

THE MINISTRY OF THE SEA, TRANSPORT AND INFRASTRUCTURE

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Pursuant to Article 34, paragraph 1, indent 2 of the Act on Amendments to the Maritime Code (Official Gazette 76/06) pursuant to Article 77, paragraph 3 of the Maritime Code (Official Gazette 181/04, 76/06), the Minister of the Sea, Transport and Infrastructure hereby issues this

ORDINANCE

ON MARINE EQUIPMENT

Content of the Ordinance

Article 1

This Ordinance lays down the requirements for marine equipment used in accordance with international conventions to be placed on board the ships of Croatian nationality and the requirements for placing such equipment on the market in the Republic of Croatia.

Meaning of terms

Article 2

For the purposes of this Ordinance, certain terms shall have the following meaning:

1. “*Technical Rules*” are the Technical Rules for Statutory Certification of Marine Equipment;
2. “*conformity assessment procedures*” shall mean the procedures as set out in Article 8 of this Ordinance;
3. “*equipment*” shall mean marine equipment listed in Annexes I and II to the Technical Rules which, in order to comply with international instruments, must be placed on board a ship for use or is on board the ship for other reasons, and for which the approval of the flag State administration is required;
4. “*radio equipment*” shall mean radio equipment as set out in Chapter IV of the SOLAS 74 Convention, as amended, including two-way VHF radiotelephone apparatus for life-saving devices required by Regulation III/6.2.1 of the same Convention;
5. “*international conventions*” shall mean:
 - the 1996 International Convention on Load Lines (LL66),
 - the 1972 Convention on the International Regulations for Preventing Collisions at Sea (COLREG 72),
 - the 1973 International Convention for the Prevention of Pollution from Ships (MARPOL),
 - the 1974 International Convention for the Safety of Life at Sea (SOLAS),together with their Protocols and the amendments thereto which entered into force;
6. “*international instruments*” shall mean the international conventions, resolutions and circulars of the International Maritime Organization (IMO), and the relevant international testing standards;
7. “*mark of conformity*” shall mean the mark as set out in Article 10 and Annex 2 which is an

integral part of this Ordinance;

8. “*notified body*” shall mean an organization designated in accordance with Article 9 of this Ordinance;

9. “*place on board*» shall mean to install or place equipment on board the ship;

10. “*safety certificates*” shall mean the certificates issued by or on behalf of the Government of the Republic of Croatia in accordance with international conventions;

11. “*ship*” shall mean a ship falling within the scope of international conventions, apart from warships;

12. “*new ship*” shall mean a ship the keel of which is laid or which is at a similar stage of construction on or after the date specified in the Technical Rules. For the purposes of this definition, the phrase “a similar stage of construction” shall mean the stage at which:

– construction identifiable with a specific ship begins; and
– assembly of that ship has commenced, comprising at least 50 tonnes or 1 % of the estimated mass of all structural material, whichever is less;

13. “*existing ship*” shall mean a ship which is not a new ship;

14. “*testing standards*” shall mean the standards set by these organisations:

– the International Maritime Organization (IMO),
– the International Organization for Standardization (ISO),
– the International Electrotechnical Commission (IEC),
– the European Committee for Standardization (CEN)
– the European Committee for Electrotechnical Standardization (CENELEC),
– the European Telecommunication Standards Institute (ETSI);

including their amendments adopted in accordance with the international conventions, relevant resolutions and circulars of the International Maritime Organization (IMO) to define testing methods and test results, but only in the form referred to in Annex I to the Technical Rules;

15. “*type approval*” shall mean shall mean the procedures for evaluating the conformity of equipment in accordance with the appropriate testing standards and the issue of the appropriate certificates.

16. “*Ministry*” is the ministry competent for maritime affairs.

Application

Article 3

(1) This Ordinance shall apply to the equipment of ships of Croatian nationality as follows:

(a) To the equipment on a new ship regardless of whether at the time of construction the ship is situated in the Republic of Croatia or abroad;

(b) To the equipment on the existing ship regardless of whether at the time of its being placed on board the ship is located in the Republic of Croatia or not:

– where such equipment was not previously carried on board; or

- where equipment which was previously carried on board the ship is replaced, except where international conventions permit otherwise,

(2) The provisions of this Ordinance shall not apply to equipment which had already been placed on board a ship before the date specified in the Technical Rules.

The equipment referred to in paragraph 1 of this Article shall conform to all requirements set out in this Ordinance regardless of whether it is subject to other regulations (e.g. regulations relating to electromagnetic compatibility or personal protective equipment).

Article 4

The Ministry or the notified body acting on its behalf shall ensure, when issuing or renewing the relevant safety certificates that the equipment complies with the requirements of this Ordinance.

Article 5

(1) The equipment listed in Annex I to the Technical Rules that is placed on board a ship on or after the date specified in the Technical Rules shall meet the applicable requirements of the international instruments referred to in that Annex I.

(2) The compliance of equipment with the applicable requirements of the international conventions shall be specified solely in accordance with the relevant testing standards and the conformity assessment procedures referred to in Annex I to the Technical Rules.

(3) For the equipment listed in Annex I to the Technical Rules, where both IEC and ETSI testing standards are given, those standards shall be alternatives and a manufacturer or his authorized representative may determine which of them is to be used.

Placing on the market

Article 6

On the territory thereof, the Republic of Croatia shall not prohibit the placing on the market or the placing on board Croatian ships of equipment referred to in Annex I to the Technical Rules which bears the mark of conformity or for other reasons complies with the provisions of this Ordinance, or refuse to issue or confirm the ship certificates relating thereto.

Procedure for entry in the Register of Shipping of the Republic of Croatia

Article 7

(1) In the procedure for the first entry of a new ship in the Register of Shipping of the Republic of Croatia, regardless of the flag State of the ship up to then, and if the ship had not been previously entered in the register of shipping in a Member State of the EU, the Ministry shall inspect the equipment directly, or via a notified organisation.

(2) The inspection of the equipment referred to in paragraph 1 of this Article shall establish whether the status and integrity of equipment conform to the ship documents and if the equipment bears the mark of conformity, or in the case where it bears no such mark, whether it can be considered to be equivalent to equipment type-approval in accordance to the provisions of this Ordinance.

(3) In the case that the equipment does not bear the mark of conformity, and it has been established that it cannot be considered to be equivalent, the equipment shall be replaced.

(4) If it is established that the equipment may be considered to be equivalent, the Ministry shall issue a certificate of acceptance of equipment which shall at all times be on board the ship and which shall list the restrictions, if any, concerning the use of equipment.

(5) In the case of radio equipment, it shall be verified that it complies with requirements of the radio-frequency spectrum.

Conformity assessment procedures

Article 8

- (1) Conformity assessment procedures of equipment are set out in the Technical Rules.
- (2) After completing conformity assessment procedures of equipment, the manufacturer or the authorised representative thereof shall issue a written declaration of conformity as set out in the Technical Rules.

Notified bodies

Article 9

- (1) The Ministry shall notify the European Commission and the other EU Member States of the bodies which have been designated to carry out the conformity assessment procedures and testing referred to in Article 8 of this Ordinance, together with the specific tasks which those notified bodies have been designated to carry out and the identification numbers assigned to them beforehand by the European Commission.
- (2) In the procedure of assessment of the bodies for the purpose of acquiring the status of a notified body, the Ministry shall apply the criteria set out in Annex 1 to this Ordinance.
- (3) The Ministry shall withdraw its designation of the body, should it establish that that body no longer complies with the criteria laid down in Annex 1 to this Ordinance. The Ministry shall immediately inform the European Commission and the other Member States about the withdrawal of designation.
- (4) The Ministry shall publish the notice of designation and withdrawing of designation in the official journal of the Republic of Croatia.

Marking of equipment

Article 10

- (1) Equipment referred to in Annex I to the Technical Rules which complies with the relevant international instruments and after properly completing the conformity assessment procedure shall be affixed, by the manufacturer or his authorised representative, with the mark of conformity such as is specified in Annex 2 to this Ordinance.
- (2) The mark of conformity shall be followed by the identification number of the notified body which has performed the conformity assessment procedure in production, and by two digits denoting the year in which the mark is affixed.
- (3) The marking shall be affixed to the equipment in the manner to be visible, legible and indelible throughout the anticipated useful life of the equipment. However, where that is not possible on account of the nature of the piece of equipment, it shall be adequately affixed to the packaging in which the equipment is delivered.
- (4) It is prohibited to affix any other marks or inscriptions on the equipment regulated by the provisions of this Ordinance which are likely to mislead third parties with regard to the meaning or form of the mark of conformity referred to in this Ordinance.
- (5) The mark of conformity shall be affixed after the end of the production phase.

Protective measures

Article 11

(1) Notwithstanding the provision of Article 6 of this Ordinance, the Ministry may, using a random sample method, check or request a check to be carried out on equipment bearing the mark of conformity which is available on the market in the Republic of Croatia, and which has not yet been installed or placed on board a ship, in order to ensure that it complies with the provisions of this Ordinance.

(2) Notwithstanding the provision of Article 6 of this Ordinance, after the installation or placing on board of a Croatian ship of equipment subject to the provisions of this Ordinance, required by international instruments to be checked on board the ship, the Ministry may, provided that it has not been carried out under conformity assessment procedure, check or request a check to be carried out on such equipment. At the request of the Ministry, the manufacturer or his authorised representative or person responsible for placing such equipment on the market, shall submit a report on the check up or testing.

Article 12

(1) Where the Ministry ascertains by inspection or otherwise that a piece of equipment referred to in Annex I to the Technical Rules, when correctly installed, maintained and used for its intended purpose, may compromise the health and/or safety of the crew, the passengers or other persons on board, or may adversely affect the marine environment, it shall notify the ministry responsible for the economy and the State Inspector's Office which shall take appropriate provisional measures to withdraw this equipment from the market, or prohibit or restrict its being placed on the market or being used on board ships of Croatian nationality.

(2) The bodies referred to in paragraph (1) of this Article shall forthwith notify the European Commission about the measures taken pursuant to paragraph (1) of this Article, stating the reasons for their decision, and in particular if noncompliance is the result of:

- (a) failure to comply with Article 5 of this Ordinance;
- (b) incorrect application of the testing standards referred to in Article 5 of this Ordinance;
- (c) shortcomings in the testing standards themselves.

(3) Where a non-complying piece of equipment bears mark of conformity, the competent body shall take other measures set out in a special regulation.

(4) The competent body referred to in paragraph 3 of this Article shall notify the European Commission about the undertaken measures.

Exemption in the case of technical innovation

Article 13

(1) Notwithstanding the provision of Article 5 of this Ordinance, in exceptional circumstances of technical innovation, the Ministry may permit equipment which does not comply with the conformity assessment procedures to be placed on board a ship of Croatian nationality if it is established by trial or in other way approved by the Ministry that such equipment is at least as effective as equipment which does comply with the conformity assessment procedures.

In the case of radio equipment, the Ministry shall permit equipment to be placed on board only after it has verified that it conforms to the requirements of the radio-frequency spectrum.

(2) The assessment procedures referred to in paragraph 1 of this Article shall in no way discriminate between equipment manufactured in the Republic of Croatia compared to the

equipment manufactured in other states.

(3) The Ministry shall issue or approve the issue of the relevant certificate for the equipment referred to in paragraph 1 of this Article, which shall at all times be carried with the equipment, and which gives permission for the equipment to be placed on board the ship and imposes, if necessary, any restrictions and/or requirements for its use.

(4) Where the Ministry allows equipment covered by this Article to be placed on board a ship, it shall forthwith communicate the particulars thereof together with the reports of all relevant trials, assessments and conformity assessment procedures to the European Commission and the other EU Member States.

(5) Where a ship with equipment on board under paragraph 1 of this Article is registered with the Register of Shipping of the Republic of Croatia, the Ministry may undertake the measures necessary, which may include tests and practical demonstrations, to ensure that the equipment is at least as effective as equipment which does comply with the conformity assessment procedures.

Exemption for the purpose of testing or assessment

Article 14

(1) Notwithstanding the provision of Article 5 of this Ordinance, the Ministry may permit equipment which does not comply with the conformity assessment procedures or does not comply with Article 13 of this Ordinance to be placed on board a ship of Croatian nationality for the purpose of testing or assessment, if the following conditions are complied with:

(a) the Ministry issued or approved the issue of the appropriate certificate giving permission for such equipment to be installed or placed on board the ship, including relevant restrictions and/or conditions for its use. The certificate must at all times be carried on board the ship with the equipment;

(b) the permission must be limited to a short period of time;

(c) the equipment must not be relied on in place of equipment on board the ship which meets the provisions of Article 5, and must not replace such equipment, which must remain on board the ship ready for immediate use.

(2) In the case of radio equipment, the Ministry shall grant approval only if the equipment satisfies the requirements of the radio-frequency spectrum.

Replacement of equipment outside of the European Union

Article 15

(1) Where equipment governed by the provisions of Article 5 needs to be replaced and the ship is in a port outside of the European Union and in exceptional circumstances, for example to avoid the delay of a ship, high costs or due to a long term for the delivery of equipment, the Ministry may permit equipment to be installed or placed on board the ship which does not comply with the provisions of Article 5 under the following conditions:

(a) If an agreement has been concluded between the European Union and the state where the ship is located on the mutual recognition of such notified bodies as referred to in Article 9 of this Ordinance, the equipment shall be accompanied by the relevant documentation issued by a notified body if the state where the ship is;

(b) Should it prove impossible to comply with item (a), equipment accompanied by documentation issued by a Member State of the International Maritime Organisation which is a party to the international convention governing equipment, certifying compliance with the relevant international standards, equipment may be installed or placed on board, subject to the requirements of paragraphs 2 and 3 of this Article.

(2) Where equipment is installed or placed on board the ship in compliance with the provisions of paragraph 1, item (b) the company shall forthwith notify the Ministry about the features of the equipment and submit documentation issued with the equipment.

(3) The Ministry shall in the shortest possible period confirm that equipment referred to in paragraph 1 of this Article, along with its testing documentation, complies with the relevant requirements of the international instruments and of this Ordinance.

(4) In the case of radio equipment, the Ministry shall require that such equipment complies with the requirements of the radio-frequency spectrum.

Transitional and final provisions

Article 16

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

By way of derogation from the provision of paragraph 1 of this Article, the provisions of Article 7 paragraph 4, Article 9 paragraphs 1 and 3, Article 10, Article 12 paragraphs 2 and 4, Article 13 paragraph 4, and Article 15, shall enter into force on the day of accession of the Republic of Croatia into the European Union.

The Ordinance on marine equipment (Official Gazette 94/05) shall cease to have effect by virtue of entry into force of this Ordinance.

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Reg. No: 530-04-07-03

Zagreb, 20 December 2007

The Minister
Božidar Kalmeta, m.p.

ANNEX 1

MINIMUM CRITERIA TO BE FULFILLED BY NOTIFIED BODIES

(Art. 9)

- Notified bodies must fulfil the requirements of the relevant harmonised EN 17000 series and have valid accreditation issued by the Croatian Accreditation Agency.
- A notified body must be independent and must not be controlled by manufacturers or by suppliers.
- A notified body must be a legal entity entered in the relevant court register in the Republic of Croatia.
- Where type-approvals are issued by a notified body on behalf of the Republic of Croatia, the Ministry must ensure that the qualifications, technical experience and staffing of the notified

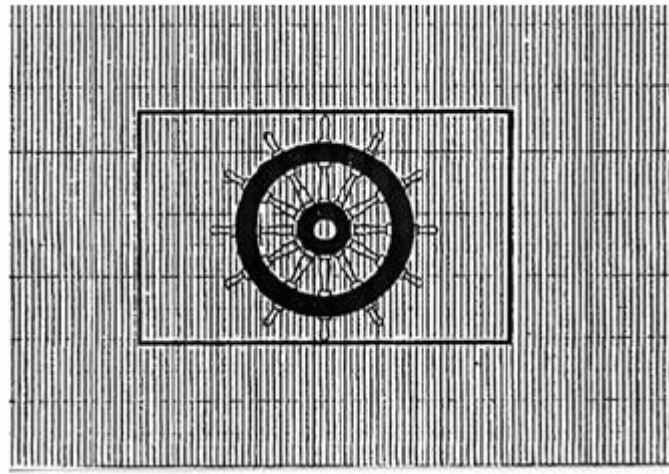
body are such as will enable it to issue type-approvals which comply with the requirements of this Ordinance and to guarantee a high level of safety.

- A notified body must be in a position to provide maritime expertise.
- A notified body is entitled to perform conformity assessment procedures for any economic operator established within or outside of the European Community.
- A notified body may perform conformity assessment procedures in any EC Member State or state outside the Community using either its home-based means or the personnel of its branch offices abroad.
- If a subsidiary of a notified body performs conformity assessment procedures, all documents relating to the conformity assessment procedures must be issued by and in the name of the notified body and not in the name of the subsidiary.
- A subsidiary of a notified body which is established in another Member State of the European Community may, however, issue documents relating to conformity assessment procedures if it is notified and registered by that EC Member State.

ANNEX 2

MARK OF CONFORMITY (Art. 10)

The mark of conformity must have the form as shown in the graphic representation below



- If the mark is reduced or enlarged, the proportions given in the above drawing must be respected.
- The various components of the mark must be of the same height, which may not be less than 5 mm.
- For smaller pieces of equipment dimensions smaller than 5 mm shall be permitted.