

LAW ON HYDROGRAPHIC ACTIVITY

I. GENERAL PROVISIONS

Article 1

This Law regulates the content of hydrographic activity, the conditions and manner of carrying out this activity, and establishes a legal entity for carrying out the hydrographic activity of interest to the Republic of Croatia.

Article 2

Hydrographic activity includes hydrographic survey of the sea, geodetic and other surveys of objects in the coastal area, sea, seabed and submarine area; marine geodesy; oceanography (recording of the sea level oscillations, surface waves, currents, thermohaline parameters), geology and geophysics of the sea, and environmental protection, in the parts of the sea in which the Republic of Croatia has sovereign power or achieves sovereign rights; analysis of the data collected during the survey, recording or research, and publishing of such data, with the aim of providing hydrographic-navigational safety at sea.

Geodetic works within the hydrographic activity are carried out in accordance with the regulations on geodetic survey.

Article 3

The purpose of hydrographic activity is hydrographic-navigational security of ships and boats, including naval vessels, with the aim of protecting human lives and property on sea, carrying out researches, protecting the environment and managing the sea.

Article 4

The data obtained from the hydrographic activity are the basis of the hydrographic information system.

II. CARRYING OUT OF HYDROGRAPHIC ACTIVITY

Article 5

Hydrographic Institute of the Republic of Croatia shall carry out the following hydrographic activities:

1. Hydrographic survey of the sea, marine geodesy, geodetic and other surveys of objects in the coastal area, sea, seabed and submarine area, geology and geophysics of the sea, oceanography and protection of the environment in the part

important for hydrography and hydrographic-navigational safety, research and other jobs in connection with the carrying out of these activities, established by this Law.

2. Providing hydrographic-navigational safety at sea for all ships and boats, established by this Law; the service of navigational notices (radio notices), collecting, analyzing and exchanging hydrographic and navigational notices for keeping in proper conditions official charts and handbooks, as well as correcting and amending these data in "Notices to Mariners".
3. Performing duties of National Coordinator in collecting, analyzing and dispatching maritime safety information (MSI), in accordance with the recommendations of the International Hydrographic Organization and International Maritime Organization (hereinafter referred to as the IHO and IMO).
4. Drafting, producing and keeping up to date the official charts and handbooks, and coordinating them with the recommendations of the IHO and IMO, as well as keeping up to date and storing the originals.
5. Describing and drawing of a geodetically defined border of sovereignty of the Republic of Croatia on sea, taking into consideration other acts which regulate the border, keeping up to date and managing the database of the official data on sea, in the following fields: navigation, hydrography (objects on sea and in the submarine area), cartography, geology, geophysics and oceanography (sea level oscillations, waves, currents, thermohaline, hydroacoustic and optical properties of the sea, hydrometeorology, etc.), as well as organizing and conducting the Marine Register.
6. Representing the Republic of Croatia in the IHO and other international organizations with which it cooperates independently, in its field of activity.
7. Other activities, as follows:
 - managing the hydrographic information system,
 - organizing the watch service, the network of permanent and occasional stations and substations for data collecting,
 - controlling reliability of measurement methods in the field of hydrographic activity,
 - jobs within the field of hydrographic activity established by Maritime Statute and other laws,
 - publishing and printing activities, as well as distribution and sale of charts and handbooks, the usage of which is obligatory for the safety of navigation.

Article 6

Hydrographic activity referred to in Article 5 of this Law is the activity of interest to the Republic of Croatia.

Article 7

Hydrographic survey of the sea, marine geodesy and survey of objects in the coastal area, sea, seabed and submarine area may be carried out by other legal entities registered for such activities, if they fulfil statutory conditions.

The conditions which must be fulfilled by a legal entity for carrying out the activities referred to in paragraph 1 of this Article, as well as detailed conditions and manner of carrying out such activities shall be regulated by the Minister of Maritime Affairs.

Article 8

The decision, which gives authority for carrying out the activity referred to in Article 7, paragraph 1 of this Law, or rejects the request for giving such authority, shall be made by the Ministry of Maritime Affairs, according to the opinion of the Hydrographic Institute of the Republic of Croatia.

The decision under paragraph 1 of this Article shall be made within 30 days of the properly submitted request.

The complaint against the decision under paragraph 1 of this Article is not permitted, but administrative dispute may be taken.

To the process of making decisions, the provisions of the Law on general administrative procedure shall be applied, unless otherwise determined by this Law.

Article 9

Legal entities authorized for carrying out the activity referred to in Article 7, paragraph 1 of this Law (hereinafter referred to as: authorized legal entities) undertake to carry out such activity in the manner and on the conditions regulated by this Law and the regulations enacted on the basis of this Law, in accordance with the standards of the IHO and other standards established by the international contracts, to which the Republic of Croatia is committed.

Article 10

Authorized legal entities undertake to inform the Hydrographic Institute of the Republic of Croatia about the date of the beginning of works and their volume, and send one copy of each project study, as well as supply the collected data within 30 days of finishing the works.

Article 11

The data, collected and analyzed by the Hydrographic Institute of the Republic of Croatia in carrying out the activity referred to in Article 5 of this Law, shall be the official data.

The research data, collected and analyzed by authorized legal entities (charts, tables, graphs, etc.) shall not be considered official.

Hydrographic Institute of the Republic of Croatia shall store the official data and publish them in official charts, handbooks and "Notices to Mariners" in necessary proportions.

In special publications, Hydrographic Institute of the Republic of Croatia shall publish changes and amendments to the charts of interest to Defence.

Article 12

Ships and boats registered in domestic records must have the official charts and handbooks published by the Hydrographic Institute of the Republic of Croatia, in accordance with the Regulations on boats and following the regulations of the Croatian Register of Shipping.

Article 13

Hydrographic, cartographic and other originals as well as the data on the part of the sea, seabed and submarine area in which the Republic of Croatia has sovereign power or achieves sovereign rights, shall be kept in the Hydrographic Institute of the Republic of Croatia.

Copying or ceding the originals referred to in paragraph 1 of this Article for the usage of other bodies, legal entities or natural persons, is not permitted.

The originals produced for the usage of the Ministry of Defence shall be kept in this Ministry.

Article 14

Scanning, copying (partly or in whole) of charts and handbooks, studies and other editions published by the Hydrographic Institute of the Republic of Croatia on the basis of the authority in this Law, and their distribution, are prohibited without the prior written permission of the Hydrographic Institute of the Republic of Croatia.

Article 15

Marine Register shall keep records of the data on the sea, seabed and submarine area, relevant for the safety of navigation, except the data of interest to Defence.

Marine Register shall include the data on the users, the way and proportions of exploitation of the sea, seabed and submarine area, as well as the records of objects, works and occurrences relevant for the safety of navigation, for each area of local self-governing unit and units of local government and self-government.

Detailed regulations on the structure, content and conduct of Marine Register, and payment of fees shall be issued by the Minister of Maritime Affairs, Transport and Communications, according to the opinion of the Hydrographic Institute of the Republic of Croatia.

The records including the data under paragraph 2 of this Article, which are relevant for Defence, shall be kept by the Ministry of Defence.

Article 16

The data obtained from the hydrographic activity of interest to the Republic of Croatia may be given for public usage in parts, unless determined as secret, by the act of the competent body, in accordance with the Law on protection of data secrecy.

Article 17

The users of the data, except the State Administration bodies, shall pay compensations for the usage of original data collected by the Hydrographic Institute of the Republic of Croatia in carrying out the activity referred to in Article 5 of this Law.

Article 18

The Minister of Maritime Affairs shall issue regulations on publishing, keeping up to date and using the official charts, the usage of which is obligatory for the safety of navigation, according to the opinion of the Hydrographic Institute of the Republic of Croatia.

Article 19

Hydrographic Institute of the Republic of Croatia shall not need the permission of the Minister of Maritime Affairs for the research, investigation and survey of the sea, seabed or submarine area, carried out within the activity referred to in Article 5 of this Law, as regulated by Maritime Statute.

Article 20

Hydrographic Institute of the Republic of Croatia may carry out the activity referred to in Article 5 of this Law in the special-purpose military harbours, or in the prohibited zones of internal waters of the Republic of Croatia with the permit of the

Ministry of Defence, while in the harbour for interior affair purposes with the permit of the Ministry of Interior.

Article 21

Legal entities referred to in Article 5 of this Law shall pay harbour dues according to special regulations.

Article 22

It is prohibited to impede the carrying out of hydrographic activity, and damage the equipment, especially the one at the stations for data collecting (tide gauge and other stations).

Article 23

In the spirit of this Law, in charge of a systematic development of the hydrographic activity shall be the Hydrographic-Navigational Council.

Hydrographic-Navigational Council is a professional and advisory body which shall direct in strategical manner the development of hydrographic activity, and shall particularly:

- evaluate the situation in the field of hydrographic activity,
- suggest and initiate measures for improving the hydrographic activity,
- consider and give opinions on the law proposals and other acts which regulate the hydrographic activity.

Concerning the issues under consideration, Hydrographic-Navigational Council shall give opinions, establish attitudes, give initiatives for passing laws and other regulations or taking other measures.

Article 24

Hydrographic-Navigational Council shall have the President and 14 members, appointed or acquitted by the Government of the Republic of Croatia, to the proposal of competent ministries.

Hydrographic-Navigational Council shall be appointed for a period of four years.

Hydrographic-Navigational Council shall consist of:

- two representatives of the Ministry of Maritime Affairs, one of them from the field of navigational safety,
- one representative of the Ministry of Interior,
- one representative of the Ministry of Science and Technology,
- one representative of the Ministry of Spatial Planning, Building and Housing,

- one representative of the Ministry of Tourism,
- one representative of the State Administration body competent for geodesy,
- one representative of the State Administration body competent for environmental protection,
- one representative of the State Administration body competent for waters
- three representatives of the Hydrographic Institute of the Republic of Croatia
- one representative of maritime economy.

Article 25

Hydrographic-Navigational Council shall enact regulations for the conduct of its work.

Professional and other administrative jobs, necessary for the work of Hydrographic-Navigational Council, shall be carried out by the Hydrographic Institute of the Republic of Croatia.

III. HYDROGRAPHIC INSTITUTE OF THE REPUBLIC OF CROATIA

Article 26

A public institution, named Hydrographic Institute of the Republic of Croatia (hereinafter referred to as the Institute), is established for carrying out the hydrographic activity of interest to the Republic of Croatia.

Abbreviated title of the Institute is HHI.

Headquarters of the Institute shall be in Split.

Article 27

The rights, which the Republic of Croatia has as the founder of the Institute, shall be effected by the Government of the Republic of Croatia, except the rights referred to in Article 32, paragraph 2, subparagraph 1 of this Law, which shall be performed by the House of Representatives of Croatian Parliament.

Article 28

The activity of the Institute shall be carried out as a public service.

The Institute shall perform organization and conduct of Marine Register, carry out the activities referred to in Article 5, paragraph 1, item 3, and provide opinions referred to in Article 8, paragraph 1, Article 15, paragraph 3 and Article 18 of this Law, as public authorities.

The Institute shall not perform activities for making profit, unless exceptionally permitted by this Law.

Article 29

For those issues which are not settled by this Law, the Institute, being a public institution, shall be liable to the Law on institutions.

Article 30

Besides the activities referred to in Article 5 of this Law, the Institute may carry out hydrographic, cartographic and publishing activities for domestic or foreign legal entities, on their request, provided that these activities do not impede carrying out of the hydrographic activity of interest to the Republic of Croatia.

Article 31

The bodies of the Institute shall be Management Council and Director.

Article 32

Management Council shall manage the Institute.

Management Council shall be in charge of:

- passing the Statute of the Institute with the consent of the House of representatives of Croatian Parliament,
- making decisions on acquisition, burden or misappropriation of the Institute estates or other properties, to the amount established by the Statute independently, or if exceeding this amount, with the consent of the Government of the Republic of Croatia,
- issuing annual work programme and following its realization,
- issuing financial plan and annual statement of accounts,
- making decision on compensations for the usage of data referred to in Article 17 of this Law, with the prior consent of the Minister of Transport,
- proposing a special, as a rule five-year programme of work and development of the hydrographic activity,
- deciding upon the improvement of work and business efficiency of the Institute,
- passing general acts,
- deciding upon other issues established by the Law and Statute, as well as on other issues concerning management of the Institute.

Article 33

Management Council shall consist of the President and 7 (seven) members.

The President and seven members of the Management Council shall be appointed or acquitted by the Government of the Republic of Croatia.

The following representatives shall be appointed to the Management Council by the Government of the Republic of Croatia:

- one representative of the Ministry of Maritime Affairs,
- one representative of the Ministry of Interior,
- one representative of the Ministry of Defence,
- one representative of the Ministry of Science and Technology,
- one representative of the Ministry of Finance,
- one representative of the State Administration body competent for geodesy,
- one representative of the State Administration body competent for environmental protection,
- one representative of the professional staff of the Institute.

The member of the Management Council, who is a representative of the professional staff of the Institute, cannot be appointed the President of the Management Council.

The President and the members of Management Council shall be appointed for a period of four years.

The President and the members of Management Council may be acquitted by the body which has appointed them, before the expiry of the period for which they have been appointed.

Article 34

The Director shall be at the head of the Institute.

The Director of the Institute shall be appointed or acquitted by the Government of the Republic of Croatia.

The Director of the Institute shall be appointed for a period of four years.

To the post of the Director of the Institute may be appointed a person holding university degree in natural or technical sciences, with at least five years of professional and management experience in the hydrographic activity, and fluent English or French speaking.

Article 35

The resources for establishing the Institute and the start of work shall include:

- the funds of national budget of the Republic of Croatia for 1998, from the position of the State Hydrographic Institute,
- the premises (land and building) in Split, Zrinsko-Frankopanska 161, used by the State Hydrographic Institute,

- the vessel HIDRA with the accessory equipment,
- the equipment at the tide-gauge stations,
- other resources and equipment of the State Hydrographic Institute.

Article 36

The resources for carrying out the activity of the Institute shall be provided:

- from the funds of national budget, to the amount necessary for change, preparation and publishing of charts and other publications essential for providing navigational safety at sea, and establishment of Marine Register, based on annual programme,
- from the funds of national budget on the basis of a special programme of the Government of the Republic of Croatia, referred to in Article 39 of this Law,
- from other sources in accordance with the law.

Article 37

If in carrying out its activity, Hydrographic Institute of the Republic of Croatia makes a profit, the decision on disposing of this profit, and the way of bearing the losses resulting from running the business of the Institute, shall be made by the Government of the Republic of Croatia, to the proposal of the Management Council.

Article 38

The Institute shall carry out its activity on the basis of annual work programme and decisions of the Management Council, made on the request of the State Administration bodies.

Article 39

The jobs of the hydrographic activity of interest to the Republic of Croatia, which are carried out for the State Administration bodies, shall be determined by a special programme, issued by the Government of the Republic of Croatia, for a period of five years as a rule.

The programme referred to in paragraph 1 of this Article shall specify the jobs to be carried out by the Institute, for each year within the appointed period.

Article 40

The funds in the national budget shall be provided for carrying out the jobs established by the programme referred to in Article 39 of this Law, for each year separately.

Article 41

The founder of the Institute shall be responsible for the obligations of the Institute with solidarity and unlimitlessly.

IV. SUPERVISION

Article 42

Administrative and inspection supervision of the enforcement of this Law shall be performed by the Ministry of Maritime Affairs.

In performing the inspection supervision, the inspector shall determine by written decision as follows:

- elimination of deficiencies in carrying out the hydrographic activity, in due course, if they can be eliminated,
- temporary ban on carrying out the activity to the authorized legal entity, if he finds out that it does not fulfil the statutory conditions,
- ban on carrying out certain actions, if such actions are not in accordance with the law or other regulations.

If he finds out that the law or other regulations have been violated, the inspector has a right and obligation to:

- submit a report of violation to the competent body without delay,
- suggest to deprive the authorized legal entity of the authority for carrying out the activity under Article 7, paragraph 1 of this Law, if it does not fulfil the statutory conditions, or is not able to eliminate the deficiencies,
- take other measures for which he has been authorized by a special regulation.

The complaint to the decision of the inspector shall not postpone its effectuation.

The complaint to the decision of the inspector referred to in paragraph 2 of this Article shall be resolved by the Ministry of Maritime Affairs.

Article 43

If in carrying out the activity of interest to the Republic of Croatia, and within its authorities established by this Law, the Institute finds out that the authorized legal entities do not perform the activity in accordance with this Law and other regulations, the Institute undertakes to inform about that the Ministry of Maritime Affairs.

V. PENALTY PROVISIONS

Article 44

The legal entity which carries out the activity without having obtained the authority for carrying out that activity, referred to in Article 8, paragraph 1 of this Law, shall pay a fine of 20.000,00 kn to 200.000,00 kn.

For the violation referred to in paragraph 1 of this Article, the responsible person in the legal entity shall pay a fine of 5.000,00 kn to 30.000,00 kn.

Article 45

The legal entity or natural person who scans or copies charts and handbooks published by the Institute on the basis of the authority in this Law, without the written permission of the Institute referred to in Article 14 of this Law, shall pay a fine of 10.000,00 kn to 100.000,00 kn.

For the violations referred to in paragraph 1 of this Article, the responsible person in the legal entity shall pay a fine of 2.000,00 kn to 12.000,00 kn.

Article 46

The legal entity or natural person who obstructs the carrying out of hydrographic activity or has damaged the equipment referred to in Article 22 of this Law shall pay a fine of 5.000,00 kn to 40.000,00 kn, and shall indemnify for the damage.

For the violations referred to in paragraph 1 of this Article, the responsible person in the legal entity shall pay a fine of 1.000,00 kn to 10.000,00 kn.

VI. INTERIM AND FINAL PROVISIONS

Article 47

The Institute shall start its work on the day of registration in the court register of institutions.

The State Hydrographic Institute, established by the Law on organization of ministries and state administrative organizations ("Narodne novine", No. 72/94, 92/96 and 131/97) shall continue its work until the registration of the Institute in the court register of institutions. On this day, the rights and obligations, as well as the members of the staff employed with the State Hydrographic Institute, shall be assumed by the Institute.

Article 48

Consistent with this Law, until the appointment of the Director, the Director of the State Hydrographic Institute, as a temporary Director of the Institute, shall make arrangements for the commencement of the work of Institute and submit application for the registration in the court register of institutions.

Article 49

The government of the Republic of Croatia shall appoint the President and the members of the Management Council, as well as the Director of the Institute within 30 days of entry into force of this Law.

Article 50

The Management Council undertakes to enact the statute and other general acts within 60 and 90 days of entry into force of this Law, respectively.

Until the enactment of the Statute and other general acts of the Institute, general acts of the State Hydrographic Institute shall be applied in appropriate way.

For the application of the provisions of this Law, the Management Council is authorized to make the decision which shall temporarily regulate the matters that have not been settled by the general acts of the State Hydrographic Institute.

Article 51

The government of the Republic of Croatia undertakes to issue the programme referred to in Article 39 of this Law within six months of entry into force of this Law.

Article 52

Exceptionally, if the funds for 1999 are not made available to the Institute according to the programme referred to in Article 39 of this Law, these funds shall be supplied from the national budget.

The proposal for providing funds in the national budget shall be given by the Management Council.

Article 53

The Minister of Maritime Affairs undertakes to enact the regulations referred to in Article 7, paragraph 2, Article 15, paragraph 3, and Article 18 of this Law, within 30 days of entry into force of this Law.

The Minister of Maritime Affairs is authorized to settle the violations and fix the fines for these violations by the regulations under paragraph 1 of this Article.

Article 54

The government of the Republic of Croatia undertakes to appoint the members of Hydrographic-Navigational Council within 30 days of entry into force of this Law.

Article 55

From the date of entry into force of this Law, Article 4, paragraph 1, item 10 and Article 34 of the Law on organization and competence of ministries and state administrative organizations (“Narodne novine”, No. 72/94, 92/96 and 131/97) shall cease to be in force.

Article 56

This Law shall enter into force on the eighth day after the date of its announcement in “Narodne novine”.