times,
- *security level 2 (SL2)* means the level for which appropriate additional protective security measures, as defined by the ship security plan and/or the port facility security plan, shall be maintained for a period of time as a result of heightened risk of a security incident,
- *security level 3 (SL3)* means the level for which further specific protective security measures, as defined by the ship security plan and/or the port facility security plan, shall be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific target.

The ministry competent for internal affairs shall immediately inform the competent authority for maritime security on the set security level and all its changes.

In case of a change in the security level referred to in paragraph 1 of this Article, the competent authority for maritime security shall, within a period no longer than 60 minutes, notify the newly set security level to the competent harbourmasters, the competent port facility security officers, all ships navigating in the internal waters and the territorial sea of the Republic of Croatia, and the legal entity charged with the issuing of notices to mariners.

The legal entity charged with the issuing of notices to mariners is obliged to issue a message on the change in the security level in the shortest time possible.

The security level referred to in paragraph 2 of this Article and all its changes shall be notified by the competent authority for maritime security to company security officers and to harbourmaster's offices.

The notification on the change in the security level shall contain at least the following particulars:

- date and time of change
- the newly set security level
- brief description of the reason for change in the security level
- the port or ports which the security level refers to
- protection measures which have to be implemented in addition to the measures defined in ship and/or port facility security plans, if any
- time of entry into force and the period of application.

#### Article 9

The Ministry can transfer specific activities defined in this Act to recognised organisations that meet the requirements prescribed in this Act.

The following operations cannot be transferred to recognised organisations:

- determining the security levels
- approving port security assessment and its amendments
- determining ports or port facilities where this Act is applied and that shall have the port security officers
- approving the port facility security plan and its amendments
- carrying out the monitoring of the implementation of this Act
- defining the conditions to issue the Declaration of Security.

The recognised organisation referred to in paragraph 1 of this Article can be a legal person meeting the conditions prescribed in Annex 1 which constitutes an integral part of this Act.

The recognised organisation can, in accordance with its authorisation, carry out operations related to port and/or ship security.

The authorisation decision shall be brought by the Ministry based on a request by the interested legal person, with attached proof on meeting the conditions prescribed in this Act, and after checking whether conditions are met.

Checking whether conditions are met shall be carried out by a committee appointed by the minister.



The Ministry can request a security check of the employees of the legal person that applied for authorisation.

The Ministry may, for security reasons, reject the authorisation request without explanation in the capacity of a recognised organisation, or it can limit the number of recognised organisations.

An appeal against a decision referred to in paragraph 5 of this Article shall not be allowed, but administrative action can be initiated before the competent court.

The recognised organisation shall not have business or other interests related to the subjects for which it carries out the operations of the recognised organisation, and may not carry out operations involving physical protection or other operations resulting from the implementation of the security assessment or plan.

The maximum period for the authorisation decision shall be five years and the decision shall contain the scope of operations that the recognised organisation is authorised to carry out.

Based on the decision from paragraph 5 of this Article, the Ministry and the recognised organisation shall conclude the contract regulating in detail the mutual rights and obligations.

The recognised organisation shall without delay inform the Ministry of any changes important to its operations in the capacity of the recognised organisation.

If control of the work of the recognised organisation determines that it does not meet the conditions under which it was authorised or that it carries out operations contrary to the provisions of this Act, the regulations brought based on it, the inspector or another authorised official shall undertake one or more of the following measures and activities:

- order the shortcomings be corrected
- temporarily prohibit the recognised organisation from carrying out the operations of the recognised organisations and inform the competent authority
- suggest the authorisation be removed.

The Ministry may remove the authorisation from the recognised organisation even before it expires if it is determined that the recognised organisation does not meet the authorisation conditions or if it carries out its operations contrary to the provisions of this Act, the SOLAS Convention or the ISPS Code.

## Article 10

The master may propose the conclusion of a Declaration of Security:

1) when the security level of a ship is higher than that of the port or other ships that it comes in contact with,

- 2) when there is a Declaration of Security contract between the Republic of Croatia and the contracting government of the SOLAS Convention related to certain international routes or ships on those routes,
- 3) when there was a security risk or a dangerous incident involving the ship or port,
- 4) when the ship is in a port that does not require the port facility security plan, or
- 5) when the ship was in contact with another ship that does not require the ship security plan.

When the ship is in a port that does not require the port facility security plan, or does not have a port security officer, the Declaration of Security is concluded by the person appointed by the harbourmaster of the competent harbourmaster's office for each individual case.

Concluding the Declaration of Security can also be proposed by the port security officer or the harbourmaster of the competent harbourmaster's office when, according to a port security assessment, the circumstances related to docking of a certain ship, the embarkation and/or debarkation of passengers or cargo or other circumstances point to a higher danger level.

The Declaration of Security is concluded on the prescribed form provided in Annex 2 which constitutes an integral part of this Act.

The concluded Declaration of Security shall be kept on board at least 6 months after leaving the port where it was concluded or until leaving the tenth port after the port in which it was concluded, whichever comes later.

Other details related to the procedure of concluding and keeping the Declaration of Security is prescribed in the Technical rules.

The port facility officer shall ensure that the concluded Declarations of Security and other notes are properly kept based on this Act for a period of at least 3 years.

### Part 3 SHIP SECURITY

#### Article 11

The ship referred to in Article 3 of this Act shall have a ship security officer.

The ship security officer shall answer directly to the master for his work.

The duties and responsibilities of the ship security officer shall, in accordance with the ISPS Code, be defined by the Technical rules.

#### Article 12

The ship referred to in Article 3 of this Act shall have a ship security assessment.

The company security officer shall prepare the ship security assessment.

The ship security assessment shall be based on observations and real state of the ship.

The ship security assessments shall be documented and confirmed by the company security officer.

The ship security assessments shall at the very least contain the elements in the Technical rules.

#### Article 13

Based on the ship security assessment a ship security plan shall be prepared for each ship.

The ship security officer shall be responsible for preparing the ship security plan.

The ship security plan shall be approved by the recognised security organisation.

The plan shall be protected from unauthorised access or disclosure.

The mandatory contents of the ship security plan, with outlined parts that do not require authorisation to be altered, shall be defined by the Technical rules.

The plan shall be prepared in the working language of the ship, as determined in accordance with the Technical rules. If this language is not English, the plan shall be translated into English.

#### Article 14

The activities of verifying and issuing certifications in accordance with this Act for vessels and maritime structures registered in appropriate registries in the Republic of Croatia shall be carried out by the recognised organisation.

#### Article 15

The master and other crew members shall act according to the ship security plan and security levels in force in specific ports.

At security level 1 the measures from the ship security plan shall be carried out, and especially:

- 1) ensuring the implementation of all duties related to ship security,
- 2) control of access to the ship,
- 3) control of embarkation and/or debarkation of persons and their belongings,
- 4) supervising the restricted movement areas and ensuring that only authorised persons have access to those areas,
- 5) supervising deck surfaces and areas around the ship,

6) monitoring the handling of cargo and ship supplies,

7) ensuring the availability of security connections.

At security level 2, additional security measures related to points 1 - 7 of paragraph 2 of this Article and defined in the ship security plan shall be carried out, in accordance with the instructions of the company security officer and port security officer.

At security level 3, further security measures related to points 1 -7 of paragraph 2 of this Article and defined in the ship security plan shall be undertaken in accordance with the instructions of the company security officer and port security officer.

#### Article 16

The master shall within 30 minutes confirm the reception of the notification of change to security level 2 or security level 3 to the port security officer, as well as of the commencement of any additional or special security measures.

If there is a difference between the ship security level and the port security level, the ship security officer shall inform the port security officer of this and coordinate the appropriate actions with him.

#### Article 17

The company or any other person shall not prevent the master from undertaking measures or carrying out a decision that is, according to his expert judgement, necessary for the ship and navigation security.

If, according to the expert judgement of the master, there is a conflict between the safety and ship security requirements, the master shall give preference to the requirements necessary to preserve the safety of the ship.

In the cases referred to in paragraph 2 of this Article, the master may apply temporary security measures and inform the following of the arisen circumstances:

- the Vessel Traffic Management and Information Service of the Ministry, or
- the competent authority of the port where the ship is located in or which it intends to enter.

In the case referred to in paragraph 3, subparagraph 1 of this Article, the Vessel Traffic Management and Information Service of the Ministry shall inform the harbourmaster's office of the port in the Republic of Croatia where the ship is located or which it intends to enter.

In the case referred to in paragraph 3, subparagraph 2 of this Article, the master or company security officer shall without delay inform the authority competent for security of the circumstances of the case and the undertaken measures.

#### Article 18

The ship must keep records of:

- the exercises carried out,
- the observed events that compromised safety,
- security breaches,
- the changes of the security level of the ship,
- message exchanges related to ship security,
- the carried out internal independent assessments and examinations of the assessments and ship security plan,
- the implementation and amendments to the ship security plan,
- the assessment and maintenance of the safety equipment, including testing the ship security alert system.

Records from paragraph 1 of this Article shall be protected from unauthorised access.

The contents, method of keeping records, language and alphabet, retention periods, as well as the records protection method from paragraph 1 of this Article from unauthorised access are prescribed by the Technical rules.

#### Article 19

Checking the implementation of the provisions of the SOLAS Convention, the ISPS Code and this Act shall be carried out by verification of the ship.

Ship verification shall be carried out after the ship is examined in the manner and time defined by the Technical rules.

The protection system and corresponding ship security equipment shall, after the verification, be kept in the same condition as they were at the time of the verification, that is, in accordance to the provisions of the SOLAS Convention, the provisions of the ISPS Code, the provisions of this Act, the requirements of the Technical rules and the security plan.

After the ship verification, no changes to the security system, corresponding security equipment or ship security plan are allowed without the approval from the recognised organisation.

#### Article 20

If the verification determines that the ship meets the requirements of the SOLAS Convention, the ISPS Code and this Act, the recognised organisation shall issue an International Ship Security Certificate to the ship.

#### Article 21

A ship to which the International Ship Security Certificate has not been issued by a recognised organisation may be provided with an Interim International Ship Security Certificate in the following cases:

- a ship without a certificate, on delivery or prior to its entry or re-entry into service;
- registration of the ship in the corresponding register of the Republic of Croatia;
- a company assuming the responsibility for the operation of a ship not previously operated by that company.

The certificate referred to in paragraph 1 of this Article shall only be issued if the following conditions are met:

- a ship security assessment has been completed;
- the ship security plan is provided on board and is being implemented;
- the ship is provided with a ship security alert system meeting the requirements of the SOLAS Convention, if required;
- the special measures, including measures for training, exercises and internal audit planning are implemented, guaranteeing that the ship will successfully meet the required conditions for acquiring the International Ship Security Certificate within 6 months;
- the master, the ship security officer and other crew members with specific security duties are familiar with their duties and responsibilities as specified in the SOLAS Convention and ISPS Code, this Act and the ship security plan;
- the ship security officer meets the requirements of this Act for the performance of such duties.

The certificate referred to in paragraph 1 of this Article shall be valid until the International Ship Security Certificate is issued and no longer than six months. It may not be extended.

The certificate referred to in paragraph 1 of this Article shall be issued in accordance with the conditions established in the Technical Rules.

## Article 22

A ship to which the certificate referred to in Article 20 or 21 of this Act has not been issued is not capable of navigation.

## Part 4 COMPANY

### Article 23

For each ship it operates, the company shall:

- determine the security organisation and ensure the manpower and means required for its effective implementation according to the provisions of this Act, the SOLAS Convention, the ISPS Code and the Technical Rules;
- designate in written form the company security officer;
- designate a ship security officer for each ship;
- ensure adequate training and drills for ship security officers and other crew members;
- ensure the correct keeping of logs and records, according to the provisions of this Act;
- ensure the cooperation between the ship and the port, as well as between the ship which it operates and other ships, according to the provisions of this Act, the SOLAS Convention, the ISPS Code and the Technical Rules;
- present the captain of the ship with data on persons responsible for the employment of officers and crew members or other persons which are allowed access on board, as well as data on persons responsible for the ship's commercial activities.

The company shall establish in the ship security plan that the master has the overriding authority and responsibility to make decisions with respect to the safety and security of the ship and to request the assistance of the company or of any contracting government of the SOLAS Convention.

The company shall ensure that the company security officer, the master and the ship security officer are given the necessary support to fulfil their duties and responsibilities in accordance with this Act.

#### Article 24

A person designated as the company security officer may act as the company security officer for one or more ships, depending on the number or types of ships the company operates, provided it is clearly identified for which ships this person is responsible.

The duties of the company security officer shall include the following:

1. informing ships of potential threats;
2. ensuring that ship security assessments are carried out;
3. ensuring the development, the submission for approval, and thereafter the implementation and maintenance of the ship security plan;
4. ensuring the development and amendment of the ship security plan;
5. preparation and conduct of internal audits and reviews of the system;
6. arranging for the initial and subsequent verifications of the ship by a recognised organisation;

7. removal of deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance;
8. ensuring ship security training for the ship security officer and other officers and crew members;
9. any other measures ensuring a satisfactory level of security on ships operated by the company;
10. reporting to the competent authority for navigation security and/or the Vessel Traffic Management and Information Service of the Ministry on any events which refer to ship security, as well as the communication of other data and information prescribed in this Act.

## Part 5 PORT FACILITY SECURITY

### Article 25

Port facility security is the responsibility of the port authority or the concession holder of a special purpose port.

The port authority or the concession holder of a special purpose port is obliged to organise a service responsible for port facility security.

In order to address the needs of several ports in the area of one county, the county prefect may issue a decision establishing a single service responsible for several ports or port facilities.

The person in charge of the service referred to in paragraph 2 of this Article shall be the port facility security officer, designated by the director of the port authority or the responsible person of the concession holder referred to in paragraph 1 of this Article, or in the case referred to in paragraph 3 of this Article, the county prefect, for a period of five years.

The decision or other document establishing the service referred to in paragraph 2 or 3 of this Article shall determine its area of responsibility.

The service referred to in paragraph 2 or 3 of this Article must operate 24 hours a day.

### Article 26

Every port referred to in Article 3 of this Act must have a port facility security assessment.

The preparation of the port facility security assessment shall be the responsibility of the port authority or the trading company which is the concession holder of a special purpose port.

The port facility security assessment shall be prepared by a recognised port facility security organisation.

During the preparation of port facility security assessments, the specific features of individual parts of a port area or port facilities must be considered, as well as areas outside of ports which can influence port facility security.



The obligatory contents of a port facility security assessment are defined in Annex 4 which constitutes an integral part of this Act.

The port facility security assessment and amendments to the approved assessment shall be approved by the Ministry, following the issuing of an opinion of the ministry competent for internal affairs.

The port facility security assessment must be renewed at least every five years or in case of:

- increase or reduction of the port area surface by more than 5%;
- a significant change of organisation, work methods or prevailing types of cargo;
- the Ministry's request.

#### Article 27

The port security assessment is the basis for the preparation of the port facility security plan.

The preparation of the port facility security plan shall be the responsibility of the port authority or the concession holder of a special purpose port.

The port facility security plan shall be prepared by a recognised port facility security organisation.

The recognised organisation which has prepared the security assessment for a port or a port facility may not prepare a security plan for the same area.

The port facility security plan and amendments to it, with the enclosed port facility security report, shall be approved by the Ministry, following the issuing of an opinion of the ministry competent for internal affairs.

The plan must be protected from unauthorised access or disclosure.

The security plan must define the procedures, measures and activities for each security level.

The obligatory contents of the port facility security plan, with an indication of the parts whose modifications do not require approval of the Ministry, including security measures applied to the embarkation of passengers and vehicles, if applicable, are defined in Annex 5, which constitutes an integral part of this Act.

The port is obliged to notify the Ministry of any modifications of the parts of the plan which do not require its approval within no more than 15 days from the date of modification of these parts of the plan.

#### Article 28

All persons and vehicles that continuously or periodically perform specific activities or are permanently or periodically located in the area of the port or port facility referred to in Article 3 of this Act must have identification cards.

By way of derogation from the provision of paragraph 1 of this Article, passengers and vehicles embarking or disembarking on or off board, as well as crew members, do not need to have identification cards.

The identification card referred to in paragraph 1 of this Article must be carried or kept in a visible place during stay in the area referred to in paragraph 1 of this Article.

Identification cards for persons and vehicles referred to in paragraph 1 of this Article shall be issued by the port authority or the concession holder of a special purpose port.

The competent police department or station verifies the identification cards of persons and vehicles that continuously or periodically perform a specific activity in the port area.

Before issuing the identification card, the port authority or the trading company which is the concession holder of a special purpose port is obliged to request a security check of the applicant for the identification card from the competent authority, according to special regulations, except for persons who are temporarily staying in the port area and visitors.

The port authority or concession holder of a special purpose port shall keep records of issued, lost and returned identification cards, as well of those destroyed according to the decision of a commission.

The method of issuing, withdrawal or destruction of identification cards, as well as of declaring them lost, the forms of identification cards and the process of keeping records of identification cards referred to in paragraph 1 of this Article shall be determined in the port facility security plan.

## Article 29

All persons staying in the port area are obliged to act as directed by and in accordance with the port facility security plan and the security levels in force in a particular port.

The following measures shall be implemented at security level 1:

- 1) ensuring the performance of all duties related to port and ship security,
- 2) control of access to port areas and ships staying in the port,
- 3) control of embarkation and/or disembarkation of persons and their property,
- 4) supervision of areas of restricted movement and ensuring access to those areas only to authorised persons,
- 5) supervision of port areas, especially areas in the vicinity of important facilities and ships,
- 6) supervision of cargo handlers and ship's stores,
- 7) ensuring available security connections.

At security level 2, additional security measures determined in the port facility security plan and referring to points 1–7 of paragraph 2 of this Article shall be implemented according to the instructions of the port facility security officer.

At security level 3, additional security measures determined in the port facility security plan and referring to points 1–7 of paragraph 2 of this Article shall be implemented according to the instructions of the port facility security officer.

In addition to the measures referred to in paragraphs 3 and 4 of this Article, the responsible person in the port is obliged to ensure the implementation of all other measures and procedures ordered by the minister and/or harbourmaster and/or chief of the competent police department in a specific case, for the purpose of ensuring an acceptable level of port and ship security.

### Article 30

At the request of the port authority or the concession holder of a special purpose port and following the approval of the port facility security plan, as well as the inspection of the port, the Ministry shall issue the Declaration of Conformity of the port.

The Declaration of Conformity shall be issued for a period of five years, under the condition of conducting regular annual inspections.

The form of the Declaration of Conformity of the port is determined in Annex 3 which constitutes an integral part of this Act.

The regular annual inspection must be conducted no sooner than 10 months and no later than 14 months from the date of the previous inspection.

### Article 31

The competent inspection shall prohibit the ships referred to in this Act from calling into ports referred to in this Act which do not hold a Declaration of Conformity.

### Article 32

The port facility security officer shall ensure that the notification of the security level or its change is received by all ships located in its area of jurisdiction or by those ships which have notified their intention of calling into port in that area, within 30 minutes from the moment of calling into port or the change of security level.

### Article 33

The activities and duties of the port facility security officer shall be the following:

- ensuring the preparation of the port facility security assessment;
- ensuring development and maintenance of port facility security plan;
- implementing and exercising the port facility security plan;

- filling out the form of the Declaration of Security and signing it;
- carrying out regular security inspections of the port facility;
- recommending modifications to the port facility security plan;
- maintaining security awareness and vigilance of the personnel staying in the port area;
- ensuring training has been provided to personnel in the activities and duties related to the port facility security;
- reporting to the Ministry and other competent services, with the approval of the head of the port authority or the responsible person of the trading company which is the concession holder of a special purpose port, and maintaining records of occurrences which threatened or might have threatened port facility security;
- coordinating implementation of the port facility security plan with the company and ship security officer(s);
- coordinating with security services, as appropriate;
- ensuring the proper functioning of security equipment;
- ensuring the preparation of identification cards for persons and vehicles;
- implementation and conduct of access control in the port area;
- assisting ship security officers in confirming the identity of those seeking to board the ship.

#### Article 34

When notifying its calling into port, the ship shall submit the following information to the authorised organisational unit of the Ministry:

1. information about the International Ship Security Certificate (the certificate expiry date, the name of the body which issued it),
2. the security level of the ship,
3. the security level of the ship in ten previous ports,
4. the special and additional measures of security which the ship has implemented in the previous ten ports,
5. the security procedures implemented during communication of the ship with another ship, for a period covering the last ten calls into port,
6. other additional notifications referring to security, apart from the details of the ship security plan.

The ship shall submit the information referred to in paragraph 1 of this Article no later than 24 hours before its intended calling into port; or, if the journey lasts under 24 hours, directly on leaving the previous port; or, if the port of call is unknown or was changed during the journey, as soon as it becomes known.

The ship is obliged to keep the information referred to in paragraph 1 of this Article on at least the last ten calls into port.

### Article 35

If based on the analysis of delivered information from Article 34 of this Act, or due to a lack of information the management competent for security has reasonable doubt that a ship planning to enter port does not meet the provisions of this Act and the special security measures of the SOLAS Convention, the maritime traffic management and monitoring service shall ask the ship to provide additional information or remedy the shortcomings.

If a ship from paragraph 1 of this Article does not deliver the requested data or does not remedy the shortcomings or the Ministry has reasonable doubt to believe that the ship does not meet the provisions of this Act and special measures of the SOLAS Convention, the competent organization unit of the Ministry shall take one or more of the following measures and activities:

- demand, when possible, to remedy the shortcomings before entering port
- order the ship to sail into a specific port or another appropriate area in the internal waters or the territorial sea of the Republic of Croatia, determined by the authorised organisational unit of the Ministry
- carry out an inspection of the ship, if the ship is already located in the territorial sea or internal waters of the Republic of Croatia
- prohibit the ship from entering into port.

The measure of prohibiting a ship from entering into port or dismissing it from ports shall be issued only if there is reasonable doubt that the ship is a direct safety or security threat to people, ships or other property and that the threat cannot be appropriately removed through other measures.

The authorised organisational unit of the Ministry shall inform the master of the intention to carry out the measures and activities from paragraph 2 of this Article.

The Ministry shall inform the competent authority of the ship's flag state and, when applicable, the recognised organisation that issued the Ship Security Certificate to the ship, of the undertaken measures and activities.

If the ship is prohibited from entering into port or is dismissed from port, the authority from paragraph 4 of this Article shall inform the competent authority of the ship's next port of arrival, if it is known, and other interested coastal countries pursuant to the Guidelines of the International Maritime Organisation.

## Article 36

Ships in liner service shall be excluded from the reporting obligation in accordance with Article 34 of this Act, if the following conditions are met:

1. the company keeps and delivers the list of ships operating at a certain line, to the competent authority for safety and to port authorities of the ports where the ships enter into port;
2. the company has at its disposal the information from Article 34 of this Act for each ship, and has an established round-the-clock service obliged to deliver the requested data without delay upon request of the competent authority for safety.

The exclusion from paragraph 1 of this Article can also be applied to international liner service between ports in the Republic of Croatia and ports in member states of the European Union.

The Ministry shall, in periods no longer than two years, check whether the conditions from paragraph 1 of this Article are met.

If the Ministry determines that the company does not meet the conditions from paragraph 1 of this Article, the right to exclusion shall be suspended.

The competent authority for safety shall keep a list of ships and companies which the exclusion from paragraph 1 of this Article refers to, and deliver it to the European Commission and the interested member states.

## Part 6 PROCEDURE IN CASE OF SECURITY THREAT

### Article 37

The Vessel Traffic Management and Information Service and the organization responsible for the operation of the maritime communication system shall be responsible for receiving warning of a security threat or danger that the ship can send using the ship's distress and safety system.

The organization responsible for the operation of the maritime communication system shall inform the Vessel Traffic Management and Information Service of receiving the warning of a security threat.

In the event that the Vessel Traffic Management and Information Service receives the warning of a security threat, it shall inform the authorised person of the authority competent for safety, the operational communication centre of the Ministry competent for internal affairs, the Coast guard and the Ministry competent for foreign affairs.

In the event that they receive warning of a security threat, the authorised person of the Ministry competent for internal affairs shall in due time inform the Vessel Traffic Management and Information Service, the authority competent for safety, the Coast guard and the Ministry competent for foreign affairs about the undertaken measures and procedures.

If the ship from paragraph 1 of this Article is located in the area of internal waters or the territorial sea of the Republic of Croatia, the Vessel Traffic Management and Information Service shall report the competent harbourmaster's office, and if the ship is in port or intends to enter into port, they shall report it to the port security officer as well.

#### Article 38

In the event of receiving warning of a security threat to any port in the area of the Republic of Croatia, the Ministry shall inform the authority competent for determining the level of safety and the operational communication system of the Ministry competent for internal affairs or the competent police departments.

The authorised person of the Ministry competent for internal affairs shall in due time inform the Vessel Traffic Management and Information Service and the authority competent for security of undertaken measures and procedures in the event of a security threat.

The Vessel Traffic Management and Information Service shall forward the information from paragraph 1 of this Article:

- to the harbourmaster of the competent harbourmaster's office
- to the port security officer
- to the master of the ship or ships, if one or more ships are at exposed to the threat
- all other services, institutions or persons whose assistance may be required to remove the threat.

### Part 7

## CERTIFICATIONS, SECURITY WORK TRAINING, EXERCISES

#### Article 39

The ship security officer, the person authorised for company security and the person authorised for port security shall have authorisation to confirm their competency at performing the duties and tasks established in this Act.

#### Article 40

All officers and other crew members shall within 7 days of boarding the ship be familiar with the basic duties pursuant to the Ship Security Plan, especially with:

1. the meaning and conditions resulting from various degrees of security,
2. basic procedures in case of danger or in extraordinary circumstances,
3. the identification and detection of weapons, harmful substances and devices,
4. identifying the features and common human behaviours that could endanger safety and

5. the procedures and methods used to threaten safety measures.

#### Article 41

All persons carrying out inspections of the implementation of the provisions of this Act, and other persons authorised to carry out certain tasks in accordance with the provisions of this Act, making them come in contact with confidential information, shall be appropriately authorised in accordance with the provisions of the special regulation.

#### Article 42

For the purpose of implementing the Ship Security Plan, an exercise must be carried out at least once every three months to check certain security measures, pursuant to the provisions of the Ship Security Plan.

If more than 25 % of crew members were replaced with crew members that had not previously participated in the exercises from paragraph 1 of this Article on that ship over the past three months, the exercise shall be carried out 7 days after the replacements at the latest.

In order to thoroughly and reliably implement the Ship Security Plan, a general exercise of all or majority of measures determined by the Ship Security Plan shall be carried out at least once per year.

As part of the general exercise, testing the ship's distress and safety devices in case of security threats is obligatory.

The time between two general exercises shall be at most 18 months.

The ship's security officer shall keep records, in Croatian and English using the Latin alphabet, on the assessment and general exercises.

#### Article 43

In order to examine the implementation of the Port Facility Security Plan at least once every three months, an exercise testing the ability to timely apply a certain measure or procedure determined by the Port Facility Security Plan shall be carried out.

Successive assessment exercises shall contain all measures and procedures determined by the Port Facility Security Plan, except for measures and procedures whose assessment is not appropriate.

In order to assess the implementation of the Port Facility Security Plan, a general exercise that includes all or a majority of the measures determined by the Port Facility Security Plan shall be carried out, and all or a majority of persons with security duties shall participate.

The time between two general exercises shall be at most 18 months.

Exceptionally to the provisions of paragraphs 3 and 4 of this Article, the port authority or concession holder in port from Article 3, paragraphs 2 and 4 of this Act can, through the Security Plan, with the agreement of the authority competent for security, decide upon



different dynamics of carrying out the exercises, taking into consideration the assessment of security, traffic level, port capacity and other circumstances important for security.

The security officer shall keep records, in Croatian and English using the Latin alphabet, on the assessment and general exercises carried out.

## Part 8 INSPECTION

### Article 44

The monitoring of the implementation of appropriate provisions of the SOLAS Convention, the ISPS Code and this Act related to ships, companies and recognised organisations is carried out by maritime safety inspectors of harbourmaster's offices and the Ministry, and other authorised Ministry personnel.

Ship inspection can either be basic or detailed.

If during a basic inspection, the maritime safety inspector determines that the ship does not have the valid certifications issued in accordance with the relevant provisions of the SOLAS Convention or if there is doubt that the ship does not meet the relevant provisions of the SOLAS Convention, ISPS Code or this Act, the maritime safety inspector can initiate a detailed inspection and prohibit the ship from leaving port or take any other measure determined by a special regulation.

Maritime safety inspectors are not authorised to examine Ship Security Plans.

In exceptional cases, if there is reasonable doubt that the ship does not meet the requirements of the SOLAS Convention and ISPS Code Part A, and if the only way to determine or remove the shortcomings is to examine the Ship Security Plan, restricted access is allowed up to certain sections related to the observed shortcomings, with the agreement from the competent state authority of the ship's or master's flag state.

The methods and procedures of carrying out an inspection shall be prescribed by the minister.

### Article 45

Monitoring the implementation of appropriate provisions of the SOLAS Convention, the ISPS Code and of this Act in ports is carried out by maritime safety inspectors from harbourmaster's offices and Ministries and other authorised personnel of the Ministry and authorised personnel of the Ministry of the Interior.

If during an inspection it is determined that a port does not meet the provisions of this Act, the bylaws adopted based on this Act, the SOLAS Convention or the ISPS Code, the inspector or another authorised official may issue or undertake one or more of the following measures:

- order the remedial of shortcomings
- temporarily prohibit the ships from entering into port or into a certain port facility

– undertake another measure envisaged in a special regulation.

The methods and procedures of carrying out an inspection shall be prescribed by the minister.

## Part 9 MARITIME OFFENCES

### Article 46

Violating the provisions of this Act is a maritime offence. Action on maritime offences shall be undertaken in accordance with the provisions of the Misdemeanour Act.

The maritime offences from paragraph 1 of this Article shall in the first instance be managed by the misdemeanours council of the harbourmaster's offices.

### Article 47

A company shall be punished by a fine in the amount of HRK 20,000.00 to 100,000.00 for a maritime offence if:

- 1) it does not comply with Article 23 of this Act,
- 2) does not prepare a security assessment of the ship (Article 12),
- 3) does not prepare a Ship Security Plan (Article 13),
- 4) does not comply with inspection instructions (Article 44).

The responsible person in the legal entity, as well as the natural person, shall be punished by a fine in the amount of HRK 2,000.00 to 10,000.00 for a maritime offence from paragraph 1 of this Article.

### Article 48

The company security officer shall be punished by a fine in the amount of HRK 2,000.00 to 10,000.00 if his duties are not carried out in accordance with the provision of Article 24 of this Act.

### Article 49

The port authority, or concession holder of a special purpose port shall be punished by a fine in the amount of HRK 20,000.00 to 100,000.00 for maritime offence if it:

- 1) does not establish a security service or designate a port facility security officer (Article 25),
- 2) does not ensure the preparation of a port facility security assessment (Article 26),
- 3) does not ensure the preparation of a port facility security plan (Article 27),
- 4) does not comply with the security plan (Article 29),

5) does not comply with inspection instructions (Article 45),

6) does not comply with Article 28 of this Act.

The responsible person in the legal entity and the natural person shall be punished by a fine in the amount of HRK 2,000.00 to 10,000.00 for a maritime offence from paragraph 1 of this Article.

#### Article 50

The port facility security officer shall be punished by a fine of HRK 2,000.00 to 10,000.00 for a maritime offence if they do not comply with the provisions of Article 33 of this Act.

#### Article 51

The master shall be punished by a fine in the amount of HRK 7,000.00 to 30,000.00 for a maritime offence:

- if he does not submit or does not submit in due time information to the competent authorities (Article 34),
- if he does not comply with inspection instructions (Article 44),
- if he does not comply with the Ship Security Plan (Article 15),
- if he does not comply with the instructions of the competent authority (Article 35).

#### Article 52

The ship security officer shall be punished by a fine in the amount of HRK 2,000.00 to 10,000.00 for a maritime offence if he does not comply with the duties and authorities established in the technical rules according to the provisions of Article 11 of this Act.

#### Article 53

The master shall be punished by a fine in the amount of HRK 2,000.00 to 10,000.00 for a maritime offence if:

- 1) he does not comply with the provision of Article 16 of this Act,
- 2) he does not inform the harbourmaster's office or the competent authority of a foreign port if using temporary security measures (Article 17, paragraph 3),

3) does not keep ship records (Article 18).Article 54

An officer or other crew member shall be punished by a fine in the amount of HRK 1,000.00 to 7,000.00 for a maritime offence if he does not comply with the Ship Security Plan (Article 15).

#### Article 55

A person that continuously or periodically carries out certain activities and temporarily stays in the port area shall be punished by a fine in the amount of HRK 1,000.00 to 7,000.00 if:

- he stays in the port area without an identification card, or stays at an area in a time not specified on the identification card (Article 28, paragraph 1)
- uses someone else's or a forged identification card (Article 28, paragraph 1)
- does not carry the identification card in a visible place and drives a vehicle without a visible vehicle identification card (Article 28, paragraph 3).

## Part 10 TRANSITIONAL AND FINAL PROVISIONS

### Article 56

The minister shall adopt regulations within two years from the entry into force of this Act:

- on training and certificates of competence for security officers
- on the methods and procedures to carry out the inspection of ships and ports.

The Minister shall prescribe within six months from the entry into force of this Act standard operating procedures for the implementation of this Act from the part under the jurisdiction of the Ministry.

### Article 57

The Minister competent for internal affairs shall within a year from the entry into force of this Act perform the risk assessment from Article 3 of this Act.

### Article 58

The Minister shall carry out within six months from the entry into force of this Act the classification procedure and determine the confidentiality level related to the data contained in the documents adopted in accordance with the provisions of this Act.

The procedure referred to in paragraph 1 of this Article shall be carried out in accordance with a special regulation.

### Article 59

Port authorities and concession holders of special purpose ports, or the county prefect shall establish the service referred to in Article 23 of this Act within a year from the entry into force of this Act.

Port authorities and concession holders of special purpose ports shall ensure the issuing of identification cards from Article 28 of this Act within one year from the entry into force of this Act.

#### Article 60

Until the Vessel Traffic Management and Information Service of the Ministry is established, the activities of the service determined in this Act shall be carried out by the Maritime Rescue Coordination Centre.

#### Article 61

Until the regulations from Article 56 are adopted, the Ordinance on navigation safety inspection (OG, 127/05 and 38/08) and Ordinance on ranks and certification of seafarers (OG Nos. 50/07, 62/09 and 73/09) shall remain in force.

#### Article 62

Until the accession of the Republic of Croatia to the European Union, the operations of a recognised organisation shall be carried out by the Croatian Shipping Register if it meets the conditions from Annex 1 of this Act.

#### Article 63

When this Act enters into force, all authorisations, assessments and security plans adopted based on the Act on the Security of Merchant Ships and International Ports (OG, No. 48/04) shall remain in force, as long as they are valid.

#### Article 64

When this Act enters into force, the Act on the Security of Merchant Ships and International Ports (OG, No. 48/04) shall no longer be in force.

#### Article 65

This Act shall enter into force on the 8th day after its publication in the Official Gazette, except for the provisions of Article 5, paragraph 4, Article 6, paragraph 3, Article 7, paragraphs 4 and 5 and Article 36, paragraph 5, that enter into force on the day of accession of the Republic of Croatia to the European Union and the provisions of Article 41 of this Act that enters into force on 1 January 2012.

Class: 342-25/09-01/01  
Zagreb, 2 October 2009

CROATIAN PARLIAMENT

Speaker of the Croatian  
Parliament  
**Luka Bebić, m.p.**

## ANNEX 1

### A) OBLIGATORY CONDITIONS THAT MUST BE MET BY RECOGNISED SHIP SECURITY ORGANIZATIONS

A recognised ship security organization must meet the following conditions:

- dispose with business premises suitable for its number of employees
- be expert in activities regarding ship security
- have knowledge of ship business activities, including knowledge of the design and construction of ships
- be able to estimate the security threat for a ship
- be able to maintain and improve the expertise of its employees
- be able to monitor the reliability of its employees
- be able to establish and apply measures of preventing unauthorised access to classified information
- have knowledge of the requirements of the chapter XI-2 of the SOLAS Convention and the ISPS Code and of regulations that refer to the security of persons and property
- have knowledge of the security conditions in the Republic of Croatia and outside of it with regard to the possible security threats to people and property on the territory of the Republic of Croatia
- have a knowledge of weapons, harmful substances and devices that can be used as means of threats to persons and property
- have knowledge, on a non-discriminatory basis, of the usual characteristics and conduct of persons that could endanger the safety of persons and property
- have knowledge of the methods of reducing the efficiency of security measures and knowledge of the types, methods of using, advantages and disadvantages of the safety equipment of surveillance systems.

### B) OBLIGATORY CONDITIONS THAT MUST BE MET BY RECOGNISED PORT SECURITY ORGANISATIONS

A recognised port security organisation must meet the following conditions:

- dispose with business premises suitable for its number of employees
- be expert in activities regarding port security

- have knowledge of port business activities, including knowledge of the design and construction of ports
- suitable knowledge of other facts relevant for port security
- ability of evaluating security threats to ports
- be able to establish and apply measures of preventing unauthorised access to classified information
- have knowledge of the requirements of the chapter XI-2 of the SOLAS Convention and the ISPS Code and of regulations that refer to the security of persons and property
- have knowledge of the security conditions in the Republic of Croatia and outside of it with regard to the possible security threats to people and property on the territory of the Republic of Croatia
- have a knowledge of weapons, harmful substances and devices that can be used as means of threats to persons and property
- have knowledge, on a non-discriminatory basis, of the usual characteristics and conduct of persons that could endanger the safety of persons and property
- have knowledge of the methods of reducing the efficiency of security measures and knowledge of the types, methods of using, advantages and disadvantages of the safety equipment of surveillance systems.

## ANNEX 2

### FORM OF THE DECLARATION OF SECURITY

#### DECLARATION OF SECURITY

Deklaracija o sigurnosnoj zaštiti

Name of Ship: <i>Ime broda:</i>	
Port of Registry: <i>Luka upisa:</i>	
IMO Number: <i>IMO broj:</i>	
Name of Port Facility: <i>Ime luke:</i>	

This Declaration of Security is valid from ..... until ..... for the following activities

*Ova Deklaracija o sigurnosnoj zaštiti vrijedi od ..... do ....., za sljedeće djelatnosti:*

.....

*(list the activities with relevant details)*

*(navesti djelatnosti s odnosnim pojedinostima)*

under the following security levels

*Za sljedeće stupnjeve sigurnosne zaštite*

Security level(s) for the skip: <i>Stupanj ili stupnjevi sigurnosne zaštite za brod:</i>	
Security level(s) for the port facility: <i>Stupanj ili stupnjevi sigurnosne zaštite za luku:</i>	

The port facility and ship agree to the following security measures and responsibilities to ensure compliance with the requirements of Part A of the International Code for the Security of Ships and of Port Facilities.

*Luka i brod suglasni su o sljedećim mjerama sigurnosne zaštite i odgovornosti kako bi se osigurala suglasnost sa zahtjevima dijela A Međunarodnog Pravilnika o sigurnosnoj zaštiti brodova i lučkih područja.*

<p>The affixing of the initials of the SSO or PFSO under these columns indicates that the activity will be done, in accordance with relevant approved plan, by</p> <p><i>Unošenje inicijala SSO ili PFSO u donjim stupcima označava da će djelatnost, u skladu s odobrenim planom, obaviti:</i></p>
---

Activity <i>Djelatnost</i>	The port facility: <i>Luka</i>	The ship: <i>Brod</i>
Ensuring the performance of all security duties		



<i>Osiguranje provedbe svih sigurnosnih dužnosti</i>		
Monitoring restricted areas to ensure that only authorized personnel have access  <i>Nadzor ograničenih područja radi osiguranja pristupa samo ovlaštenim osobama</i>		
Controlling access to the port facility  <i>Nadzor pristupa u lučko područje</i>		
Controlling access to the ship  <i>Nadzor pristupa na brod</i>		
Monitoring of the port facility, including berthing areas and areas surrounding the ship  <i>Nadzor lučkog područja, uključujući pristaništa i područje oko broda</i>		
Handling of cargo  <i>Rukovanje teretom</i>		
Delivery of ship`s stores  <i>Isporuka brodskih zaliha</i>		
Handling unaccompanied baggage  <i>Rukovanje nepraćenom prtljagom</i>		
Controlling the embarkation of persons and their effects  <i>Nadzor ukrcaja osoba i njihove prtljage</i>		
Ensuring that security communication is readily available between the ship and port facility  <i>Osiguranje pripravnosti sigurnosnih komunikacija između broda i luka</i>		

The signatories to this agreement certify that security measures and arrangements for both the port facility and the ship during the specified activities meet the provisions of chapter XI-2 and Part A of Code that will be implemented in accordance with the provisions already stipulated in the approved plan or the specific arrangements agreed to and set out in the attached annex.

*Potpisnici ove Deklaracije potvrđuju da su sigurnosne mjere i postupci za oboje, luku i brod, tijekom navedenih djelatnosti u skladu s odredbama poglavlja XI-2 i dijela A Pravilnika te da će biti primijenjeni u skladu s odredbama u njihovim odobrenim planovima ili u skladu s posebnim mjerama dogovorenim i navedenim u prilogu.*

Dated at ..... on the .....

*Izrađeno u dana*

Signed for and on behalf of / <i>Potpisano</i>	
the port facility: / <i>za luku:</i>	the ship: / <i>za brod:</i>
(Signature of the Port Facility Security Officer)	(Signature of Master or Ship Security Officer)
Potpis osobe odgovorne za sigurnosnu zaštitu luke	Potpis zapovjednika ili časnika odgovornog za sigurnosnu zaštitu broda
Name and title of person who signed / <i>Ime i prezime te zvanje potpisnika</i>	
Name: / <i>Ime i prezime:</i>	Name: / <i>Ime i prezime:</i>
Title: / <i>Zvanje:</i>	Title: / <i>Zvanje:</i>
Contact details <i>Podaci za kontakt</i> <i>(to be completed as appropriate)</i> <i>(indicate the telephone numbers or the radio channels or frequencies to be used)</i>	
for the port facility: <i>za luku:</i>	for the ship: <i>za brod:</i>
Port facility	Master
<i>Luka</i>	<i>Zapovjednik</i>
Port Facility Security Officer	Ship Security Officer
<i>Osoba odgovorna za sigurnosnu zaštitu luke</i>	<i>Časnik odgovoran za sigurnosnu zaštitu broda</i>
	Company
	<i>Društvo</i>
	Company Security Officer
	<i>Osoba odgovorna za sigurnosnu zaštitu kompanije</i>

ANNEX 3

FORM OF THE STATEMENT OF COMPLIANCE OF A PORT FACILITY  
IZJAVA O SUKLADNOSTI LUKE/LUČKOG OPERATIVNOG PODRUČJA

## STATEMENT OF COMPLIANCE OF A PORT FACILITY

(Official sign)

Broj izjave:

Statement Number

IZDANO NA TEMELJU ODREDBI ZAKONA O SIGURNOJ ZAŠTITI POMORSKIH BRODOVA I LUKA I DIJELA B MEĐUNARODNOG PRAVILNIKA O SIGURNOSTI BRODOVA I LUČKIH PROSTORA (ISPS PRAVILNIK)

ISSUED UNDER THE PROVISIONS OF LAW ON SECURITY OF MERCHANT SHIPS AND PORT FACILITIES AAND PART B OF THE INTERNATIONAL CODE FOR THE SECURITY OF SHIPS AND OF PORT FACILITIES (ISPS CODE)

Vlada Republike Hrvatske

The Government of the Republic of Croatia

Luka:

Name of the Port Facility:

Adresa:

Address of the Port Facility:

Ovim se potvrđuje da obavljena provjera sukladnosti ove luke/lučkog operativnog područja s odredbama poglavlja XI-2 SOLAS Konvencije i dijela A Međunarodnog Pravilnika o sigurnosti brodova i lučkih prostora (ISPS Pravilnik) te da ova luka/lučko operativno područje posluje u skladu s odobrenim Planom sigurnosne zaštite luka. Ovaj Plan odobren je za djelatnosti brodova kako slijedi:

THIS IS TO CERTIFY that the compliance of this port facility with the provisions of chapter XI-2 and part A of the International Code for the Security of Ships and of Port Facilities (ISPS Code) has been verified and that this port facility operates in accordance with the approved Port Facility Security Plan. This plan has been approved for the following ships

Putnički brodovi / Passenger ship

Vrlo brzi putnički brodovi / Passenger high speed craft

Vrlo brzi teretni brodovi / Cargo high speed craft

Brodovi za prijevoz rasutog tereta / Bulk carrier

Tankereri za prijevoz ulja / Oil tanker

Tankereri za prijevoz kemikalija / Chemical tanker

Brodovi za prijevoz ukapljenog plina / Gas carrier

Objekte za istraživanje i iskorištavanje podmorja / Mobile offshore Drilling Units

Teretni brodovi osim prethodno navedenih / Cargo ships other than those referred to above

Ova izjava vrijedi do , uz uvjet obavljenih pregleda

(kako je navedeno na poledini).

This Statement of Compliance is valid until , subject to

verifications (as indicated overleaf)

Izdano u

Issued at

Datum izdavanja

Date of issue

## **OVJERA PREGLEDA**

### **ENDORSEMENT FOR VERIFICATIONS**

Vlada Republike Hrvatske je utvrdila da je valjanost Izjave o sukladnosti uvjetovana obavljanjem godišnjih pregleda.

*The Government of the Republic of Croatia has established that the validity of this Statement of Compliance is subject to mandatory annual verifications.*

Ovim se potvrđuje da je tijekom pregleda provedenog u skladu s odredbom B/16.62.4 ISPS Pravilnika utvrđeno da luka posluje u skladu s odnosnim odredbama poglavlja XI-2 SOLAS konvencije i dijela A ISPS Pravilnika.

*THIS IS TO CERTIFY that, during a verification carried out in accordance with paragraph B/16.62.4 of the ISPS Code, the port facility was found to comply with the relevant provisions of chapter XI-2 of the Convention and Part A of the ISPS Code.*

1. PREGLED	2. PREGLED
<i>1st VERIFICATION</i>	<i>2nd VERIFICATION</i>
Potpis ovlaštene	Potpis ovlaštene
osobe: _____	osobe: _____
<i>Signature of</i>	<i>Signature of</i>
<i>authorized official</i>	<i>authorized official</i>

Mjesto: _____	Mjesto: _____
<i>Place:</i>	<i>Place:</i>
Datum: _____	Datum: _____
<i>Date:</i>	<i>Date:</i>
3. PREGLED	4. PREGLED
<i>3rd VERIFICATION</i>	<i>4th VERIFICATION</i>
Potpis ovlaštene	Potpis ovlaštene
osobe: _____	osobe: _____
<i>Signature of authorized official</i>	<i>Signature of authorized official</i>
Mjesto: _____	Mjesto: _____
<i>Place:</i>	<i>Place:</i>
Datum: _____	Datum: _____
<i>Date:</i>	<i>Date:</i>

#### ANNEX 4

### OBLIGATORY CONTENTS OF PORT FACILITY SECURITY ASSESSMENT

1.	Goal and purpose
2.	Basic preconditions
	2.1. Security threats
	2.2. Principles of security
3.	Facilities
	3.1. Description of facilities and technological working areas
	3.2. Vulnerability assessment for each facility
	3.3. Proposed security measures for each facility
4.	Roads and waterways
	4.1. Description of roads and waterways
	4.2. Vulnerability assessment of roads and waterways
5.	Security personnel
	5.1. Number, training and organisation of work
	5.2. Authorities and scope of competence
	5.3. Patrol plans

	5.4. Obligatory instructions and routines
	5.5. Weapons and devices
	5.6. Availability of additional personnel
	5.7. Proposed measures for improvement
6.	Control measures
	6.1. Control of persons
	6.2. Control of goods and objects
	6.3. Control and records of vehicles
7.	Protection measures
	7.1. Perimetric protection
	7.2. Entrances
	7.3. Lighting protection systems
	7.4. Technical protection
	7.5. Antiburglary protection
	7.6. Fire protection
	7.7. Anti-diversion protection
	7.8. Protection from pollution
	7.9. Health protection and first aid
	7.10. Emergency evacuation
8.	Communication system
	8.1. Description of basic communication system
	8.2. Communication in case of security threats or dangers with a vulnerability assessment
	8.3. Proposed measures of improving the communication system
9.	Conclusion with proposal of countermeasures
	9.1. Summary with description of assessment procedure
	9.2. Description of security flaws determined by security assessment
	9.3. Description of countermeasures that will be used to eliminate a particular flaw

## ANNEX 5

### OBLIGATORY CONTENTS OF PORT FACILITY SECURITY PLAN

1.	Introduction
	1.1. Goal

	1.2. Basic preconditions
2.	Port facility
	2.1. Description of port area with terminals
	2.2. Economic characteristics of the port
	2.3. Organisational structure of port
	2.4. Design plan and images of port
3.	Persons responsible for port security
	3.1. Duty, name and method of making contact
	3.2. Duties, responsibilities and obligations
4.	Maintenance and amendments of port facility security plan
	4.1. Obligation and procedure of periodical review
	4.2. Protection measures of port facility security plan from unauthorised access
5.	Communication system
	5.1. Internal communication
	5.2. Communication with ships in port and at anchorage
	5.3. Communication with other competent services
6.	Port facility security assessment
	6.1. Activities exposed to security threats
	6.2. Methods of endangering safety
	6.3. Analysis of vulnerability and results
	6.4. Assessment of security threats with prevention measures
7.	Safety procedures
	7.1. Security level 1
	7.2. Security level 2
	7.3. Security level 3
8.	Procedure in case of violation or security threat to ships
9.	Procedures in case of ship accommodation to which the provisions of the SOLAS Convention XI-2 do not apply
10.	Procedures in case of individual security breaches
	10.1. Unauthorised personnel in port area
	10.2. Unauthorized /illegally parked / abandoned vehicles in or near the facility
	10.3. Vessels unauthorised to be anchored or wharfed
	10.4. Threat from explosive device

	10.5. Suspicious conduct or activities of persons
	10.6. Power failure/loss of lighting
	10.7. Detection of unreported or suspicious package
11.	Terms and conditions for issuing Security declarations
12.	Drills

*Special notes:*

The port can, without prior approval of the Ministry, change the data under the points 2, 3 and 5 of the Plan. It shall be obliged to report such changes to the Ministry.

The security plan does not have to necessarily follow the structure of the plan from this Annex, but it has to contain all points indicated in this Annex.

The procedures included in Chapter 7 *Security procedures* must, for each security level, include at least the procedures that refers to the following:

1. access to port facility;
2. restricted areas in the port facility;
3. cargo handling
4. consignment of ship's stores;
5. handling unpaid luggage; and
6. security monitoring of port facility.