

THE MINISTRY OF MARITIME AFFAIRS, TRANSPORT AND INFRASTRUCTURE

2593

Pursuant to Article 52, paragraph 10 of the Maritime Code (official gazette of the Republic of Croatia "Narodne novine", number 181/04, 76/07, 146/08, 61/11, 56/13 and 26/15), the Minister of Maritime Affairs, Transport and Infrastructure hereby issues the following

ORDINANCE

ON FEE FOR THE USE OF NAVIGATION SAFETY FACILITIES

General provisions

Article 1

- (1) This Ordinance stipulates the amount, basis for fee calculation for the use of facilities for navigation safety (hereinafter: compensation) and extraordinary circumstances i.e. circumstances which are not regular navigation, and which do not require fee payment as well as fee payment method.
- (2) The fee is collected by the company Plovput d.o.o. (hereinafter: Plovput) for performance of services for implementation and maintenance of navigation safety facilities.
- (3) The navigation safety facilities under paragraph 2 from the Article hereof imply facilities for maritime signalization (lighthouses, maritime lights, beacons, radar beacons, fog signals, signal stations, Centre for Vessel Traffic and Navigation Management in the St. Ante Canal, electronic designations – AIS AtoN) and coastal radio stations with equipment on appertaining angles.

Article 2

The terms used in this Ordinance, if not specified otherwise in separate provisions, have the following meaning:

1. *ship* shall mean every sea-going vessel, with length over 12 meters and gross tonnage above 15, or a vessel which is authorized for transport of more than 12 passengers, and that includes, but is not limited to cargo ships, passenger ships, warship, technical crafts, fishing vessels, ships in public service and research and survey vessels.
2. *non –self-propelled ship* shall mean a ship without its own mechanical drive
3. *supply ship* shall mean a ship which is mainly intended for transport of special personnel, special materials and equipment for servicing of maritime devices and maritime offshore facilities and assistance in execution of special operations
4. *container carrier* shall mean a cargo ship which transports its entire cargo in containers
5. *bulk carrier* shall mean a ship intended for transport of dry bulk
6. *domestic craft* shall mean a craft of Croatian nationality
7. *The Ministry* shall mean a ministry in charge of maritime affairs

8. *other unidentified ship* shall mean a ship which is not exhaustively listed under Tariff in the Annex I of the Ordinance hereof which form its constituent part (hereinafter: Tariff)

9. *craft* shall mean a ship and other crafts excluding boats or yachts

10. *passenger ship* shall mean every ship propelled by mechanical means which is authorized for transport of more than 12 passengers

11. *cruise ship* is a passenger ship not intended for transport of passengers from one port to another, but is intended for enjoyment in voyage and facilities on the ship (luxurious setting, adventures, culture, fun, sports activities, wellness or recreation) and is equipped for a longer stay of passengers at the same time offering catering and accommodations services

12. *fishing vessel* shall mean every ship propelled by mechanical means intended and equipped for catching of fish and other creatures in the sea or on sea beds, with length over 12 meters and gross tonnage over 15

13. *ro-ro ferry* shall mean a passenger ship equipped for road and rail vehicles to roll on or roll off the vessels by their propulsion, pulling or pushing

14. *ro-ro cargo ship* shall mean a cargo carrier equipped for road and rail vehicles to roll on or off a vessel by their propulsion, pulling or pushing

15. *foreign craft* shall mean a craft of foreign nationality

16. *foreign warship* shall mean a craft, including submarine, of foreign nationality, belonging to a navy, that bears external distinctive number or letters of warship and its country of registry, and is under the command of military officer and carries a military crew

17. *tanker* shall mean a vessel intended for transport of liquid cargo or gases in bulk in tanks

18. *technical craft* shall mean every ship, with or without mechanical means intended for performance of technical activities (bulldozer, crane, dredgers, clap, barges, floating and sea-going platform or other mobile offshore facility for the exploration and exploitation of seabed and other)

19. *cargo ship* shall mean every ship intended for transport of cargo which either are or are not propelled by mechanical means

20. *research and survey vessel* shall mean a ship exclusively intended for scientific or technological research or exploitation of sea, seabed and its subsoil, equipped with equipment and devices for such purpose as well as accommodation for special personnel.

Payers

Article 3

(1) Fee payers are crafts from the day of sailing into a port or sailing into anchorage in inland maritime waters or territorial sea of the Republic of Croatia.

(2) For crafts of Croatian nationality the obligation of fee payment begins from the day of entry into the register of crafts and ceases with the day of deletion of crafts from the register of crafts.

(3) By way of derogation of provisions of paragraph 2 of the Article hereof, the crafts of Croatian nationality which do not sail in inland maritime waters and the territorial sea of the Republic of Croatia are not obliged to pay the fee.

The basis for fee calculation

Article 4

(1) The basis for fee calculation is the gross tonnage (GT) of a craft pursuant to the International Convention on Tonnage Measurements of Ships of 1969 (Official gazette of the Republic of Croatia „Narodne novine- Međunarodni Ugovori“ number 1/92) as stated in the vessel certificate i.e. other corresponding document of a vessel as well as the period of stay of the craft within the inland maritime waters and territorial sea of the Republic of Croatia in the duration of 30 days (monthly fee), i.e.. 12 months (annual fee).

(2) In case a vessel's certificate , i.e. other corresponding document as per paragraph 1 of the Article hereof is not available , the gross tonnage as stated in the Croatian Integrated Maritime Information System (hereinafter: CIMIS), i.e. register of crafts of Croatian nationality is used as the basis for fee calculation.

(3) By way of derogation of provisions of paragraph 1 of the Article hereof, in case a craft does not have listed gross tonnage in a maritime certificate, i.e. other corresponding document, the basis for fee calculation such crafts without their own means of propulsion is the total load capacity (DWT), and indicated kilowatt (kW) for tugboats.

(4) By way of derogation of provisions of paragraph 1 of the Article hereof, for vessels for which a gross tonnage either has not been determined or is not determined (GT), pursuant to the International Convention on Tonnage Measurements of Ships of 1969 or pursuant to the regulation on tonnage measurements of maritime vessels, the basis for fee calculation is gross register tonnage (GRT).

Fee amount

Article 5

(1) The fee amount is calculated as per Tariff.

(2) The company Plovput calculates the fee amount by multiplying the basis for a craft calculation with the corresponding fee coefficient given in the Tariff for such craft.

(3) Fee coefficient is determined for 30 days and 12 months.

Article 6

(1) A craft can choose to pay the fee monthly or annually of its own accord , unless the provisions of the Ordinance hereof do not otherwise stipulate.

(2) Monthly fee is paid for indivisible period of 30 days from the day a craft sails into a port or anchorage within the inland maritime waters or the territorial sea of the Republic of Croatia.

(3) Annual fee is paid for indivisible period of 12 months from the day a craft sails into a port or anchorage within the inland maritime waters or the territorial sea of the Republic of Croatia

(4) The owner, ship operator, agent or other person representing the owner i.e. ship operator is obliged to pay the monthly fee stipulated under paragraph 2 of the Article hereof, within 15 days from the invoice date.

(5) The owner, ship operator, agent or other person representing the owner i.e. ship operator is obliged to pay the annual fee stipulated under paragraph 3 of the Article hereof, within 30 days from the invoice date.

(6) If a craft is deleted from the register of crafts, if it is stolen, destroyed, i.e. temporary or permanently out of use or if it has changed the owner prior to expiration of the period for which the fee has been paid, the paid fee is not reimbursed to the persons stipulated under paragraph 4 and 5 of the Article hereof.

Fee payment

Article 7

(1) The fee is calculated in euros, and charged in HRK pursuant to the middle exchange rate of the Croatian National Bank for euros on the invoice date for domestic crafts.

(2) The fee is calculated and charged in euros for foreign crafts.

Article 8

(1) The fee invoice is valid if it is addressed to any of the registered owners of the craft pursuant to data from the corresponding register of crafts or CIMIS at the beginning of the period to which the invoice refers to or the ship operator, agent or any other person representing the owner i.e. ship operator.

(2) The invoice shall be considered valid if the title and address are identical to the data from the register of crafts or CIMIS at the moment of issue of invoice.

(3) The company Plovput shall issue the invoices stipulated under paragraph 1 or 2 of the Article hereof pursuant to daily excerpts from CIMIS and monthly excerpts from the register of crafts of the Ministry.

Exemption from the payment of fees

Article 9

(1) By way of derogation of provisions of Article 3 of the Ordinance hereof, the vessels that use the right of innocent passage of territorial sea without sailing into a port or anchorage in the Republic of Croatia, as well as public vessels and warships, and other crafts in extraordinary circumstances which do not classify as regular navigation are exempt from fee payment.

(2) Crafts in extraordinary circumstances i.e. circumstances which do not fall within the scope of regular navigation as per paragraph 1 of the Article hereof are crafts which sail into the port or anchorage in inland maritime waters or territorial sea of the Republic of Croatia:

a. for reasons of force majeure or distress at sea

b. for embarking or disembarking of sick crew members or passengers

c. for disembarking of castaways or persons who died on a vessel

d. for search and rescue operations of people pursuant to the order of the National Headquarters for Coordinating Search and Rescue at sea or the port authority

e. for prevention of pollution or removal of consequences of sea pollution pursuant to approval or order by the Ministry, National Headquarters for Coordinating Search and Rescue at sea or the port authority

f. pursuant to the order by the Ministry, port authority, police, customs or Coast Guard of the Republic of Croatia

g. for embarking or disembarking of a pilot or official persons of the port authority, police, customs and Coast Guard of the Republic of Croatia

h. for unloading of cargo from a damaged craft under the condition that such cargo is upon repair reloaded onto the same craft

i. for acquisition i.e. placement in tow of craft or other similar extraordinary activity due to reasons of maritime safety

j. newly-built craft without a propulsion engine until putting into operation

(3) The craft has to prove extraordinary circumstances i.e. circumstance which do not fall within the scope of regular navigation from paragraph 2 of the Article 2 hereof via a corresponding document which should be submitted with the application for the exemption of fee payment for the usage of facility of maritime safety.

(4) Foreign warship shall during the delivery or shipping of cargo, equipment or persons or during the performance of repair in the shipyard pay the fee pursuant to tariff number 16 which has been determined with the Tariff.

(5) A craft which sail into ports within the inland maritime waters and territorial sea of the Republic of Croatia in international navigation due to temporary withdrawal of craft from exploitation shall pay single monthly fee pursuant to the corresponding tariff number determined by Tariff.

(6) In case of paragraph 5 of the Article hereof, the craft has to prove the status of temporary withdrawal and its duration by decree on withdrawal. .

Transitional and Final Provisions

Article 10

(1) Upon entry into force of this Ordinance the Tariff ordinance for the usage of facilities of the navigation safety in inland maritime waters and territorial sea of the Republic of Croatia issued pursuant to the provisions of the Act on Plovput, Split, (official gazette of the Republic of Croatia "Narodne novine", number 73/97) ceases to be valid.

(2) The company Plovput is obliged to within 30 days from the issue of this Ordinance in „Narodne novine to terminate all legal relations and repeal all business act issued pursuant to the Ordinance on Tariff from paragraph 1 of the Article hereof.

Article 11

Upon entry into force of this Ordinance until 31 December 205 the following fees are implemented for all cruise vessels:

Tariff no.7	Cruise vessels	Calculation basis(GT)	Fee coefficient for 30 days – EUR (VAT excluded)	Fee coefficient for 12 months – EUR (VAT excluded)
7.1.	≤ 20.000 GT	GT	0.19	0.64
7.2.	20.001 – 30.000 GT	GT	0.14	0.64
7.3.	30.001 – 50.000 GT	GT	0.14	0.48
7.4.	50.001 – 80.000 GT	GT	0.12	0.40
7.5.	> 80.000 GT	GT	0.12	0.35

Article 12

This Ordinance enters into force on the eight day from the day of publication in the official gazette of the Republic of Croatia "Narodne novine" and shall be applied as of 1 January 2016.

Class: 001-01/15-02/04

File number: 530-04-2-1-15-6

Zagreb, 16 December 2015

Tariff

Tariff number	Craft pursuant to category, type, size and purpose	Basis for calculation (GT, DWT or kW)	Fee coefficient for 30 days – EUR (VAT excluded)	Fee coefficient for 12 months – EUR (VAT excluded)
1.	Cargo ship	GT	0.48	1.60
2.	Bulk carrier			
2.1.	≤ 30.000 GT	GT	0.48	1.60
2.2.	30.001 – 50.000 GT	GT	0.43	1.43
2.3.	> 50.000 GT	GT	0.37	1.23
3.	Tanker	GT	0.49	1.64
4.	RO-RO cargo ship	GT	0.35	1.17
5.	Container carrier			
5.1.	≤ 40.000 GT	GT	0.22	1.00
5.2.	> 40.000 GT	GT	0.10	0.55
6.	Passenger ship and RO- RO ferry	GT	0.19	0.64
7.	Cruise ship			
7.1.	≤ 20.000 GT	GT	0.20	0.70
7.2.	20.001 – 50.000 GT	GT	0.161	0.55
7.3.	50.001 – 80.000 GT	GT	0.138	0.46
7.4.	> 80.000 GT	GT	0.137	0.40
8.	Ship for special purposes			
8.1.	Research and survey vessel	GT	0.19	0.64
8.2.	Supply ship	GT/kW	0.48/0.23	1.60/1.38
9.	Tugboat or pusher	GT/kW	0.25/0.23	0.83/1.38

10.	Non-self propelled ship	GT/DWT	0.48/0.16	1.60/1.02
11.	Ship in overhaul and tugboat	GT/kW/DWT	0.25/0.12/ 0.10	–
12.	Bunkership	GT	0.25	–
13.	Ship for crew change	GT	0.25	–
14.	Fishing vessel	GT	0.19	0.64
15.	Technical craft	GT	0.19	0.64
16.	Other unidentified crafts	GT	0.48	1.60