

# 4. THE ADRIATIC SEA: NATIONAL LAWS AND REGULATIONS ON SHIPS' BALLAST WATER







## 4.1. ALBANIA

## 2008 RATIFICATION LAW

## (ORIGINALTEXT)

Ligji nr. 9912, datë 5.5.2008 për aderimin e republikës së shqipërisë në konventën ndërkombëtare “për kontrollin dhe administrimin e ujërave të balasteve dhe sedimenteve të anijeve, 2004”

Në mbështetje të neneve 78, 83 pika 1 dhe 121 të Kushtetutës, me propozimin e Këshillit të Ministrave,

Kuvendi i republikës së shqipërisë vendosi:

## Neni 1

Republika e Shqipërisë aderon në konventën ndërkombëtare “Për kontrollin dhe administrimin e ujërave të balasteve dhe sedimenteve të anijeve, 2004” (Konventa BWM, 2004)

## Neni 2

Ky ligj hyn në fuqi 15 ditë pas botimit në Fletoren Zyrtare.

Shpallur me dekretin nr.5730, datë 19.5.2008 të Presidentit të Republikës së Shqipërisë, Bamir Topi

## (UNOFFICIALTRANSLATION)

Law no. 9912 of 5.5.2008 for the Accession of the Republic of Albania to the “International Convention for the control and management of ships’ ballast water and sediments, 2004”

Pursuant to articles 78, 83 paragraph 1, and 121 of the Constitution, with the proposal of the Council of Ministers

The Parliament of the Republic of Albania decided:

## Article 1

The Republic of Albania adheres to the “International Convention for the Control and Management of Ships’ Ballast Water and Sediments, 2004” (BWM Convention, 2004)

## Article 2

This law enters into force 15 days after publication in the Official Journal

Promulgated by Decree no. 5730, dated 19.5.2008 of the President of the Republic of Albania, Bamir Topi









## 4.2. CROATIA

## 2010 RATIFICATION LAW

## (ORIGINAL TEXT)

## HRVATSKI SABOR

Na temelju članka 88. Ustava Republike Hrvatske, donosim Odluku o proglašenju zakona o potvrđivanju međunarodne konvencije o nadzoru i upravljanju brodskim balastnim vodama i talozima iz 2004. godine

Proglašavam Zakon o potvrđivanju Međunarodne konvencije o nadzoru upravljanja brodskim balastnim vodama i talozima iz 2004. godine, koji je Hrvatski sabor donio na sjednici 30. travnja 2010. Godine.

Klasa: 011-01/10-01/40  
Urbroj: 71-05-03/1-10-2  
Zagreb, 5. svibnja 2010.

Predsjednik Republike Hrvatske  
prof. dr. sc. Ivo Josipović, v. r.

ZAKON O POTVRĐIVANJU MEĐUNARODNE  
KONVENCIJE O NADZORU I UPRAVLJANJU  
BRODSKIM BALASTNIM VODAMA I TALOZIMA  
IZ 2004. GODINE

## Članak 1.

Potvrđuje se Međunarodna konvencija o nadzoru i upravljanju brodskim balastnim vodama i talozima iz 2004. godine, sastavljena u Londonu 13. veljače 2004., u izvorniku na arapskom, kineskom, engleskom, francuskom, ruskom i španjolskom jeziku.

## Članak 2.

Tekst Konvencije iz članka 1. ovoga Zakona, u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik, glasi:

(omissis)

## (UNOFFICIAL TRANSLATION)

## THE CROATIAN PARLIAMENT

Pursuant to Article 88 of the Croatian Constitution, I hereby adopt the Decision on promulgation of the law on ratification of the 2004 International Convention on the Control and Management of Ships' ballast water and sediments

Promulgation of the law on ratification of the 2004 International Convention on the Control of Management of Ships' Ballast Water and Sediments by the Croatian Parliament at its session on 30 April 2010.

Class: 011-01/10-01/40  
No: 71-05-03/1-10-2  
Zagreb, May 5, 2010.

The President of the Croatian Republic  
prof. dr. sc. Ivo Josipović, v. r.

LAW ON RATIFICATION OF THE  
INTERNATIONAL CONVENTION ON THE  
CONTROL AND MANAGEMENT OF SHIPS'  
BALLAST WATER AND SEDIMENTS, 2004

## Article 1

Confirms the 2004 International Convention for the Control and Management of Ships' Ballast Water and Sediments, done at London on 13 February 2004, in the original Arabic, Chinese, English, French, Russian and Spanish languages.

## Article 2

The text of the Convention under Article 1 of this Act, in the original in English and translated into Croatian, reads as follows:

(omissis)

**2004 MARITIME CODE, AS AMENDED (EXTRACTS)****(ORIGINAL TEXT)****HRVATSKI SABOR**

Na temelju članka 88. Ustava Republike Hrvatske, donosim

**ODLUKU O PROGLAŠENJU POMORSKOG ZAKONIKA**

Prolašavam Pomorski zakonik, koji je donio Hrvatski sabor na sjednici 8. prosinca 2004. godine.

Broj: 01-081-04-3801/2

Zagreb, 14. prosinca 2004.

Predsjednik Republike Hrvatske Stjepan Mesić, v. r.

**POMORSKI ZAKONIK****Dio Prvi - OPĆE ODREDBE**

*(omissis)*

**Dio Treći - SIGURNOST PLOVIDBE****Glava I. - ZAJEDNIČKE ODREDBE**

*(omissis)*

**Glava I.a****ZAŠTITA OD ONEČIŠĆENJA S POMORSKIH OBJEKATA**

*(omissis)*

**Članak 49.b**

(1) Zabranjuje se u more i na morsku obalu ispuštati i odbacivati kruti i tekući otpad, zauljene vode, fekalije i ostatke tereta s pomorskog objekta, kao i sve druge tvari koje onečišćuju more, zrak ili obalu.

(2) Pomorski objekti su dužni poduzimati mjere radi sprečavanja štetnog prijenosa morskih vodenih organizama i patogena putem brodskih balastnih voda i taloga, te putem obrastanja.

(3) Detaljan propis o zaštiti od onečišćenja morskog okoliša s pomorskih objekata, te provedbenju istraga onečišćenja mora donosi ministar.

**(UNOFFICIAL TRANSLATION)****CROATIAN PARLIAMENT**

Based on Article 88 of the Constitution of the Republic of Croatia, I hereby pass the

**DECISION ON PROMULGATING THE MARITIME CODE**

I hereby promulgate the Maritime Code, adopted by the Croatian Parliament at its session on 8 December 2004.

Number: 01-081-04-3801/2

Zagreb, on 14 December 2004

President of the Republic of Croatia, Stjepan Mesić, v. r.

**MARITIME CODE****Part One - GENERAL PROVISIONS**

*(omissis)*

**Part Three - SAFETY OF NAVIGATION****Title I - COMMON PROVISIONS**

*(omissis)*

**Title I a - PROTECTION FROM POLLUTION FROM VESSELS AND MARITIME STRUCTURES**

*(omissis)*

**Article 49b**

(1) It shall be forbidden to discharge and discard into the sea and on the coast solid and the liquid waste, oily waters, faeces and cargo residues from vessels and maritime structures, as well as all other substances which pollute sea, air or coast.

(2) Vessels and maritime structures shall apply measures to prevent harmful transmission of marine aquatic organisms and pathogens by way of ships' ballast waters and sediments, as well as by fouling.

(3) Detailed regulation on the protection from pollution of marine environment from vessels and floating structures, and on conducting investigations about sea pollution shall be issued by the minister.

(4) Strategiju upravljanja balastnim vodama i talozima donosi Vlada Republike Hrvatske.

(5) Ministar će u suglasnosti s ministrom nadležnim za zaštitu okoliša donijeti propis o upravljanju i nadzoru balastnih voda.

## Glava V.- BROD

### 1. Utvrñivanje sposobnosti broda za plovidbu

#### Članak 76.

(1) Brod je sposoban za plovidbu u odreñenim kategorijama plovidbe i za odreñenu namjenu ako udovoljava odredbama ovoga Zakonika, propisa donesenih na temelju ovoga Zakonika i Tehničkim pravilima u svezi sa: *(omissis)*

6) zaštitom pomorskog okoliša od bioinvazivnih vrsta u balastnim vodama, *(omissis)*

## Glava IX. - INSPEKCIJSKI NADZOR

*(omissis)*

#### Članak 167.

(1) Inspekcijski nadzor nad stranim brodovima u lukama Republike Hrvatske provodi se sukladno postupcima utvrñenim Pariškim memorandumom o suglasnosti o nadzoru države luke.

(2) U obavljanju inspekcijskog nadzora nad stranim brodom prema odredbi članka 166. stavka 1. točke 1) ovoga Zakonika provjerava se ima li brod važeće isprave u skladu s odredbama: *(omissis)*

12) Međunarodne konvencije o nadzoru i upravljanju brodskim balastnim vodama i talozima, 2004. *(omissis)*

(4) The strategy for ballast waters and sediments management shall be adopted by the Government of the Republic of Croatia.

(5) The minister shall, in agreement with the minister competent for environmental protection, issue a regulation on ballast water management and inspection.

*(omissis)*

## Title V - SHIP

### 1 Establishing the seaworthiness of a ship

#### Article 76

(1) The ship is seaworthy within certain categories of navigation and for a specific purpose, if this is in accordance with provisions of this Code, regulations adopted on the basis thereof and the Technical Rules regarding: *(omissis)*

6) the protection of the maritime environment from bio-invasive species in ballast waters, *(omissis)*

## Title IX

### INSPECTION

*(omissis)*

#### Article 167

(1) Inspection of foreign ships in the ports of the Republic of Croatia shall be conducted in compliance with the procedures established by the Paris Memorandum of Understanding on port State control.

(2) While performing inspection of a foreign ship, in accordance with provisions of Article 166, paragraph 1, point 1) of this Code, it shall be established whether the ship is in possession of valid documents with regard to provisions of: *(omissis)*

12) the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 *(omissis)*

**2012 ORDINANCE ON BALLAST WATER MANAGEMENT AND CONTROL, AS AMENDED****(ORIGINAL TEXT)****MINISTARSTVO POMORSTVA, PROMETA I INFRASTRUKTURE**

Na temelju članka 1023. stavka 1. alineje 4. Pomorskog zakonika («Narodne novine» br. 181/04, 76/07, 146/08, 61/11) ministar pomorstva, prometa i infrastrukture, uz suglasnost ministra zaštite okoliša i prirode donosi

**PRAVILNIK O UPRAVLJANJU I NADZORU BALASTNIH VODA****OPĆE ODREDBE****Članak 1.**

U cilju unapređenja zaštite okoliša ovim se Pravilnikom utvrđuju načela i postupci upravljanja i nadzora brodskih balastnih voda i taloga na brodovima, dok plove u unutarnjim morskim vodama, teritorijalnom moru i zaštićenom ekološko-ribolovnom pojasu Republike Hrvatske, kao i na brodovima hrvatske državne pripadnosti neovisno o tome gdje plove.

**Članak 2.**

Pojedini izrazi upotrijebljeni u ovom Pravilniku imaju sljedeće značenje:

1. «aktivna tvar» označava tvar ili organizam, uključujući viruse ili gljivice, koji općenito ili specifično djeluju na štetne vodene organizme i patogene, ili protiv njih;

2. «balastna voda» je voda s tvarima u njoj, ukrcana radi postizanja zadovoljavajuće razine stabiliteta, uzdužnog i poprečnog nagiba, gaza i napreznja broda;

3. «balastni kapacitet broda» jest ukupni volumetrički kapacitet svih tankova, prostora ili odjeljaka na brodu, a koji se koristi za prijevoz, ukrcaj ili iskrcaj balastnih voda, uključujući i višenamjenske tankove, prostore ili odjeljke izgrađene tako da mogu prevoziti balastne vode;

4. «balastni sustav» jest sustav tankova, prostora i odjeljaka na brodu koji se koriste za prijevoz, ukrcaj ili iskrcaj balastnih voda, uključujući i višenamjenske tankove, prostore ili odjeljke izgrađene tako da mogu prevoziti balastne vode zajedno s balastnim cjevovodom i pripadajućim crpkama;

**(UNOFFICIAL TRANSLATION)****THE MINISTRY OF MARITIME AFFAIRS, TRANSPORT AND INFRASTRUCTURE**

Pursuant to Article 1023, paragraph 1, fourth indent of the Maritime Code (Official Gazette 181/04, 76/07, 146/08, 61/11), the Minister of Maritime Affairs, Transport and Infrastructure, upon approval of the Minister of Environmental and Nature Protection, hereby issues the

**ORDINANCE ON BALLAST WATER MANAGEMENT AND CONTROL****GENERAL PROVISIONS****Article 1**

With the purpose to improve environmental protection, this Ordinance regulates the principles and procedures for management and control of ballast water and sediments onboard ships, while navigating in internal waters, territorial sea and protected ecological and fishing zone of the Republic of Croatia, as well as onboard ships of Croatian nationality, regardless of where they navigate.

**Article 2**

The terms used in this Ordinance have the following meaning:

1. «active substance» is a substance or an organism, including viruses or fungi, which generally or specifically affect harmful aquatic organisms and pathogens;

2. «ballast water» is the water with its suspended matter taken on board in order to achieve acceptable level of stability, trim, list, draught, and stresses of the ship;

3. «ballast capacity of a ship» is the total volumetric capacity of all the tanks, spaces or compartments on board a ship, used for carrying, loading or discharging ballast water, including multipurpose tanks, spaces or compartments built so as to allow carriage of ballast water;

4. «ballast system» is the system of tanks, spaces and compartments aboard the ship used for carrying, loading or discharging ballast water, including multipurpose tanks, spaces or compartments built so as to allow carriage of ballast water together with ballast piping and

5. «balastni tank» jest bilo koji tank ili skladište na brodu, a koji se koristi za prijevoz balastnih voda, bez obzira da li su tank i skladište konstruirani za tu svrhu;

6. «brod» je bilo koji plovni objekt, te drugi pomorski objekti uključujući podmornice, plutajuće objekte, platforme, plutajuće skladišne jedinice (FSO) te plutajuće jedinice za proizvodnju, skladištenje i prekrcaj (FPSO);

7. «bruto tonaža» je bruto tonaža izračunata u skladu s odredbama o baždarenju navedenima u Dodatku I Međunarodne konvencije o baždarenju brodova iz 1969. godine, kako je izmijenjena i dopunjena;

8. «datum godišnjice» je dan i mjesec svake godine koji odgovara datumu isteka valjanosti Svjedodžbe.;

9. «inspektor» je inspektor sigurnosti plovidbe ili drugi ovlaštenu djelatnik Ministarstva ili lučkih kapetanija, sukladno odredbama Pomorskog zakonika;

10. «izgrađen» u odnosu na brod je stupanj izgradnje gdje:

- je kobilica postavljena; ili
- je gradnja povezana s određenim brodom započela; ili
- je započelo sklapanje broda ne manje od 50 tona ili 1 posto procijenjene mase svih strukturnih elemenata, što je manje; ili
- je izvršena veća preinaka;

11. «Knjiga o balastnim vodama» je dokument u koji se upisuju sve radnje na brodu vezano za upravljanje balastnim vodama

12. «Konvencija» je Međunarodna konvencija o nadzoru i upravljanju brodskim balastnim vodama i talozima, iz 2004. godine (Zakon o potvrđivanju Konvencije objavljen je u «Narodnim novinama Međunarodni ugovori» br. 3/2010);

13. «Ministarstvo» je ministarstvo nadležno za pomorstvo;

14. «Ministar» je ministar u ministarstvu nadležnom za pomorstvo;

15. «od najbližeg kopna» je udaljenost od polaznih crta od kojih se mjeri širina teritorijalnog mora sukladno međunarodnom pravu;

associated pumps;

5. «ballast tank» is any tank or hold aboard the ship used for transport of ballast water, regardless of whether the tank or hold has been constructed for such a purpose;

6. «ship» is any waterborne craft or other maritime craft, including submersibles, floating craft, platforms, Floating Storage Units (FSO) and Floating Production Storage and Offloading Units (FPSO);

7. «gross tonnage» is gross tonnage calculated in accordance with measurement provisions specified in Appendix I to the 1969 International Convention on Tonnage Measurement of Ships, as amended;

8. «anniversary date» is the day and the month of each year corresponding to the date of expiry of the Certificate;

9. «inspector» is the maritime safety inspector or other authorized employee of the Ministry or the harbour master's office, in accordance with the provisions of the Maritime Code;

10. «constructed», in respect of a ship, means a stage of construction where:

- the keel is laid; or
- construction identifiable with a specific ship begins; or
- assembly of the ship has commenced comprising at least 50 tonnes or 1 percent of the estimated mass of all structural material, whichever is less; or
- the ship undergoes a major conversion;

11. «Ballast Water Record Book» is a document into which all activities aboard related to ballast water management are to be entered

12. «Convention» is the 2004 International Convention for the Control and Management of Ships' Ballast Water and Sediments (Act on the Ratification of the Convention was published in the Official Gazette, International Agreements, No. 3/2010);

13. «Ministry» is the Ministry responsible for maritime affairs;

14. «Minister» is the Minister of the Ministry responsible for maritime affairs;

15. «from the nearest land» means from the baseline from which the territorial sea of the territory in question is established in accordance with international law;

16. «Organizacija» je Međunarodna pomorska organizacija (IMO);

17. «Plan Upravljanja balastnim vodama» je plan koji sadrži postupke za brod i posadu vezano za nadzor i upravljanje brodskim balastnim vodama i talozima.

18. «Smjernice» su Smjernice koje usvoji Organizacija u svezi primjene Konvencije;

19. «Svjedodžba» jest Međunarodna svjedodžba o upravljanju balastnim vodama;

20. «Štetni vodeni organizmi i patogeni» su vodeni organizmi ili patogeni koji, ako se unesu u mora, uključujući i ušća, ili u slatkovodne tokove, mogu ugroziti okoliš, ljudsko zdravlje, imovinu ili sredstva, te unošenjem mogu narušiti biološku raznolikost ili ometati zakonito korištenje takvih područja;

21. «Talozi» su tvari nataložene u balastnoj vodi unutar broda;

22. «Upravljanje balastnim vodama» je mehanički, fizikalni, kemijski i biološki postupak ili kombinacija tih postupaka, kojim se uklanja, čini bezopasnim ili izbjegava uzimanje ili ispuštanje štetnih vodenih organizama i patogena u balastnim vodama i talozima;

23. «Veća preinaka» je preinaka broda:

– koja mijenja balastni kapacitet broda za 15 posto ili više; ili

– koja mijenja tip broda; ili

– koja prema mišljenju Ministarstva produljuje njegov životni vijek 10 godina ili više; ili

– koja preinačuje njegov balastni sustav, osim zamjene opreme istom. Preinaka broda radi udovoljavanja zahtjevima iz članka 10. ovog Pravilnika ne smatra se većom preinakom za potrebe ovog Pravilnika;

24. «ZERP Republike Hrvatske» je Zaštićeni ekološko-ribolovni pojas Republike Hrvatske kako je ustanovljen Odlukom Hrvatskog sabora o proširenju jurisdikcije Republike Hrvatske na Jadranskom moru («Narodne novine», br. 157/03, 77/04, 138/06 i 31/08).

16. «Organisation» is the International Maritime Organisation (IMO);

17. «Ballast Water Management Plan» is the plan containing procedures for the ship and the crew, in relation to control and management of the ships' ballast water and sediments.

18. «Guidelines» are the Guidelines adopted by the Organisation regarding application of the Convention;

19. «Certificate» is the International Ballast Water Management Certificate;

20. «Harmful aquatic organisms and pathogens» are aquatic organisms or pathogens which, if introduced into the sea, including estuaries, or into fresh water courses, may create hazards to the environment, human health, property or resources, as well as impair biodiversity or interfere with legitimate uses of such areas;

21. «Sediment» is matter settled out of ballast water within a ship;

22. «Ballast water management» are mechanical, physical, chemical, and biological processes, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediments;

23. «Major conversion» is a conversion of a ship:

- which changes its ballast water carrying capacity by 15 percent or greater; or

- which changes the ship type; or

- which, in the opinion of the Ministry, is projected to prolong its life by ten years or more; or

- which results in modifications to its ballast water system other than component replacement-in-kind. Conversion of a ship to meet the provisions of Article 10 of this Ordinance shall not be deemed to constitute a major conversion for the purposes of this Ordinance;

24. «EFPZ of the Republic of Croatia» is the Ecological and Fisheries Protection Zone of the Republic of Croatia, as determined by the Decision of the Croatian Parliament on expansion of jurisdiction of the Republic of Croatia in the Adriatic Sea (Official Gazette, No. 157/03, 77/04, 138/06 and 31/08).

## Članak 3.

(1) Ovaj Pravilnik se primjenjuje na brodove hrvatske državne pripadnosti neovisno o kategoriji plovidbe, i brodove neovisno o njihovoj državnoj pripadnosti, koji uplovljavaju u luke u Republici Hrvatskoj ili plove unutarnjim morskim vodama, teritorijalnim morem ili zaštićenim ekološko-ribolovnim pojasom Republike Hrvatske.

(2) Iznimno od odredbe stavka 1. ovaj Pravilnik se ne primjenjuje na:

- brodove koji isključivo plove ili borave u unutarnjim morskim vodama, teritorijalnom moru li zaštićenom ekološko-ribolovnom pojasu Republike Hrvatske,

- brodove hrvatske državne pripadnosti koji isključivo plove ili borave u unutarnjim morskim vodama ili teritorijalnom moru druge države ako ih je druga država izuzela od primjene odredaba Konvencije ili nacionalnih propisa o upravljanju balastnim vodama,

- brodove koji nisu projektirani i izgrađeni za prijevoz balastnih voda ili imaju stalne balastne vode u zapečaćenim spremnicima na brodovima, koje ne podliježu ispuštanju,

- ratne brodove, pomoćne ratne brodove ili javne brodove. Ipak, nadležna tijela koja upravljaju ovim brodovima dužna su, voditi računa da brodovi primjenjuju odredbe ovog Pravilnika u najvećoj mogućoj mjeri koliko je to razumno i praktično.

(3) Iznimno od odredbe stavka 2. podstavka a), Ministarstvo može proširiti primjenu Pravilnika na sve ili pojedine brodove koji plove ili borave isključivo u unutarnjim morskim vodama ili teritorijalnom moru Republike Hrvatske, ako se utvrdi da bi iskrcaj balastnih voda s broda ili brodova ugrozio ili štetio okolišu, ljudskom zdravlju ili imovini u Republici Hrvatskoj ili susjednim državama.

(4) Ne dovodeći u pitanje primjenu iznimke iz stavka 2., na brodice i jahte koje se koriste isključivo za osobne potrebe ili športska natjecanja, osim brodice i jahti koje plove isključivo u unutarnjim morskim vodama i teritorijalnom moru Republike Hrvatske primjenjuju se jednakovrijedni zahtjevi koji se, sukladno Smjernicama Organizacije – Smjernice za jednakovrijedne zahtjeve za upravljanje balastnim vodama – G3 (Rezolucija MEPC.123(53)) utvrđuju posebnim propisom.

## Article 3

(1) This Ordinance applies to ships of Croatian nationality, regardless of their category of navigation, as well as ships, regardless of their nationality, which call to ports in the Republic of Croatia or navigate in Croatian internal waters, territorial sea or the Ecological and Fisheries Protection Zone of the Republic of Croatia.

(2) By way of derogation from the provision of paragraph 1, this Ordinance does not apply to:

- ships navigating or staying only in internal waters, territorial sea or Ecological and Fisheries Protection Zone of the Republic of Croatia,

- ships of Croatian nationality navigating or staying only in internal waters or the territorial sea of another country, if that country has excepted them from the application of provisions of the Convention or national laws on ballast water management,

- ships which are not designed and built for transport of ballast water, or which carry onboard permanent ballast water in sealed containers, which is not subject to discharge,

- warships, auxiliary warships or public vessels. However, competent authorities operating these ships shall ensure that the ships apply the provisions of this Ordinance, so far as is reasonable and practicable.

(3) By derogation from paragraph 2, subparagraph a), the Ministry can extend the application of the Ordinance to all or particular ships navigating or staying only in internal waters or territorial sea of the Republic of Croatia, if established that discharge of ballast water from the ship or ships would create hazard or damage to the environment, human health or property in the Republic of Croatia or neighbouring countries.

(4) Without prejudice to application of the derogation referred to in paragraph 2, on boats and yachts used only for personal needs or sports competitions, except boats and yachts navigating only in internal waters and territorial sea of the Republic of Croatia, equivalent requirements shall apply, which, according to the Guidelines of the Organisation – Guidelines for Ballast Water Management Equivalent Compliance (G3) (Resolution MEPC.123(53)) are established by special regulation.

## PRIJAVA I EVIDENTIRANJE BALASTNIH VODA

## Članak 4.

(1) Svi brodovi na koje se primjenjuje ovaj Pravilnik i koji dolaze iz inozemstva moraju nadležnoj lučkoj kapetaniji dostaviti prijavu balastnih voda na obrascu iz Priloga I. ovog Pravilnika.

(2) Prijavu iz stavka 1. ovog članka zapovjednik je dužan dostaviti najkasnije 48 sati prije uplovljavanja broda u luku, odnosno neposredno nakon isplavljenja iz posljednje inozemne luke ako je vrijeme plovidbe do uplovljavanja u hrvatsku luku kraće od 48 sati.

## PREVENTIVNE MJERE

## Članak 5.

(1) Zapovjednik broda dužan je, u mjeri u kojoj to omogućavaju zahtjevi sigurnosti plovidbe i zaštite morskog okoliša, izbjeći ili ograničiti ukrcaj balastnih voda u područjima:

- za koja je poznato da postoje štetni mikroorganizmi,
- u kojima postoje tvornički ispusti,
- gdje se vrše podmorska jaružanja,
- gdje su izrazito visoke razlike morskih mijena,
- u kojima postoji visoka zamućenost vode zbog rada brodskih porivnih uređaja (plitke luke, estuariji, sidrišta),
- mriještenja riba, i
- sudaranja morskih struja.

(2) Lučke uprave ili tijela koja upravljaju lukom dužni su upozoriti zapovjednika broda o okolnostima iz stavka 1. ovog članka.

## Članak 6.

(1) Ministarstvo uz mišljenje ministarstva nadležnog za poslove zaštite okoliša, može izdati upozorenja vezana uz ukrcaj ili iskrcaj balastnih voda u pojedinim područjima unutarnjih morskih voda, teritorijalnog moru i ZERPU i/ili propisati pripadajuće privremene mjere zabrane ukrcaja ili iskrcaja balastnih voda u tom području, te navesti bilo koje alternativno područje prikladno za ukrcaj balastnih voda.

(2) Upozorenja vezana uz ukrcaj ili iskrcaj balastnih voda iz stavka 1. izdat će se samo za područja za koja je poznato da sadržavaju izvorišta epidemija, zaraza ili populacija štetnih vodenih organizama i patogena (npr. cvjetanja štetnih algi).

## REPORTING AND RECORDING THE BALLAST WATER

## Article 4

(1) All ships arriving from abroad, to which this Ordinance applies, must report the ballast water to the competent harbour master's office in the form in Annex I to this Ordinance.

(2) Notification referred to in paragraph 1 of this Article must be delivered by master of the ship within 48 hours prior to calling of the ship at port, or immediately upon departure from the last foreign port if time of navigation prior to calling at Croatian port is less than 48 hours.

## PREVENTIVE MEASURES

## Article 5

(1) Master of the ship shall, to the extent that the requirements concerning navigational safety and protection of the marine environment allow, avoid or restrain loading of ballast water in the areas:

- where the existence of harmful microorganisms is known,
- where industrial discharges are present,
- where underwater dredging takes place,
- with exceptionally high tide variations,
- with high water turbidity resulting from the running of ship propulsion machinery (shallow ports, estuaries, berths),
- spawning of the fish, and
- of encounter of marine currents.

(2) Port authorities or port managing bodies shall warn the master of the ship about the circumstances referred to in paragraph 1 of this Article.

## Article 6

(1) The Ministry, with the opinion of the Ministry competent for environmental protection, can issue a warning concerning loading or unloading of ballast water in particular areas of internal waters, territorial sea and EFPZ of the Republic of Croatia and/or prescribe relevant interim measures prohibiting loading or unloading of ballast water in this area, as well as indicate any alternative area appropriate for loading of ballast water.

(2) Warnings concerning loading or unloading of ballast water referred to in paragraph 1 shall be issued only for the areas which are known to contain sources of epidemics, infections or



(3) Ministarstvo će o područjima iz stavka 1. izvjestiti Organizaciju, te će na uobičajeni način obavještavati pomorce.

## OPĆA OBVEZA

### Članak 7.

Ako ovim Pravilnikom nije izričito drukčije propisano, zabranjeno je ispuštati balastne vode u unutarnje morske vode, teritorijalno more ili ZERP Republike Hrvatske ako prethodno nisu provedene mjere upravljanja balastnim vodama sukladno odredbama ovog Pravilnika.

### Članak 8.

Do trenutka stupanja na snagu Međunarodne konvencije o nadzoru i upravljanju brodskim balastnim vodama i talozima iz 2004. godine, u odnosu na brodove koji plove između područja određenih u Smjernicama o dobrovoljnoj privremenoj primjeni standarda D1, iz Priloga II. ovog Pravilnika, na dobrovoljnoj bazi se primjenjuju Smjernice.

## IZUZEĆA

### Članak 9.

Iznimno od odredbe članka 7. ovog Pravilnika obveza provedbe mjera upravljanja balastnim vodama prije ispuštanja ne odnosi se na:

- ukrcaj ili iskrcaj balastnih voda nužnih za očuvanje sigurnosti broda u iznenadnim situacijama ili radi sigurnosti ljudskih života na moru; ili

- neočekivano istjecanje ili unos balastnih voda zbog oštećenja broda ili opreme:

- a) pod uvjetom da su poduzete sve razumne preventivne mjere prije i za vrijeme događaja, a radi sprečavanja ili umanjavanja iskrcaja balastnih voda; i

- b) da vlasnik, kompanija ili ovlašteni časnici nisu namjerno ili krajnjom nepažnjom prouzročili štetu; ili

- ukrcaj ili iskrcaj balastnih voda radi izbjegavanja ili umanjavanja onečišćenja okoliša s broda; ili

- ukrcaj i iskrcaj istih balastnih voda na otvorenom moru; ili

- iskrcaj balastnih voda s broda na istoj lokaciji na kojoj je cijela količina balastnih voda ukrcana, pod uvjetom da te balastne vode nisu pomiješane sa neobrađenim balastnim vodama s drugog područja.

populations of harmful aquatic organisms and pathogens (e.g. harmful algal bloom).

(3) The Ministry shall notify the Organisation about the areas referred to in paragraph 1, and it shall also inform the seafarers in the usual way.

## GENERAL OBLIGATION

### Article 7

Unless otherwise prescribed by this Ordinance, it shall be prohibited to discharge ballast water in internal waters, territorial sea or EFPZ of the Republic of Croatia, if measures of ballast water management have not been performed according to provisions of this Ordinance.

### Article 8

Until the moment of entry into force of the 2004 International Convention for the Control and Management of Ships' Ballast Water and Sediments, with respect to ships navigating between the areas mentioned in the Guidance on the Voluntary Interim Application of the D1 Standard, given in Annex II of this Ordinance, the Guidance shall apply on voluntary basis.

## EXCEPTIONS

### Article 9

By way of exception from the provision contained in Article 7 of this Ordinance, the obligation of implementation of measures of ballast water management before discharge shall not apply to:

- uptake or discharge of ballast water necessary for the purpose of ensuring the safety of a ship in emergency situations or safety of life at sea; or

- accidental discharge or ingress of ballast water resulting from damage to a ship or its equipment:

- a) provided that all reasonable precautions have been taken before and during the event, for the purpose of preventing or minimizing the discharge of ballast water; and

- b) unless the owner, company or officer in charge wilfully or recklessly caused damage; or
  - the uptake and discharge of ballast water when being used for the purpose of avoiding or minimizing pollution incidents from the ship;

or

- uptake and discharge of the same ballast water on the high seas; or

- the discharge of ballast water from a ship at

## OSLOBAĐANJE

## Članak 10.

(1) Ministarstvo može osloboditi od primjene odredaba članka 11., 12., 13. ili 14. ovog Pravilnika brod ili brodove koji ukrcavaju ili iskrcavaju balastne vode u Republici Hrvatskoj a koji plove između točno određenih luka ili područja.

(2) Oslobađanje iz stavka 1. može se dati samo na temelju provedene procjene rizika sukladno Smjernicama Organizacije – Smjernica za procjenu rizika – G7 (IMO rezolucija MEPC.162(56)), kako su izmijenjene i dopunjene, kako bi se osiguralo da isto ne ugrožava okoliš, ljudsko zdravlje, imovinu ili sredstva u Republici Hrvatskoj, susjednim ili drugim državama.

(3) Oslobađanje iz stavka 1. može se dati samo u slučaju da brod ne miješa balastne vode i talog s balastnim vodama i talogom ukrcanim u drugom području ili luci.

(4) Oslobađanje iz stavka 1. može se dati na rok ne dulji od pet godina, i primjenjuju se nakon što Ministarstvo o oslobađanju obavijesti Organizaciju, te ta informacija bude dostavljena državama strankama Konvencije.

(5) Oslobađanja iz ovog članka mogu se dati i temeljem međunarodnog ugovora ili akta.

(6) Sva izuzeća odobrena temeljem ovoga članka bilježe se u Knjigu o balastnim vodama.

## STANDARDI UPRAVLJANJA

## Članak 11.

(1) Brodovi sagrađeni prije 2009. godine, s balastnim kapacitetom broda od 1500 do uključivo 5000 kubičnih metara, provode upravljanje balastnim vodama koje zadovoljava najmanje standard propisan člankom 12. ili člankom 14. ovoga Pravilnika, do 2014. godine nakon čega moraju zadovoljavati najmanje standard propisan člankom 14.

(2) Brodovi sagrađeni prije 2009. godine, s balastnim kapacitetom broda manjim od 1500 ili većim od 5000 kubičnih metara, provode upravljanje balastnim vodama koje zadovoljava najmanje standard propisan člankom 12. ili člankom

the same location where the whole of that ballast water originated, provided that no mixing with unmanaged ballast water from other areas has occurred.

## EXEMPTIONS

## Article 10

(1) The Ministry can exempt from application of provisions of Articles 11, 12, 13 or 14 of this Ordinance a ship or ships loading or discharging ballast water in the Republic of Croatia and navigating between specific ports or areas.

(2) The exemption referred to in paragraph 1 can be granted only based on a risk assessment performed according to the Guidelines of the Organisation – Guidelines on risk assessment (G7) (IMO Resolution MEPC.162(56)), as amended, in order to ensure that it does not threaten the environment, human health, property or resources in the Republic of Croatia, neighbouring or other countries.

(3) The exemption referred to in paragraph 1 can be granted only in case that the ship does not mix ballast water and sediments with ballast water and sediments from another area or port.

(4) The exemption referred to in paragraph 1 can be granted for the period not longer than five years, and applies after the Ministry informs the Organisation about the exemption, and this information is submitted to the parties to the Convention.

(5) Exemption from this Article can be granted based on international agreement or act.

(6) Any exemption granted based on this Article shall be recorded in the Ballast Water Record Book.

## MANAGEMENT STANDARDS

## Article 11

(1) Ships constructed before 2009, with a ballast water capacity of between 1,500 and 5,000 cubic metres, inclusive, shall conduct ballast water management that at least meets the standard prescribed in Article 12 or Article 14 of this Ordinance, until 2014, after which time it shall at least meet the standard described in Article 14.

(2) Ships constructed before 2009, with a ballast water capacity of less than 1,500 or greater than 5,000 cubic metres, shall conduct ballast water management that at least meets the standard provided for in Article 12 or Article 14 of this

14. ovoga Pravilnika, do 2016. godine nakon čega moraju zadovoljavati najmanje standard propisan člankom 14.

(3) Brodovi na koji se primjenjuje stavak 1. ili 2. moraju udovoljavati uvjetima iz tog stavka najkasnije do prvog među pregleda ili obnovnog pregleda, ovisno koji je prije, nakon datuma godišnjice isporuke broda u godini usklađenosti sa standardom primjenjivim na taj brod.

(4) Brodovi izgrađeni 2009. godine, s balastnim kapacitetom manjim od 5000 kubičnih metara, provode upravljanje balastnim vodama koje zadovoljava najmanje standard propisan u članku 14., najkasnije do drugog godišnjeg pregleda, ali ne kasnije od 31. prosinca 2011. godine.

(5) Brodovi izgrađeni nakon 2009. godine, s balastnim kapacitetom manjim od 5000 kubičnih metara, provode upravljanje balastnim vodama koje zadovoljava najmanje standard propisan člankom 14. ovog Pravilnika.

(6) Brodovi izgrađeni 2009. godine ili kasnije, ali prije 2012. godine, s balastnim kapacitetom od 5000 kubičnih metara ili više, provode upravljanje balastnim vodama u skladu sa stavkom 2. ovog članka.

(7) Brodovi izgrađeni 2012. godine ili kasnije, s balastnim kapacitetom od 5000 kubičnih metara ili više, provode upravljanje balastnim vodama koje zadovoljava najmanje standard propisan člankom 14. ovog Pravilnika.

(8) Zahtjevi iz ovoga članka ne primjenjuju se na brodove koji ispuštaju balastne vode u prihvatna postrojenja pri čijoj su konstrukciji uzete u obzir Smjernice G5 – Smjernice u pogledu prihvatnih uređaja za balastne vode (IMO rezolucija MEPC.153(55), kako je izmijenjena i dopunjena).

## STANDARD ZA IZMJENU BALASTNIH VODA

### Članak 12.

(1) Brodovi koji kao metodu upravljanja balastnim vodama koriste izmjenu balastnih voda moraju to činiti uz učinkovitost od najmanje 95 posto volumetričke izmjene balastnih voda.

(2) Brodovi koji kao metodu upravljanja balastnim vodama obavljaju izmjenu balastnih voda pumpanjem, smatra se da zadovoljavaju standard opisan u stavku 1., ako je pumpanjem izmijenjen trostruki volumen svakog balastnog tanka.

(3) U slučaju kada je pri izmjeni balastne vode pumpanjem izmijenjeno manje od trostrukog volumena svakog balastnog tanka, takva se izmjena

Ordinance, until 2016, after which time it shall at least meet the standard provided for in Article 14.

(3) Ship to which paragraphs 1 or 2 apply shall comply with those paragraphs not later than the first intermediate or renewal survey, whichever occurs first, after the anniversary date of delivery of the ship in the year of compliance with the standard applicable to the ship.

(4) Ships constructed in 2009, with a ballast water capacity of less than 5,000 cubic metres, shall conduct ballast water management that at least meets the standard prescribed in Article 14, before the second annual survey, but not later than 31 December 2011.

(5) Ships constructed after 2009, with a ballast water capacity of less than 5,000 cubic metres, shall conduct ballast water management that at least meets the standard prescribed in Article 14 of this Ordinance.

(6) Ships constructed in or after 2009, but before 2012, with a ballast water capacity of 5,000 cubic metres or more, shall conduct ballast water management in accordance with paragraph 2 of this Article.

(7) Ships constructed in or after 2012, with a ballast water capacity of 5,000 cubic metres or more, shall conduct ballast water management that at least meets the standard provided for in Article 14 of this Ordinance.

(8) The requirements of this regulation do not apply to ships that discharge ballast water to a reception facility designed taking into account the Guidelines for ballast water reception facilities (G5) (IMO Resolution MEPC.153(55), as amended).

## BALLAST WATER EXCHANGE STANDARD

### Article 12

(1) Ships which apply ballast water exchange as a measure of ballast water management, have to do so with the efficiency of at least 95% volumetric exchange of ballast water.

(2) Ship exchanging ballast water using the method of pumping shall be deemed to have complied with the standard referred to in paragraph 1, if pumping has been carried out to exchange at least three times the volume of each ballast tank.

(3) If during exchange of ballast water by pumping through method less than three times the volume of each ballast tank has been exchanged,

može prihvatiti pod uvjetom da brod može dokazati da je izmijenjeno najmanje 95 posto volumena balastnih tankova i ako je to predviđeno Planom upravljanja balastnim vodama.

(4) Brod koji kao metodu upravljanja balastnim vodama koristi izmjenu balastnih voda mora uvijek kada je to moguće obavljati izmjenu balastnih voda najmanje 200 nautičkih milja udaljen od najbližeg kopna i u morskim vodama čija dubina iznosi najmanje 200 metara

(5) U slučajevima kada brod ne može obaviti izmjenu balastnih voda u skladu sa stavkom 4. takva se izmjena balastnih voda mora obavljati na najmanje 50 nautičkih milja od najbližeg kopna i u morskim vodama čija je dubina najmanje 200 metara.

(6) Iznimno od odredbi stavaka 4. i 5., brodovi smiju izmjenjivati balastne vode i u područjima koja su za to određena sukladno odredbama Konvencije i Smjernica za određivanje područja izmjene balastnih voda G14 (IMO rezolucija MEPC.151(55), kako je izmijenjena i dopunjena).

#### Članak 13.

(1) Brodovi koji kao metodu upravljanja balastnim vodama provode izmjenu balastnih voda smiju ispuštiti morsku vodu čiji je salinitet iznad 36‰.

(2) U slučaju kada balastna voda ima salinitet niži od 36‰ dodatnim analizama se ispituje sastav morske vode pri čemu broj fitoplanktonskih organizama (mikroplankton) ne smije prelaziti broj od 105 stanica L-1 i ne smije sadržavati dinoflagelatne ciste.

#### STANDARD ZA OBRADU BALASTNIH VODA

##### Članak 14.

(1) Brodovi koji upravljanje balastnim vodama provode putem obrade balastnih voda smiju ispuštiti manje od 10 živih organizama većih ili jednakih 50 mikrometara, te manje od 10 živih organizmima po mililitru, čije su dimenzije manje od 50 mikrometara, odnosno čije su minimalne dimenzije veće od ili jednake 10 mikrometara, pri čemu ispuštanje indikatorskih mikroorganizama ne smije premašivati zadane koncentracije propisane u stavku 2.

(2) Indikatorski mikroorganizmi, kao standard za ljudsko zdravlje, uključuju:

- Toksični mikroorganizam *Vibrio cholerae* (O1 i

such an exchange can be accepted provided that the ship can prove at least 95 percent of volumetric exchange, and if that was envisaged by the Ballast Water Management Plan.

(4) Ship which uses ballast water exchange as ballast water management method has to conduct, whenever possible, ballast water exchange at the distance of at least 200 nm from the nearest land and at sea depth of at least 200 metres.

(5) When the ship has no possibility to exchange ballast water pursuant to paragraph 4 of this Article, ballast water exchange shall be performed at a distance of at least 50 nm from the nearest land and at sea depth of at least 200 metres.

(6) By means of exemption from provisions contained in paragraphs 4 and 5, ships can exchange ballast water in areas designated according to provisions of the Convention and the Guidelines on designation of areas for ballast water exchange (G14) (IMO Resolution MEPC.151(55), as amended).

#### Article 13

(1) Ships which perform ballast water exchange as a method of ballast water management can discharge sea-water with salinity above 36‰.

(2) In case when ballast water salinity is lower than 36‰, additional analyses shall be performed to examine the sea-water content, where the number of phytoplankton organisms (microplankton) cannot exceed the number of 105 L-1 cells and cannot contain dinoflagellate cysts.

#### BALLAST WATER TREATMENT STANDARD

##### Article 14

(1) Ships conducting ballast water management by way of ballast water treatment may discharge less than 10 live organisms, greater than or equal to 50 micrometers, and less than 10 live organisms per millilitre, with dimensions less than 50 micrometers, i.e. with minimum dimensions greater than or equal to 10 micrometers, where discharge of the indicator microorganisms shall not exceed the specified concentrations described in paragraph 2.

(2) Indicator microorganisms, as a human health standard, shall include:

- Toxicogenic *Vibrio cholerae* (O1 and O139)

O139) s manje od 1 kolonije (cfu) na 100 mililitara ili manje od 1 kolonije (cfu) po 1 gramu (mokra težina) uzorka zooplanktona;

- *Escherichia coli*, manje od 250 kolonija (cfu) na 100 mililitara;
- Crijevni enterokok, manje od 100 kolonija (cfu) na 100 mililitara.

## ODOBRENJE SUSTAVA ZA OBRADU BALASTNIH VODA

### Članak 15.

(1) Sustave za obradu balastnih voda, osim sustava koji koriste aktivne tvari, odobrava priznata organizacija, sukladno Smjernicama G8 – Smjernice za odobrenje sustava upravljanja balastnim vodama (IMO rezolucija MEPC.174(58), kako je izmijenjena i dopunjena).

(2) Sustave za obradu balastnih voda koji koriste aktivne tvari odobrava Organizacija, sukladno Smjernicama G9 – Smjernice za odobravanje sustava upravljanja balastnim vodama koji uključuje korištenje aktivnih tvari (IMO rezolucija MEPC.169(57), kako je izmijenjena i dopunjena).

(3) Sustavi za obradu balastnih voda moraju biti sigurni za brod, njegovu opremu i posadu.

## PROTOTIPNE TEHNOLOGIJE OBRADE BALASTNIH VODA

### Članak 16.

(1) Pri uspostavi i provedbi bilo kojeg programa ispitivanja i procjene novih tehnologija obrade balastnih voda, Ministarstvo može dopustiti sudjelovanje brodova neophodnih za učinkovito ispitivanje takvih tehnologija.

(2) Za svaki brod koji sudjeluje u programu s ciljem ispitivanja i procjene novih tehnologija obrade balastnih voda, standard iz članka 14. neće se početi primjenjivati na taj brod dok ne prođe pet godina od datuma kada bi brod inače trebao biti usklađen s takvim standardom.

(3) Za svaki brod koji, nakon datuma kada se na njega počne primjenjivati standard iz članka 13., sudjeluje u programu s ciljem ispitivanja i procjene novih tehnologija obrade balastnih voda iz kojega se mogu razviti tehnologije obrade sa standardom većim od onoga iz članka 13., standard iz članka 14. neće se primjenjivati na taj brod tijekom razdoblja od pet godina od datuma ugradnje takve tehnologije.

with less than 1 colony forming unit (cfu) per 100 millilitres or less than 1 cfu per 1 gram (wet weight) zooplankton samples;

- *Escherichia coli*, less than 250 cfu per 100 millilitres;
- Intestinal Enterococci less than 100 cfu per 100 millilitres.

## APPROVAL OF BALLAST WATER TREATMENT SYSTEMS

### Article 15

(1) Systems for ballast water treatment, except the systems using active substances, shall be approved by a recognised organisation, according to Guidelines for approval of Ballast Water Management Systems (G8) (IMO Resolution MEPC.174(58), as amended).

(2) Systems for ballast water treatment which use active substances shall be approved by the Organisation, according to the Guidelines for Procedure for Approval of BWM systems that make use of Active Substances (G9) (IMO Resolution MEPC.169(57), as amended).

(3) Systems for the ballast water treatment shall be safe for the ship, its equipment and the crew.

## PROTOTYPE BALLAST WATER TREATMENT TECHNOLOGIES

### Article 16

(1) In establishing and carrying out any programme to test and evaluate new ballast water technologies, the Ministry can allow participation of ships necessary for effective testing of such technologies.

(2) For any ship that participates in a programme in order to test and evaluate new ballast water treatment technologies, the standard from Article 14 shall not start to apply to that ship until five years from the date on which the ship would otherwise be required to comply with such standard.

(3) For any ship that, after the date on which the standard from Article 13 has become effective for it, participates in a programme in order to test and evaluate new ballast water technologies with the potential to result in treatment technologies achieving a standard higher than that from Article 13, the standard from Article 14 shall not apply to that ship during the period of five years from the date of installation of such technology.

## BRODSKE ISPRAVE I KNJIGE

## Članak 17.

(1) Svi brodovi bruto tonaže 400 i više, hrvatske državne pripadnosti, u međunarodnoj plovidbi, i svi brodovi bruto tonaže 400 i više neovisno o državnoj pripadnosti koji uplovljavaju u luke u Republici Hrvatskoj, konstruirani za krcanje balastnih voda, moraju imati Međunarodnu svjedodžbu za upravljanje balastnim vodama, izdanu od nadležnih tijela države zastave broda ili u njeno ime.

(2) Svjedodžba iz stavka 1. izdaje se na rok ne dulji od pet godina i mora biti izdana na službenom jeziku države koja izdaje svjedodžbu u obliku sadržanom u Dodatku I Konvencije. Ako službeni jezik države koja izdaje svjedodžbu nije engleski, francuski ili španjolski tekst će uključiti i prijevod na jedan od navedenih jezika.

(3) Svjedodžba iz stavka 1. za brodove hrvatske državne pripadnosti izdaje se i ovjerava sukladno Tehničkim pravilima.

## Članak 18.

(1) Svi brodovi na koje se primjenjuju odredbe ovog Pravilnika moraju imati na brodu i moraju primjenjivati Plan upravljanja balastnim vodama. (u daljnjem tekstu: Plan)

(2) Plan mora biti odobren od nadležnih tijela države čiju zastavu brod vije uzimajući u obzir primjenjive Smjernice Organizacije – Smjernice za upravljanje balastnim vodama i donošenje plana upravljanja balastnim vodama – G4 (Rezolucija MEPC.127(53)).

(3) Plan mora biti specifičan za svaki pojedini brod i mora sadržavati najmanje:

- detaljne sigurnosne postupke za brod i posadu, povezane s upravljanjem balastnim vodama;
- detaljan opis djelovanja koja se moraju poduzeti radi primjene zahtjeva kod upravljanja balastnim vodama i dodatnih postupaka upravljanja balastnim vodama;
- detaljne postupke za odlaganje taloga u more i na kopno;
- postupke za usklađivanje upravljanja balastnim vodama na brodu koji uključuje ispuštanje u more s nadležnim vlastima države pod čijom nadležnošću je morsko područje u koje će se ispuštanje obaviti;
- odrediti časnika na brodu zaduženog za

## SHIP'S DOCUMENTS AND BOOKS

## Article 17

(1) All ships of 400 gross tonnage and above, of Croatian nationality, in international navigation, and all ships of 400 gross tonnage and above, regardless of their nationality, calling at ports in the Republic of Croatia and constructed for uptake of ballast water, shall have the International Ballast Water Management Certificate, issued by, or on behalf of, the competent authorities of the ship's flag state.

(2) Certificate referred to in paragraph 1 shall be issued for the period not longer than five years and shall be issued in the official language of the country issuing the certificate in the form defined in Appendix I to the Convention. If the official language of the country issuing the certificate is not English, French or Spanish, the text of the certificate shall include the translation to one of the mentioned languages.

(3) The certificate referred to in paragraph 1, for ships of Croatian nationality, shall be issued and verified in accordance with the Technical Rules.

## Article 18

(1) All ships to which provisions of this Ordinance apply shall have onboard and apply the Ballast Water Management Plan (hereinafter: the Plan).

(2) The Plan shall be approved by competent authorities of the state whose flag the ship flies, taking into consideration the applicable guidelines of the Organisation – Guidelines for Ballast Water Management and Development of Ballast Water Management Plans (G4) (Resolution MEPC.127(53)).

(3) The Plan shall be specific to each ship and shall contain at least:

- detailed safety procedures for the ship and the crew, related to ballast water management;
- detailed description of activities which have to be taken for the purpose of application of the ballast water management requirements and supplemental ballast water management practices;
- detailed procedures for the disposal of sediments at sea and to shore;
- procedures for coordinating shipboard ballast water management that involves discharge to the sea with the competent authorities of the State under whose jurisdiction are waters where such discharge will take place;

pravilno provođenje Plana;  
– zahtjeve za izvješćivanje za brod.

(4) Plan mora biti pisan na radnom jeziku posade, a ako radni jezik nije engleski, francuski ili španjolski, plan mora biti preveden na jedan od navedenih jezika. U odnosu na brodove hrvatske državne pripadnosti Plan mora biti napisan na hrvatskom ili engleskom jeziku.

(5) Plan za brodove hrvatske državne pripadnosti odobrava priznata organizacija.

#### Članak 19.

(1) Na svim brodovima na koje se primjenjuje ovaj Pravilnik, mora se nalaziti Knjiga o balastnim vodama koja može biti elektronički sustav zapisivanja, ili koja može biti uključena u drugi dnevnik ili sustav, i koja sadrži najmanje podatke sadržane u Dodatku II Konvencije.

(2) Obrazac Knjige o balastnim vodama za brodove hrvatske državne pripadnosti propisan je Tehničkim pravilima.

(3) Zapisi u Knjizi o balastnim vodama moraju se čuvati na brodu najmanje dvije godine nakon unosa zadnjeg zapisa, te nakon toga moraju biti sačuvani pod nadzorom kompanije još najmanje tri godine.

(4) U slučaju ispuštanja balastnih voda, slučajnog ili iznimnog, uslijed nenadanih situacija, u Knjigu o balastnim vodama unosi se zapis koji opisuje okolnosti i razloge takvog ispuštanja balastnih voda.

(5) Svaka radnja vezana uz balastne vode mora biti odmah i potpuno zabilježena u Knjizi o balastnim vodama. Svaki upis mora biti potpisan od časnika odgovornog za odnosnu radnju i svaka ispunjena stranica mora biti potpisana od zapovjednika.

(6) Upisi u Knjigu o balastnim vodama moraju biti na radnom jeziku posade. Ako taj jezik nije engleski, francuski ili španjolski, upisi moraju biti prevedeni na jedan od tih jezika.

(7) Knjiga o balastnim vodama mora biti spremna za inspekciju u svako doba, a u slučaju broda bez posade u teglju, može se nalaziti na tegljaču.

- designate the officer on board in charge of proper implementation of the Plan;  
- reporting requirements for the ship.

(4) The Plan shall be written in the working language of the crew, and if the working language is not English, French or Spanish, the Plan shall be translated into one of the mentioned languages. With respect to ships of Croatian nationality, the Plan shall be written in Croatian or English.

(5) The Plan for ships of Croatian nationality shall be approved by a recognised organisation.

#### Article 19

(1) Each ship to which this Ordinance applies shall have on board a Ballast Water Record Book that may be an electronic record system, or that may be integrated into another record book or system, which shall contain at least the information specified in Appendix II to the Convention.

(2) The form of the Ballast Water Record Book for ships of Croatian nationality has been prescribed by Technical Rules.

(3) Ballast Water record book entries shall be kept on board the ship for a minimum period of two years after the last entry has been made and thereafter they shall be kept under the Company's control for a minimum period of another three years.

(4) In the event of the discharge of ballast water, accidental or exceptional, due to unexpected situations, an entry shall be made in the ballast water record book describing the circumstances of, and the reason for, the discharge.

(5) Each operation concerning ballast water shall be recorded, fully and without delay, in the Ballast Water Record Book. Each entry shall be signed by the officer in charge of the operation concerned and each completed page shall be signed by the master.

(6) The entries in the Ballast Water Record Book shall be in a working language of the crew. If that language is not English, French or Spanish the entries shall contain a translation into one of those languages.

(7) The Ballast Water Record Book shall be kept readily available for inspection at all reasonable times and, in the case of an unmanned ship under tow, may be kept on the towing ship.

## UPRAVLJANJE TALOZIMA

## Članak 20.

(1) Zabranjeno je odlagati u more taloge, te su svi brodovi dužni ukloniti taloge iz prostora namijenjenih prijevozu balastnih voda, u skladu s odredbama broskog Plana upravljanja balastnim vodama.

(2) Talози iz stavka 1. ovog članka moraju se prikupiti isključivo mehaničkim putem, te nakon toga odlagati u posebno namijenjene kopnene prihvatne uređaje.

(3) Brodovi na koje se primjenjuje članak 14. ovog Pravilnika moraju, bez ugrožavanja sigurnosti i radne učinkovitosti, biti projektirani i izgrađeni tako da omogućuju smanjenje unosa i neželjenog zadržavanja taloga, olakšano uklanjanje taloga te siguran pristup radi uklanjanja taloga i uzimanja uzoraka.

## Članak 21.

(1) Lučka uprava ili tijelo koje upravlja lukom u kojima se obavlja čišćenje ili popravak balastnih tankova, dužno je osigurati odgovarajuća postrojenja za prihvatanje taloga uzimajući u obzir Smjernice G1–Smjernice o prihvatnim uređajima za taloge (IMO Rezolucija MEPC.152(55), kako je izmijenjena i dopunjena).

(2) Rad takvih postrojenja za prihvatanje ne smije uzrokovati nepotrebna kašnjenja brodova te mora osigurati sigurno uklanjanje takvih taloga prilikom kojega se ne narušavaju niti ugrožavaju okoliš, ljudsko zdravlje, imovina ili sredstva a u skladu s drugim pozitivnim zakonskim propisima o zaštiti okoliša.

(3) Ministarstvo će o svakom nedostatku takvog uređaja izvijestiti Organizaciju.

## INSPEKCIJSKI NADZOR

## Članak 22.

(1) Inspeksijski nadzor nad provedbom odredaba ovog Pravilnika provodi inspekcija sigurnosti plovidbe.

(2) Inspeksijski nadzor obavlja se sukladno pravilniku kojim se uređuje inspeksijski nadzor sigurnosti plovidbe, te primjenjivim međunarodnim smjernicama.

(3) Inspeksijski nadzor nad provedbom odredbi članka 21. provodi i inspekcija zaštite okoliša.

## SEDIMENT MANAGEMENT

## Article 20

(1) It is prohibited to discharge sediments into sea, and all ships shall remove and dispose of sediments from spaces designated to carry ballast water in accordance with the provisions of the ship's Ballast Water Management Plan.

(2) The sediments referred to in paragraph 1 of this Article shall be gathered by mechanical way only, and subsequently removed in specifically designed land-based reception facilities.

(3) Ships to which Article 14 of this Ordinance applies shall, without compromising safety or operational efficiency, be designed and constructed with a view to minimize the uptake and undesirable entrapment of sediments, facilitate removal of sediments, and provide safe access to allow for Sediment removal and sampling.

## Article 21

(1) Port authority or the body managing the port, in which cleaning or repair of ballast tanks is performed, shall ensure appropriate sediment reception facilities, taking into consideration the Guidelines for sediment reception facilities (G1) (IMO Resolution MEPC.152(55), as amended).

(2) Operation of such reception facilities shall not cause unnecessary delays of ships, and shall ensure safe removal of such sediments, without disturbing or endangering the environment, human health, property or resources, in conformity with other environmental protection legislation.

(3) The Ministry shall inform the Organisation about all deficiencies of such facilities.

## INSPECTION

## Article 22

(1) Inspection of implementation of provisions of this Ordinance shall be performed by the safety of navigation inspection.

(2) Inspection shall be performed according to the ordinance regulating the safety of navigation inspection, and relevant international guidelines.

(3) Inspection of implementation of provisions of Article 21 shall also be performed by the environmental inspection.



### Članak 23.

(1) U cilju provjere balastnih voda inspektor može zatražiti analizu od ustanove ovlaštene prema posebnim propisima odnosno laboratorija, o uzetim uzorcima i ispitivanju balastnih voda koji se namjerava ispustiti u more, a rezultati provedene analize daju se u obliku pisanog izvještaja.

(2) Ispitivanje balastnih voda sastoji se od znanstvene analize uzoraka u svrhu kontrole provedbe mjera upravljanja balastnim vodama. Uzimanje uzoraka i ispitivanje balastnih voda obavlja se sukladno Smjernicama G2 – Smjernicama za uzorkovanje balastnih voda (IMO rezolucija MEPC.173(58), kako je izmijenjena i dopunjena).

(3) Uzorci balastnih voda mogu se, na temelju naloga inspektora, uzeti iz tankova i prije uplovljavanja broda u luku, odnosno tijekom plovidbe.

(4) Rezultati ispitivanja balastnih voda ukrvanih u stranoj luci, provedenog od tijela ili organizacije ovlaštene za uzorkovanje i ispitivanje balastnih voda u toj luci mogu se priznati u Republici Hrvatskoj.

(5) Ako se analizom uzoraka utvrdi da brod nije proveo neku od mjera upravljanja balastnim vodama u skladu s ovim Pravilnikom, zabranit će se iskrcaj balastnih voda ako je moguće.

(6) Troškove uzimanja uzoraka i ispitivanja snosi brodar.

### DUŽNOSTI POSADE

#### Članak 24.

U provedbi mjera upravljanja balastnim vodama posada broda mora biti upoznata sa svojim dužnostima specifičnima za brod na kojem služe te moraju, u skladu sa svojim dužnostima, biti upoznati s brodskim Planom upravljanja balastnim vodama.

#### Članak 25.

Poduzimat će se sve moguće mjere kako bi se izbjeglo nepotrebno zadržavanje ili kašnjenje radnih operacija broda, zbog primjene odredbi ovog Pravilnika.

### Article 23

(1) For the purpose of ballast water inspection, inspector may request the institution approved according to special regulations or the approved laboratory, to analyse samples and test ballast water intended for discharge into the sea; the results of the analysis shall be provided in the form of a written report.

(2) Testing of ballast water consists of scientific analysis of samples for the purpose of control of implementation of the ballast water management measures. Sampling and testing of ballast water shall be performed according to Guidelines for Ballast Water Sampling (G2) (IMO Resolution MEPC.173(58), as amended).

(3) Ballast water samples, based on the inspector's order, can be taken from the tanks before calling of the ship at port, i.e. during navigation.

(4) The results of testing of ballast water taken up in a foreign port and conducted by the body or organisation authorized for sampling and testing of ballast water in that port may be recognized in the Republic of Croatia.

(5) If sample analysis establishes that the ship failed to perform any of the ballast water management measures in conformity with this Ordinance, discharge of ballast water shall be prohibited, if possible.

(6) Costs of sampling and testing shall be borne by the shipowner.

### DUTIES OF CREW

#### Article 24

Crew shall be familiar with their duties in the implementation of ballast water management particular to the ship on which they serve and shall, in accordance to their duties, be familiar with the ship's Ballast Water Management Plan.

#### Article 25

All possible efforts shall be made to avoid unduly detention or delay of a ship for the purpose of application of the provisions of this Ordinance.

## PRIJELAZNE I ZAVRŠNE ODREDBE

Članak 26.

(1) Ovaj Pravilnik stupa na snagu osmog dana od dana objave u »Narodnim novinama«.

(2) Stupanjem na snagu ovoga Pravilnika prestaju važiti odredbe Pravilnika o upravljanju i nadzoru vodenog balasta (»Narodne novine«, br. 55/07) .

Klasa: 011-01/12-02/54

Urbroj: 530-04-12-5

Zagreb, 5. studenoga 2012.

Ministar dr. sc. Siniša Hajdaš Dončić, v. r.

## PRILOG I. OBRAZAC PRIJAVE BALASTNIH VODA

## PRILOG II. SMJERNICE O DOBROVOLJNOJ PRIVREMENOJ PRIMJENI STANDARDA D1

«Opće smjernice o dobrovoljnoj privremenoj primjeni standarda D1 za izmjenu balastnih voda u odnosu na brodove koji plove između Sredozemnog mora i Sjeveroistočnog Atlantika i/ili Baltičkog mora»

## TRANSITIONAL AND FINAL PROVISIONS

Article 26

(1) This Ordinance shall enter into force on the eighth day from the day of its publication in the Official Gazette of the Republic of Croatia.

(2) Upon entry into force of this Ordinance, the provisions of the Ordinance on Ballast Water Management and Control (Official Gazette No. 55/07) shall cease to apply.

Class: 011-01/12-02/54

Reg. No.: 530-04-12-5

Zagreb, 5 November 2012

The Minister Siniša Hajdaš Dončić, Ph.D.

## ANNEX I

## BALLAST WATER REPORTING FORM

## ANNEX II

## GUIDANCE ON THE VOLUNTARY INTERIM APPLICATION OF THE D1 STANDARD

«General Guidance on the Voluntary Interim Application of the D1 Ballast Water Exchange Standard by vessels operating between the Mediterranean Sea and the North-East Atlantic and/or the Baltic Sea»

BALLAST WATER REPORTING FORM																			
1. VESSEL INFORMATION					2. VOYAGE INFORMATION					3. BALLAST WATER USAGE AND CAPACITY									
Vessel Name:					Arrival Port:					Ballast Water Capacity		Ballast Water on Board							
IMO Number:					Arrival Date:					No. Of Tanks									
Owner:					Agent:					Volume (m <sup>3</sup> or MT)									
Type*:					Last Port:		Last Country:			Ballast Water Pump(s) Max Capacity (m <sup>3</sup> /h)									
DWT:		GT:			Next Port:		Next Country:												
Flag:																			
Call Sign:																			
*Type codes:					bulk (BC), ro-ro (RR), container (CS), oil tanker (OT), chemical tanker (CT), oil/bulk ore (OB), general cargo (GC), reefer (RF), other (O)														
4. CARGO OPERATIONS:					Total Cargo(Type/MT) to be Loaded					to be Discharged									
5. Ballast Water Management:					Total No. Ballast Water Tanks to be Discharged					Underwent Alternative Management:									
Of tanks to be discharged, how many:					Underwent exchange:					Underwent Alternative Management:									
Please specify alternative method(s) used, if any:																			
If no ballast treatment conducted, state reason why not:																			
Ballast management plan on board:					YES		NO			Management plan implemented:					YES		NO		
6. BALLAST WATER HISTORY: Record all tanks to be deballasted in port state of arrival: IF NONE GO TO #7 (use additional sheets as needed)																			
Tank/Holds List multiple source tanks separately																			
BW SOURCES					BW MANAGEMENT PRACTICES					BW DISCHARGES									
Date	Port or Lat/Long	VOLUME (units)	Temp (units)	Date	End Point Lat/Long	VOLUME (units)	% Exch	Method (ER/F/T/A/L)	Sea HT (m)	Date	Port or Lat/Long	VOLUME (units)	Salinity (units)						
dd/mm/yy				dd/mm/yy						dd/mm/yy									
Ballast Water Tank Codes: Forepeak = FP, Afterpeak = AP, Double Bottom = DB, Wing Tank = WT, Topside = TS, Cargo Hold = CH, Other = O																			
7. RESPONSIBLE OFFICER'S NAME (Printed and signature):																			

1. U očekivanju stupanja na snagu Međunarodne konvencije o nadzoru i upravljanju brodskim balastnim vodama i talozima (BWM konvencija), od brodova koji plove između morskih područja definiranih u točki 3., očekuje se da od 1. listopada 2012. godine na dobrovoljnoj bazi primjenjuju sljedeće smjernice radi smanjenja rizika unošenja neautohtonih vrsta putem balastnih voda. Smjernice se odnose na brodove određene člankom 3. BWM konvencije, uzimajući u obzir izuzeća iz Pravila A-3 iste konvencije. Ove Smjernice ne zamjenjuju zahtjeve BWM konvencije, već predstavljaju dio privremenih Regionalnih strategija upravljanja balastnim vodama za Baltičko more, Sredozemno more i Sjeveroistočni Atlantik, koje u skladu sa člankom 13. stavkom 3. BWM konvencije razvijaju ugovorne stranke OSPAR konvencije, Helsinške konvencije ili Barcelonske konvencije\*. Ove Smjernice se neće primjenjivati od trenutka kada je na brodu moguće primijeniti standard D-2, ili kada BWM konvencija stupi na snagu i brod je obvezan primijeniti standard D-2.

2. Ako je izmjenom balastnih voda na bilo koji način ugrožena sigurnost plovidbe broda, izmjenu ne treba provoditi. Ujedno, ove Smjernice se ne primjenjuju na krcanje ili ispuštanje balastnih voda i taloga koje se poduzima radi osiguravanja sigurnosti plovidbe broda u hitnim situacijama ili spašavanja života u Baltičkom moru ili Sjeveroistočnom Atlantiku.

### 3. Definicije:

Sjeveroistočni Atlantik:

– dijelovi Atlantskog i Arktičkog oceana i o njima ovisnih mora koji se prostiru sjeverno od 36° sjeverne geografske širine i između 42° zapadne geografske dužine i 51° istočne geografske dužine (ali isključujući Baltičko more i pojaseve južno i istočno od linija povučenih od Hasenore Head-a do Gniben Point-a, od Korshage do Spodsbjerg-a, i od Gilbjerg Head-a do Kullen-a, te Sredozemno more i o njemu ovisna mora do točke sjecišta paralele 36° sjeverne geografske širine i meridijana 5° 36' zapadne geografske dužine);

– dio Atlantskog oceana sjeverno od 59° sjeverne geografske širine i između 44° zapadne geografske dužine i 42° zapadne geografske dužine;

Baltičko more:

– Baltičko more i ulaz u Baltičko more omeđen

1. In anticipation of the coming into force of the International Maritime Organization's International Convention for the Control and Management of Ships' Ballast Water and Sediments (the BWM Convention), vessels operating between the marine areas as defined further in point 3, would be expected to apply on a voluntary basis, as from 1 October 2012 the following guidelines to reduce the risk of non-indigenous species invasion through ballast water. The guidelines are addressed to the vessels covered by Article 3 of the BWM, taking into account the exceptions in Regulation A-3 of that Convention. This Guidance does not replace the requirements of the BWM Convention, but provides the part of interim Ballast Water Regional Management Strategies for the Baltic Sea, the Mediterranean Sea and the North-East Atlantic being developed under Article 13(3) of the BWM Convention by the contracting parties to either the OSPAR Convention, the Helsinki Convention or the Barcelona Convention\*. This Guidance will no longer apply when a ship is in a position to apply the D-2 Standard of this Convention, or the Ballast Water Management Convention comes into force and a ship has to apply the D-2 Standard.

2. If the safety of the vessel is in any way jeopardized by a ballast water exchange, it should not take place. Additionally these guidelines do not apply to the uptake or discharge of ballast water and sediments for ensuring the safety of the vessel in emergency situations or saving life at sea in the waters of the Baltic Sea and the North East Atlantic.

### 3. Definitions:

North-East Atlantic:

- those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude (but excluding the Baltic Sea and the Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to Kullen, and the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude);

- that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

The Baltic Sea:

- the Baltic Sea and the entrance to the Baltic

paralelom kod Skaw-a u Skagerrak-u na 57 44.43'N; i

Sredozemno more:

– morske vode Sredozemnog mora uključujući zaljeve i mora, omeđen sa zapada meridijanom koji prolazi svjetionikom Cape Spartel, na ulazu u Gibraltarski tjesnac, te na istoku južnom granicom tjesnaca Dardaneli između svjetionika Mehmetcik i Kumkale.

4. Svaki brod koji plovi u tim vodama trebao bi:

– imati Plan upravljanja balastnim vodama u skladu sa Smjernicama za upravljanje balastnim vodama i razvojem planova upravljanja balastnim vodama (IMO rezolucija MEPC.127 (53)); i

– bilježiti sve operacije balastnim vodama u knjigu o balastnim vodama

5. Brodovi koji odlaze iz Sredozemnog mora i plove prema odredištima u Sjeveroistočnom Atlantiku ili u Baltičkom moru trebali bi izmijeniti svu vodu u balastnim tankovima u skladu sa standardom D-1 BWM konvencije, na udaljenosti od najmanje 200 nautičkih milja od najbližeg kopna u morskim vodama dubine od najmanje 200 metara, čim uplove u Sjeveroistočni Atlantik. Treba napomenuti da je najbolje mjesto za to u morskim vodama koje ispunjavaju navedene uvjete zapadno od Portugala, Španjolske i Francuske, jer su dubine morskih voda u Kanalu La Manche i njegovim prilazima, Sjevernom moru i Baltičkom moru većinom manje od 200 metara [1].

6. Brodovi koji dolaze u Sredozemno more iz Sjeveroistočnog Atlantika ili iz Baltičkog mora i plove prema odredištima u Sredozemnom moru, Crnom moru ili drugdje, trebali bi izmijeniti svu vodu u balastnim tankovima u skladu sa standardom D-1 BWM konvencije, na udaljenosti od najmanje 200 nautičkih milja od najbližeg kopna u morskim vodama dubine od najmanje 200 metara, prije nego napuste Sjeveroistočni Atlantik.

7. Ako, iz operativnih razloga, nije moguće obaviti izmjenu najmanje 200 nautičkih milja od najbližeg kopna u morskim vodama dubine od najmanje 200 metara, onda takva izmjena treba biti napravljena najdalje moguće od kopna izvan Sredozemnog mora, a u svakom slučaju najmanje 50 nautičkih milja od najbližeg kopna u morskim vodama dubine od najmanje 200 metara. Treba napomenuti da u Baltičkom moru nema područja koje ispunjava navedene uvjete.

Sea bounded by the parallel of the Skaw in the Skagerrak at 57 44.43'N; and,

The Mediterranean Sea:

- the maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the east by the southern limits of the Straits of the Dardanelles between the Mehmetcik and Kumkale lighthouses.

4. Each vessel operating in these waters should:

- have a Ballast Water Management Plan which complies with the Guidelines for ballast water management and development of ballast water management plans (G4) (IMO resolution MEPC.127(53)); and,

- record all ballast water operations in a ballast water record book.

5. Vessels leaving the Mediterranean Sea and proceeding to destinations in the North-East Atlantic or the Baltic Sea should exchange all their ballast tanks to the standards set out by the D-1 Standard of the Ballast Water Management Convention, at least 200 nautical miles from the nearest land in water at least 200 metres deep, as soon as they enter the North-East Atlantic. It should be noted that the best place to do this is in waters that meet these criteria to the west of Portugal, Spain and France, as most of the waters of the English Channel and its approaches, the North Sea and the Baltic Sea are less than 200m deep [1].

6. Vessels entering the Mediterranean Sea from the North-East Atlantic or the Baltic Sea and proceeding to destinations in the Mediterranean Sea, the Black Sea or elsewhere should exchange all their ballast tanks to the standards set out by the D-1 Standard of the Ballast Water Management Convention, at least 200 nautical miles from the nearest land in water at least 200 metres deep, before they leave the North-East Atlantic.

7. If, for operational reasons, exchange is not possible at least 200 nautical miles from the nearest land in water at least 200 metres depth, then such exchange should be undertaken as far from the nearest land as possible outside the Mediterranean Sea, and in all cases in waters at least 50 nautical miles from the nearest land in waters of at least 200 metres depth. It should be noted that nowhere in the Baltic Sea fulfils these criteria.

8. Ne bi trebalo ispuštati taloge tijekom čišćenja balastnih tankova u Baltičkom moru, ili unutar 200 nautičkih milja udaljenosti od kopna u Sjeveroistočnom Atlantiku ili Sredozemnom moru.

\* Albanija, Alžir, Belgija, Bosna i Hercegovina, Hrvatska, Cipar, Danska, Egipat, Estonija, Europska unija, Finska, Francuska, Njemačka, Grčka, Island, Irska, Izrael, Italija, Latvija, Libanon, Libija, Litva, Luksemburg, Malta, Monako, Crna gora, Maroko, Nizozemska, Norveška, Poljska, Portugal, Ruska Federacija, Slovenija, Španjolska, Švedska, Švicarska, Sirija, Tunis, Turska, i Ujedinjena kraljevina Velike Britanije i Sjeverne Irske.

[1] Drukčiji režim za izmjenu balastnih voda mogao bi se razmatrati za brodove koji odlaze iz Sredozemnog mora ili Sjeveroistočnog Atlantika i plove prema odredištima u blizini Tarrifa Cape-a.

8. The release of sediments during the cleaning of ballast tanks should not take place within the Baltic Sea, or within 200 nautical miles of the coastline of the North-East Atlantic or the Mediterranean Sea.

\* Albania, Algeria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Denmark, Egypt, Estonia, The European Union, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Latvia, Lebanon, Libya, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Morocco, The Netherlands, Norway, Poland, Portugal, The Russian Federation, Slovenia, Spain, Sweden, Switzerland, Syria, Tunisia, Turkey, and the United Kingdom of Great Britain and Northern Ireland.

[1] For vessels leaving the Mediterranean or the North East Atlantic proceeding to destinations near Tarrifa Cape a different regime for ballast water exchange could be considered.









## 4.3. ITALY

## 2010 DECREE ESTABLISHING NATIONAL PROCEDURES FOR THE ISSUANCE OF TYPE APPROVAL CERTIFICATES FOR BALLAST WATER SYSTEMS PRODUCED BY ITALIAN MANUFACTURERS, AS AMENDED

## (ORIGINAL TEXT)

## DECRETO DEL MINISTERO DELL'AMBIENTE E DELLA TUTELA DEL TERRITORIO E DEL MARE 16 GIUGNO 2010 "PROCEDURE NAZIONALI PER IL RILASCIO DELLA CERTIFICAZIONE DI TIPO APPROVATO PER IMPIANTI DI TRATTAMENTO DI ACQUE DI ZAVORRA PRODOTTI DA AZIENDE ITALIANE", E SUCCESSIVE MODIFICHE

Il Direttore Generale della Direzione per la protezione della natura e del mare del Ministero dell'ambiente e della tutela del territorio e del mare di concerto con il Direttore Generale della Direzione generale per il trasporto marittimo e per vie d'acqua interne del Ministero delle infrastrutture e dei trasporti

Vista la legge 31 dicembre 1982, n. 979, recante disposizioni per la difesa del mare;

Vista la legge 8 luglio 1986, n. 349 «Istituzione del Ministero dell'ambiente e norme in materia di danno ambientale»;

Visto il decreto del Presidente della Repubblica del 3 agosto 2009, n. 140, denominato «Regolamento sulla riorganizzazione del Ministero dell'ambiente e della tutela del territorio e del mare»;

Viste le competenze assegnate dal sunnominato decreto del Presidente della Repubblica alla Direzione generale per la protezione della natura e del mare, di seguito denominata l'Amministrazione;

Visto il decreto legislativo del 30 marzo 2001, n. 165, recante norme generali sull'ordinamento del lavoro alle dipendenze delle amministrazioni pubbliche;

Vista la Convenzione dell'Organizzazione Marittima Internazionale delle Nazioni Unite (IMO) per il controllo e la gestione delle acque di zavorra e sedimenti delle navi del 13 febbraio 2004, di seguito denominata Convenzione;

Viste le Linee guida sulla certificazione degli impianti di trattamento delle acque di zavorra delle navi emanate dall'IMO con la risoluzione MEPC.174(58) del 10 ottobre 2008;

## (UNOFFICIAL TRANSLATION)

## 2010 DECREE OF THE MINISTRY FOR THE PROTECTION OF ENVIRONMENT, LAND AND SEA, "NATIONAL PROCEDURES FOR THE ISSUANCE OF TYPE APPROVAL CERTIFICATES FOR BALLAST WATER SYSTEMS PRODUCED BY ITALIAN MANUFACTURERS", AS AMENDED

The General Director of the Directorate General for Nature and Sea Protection of the Ministry for the Protection of Environment, Land and Sea in agreement with the General Director of the Directorate General of Maritime transport and inland waterways of the Ministry of Infrastructure and Transport

Recalling the Law 31 December 1982, No. 979, containing provisions for the defense of the sea;

Recalling the Law 8 July 1986, N. 349 "Establishment of the Ministry of Environment and rules on environmental damage";

Recalling the Decree of the President of the Republic 3 August 2009, No. 140, "Regulation on the reorganization of the Ministry Environment and Protection of Land and Sea";

Recalling the competences that the above mentioned Decree of the President of the Republic assigned to the Directorate General for Nature and Sea Protection, hereinafter referred to as the Administration;

Recalling the Legislative Decree 30 March 2001, No. 165, laying down general rules for the organization of work and employment in the public administration;

Recalling the United Nations International Maritime Organisation (IMO) Convention for the Control and Management of Ships' Ballast Water and Sediments of 13 February 2004, hereinafter the "Convention";

Recalling the Guidelines for Approval of Ballast Water Management Systems issued by IMO with Resolution MEPC.174(58) adopted on 10

Viste le Linee guida sulla certificazione degli impianti di trattamento delle acque di zavorra delle navi che impiegano sostanze attive emanate dall'IMO con la risoluzione MEPC.169(57) del 4 aprile 2008;

Considerato che, ai sensi della Convenzione nonché delle conseguenti Linee guida vincolanti emanate dall'IMO per la sua applicazione e implementazione, la certificazione di tipo approvato per gli impianti di trattamento di acque di zavorra delle navi viene rilasciata dallo Stato di bandiera o comunque dallo Stato cui appartiene la ditta costruttrice dell'impianto;

Vista la direttiva 98/8/CE del 16 febbraio 1998 emanata dal Parlamento europeo che istituisce un quadro normativo in materia di commercializzazione dei biocidi, al fine di garantire un elevato livello di tutela della salute umana e dell'ambiente ed il buon funzionamento del mercato interno;

Visto il decreto legislativo 174 del 25 febbraio 2000 «Attuazione della direttiva 98/8/CE in materia di immissione sul mercato di biocidi»;

Vista la direttiva 96/98/CE del Consiglio del 20 dicembre 1996 sull'equipaggiamento marittimo con le modifiche apportate nella direttiva 2009/26/CE;

Visto il decreto del Presidente della Repubblica del 6 ottobre 1999, n. 407 «Regolamento recante norme di attuazione delle direttive 96/98/CE e 98/85/CE relative all'equipaggiamento marittimo» e successive modifiche;

Visto il regolamento (CE) n.1907/2006 del Parlamento europeo e del Consiglio del 18 dicembre 2006, concernente la registrazione, la valutazione, l'autorizzazione e la restrizione delle sostanze chimiche (REACH);

Visto il regolamento (CE) n. 765/2008 del Parlamento europeo e del Consiglio del 9 luglio 2008, che pone norme in materia di accreditamento e vigilanza del mercato per quanto riguarda la commercializzazione dei prodotti e che abroga il regolamento (CEE) n. 339/93;

Visto il decreto direttoriale prot. DPN-DEC-2009-0000803 del 15 giugno 2009 che istituisce presso la Direzione protezione della natura del Ministero dell'ambiente della tutela del territorio e del mare un tavolo tecnico, costituito dai rappresentanti dell'ISPRA, del Ministero delle infrastrutture e dei trasporti, del Comando generale delle capitanerie di porto e del Reparto ambientale marino, per la predisposizione di procedure nazionali per ottenere la certificazione

October 2008;

Recalling further the Guidelines on the Procedure for Approval of Ballast Water Management Systems that make use of Active Substances issued by the IMO with Resolution MEPC.169(57) adopted on 4 April 2008;

Having considered that, according to the Convention as well as to the binding Guidelines issued by the IMO for its application and implementation, the Type Approval Certificate for ballast water management systems is issued by the flag State or, in any case, by the State of the manufacturer which produces the system;

Recalling the Directive n. 98/8/EC of 16 February 1998 of the European Parliament and of the Council concerning the placing of biocidal products on the market, aiming at ensuring a high level of protection of human health and the environment and the good functioning of the internal market;

Recalling the Legislative Decree No. 174 of 25 February 2000 "Implementing Directive No. 98/8/EC concerning the placing of biocidal products on the market";

Recalling the Directive No. 96/98/EC of the Council of 20 December 1996 on marine equipment as amended by Directive n. 2009/26/EC;

Recalling the Decree of the President of the Republic of 6 October 1999, No. 407 "Regulation implementing provisions of the Directives 96/98/EC and 98/85/EC relating to marine equipment", as amended;

Recalling the Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH);

Recalling the Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/93;

Recalling the Directorial Decree registered as No. DPN-DEC-2009-0000803 of 15 June 2009 establishing within the General Directorate of Nature Protection of the Ministry of the Environment, Land and Sea a technical group including representatives from ISPRA, from the Ministry of Infrastructure and Transport, from

di conformità al tipo approvato per un impianto di trattamento delle acque di zavorra delle navi, per la predisposizione dei relativi necessari decreti, nonché per fornire il necessario supporto tecnico scientifico sulla materia e per seguire le successive attività connesse al rilascio delle certificazioni;

Visto il verbale redatto in data 27 novembre 2009 con cui il tavolo tecnico ha approvato il testo del presente decreto, trasmesso all'Amministrazione in data 30 novembre 2009;

Ritenuto necessario procedere alla definizione di procedure nazionali volte al riconoscimento della conformità al tipo approvato di impianti di trattamento delle acque di zavorra delle navi, nonché della loro idoneità tecnica e della ecocompatibilità dei prodotti eventualmente utilizzati, come da specifiche Linee guida emanate dall'IMO, anche allo scopo di non precludere ad aziende nazionali la possibilità di entrare nel mercato mondiale degli impianti di trattamento delle navi;

Decreta:

#### Art. 1

1. Il presente decreto definisce le procedure necessarie al riconoscimento della conformità al tipo approvato degli impianti di trattamento delle acque di zavorra delle navi come stabilito dalla Convenzione e dalle Linee guida sulla certificazione degli impianti di trattamento delle acque di zavorra delle navi adottate dall'IMO con la risoluzione MEPC.174(58) del 10 ottobre 2008 e dalle Linee guida sulla certificazione degli impianti di trattamento delle acque di zavorra delle navi che utilizzano sostanze attive, adottata dall'IMO con la risoluzione MEPC.169 (57) del 4 aprile 2008.

2. I dati da fornire ed i tipi di test da effettuare ai fini del riconoscimento di idoneità dell'impianto, con relative specifiche tecniche e metodi di analisi, sono quelli indicati dalle richiamate Linee guida relative alla certificazione di impianti di trattamento di acque di zavorra delle navi e alla certificazione di impianti di trattamento che usano sostanze attive emanate dall'IMO e sono riportati rispettivamente negli allegati 1 e 2, che costituiscono parte integrante e sostanziale del presente decreto e di cui si fornisce una traduzione non ufficiale in lingua italiana.

the Coast Guard Headquarters as well as from the Coast Guard Marine Environmental Unit, to prepare national procedures for obtaining the Type Approval Certificate for ships' ballast water management systems, to prepare related decrees as well as to provide the technical and scientific support needed on the matter and to carry out the activities related to the issuance of the certificates;

Recalling the report issued on 27 November 2009 by which the technical committee agreed on the text of this decree, that was sent to the Administration the 30<sup>th</sup> of November 2009;

Having deemed necessary to define national procedures for the recognition of the conformity to type approval of the ballast water management systems, as well as their technical suitability and the use of products environmentally friendly, according to the specific guidelines issued by the IMO, also in order not to foreclose to national manufacturers the chance to enter the world ballast water management systems market;

Decrees

#### Article 1

1. This decree defines the procedures necessary to recognize the conformity to Type Approval of ballast water management systems, as were established by the Convention and related Guidelines on the approval of ballast water management systems adopted on 10 October 2008 by IMO through Resolution MEPC.174(58) and the Guidelines procedure for approval of ballast water management systems that make use of active substances, adopted on 4 April 2008 by IMO with Resolution MEPC.169(57).

2. Data to be provided and tests to be carried out for the recognition of the system suitability, and related technical specifications and analysis methods, are specified in the recalled guidelines concerning approval of ballast water management systems and approval of ballast water management systems that make use of active substances as adopted by the IMO and contained in Annexes 1 and 2 to this decree, of which form an integral and substantial part, and of which an un-official Italian translation is provided.

## Art. 2

1. Le società produttrici di impianti di trattamento di acque di zavorra che intendono ottenere la certificazione di tipo approvato, devono presentare istanza ad un Organismo notificato (O.N.) ai sensi del decreto del Presidente della Repubblica del 6 ottobre 1999, n. 407 e successive modifiche.

2. L'O.N. deve eseguire le prove a mare previste nell'allegato 1 del presente decreto esclusivamente su una nave da questo classificata.

3. Le istanze di cui al comma 1 devono essere presentate in duplice copia e devono essere corredate dalla documentazione tecnica prevista negli allegati al presente decreto redatta in lingua italiana ed inglese. Una copia dell'istanza e della documentazione, in formato cartaceo ed in formato elettronico, viene inviata all'Amministrazione a cura dell'O.N.

4. L'Amministrazione procede ad effettuare le verifiche sulle attività dell'O.N. di cui all'art. 3 del presente decreto, secondo le disposizioni di cui all'art. 7 comma 3 del decreto del Presidente della Repubblica del 6 ottobre del 1999, n. 407 e successive modifiche, per il corretto svolgimento delle procedure previste negli Allegati 1 e 2 del presente Decreto.

## Art. 3

1. Qualora l'impianto non preveda l'uso di sostanze attive, l'O.N. verifica che siano state eseguite tutte le prove descritte nell'allegato 1 del presente decreto, sia a banco che sulla nave. A seguito dell'esito positivo delle prove, l'O.N. rilascia la certificazione di tipo approvato, per conto dell'Amministrazione, provvedendo al contempo ad informarne l'Amministrazione stessa.

2. Qualora l'impianto preveda l'utilizzo di sostanze attive, l'O.N. emette il certificato di tipo approvato solo dopo che l'IMO avrà rilasciato il Basic approval (approvazione dell'uso della sostanza in sé) ed il Final approval (approvazione dell'impianto di trattamento).

3. Per ottenere il Basic approval il produttore prepara la documentazione secondo l'allegato 2 del presente decreto. L'O.N. provvede ad inoltrare apposita istanza all'Amministrazione corredata dalla documentazione relativa all'avvenuta esecuzione dei test e delle prove di laboratorio previsti dall'allegato 2, redatta secondo quanto previsto dal GESAMP (Group of Experts on Scientific Aspects of Marine

## Article 2

1. Any manufacturer of ballast water management systems who wants to obtain the Type approval, must submit an application to a Notified Organization (N.O.) according to the Decree of the President of the Republic of 6 October 1999, No.407 and subsequent amendments.

2. The N.O. shall carry out tests at sea according to Annex 1 to this decree exclusively on a ship that has been classified by the same Organization.

3. Applications referred to in paragraph 1 shall be submitted in two copies and must be accompanied by the technical documentation foreseen in the annexes to this decree, written both in Italian and in English languages. A copy of the application and of related documentation, both on paper and in electronic format, is sent to the Administration through the N.O..

4. The Administration shall control the activities performed by the N.O. according to article 3 of this decree, in accordance with provisions of article 7, paragraph 3 of the Decree of the President the Republic of 6 October 1999, No. 407 as amended, for the duly implementation of the procedures contained in Annexes 1 and 2 of this decree.

## Article 3

1. If the system does not make use of active substances, the N.O. verifies that all tests described in Annex 1 to this decree have been carried out, both on the bench and on the ship. Following the successful completion of the tests, the N.O. issues, on behalf of the Administration, the Type Approval Certificate, at the same time informing the same Administration.

2. If the system makes use of active substances, the N.O. issues the Type Approval Certificate only after IMO will have granted the Basic approval (the substance use approval) and the Final approval (the treatment system approval).

3. To obtain the Basic approval the manufacturer prepares the documentation in accordance with Annex 2 of this decree. The N.O. submits an application to the Administration including the documentation on the tests and laboratory tests foreseen in Annex 2 that have been performed, drafted according to GESAMP

Environmental Protection dell'ONU) nella Circolare dell'IMO BWM.2/Circ.13. A seguito di valutazione positiva della documentazione prodotta, l'Amministrazione provvede ad inoltrare all'IMO l'istanza e la relativa documentazione per la valutazione da parte del GESAMP ai fini del rilascio del Basic approval.

4. L'Amministrazione comunica all'O.N. l'avvenuto conseguimento del Basic approval al fine di consentire l'esecuzione delle prove a mare previste nell'allegato 1 del presente decreto. A seguito del completamento delle prove a mare e di valutazione positiva della documentazione prodotta, l'Amministrazione provvede ad inoltrare all'IMO l'istanza e la relativa documentazione per il rilascio dal parte dell'IMO del Final approval dopo valutazione positiva del GESAMP.

5. L'Amministrazione comunica all'O.N. l'avvenuto conseguimento del Final approval da parte dell'IMO ai fini del rilascio da parte dell'O.N. della certificazione di tipo approvato.

6. I test e le prove di laboratorio di cui agli allegati 1 e 2 al presente decreto, devono essere eseguiti esclusivamente da laboratori che dimostrino di operare secondo un sistema di qualità conforme alla norma ISO/IEC 17025.

7. L'istanza di cui al comma 3 e la documentazione ad essa relativa vengono esaminate dall'Amministrazione con l'ausilio dell'apposito tavolo tecnico istituito presso il Ministero dell'ambiente e della tutela del territorio e del mare con decreto direttoriale prot. DPN-DEC-2009-0000803 del 15 giugno 2009. Il Tavolo tecnico esprime le proprie valutazioni entro 60 giorni dalla ricezione della richiesta completa di tutta la occorrente documentazione puo' richiedere attraverso l'O.N. tutti i chiarimenti e le integrazioni alla documentazione presentata ritenuti necessari. Qualora nel corso dell'istruttoria si renda necessaria l'acquisizione di chiarimenti e/o di documentazione integrativa, la richiesta viene fatta dall'Amministrazione attraverso l'O.N. ed il termine di 60 giorni è sospeso fino alla data di ricevimento della suddetta documentazione o dei richiesti chiarimenti. Una volta determinato il parere favorevole del Tavolo tecnico, l'Amministrazione invia nel termine di 30 giorni la documentazione e il parere favorevole all'IMO per l'esame del GESAMP. In caso di parere negativo l'Amministrazione ne dà comunicazione al produttore tramite l'O.N. entro lo stesso tempo di 30 giorni.

(UN Group of Experts on Scientific Aspects of Marine Environmental Protection) methodology as contained in IMO Circular BWM.2/Circ.13. After a positive assessment of the documentation, the Administration submits the application and related documentation to IMO for the GESAMP assessment needed to obtain the Basic approval.

4. The Administration communicates to the N.O. that the Basic approval has been granted as to allow the tests at sea foreseen in Annex 1 to this decree to be performed. After the completion of the tests at sea and following the positive assessment of the documentation, the Administration submits to IMO the application including relevant documentation for the granting of the Final approval, following the positive assessment by GESAMP.

5. The Administration informs the N.O. of the Final approval granted by IMO in order to allow the issuance of the Type Approval Certificate.

6. Tests and laboratory tests foreseen in Annexes 1 and 2 to this decree, may only be performed by laboratories that demonstrate that they have in place a quality system conform to ISO/IEC 17025 standard.

7. The application referred to in paragraph 3 as well as related documentation are examined by the Administration with the support of the technical group set up at the Ministry of Environment and Protection of Land and Sea by Directorial Decree prot. DPN-DEC-2009-0000803 of 15 June 2009. The technical group assesses the application, complete with all the documentation, within 60 days from the day of the receipt, and may ask through the N.O. for any documentation clarification and integration it might deemed necessary. If, during the assessment, clarifications and/or additional documents are needed, the Administration request is made through the N.O. and the 60 days deadline is suspended until the date of receipt of the required documentation or clarification. Once the technical group had express its positive opinion, the Administration sends both the positive opinion and the documentation to IMO for the GESAMP assessment within a 30 days deadline. In the event of a negative opinion, the Administration informs the manufacturer through the N.O. within the same 30 days deadline.

## Art. 4

1. Sono poste a carico della società di cui all'art. 2, comma 1, le spese di missione connesse alla presentazione da parte dell'Amministrazione dell'istanza di cui al comma 3 dell'art. 3 presso il Gruppo di lavoro sulle acque di zavorra del Comitato per la protezione dell'ambiente marino (M.E.P.C.) dell'IMO a Londra.

2. Sono altresì a carico della società di cui al comma precedente, le spese di missione per eventuali sopralluoghi o verifiche degli impianti di trattamento che si rendessero necessari sia a terra che a bordo.

Roma, 16 giugno 2010

Il Direttore Generale della Direzione per la protezione della natura e del mare, Cosentino

Il Direttore Generale della Direzione generale per il trasporto marittimo e per le vie d'acqua interne, Puja

Allegato 1 - Risoluzione MEPC.174(58), adottata il 10 ottobre 2008 "Linee Guida per l'approvazione dei Sistemi di Gestione dell'acqua di Zavorra (G8)" (*omissis*)

Allegato 2 - Risoluzione MEPC.169(57), adottata il 4 aprile 2008 "Procedura per l'approvazione dei sistemi di gestione dell'acqua di zavorra che utilizzano sostanze attive (G9)" (*omissis*)

## Article 4

1. Travelling expenses connected to the presentation in London of the application referred to in paragraph 3 of article 3, to IMO Marine Environment Protection Committee (MEPC) Ballast Water Working Group are borne by the manufacturer referred to in article 2, paragraph 1.

2. The manufacturer referred to in the previous paragraph, shall also bear the travelling expenses for any inspection or surveys of treatment systems that would be deemed necessary both on land and on board.

Rome, the 16<sup>th</sup> of June 2010

The General Director of the Directorate General for Nature and Sea Protection, Cosentino

The General Director of the Directorate General of Maritime Transport and Inland Waterways, Puja

Annex 1 - Resolution MEPC.174(58), adopted on 10 October 2008 "Guidelines for Approval of Ballast Water Management Systems (G8)" (*omissis*)

Allegato 2 - Resolution MEPC.169(57), adopted on 4 April 2008 "Procedure for Approval of Ballast Water Management Systems that Make Use of Active Substances (G9)" (*omissis*)







## 4.4. MONTENEGRO

## 2011 RATIFICATION LAW

## (ORIGINAL TEXT)

**UKAZ O PROGLAŠENJU ZAKONA O POTVRĐIVANJU MEĐUNARODNE KONVENCIJE O NADZORU I UPRAVLJANJU BRODSKIM BALASTNIM VODAMA I TALOZIMA, 2004.**

Na osnovu člana 95 tačka 3 Ustava Crne Gore donosim

Ukaz o proglašenju zakona o potvrđivanju međunarodne konvencije o nadzoru i upravljanju brodskim balastnim vodama i talozima, 2004.

Proglašavam Zakon o potvrđivanju Međunarodne konvencije o nadzoru i upravljanju brodskim balastnim vodama i talozima, 2004., koji je donijela Skupština Crne Gore 24. saziva, na petoj sjednici prvog redovnog (proljećnjeg) zasijedanja u 2011. godini, dana 26. maja 2011. godine.

Broj: 01- 700/2

Podgorica, 06.06.2011. godine

Predsjednik Crne Gore  
Filip Vujanović, s.r.

Na osnovu člana 82 stav 1 tač. 2 i 17 i člana 91 stav 1 Ustava Crne Gore, Skupština Crne Gore 24. saziva, na petoj šednici prvog redovnog (proljećnjeg) zasijedanja u 2011. godini, dana 26. maja 2011. godine, donijela je Zakon o potvrđivanju međunarodne konvencije o nadzoru i upravljanju brodskim balastnim vodama i talozima, 2004.

## Član 1

Potvrđuje se Međunarodna konvencija o nadzoru i upravljanju brodskim balastnim vodama i talozima, 2004. sačinjena u Londonu, 13. februara 2004. godine, u originalu na arapskom, kineskom, engleskom, francuskom, ruskom i španskom jeziku.

## Član 2

Tekst Konvencije iz člana 1 ovog zakona, u originalu na engleskom i prevodu na crnogorski jezik glasi:

(omissis)

## (UNOFFICIAL TRANSLATION)

**DECREE ON THE PROMULGATION OF THE LAW ON RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004**

Pursuant to Article 95, item 3 of the Constitution of Montenegro, I hereby issue the Decree on the promulgation of the law on ratification of the International Convention for the Control and management of Ships' Ballast Water and Sediments, 2004.

I proclaim the Law on ratification of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, as approved by the 24<sup>th</sup> Assembly of the Parliament of Montenegro, on its fifth meeting of the first regular (spring) session in 2011, on the 26<sup>th</sup> May 2011.

No. 01- 700/2

Podgorica, 06.06.2011

President of Montenegro  
Filip Vujanović, s.r.

Pursuant to Article 82, paragraph 1 items 2 and 17 and Article 91, paragraph 1 of the Constitution of Montenegro, the Parliament of Montenegro, during its 24<sup>th</sup> Assembly, the fifth sitting of the first regular (spring) session in 2011, on the 26<sup>th</sup> May 2011 the Commission adopted the Law on Ratification of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

## Article 1

Confirms the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, made in London, on February 13, 2004, in the original Arabic, Chinese, English, French, Russian and Spanish languages.

## Article 2

The text of the Convention under Article 1 of this law, originally in English and translated into Montenegrin language reads:

(omissis)

**2011 LEGISLATION ON THE PREVENTION OF POLLUTION FROM SHIPS, AS AMENDED (EXTRACTS)****(ORIGINAL TEXT)****ZAKON O ZAŠTITI MORA OD ZAGAĐIVANJA SA PLOVNIH OBJEKATA**

(“Službeni list Crne Gore”, br. 020/11 od 15.04.2011, 026/11 od 30.05.2011, 027/14 od 30.06.2014)

**I. OSNOVNE ODREDBE****Član 1**

Ovim zakonom uređuje se zaštita mora od zagađivanja sa plovni objekata koji plove ili se nalaze u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore (u daljem tekstu: vode Crne Gore), prihvat i rukovanje otpadom u lukama, kao i odgovornost i naknada štete u slučaju zagađivanja.

**Član 2**

Brodu koji vije zastavu Crne Gore i brodu koji vije stranu zastavu dozvoljena je plovidba u vodama Crne Gore u skladu sa odredbama ovog zakona i zakona kojim se uređuje sigurnost plovidbe, ako njegova konstrukciona i plovna svojstva, mašine, uređaji i oprema koji služe održavanju sigurnosti plovidbe broda, po tehničkim svojstvima, količini, vrsti i rasporedu na brodu, odgovaraju tehničkim zahtjevima Međunarodne pomorske organizacije (IMO).

Provjeru ispunjenosti zahtjeva iz stava 1 ovog člana, za brod koji vije zastavu Crne Gore vrši organ uprave nadležan za poslove sigurnosti plovidbe (u daljem tekstu: organ uprave), odnosno organizacija priznata od Evropske komisije za vršenje tehničkog nadzora i statutarnu sertifikaciju pomorskih brodova (u daljem tekstu: priznata organizacija), u skladu sa zakonom kojim se uređuje sigurnost plovidbe.

Na osnovu izvršene provjere, odnosno ispunjenosti zahtjeva iz stava 1 ovog člana, organ uprave, odnosno priznata organizacija izdaje odgovarajuće sertifikate (brodske isprave, svjedočanstva, knjige, zapisi i sl.).

**(UNOFFICIAL TRANSLATION)****2011 LAW ON THE PREVENTION OF SEA POLLUTION FROM VESSELS****I. GENERAL PROVISIONS****Article 1**

This Law regulates the protection of the sea against pollution from vessels navigating or staying within inland sea waters and territorial sea of Montenegro (hereinafter referred to as the ‘waters of Montenegro’), reception and management of waste in ports as well as liability and compensation for damage in case of pollution.

**Article 2**

Vessels flying the flag of Montenegro and vessels flying a foreign flag are allowed to navigate in the waters of Montenegro in accordance with the provisions of this law and other laws which regulate the safety of navigation, if their construction and navigational characteristics, engines, installations and equipment which serve to maintain vessel’s safety of navigation, their technical characteristics, quantities, types and arrangements on board comply with the technical requirements of the International Maritime Organization (IMO).

The control of compliance with the requirements referred to in paragraph 1 of this Article for domestic vessels is conducted by the competent authority for the safety affairs (hereinafter referred to as the ‘competent authority’) or by an organization recognized by the European Commission to conduct technical survey and statutory certification of seagoing vessels (hereinafter referred to as the ‘recognized organization’), in accordance with the law dealing with the safety of navigation.

On the basis of survey performed and compliance with the requirements set in paragraph 1 of this Article, competent authority or recognized organization shall issue appropriate certificates (ship’s papers, certificates, books, records, etc.).

## Član 3

Pojedini izrazi upotrijebljeni u ovom zakonu imaju sljedeća značenja: (*omissis*)

2) balastna voda je voda uzeta iz mora, rijeke ili jezera u cilju ispravljanja uzdužnog i poprečnog nagiba, gaza, stabiliteta i pritiska plovnog objekta, a koja se ne prevozi kao teret; (*omissis*)

4) brod je plovni objekat koji saobraća morem, uključujući i hidroglisere, hidroavione i plutajuće plovne objekte, osim ratnih brodova i brodova koje koriste organi državne uprave;

5) čisti balast je balastna voda u tanku koji je, nakon poslednjeg prevoza ulja, očišćen i koja prilikom ispuštanja u čistu i mirnu morsku vodu po lijepom danu ne stvara vidljive tragove ulja na površini vode ili na obližnjem kopnu niti izaziva taloženje teškog ostatka ulja ili emulzije ispod površine vode ili na obližnjem kopnu, a ne prelazi 15 ppm; (*omissis*)

11) ispuštanje je svako ispuštanje iz plovnog objekta, i to: isticanje, odstranjivanje, prosipanje, curenje, pumpanje, izbacivanje ili pražnjenje; (*omissis*)

15) korisnik luke je organ uprave, odnosno pravno lice koje upravlja lukom ili dijelom luke ili pravno ili fizičko lice kome je dodijeljeno pravo korišćenja luke ili dijela luke (koncesija); (*omissis*)

18) luka je morski i sa morem neposredno povezani kopneni prostor s izgrađenim i neizgrađenim obalama, gatovima, lukobranima, objektima, uređajima i postrojenjima namijenjenim za pružanje lučkih usluga i obavljanje drugih djelatnosti koje su sa njima u privrednoj, saobraćajnoj i tehnološkoj vezi; (*omissis*)

21) odvojeni balast je balastna voda koja se unosi u tank isključivo namijenjen za prevoz balasta, a koji je odvojen od tečnog tereta i sistema goriva; (*omissis*)

25) P&A Priručnik je priručnik o postupcima i mjerama u vezi sa teretom, ostacima tereta i balastnim vodama kod plovnih objekata koji prevoze štetne tečne materije u rasutom stanju;

26) plan krcanja tereta je plan slaganja ukrcanog tereta u brodskim skladištima ili tankovima tereta, koji prikazuje brodska skladišta ili tankove tereta u horizontalnom, vertikalnom ili nekom drugom prikladnom presjeku sa ucrtanim položajem pojedinih partija tereta;

## Article 3

Terms used in this Law shall have the following meanings: (*omissis*)

2) ballast water means the water taken on board a ship from sea, river or lake to control longitudinal and transverse trim, draught, stability and stresses of the ship, and which is not transported as cargo; (*omissis*)

4) ship means a vessel intended for sea navigation including hydrofoils, hydroplanes and floating vessels, other than warships and ships used by competent authorities;

5) clean ballast is the ballast in a tank which, since oil was last carried therein, has been so cleaned that effluent therefrom if it were discharged from a ship into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines and does not exceed 15 ppm; (*omissis*)

11) discharge means any discharge from a vessel, including: release, disposal, spilling, leaking, pumping, emitting or emptying; (*omissis*)

15) port beneficiary means the competent body, or legal entity which manages a port or part thereof or legal entity or natural person who is awarded the right to use a port or part thereof (concession); (*omissis*)

18) port means the sea or with sea immediately connected land area with developed or undeveloped coasts, piers, jetties, buildings, equipment and facilities intended to provide port services and provision of other activities which have economic, transportation and technological connection; (*omissis*)

21) segregated ballast is the ballast water introduced into a tank which is used exclusively for the carriage of ballast and which is separated from the liquid cargo and fuel system; (*omissis*)

25) P&A Manual is the manual on procedures and measures related to cargo, cargo residues and ballast waters for vessels carrying noxious liquid substances in bulk;

26) cargo load plan means a plan for the distribution of loaded cargo into ship's cargo holds or tanks, meaning that it shows the ship's holds or tanks in horizontal, vertical or other appropriate cross-section with plotted positions of individual lots;

27) plovni objekat je brod, plovac'e postrojenje, c'amac i drugi objekat koji se nalazi u morskoj sredini i obuhvata hidrokrlina plovila, lebdilice, podmornice, plutajuc'e objekte i fiksne ili plutajuc'e platforme; (*omissis*)

37) šteta koja je nanijeta morskoj sredini je posljedica događaja koji prouzrokuje štetu zagađivanjem ili predstavlja neposrednu prijetnju za nastanak takve štete; (*omissis*)

52) zagađivanje je neposredno ili posredno ispuštanje, potapanje ili emitovanje materija u more i vazduh, kao i pomorske nezgode koje štetno utiču ili mogu štetno da utiču na živa bič'a i morske organizme, predstavljaju opasnost po zdravlje ljudi, ometaju pomorske aktivnosti, uključujuc'u ribarstvo i druge vidove zakonitog korišć'enja mora, pogoršavaju kvalitet morske vode i smanjuju moguć'nost korišć'enja mora za rekreaciju; (*omissis*) (*omissis*)

## II. ZAGAĐIVANJE SA PLOVNIH OBJEKATA

### Član 4

Zabranjeno je sa plovnog objekta u vode Crne Gore: (*omissis*)

- ispuštanje balastnih voda i taloga iz balastnih tankova ako sadrže štetne materije, patogene mikroorganizme i invazivne vrste; (*omissis*)

Radnje navedene u stavu 1 ovog člana mogu se vršiti na osnovu odobrenja koje, na zahtjev zapovjednika, odnosno vlasnika plovnog objekta, izdaje organ državne uprave nadležan za poslove pomorstva (u daljem tekstu: Ministarstvo), uz saglasnost organa državne uprave nadležnog za poslove zaštite životne sredine.

Odobrenje iz stava 2 ovog člana sadrži: vrijeme, količinu i razloge ispuštanja materija, antivegetativnih sistema protiv obrastanja broda ako sadrže biocidna organska jedinjenja kalaja i namjernog potapanja, spaljivanja i zakopavanja na morskome dnu otpada ili drugih materija.

Zabrana iz stava 1 ovog člana ne odnosi se na radnje i aktivnosti koje su:

- učinjene radi sigurnosti broda ili spašavanja ljudskih života na moru;
- nastale kao posljedica ošteć'enja plovnog objekta ili njegove opreme;
- nastale iz razloga sprječavanja zagađivanja i otklanjanja posljedica od zagađivanja.

(*omissis*)

27) vessel means a ship, technical vessel, floating facility, boat and all objects in the marine environment including: hydrofoil vessels, hovercrafts, submarines, floating objects and fixed and floating platforms; (*omissis*)

37) damage to the marine environment is the consequence of an occurrence which causes pollution damage or poses an immediate threat of such damage; (*omissis*)

52) pollution means direct or indirect discharge, dumping or emission of substances into the sea or into the air, including maritime incidents which result or are likely to result in a harm to living resources and marine organisms, hazards to human health, hindrances to marine activities including fishing and other legitimate uses of the sea, impairment of the quality of sea water and reduction of amenities;

(*omissis*)

## II. POLLUTION FROM VESSELS

### Article 4

In the waters of Montenegro, the following is prohibited: (*omissis*)

- discharge of ballast waters and sediments from ballast tanks if they contain harmful substances, pathogens and invasive species; (*omissis*)

Discharge of substances referred to in paragraph 1 of this Article may be performed at the request made by the Master or owner of a vessel and upon authorization by the competent authority for the maritime affairs (hereinafter referred to as 'the Ministry') and with the consent of the competent body responsible for environmental protection affairs.

The authorization referred to in paragraph 2 of this Article shall contain the following: date, quantity and reasons for discharging of substances, anti-fouling systems containing biocide organotin compounds and intentional dumping, incineration and burying or waste and other material on the seabed.

Prohibitions referred to in paragraph 1 of this Article shall not apply to those measures and activities which are:

- conducted for the purpose of securing the safety of a ship or saving life at sea; or
- conducted as the consequence of a damage to the vessel or her equipment; or
- conducted for the purpose of preventing pollution and eliminating its consequences.

(*omissis*)

## Član 12

U slučaju zagađivanja mora sa plovnog objekta izvršiće se uzimanje i analiza uzoraka, radi utvrđivanja vrste zagađivanja i preduzimanja mjera za otklanjanje zagađivanja i otkrivanje počinioca.

Poslove iz stava 1 ovog člana može da obavlja ovlašćeno pravno lice koje ispunjava sljedeće uslove:

- da je registrovano za obavljanje djelatnosti iz oblasti zaštite životne sredine (uzimanje i analiza uzoraka);

- da ima stručni kadar;

- da raspolaže opremom i uređajima.

Ovlašćivanje pravnog lica iz stava 2 ovog člana vrši organ državne uprave nadležan za poslove zaštite životne sredine rješenjem.

Listu ovlašćenih pravnih lica iz stava 2 ovog člana objavljuje na internet stranici organ državne uprave nadležan za poslove zaštite životne sredine.

Blíže uslove koje mora da ispunjava ovlašćeno pravno lice iz stava 2 ovog člana i postupak ovlašćivanja propisuje organ državne uprave nadležan za poslove zaštite životne sredine, uz prethodno pribavljeno mišljenje organa državne uprave nadležnog za poslove zdravlja.

## Član 13

Ovlašćeno pravno lice iz člana 12 ovog zakona uzimanje i analizu uzoraka vrši po nalogu inspektora sigurnosti plovilbe (u daljem tekstu: inspektor).

Uzimanje uzoraka iz stava 1 ovog člana mora se izvršiti na način kojim se ne izaziva nepotrebno zadržavanje plovnog objekta.

Troškove uzimanja i analize uzoraka sa plovnog objekta snosi vlasnik plovnog objekta koji je izazvao zagađivanje, a ako je zagađivač nepoznat, troškove snosi Ministarstvo.

(omissis)

## Član 15

Sprječavanje, smanjenje i otklanjanje posljedica zagađivanja mora sa plovnog objekta može da vrši pravno lice koje je registrovano za obavljanje te djelatnosti, ako ispunjava uslove u pogledu stručne i

## Article 12

In case of sea pollution from a ship, sampling and analysis will be performed with the purpose to establish the type of pollution and adequate measures to eliminate the pollution and identify the responsible.

Activities referred to in paragraph 1 of this Article shall be performed by an authorized legal person which complies with the following conditions:

- it is registered for activities in the field of environmental protection (sample taking and analysis);

- it has necessary professional expertise; and

- it has adequate equipment and installations.

Authorization of legal person referred to in paragraph 2 of this Article shall be based on a decision issued by the competent authority responsible for environmental protection affairs.

The list of authorized legal persons referred to in paragraph 2 of this Article shall be published on the web page of the competent authority responsible for environmental protection affairs.

Detailed conditions which have to be complied with by the authorized legal person referred to in paragraph 2 of this Article and the procedure for the authorization shall be prescribed by the competent authority responsible for environmental protection affairs, and taking into consideration the opinion of the competent authority responsible for health affairs.

## Article 13

The authorized legal person referred to in Article 12 of this Law shall perform sampling and analysis in accordance with the mandate issued by a safety of navigation inspector (hereinafter referred to as 'the inspector').

Sampling referred to in paragraph 1 of this Article shall be performed in a manner which will not cause undue delay to the vessel.

The costs of sampling and analysis shall be borne by the owner of the vessel which caused the pollution, and when the offender is unknown the costs shall be borne by the Ministry.

(omissis)

## Article 15

Prevention, reduction and elimination of the effects of pollution from a vessel shall be performed solely by a legal person registered for

tehničke osposobljenosti.

Poslovi iz stava 1 ovog člana povjeravaju se pravnom licu u skladu sa zakonom kojim se uređuju javne nabavke.

Međusobna prava i obaveze organa uprave i pravnog lica iz stava 1 ovog člana uređuju se ugovorom, u skladu sa zakonom, koji se zaključuje na period od pet godina.

Uslovi koje mora da ispunjava pravno lice iz stava 1 ovog člana utvrđuju se propisom Ministarstva, uz saglasnost organa državne uprave nadležnog za poslove zaštite životne sredine.

(omissis)

## IX. BALASTNE VODE

### Član 40

Zapovjednik broda dužan je da, u mjeri kojom se ne ugrožava sigurnost plovidbe i zaštita morske sredine, izbjegne ili ograniči ukrcaj balastnih voda u područjima u kojima:

- postoje štetni mikroorganizmi;
- postoje fabrički ispusti;
- se vrše podvodna bagerisanja;
- postoje izrazito visoke razlike između plime i osjeke;
- postoji visoka zamućenost vode zbog rada brodskih propulzionih uređaja;
- se vrše mriještenja riba;
- dolazi do sudaranja morskih struja.

### Član 41

Zapovjednik broda koji je ukrcao balastne vode dužan je da, prije uplovljavanja u vode Crne Gore, izvrši:

- zamjenu balastnih voda ili
- obradu balastnih voda ili
- iskrcaj balastnih voda u uređaje za prihvatanje i rukovanje ili
- zadržavanje balastnih voda na brodu.

Zamjena balastnih voda dozvoljena je na udaljenosti od najmanje 200 nautičkih milja od najbližeg kopna i dubini mora od najmanje 200 metara.

U slučajevima kada brod nije u mogućnosti da izvrši zamjenu balastnih voda na način iz stava 2 ovog člana, zamjena balastnih voda može se izvršiti na udaljenosti od najmanje 50 nautičkih milja od najbližeg kopna i na dubini mora od najmanje 200 metara.

Zamjenom iz stava 2 ovog člana mora biti

these activities complying with the requirements for professional and technical capacities.

Activities referred to in paragraph 1 of this Article shall be delegated to a legal person in accordance with the law regulating public procurements.

Mutual rights and responsibilities of the competent authority and the legal person referred to in paragraph 1 of this Article shall be regulated by a contract concluded for a five year period.

Conditions which have to be complied with by a legal person referred to in paragraph 1 of this Article shall be prescribed by a Ministry regulation and with the consent of the competent authority responsible for environmental protection affairs.

(omissis)

## IX. BALLAST WATER

### Article 40

The master of a ship shall, insofar as it does not endanger the safety of navigation and environmental protection, try to avoid or limit the uptake of ballast water in the areas where:

- the presence of harmful aquatic organisms is known,
- there are factory outfalls,
- underwater dredging is underway,
- there are extremely high differences between high and low tides,
- there are high levels of water turbidity,
- there are places of hatchery,
- sea currents collide.

### Article 41

Before entering the waters of Montenegro the master of a ship which has loaded ballast water shall perform the following:

- ballast water exchange, or
- treatment of ballast water, or
- discharge of ballast water into a reception and treatment facility, or
- retain ballast water on board.

Ballast water exchange is allowed at a distance of at least 200 nautical miles from the nearest land and in water at least 200 meters in depth.

In cases when a ship is not in a position to conduct ballast water exchange in accordance with paragraph 2 of this Article, ballast water exchange shall be conducted at a distance of at least 50 nautical miles from the nearest land and in water at least 200 meters in depth.

The exchange referred to in paragraph 2 of

obuhvaćeno najmanje 95% postojećih balastnih voda na brodu.

Obradu balastnih voda iz stava 1 ovog člana propisuje Ministarstvo, uz saglasnost organa državne uprave nadležnog za poslove zaštite životne sredine.

#### Član 42

Zapovjednik broda nije dužan da izvrši jednu od radnji iz člana 41 ovog zakona u slučajevima kada je ugrožena sigurnost broda i života ljudi, kao i kada prijeti opasnost od zagađivanja mora štetnim materijama.

(*omissis*)

#### Član 44

Brod konstruisan za krcanje balastnih voda koji uplovljava u luke Crne Gore mora da ima plan upravljanja balastnim vodama.

Plan iz stava 1 ovog člana sadrži naročito podatke o:

- postupcima koji se sprovedu radi sigurnosti broda i posade u vezi sa upravljanjem balastnim vodama;
- radnjama i aktivnostima koje je potrebno preduzeti u upravljanju balastnim vodama;
- postupke odlaganja taloga iz balastnih tankova u more i na kopno;
- načinu koordinacije sa nadležnim tijelima države u čijim vodama se iskrcaj balastnih voda vrši;
- načinu izvještavanja;
- licu na brodu koje je zaduženo za sprovođenje plana;
- druge podatke od značaja za upravljanje balastnim vodama.

Plan iz stava 1 ovog člana vodi se na crnogorskom i engleskom jeziku.

#### Član 45

Tanker od najmanje 150 BT i brod od najmanje 300 BT moraju da vode knjigu balasta.

U knjigu balasta unose se sljedeći podaci:

- ime tankera, odnosno broda;
- IMO broj,
- o bruto tonaži;
- o zastavi koju vije tanker, odnosno brod;
- o kapacitetu tankova za balastnu vodu.

Knjiga balasta vodi se na crnogorskom i engleskom jeziku.

this Article shall have an efficiency of at least 95% of the total volume of the ballast water on ship.

The treatment of ballast water referred to in paragraph 1 of this Article shall be established by the Ministry, with the consent of the competent body responsible for environmental protection affairs.

#### Article 42

The master of a ship is not required to comply with any of the actions referred to in Article 41 of this Law when those actions would threaten the safety of the ship, life at sea or threaten to pollute the sea with harmful substances.

(*omissis*)

#### Article 44

A ship constructed for the carriage of ballast water and arriving at a port in Montenegro shall have a Ballast Water Management plan.

The Plan referred to in paragraph 1 of this Article shall include the following information:

- safety procedures for the ship and the crew associated with Ballast Water Management,
- the actions and measures to be taken to implement the Ballast Water Management requirements,
- the procedures for the disposal of sediments at sea and to shore,
- the procedures for coordination with the authorities of the State into whose waters such discharge takes place,
- reporting procedure,
- designated officer on board in charge of the implementation of the plan,
- other information relevant for the ballast water management.

The plan referred to in paragraph 1 of this Article shall be written in Montenegrin and English languages.

#### Article 45

A tanker of 150 GT and above and a ship of 300 GT and above shall keep a ballast water record book.

Ballast water record book shall have entries of the following:

- name of tanker or ship,
- IMO number,
- gross tonnage,
- flag,
- total capacity of ballast water tanks.

Plovnih objekata iz stava 1 ovog člana dužni su da količinu i porijeklo balastnih voda prijave Kapetaniji, najkasnije 48 sati prije uplovljavanja u luke Crne Gore.

#### Član 46

Zabranjeno je u vode Crne Gore ispuštanje balastnih voda koje sadrže mikroorganizme, invazivne vrste ili druge štetne materije.

Ako inspektor posumnja da balastne vode sadrže mikroorganizme, invazivne vrste ili druge štetne materije, narediće da se izvrši analiza uzoraka i ispitivanje balastnih voda koje se ispuštaju.

Troškove uzimanja uzoraka i ispitivanje balastnih voda iz stava 2 ovog člana snosi vlasnik broda.

Ako se utvrdi da balastne vode ne sadrže mikroorganizme, invazivne vrste ili druge štetne materije, troškove uzimanja uzoraka i ispitivanja snosi Ministarstvo.

Vrste mikroorganizama, invazivnih vrsta ili drugih štetnih materija iz stava 1 ovog člana propisuje organ državne uprave nadležan za poslove zaštite životne sredine, uz prethodno pribavljeno mišljenje organa državne uprave nadležnog za poslove zdravlja.

#### Član 47

Zapovjednik broda dužan je da talog koji ostaje nakon ispuštanja balastnih voda sakuplja isključivo korišćenjem mehaničkih alata i odlaže u kopnene uređaje za prihvatanje i rukovanje.

#### Član 48

Korisnik luke dužan je da svaka tri mjeseca vrši analizu stanja mora u odnosu na zagađivanje balastnim vodama na lučkom području i o tome sačinjava izvještaj.

Izvještaj iz stava 1 ovog člana dostavlja se Ministarstvu i organu državne uprave nadležnom za poslove zaštite životne sredine, u roku od dva dana od dana sačinjavanja izvještaja.

(omissis)

Ballast water record book shall be kept in Montenegrin and English language.

A vessel referred to in paragraph 1 of this Article shall report the quantity and the origin of ballast water to a Harbormaster's at least 48 hours prior to its arrival at a port in Montenegro.

#### Article 46

It is prohibited to discharge into waters of Montenegro ballast water which contains microorganisms, invasive species or other harmful substances.

If the inspector suspects that ballast water may contain microorganisms, invasive species or other harmful substances, he/she shall order the sampling and analysis of ballast water being discharged.

Costs of sampling and analysis of ship's ballast water referred to in paragraph 2 of this Article shall be borne by the owner of a ship.

If it is established that ballast water does not contain microorganisms, invasive species or other harmful substances the costs of sampling and analysis shall be borne by the Ministry.

Types of microorganisms, invasive species or other harmful substances referred to in paragraph 1 of this Article shall be established by the competent body responsible for environmental protection affairs with the previously received opinion on the matter by the competent body responsible for health affairs.

#### Article 47

The master of a ship shall collect the sediments which remain after ballast water discharge solely by mechanical means and shall dispose of them into reception and treatment facilities on shore.

#### Article 48

A port beneficiary shall conduct analysis of the sea conditions once every three months in relation to ballast water pollution in the port area and draft the related report.

The report referred to in paragraph 1 of this Article shall be submitted to the Ministry and the competent body responsible for environmental protection affairs within 2 days of the date of its final draft.

(omissis)



## XII. PRIHVAT I RUKOVANJE OTPADOM, OTPADNIM ULJEM, OSTACIMA TERETA I TALOGOM IZ BALASTNIH TANKOVA U LUKAMA

### Član 51

Korisnik luke dužan je da opremi luku uređajima za prihvata i rukovanje otpadom, otpadnim uljem, ostacima tereta i talogom iz balastnih tankova sa plovniha objekata, u skladu sa međunarodnim i domaćim propisima kojima se uređuje sprječavanje zagađivanja životne sredine s brodova, zaštita morske sredine i priobalnog područja i civilna odgovornost za štetu izazvanu zagađivanjem.

(*omissis*)

## XIV. NADZOR

### Član 59

Nadzor nad sprovođenjem ovog zakona i propisa donesenih na osnovu ovog zakona vrši Ministarstvo.

### Član 60

Poslove inspekcijaskog nadzora vrši inspektor, u skladu sa zakonom.

### Član 61

Pored ovlašćenja utvrđenih Zakonom o inspekcijaskom nadzoru, inspektor ima obavezu i ovlašćenje da:

- vrši pregled brodskih isprava i knjiga propisanih ovim zakonom i međunarodnim konvencijama;
- vrši pregled opreme, sredstava i uređaja na brodu i u luci koji mogu izazvati zagađivanje mora;
- naloži uzimanje uzorka iz balastnih voda;

(*omissis*)

- vrši pregled upravljanja balastnim vodama;

(*omissis*)

- zabrani iskrcaj balastnih voda u skladu sa članom 46 ovog zakona do završetka ispitivanja balastnih voda;

(*omissis*)

## XII. RECEPTION AND MANAGEMENT OF WASTE, WASTE OIL, CARGO RESIDUES AND SEDIMENTS FROM BALLAST TANKS IN PORTS

### Article 51

Port beneficiary shall equip the port with facilities for the reception and handling of waste, waste oil, cargo residues and sediments from ballast tanks from vessels, in accordance with the international and domestic regulations dealing with the prevention of environmental pollution from ships, protection of marine environment and coastal area and civil liability for the damage caused by pollution.

(*omissis*)

## XIV. SUPERVISION

### Article 59

The supervision of implementation of this Law and regulations adopted on the basis of it shall be conducted by the Ministry.

### Article 60

Inspectional controls shall be performed by inspectors in accordance with the law.

### Article 61

Besides the authorizations established by the Law on inspectional control, inspectors have the responsibility and are authorized to:

- conduct inspection of ship's papers and books as provided for by this Law and international conventions,
- conduct the inspection of equipment, devices and installations on ship and in port which may cause marine pollution;
- order ballast water sampling;
- conduct an inspection of ballast water management;
- prohibit the discharge of ballast water in accordance with Article 46 of this Law until the completion of ballast water testing;

(*omissis*)

## XV. KAZNENE ODREDBE

## Član 62

Novčanom kaznom od 1.000 eura do 40.000 eura kazniće se za prekršaj pravno lice, ako: (*omissis*)

6) ispusti balastne vode ili talog iz balastnih tankova ako sadrže štetne materije i patogene mikroorganizme i invazivne vrste (član 4 stav 1 alineja 6); (*omissis*)

50) zapovjednik broda koji je ukrcao balastne vode nije, prije uplovljavanja u vode Crne Gore, izvršio zamjenu balastnih voda ili obradu balastnih voda, iskrcaj balastnih voda u uređaje za prihvata i rukovanje ili zadržavanje balastnih voda na brodu na način iz člana 41 ovog zakona (član 41);

51) brod koji je konstruisan za krcanje balastnih voda koji uplovljava u luke Crne Gore nema plan upravljanja balastnim vodama (član 44 stav 1);

52) tanker od najmanje 150 BT, kao i brod od najmanje 300 BT ne vode knjigu balasta (član 45 stav 1);

53) plovni objekti iz člana 45 stav 1 ovog zakona ne prijave Kapetaniji količinu i porijeklo balastnih voda, najkasnije 48 sati prije uplovljavanja u luke Crne Gore (član 45 stav 4);

54) u vode Crne Gore ispušta balastne vode koje sadrže mikroorganizme, invazivne vrste ili druge štetne materije (član 46 stav 1);

55) zapovjednik broda talog koji ostane nakon ispuštanja balastnih voda ne sakuplja i odlaže na način iz člana 47 ovog zakona;

56) korisnik luke svaka tri mjeseca ne vrši analizu stanja mora u odnosu na zagađivanje balastnim vodama na lučkom području i o tome ne dostavi izvještaj Ministarstvu i organu državne uprave nadležnom za poslove zaštite životne sredine u roku od dva dana (član 48 st. 1 i 2); (*omissis*)

60) korisnik luke ne opremi luku uređajima za prihvata i rukovanje otpadom, otpadnim uljem, ostacima tereta i talogom iz balastnih tankova sa plovnih objekata (član 51); (*omissis*)

Za prekršaj iz stava 1 ovog člana kazniće se i odgovorno lice u pravnom licu novčanom kaznom od 500 eura do 4.000 eura.

Za prekršaj iz stava 1 ovog člana kazniće se preduzetnik novčanom kaznom od 1.000 eura do 6.000 eura.

## XV. PENALTY CLAUSES

## Article 62

A legal person shall be fined with a pecuniary penalty ranging from 1.000 to 40.000 euros for the following: (*omissis*)

6) discharge of ballast water or sediments from ballast tanks if they contain harmful substances, pathogenic microorganisms and invasive species (Article 4, paragraph 1, item 6); (*omissis*)

50) before entering the waters of Montenegro, the master of a ship which has loaded ballast water didn't perform ballast water exchange or treatment of ballast water or discharged ballast water into a reception and treatment facility, or retained ballast water on board in a manner prescribed in the Article 41 of this Law

51) a ship constructed for the carriage of ballast water and arriving at a port in Montenegro doesn't have a Ballast Water Management plan (Article 44, paragraph 1);

52) a tanker of 150 GT and above and a ship of 300 GT and above doesn't have a Ballast Water Record book (Article 45, paragraph 1);

53) a vessel referred to in Article 45, paragraph 1 of this Law fails to report the quantity and the origin of ballast water to the Harbourmaster's at least 48 hours prior to its arrival at a port in Montenegro (Article 45, paragraph 4);

54) discharges into waters of Montenegro ballast water which contains microorganisms, invasive species or other harmful substances (Article 46, paragraph 1);

55) the master of a ship doesn't collect the sediments which remain after ballast water discharge in a manner prescribed in Article 47 of this Law;

56) a port beneficiary doesn't conduct analysis of the sea condition once every three months in relation to ballast water pollution in the port area and doesn't submit a report on it to the Ministry and the competent body responsible for environmental protection affairs within 2 days (Article 48, paragraph 1 and 2); (*omissis*)

60) a port beneficiary fails to equip the port with facilities for the reception and handling of waste, waste oil, cargo residues and sediments from ballast tanks from vessels (Article 51); (*omissis*)

For the penalty referred to in paragraph 1 of this Article the responsible person in a legal person shall be fined with a pecuniary penalty ranging from 500 to 4.000 euros.

For the penalty referred to in paragraph 1 of

Za prekršaj iz stava 1 ovog člana kazniće se fizičko lice novčanom kaznom od 500 eura do 2.000 eura.  
(*omissis*)

this Article a contractor shall be fined with a pecuniary penalty ranging from 1.000 to 6.000 euros.

For the penalty referred to in paragraph 1 of this Article a natural person shall be fined with a pecuniary penalty ranging from 500 to 2.000 euros.

(*omissis*)

