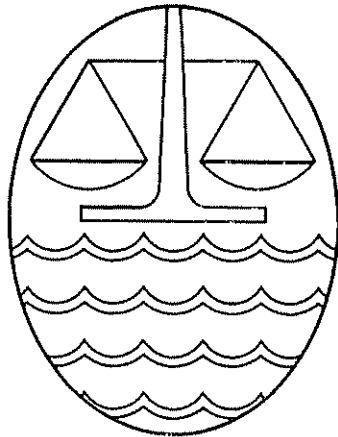


Division for Ocean Affairs and the Law of the Sea  
Office of Legal Affairs

# *Law of the Sea*



*Bulletin No. 43*



United Nations  
New York, 2000

#### NOTE

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries

Publication in the Bulletin of information concerning developments relating to the law of the sea emanating from actions and decisions taken by States does not imply recognition by the United Nations of the validity of the actions and decisions in question.

IF ANY MATERIAL CONTAINED IN THE BULLETIN IS REPRODUCED IN  
PART OR IN WHOLE, DUE ACKNOWLEDGEMENT SHOULD BE GIVEN

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I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

I. Table recapitulating the status of the Convention and of the related Agreements, as at 31 July 2000

State or entity <i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates land-locked States	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)
	Signature (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature	Ratification; formal confirmation(fc); accession(a); definitive signature(s); participation(p); 1/ simplified procedure (spl); 2/	
TOTALS	158 (☐35)	133 (☐49)	79	98	59 (☐5) 26 (☐6)
Afghanistan					
Albania					
Algeria	☐	☐ 11 June 1996	☐	11 June 1996 (p)	
Andorra					
Angola	☐	5 December 1990			
Antigua and Barbuda	☐	2 February 1989			
Argentina	☐	☐ 1 December 1995	☐	1 December 1995	☐
Armenia					
Australia	☐	5 October 1994	☐	5 October 1994	☐ 23 December 1999
Austria	☐	☐ 14 July 1995	☐	14 July 1995	☐

1/ States bound by the Agreement by having ratified, acceded or succeeded to the Convention under article 4, paragraph 1, of the Agreement.

2/ States bound by the Agreement under the simplified procedure set out in article 5 of the Agreement.

3/ In accordance with its article 40, the Agreement shall enter into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession.

State or entity <i>Italicized text indicates non-members of the United Nations; Shaded row indicates land-locked States</i>	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)
	Signature (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); 1/ simplified procedure (sp); 2/	
Azerbaijan					
Bahamas	<input checked="" type="checkbox"/>	29 July 1983	<input checked="" type="checkbox"/>	28 July 1995	16 January 1997(a)
Bahrain	<input checked="" type="checkbox"/>	30 May 1985			
Bangladesh	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>
Barbados	<input checked="" type="checkbox"/>	12 October 1993	<input checked="" type="checkbox"/>	28 July 1995 (sp)	
Belarus	<input checked="" type="checkbox"/>				
Belgium	<input checked="" type="checkbox"/>	☐ 13 November 1998	<input checked="" type="checkbox"/>	13 November 1998	<input checked="" type="checkbox"/>
Belize	<input checked="" type="checkbox"/>	13 August 1983		21 October 1994 (ds)	<input checked="" type="checkbox"/>
Benin	<input checked="" type="checkbox"/>	16 October 1997		16 October 1997 (p)	
Bhutan	<input checked="" type="checkbox"/>				
Bolivia	<input checked="" type="checkbox"/>	28 April 1995		28 April 1995 (p)	
Bosnia and Herzegovina		12 January 1994 (s)			
Botswana	<input checked="" type="checkbox"/>	2 May 1990			
Brazil	<input checked="" type="checkbox"/>	☐ 22 December 1988	<input checked="" type="checkbox"/>		8 March 2000
Brunei Darussalam	<input checked="" type="checkbox"/>	5 November 1996		5 November 1996 (p)	
Bulgaria	<input checked="" type="checkbox"/>	15 May 1996		15 May 1996 (a)	
Burkina Faso	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Burundi	<input checked="" type="checkbox"/>				
Cambodia	<input checked="" type="checkbox"/>				
Cameroon	<input checked="" type="checkbox"/>	19 November 1985	<input checked="" type="checkbox"/>		
Canada	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		☐ 3 August 1999
Cape Verde	<input checked="" type="checkbox"/>	☐ 10 August 1987	<input checked="" type="checkbox"/>		
Central African Republic	<input checked="" type="checkbox"/>				
Chad	<input checked="" type="checkbox"/>				
Chile	<input checked="" type="checkbox"/>	☐ 25 August 1997		25 August 1997 (a)	
China	<input checked="" type="checkbox"/>	☐ 7 June 1996	<input checked="" type="checkbox"/>	7 June 1996 (p)	<input checked="" type="checkbox"/>



State or entity <i>Italicized text indicates non-members of the United Nations; Shaded row indicates land-locked States</i>	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)	
	Signature (□ - declaration)	Ratification; formal confirmation(fc); accession(ai); succession(s); (□ - declaration)	Signature	Ratification; formal confirmation(fc); accession(ai); definitive signature(ds); participation(p); 1/ simplified procedure (sp); 2/	Signature (□ - declaration or statement)	Ratification; accession(a) 3/ (□ - declaration)
Colombia						
Comoros		21 June 1994				
Congo						
<i>Cook Islands</i>		15 February 1995		15 February 1995 (a)		1 April 1999 (a)
Costa Rica	□	21 September 1992				
Côte d'Ivoire		26 March 1984		28 July 1995 (sp)		
Croatia		□5 April 1995 (s)		5 April 1995 (p)		
Cuba	□	□15 August 1984				
Cyprus		12 December 1988		27 July 1995		
Czech Republic		□21 June 1996		21 June 1996		
Democratic People's Republic of Korea						
Democratic Republic of the Congo		17 February 1989				
Denmark						
Djibouti		8 October 1991				
Dominica		24 October 1991				
Dominican Republic						
Ecuador						
Egypt		□26 August 1983				
El Salvador						
Equatorial Guinea		21 July 1997		21 July 1997 (p)		
Eritrea						
Estonia						
Ethiopia						
<i>European Community</i>	□	□1 April 1998 (fc)		1 April 1998(fc)	□	

State or entity <i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates land-locked States	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)	
	Signature (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature	Ratification; formal confirmation(fc); accession(a); definitive signature(s); participation(p); / simplified procedure (sp); 2/	Signature (☐ - declaration or statement)	Ratification; accession(a) 3/ (☐ - declaration)
Fiji	<input checked="" type="checkbox"/>	10 December 1982	<input checked="" type="checkbox"/>	28 July 1995	<input checked="" type="checkbox"/>	12 December 1996
Finland	<input type="checkbox"/>	<input type="checkbox"/> 21 June 1996	<input checked="" type="checkbox"/>	21 June 1996	<input checked="" type="checkbox"/>	
France	<input type="checkbox"/>	<input type="checkbox"/> 11 April 1996	<input checked="" type="checkbox"/>	11 April 1996	<input type="checkbox"/>	
Gabon	<input checked="" type="checkbox"/>	11 March 1998	<input checked="" type="checkbox"/>	11 March 1998 (p)	<input checked="" type="checkbox"/>	
Gambia	<input checked="" type="checkbox"/>	22 May 1984				
Georgia		21 March 1996 (a)		21 March 1996 (p)		
Germany		<input type="checkbox"/> 14 October 1994 (a)	<input checked="" type="checkbox"/>	14 October 1994	<input checked="" type="checkbox"/>	
Ghana	<input checked="" type="checkbox"/>	7 June 1983				
Greece	<input type="checkbox"/>	<input type="checkbox"/> 21 July 1995	<input checked="" type="checkbox"/>	21 July 1995	<input checked="" type="checkbox"/>	
Grenada	<input checked="" type="checkbox"/>	25 April 1991	<input checked="" type="checkbox"/>	28 July 1995 (sp)		
Guatemala	<input checked="" type="checkbox"/>	<input type="checkbox"/> 11 February 1997		11 February 1997 (p)		
Guinea	<input type="checkbox"/>	6 September 1985	<input checked="" type="checkbox"/>	28 July 1995 (sp)		
Guinea-Bissau	<input checked="" type="checkbox"/>	<input type="checkbox"/> 25 August 1986			<input checked="" type="checkbox"/>	
Guyana	<input checked="" type="checkbox"/>	16 November 1993				
Haiti	<input checked="" type="checkbox"/>	31 July 1996		31 July 1996 (p)		
<i>Holy See</i>						
Honduras	<input checked="" type="checkbox"/>	5 October 1993				
Hungary	<input checked="" type="checkbox"/>					
Iceland	<input checked="" type="checkbox"/>	<input type="checkbox"/> 21 June 1985	<input checked="" type="checkbox"/>	28 July 1995 (sp)	<input checked="" type="checkbox"/>	14 February 1997
India	<input checked="" type="checkbox"/>	<input type="checkbox"/> 29 June 1995	<input checked="" type="checkbox"/>	29 June 1995		
Indonesia	<input checked="" type="checkbox"/>	3 February 1986	<input checked="" type="checkbox"/>	2 June 2000	<input checked="" type="checkbox"/>	
Iran (Islamic Republic of)	<input type="checkbox"/>					17 April 1998(a)
Iraq	<input type="checkbox"/>	30 July 1985				
Ireland	<input checked="" type="checkbox"/>	<input type="checkbox"/> 21 June 1996	<input checked="" type="checkbox"/>	21 June 1996	<input checked="" type="checkbox"/>	
Israel	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	
Italy	<input type="checkbox"/>	<input type="checkbox"/> 13 January 1995	<input checked="" type="checkbox"/>	13 January 1995	<input checked="" type="checkbox"/>	

State or entity <i>Italicized text indicates non-members of the United Nations; Shaded row indicates land-locked States</i>	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)	
	Signature (☐ - declaration)	Ratification; formal confirmation(f); accession(a); succession(s); (☐ - declaration)	Signature	Ratification; formal confirmation(f); accession(a); definitive signature(ds); participation(p); 1/ simplified procedure (sp); 2/	Signature (☐ - declaration or statement)	Ratification; accession(a) 3/ (☐ - declaration)
Jamaica	☐	21 March 1983	☐	28 July 1995 (sp)	☐	
Japan	☐	20 June 1996	☐	20 June 1996	☐	
Jordan		27 November 1995 (a)		27 November 1995 (p)		
Kazakhstan						
Kenya	☐	2 March 1989		29 July 1994 (ds)		
Kiribati	☐	☐ 2 May 1986				
Kuwait						
Kyrgyzstan	☐					
Lao People's Democratic Republic	☐	5 June 1998	☐	5 June 1998 (p)		
Latvia						
Lebanon	☐	5 January 1995		5 January 1995 (p)		
Lesotho	☐					
Liberia	☐					
Libyan Arab Jamahiriya	☐					
Liechtenstein	☐					
Lithuania						
Luxembourg	☐		☐		☐	
Madagascar	☐					
Malawi	☐					
Malaysia	☐	☐ 14 October 1996	☐	14 October 1996 (p)	☐	30 December 1998
Maldives	☐		☐			
Mali	☐	16 July 1985				
Malta	☐	☐ 20 May 1993	☐	26 June 1996	☐	
Marshall Islands		9 August 1991 (a)			☐	
Mauritania	☐	17 July 1996	☐	17 July 1996 (p)	☐	

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	Signature (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); 1/ simplified procedure (sp); 2/	
Mauritius	<input checked="" type="checkbox"/>	4 November 1994	<input checked="" type="checkbox"/>	4 November 1994 (p)	<input type="checkbox"/> 25 March 1997(a)
Mexico	<input checked="" type="checkbox"/>	18 March 1983			
Micronesia (Federated States of)		29 April 1991 (a)	<input checked="" type="checkbox"/>	6 September 1995	23 May 1997
Monaco	<input checked="" type="checkbox"/>	20 March 1996	<input checked="" type="checkbox"/>	20 March 1996 (p)	9 June 1999(a)
Mongolia	<input checked="" type="checkbox"/>	13 August 1996	<input checked="" type="checkbox"/>	13 August 1996 (p)	
Morocco	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
Mozambique	<input checked="" type="checkbox"/>	13 March 1997		13 March 1997 (a)	
Myanmar	<input checked="" type="checkbox"/>	21 May 1996		21 May 1996 (a)	
Namibia	<input checked="" type="checkbox"/>	18 April 1983	<input checked="" type="checkbox"/>	28 July 1995 (sp)	8 April 1998
Nauru	<input checked="" type="checkbox"/>	23 January 1996	<input checked="" type="checkbox"/>	23 January 1996 (p)	10 January 1997(a)
Nepal	<input checked="" type="checkbox"/>	2 November 1998		2 November 1998 (p)	
Netherlands	<input checked="" type="checkbox"/>	<input type="checkbox"/> 28 June 1996	<input checked="" type="checkbox"/>	28 June 1996	
New Zealand	<input checked="" type="checkbox"/>	19 July 1996	<input checked="" type="checkbox"/>	19 July 1996	
Nicaragua	<input type="checkbox"/>	<input type="checkbox"/> 3 May 2000		3 May 2000 (p)	
Niger	<input checked="" type="checkbox"/>				
Nigeria	<input checked="" type="checkbox"/>	14 August 1986	<input checked="" type="checkbox"/>	28 July 1995 (sp)	
<i>Niue</i>					
Norway	<input checked="" type="checkbox"/>	<input type="checkbox"/> 24 June 1996	<input checked="" type="checkbox"/>	24 June 1996 (a)	<input type="checkbox"/> 30 December 1996
Oman	<input type="checkbox"/>	<input type="checkbox"/> 17 August 1989		26 February 1997 (a)	
Pakistan	<input checked="" type="checkbox"/>	<input type="checkbox"/> 26 February 1997	<input checked="" type="checkbox"/>	26 February 1997 (p)	
Palau	<input checked="" type="checkbox"/>	30 September 1996 (a)		30 September 1996 (p)	
Panama	<input checked="" type="checkbox"/>	<input type="checkbox"/> 1 July 1996		1 July 1996 (p)	
Papua New Guinea	<input checked="" type="checkbox"/>	14 January 1997		14 January 1997 (p)	4 June 1999
Paraguay	<input checked="" type="checkbox"/>	26 September 1986	<input checked="" type="checkbox"/>	10 July 1995	
Peru					

State or entity <i>Italicized text indicates non-members of the United Nations; Shaded row indicates land-locked States</i>	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)	
	Signature (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); 1) simplified procedure (sp); 2)	Signature (☐ - declaration or statement)	Ratification; accession(a) 3/ (☐ - declaration)
Philippines	<input type="checkbox"/>	<input type="checkbox"/> 8 May 1984	<input checked="" type="checkbox"/>	23 July 1997	<input checked="" type="checkbox"/>	
Poland	<input checked="" type="checkbox"/>	13 November 1998	<input checked="" type="checkbox"/>	13 November 1998	<input checked="" type="checkbox"/>	
Portugal	<input checked="" type="checkbox"/>	<input type="checkbox"/> 3 November 1997	<input checked="" type="checkbox"/>	3 November 1997	<input checked="" type="checkbox"/>	
Qatar	<input type="checkbox"/>				<input checked="" type="checkbox"/>	
Republic of Korea	<input checked="" type="checkbox"/>	29 January 1996	<input checked="" type="checkbox"/>	29 January 1996	<input checked="" type="checkbox"/>	
Republic of Moldova						
Romania	<input type="checkbox"/>	<input type="checkbox"/> 17 December 1996		17 December 1996 (a)		
Russian Federation	<input type="checkbox"/>	<input type="checkbox"/> 12 March 1997		12 March 1997 (a)	<input checked="" type="checkbox"/>	4 August 1997
Rwanda	<input checked="" type="checkbox"/>					
Saint Kitts and Nevis	<input checked="" type="checkbox"/>	7 January 1993			<input checked="" type="checkbox"/>	
Saint Lucia	<input checked="" type="checkbox"/>	27 March 1985			<input checked="" type="checkbox"/>	9 August 1996
Saint Vincent and the Grenadines	<input checked="" type="checkbox"/>	1 October 1993				
Samoa	<input checked="" type="checkbox"/>	14 August 1995	<input checked="" type="checkbox"/>	14 August 1995 (p)	<input checked="" type="checkbox"/>	25 October 1996
San Marino						
Sao Tome and Principe	<input type="checkbox"/>	3 November 1987				
Saudi Arabia	<input checked="" type="checkbox"/>	<input type="checkbox"/> 24 April 1996	<input checked="" type="checkbox"/>	24 April 1996 (p)	<input checked="" type="checkbox"/>	30 January 1997
Senegal	<input checked="" type="checkbox"/>	25 October 1984	<input checked="" type="checkbox"/>	25 July 1995	<input checked="" type="checkbox"/>	20 March 1998
Seychelles	<input checked="" type="checkbox"/>	16 September 1991	<input checked="" type="checkbox"/>	15 December 1994	<input checked="" type="checkbox"/>	
Sierra Leone	<input checked="" type="checkbox"/>	12 December 1994	<input checked="" type="checkbox"/>	12 December 1994 (p)		
Singapore	<input checked="" type="checkbox"/>	17 November 1994	<input checked="" type="checkbox"/>	17 November 1994 (p)		
Slovakia	<input checked="" type="checkbox"/>	8 May 1996	<input checked="" type="checkbox"/>	8 May 1996		
Slovenia	<input checked="" type="checkbox"/>	<input type="checkbox"/> 16 June 1995 (s)	<input checked="" type="checkbox"/>	16 June 1995		
Solomon Islands	<input checked="" type="checkbox"/>	23 June 1997		23 June 1997 (p)		13 February 1997(a)
Somalia	<input checked="" type="checkbox"/>	24 July 1989				
South Africa	<input type="checkbox"/>	<input type="checkbox"/> 23 December 1997	<input checked="" type="checkbox"/>	23 December 1997		

State or entity <i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates land-locked States	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)	
	Signature (☐ - declaration)	Ratification, formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); 1/ simplified procedure (sp); 2/	Signature (☐ - declaration or statement)	Ratification; accession(a) 3/ (☐ - declaration)
Spain	<input type="checkbox"/>	<input type="checkbox"/> 15 January 1997	<input checked="" type="checkbox"/>	15 January 1997	<input checked="" type="checkbox"/>	
Sri Lanka	<input checked="" type="checkbox"/>	19 July 1994	<input checked="" type="checkbox"/>	28 July 1995 (sp)	<input checked="" type="checkbox"/>	24 October 1996
Sudan	<input type="checkbox"/>	23 January 1985	<input checked="" type="checkbox"/>			
Suriname	<input checked="" type="checkbox"/>	9 July 1998		9 July 1998 (p)		
Swaziland	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
Sweden	<input type="checkbox"/>	<input type="checkbox"/> 25 June 1996	<input checked="" type="checkbox"/>	25 June 1996	<input checked="" type="checkbox"/>	
<i>Switzerland</i>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
Syrian Arab Republic						
Tajikistan						
Thailand	<input checked="" type="checkbox"/>					
The former Yugoslav Republic of Macedonia		19 August 1994 (s)		19 August 1994 (p)		
Togo	<input checked="" type="checkbox"/>	16 April 1985	<input checked="" type="checkbox"/>	28 July 1995 (sp)		
Tonga	<input checked="" type="checkbox"/>	2 August 1995 (a)		2 August 1995 (p)	<input checked="" type="checkbox"/>	31 July 1996
Trinidad and Tobago	<input checked="" type="checkbox"/>	25 April 1986	<input checked="" type="checkbox"/>	28 July 1995 (sp)		
Tunisia	<input checked="" type="checkbox"/>	<input type="checkbox"/> 24 April 1985	<input checked="" type="checkbox"/>			
Turkey						
Turkmenistan						
<i>Tuvalu</i>	<input checked="" type="checkbox"/>					
Uganda	<input checked="" type="checkbox"/>	9 November 1990	<input checked="" type="checkbox"/>	28 July 1995 (sp)	<input checked="" type="checkbox"/>	
Ukraine	<input type="checkbox"/>	<input type="checkbox"/> 26 July 1999	<input checked="" type="checkbox"/>	26 July 1999	<input checked="" type="checkbox"/>	
United Arab Emirates	<input checked="" type="checkbox"/>					
United Kingdom		<input type="checkbox"/> 25 July 1997 (a)	<input checked="" type="checkbox"/>	25 July 1997	<input checked="" type="checkbox"/>	
United Republic of Tanzania	<input checked="" type="checkbox"/>	<input type="checkbox"/> 30 September 1985	<input checked="" type="checkbox"/>	25 June 1998		
United States of America			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/> 21 August 1996

State or entity <i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates land-locked States	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)	
	Signature ( <input type="checkbox"/> - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); ( <input type="checkbox"/> - declaration)	Signature	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); 1/ simplified procedure (sp); 2/	Signature ( <input type="checkbox"/> - declaration or statement)	Ratification; accession(a) 3/ ( <input type="checkbox"/> - declaration)
Uruguay	<input type="checkbox"/>	<input type="checkbox"/> 10 December 1992	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/> 10 September 1999
Uzbekistan						
Vanuatu	<input checked="" type="checkbox"/>	10 August 1999	<input checked="" type="checkbox"/>	10 August 1999(p)	<input checked="" type="checkbox"/>	
Venezuela	<input checked="" type="checkbox"/>					
Viet Nam	<input type="checkbox"/>	<input type="checkbox"/> 25 July 1994 <input type="checkbox"/> 21 July 1987				
Yemen	<input checked="" type="checkbox"/>	<input type="checkbox"/> 5 May 1986	<input checked="" type="checkbox"/>	28 July 1995 (sp)		
Yugoslavia	<input checked="" type="checkbox"/>	7 March 1983	<input checked="" type="checkbox"/>	28 July 1995 (sp)		
Zambia	<input checked="" type="checkbox"/>	24 February 1993	<input checked="" type="checkbox"/>	28 July 1995 (sp)		
Zimbabwe	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
<b>TOTALS</b>	158 ( <input type="checkbox"/> 35)	133 ( <input type="checkbox"/> 48)	79	98	59 ( <input type="checkbox"/> 5)	26 ( <input type="checkbox"/> 6)

2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 31 July 2000

(a) The Convention

1. Fiji (10 December 1982)
2. Zambia (7 March 1983)
3. Mexico (18 March 1983)
4. Jamaica (21 March 1983)
5. Namibia (18 April 1983)
6. Ghana (7 June 1983)
7. Bahamas (29 July 1983)
8. Belize (13 August 1983)
9. Egypt (26 August 1983)
10. Côte d'Ivoire (26 March 1984)
11. Philippines (8 May 1984)
12. Namibia (22 May 1984)
13. Cuba (15 August 1984)
14. Senegal (25 October 1984)
15. Sudan (23 January 1985)
16. Saint Lucia (27 March 1985)
17. Togo (16 April 1985)
18. Tunisia (24 April 1985)
19. Bahrain (30 May 1985)
20. Iceland (21 June 1985)
21. Mali (16 July 1985)
22. Iraq (30 July 1985)
23. Guinea (6 September 1985)
24. United Republic of Tanzania (30 September 1985)
25. Cameroon (19 November 1985)
26. Indonesia (3 February 1986)
27. Trinidad and Tobago (25 April 1986)
28. Kuwait (2 May 1986)
29. Yugoslavia (5 May 1986)
30. Nigeria (14 August 1986)
31. Guinea-Bissau (25 August 1986)
32. Paraguay (26 September 1986)
33. Yemen (21 July 1987)
34. Cape Verde (10 August 1987)
35. Sao Tome and Principe (3 November 1987)
36. Cyprus (12 December 1988)
37. Brazil (22 December 1988)
38. Antigua and Barbuda (2 February 1989)
39. Democratic Republic of the Congo (17 February 1989)
40. Kenya (2 March 1989)
41. Somalia (24 July 1989)
42. Oman (17 August 1989)
43. Botswana (2 May 1990)
44. Uganda (9 November 1990)
45. Angola (5 December 1990)
46. Grenada (25 April 1991)
47. Micronesia (Federated States of) (29 April 1991)
48. Marshall Islands (9 August 1991)
49. Seychelles (16 September 1991)
50. Djibouti (8 October 1991)
51. Dominica (24 October 1991)
52. Costa Rica (21 September 1992)
53. Uruguay (10 December 1992)
54. Saint Kitts and Nevis (7 January 1993)
55. Zimbabwe (24 February 1993)
56. Malta (20 May 1993)
57. Saint Vincent and the Grenadines (1 October 1993)
58. Honduras (5 October 1993)
59. Barbados (12 October 1993)
60. Guyana (16 November 1993)
61. Bosnia and Herzegovina (12 January 1994)
62. Comoros (21 June 1994)
63. Sri Lanka (19 July 1994)
64. Viet Nam (25 July 1994)
65. The former Yugoslav Republic of Macedonia (19 August 1994)
66. Australia (5 October 1994)
67. Germany (14 October 1994)
68. Mauritius (4 November 1994)
69. Singapore (17 November 1994)
70. Sierra Leone (12 December 1994)
71. Lebanon (5 January 1995)
72. Italy (13 January 1995)
73. Cook Islands (15 February 1995)
74. Croatia (5 April 1995)
75. Bolivia (28 April 1995)
76. Slovenia (16 June 1995)
77. India (29 June 1995)
78. Austria (14 July 1995)
79. Greece (21 July 1995)
80. Tonga (2 August 1995)
81. Samoa (14 August 1995)
82. Jordan (27 November 1995)
83. Argentina (1 December 1995)
84. Nauru (23 January 1996)
85. Republic of Korea (29 January 1996)
86. Monaco (20 March 1996)
87. Georgia (21 March 1996)



88. France (11 April 1996)
89. Saudi Arabia (24 April 1996)
90. Slovakia (8 May 1996)
91. Bulgaria (15 May 1996)
92. Myanmar (21 May 1996)
93. China (7 June 1996)
94. Algeria (11 June 1996)
95. Japan (20 June 1996)
96. Czech Republic (21 June 1996)
97. Finland (21 June 1996)
98. Ireland (21 June 1996)
99. Norway (24 June 1996)
100. Sweden (25 June 1996)
101. Netherlands (28 June 1996)
102. Panama (1 July 1996)
103. Mauritania (17 July 1996)
104. New Zealand (19 July 1996)
105. Haiti (31 July 1996)
106. Mongolia (13 August 1996)
107. Palau (30 September 1996)
108. Malaysia (14 October 1996)
109. Brunei Darussalam (5 November 1996)
110. Romania (17 December 1996)
111. Papua New Guinea (14 January 1997)
112. Spain (15 January 1997)
113. Guatemala (11 February 1997)
114. Pakistan (26 February 1997)
115. Russian Federation (12 March 1997)
116. Mozambique (13 March 1997)
117. Solomon Islands (23 June 1997)
118. Equatorial Guinea (21 July 1997)
119. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
120. Chile (25 August 1997)
121. Benin (16 October 1997)
122. Portugal (3 November 1997)
123. South Africa (23 December 1997)
124. Gabon (11 March 1998)
125. European Community (1 April 1998)
126. Lao People's Democratic Republic (5 June 1998)
127. Suriname (9 July 1998)
128. Nepal (2 November 1998)
129. Belgium (13 November 1998)
130. Poland (13 November 1998)
131. Ukraine (26 July 1999)
132. Vanuatu (10 August 1999)
133. Nicaragua (3 May 2000)

(b) Agreement relating to the implementation of Part XI of the Convention

1. Kenya (29 July 1994)
2. The former Yugoslav Republic of Macedonia (19 August 1994)
3. Australia (5 October 1994)
4. Germany (14 October 1994)
5. Belize (21 October 1994)
6. Mauritius (4 November 1994)
7. Singapore (17 November 1994)
8. Sierra Leone (12 December 1994)
9. Seychelles (15 December 1994)
10. Lebanon (5 January 1995)
11. Italy (13 January 1995)
12. Cook Islands (15 February 1995)
13. Croatia (5 April 1995)
14. Bolivia (28 April 1995)
15. Slovenia (16 June 1995)
16. India (29 June 1995)
17. Paraguay (10 July 1995)
18. Austria (14 July 1995)
19. Greece (21 July 1995)
20. Senegal (25 July 1995)
21. Cyprus (27 July 1995)
22. Bahamas (28 July 1995)
23. Barbados (28 July 1995)
24. Côte d'Ivoire (28 July 1995)
25. Fiji (28 July 1995)
26. Grenada (28 July 1995)
27. Guinea (28 July 1995)
28. Iceland (28 July 1995)
29. Jamaica (28 July 1995)
30. Namibia (28 July 1995)
31. Nigeria (28 July 1995)
32. Sri Lanka (28 July 1995)
33. Togo (28 July 1995)
34. Trinidad and Tobago (28 July 1995)
35. Uganda (28 July 1995)
36. Yugoslavia (28 July 1995)
37. Zambia (28 July 1995)
38. Zimbabwe (28 July 1995)
39. Tonga (2 August 1995)
40. Samoa (14 August 1995)
41. Micronesia (Federated States of) (6 September 1995)
42. Jordan (27 November 1995)
43. Argentina (1 December 1995)
44. Nauru (23 January 1996)
45. Republic of Korea (29 January 1996)
46. Monaco (20 March 1996)
47. Georgia (21 March 1996)
48. France (11 April 1996)
49. Saudi Arabia (24 April 1996)
50. Slovakia (8 May 1996)
51. Bulgaria (15 May 1996)
52. Myanmar (21 May 1996)

53. China (7 June 1996)
54. Algeria (11 June 1996)
55. Japan (20 June 1996)
56. Czech Republic (21 June 1996)
57. Finland (21 June 1996)
58. Ireland (21 June 1996)
59. Norway (24 June 1996)
60. Sweden (25 June 1996)
61. Malta (26 June 1996)
62. Netherlands (28 June 1996)
63. Panama (1 July 1996)
64. Mauritania (17 July 1996)
65. New Zealand (19 July 1996)
66. Haiti (31 July 1996)
67. Mongolia (13 August 1996)
68. Palau (30 September 1996)
69. Malaysia (14 October 1996)
70. Brunei Darussalam (5 November 1996)
71. Romania (17 December 1996)
72. Papua New Guinea (14 January 1997)
73. Spain (15 January 1997)
74. Guatemala (11 February 1997)
75. Oman (26 February 1997)
76. Pakistan (26 February 1997)
77. Russian Federation (12 March 1997)
78. Mozambique (13 March 1997)
79. Solomon Islands (23 June 1997)
80. Equatorial Guinea (21 July 1997)
81. Philippines (23 July 1997)
82. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
83. Chile (25 August 1997)
84. Benin (16 October 1997)
85. Portugal (3 November 1997)
86. South Africa (23 December 1997)
87. Gabon (11 March 1998)
88. European Community (1 April 1998)
89. Lao People's Democratic Republic (5 June 1998)
90. United Republic of Tanzania (25 June 1998)
91. Suriname (9 July 1998)
92. Nepal (2 November 1998)
93. Belgium (13 November 1998)
94. Poland (13 November 1998)
95. Ukraine (26 July 1999)
96. Vanuatu (10 August 1999)
97. Nicaragua (3 May 2000)
98. Indonesia (2 June 2000)

(c) Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

1. Tonga (31 July 1996)
2. Saint Lucia (9 August 1996)
3. United States of America (21 August 1996)
4. Sri Lanka (24 October 1996)
5. Samoa (25 October 1996)
6. Fiji (12 December 1996)
7. Norway (30 December 1996)
8. Nauru (10 January 1997)
9. Bahamas (16 January 1997)
10. Senegal (30 January 1997)
11. Solomon Islands (13 February 1997)
12. Iceland (14 February 1997)
13. Mauritius (25 March 1997)
14. Micronesia (Federated States of) (23 May 1997)
15. Russian Federation (4 August 1997)
16. Seychelles (20 March 1998)
17. Namibia (8 April 1998)
18. Iran (Islamic Republic of) (17 April 1998)
19. Maldives (30 December 1998)
20. Cook Islands (1 April 1999)
21. Papua New Guinea (4 June 1999)
22. Monaco (9 June 1999)
23. Canada (3 August 1999)
24. Uruguay (10 September 1999)
25. Australia (23 December 1999)
26. Brazil (8 March 2000)

3. Declarations made upon ratification of / accession to the Convention and the implementing Agreements

Nicaragua: Declaration made upon ratification of the Convention

In accordance with article 310 of the United Nations Convention on the Law of the Sea, the Government of Nicaragua hereby declares:

1. That it does not consider itself bound by any of the declarations or statements, however phrased or named, made by other States when signing, accepting, ratifying or acceding to the Convention and that it reserves the right to state its position on any of those declarations or statements at any time;
2. That ratification of the Convention does not imply recognition or acceptance of any territorial claim made by a State party to the Convention, nor automatic recognition of any land or sea border.

In accordance with article 287, paragraph 1, of the Convention, Nicaragua hereby declares that it accepts only recourse to the International Court of Justice as a means for the settlement of disputes concerning the interpretation or application of the Convention.

Nicaragua hereby declares that it accepts only recourse to the International Court of Justice as a means for the settlement of the categories of disputes set forth in subparagraphs (a), (b) and (c) of paragraph 1 of article 298 of the Convention.

II LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION  
ON THE LAW OF THE SEA

A. National legislation

1. Croatia

THE MARITIME CODE (continued) 1

PART NINE  
MARITIME ACCIDENTS

Chapter I  
COLLISION BETWEEN SHIPS

Article 761

The provisions of this chapter shall be applied to every waterborne craft irrespective of its purpose, including boats and hydroplane when at sea.

Article 762

The provisions of this chapter shall be applied to liability for damages:

1. Caused to the ship, persons or things on board in a collision;
2. Caused by one ships to another due to manoeuvring, non-enforcement of a manoeuvre or by non-observance of regulations, even if no collision has actually taken place;
3. Caused by or to a ship at anchor;
4. Caused by one ship to another while navigating together in the same towing or pushing unit.

The provisions of articles 850 and 866 of this Law shall be applied when establishing the liability for the damage in collision between two ships caused by radioactive, radioactive and toxic, and /or explosive or other dangerous properties of nuclear fuel or radioactive waste.

Article 763

The liability for the damages set out in article 762 of this Law shall be borne by the ship or ships proved to have caused the damage by their fault.

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1/ Parts one to eight (articles 1-760) of The Maritime Code of Croatia appear in Law of the Sea Bulletin No. 42, pp. 26-167.

Within the meaning of this Article the liability of a ship shall mean the liability of both the shipowner and the ship operator.

Article 764

In accordance with the provisions of this chapter, the ship operator shall be liable for the damages caused by a pilot's action or non-execution of an action, no matter the pilotage was compulsory.

Article 765

If two or more ships are in fault, the liability of each ship shall be in proportion to the degree of the fault respectively committed.

If it is not possible to establish the degree of the respective faults, the liability shall be apportioned equally.

Article 766

The profit loss shall be also made good for a damage sustained in collision regardless the degree of the fault.

Article 767

If death or injury to a person is caused by collision, the liability for the loss sustained shall be borne by the ship which has caused the collision.

Article 768

In respect of the damages set out in article 767, the ship which has paid larger part than it ought to bear proportionally to its fault, shall have the right to claim from the other ship the amount paid in excess to his degree of the fault committed.

If for the reasons beyond its control the ship cannot repay the amount due from other ship, or the amounts due from other ships in accordance with paragraph 1 of this article the ship may claim the reimbursement from other ships in fault proportionally to their respective faults.

Article 769

If the collision is accidental, if it is caused by *force majeure*, or if the causes of the collision are in doubt, the damages shall be borne by those who have suffered them.

Article 770

After a collision, the master of each ship in collision shall be bound, so far as he can do so, make known to the other ship the names of the ports from which she comes and to which she is bound to.

A breach of the provision set out in paragraph 1 shall not of itself impose any liability on the shipowner or on the ship operator.

Article 771

Actions for the raising of damages shall be barred after an interval of two years from the date of the casualty.

The limitation of the action to enforce the right of recourse (article 768) shall be one year.

When the recourse has been instituted, the limitation allowed by paragraphs 1 and 2 of this article may be extended by an agreement in a written form.

The right of recourse in paragraph 2 of this article shall run from:

1. The date of coming into effect of the judicial verdict;
2. The date of payment, if the legal proceedings has not been instituted;
3. The date the creditor was made known about his debtor's insolvency, but bearing in mind that the limitation cannot be longer than two years from the date of payment and the date of coming into effect of the judicial verdict, respectively - when a request for payment of an insolvent debtor's part is instituted (article 768, para. 2).

Article 772

The provisions of this chapter shall not affect the provisions of the Law on limitations of liability of ship operators or rights and liabilities deriving from the Contracts for the Employment of Ships or any other agreements.

Article 773

The provisions of this chapter of the Law shall also apply to ships of war, except for article 770, paragraph 1, of this Law.

Chapter II  
SALVAGE

Article 774

The provisions of this chapter shall be applied to salvage of persons, ships and things on board. Within the provisions of this Law, "salvage" shall also include "rendering of assistance".

Article 775

The provisions of this chapter shall apply to all waterborne craft irrespective of their purpose, including boats and aircraft rendering salvage or being themselves the subject matter of a salvage at sea. The provisions of this chapter shall also apply to ships of war. Except as provided in paragraph 2 of this article, the provisions set out in articles 796 to 799 and article 800, paragraph 2, of the Law shall not apply to ships of war.

Article 776

Every master who has been informed about persons found at sea in danger, including his enemies in case of war, shall be bound to proceed to their assistance at a maximum speed and to inform them about his arrival, if the circumstances admit.

Having consulted the master of the ship who has acknowledged his request for assistance, if that was made possible, the master of the ship in danger shall have the authority to select one or more ships found to be the most appropriate for the salvage operations.

The master or the masters of the selected ships shall accept their choice and proceed to render assistance to the persons in serious danger, at highest possible speed.

The master shall render assistance to persons in life danger even if they fail to accept it or if the master of the ship in danger objects to it.

Article 777

Exceptionally from the provisions in article 776 of this Law, the master of a ship is neither bound to proceed to assistance nor to carry out salvage operations:

1. If the salvage may seriously threaten the safety of his ship or persons on board;
2. If it is justifiably considered that the operations would not have a useful result;
3. If it is made known that another ship has been selected for the salvage and has acknowledged his acceptance;
4. If informed by the master of the ship in danger, or immediately by the persons who were in danger, or by the master of another ship that has come to persons in danger that the assistance is no longer required.

Article 778

In case of a collision the master shall carry out the salvage operations of the persons on board the other ship and of the ship itself, if possible, provided his ship and persons on board are not seriously endangered by such an operation.

Article 779

The master of the ship who has failed to proceed to assistance of the persons in danger and to carry out rescue operations, or who failed to carry out salvage operations of the ship after the collision (articles 777 and 778), shall enter arguments for his action into the log book.

Article 780

The shipowner or the ship operator shall not be liable for damages caused by the master's infringement of his obligations set out in articles 776 and 778 of the Law.

Article 781

The salvage of a Croatian ship of war shall not be carried out if explicitly rejected by its master.

Article 782

The provisions of articles 776 and 778 of the Law shall also apply to warships.

Notwithstanding paragraph 1 of this article, the Minister of Defence shall make provisions for the cases when the master of a Croatian ship is not bound to carry out salvage operations as set out in articles 776 and 779 of the Law.

Article 783

No payment shall be due for the persons whose lives are saved.

Except as provided by paragraph 1 of this article, if several salvors took part in salvage operations and some of them have not succeeded to save only the persons, or the ship or the things thereon, each salvor shall be entitled to a justifiable apportionment of the salvage reward recognised to the salvor for saving both the ship and things on board.

Article 784

Unless otherwise provided by a salvage contract, the provisions of this Law shall apply to salvage of the ships and things thereon.

The master or the operator of the ship in danger shall have the authority to conclude salvage contracts on behalf of the owner of the property on board ship.

The contracting parties shall not prevent or minimize their liability for damage the environment set out in article 786, or to contradict the provisions of article 787 of this Law.

Article 785

Each act of assistance or salvage which has had a useful result gives a right to equitable remuneration.

The amount of the reward cannot exceed the value of the ship or goods salvaged.



Article 786

The salvor shall exercise due diligence in salvage operations and in preventing or minimizing damage to the environment. If necessary, he shall also request and accept the intervention from other salvors when reasonably requested to do so by the master or operator of the ship, or the owner of property on board.

The master of the ship, the ship operator or the owner of other property in danger shall owe a duty to the salvor during the course of the salvage operations, pay due care to prevent or minimize damage to the environment, and when the ship or other property has been brought to a place of safety, to accept care about them when reasonably requested by the salvor to do so.

Article 787

At the request of a party the court may annul or modify the contract of salvage the ship and goods thereon;

1. If the contract has been concluded during the danger or under the influence of danger and if proved that the terms of the contract are inequitable;
2. If it is proved that a party has been forced to enter into the contract by fraud or intentional concealment;
3. If it is proved that the reward under the contract is in excessive degree to large or too small for the services rendered.

Article 788

If the parties have not concluded the agreement of salvage of ship or property on board, or if such an agreement has been concluded but the reward has not been fixed, in case of dispute this shall be done by the court.

The salvage reward shall be fixed by the court taking into account the following criteria:

1. The salvaged value of the ship and other property;
2. The skill and efforts of the salvors in preventing or minimizing damage to the environment;
3. The measure of success obtained by the salvor;
4. The nature and degree of the danger;
5. The skill and efforts of the salvors in salvaging the ship, life and other property;
6. The time used and losses incurred by the salvors;
7. The risk of liability and other risks run by the salvors or their equipment;
8. The promptness of the service rendered;
9. The availability and use of ships or other equipment intended for salvage operations;
10. The state of readiness and efficiency of the salvors equipment and the value thereof;

Payment of the stipulated award set out in paragraph 2 of this article shall be applied if the court changes the stipulated award according to article 787 of the Law.

Article 789

If the salvor has carried out salvage operations in respect of a ship which by itself or its cargo threatened damage to the environment and has failed to earn a reward under article 788, paragraph 2, of this Law at least equivalent to the special compensation assessable in accordance with this article he shall be entitled to special compensation from the owner of that ship equivalent to his expenses as herein defined.

If, in the circumstances set out in paragraph 1, the salvor by his salvage operations has prevented or minimized damage to the environment, the special compensation payable by the owner to the salvor may be increased up to a maximum of 30 per cent of the expenses incurred by the salvor. However, the tribunal, if deems it fair and just to do so and bearing in mind the relevant criteria set out in article 788, paragraph 2, of the Law, may increase such special compensation further, but in no event shall the total increase be more than 100 per cent of the expenses incurred by the salvor.

Salvor's expenses for the purpose of paragraphs 1 and 2 means the out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in article 788, paragraphs 2, 8, 9 and 10, of this Law.

The total special compensation under this article shall be paid only if and to the extent that such compensation is higher than any reward raiseable by the salvor under article 788 of this Law.

If the salvor has been negligent and has thereby failed to prevent or minimized damage to the environment, he may be deprived of the whole or the part of any special compensation due under this article.

Nothing in this article shall either prejudice or affect any right of recourse on the part of the owner of the ship who has caused damage to the environment.

Article 790

If the salvage has been carried out by several salvors and the apportionment of their rewards for the ship and goods thereon have not been fixed, this shall be made by the court following the provisions of article 788 of this Law.

If there are more salvors, each of them may also effect his share of payment individually.

Article 791

The court may deprive the salvors of all remuneration, or may award a reduced remuneration, if it appears that the salvors have by their fault rendered the salvage necessary or have been guilty of theft, fraudulent concealment or other acts of fraud.

Article 792

Services rendered by the salvors notwithstanding the express and reasonable prohibition of the master, owner of the ship, ship operator, or the person authorized to dispose of the goods on the ship salvaged, shall not give rise to payment.

Article 793

Except as otherwise provided, if the salvage of the ship and property thereon is based on a salvage agreement signed by the master or the operator of the ship in danger, the salvage reward shall be paid by the operator of the salvaged ship.

If the salvage agreement has been concluded the owner of the property saved or the persons who may dispose of the property thereof shall be liable, together with the person bound to pay the salvage award, but only for the apportionment referring to the property saved.

If the salvage agreement has not been concluded, the operator of the salvaged ship shall pay salvage reward for the ship, whereas the reward for the goods salvaged shall be paid by the owner or the person liable to dispose of it.

Article 794

Upon the request of the salvor, a person liable for a payment due under the provisions of article 793 of this Law shall provide satisfactory security for the claim, including interest and expenses of the proceedings.

Without prejudice to paragraph 1, the owner and the operator of the salvaged ship shall use their best endeavours to ensure that the owners or the persons liable to dispose of the goods on the ship salvaged provide satisfactory security for the claims against them, including possible interest and expenses of the proceedings.

The salvaged ship and other property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the completion of the salvage operations until satisfactory security has been put up for the salvor's claim against the relevant ship or property.

Article 795

The amounts of a salvage award and/or of a special award (article 789) established by an effective verdict may be claimed directly from the insurer of the ship and the property thereon or from the insurer of the ship's liability, if he has provided such security for the claim.

Article 796

The amount of the salvage award remaining after the deduction of salvors' expenses incurred during the salvage operation and/or the expenses caused by the salvage operation shall be the amount of net reward.

A certain apportionment of the net reward belongs to the crew of the salvor's ship.

Article 797

The salvor shall not deprive the crew of their apportionment of the salvage award without their consent.

Article 798

After the expiry of one year from the termination of the salvage operations, each crew member of the salvaging ship may take legal action against the ship operator, claiming his salvage apportionment of the award, provided the salvor itself has not instituted the claim.

Article 799

The provisions of this chapter concerning the salvage award shall also apply to the ships of the same owner or operator of the ship.

Article 800

Any claim to salvage award shall be time-barred to a period of two years from the termination of the salvage operations.

The claim under article 798 of this Law shall be time-barred to a period of one year.

After the claim has been instituted, the parties may agree in writing to extend the limitation period in paragraphs 1 and 2 of this article, by a declaration to the claimant.

Chapter III  
RAISING OF SUNKEN OBJECTS

Article 801

The provisions of this chapter shall apply to the raising of ships, boats, other waterborne craft, aircraft, their parts and cargoes and other objects (hereinafter referred to as sunken objects) sunk in the internal and territorial waters of the Republic of Croatia.

Except for salvage operations, the provisions of this chapter shall also apply to grounding of ships and boats.

Article 802

The salvage provisions of this Law shall apply to the raising of objects sunken in course of salvage operations, or immediately before the salvage has begun.

Article 803

Except as provided in articles 804 and 805 of this Law, sunken objects may be raised either by a domestic or a foreign person being the owner of the object or having the right to dispose of it (authorized person).

Sunken objects may be raised on the basis of a permit issued by the competent harbourmaster's office.

The request for a raising of a sunken object shall include the details about the subject matter of the raising, techniques and facilities to be used in the raising, evidence on the ownership of the sunken object and the estimated time to commence and terminate the raising operations.

Safety measures to be undertaken and the time to commence and terminate the operations shall be specified in the raising permit issued by the harbourmaster's office, under paragraph 2 of this article.

A raising permit for a subject matter of military importance shall be issued by the harbourmaster's office upon a consent received by the Ministry of Defence.

A raising permit for the object being or assumed to be cultural property, shall be issued by the Institute for the Protection of Cultural Property of the Ministry of Culture and Education.

The person authorized for the raising shall immediately inform the harbourmaster's office about commencement, interruption, continuation or suspension of the raising operations.

#### Article 804

If the sunken object lies in such a position so as to present danger to navigation, utilization of seawater, natural resources, including those in territorial waters, or if it causes pollution or may give rise to pollution of the marine environment, the competent harbourmaster's office shall order the authorized person to raise or to remove the sunken object in a reasonable period of time.

If the authorized person fails to comply with the ordinance under paragraph 1 of this article, the harbourmaster's office shall have the sunken object raised or removed from the fairway through a competent legal or physical person from Croatia, on account and risk of the authorized person

If the sunken object presents immediate danger or obstruction to navigation, the harbourmaster's office may decide to have the sunken object raised or removed through a competent legal or physical person from Croatia, even without the ordinance under paragraph 1 of this article.

The appeal to the ordinance in paragraphs 2 and 3 of this article shall not arrest the implementation of the ordinance. The appeal is lodged to the Ministry within 15 days from the receipt of the ordinance.

If the sunken objects are owned by a foreign person, the ordinance under paragraph 1 of this article shall be sent to the Ministry of Foreign Affairs.

#### Article 805

The raising may be carried out by a competent Croatian legal or physical person in the cases if the sunken object presents immediate danger or obstruction to navigation and the person authorized for its raising is unknown to the competent harbourmaster's office (article 803, para. 1), or if the person is known but has no intention to raise the sunken object, or if he interrupts or suspends the commenced raising operations.

The known person shall be deemed to have desisted from the raising, to have interrupted or suspended the operations, provided he has not lodged an official statement for the raising of sunken object within 90 days from the occurrence, or if after the expiry of 90 days from the date of obtaining the raising permit the operations are not commenced or continued if interrupted or suspended without justifiable reason.

An unknown person shall be deemed to have desisted from the raising of the sunken object if within 90 days he has not submitted a request for the raising and the evidence to prove his right to raising.

Article 806

A legal or physical person who has commenced raising the sunken object in accordance with article 804, paragraph 1, of this Law shall not suspend the raising or desist from it without just reason, if this could cause damage to the authorized person.

Article 807

The expenses due for the raising of the object under article 805, paragraph 1, of this Law and the expenses for its custody shall be paid out from the national budget.

If the authorized person becomes known, he shall reimburse the national budget for the amount paid both for the raising and for the custody of the object under article 805, paragraph 1, of this Law.

Article 808

If special navigational means, technical facilities and particular skills are required, the domestic or foreign authorized person who does not dispose of them shall have the object raised by a fully competent domestic physical or legal person.

Except as provided in paragraph 1 of this article, a foreign authorized person shall be allowed to raise the sunken object with the assistance of another foreign person who complies with the requirements under paragraph 1 of this article.

The sunken object which is or may be deemed to be cultural property can be raised by either a competent domestic or foreign physical or legal person, subject to the approval of the Ministry of Education and Culture.

No appeal shall be lodged against the decision issued by the Ministry of Education and Culture, but an administrative lawsuit may be instituted.

Article 809

The owner who has not raised his sunken object within a period of 10 years from the date of its sinking shall cease his right of ownership and the sunken object shall become the property of the Republic of Croatia.

If the sinking date cannot be established, the ship, other waterborne craft, aeroplane or their respective parts, as well as cargo and other objects thereon, shall be deemed to have sunk on the next day from the receipt of last information about the ship, waterborne craft or aircraft, whereas the other objects shall be deemed to have sunk on the day of their location.

Article 810

The contractor who ventures upon the raising of a sunken object on the basis of the ordinance of a competent body (articles 804 and 805), or on the basis of a contract concluded with the authorized person, if not stated by this contract otherwise, shall be liable for the damage caused by his operations, if he fails to prove that the damage could not have been avoided in spite of due care exercised.

The contractor shall be also liable for the damage incurred in course of the raising under paragraph 1 of this article, if he fails to prove that the damage has been caused by either the authorized person, or by the person under the authorized person's responsibility.

Article 811

The contractor shall be remunerated for the raising, except where the raising has been taken against an explicit prohibition of the authorized person.

If otherwise is not stipulated, the raising remuneration shall not exceed the value of the object raised.

The limitation under paragraph 2 of this Article shall not apply to the raising, removal or destruction of the sunken object carried out upon the ordinance of the competent body (article 803, para. 2) and for the objects being or deemed to be cultural property.

Article 812

If otherwise is not stipulated, the contractor shall have right of pledge over the object raised as his remuneration guarantee for raising and custody of the object. The contractor may keep the object until he is remunerated, except for the object being cultural property.

Article 813

The claim for the raising, removal or destruction of the sunken object shall be barred after a period of 3 years from the date the operation was completed.

Chapter IV  
GENERAL AVERAGE

1. General Provisions

Article 814

In the adjustment of general average the provisions of this chapter shall be applied.

The provisions of this chapter shall also apply to boats, if that has been explicitly agreed upon by the parties.

Article 815

The particular expressions employed in this chapter of the Law have the meaning set out below:

1. "General average act" is any extraordinary sacrifice or expenditure reasonably made or incurred by the master or a person relieving him, for the purpose of preserving the property involved in a common maritime adventure;

2. "Party in a maritime adventure" is the owner or operator of the ship or the person authorized to dispose of the cargo on board;

3. "Maritime adventure" is a voyage of each party's ship from the time of its loading commencement to its unloading termination of cargo for each particular party in the adventure;

4. "Contributory value" is the property value taken as a basis for computing the amount admitted for loss or damage in general average;

5. "Claiming value" is the amount allowable for loss or expenditures sustained in general average, and reimbursed from contributory value;

6. "Port of voyage termination" is the port in which the last portion of cargo on board was discharged at the time of general average.

#### Article 816

Within the provisions of this Law, the amount for loss or damage allowable as general average shall be contributed by all the parties involved in a maritime adventure in proportion to their respective contributory values (article 820, para. 1).

#### Article 817

Unless otherwise stated by this Law or by the agreement between the parties, general average act shall include sacrifices, damages and expenditures arising immediately or inevitably from general average allowable as such according to generally adopted maritime customs.

#### Article 818

Any extra expense in place of another expense which would have been allowable as general average shall be deemed to be general average and so allowed without regard to the saving, if any, to other interests, but only up to the amount of the general expense avoided.

### 2. Contribution to General Average

#### Article 819

The obligation to contribute to general average shall exist even though the damage or the expenditure has been caused by the fault of one of the parties to the adventure.

The provision under paragraph 1 of this article shall not affect the right of any party in a maritime adventure having contributed in general average against the persons who have caused the damage or expenditure by their fault.

#### Article 820

Unless otherwise provided by this Law:

1. The contributory value shall include the property saved in general average, the value of the property sacrificed and the reduced value of the property damaged;

2. Claiming value in general average shall include the sacrificed value, reduced value of the property damaged and the expenses admitted in general average together with the expenses for general average adjustment.



Article 821

Except as provided in article 820 of this Law:

1. Personal effects and passengers' luggage without luggage receipt or bill of lading shall not be admitted as contributory value;

2. Loss or damage to jettisoned cargo which has not been carried in accordance with recognized customs or loaded without the ship operator's consent, or falsely declared cargo shall not be admitted as claiming value.

The saved cargo loaded without the ship operator's consent, or wilfully misdescribed shall be liable to contribute.

Article 822

Except for the expenses, both claiming and contributory values shall be admitted upon the basis of values at the time and in port at the time and location of the common adventure, if not provided otherwise by this Law.

The expense shall be determined in actual value.

Article 823

Repairs to be allowed in general average shall not be subject to deductions in respect of "new for old", where old material or parts are replaced by new unless the ship is over 15 years old, in which case there shall be a deduction of one third. The deductions shall be regulated by the age of the ship from 31 December of the year of completion of construction to the date of the general average act, except for insulation, lifeboats and similar boats, communications and navigational instruments and equipment, machinery and boilers, for which deductions shall be regulated by the age of the particular parts to which they apply.

The deductions shall be made only from the cost of the new material or parts when finished and ready to be installed in the ship.

No deductions shall be made in respect of provisions, stores, anchors and chain cables.

Dry-dock and slipway dues and costs of shifting the ship shall be allowed in full.

The costs of cleaning, painting or coating of the ship's bottom shall not be allowed in general average unless the bottom has been painted or coated within the 12 months preceding the date of the general average act, in which case one half of such costs shall be allowed.

No deductions in respect of "new for old" shall be made from the cost of temporary repairs allowable as general average.

Article 824

The amount to be made good as general average for the total loss of a ship shall be computed on the basis of the ship's estimated value in a sound state, less the deduction for the estimated amount for the repairs not admitted in general average and a possible amount gained from the sale of the ship.

Article 825

The amount to be made good as general average for damage to cargo shall be the loss which has been sustained thereby based on the value and at the time of discharge, ascertained from the commercial invoice rendered to the receiver or if there is no such invoice from the shipped value. The value at the time of loading shall include the cost of insurance and freight except in so far as such freight is at the risk of interests other than the cargo.

When cargo so damaged is sold, the loss to be made good in general average shall be the difference between the net proceeds of sale and the net proceeds of sound value on the last day of discharge in the port of destination or on the day of the adventure termination if it ended in another port.

Except as provided in paragraph 1 of this article, the cargo faulty declared on shipment at a value which is lower than the real value, as under paragraph 1, shall contribute upon its declared value.

Article 826

If the sacrificed cargo has been saved afterwards, its value shall be based on the commercial price on the day, at the place and time of its saving, less necessary salvage expenses.

The provisions of article 825, paragraph 2, of this Law shall also apply to the cargo under paragraph 1 of this article.

Article 827

A commission of 2 per cent on general average disbursements, other than the wages of master, officers and crew and fuel and stores not replaced during the voyage shall be allowed in general average. When the funds are not provided by any of the parties in the maritime adventure, but by the sale of the cargo, the necessary cost of obtaining the funds required by means of bottomry bond or otherwise, or the loss sustained by the person entitled to dispose of the cargo, the expenses caused by providing the necessary funds for the purpose, shall be allowed as a part of the amount to be made good.

Article 828

Interest shall be allowed on claiming value at the rate of 7 per cent per annum, until the date of general average adjustment.

Due allowance will be made for interests starting from the date of general average settlement.

Article 829

The contributory values shall be computed on the following basis:

1. For the ship: net value of the ship at the end of the voyage termination, less taking into account the detrimental effect of any demise or time charter to which the ship may be committed;
2. For the cargo: the value in accordance with article 825, paragraph 1, of this Law, less the amount of loss or damage to cargo arising in course of or before loading;

3. For the freight or transport charges: the value of the freight or transport charges less all expenses, including the crew wages that would not have been paid for the freight or transport charges if the ship and its cargo had been totally lost at the time of general average occurrence and were not allowed as general average;

4. For the claiming value: the amount established in accordance with articles 823 to 826 of this Law.

Deductions from the values under paragraph 1 of this article shall be made from extra charges incurred in respect thereof subsequently to the general average act, except that such charges are allowed in general average.

Where cargo is sold short of destination, it shall contribute upon the actual net value of sale. This value shall be added for the amount made good as general average.

#### Article 830

The amount to be allowed as general average for damage or loss to the ship, its machinery and/or gear caused by general average act shall be as follows:

1. When repaired or replaced, the actual reasonable cost of repairing or replacing such damage or loss, subject to deduction, in accordance with article 824 of this Law;

2. When not repaired or replaced, the reasonable depreciation arising from such damage or loss, but not exceeding the estimated cost of repairs.

Where the ship is an actual total loss or when the cost of repairs of the damage would exceed the value of the ship when repaired, the amount to be allowed as general average shall be the difference between the estimated sound value of the ship after deducting therefrom the estimated cost of repairing the damage which is not general average and the value of the ship in its damaged state. This may be measured by the net proceeds of sale, if any.

#### Article 831

In accordance with article 820 of this Law, the ship operator may retain the cargo, making part of the contributory value until he is provided with a security for payment of his share in general average.

The ship operator shall retain the cargo and provide a security for contribution of other parties in the maritime adventure and to protect their interests, acting with due care.

Where the ship operator fails to comply with provisions under paragraphs 1 and 2 of this article, he shall have to pay out to the contributing party that share which could not have been repaid from the party liable to dispose of the cargo.

The provisions of paragraphs 1, 2, and 3 shall not affect the rights of ship operators and other parties involved in a maritime adventure to be remunerated by the party liable to dispose of the cargo and whose cargo has been sold without obtaining any security.

#### Article 832

The contributing party who has not obtained a security for his refund shall have the right to keep the ship and the cargo thereon in order to ensure the contribution to general average.

### 3. Time Limit of General Average

#### Article 833

The claim for the payment of general average contribution shall be time limited to a period of one year from the ship's arrival in the first port of common adventure termination during which the accident occurred and which presents the basis for contribution in general average.

The period under paragraph 1 of this article shall not include the time from nominating an adjuster to the time the final statement of adjustment has been prepared.

#### Chapter V

### NON-CONTRACTUAL LIABILITY OF THE SHIP'S OWNER AND SHIP OPERATOR

#### 1. General Provisions

#### Article 834

The provisions of this chapter shall apply to non-contractual liability in claims arising from damage or loss caused to persons or property not carried on board and to the environment.

Except as provided in paragraph 1 of this article, the provisions of this chapter shall not apply to collision of ships and nuclear damages.

#### Article 835

The provisions of this chapter shall apply to boats and other waterborne craft irrespective of their size and purpose, and to hydroplanes on sea.

The provisions of this chapter shall also apply to ships of war with the exception of the provisions contained in articles 839 to 849 of the Law.

#### 2. Liability for Loss of Life and Personal Injury

#### Article 836

The owner of a ship, the ship operator and the person controlling the ship at the time of occurrence shall be liable for:

1. Loss of life of, or a personal injury to, any person being within the sea area considered as a swimming beach, or in an area prohibited to navigation, unless it is proved that the claimant has caused the damage by his own act or neglect;

2. Loss of life of, or a personal injury to, any person being in a sea belt of 150 metres offshore, with the exception of areas under points 1, 3, and 4 of this paragraph, unless it is proved that loss of life or personal injury has resulted from *force majeure*, act or neglect of the person that lost his life or sustained injury;

3. Loss of life of, or a personal injury to, any person being in a port basin, port approach, navigable waterway, sports or similar purpose areas (e.g. rowing, sailing or water-skiing areas) including the sea area exceeding the limit of 150 metres offshore, except the area under point 4 of this paragraph, if it is proved that the ship itself is liable for loss of life or personal injury;

4. Loss of life of, or a personal injury to, any person being in a restricted sea area (e.g. in which skimming, water-skiing or overspeed is prohibited) at the time of occurrence, unless it is proved that the person has lost his life or sustained injury by his own act or neglect.

The Ministry shall provide for conditions to narrow down or to widen the sea belt under paragraph 1, point 2, of this article.

The decision on the sea belt width shall be made by the Ministry.

In accordance with paragraph 1 of this article, the owner and the ship operator shall be entitled to limit their liabilities if their ship has been unlawfully taken away.

In the case under paragraph 3 of this article, both the person controlling the ship at the time of occurrence and the person who has unlawfully taken the ship away shall be liable for the occurrence.

### 3. Liability for Damage Caused to Property and Environment

#### Article 837

The ship shall be liable for damage caused to wharves, breakwaters, harbour installation and facilities, floating objects (navigational marks, anchorage buoys, underwater cables or pipelines, etc.) and other objects in port and at sea.

The ship may limit its liability for the damage under paragraph 1 of this article to the extent to which the damage has been caused by a port managing company or a port authority, or by the state of wharves, breakwaters, harbour installation and facilities.

The liability set out in paragraph 1 of this article means the owners' or the ship operator's liability.

#### Article 838

Except as provided in article 840 of this Law, the provisions of article 837 shall also apply to damages caused by escape or discharge of dangerous or harmful substances from it (oil, bilge water and its mixtures, waste water and other waste substances and objects).

### 4. Liability for Pollution Damage caused by Ships carrying Oil as Cargo

#### Article 839

For the purpose of this chapter of the Law:

1. "Ship" means any seagoing ship and any seaborne craft of any type whatsoever carrying oil in bulk as cargo. The ship shall be deemed a ship capable of carrying oil or other cargo only if it actually carries oil in bulk as cargo and during any subsequent voyage after such carriage, unless it is proved that no residues of such oil carried in bulk have remained thereon;

2. "Oil" means any persistent oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil, whether carried on board ship as cargo or in the bunkers of such a ship;

3. "Pollution damage" means loss or damage caused outside the ship by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures and further loss or damage caused by preventive measures;

4. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

#### Article 840

The owner of the ship shall be liable for any pollution damage caused by oil carried as cargo which has escaped or been discharged from the ship as a result of the incident, unless he proves that the incident:

(a) Resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or

(b) Was wholly caused by an act or omission of a third party done with intent to cause damage, or

(c) Was wholly caused by the negligence or other wrongful act of any government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage, or from the negligence of that person, the owner may be exonerated wholly or partially from his liability to such person.

No claim for compensation for pollution damage shall be made against the owner otherwise than in accordance with this Law.

Except as provided in paragraph 5 of this article, no claim for pollution damage can be made under this Law against:

(a) The persons serving to the owner, the agents or the crew,

(b) The pilot or the person other than a crew member who rendered service to the ship,

(c) The charterer (whatever called, including the demise charterer), the ship operator or the owner,

(d) The person rendering salvage service upon the owner's consent, or following directions issued by a public authority.

(e) The person taking protective measures,

(f) All persons serving to the owner, mentioned under items (c), (d) and (e) except if it is proved that the incident has occurred as a result of act or failure of the above-mentioned persons, either done with intent to cause damage or from negligence of the person who knew that the damage might occur.

Nothing in this Law shall prejudice any right of recourse of the owner against third parties.

#### Article 841

When oil has escaped or has been discharged from two or more ships, and it is not possible to state which ship has caused the particular part of the damage, the owners of all the ships concerned shall be jointly liable for the damage.

The provisions set out under paragraph 1 of this article shall not prejudice any liabilities in article 840.

Article 842

The owner of a ship shall be entitled to limit his liability in respect of any incident under article 840 of this Law to the amounts in paragraph 2 of this article, by constituting a limited liability fund for pollution damages.

For the purpose of availing himself of the benefit of limitation provide for in article 840, the owner shall limit his liability to an aggregate amount of 133 accounting units of Special Drawing Rights for each ton of the ship's tonnage. However the aggregate amount shall not in any event exceed 14 million accounting units of Special Drawing Rights.

If the incident has occurred as a result of the actual fault or omission of the owner or if the owner has done it with intent to cause damage, or from his negligence, the owner shall not be entitled to avail himself of the limitation provided for in paragraphs 1 and 2 of this article.

Article 843

Claims in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be paid out from the fund mentioned in article 842.

Article 844

For the purpose of this Law, the ship's tonnage in article 842 shall be established in accordance with the provisions of article 441.

Article 845

In accordance with article 846 of the Law the insurer or other person providing financial security shall be entitled to constitute a fund mentioned in article 842.

The fund under paragraph 1 of this article shall be constituted on the same conditions and shall have the same effect as if it were constituted by the owner.

In accordance with provisions of article 842, paragraph 3, of the Law, the fund under paragraph 1 may be constituted even in the event the owner is not liable to limit his liability, but in that case its constitution shall not prejudice the rights of any claimants against the owner.

Article 846

The ship carrying more than 2.000 tons of oil in bulk as cargo shall be required to maintain insurance or other financial security, such as a bank or a certificate delivered by any international compensation fund in the sums fixed by applying the limits of liability, prescribed in article 842 of the Law, to cover its liability for pollution damage

The insurance or other financial security in force, in accordance with the provisions of paragraph 1 of this article, shall be unconditional and irrevocable.

The insurance validity or other financial security shall not terminate before three months have elapsed from the date on which notice of its termination is given to the Ministry, if at the same time one financial security has not been substituted by the other.

Article 847

Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security mentioned in article 846.

The insurer or guarantor may avail himself of the same defence as the owner of the ship, other than the bankruptcy or winding up of the owner.

Except as provided in paragraph 2 of this article, the insurer or the guarantor may avail himself of the defence that the pollution damage has resulted from the wilful misconduct of the owner himself.

The defendant shall have the right to require the owner to be joined in the proceedings.

Article 848

The courts of the Republic of Croatia shall exclusively competent to determine all matters relating to the apportionment and distribution of the fund.

Article 849

Right of compensation under articles 840 to 848 shall be extinguished unless an action is brought thereunder within three years from the date the damage occurred.

In no case shall the right of compensation under articles 840 to 848 of the Law be brought after six years from the date of the incident which caused the damage.

Where the incident consists of a series of occurrences, the six years' period mentioned in paragraph 2 of this article shall run from the date of the first such occurrence.

Chapter VI  
LIABILITY OF NUCLEAR SHIP OPERATOR

Article 850

The particular expressions employed in this Law have the meaning set out below:

1. "Operator of a nuclear ship" means the person authorized by the State to operate a nuclear ship, or the State itself where a contracting State operates the nuclear ship;

2. "Nuclear damage" means loss of life or personal injury and loss or damage to property which arises out of or results from the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or radioactive products or waste;

3. "Nuclear incident" means any occurrence or series of occurrences having the same origin which has caused nuclear damage.

Article 851

The ship operator of a nuclear ship shall be exclusively liable for nuclear damage.



Article 852

Whenever both nuclear damage and damage other than nuclear damage have been caused by a nuclear incident or jointly by a nuclear incident and one or more occurrences and the nuclear damage and such other damage are not reasonably separable, the entire damage shall be deemed to be nuclear damage exclusively caused by the nuclear incident.

Article 853

The provisions of this chapter shall not cover the liability of the nuclear ship operator for the damage caused to the nuclear ship itself, its equipment, fuel or stores.

Article 854

No liability shall attach to a ship operator of a nuclear ship in respect to nuclear damage caused by a nuclear incident directly attributable to an act of war, hostilities, civil war or insurrection.

Article 855

If the ship operator of a nuclear ship proves that the nuclear damage resulted wholly or partially from an act or omission done with intent to cause damage by the individual who suffered the damage, the competent court may exonerate the ship operator of a nuclear ship wholly or partially from his liability to such individual.

Article 856

In accordance with provisions of this Law, the ship operator who compensated the nuclear damage shall have a right of recourse:

1. Against the person who has caused the nuclear damage with intent;
2. If the nuclear incident occurred as a consequence of any wreck-raising operation, against the person who carried out such operation without the authority of the ship operator or of the State whose flag flies the ship or of the State in whose waters the wreck is situated;
3. If recourse is expressly provided for by contract with a person against whom the recourse is set.

Article 857

The liability of the ship operator as regards one nuclear ship shall be limited to 100 million accounting units of Special Drawing Rights in respect of any one nuclear incident.

The provisions of paragraph 1 of this article shall also apply, notwithstanding that the nuclear incident may have resulted from any fault of privity of the ship operator.

Where a foreign State whose flag the nuclear ship flies provides for a higher limit of liability, other than mentioned in paragraph 1 of this article, the ship operator shall be liable to the higher limit.

The ship operator shall compensate not only the claim for nuclear damage provided for in paragraph 1 or 3 of this article, but also costs awarded by a court action and interest in full amount.

Article 858

The ship operator shall be required to maintain insurance, or other financial security covering his liability for nuclear damage, in such amount as is provided in article 857 of this Law.

Article 859

Where nuclear damage is the liability of more ship operators of nuclear ships and the damage attributable to each ship operator is not reasonably separable, the ship operators involved shall be jointly liable for such damage.

In case of joint liability according to the provisions of paragraph 1 of this article, each ship operator shall have a right of contribution against the others in proportion to the fault attaching to each of them. Where circumstances are such that the degree of fault cannot be apportioned, the total liability shall be borne in equal parts.

Article 860

In the case of a nuclear incident where the nuclear damage is caused by more than one nuclear ship of the same ship operator, the ship operator shall be liable in respect of each ship up to the limit laid down in article 843 of this Law.

Article 861

Any person who claims to have suffered nuclear damage shall be entitled to bring an action for compensation against the insurer of the nuclear ship operator, or against the person who provided security to cover the ship operator's liability.

Article 862

Right of compensation under the provisions of this chapter shall be extinguished if an action is not brought within 10 years from the date of the nuclear incident.

Where nuclear damage is caused by nuclear fuel, radioactive products or waste which was stolen, lost or jettisoned, or abandoned, the period established under paragraph 1 of this article shall be computed from the date of the nuclear incident causing the nuclear damage, but the period shall in no case exceed a period of 20 years from the date of the theft, loss, jettison or abandonment.

Article 863

In accordance with the provisions under this chapter, the rights of compensation against the ship operator shall be extinguished after three years from the date on which the person who claims to have suffered the nuclear damage had knowledge or ought to have had knowledge of the damage and of the person responsible for the damage.

The provisions of paragraph 1 of this article shall not affect the period established in article 862 of this Law.

Article 864

The sums provided by insurance or by other financial security in conformity with article 857 of this Law shall be exclusively available for compensation of a nuclear damage.

Article 865

The provisions set out in articles 421 to 447 of this Law shall apply to constitution of the limited liability fund, mentioned in article 857 of this Law, to the apportionment and distribution of the fund among the claimants.

Article 866

The provisions of this chapter shall apply to a nuclear ship from the date of its launching. Between its launching and the time it is authorized to fly a flag, the nuclear ship shall be deemed to be operated by the owner and to be flying the flag of the State in which it was built.

According to paragraph 1 of this article, the owner of the nuclear ship shall be deemed to be the ship operator, but he shall not be entitled to limit his liability under article 857 of this Law.

PART TEN  
ENFORCEMENT AND SECURITY MEASURES ON SHIPS AND THEIR CARGO

Chapter I  
GENERAL PROVISIONS

Article 867

The provisions of this part of the Maritime Code lay down the enforcement proceedings and security measures on a ship and its cargo, when the said ship is found within the internal waters and the territorial sea of the Republic of Croatia.

The provisions of this part of the Maritime Code pertaining to the enforcement proceedings and security shall also apply to ships outside the inland sea waters and the territorial sea of the Republic of Croatia, but which have been entered in any Croatian register of ships. With reference to the cases covered by this Maritime Code, the provisions of this part of the Code shall also apply to any ship outside the internal waters and the territorial sea of the Republic of Croatia, but which has not been entered in a Croatian register of ships.

Enforcement and security on a floating facility which by virtue of article 5 of this Law is not deemed to be a ship shall be effected in accordance with the rules of general enforcement proceedings.

Unless stipulated otherwise by the provisions of the security proceedings set forth in this Law, the provisions of the enforcement proceedings herein shall appropriately apply.

Unless stipulated otherwise by the provisions of this Law on enforcement proceedings and security measures on ships and cargo, the same proceedings shall be subject appropriately to the provisions of general enforcement proceedings concerning the proceedings on enforcement and security. In the enforcement proceedings on a ship conducted in order to secure payment of monetary claims, appropriate rules of general enforcement proceedings pertaining in particular to immovable property shall apply for the recovery of monetary claims, whereas in the enforcement proceedings conducted in order to effect delivery of a ship, rules of general enforcement proceedings on the delivery of immovable assets shall be applicable.

Enforcement and security on ships and cargo on board shall be decided and conducted by commercial courts in charge of maritime disputes.

#### Article 868

The provisions of this part of the Maritime Code shall also apply to the enforcement proceedings and security on shares in ships and on enforcement and security on ships under construction.

#### Article 869

The following may not be subject to enforcement or security:

1. Warships or, equated to them, ships in public service;
2. Foreign ships on innocent passage through the territorial sea of the Republic of Croatia;
3. Foreign ships staying in the internal waters of the Republic of Croatia because of *force majeure* or for reasons of safe navigation, as long as *force majeure* or needs of navigation are in present.

Ships referred to in paragraph 1, points 2 and 3, of this article may be subject to enforcement or security if the proceedings are conducted for the enforcement or security on claims arising during the passage or stay of the ship in the area of the Republic of Croatia

#### Article 870

The court deciding on the proposals for the enforcement of judicial rulings on a ship entered in a register of ships, or a register of ships under construction, shall be the court having territorial jurisdiction over the area where the register of ships or ships under construction is kept and where the ship or the ship under construction is registered.

If, in respect of paragraph 1 of this article, enforcement is to be effected by an appropriate entry into a register of ships or ships under construction, the enforcement shall be conducted by the authority keeping the register of ships or register of ships under construction. If in respect of paragraph 1 of this article no enforcement be required by means of an appropriate entry in a register of ships or ships under construction, the court having jurisdiction over such executions shall be the local court in whose area the ship, or the ship under construction, is actually found at the time when the action for enforcement is taken.

Article 871

The competent court deciding on proposals for enforcement and for the conduct of enforcement on a foreign and domestic ship, or on a ship under construction, which has not been entered in a register of ships or ships under construction, shall be the local court having jurisdiction over the area in which the ship, or ship under construction, is found at the time of filing the proposal for enforcement.

Article 872

If, at the time of instituting the proposal for enforcement which is not performed by an appropriate entry in a register of ships, it is unknown whether the ship is found within the territorial sea or internal waters of the Republic of Croatia, or if the ship has not been entered in a Croatian register of ships, the creditor may propose that any court having jurisdiction over the area where the register of ships is kept and where the ship has been registered, or if the ship is not entered in a Croatian register of ships, any (*rationae materiae*) competent court in the Republic of Croatia, may render a ruling on enforcement. In such a case the creditor may submit this ruling to any (*rationae materiae*) competent court having jurisdiction over the area where the ship may be found in order to execute the same.

Article 873

The competent court deciding on the proposal for enforcement through the establishment or through a pre-emption entry of a court hypothec, or a ship under construction, entered in a register of ships or a register of ships under construction, shall be the court having local jurisdiction over the area where the register of ships or ships under construction is kept, and where the ship, or ship under construction, is registered.

The authority keeping the register of ships or ships under construction where the ship or ship under construction is entered shall exercise jurisdiction over the execution of security measures through the establishment or a pre-emption entry of a judicial hypothec on the ships referred to in paragraph 1 of this article.

Article 874

The court deciding on the proposal for securing maritime monetary claims by establishing a court hypothec on a ship or a ship under construction, on the basis of mutual consent of the parties involved, shall be the court having local jurisdiction over the area where a register of ships or ships under construction is kept and where the ship is registered.

The security measure decided shall be conducted by the authority keeping a register of ships or ships under construction.

If a ship or a ship under construction is not registered in a register of ships or ships under construction, the proposal, based upon mutual consent of the parties involved, for the settlement of monetary claims by means of establishing a judicial hypothec on a ship or a ship under construction shall be decided and executed by a court having jurisdiction over the area in which the ship, or the ship under construction, is found at the time of the submission of the proposal for instituting the security measure.

Article 875

If a provisional measure is to be taken by entering the same in a register of ships or a register of ships under construction, before filing a lawsuit or any other judicial proceedings, the proposal for enforcement by means of a provisional measure shall be decided by the court having jurisdiction over the area where the ship, or ship under construction, is entered in the register of ships or register of ships under construction. The above provisional measure shall be executed by the authority keeping the register of ships or register of ships under construction.

If in respect of paragraph 1 of this article a lawsuit or any other judicial proceedings are instituted, territorial jurisdiction over proposals for establishing security by means of a provisional measure shall be exercised by the court before which the proceedings are instituted. The provisional measure decided by the court shall be executed by the authority keeping the register of ships or register of ships under construction.

If it is not necessary to take the provisional measure by an appropriate entry in a register of ships, before instituting a lawsuit or any other judicial proceedings for deciding on the proposal for establishing a provisional measure on a ship, the court having jurisdiction over such executions shall be the local court in whose area the ship, or the ship under construction, is actually found at the time of submission of the proposal for the provisional measure. If a ship which is entered in a Croatian register of ships is not found or located in the territorial or internal waters of the Republic of Croatia, territorial jurisdiction in deciding on the enforcement of a provisional measure shall be exercised by the court in whose area the register of is kept and where the ship has been entered.

If it is not necessary to conduct a provisional measure by way of its entry in the register of ships, after filing a lawsuit or other judicial proceedings, such provisional measure may also be decided upon by a court before which the proceedings are instituted.

In respect of cases referred to in paragraphs 3 and 4 of this article, the competent court for the conduct of the provisional measure shall be the court having jurisdiction over an area in which the ship is located in the course of conducting such a measure.

If in the course of submitting the proposal for instituting a provisional measure that is not required to be entered in the register of ships, it is unknown whether the ship is located within the territorial sea or internal water of the Republic of Croatia, the creditor may propose for the court in whose area of jurisdiction the register of ships is kept and where the ship is registered, or any (*rationae materiae*) competent court in the Republic of Croatia if the ship is not entered in a Croatian register of ships, to render a ruling on instituting such a provisional measure. The creditor may in such a case submit the ruling on instituting a provisional measure to any competent court in whose area of jurisdiction the ship is located, proposing that the enforcement be conducted by the same court.

Article 876

Territorial jurisdiction over enforcement or security on the cargo on board the ship on which enforcement or security is being conducted shall be exclusively exercised by the court conducting the enforcement or security on the ship.

Article 877

Territorial jurisdiction over deciding on the proposal for the enforcement of decisions rendered by foreign courts and for conducting such enforcement measures shall be determined by the application of the rules appertaining to the territorial jurisdiction of a court over executions arising out of decisions rendered by the Croatian courts

The provisions of article 873 of this Law shall equally apply to cases when security by establishing a judicial hypothec on a ship is sought on the basis of a foreign court's decision.

Chapter II  
ENFORCEMENT FOR THE SETTLEMENT OF MONETARY CLAIMS ON SHIPS

1. Restrictions on Enforcement

Article 878

The provisions of general proceedings on the restrictions of enforcement shall not apply if enforcement is undertaken for the purpose of settlement of claims secured by the right of pledge on ships.

The provisions of general proceedings on the restrictions of enforcement shall apply neither to enforcement through sale of a ship nor to enforcement whereby settlement is demanded of the following claims:

1. Damages arising from a collision of a ship on which enforcement is being conducted or damages otherwise caused by the aforementioned ship;
2. Loss of life or personal injury caused by any ship on which enforcement is being conducted or damages occurring in relation to the operation of the same ship;
3. Salvage operations;
4. Contract for the employment of the ship subject to enforcement;
5. General average;
6. Pilotage;
7. Supplying of a ship subject to enforcement, for the purpose of maintenance or employment of such a ship;
8. Construction, conversion, repair, outfitting or docking of the ship subject to enforcement;
9. Labour-related rights of the ship's crew;
10. Disbursements related to the ship made by the master, shipper, charterer or agent on behalf of the ship, shipowner or ship operator.

Article 879

No sale shall be allowed of any ship which is an exclusive or predominant source of income of the debtor who is a physical person, if such a sale would jeopardize the support of the debtor and of any person who the debtor is under legal obligation to take care of.

Should the circumstances as specified in paragraph 1 of this article obtain in the process of deciding, the court shall, after taking particularly into account the age of the debtor, his health conditions and working ability, as well as the number and age of the persons the debtor is under legal obligation to take care of, ascertain as to whether or not the debtor will be able, through employment or in some other ways, to earn sufficient income required for his support.

No sale of a ship shall be allowed which in respect of the contract of a lifetime support, upon the owner's death passes into the ownership of the provider of such support, if such a right of support has been entered in the register of ships prior to the right on the basis of which the creditor demands the sale of the ship.

The provision of paragraph 1 of this article shall apply in the proceedings for the sale of foreign ships, provided that the principle of reciprocity is applied.

Article 880

The provisions of article 879 of this Law shall not apply if enforcement through sale is undertaken in order to cover the claims secured by the right of pledge

The provisions of article 879, paragraph 1, of this Law shall also not apply if the sale is demanded for the settlement of claims referred to in article 878, paragraph 2, herein.

2. Proposal for Sale

Article 881

A proposal for the sale of a ship shall in particular contain:

1. Name or firm, occupation, habitual residence, or principal place of business, and nationality or citizenship of the creditor;
2. Name and firm, occupation, habitual residence or principal place of business, and nationality or citizenship of the debtor;
3. Name and call sign of the ship, the type of ship, port of registry, and ship's nationality;
4. Register of ships where the Croatian ship is entered;
5. Place where the ship is currently located;
6. Currency and amount of the claim for which sale is sought;
7. Indication of the document(s) upon which enforcement is demanded;
8. A list of known pledge creditors;
9. A statement as to whether any security is allowed in respect of the ship subject to enforcement;
10. If possible, volume and type of cargo, and number of crewmembers on board.

Article 882

In addition to the proposal specified in article 881 of this Law, the creditor shall also enclose:

1. The original or a certified copy of the document (enforceable document) upon which enforcement is demanded (e.g. excerpt from the register of ships);
2. A document attesting the existence of a hypothec on the ship and the cargo and of the pre-emption rights which have been entered in the register of ships, complete with information on known maritime liens in respect of the ship subject to enforcement.

If enforcement is being conducted on a Croatian ship, the proposal should also be accompanied by an excerpt from the register of ships attesting the debtor's ownership, or, if such ship is not entered in the register of ships, a document shall be attached attesting that the ship subject to enforcement is in actual possession of one or more debtors.

If a foreign ship on which enforcement is sought had already been arrested at the time of the submission of the proposal for enforcement, attached to the proposal shall also be a certified copy and Croatian translation of the document, in compliance with the Constitution of the Republic of Croatia and the relevant laws, by means of which document the ownership and nationality of the ship is proved in observance of the law of the country to which the ship belongs.



If, at the time of submitting the proposal for the ship's sale, a foreign ship subject to enforcement had not been yet arrested, the creditor shall assume that the ship is owned by the debtor.

If a foreign ship on which enforcement by sale is claimed is arrested, the court shall summon the creditor to submit within three days the documents referred in paragraph 3 of this article.

Should the creditor fail to act in accordance with paragraph 5 of this article, the court shall issue a ruling whereby the enforcement proceedings are stayed.

### 3. Rulings on Enforcement by Sale

#### Article 883

The court's ruling on a ship's sale shall be served in conformity with the provisions of the Civil Procedure Act pertaining to personal serving of notes of sale to the parties and to any person who, as specified in the relevant document, has a right of pledge, right to settlement or the right of pre-emption in respect of the ship being subject to enforcement.

In addition to serving the ruling referred to in paragraph 1 of this article, the court shall also separately notify the persons on whose behalf the right of pre-emption is entered that in the course of the sale proceedings they shall not be allowed to invoke their right of pre-emption.

Should the debtor's residence be unknown, or should the debtor be abroad, the court shall ex officio appoint the Master of the ship as a temporary representative of the debtor and serve on him the ruling on the enforcement through the sale of the ship. If the master has disembarked the ship, the court shall appoint another appropriate person as a temporary representative for the performance of this duty.

#### Article 884

Upon rendering a ruling on the sale of a ship which is entered in a register of ships, the court shall ex officio order that a notice of the ruling be recorded in a register of ships.

When rendering a ruling on the sale of a ship which is not entered in a register of ships, the court shall ex officio order that an inventory of the ship be taken accordingly.

The effect of the notice referred to in paragraph 1 of this article, or of the inventory referred to in paragraph 2, is manifested in the fact that the sale of a ship for the purpose of covering the creditor's claim may be undertaken against any person who may subsequently acquire the right of ownership over the ship subject to sale (right to settlement) and that the creditor in whose favour such a notice or inventory has been made shall have priority in the settlement of his enforcement claim, or any subsidiary claims, over any other person who may later acquire the right of any right of pledge on the ship or over any person acquiring the right to settlement.

The decisive time for ranking the settlement of claims in favour of creditors shall be the moment at which such a proposal for the sale of a ship is submitted to the authority keeping a register of ships.

If the subject matter of enforcement is not entered in a register of ships, the ranking shall be decided in accordance with the actual moment when the application for taking the inventory has reached the court having jurisdiction over the enforcement of the claim, or if such a court is competent for rendering a ruling on the enforcement by sale, which shall be in accordance with the exact moment when this court has received the proposal for the ship's sale.

Article 885

If the inventory of the ship subject to sale has been taken in any previous procedure, and if such a ship is not entered in a register of ships, the notice of the ruling on enforcement by sale shall be entered in the record of the previous inventory.

Article 886

Upon entering the notice of the ruling on enforcement by sale, or upon drawing up the ship's inventory and until the sale procedure is discontinued, no separate sale proceedings in favour of other enforcement claims in respect of the same ship may be carried out.

The creditors in whose favour a ruling on enforcement by sale is rendered in the course of the sale proceedings referred to in paragraph 1 of this article and until the ruling on the adjudication of the ship becomes final shall join the initiated sale proceedings and shall take delivery of the ship in the same condition as it was at the moment when they joined the proceedings.

The court shall notify all the persons referred to in article 883 of this Law on any accession of new creditors in the sale proceedings.

4. Implementation of Enforcement

Article 887

After rendering a ruling, or when receiving a ruling on the enforcement, the court executing the same shall, without delay:

(1) Order arrest of the ship (see article 974) and accordingly call upon the local competent harbour master's office to seize its certificate of registry, or ship's certificate, crew list, and documents pertaining to the ship's seaworthiness, and, in the case of a foreign ship, documents equivalent to the Croatian documents;

(2) If appropriate order watching of the ship;

(3) Draw up a full inventory of the ship and its appurtenances, the value of which shall be separately determined in accordance with article 912 of this Law;

(4) Draw up a list of officers, crew members and passengers remaining on board, and make a list of the types and quantities of the cargo remaining on board.

Article 888

The court may entrust the watching of the ship to the Master of the ship, authorizing him to retain the necessary number of officers and crew members for the same purpose. The court may also order that the officers and crew members, including the Master, be disembarked, and appoint other watch personnel.

In deciding whether to entrust the ship to the custody of the Master of the ship or to another person, the court shall, while taking into account the creditors' proposals, take into consideration the safety of the ship, watchkeeping expenses and other pertinent circumstances.

Article 889

Upon request of the parties involved, the Master or watch personnel, the court may order that the ship be moved to another place if this is found necessary for the purpose of the ship's safety, or for any other reason, in particular for the sake of reducing the cost of watching and maintaining the ship.

The place where the ship is to be moved, in compliance with paragraph 1 of this article, need not be located within the area under jurisdiction of the court conducting the enforcement.

Article 890

Should a person authorized to dispose of the cargo on board the ship which is subject to enforcement fail to report to the court within three days of the arrest of the ship, the court shall appoint ex officio a temporary representative for the same person.

While the cargo is found on board it shall be under the custody of the Master of the ship or any person appointed by the court as watchman.

Upon request of the person authorized to dispose of the cargo, or his/her provisional representative, of the debtor or the Master of the ship, and, should there be justifiable grounds, also upon the proposal of the ship's watchman, the court shall allow the cargo to be discharged and placed for custody in a public warehouse or in any other appropriate place.

The court shall allow the person authorized to dispose of the cargo or his provisional representative to dispose freely of the cargo, provided that this is not contradicted by the ship operator, master of the ship or any other ship operator's agent.

If the Master of the ship disembarks by order of the court or wilfully, this fact shall not affect his authority to represent the ship operator, or entrepreneur in respect of the cargo on board at the time of the ship's arrest.

The provisions of paragraphs 1 to 5 of this article shall not prejudice the rights and duties of the parties arising out of the contract of the carriage of goods by sea.

Article 891

Passengers and their luggage shall be disembarked from the ship subject to enforcement.

Notwithstanding the provision of paragraph 1 of this article, the court shall upon request of the debtors allow the passengers to remain on board with their luggage provided that this is not opposed by the creditor or ship's watchman, and if the debtor advances the expenses for the passengers' subsistence (support).

The provisions of paragraphs 1 and 2 shall not prejudice the rights and liabilities of the parties arising out of the contract of carriage.

Article 892

The expenses of conducting the enforcement, watching and maintenance of the ship shall be preliminarily borne by the creditor.

The court may order that the amount required to cover the costs of conducting the enforcement be advanced by the creditor.

Should the creditor fail to deposit the advance money within the time limit decreed by the court, the court shall by a ruling discontinue the enforcement proceedings.

#### Article 893

If there are particularly justifiable grounds for it, the court may, upon request of the person concerned, after hearing the parties and known creditors having any proprietary encumbrance on the ship, allow the ship to undertake one or several voyages in the course of the enforcement proceedings.

The court shall not allow any voyage referred to in paragraph 1 of this article to be undertaken unless an insurance contract for the ship has been made under terms and conditions which the court may consider appropriate, and unless the party proposing the voyage provides for a satisfactory security, available to and transferable in favour of the creditor, covering damages arising from such a voyage.

For the purpose of hearing of the parties and other creditors referred to in the provision of paragraph 1 of this article, the court shall fix a hearing of the case or shall serve on the persons authorized a written proposal containing the conditions under which the permission for undertaking the voyage is demanded, and shall call upon the parties to declare themselves thereon within three days of the service of the proposal.

Should any of the persons summoned fail to attend the hearing, or should they fail to declare their view on the proposal as specified in paragraph 3 of this article, it shall be deemed that such a party agrees to the undertaking of the proposed voyage.

The person proposing the admitted voyage shall, upon request of the court, advance the costs of such a voyage. If the same person fails to do so within the period of time determined by the court, the voyage shall not be undertaken.

#### 5. Determining the Value of the Ship, Drawing up the Inventory and Evaluation of the Ship's Appurtenances

#### Article 894

When the ruling on the enforcement by the sale of the ship becomes final, the enforcement court shall determine the value of the ship and its appurtenances.

A separate inventory and evaluation shall only be made of those appurtenances that are not regularly carried on ships of a similar type as the ship subject to enforcement, and of those that are of a higher value, or the parts that are temporarily separated from the ship.

The value of a ship shall be determined in an amount corresponding to its market price valid on the day of its sale.

In determining the value of a ship it is necessary, on the one hand, to state which value the ship subject to enforcement has if the proprietary encumbrances on the ship still remain in force, and, on the other, which value the same ship has without such rights and encumbrances and, in particular, the value of the proprietary encumbrances.

If the value of a ship subject to enforcement was determined in a previous enforcement or bankruptcy proceeding, and if there has been no significant change since then, the court may decide the value of the ship determined in these previous court proceedings to be taken as the value of the ship. Before rendering the ruling the court shall hear both parties on the same.

On the proposal of any of the parties, which must be submitted no later than eight days before the sale hearing, at the sale hearing the court may decide to determine a new value of the ship if any party makes it likely that the value of the ship has changed considerably from the date of the previous determination until the date of its sale.

#### Article 895

The court shall notify the parties involved in the hearing to be held for drawing up an inventory and determining the value of the ship.

The hearing for drawing up the inventory and for determining the value of the ship shall, as a rule, be held at the place in which the ship is actually located.

The court shall appoint one or more experts to determine the value of the ship.

The ruling whereby the value of the ship is determined shall be rendered at the court's own discretion, taking into account the findings and opinion of the experts as well as other data presented in the course of the proceedings.

The ruling on the appointment of the expert as referred to in paragraph 3 of this article is not appealable.

In addition to the parties involved, any person having the right to satisfy his claims from the proceeds of the ship's sale shall have the right of lodging an appeal against the determination of the value of the ship subject to enforcement.

### 6. Terms of Sale

#### Article 896

When the ruling on the determination of the value of the ship subject to enforcement becomes effective, the court shall call upon the creditor to submit within a specified period of time a draft of the terms of sale, unless the creditor has already done the same.

If the creditor does not submit the draft of the terms of sale within the period specified in paragraph 1 of this article, it shall be deemed that he admits that the sale be carried out under the provisions of this Law.

Should the terms of sale proposed by the creditor correspond with the provisions on the terms of sale of the present Maritime Code, the court executing the same shall approve of the above terms of sale without any prior hearing.

If the creditor proposes the terms of sale which deviate from the provisions of this Law, the court shall fix a hearing for determining the terms of sale.

The court shall summon to the hearing referred to in paragraph 4 of this Law all the parties and persons in whose favour, according to the information resulting from the documents in possession of the court, there exist any proprietary encumbrances on the ship subject to enforcement.

For those persons on whom it will most likely not be possible to serve the summons, the court shall appoint a temporary representative, who shall be called upon to attend the hearing.

#### Article 897

Any person called upon to attend the hearing on the proposed terms of sale may make proposals to change the terms proposed.

On the basis of the results of such considerations at the hearing the court shall determine the terms of sale complying with the provisions of this Law

If at the hearing for determining the terms of sale it is proposed that the sale be discontinued or deferred, the consideration of the terms of sale may only commence after such a proposal has been rejected.

The court shall decide whether or not to defer the decision on the terms of sale until the ruling on the rejection of the proposal referred to in paragraph 3 of this article becomes effective

#### Article 898

The terms of sale shall contain:

- (1) The name, or firm, place of business, or residence and nationality of the creditor;
- (2) The name, or firm, place of business, or residence and nationality of the debtor;
- (3) The name or call sign, type, port of registry and nationality of the ship, gross and net tonnage, or displacement, deadweight tonnage, boundaries of navigation, data required for determining the condition and usability of the ship such as design and purpose of the ship, year of construction, materials used in the construction of the ship, type and power of the propelling machinery and special-purpose equipment; in the case of ships under construction data on the building stage reached, as well as an inventory and value of the materials not yet built into the ship but which will be included in the sale;
- (4) Specification of proprietary encumbrances to be assumed by the buyer, without inclusion of the same in the purchase money;
- (5) The determined value of the ship;
- (6) Indication of the lowest acceptable offer;
- (7) Provisions concerning the method of granting and amount of the security to be offered by offerers;
- (8) Provisions concerning the method of payment of the purchase money;
- (9) Notification of the moment when the risks and benefits pass to the buyer;
- (10) Provisions in respect of the time when and the terms under which the ship is to be delivered to the buyer, particularly if the cargo on board was not discharged before the ruling on adjudication has come into effect, and enter the his right of ownership in the register of ships;
- (11) As applicable, provisions in respect of the sale of the co-owner's share in the ship.

#### Article 899

Only those persons having deposited a caution money may take part in an oral public auction

Unless the court decides otherwise at the request of the parties, the caution money to be deposited by the offerers shall amount to one tenth of the determined value of the ship subject to enforcement.

The caution money shall be deposited in cash, negotiable instruments or other real property values available and freely transferable.

The creditor who has proposed the enforcement, as well as the pledge creditors, if their claims reach the amount of the caution money, shall be exempted from the obligation to deposit caution money and, if in respect of the ranking and the established value of the ship subject to enforcement, such an amount could be recovered from the price obtained from the sale of the ship.

The Republic of Croatia, its units of local self-government and their bodies shall also be exempted from depositing the caution money.

#### Article 900

The caution money given by the offerer whose offer has been accepted shall remain deposited with the court until the offerer has met all his obligations as per terms of sale or until a relevant ruling of the court on refusing the adjudication of the ship subject to enforcement becomes final.

The caution money deposited with the court shall be reimbursed to other offerers after the termination of the hearing for the sale.

The caution money deposited by the best offerer shall serve as a pledge for all the obligations arising against him out of the sale proceedings.

#### Article 901

Unless, upon proposal made by parties and with the consent of the authorized person, the court decides otherwise, the buyer shall take over the adjudicated ship subject to enforcement free of any proprietary encumbrances.

#### Article 902

The lowest bid acceptable shall, as a rule, amount to at least a half of the determined value of the ship.

Upon proposal made by the creditor, whose claim has been secured by the right of pledge, or upon proposal made by the debtor, if agreed so by the creditor seeking enforcement, the court may order a higher sum as the lowest acceptable offer.

#### Article 903

Unless upon proposal of the parties involved the court orders otherwise, the buyer shall within 15 days of the date of the adjudication provide sufficient evidence that he has deposited with the court the purchase money for the adjudicated ship subject to enforcement.

The Buyer shall be exempted from depositing the purchase money or a part thereof in cash if the creditors whose claims are secured by the right of pledge agree to the buyer assuming these debts.

If the Buyer has satisfied all the requirements arising out of the terms of sale, the cash deposited with the court as a guarantee may be used as a part of the purchase money.

#### Article 904

The risks in respect of the sold ship subject to enforcement shall pass to the buyer on the date when the ship is adjudicated by a final judgement. As of the same date the Buyer shall bear all the encumbrances in respect of the right of ownership on the ship.

The adjudicated ship shall be delivered to the buyer complete with the appurtenances sold and the buyer's right of ownership shall be registered after he has satisfactorily met all the terms of the sale.

#### Sale Hearing

#### Article 905

The sale of the ship shall be effected by public oral auction at the hearing for the ship's sale.

#### Article 906

When the court has established the value of the ship subject to enforcement and when the terms of sale are decided upon, the hearing for the sale shall be called by a public notice, provided that a period of a minimum of 15 days and no more than 30 days shall have expired from the date of the first publication of such notice until the actual date of the hearing.

The sale hearing shall not be held before the ruling on the enforcement by sale and the relevant ruling on determining the terms of sale come into effect.

#### Article 907

The notice of sale hearing shall contain in particular:

- (1) Designation of the ship and its appurtenances which will be offered for sale and the value of the ship subject to enforcement;
- (2) Name, or firm, place of business, or residence and nationality of the parties involved;
- (3) Time and place where the sale hearing is to be held;
- (4) Indication of the lowest acceptable offer and sum of the caution money;
- (5) Notification that the terms of sale and the documents relating to the ship which is subject to enforcement can be examined at the court of enforcement;
- (6) A summons to the pledge creditors whose rights are not entered in a register of ships to submit their claims at the sale hearing at the latest, with a warning to the effect that their rights shall only be taken into consideration in the proceedings if the same arise out of the enforcement documents (titles);
- (7) A summons to any person claiming any right on the ship which is subject to enforcement, and in consequence of which the aforesaid sale is not permissible, to submit his claim to the court at the latest at the sale hearing but before the commencement of the oral public auction, together with a warning to the effect that, to the disadvantage of a scrupulous buyer, it will be impossible to accomplish such a right with respect to the ship which is subject to enforcement;
- (8) A notice indicating that a person having any right or encumbrance on the ship subject to enforcement shall be furnished with the information as to the future course of the proceedings on condition only if that person's residence is in the Republic of Croatia or if he/she has an assignee in the Republic of Croatia or a person authorized to receive court submissions.



Article 908

The court shall serve the notice of sale on the parties involved and on all persons who, according to the documents maintained by the court, have any proprietary encumbrance or claim on the ship or any pre-emptory right.

Concurrently, the court shall summon the creditors having claims covered by a right of pledge to declare themselves at least five days prior to the hearing for the sale whether their claims should be settled in cash payment or whether they agree that the buyer assume the debt and thus free the previous debtor from the debt. If the same creditors do not declare themselves within the specified term, it shall be assumed that their claims are to be settled in cash payment.

If any credit or cautionary hypothec is inscribed on the ship subject to enforcement, the creditors shall be called to submit, at the latest before the commencement of the sale, the amounts of their claims arising from the legal relations secured by such right of pledge.

The notice of the sale shall be served in accordance with the provisions of the Civil Procedure Act pertaining to personal serving of notices on the parties.

The person on whom the notice of sale cannot be duly served, or in case of the failure of the attempt to serve the notice, the court shall appoint a temporary authorized representative on whom the notice of sale shall be served.

Article 909

The court shall publish the notice of sale in the Official Gazette of the Republic of Croatia ("Narodne Novine") on the court's notice board, as well as on the notice board of the competent harbour master's office and in any other suitable manner.

The parties may demand that the sale notice be published at their own expense or in any other way proposed by them.

Article 910

Should the sale be conducted on a domestic ship, the court shall order that the sale hearing be entered in the register of ships where the ship is registered

Article 911

The debtor shall, within the period between the public notice and the holding of the sale hearing, make it possible for any person interested in participating in the aforementioned sale to inspect the ship subject to enforcement and to examine the ship's papers.

The court shall specifically determine by decree the days and hours when the ship may be inspected, taking into consideration the requirement for unhindered operation of the ship.

Article 912

The sale hearings shall be public and shall be held, as a rule, in the court building

The court may order that the sale hearing be held in the place where the ship subject to enforcement is actually found.

At the sale hearing the court shall present to the parties involved for inspection the terms of sale and other documents pertinent to the sales proceedings.

Should only one offerer attend at the sale hearing, the court shall decide by decree whether the hearing is to be deferred or whether to hold the hearing

#### Article 913

After establishing that there are no obstacles to the holding of the sale hearing, the court shall disclose the terms of sale, data on the claims of creditors having the right of remuneration from the purchase money thus obtained, statements made by the creditors having claims secured by the right of pledge on the ship with respect to the method of the settlement or acceptance of their claims, statements of claims secured by credit or cautionary hypothecs and statements on other circumstances of relevance for holding the sale proceedings.

Representatives of offerers are bound to provide evidence as to their powers of attorney at the hearing by means of a public document or a publicly certified power of attorney

#### Article 914

The court may order that the sale and payment of the purchase money obtained from the sale of a foreign ship be effected in foreign currency, as provided by a separate law.

The provision of paragraph 1 of this article may also apply when the sale is conducted in order to settle the claims on a Croatian ship made by foreign creditors, and in cases when foreign physical or legal persons participate in public auction in the capacity of offerers.

At the request of a foreign hypothecary creditor, in conformity with a separate law, the court shall allow the sale of a ship in foreign currency provided that such a hypothecary claim has been inscribed as a foreign currency claim.

#### Article 915

The offer shall be binding upon the offerer until a higher offer is made (article 916).

#### Article 916

The court shall call upon all the parties present at the hearing to make their offers only after a period of half an hour has elapsed from the time determined for the commencement of the sale hearing.

The oral public auction shall continue as long as higher offers are made.

In order to provide for the submission of higher offers, the court may, upon request of any offerer, allow for a brief period for deliberation.

The oral public auction shall be terminated if after a second call no higher offer has been made within a period of five minutes. The court shall particularly warn those attending the public auction thereof.

Prior to the closure of the sale the court shall once again announce the last offer and shall thereupon pronounce the sale closed.

Article 917

When the court has closed the sale, it shall call upon those present immediately at the sale hearing to raise objections to the adjudication.

Objections to the adjudication in favour of the most favourable offerer may only be based on the following grounds:

- (1) That a period of no more than 15 days has elapsed from the date of the notice to the date of the holding of the sale hearing (article 906);
- (2) That the notice of the sale was not correctly drawn up or published;
- (3) That not all persons whom the court was bound to notify were notified of the sale hearing;
- (4) That the sale proceedings were continued although a ruling was rendered whereby the sale proceedings are discontinued;
- (5) That at the aural public auction the provisions of this Law pertaining to auctions were violated;
- (6) That the conditions under which the highest offer was made were not in compliance with the determined terms of sale;
- (7) That the highest offerer or his representative was not qualified to participate in the sale of the particular ship subject to enforcement;
- (8) That the highest offer was not sufficient to fully settle the claim secured by the right of pledge together with the subsidiary claims of the creditor who raised the objection and whose claim ranks ahead of the claim of the creditor who proposed the enforcement.

Article 918

The deficiencies referred to in article 917, paragraph 2, points (4), (6) and (7), of this Law shall be taken care of by the court ex officio. The court shall decide on other deficiencies only if they are timely mentioned in the objections raised.

The court shall ex officio investigate and determine the facts on which the objections are based.

Article 919

The court shall, as a rule, decide on the objections raised at the sale hearing.

If in complying with the objections raised the court refuses to render the adjudication, the court shall, after hearing those present whom it was bound to notify of the sale hearing, decide whether to continue the sale at once or to fix a new sale hearing.

If the court decides that the sale be continued at once, the offerers who have taken part in the sale shall be bound by their previous offers if these have not lost validity owing to higher offers.

If the objections are not decided upon at the hearing itself, the court shall deliver its ruling on the objections to the highest offerer, the parties and to all persons entitled to lodge an appeal against the ruling rendered.

Article 920

If no objections are raised and if it is established that there are no deficiencies in respect of article 917, paragraph 2, points (4), (6), and (7), of the present Code, the court shall already at the sales hearing render a ruling on the adjudication of the ship subject to enforcement to the highest offerer, whose offer the same court has found to be the most acceptable. The above ruling shall be announced at the hearing and shall be delivered to the persons concerned in respect of article 927, paragraph 1, of the present Code as well as to all other participants in the sale

The ruling on the adjudication shall be announced in public within a period of eight days on the court's notice board and shall be entered in the form of a notice in a relevant register of ships. This entry shall have the effect that any subsequent entries in the register of ships will give rise to the establishment of rights against the theretofore owner of the ship, only if such a ruling on the adjudication is set aside. The ruling made known to the public shall contain the highest offer price as well as the indication of the period of time limit for the submission of a superior offer bearing the lowest sum of such a new offer

Any person whom the court was bound to notify on the hearing for the ship's sale may demand that the ruling referred to in paragraph 2 of this article be published at his/her expense in the Official Gazette of the Republic of Croatia ("Narodne Novine") or in some other way.

The ruling referred to in paragraph 2 of this article is unappealable.

Article 921

An adjudication on the ship which is subject to enforcement may not be rendered unless the offers made at the hearing reach the lowest acceptable amount of offer (see article 902).

The court shall by a ruling refuse to render the adjudication, if it establishes that the objections raised are justified, if the existence of any deficiencies is found which the court is bound ex officio to guard against or if it finds that the sale was held before the ruling on the enforcement by sale and the ruling on the determination of the terms of sale became effective.

The ruling on the refusal of the adjudication shall be recorded as a notice in the relevant register of ships.

Should an appellate court, when reviewing appeals against the ruling in respect of paragraphs 1 and 2 of this article, render a ruling on the above adjudication, the notice of the adjudication shall become legally effective as of the date when the notice of the refusal of the adjudication was entered (paras. 1 and 2)

Article 922

The ruling on the adjudication can be contested by means of an appeal based on the grounds specified in article 917, paragraph 2, and article 921, paragraph 1, of the present Code and on the grounds that the ruling is not in accordance with the content of the court documents on which it is founded.

The person to whom the court has adjudicated the ship which is subject to enforcement may contest this on the grounds that the court was bound to refuse the adjudication, or to render an adjudication ruling under the terms and conditions other than those indicated in the ruling on the adjudication.

The ruling whereby the adjudication is refused may be contested on account of its failure to comply with the contents of the court documents on which it is founded, or for the absence of legal grounds for refusing the adjudication.

The person raising an objection to the adjudication in the course of the hearing for the ship's sale shall not be entitled to appeal against the ruling whereby the rendering of the adjudication is refused.

## 8. Second Sale Hearing

### Article 923

If the adjudication has been effectively refused because the lowest acceptable offer was not cited, the court shall fix a new sale hearing, provided that such a proposal is made by the creditor who had requested the enforcement within the period of eight days of the date of the unsuccessfully held hearing.

Before fixing a new sale hearing, the court may order that the value of the ship subject to enforcement be re-examined and may then order a hearing for considering the changes in the terms of sale.

A period of no less than 30 days shall elapse between the first and the second sale hearing.

Should the creditor proposing the enforcement fail to file a proposal for a new sale hearing within the period referred to in paragraph 1 of this article, the court shall render a ruling whereby the enforcement proceedings are discontinued.

If the court refuses to render the adjudication on grounds other than those given in article 923 of this Law, and if there are no deficiencies that make the continuation of the proceeding inadmissible, the court shall ex officio decide upon a new hearing for the ship's sale.

The sale at the new hearing shall be conducted on the basis of the previously determined terms.

## 9. Final Validity of the Ruling on Adjudication

### Article 924

If the court refuses to render the adjudication on grounds other than those given in article 923 of this Law, and if there are no deficiencies that make the continuation of the proceeding inadmissible, the court shall ex officio decide upon a new hearing for the ship's sale.

The sale at the new hearing shall be conducted on the basis of the previously determined terms.

### Article 925

When a ruling on the refusal of adjudication comes into effect, the court shall return the deposited caution money to the highest offerer.

### Article 926

When the ruling on the adjudication of the ship comes into effect, the court shall, on the proposal of the buyer or cargo assignee or of his temporary representative, order that the cargo be discharged from the ship. Respectively, upon the request of the buyer, the persons on board including their personal effects shall also be disembarked.

The expenses of discharging cargo referred to in paragraph 1 of this article shall, upon the request of the court, be paid in advance by the person requesting the discharge, unless otherwise specified in the terms of sale.

If a person acting as a ship operator prior to the sale of the ship, or his representative, objects to the delivery of the cargo to the free disposal of the cargo assignee, the court shall order that the cargo be delivered, at the expense of the ship operator, to the custody of a public warehouse or to any other place convenient.

The provisions of paragraphs 1 to 3 of this article shall not be prejudicial to the rights and liabilities of the parties arising out of the contract of carriage of goods.

The ruling whereby the discharge of the cargo is ordered, disembarkation of persons and their effects, and placing of the cargo under the custody of a public warehouse or in any other convenient place, shall not be appealable.

#### Article 927

The owners of the ship's appurtenances who were not included in the sale of the ship are entitled, after the adjudication becomes effective, to take such appurtenances away from the ship at their own risk and expense.

#### Article 928

The rights acquired by the buyer on the basis of the final adjudication of the ship subject to enforcement shall not be contested on the ground that after the adjudication became final the enforceable document upon which the ruling on the enforcement by ship's sale is based was set aside or modified.

### 10. New Sale

#### Article 929

If the buyer does not prove that he has paid the purchase money within the period specified in article 903, paragraph 1, of this Law, the court shall upon request of an authorized person declare and pronounce invalid the final ruling on the adjudication and order the performance of a new sale at the expense and risk of the buyer.

The proposal for a new sale may be made by the parties, creditors whose claims are secured by a hypothec on the ship subject to enforcement and by creditors for whose maritime liens there exists no enforceable document

The person requesting a new sale shall make a request for a new sale within a period of no later than 10 days of the expiry of the term referred to in article 903, paragraph 1, of this Law. Should no request for a new sale be made within the above period, the court shall by a ruling discontinue the enforcement proceedings and release the ship which is subject to enforcement.

A new sale shall be effected in accordance with the provisions holding for the first sale and with the terms of sale determined previously.

Upon request of any authorized person, the court may decide that in the event of a new sale even those offers amounting to less than a half of the value of the ship subject to enforcement determined for the first sale be admitted at the new sale.

A new sale shall not be held if the buyer who delayed the payment of the purchase money proves, before the expiry of the period of appeal against permission for a new sale, that he has paid delayed purchase money together with the interest and the sum required for covering damages incurred until then.

#### Article 930

If the price achieved at the new sale is lower than the price achieved at the preceding sale, the buyer who was late in paying the purchase money shall be liable, with his caution money, the deposited portion of the purchase money, and by other assets or property of his own, to cover the balance thus caused, the expenses of the new sale, and any damage caused by such delay

The enforcement court shall ex officio determine the sum of the balance in respect of the price achieved as well as the amount of the expenses referred to in paragraph 1 of this article.

On the basis of the final ruling as referred to in paragraph 2 of this article, the court shall carry out enforcement on the caution money deposited, the paid-off portion of the purchase money, and, if appropriate, on any other assets or property of the buyer. The enforcement shall be carried out upon request of any person entitled to cover their claims from the purchase money.

The enforcement shall be performed in favour of the distribution money. The difference between the price achieved at the new sale and the previous sale shall also accrue to this estate.

The buyer delaying to pay the purchase price shall not be entitled to the amount by which the purchase money attained at the new sale exceeds the same price achieved at the previous sale.

### 11. Discontinuation of the Proceedings

#### Article 931

In addition to the grounds for discontinuing the enforcement arising from the provisions of the general provisions for enforcement proceedings, and other grounds as provided for in this Law, the sale proceedings shall be discontinued:

- (1) If a third person, not later than eight days before the date fixed for the sale hearing by providing an appropriate security declares that he is willing to take delivery of the ship subject to enforcement at a price exceeding the determined price of the ship by at least one fourth, and if such a person declares that he will bear all the expenses that would otherwise have to be borne by the debtor;
- (2) If so required by the pledge creditor who no later than before the commencement of the auction at the sale hearing buys off the claims on account of which the sale is allowed, and if he compensates the expenses which should otherwise be borne by the debtor;
- (3) If before the commencement of the sale the creditor waives on the sale proceedings, in such a case it will not be possible to propose with respect to the same claim the continuation of the sale proceedings before the expiry of the period of six months of the date of the discontinuation of the sale proceedings;
- (4) If, before the commencement of the sale, the debtor deposits with the court the sums necessary for the full settlement of the enforceable claims as well as of the costs of the proceedings incurred by all the creditors having demanded the enforcement;
- (5) If no lowest acceptable offer is made at the second sale hearing (see article 943, paragraph 1, and article 944 herein).

#### Article 932

If the court accepts the proposal for the discontinuation of the sale as referred to in article 931, paragraph 1, of this Law, the court shall render a ruling whereby the sale proceedings are postponed.

If the person proposing the discontinuation as per article 931, paragraph 1, of this Law fails to deposit an appropriate security within a specified time, the court shall ex officio continue the suspended proceedings.

The security deposited by the proposer shall, in the event of the continuation of the proceedings referred to in paragraph 2, of this article, accrue to the distribution money.

The method of collecting the price for which the proposer has accepted to take delivery of the ship subject to enforcement shall be governed appropriately by the provisions of article 930, paragraphs 2, 3, and 4, of this Law.

The court shall discontinue the sale proceedings after the proposer has paid the sums referred to in article 931, paragraph 1, of this Law.

#### Article 933

The court shall notify all the persons referred to in article 908, paragraph 1, of this Law, on the suspension or discontinuation of the sale proceedings.

The court shall at the same time advise the creditor proposing the enforcement on the rights appertaining to him in respect of the provision of article 920 of this Law.

Upon expiry of a period of 15 days from the date when the ruling on the discontinuation of the proceedings became final, the court shall order that all the notices in the register of ships or in the inventory which relate to the sale proceedings be erased.

#### Article 934

The creditor in whose favour a notice of the sale permission has been entered in the register of ships may, within the period of 15 days from the date the ruling on the discontinuation of the sale proceedings became final, propose to the court in charge of the enforcement that, according to the ranking of the above said notice in favour of his enforceable and subsidiary claims, a hypothec be inscribed on the ship subject to enforcement.

The fact that in the meantime the debtor alienated or encumbered the ship subject to enforcement shall in no way be prejudicial to the inscription of a hypothec.

The proposal made in accordance with paragraph 1 of this article may not be accepted if the sale proceedings have been discontinued in consequence of the enforcement being altogether inadmissible, or because the enforceable document had been effectively set aside by a ruling or proclaimed ineffective, because the claim for which enforcement is being conducted has been settled or because it has been established by a final ruling that the claim does not pertain to the creditor.

### 12. Distribution of the Purchase Money

#### Article 935

After the purchase money is paid and the ruling on the adjudication becomes final, the court shall fix a hearing for the distribution of the purchase money.

The court shall summon all the persons referred to in article 908, paragraph 1, of this Law to the hearing, and shall notify the buyer allowing him to participate in the hearing.



In the summons to the hearing as referred to in paragraph 1 of this article the court shall warn the creditors that the claims made by the creditors who do not attend at the hearing shall be taken into consideration only as per condition arising from the register of ships and the relative enforceable documents, and that at the hearing for the distribution of the purchase money at the latest they may contest the existence of the claims made by other persons, the amount of such claims, and the ranking according to which these claims may be settled.

The decision on fixing the hearing shall be announced on the court's notice board.

#### Article 936

Only those claims shall be considered at the hearing that should be taken into account for the distribution of the purchase money and the ranking of their settlement.

The debtor shall submit to the court all the necessary explanations in order to determine the accuracy of the ranking of claims covered from the purchase money.

The creditor whose claims on the occasion of the distribution of the purchase money would obtain rank if the contested claim had not been taken into account, may at the latest at the hearing for the distribution of the purchase money raise objections against the claims reported, or the claims arising from the enforceable documents. The objection may refer to the existence of the claims, their amount and settlement ranking.

The debtor shall be entitled to raise objections only in respect of those claims for which, according to the debtor's assertion, there exist no grounds whatsoever for their settlement.

The claims which could not be settled from the purchase money even if the contested claims enjoying a better ranking had not been taken into account, shall not be admitted for consideration by the court.

#### Article 937

The distribution money shall consist of:

- (1) Purchase money;
- (2) Caution money deposited by the buyer delaying in the payment of the purchase money, part of the purchase money deposited by him, or any other amount compensated by the buyer;
- (3) The revenue and income obtained from the ship subject to enforcement, which the buyer is bound to retribute;
- (4) Revenue from the ship's voyage undertaken in the course of the sale proceedings;
- (5) The sums referred to in paragraph s 2 and 3 of this article.

The purchase money which refers to the ship subject to enforcement, the ship's accessories subject to enforcement, and the freight or passage money shall constitute separate distribution money, depending on to which of these sums the rates of maritime liens or hypothecs claimed by the creditors requesting enforcement are related.

The freight, passage money, and the sums relating to the ship's accessories which were paid by the time of the closure of the hearing for the distribution of the purchase money shall be distributed together with the purchase money obtained from the sale of the ship subject to enforcement.

Article 938

The creditors' claims covered from the distribution money shall be settled in accordance with the following ranking:

- (1) Creditors whose claims are secured by maritime lien;
- (2) Creditors whose claims are secured by a hypothec on the ship;
- (3) Other creditors.

The ranking of the creditors as specified in paragraph 1, points (1) and (2), of this article shall be determined, within separate payment rank classes, in accordance with the provisions of the Law on Maritime Liens and Hypothecs on Ships

Exercising the right of the arrest of a ship referred to in article 456 of this Law shall not prejudice the ranking of the settlement of claims secured by maritime liens

The expenses arising in the course of the ship sale proceedings shall be settled before the distribution of the purchase money and shall even rank before the settlement of the claims secured by maritime liens.

Article 939

The rank attaching to the capital shall also attach to the interest charges which are not in arrears for a period longer than three years of the date of the adjudication, and to litigation and enforcement expenses incurred for the purpose of the settlement of any of these claims.

Recursive payments which have not been in arrears for a period longer than three years prior to the date of the adjudication shall have the same rank as the rights underlying such payments.

Should the distribution money be insufficient to cover the creditors' claims, the costs and subsidiary claims shall be settled before the capital.

Article 940

If the distribution estate is insufficient to cover the creditors' claims of the same payment rank (article 938, paras. 1 and 2, of this Law), their claims, including the costs and subsidiary claims, shall be settled proportionate to the overall amount of such claims.

Article 941

The surplus of the distribution estate remaining after the settlement of all the claims in respect of article 938 of this Law shall be assigned by the court to the debtor.

Article 942

Unless otherwise decreed by the court, on the proposal and with the consent of the parties at the hearing, recursive payments shall be settled so that first the sums in arrears on the day of the adjudication shall be paid, whereafter as much of the capital shall be invested at an interest rate as necessary to settle the payments becoming due after the date of the adjudication.

The capital remaining free in consequence of the extinguishment of the rights to payment shall be assigned by the court, in advance, if possible, to those assignees whose claims have not been fully settled from the distribution money, in accordance with the respective ranks of these claims, or to the debtor in the event that no such assignees exist.

Article 943

The claims arising out of a cancelling condition shall be settled by way of cash payment only if the creditor provides security that, in the event that the accomplishment of the above condition, he will return the sum received.

If the creditor does not deposit the security within 15 days of the date of serving the ruling on the settlement of the claim, the sum required to cover his claim shall be submitted as a savings deposit with the bank.

When it becomes obvious that the condition above will not be accomplished, the relative claim shall be paid to the creditor.

If the cancelling condition is accomplished, the sum returned by the creditor or deposited by him with a bank shall be paid in favour of those creditors whose relative claims have not been wholly settled from the sum obtained from the sale, and, if there are no such creditors, the same sum shall be handed over to the debtor.

Article 944

If the payment of the claims is subject to any deferrable condition, these claims shall be settled in such a manner that an appropriate sum shall be set aside and deposited with a bank as a savings deposit which shall be made payable to the creditor when such a condition has been accomplished.

If this condition is not accomplished, the deposited sums shall be paid to those creditors whose claims have not been wholly settled from the sum obtained from the sale. Should there be no such creditors, the said sum shall be handed over to the debtor.

Article 945

If, with respect to proprietary encumbrances on the ship subject to enforcement, a notice of dispute or a notice to the effect that a lawsuit for the erasure of such rights has been entered in the register of ships, claims or compensations arising from such rights shall be made good in the same way as claims depending on a cancelling condition.

If a pre-emption entry of a proprietary encumbrance on the ship subject to enforcement has been made in the register of ships, and if the beneficiary of such a right proves that proceedings are under course for the justification of the pre-emption entry or that the time-limit for the institution of such proceedings has not yet expired, the claim or compensation for such a right shall be settled in the same way as claims depending on the deferrable condition.

Article 946

Claims secured by a joint hypothec shall be settled in cash from the distribution state.

If in the sale proceedings all ships which are undividedly liable for a claim are being sold, the distribution money estate of each individual ship shall contribute to the settlement of the claims secured by a joint hypothec, proportionate only for the sum which, in respect of the same claims together with subsidiary dues and expenses, stands in the same proportion as does the residue of the distribution estate of each individual ship subject to enforcement to the sum total of the balance of all distribution monies. This balance is obtained by deducting the amounts of the claims ranking ahead of the claim secured by joint hypothec.

If the creditor whose claim is secured by a joint hypothec seeks settlement of the claim in another proportion, the creditors whose claims rank behind the claims by the above creditor, and who in consequence of the same obtain an amount lower than they would obtain if the creditor was settled in accordance with paragraph 2 of this article, may demand that from the individual distribution estates the sum be paid to them which, if the distribution had been carried out according to paragraph 2 of this article, would have accrued to the claim secured by joint hypothec, if this is necessary to cover the deficit.

If in the course of the sale proceedings not all ships which are undividedly liable are sold, in order to determine compensations due to creditors ranking behind the creditors whose claims are secured by joint hypothec, the value of individual ships encumbered with joint hypothec, instead of the distribution monies, shall be taken as the basis for computation. The creditors' claim for compensation shall be entered in the form of inscription in their favour on the ships not sold, with the rank attaching to the wholly or partially settled claim of the creditor who was secured by joint hypothec. The court shall ex officio erase this joint hypothec on the unsold ships.

Article 947

Beneficiaries of servitudes which the buyer does not take over shall be settled by a compensation for their right from the sum obtained from the sale.

If the beneficiaries of the servitudes fail to reach an agreement with the creditors who rank behind them in settlement regarding the amount of compensation referred to in paragraph 1 of this article, the amount of compensation shall be determined by the court, taking particularly into account the time for which the servitude could still last, their value, the benefits of the beneficiaries of servitudes and the age of the beneficiaries.

The buyer and the beneficiaries of servitude, and creditors ranking in settlement behind them may agree that the buyer take over the servitudes and that a specific sum as indemnity for the taking over of the servitudes be deducted from the purchase money.

Article 948

The claim of a pledge creditor which has not come due before the rendering of a ruling on the settlement shall be paid even before it becomes due, together with the amount of stipulated interest charges computed until the date of the rendering of the ruling on the distribution of the purchase money.

If interest charges for such a claim have not been specified, a sum shall be deducted which corresponds to legal interest rates charged from the date the ruling on the settlement was rendered to the date the claim became due.

Article 949

If it is unknown who the present holder of the hypothecary claim which would according to its rank be covered by the distribution estate is, or if his residence is not known, the court shall deposit the sum relating to this claim with a bank as a savings deposit, and shall specify in the ruling on the distribution of the purchase money to whom this sum will go if the creditor does not collect it.

If the creditor in whose favour the sum referred to in paragraph 1 of this article is deposited does not collect the sum within a period of three years from the date when it was deposited with a bank, any creditor who would be entitled to this sum or a part thereof may demand that the sum which corresponds to his claim be paid to him. If there are no such creditors, the payment may be demanded by the debtor.

Article 950

If the pledge creditors seeking settlement form the purchase money cannot be fully settled, the court shall, on the proposal of any one of them or of the creditor who has proposed the enforcement, order the persons to whose debts the maritime liens or hypothec on the ship extend, to have the proposer, and those who have a more favourable settlement ranking, deposit the sums due with the court within a specified term, if this is necessary to settle the claims of the proposer and those who have a more favourable settlement ranking.

The proposal referred to in paragraph 1 of this article shall be submitted in the course of the enforcement proceedings, at the latest at the hearing for the distribution of the purchase money.

The orders issued to the debtor's debtors on the basis of paragraph 1 of this article shall cause that any payment that they would make to a debtor or a third party which is contrary to the court's decision shall have no legal effect against pledge creditors.

If within the term determined by the court these sums are not deposited, the court shall, on the proposal of the creditors to whom the payment relates, act in accordance with the provisions on the enforcement on monetary claims, and shall specify to which pledge creditors individual claims attach and in which amount.

13. Sale of Shares in the Ship

Article 951

If enforcement is carried by the sale of shares in a ship, the provisions of this Law concerning the sale of a ship shall apply, with the following differences:

(1) The arrest of a ship may only be allowed if the enforcement is demanded on shares which exceed half of the total value of the ship on which enforcement is being carried out or if the creditor who has proposed the enforcement makes it credible that there is a danger that without it the settlement of the claims may be frustrated or greatly hindered;

(2) If the enforcement is carried out on more than a half of the shares in the ship subject to enforcement, the creditor who has proposed the enforcement may demand that the whole ship be sold and that his claim be settled only from the part of the purchase money relating to the share of the debtor;

(3) Any co-owner of the ship subject to enforcement shall be entitled before the commencement of the sale hearing to settle the claim of the creditor who has proposed the enforcement together with subsidiary claims and thus take his rank;

(4) Under equal conditions the co-owners shall have priority in the adjudication of the ship subject to enforcement over other participants at the auction;

(5) If several co-owners offer the same purchase terms, the court shall adjudicate the share subject to enforcement to the co-owners in equal parts.

#### 14. Ruling on the Distribution of the Purchase Money

##### Article 952

The court shall decide on the settlement of creditors and other persons claiming the right to settlement by a ruling after the hearing for the distribution of the purchase money, taking into account the situation arising from the register of ships, the documents of the enforcement proceedings and the results of the hearing for the distribution of the purchase money.

In the ruling on the distribution of the purchase money the court shall decide on any objections raised during the proceedings by individual creditors and other participants if the objections relate to a legal issue.

If the decision on an objection depends on the establishment of controversial facts, the court shall instruct the participant who has raised the objection within 15 days to file a lawsuit or institute administrative proceedings to determine the well-foundedness of the objection. If the person making the objection does not act in accordance with the court's order, it shall be deemed that the objection has not been raised.

The court shall postpone the decision on the settlement of the creditor whose claim is the subject matter of a lawsuit or administrative proceedings, and shall deposit the amount of the distribution estate relating to the contested claim with a bank as a savings deposit.

The court shall submit the ruling on the distribution of the purchase money to all the persons who must be summoned to the hearing for the distribution of the purchase money (see article 935, para. 2).

The provision of paragraph 3 of this article shall not be prejudicial to the right of the person who has contested a particular claim but who has not filed a lawsuit within the given time limit, to file a lawsuit against the person whose claim he has contested after the termination of the sale proceedings.

##### Article 953

A decision rendered in a dispute on the objections raised in the proceedings for the distribution of the purchase money shall be effective against all the creditors and assignees to whom the distribution attaches and against the debtor.

##### Article 954

When the ruling on the distribution of the purchase money becomes final, the court shall order erasure from the register of ships of all the rights and encumbrances entered on the ship sold, with the exception of those which remain after the sale.

#### Article 955

When the ruling on the distribution of the purchase money becomes final, the court shall hand over to individual creditors the sums due in cash if no lawsuit or administrative proceedings in connection therewith are in course, or if the time limit fixed for filing a lawsuit or instituting administrative proceedings has expired without success.

With respect to the sums which by the court's order must be deposited with a bank as a savings deposit, the court shall issue the necessary orders, unless otherwise specified by mutual agreement by the persons to whom these sums and interests are intended.

If the ruling on the distribution of the purchase money cannot be effected because a lawsuit or administrative proceedings thereon are in progress, the sum relating to this part of the ruling on the distribution shall be deposited with a bank as a savings deposit until the decision on the distribution becomes final.

### Chapter III ENFORCEMENT FOR THE PURPOSE OF DELIVERY OF THE SHIP

#### Article 956

In the enforcement proceedings for the purpose of delivery of a ship which is entered in a domestic register of ships, the provisions of articles 884, 890, and 891 of this Law shall apply as appropriate.

The proposal for rendering a ruling on the enforcement by delivery of the ship shall contain data as referred to in article 881 of this Law, with the exception of the data referred to in point (6) of that article.

The enforcement for the purpose of delivering a ship shall be governed in a suitable manner by the provisions of the general enforcement proceedings on the enforcement for the purpose of handing over movable property, unless otherwise specified in this Law.

#### Article 957

The enforcement for the purpose of delivering a ship which is in possession of the debtor shall be carried out so that the official person shall take the ship from the debtor and shall hand her over to the creditor, against a receipt.

The enforcement by delivery shall be carried out in accordance with the provisions of paragraph 1 of this article even when the ship is in possession of a third person who agrees to the ship being handed over to an official person.

If the third person does not agree to the ship being handed over to the official person, the creditor may propose to the executory courts to transfer to him the claim of the debtor towards the third person for the delivery of the ship.

#### Article 958

The court shall notify the creditor whose claims are secured by a judicial hypothec on the ship, and also those creditors about whom there exist data in the documents of the enforcement proceedings on the effected delivery of the ship.

Article 959

If the enforcement by means of delivery of the ship is carried out on a ship of foreign nationality, the court shall, instead of acting according to the provisions of article 884 of this Law, undertake what is necessary to notify the foreign body which keeps the register of ships in which the foreign ship on which the enforcement is being carried out is entered of the institution of proceedings for the delivery of the ship, unless otherwise provided for by an international agreement.

Chapter IV  
SECURITY

I. Establishment of a Judicial Hypothec

Article 960

In order to secure monetary claims on the basis of an enforceable document, the creditor may propose to the court the establishment of a judicial hypothec on the ship of the debtor.

Article 961

The establishment of a judicial hypothec as referred to in article 960 of this Law on ships entered in a register of ships shall be effected by inscription.

The establishment of a judicial hypothec, as referred to in article 960, on a ship which is not entered in a register of ships shall be effected by a pledgewise inventory of such ship,

The establishment of a judicial hypothec by means of pledgewise inventory as referred to in paragraph 2 of this article shall be entered in a temporary navigation certificate.

Article 962

In the ship register in which a judicial hypothec is entered there shall be designated the enforceability of the claim in whose favour the judicial hypothec is to be entered.

If for a claim a judicial hypothec has already been inscribed or a pre-emption entry of the judicial hypothec has already been made, the court shall order that a notice of the enforceability of the claim be entered in the register of ships.

For ships which are not entered in a register of ships, the enforceability of the claim shall be entered in the pledgewise inventory of the ship.

With respect to the effect of the inscription or notice or the pledgewise inventory of the ship made, the provisions of article 884, paragraph 3, of this Law shall apply.



Article 963

The provisions of article 884 of this Law pertaining to the submission of proposals for carrying out sale proceedings shall also correspondingly apply, as appropriate, to the procedure for the establishment of judicial hypothec.

Article 964

For ships which are not entered in a register of ships, the court may order that the enforceability of the claim, in addition to being entered in the pledgewise inventory of the ship according to the provision of article 962, paragraph 3, of this Law, also be entered in the temporary navigation certificate.

Article 965

A pledgewise inventory of a ship may only be made if the ship is in the possession or co-possession of the debtor.

If the latter is not known to the executory court, nor can this be made credible by the documents submitted, before ordering the pledgewise inventory the court shall hear the debtor thereon.

Article 966

The court shall notify the debtor of the ordered pledgewise inventory and denote the place and time of the description.

The pledgewise inventory of the ship shall be made on the spot by the specification of the items of the pledgewise inventory, which shall be recorded in a protocol.

If at the making of the pledgewise inventory a document is found on which the debtor's right of ownership on the ship is based, or this right or ownership is proved by this document, the court shall denote on the document that the pledgewise inventory has been made. When the judicial hypothec on the ship subject to enforcement has extinguished, the court shall upon proposal make a note on this document that the judicial hypothec has extinguished.

The court shall notify the parties of the pledgewise inventory.

Article 967

Until it has been established that the pledgewise inventory made is incorrect, security on the same ship in favour of another claim of the same or another creditor for whom the establishment of a judicial hypothec subsequently is sought on the same ship shall not be effected by a new pledgewise inventory, so that this subsequent security shall be effected only by a notice in the existing protocol on the pledgewise inventory of the ship.

Article 968

An appeal against a ruling allowing security by the establishment of a judicial hypothec shall not stay the enforcement of the ruling.

## 2. Pre-emption Entry of a Judicial Hypothec

### Article 969

A creditor may demand to have his monetary claims secured by means of a pre-emption entry of a judicial hypothec (or a maritime lien) on the basis of a domestic court decision which has not yet become final or enforceable, or on the basis of a court settlement for which the time limit for the voluntary performance of his obligation has not expired, if he makes credible that without this security the settlement of his claim would be in danger of being frustrated or greatly hindered

### Article 970

The security referred to in article 969 of this Law shall be effected on ships entered in a ship register by a pre-emption entry in the register of ships in which the ship is entered.

The security referred to in article 969 of this Law on ships which are not entered in a register of ships shall be effected by an inventory of the ship.

### Article 971

A ruling ordering the preliminary measure referred to in article 969 of this Law shall, among other things, specify the amount of the claim being secured together with interest and costs and the time of the duration of this security

If the time referred to in paragraph 1 of this article expires before the decision or the court settlement on the basis of which the preliminary measure was ordered becomes enforceable, the court shall, on the proposal of the creditor, extend the duration of the security, provided that the circumstances under which the preliminary measure was ordered have not changed.

The court shall discontinue the proceedings and set aside enforcement acts if within a term of 15 days from the date of the expiration of the time for which the preliminary measure was ordered conditions have not been met for enforcement for the purpose of the settlement of the creditor's claim or for securing by means of inscription of the judicial hypothec (article 960).

The court shall, even before the expiration of the time referred to in paragraph 3 of this article for which the security was ordered, discontinue the proceedings or set aside the acts done:

(1) If the debtor deposits in the court the sum of the claim which is being secured together with interest and expenses;

(2) If the debtor makes it credible that at the time when the ruling referred to in paragraph 1 of this article was ordered the claim had already been settled or sufficiently secured;

(3) If it is established by a final decision that the claim never arose or that it has extinguished;

(4) If the proposer of the security fails within 15 days from the date of the enforceability of the decision or court settlement on the basis of which the preliminary measure was ordered to propose security through the inscription of the judicial hypothec (article 960) or enforcement by sale of the ship for the purpose of settlement of his claim.

#### Article 972

In the proceedings for security by means of the preliminary measure of the pre-emption entry of a judicial hypothec, the provisions of article 961, paragraph 3, article 962, paragraph 4, and articles 963 to 968 of this Law pertaining to security by the establishment of a judicial hypothec shall apply.

#### 2a. Establishment of a Judicial Hypothec on a Ship on the basis of the Agreement of the Parties

#### Article 973

The provisions of the general enforcement proceedings on security by establishing a judicial hypothec on immovable and movable property based on the agreement of the parties involved shall also correspondingly apply to the establishment of a right of pledge on a ship, a ship under construction, ship's appurtenances and on the cargo on board, if so agreed by the parties, unless otherwise provided by this Law.

The provisions on the restriction of enforcement shall not apply in the proceedings referred to in paragraph 1 of this article if the sale of property is carried out for the purpose of the settlement of a claim secured by a judicial hypothec established in the course of such proceedings.

### 3. Provisional Measures

#### Article 974

Before the institution of, or in the course of, civil-law, enforcement or administrative proceedings the court may, for the purpose of securing the creditor's monetary claim, order at the proposal of the creditor any provisional measure whereby the purpose of such security is achieved, in particular the prohibition of the alienation or other kind of the disposal of the ship, watching and arrest of the ship, in accordance with the requirements of the general enforcement proceedings, unless otherwise specified by the provisions of this Law.

Provisional measures for securing the proposer's non-monetary claims shall also be allowed by the court in accordance with the requirements determined by the provisions of general enforcement proceedings, unless otherwise specified by the provisions of this Law.

#### Article 975

The provisional measure of arresting a ship shall consist in prohibiting the ship's departure from a port.

#### Article 976

Temporary arrest of a ship may be ordered only for the claims referred to in article 878, paragraphs 1 and 2, of this Law.

The provisions on the limitation of the temporary arrest of a ship only to the claims referred to in paragraph 1 of this article shall apply to foreign ships only if there is reciprocity between the State whose flag the ship flies and the Republic of Croatia.

Article 977

Any ship may be arrested on which there exists the right of ownership, or which is owned by the same personal debtors, or which, for the claim for which arrest is sought, is encumbered by a maritime lien or a hypothec or another right of pledge based on a foreign law and for other claims as referred to in article 878, paragraph 2, of this Law which relate to the ship.

If the debtor is a charterer by demise of the ship or a charterer who according to the law applicable to the contractual relation between him and the shipowner or ship operator is alone liable to third persons, this ship may be arrested or any other ship which is owned by the charterer by demise or charterer

The provision of paragraph 2 of this article shall also apply in all other cases when the ship operator or charterer who is a personal debtor, and who is not the owner of the ship, is himself liable for the claims for which the arrest of the ship is sought.

At a request which relates to the right of ownership, co-ownership and the right of pledge on the ship, only the ship to which this request relates may be arrested.

Article 978

If provisional measures are ordered to secure monetary claims, the court will free the ship from arrest or watching if securities and other property values are sufficient to cover the total amount of the claims for which the arrest is sought, on condition that these securities or other property values are available and transferable in favour of the creditor.

If claims are involved for which the debtor may limit his liability, the amount of the securities or other property values referred to in paragraph 1 of this Article need not be higher than the amount of limited liability.

When one of the courts on the territory of the Republic of Croatia frees a ship from arrest, on the basis of the provision of paragraph 1 of this article, no other court on the territory of the Republic of Croatia may order arrest either of this ship or of any other ship for the same claim and for the same creditor, provided that the securities or other property values given are still available and transferable in favour of the creditor.

Article 979

The court shall not order the arrest of a ship, and shall set aside an already allowed arrest, if the debtor proves that he has given in another State an adequate security or other property value for the same claim and for the same creditor, on condition that:

(1) The security or other property value meets the requirements referred to in article 978, paragraph 1, of this Law;

(2) The State on whose territory the security or other property value was given treats in the same way securities and other property values deposited in the Republic of Croatia.

Article 980

Giving a security or other property value shall not imply recognition of liability for the claims for which the security or other property value was given, nor renouncing the possibility of the limitation of liability.

Article 981

In a ruling ordering a provisional measure the court shall specify the time of its duration.

If the arrest of a ship is allowed before the institution of civil-law, enforcement or administrative proceedings, the creditor is bound to prove within 15 days that he has instituted civil-law, enforcement or administrative proceedings.

If the creditor, within the term referred to in paragraph 2 of this article, does not prove that he has instituted civil-law, enforcement or administrative proceedings, the court shall on the proposal of the creditor set aside the allowed provisional measure.

If the time referred to in paragraph 1 of this article expires before the requirements for enforcement or security through inscription or pre-emption entry of a right of pledge are met, the court shall on the proposal of the creditor extend its duration provided that the circumstances under which this measure was ordered have not changed.

If the time referred to in paragraph 1 of this article has expired and the conditions for the prolongation of the provisional measure ordered referred to in paragraph 4 of this article have not been met, the court shall discontinue, at the proposal of the debtor, the security proceedings and set aside the acts done.

Article 982

The security proceedings shall also be discontinued and the ordered provisional measure set aside if some of the requirements referred to in article 971, paragraph 4, points 1 to 3, of this Law have been met.

Article 983

The costs of the maintenance of the ship and of the maintenance of the crew during the time of the ship's arrest shall be borne by the owner of the ship, or the ship operator.

If the funds for the maintenance of the crew are not sufficient, the court shall order the creditor to advance the sum necessary for the maintenance of the crew.

The costs of watching the ship shall be advanced by the creditor.

The provisions of paragraphs 1 and 3 of this article shall not be prejudicial to the final bearing of these costs.

Article 984

The provisional measure of arrest of the ship shall not be prejudicial to the rights and duties of the parties arising from a contract for the carriage of goods or a contract for the carriage of passengers.

Article 985

When the court orders a provisional measure on the ship, the provisions of article 887 of this Law shall, without delay, appropriately apply according to the nature of the measure it has ordered.

Article 986

When the court allows the provisional measure of prohibition of the alienation or of disposal of the ship, it shall at the same time order that a notice thereof be entered in the register of ships in which the ship is entered.

When the court sets aside by a final ruling the provisional measure referred to in paragraph 1 of this article, or when this measure is terminated by force of law, the court shall order that the notice referred to in paragraph 1 of this article be erased.

Article 987

When the court has ordered a provisional measure on a ship under a foreign flag, the court shall, on the proposal of the creditor and at his expense, advise the competent foreign body on such a measure and on the setting aside of the same measure.

Article 988

In order to secure monetary claims and to secure non-monetary claims of the creditor against the person authorized to dispose of the cargo on board a ship, the court may allow the provisional measure in that it shall order the discharge of the cargo from the ship and its storage in a public warehouse or in another suitable place if the creditor pays to the ship operator the entire stipulated freight which has not yet been paid and makes good to him all the expenses he has incurred and which are not included in the freight.

If the delivery of the cargo on the basis of paragraph 1 of this article is demanded in a port in which according to the contract for the carriage of goods it was not to have been delivered, the court shall allow the provisional measure referred to in paragraph 1 of this article on condition only that the cargo can be discharged without endangering the safety of the ship and of other cargo, that the discharge does not cause any major delay in the arrival of the ship or a disturbance in its sailing schedule, that this does not cause damage to other persons who are authorized to dispose of the cargo, and that the discharge is not at variance with other important reasons.

PART ELEVEN  
ON THE APPLICABLE LAW AND COURT JURISDICTION OF THE REPUBLIC OF CROATIA

Chapter I  
GENERAL PROVISION

Article 989

The provisions of this part of the Law shall apply to all relations in seagoing navigation.

Chapter II  
ON THE APPLICABLE LAW AND EXCLUSIVE JURISDICTION OF COURTS IN THE REPUBLIC OF  
CROATIA FOR RELATIONS OF INTERNATIONAL CHARACTER (ELEMENT)

Article 990

The provisions of this chapter of the Law shall be applicable to any waterborne craft which is a ship according to Croatian law, as well as to any waterborne craft which is a ship according to the law of the State of its nationality.

Article 991

According to the law of the ship's nationality, the following shall be assessed:

(1) The duties and rights of the shipmaster with regard to ship management and the establishment of the rights and obligations of the shipowner or ship operator;

(2) The proprietary rights in the ship;

(3) The legal consequences of the events on shipboard to which the law of the place where the event has occurred shall be applied.

The provision of paragraph 1, point 3, of this article shall be applied to the events occurring on foreign ships in the territory of the Republic of Croatia, on condition that the State of the ship's nationality deals in the same way with ships of Croatian nationality.

Article 992

Croatian law shall be applied to the proprietary rights and interests in the ship under construction in the Republic of Croatia.

Article 993

The law of the ship's nationality shall be applicable to labour relations of members of the ship's crewmen.

Article 994

The law of the ship's nationality shall be applicable to the limitation of the ship operator's liability or of that of any other physical or legal person considered his equal pursuant to this Law.

Notwithstanding paragraph 1 of this article, this Law shall be applied if its provisions concerning the limitation of liability are stricter than the regulations of the State of the ship's nationality.

Article 995

The law of the parties' choice shall be applied to the navigational relations agreements.

Article 996

Notwithstanding the provision of article 995 of this Law, this Law shall be applied to the contracts of the employment of ships:

(1) Relating to the ship operator's liability for the damage, shortage or loss of cargo provided by the provisions of this Law the application of which cannot be excluded by the consent of the parties if the port of shipment or destination is in the Republic of Croatia;

(2) If the passenger would by the application of another law be put into a more disadvantageous position than by the application of the provisions of this Law;

An agreement concluded contrary to the provisions of paragraph 1 of this article shall have no legal effect.

Article 997

If the law of the parties' choice for application to the contract of employment of ships cannot be applied to the contract as a whole or to any of the relations arising from the contract, or if the parties have not expressly stated the law to be applied and their intention as to the application of a certain law cannot be determined by the circumstances of the case, the law that is in the closest relation with it shall be applied.

If it is not possible to establish which is the law that is the most closely related one with the contracts of employment of ships, the law to be applied shall be:

(1) The law of the place where the contract has been concluded - for the appraisal of the main rights and obligations of the contracting parties;

(2) The law of the State of the ship operator's citizenship or nationality, if the contract of passage or the contract of carriage of goods has been concluded on the basis of the ship operator's general conditions established in advance;

(3) The provisions of this Law, for the contract of towage.

In the case mentioned in paragraph 2 of this article the law to be applied to the manner of performing the subsidiary rights (such as the manner of loading and delivery of cargo, calculation of lay time and demurrage, the manner of freight payment and the like) shall be the law of the place where the actions in question have been performed or where they had to be performed.

Article 998

If the law the application of which the parties to the salvage agreement have selected cannot be applied to the contract in its entirety or to some of the relations arising from this contract, or if the parties have not expressly indicated the law to be applied, and their intention is not evident from the conditions of the case either, the contract or contractual relation shall be subject to the application of the law in the closest relation with it.

If it is not possible to establish which law is the most closely related one to the contract of salvage, the law of the State of the port or harbour in which the salvage operation has been completed shall be applied, or the law of the first port to which the salvaged ship arrived after the completion of the salvage operation.

In all other cases the provisions of this Law shall be applied.



#### Article 999

Notwithstanding the provisions of article 998 of this Law, application shall be made of:

(1) The provisions of this Law, if persons were being rescued without the simultaneous salvage of the ship or things on board, if all the persons were citizens of the Republic of Croatia or Croatian legal persons, or if the salvaging or salvaged ship, and in case there were a number of ships one of them being a Croatian warship or Croatian public ship;

(2) The provisions of article 652 paragraphs 1 and 2, articles 787 to 792, and article 796 and article 799 of this Law;

(3) The provisions of the law regulating the treatment of debts barred by the statute of limitations and provisions of this Law concerning the limitation period for claims (article 800);

(4) The law of the salvaging ship's nationality, for the sharing out of salvage money among the shipowner or ship operator of the salvaging ship and the crew of that ship.

An agreement concluded contrary to the provisions of paragraph 1 of this article shall have no legal effect.

#### Article 1000

Applicable to the compensation for damage in consequence of the collision of ships shall be:

(1) The law of the State in whose coastal sea or in whose internal waters the collision has taken place;

(2) The provisions of this Law, if the collision has occurred on the high seas.

As an exception to the provisions mentioned in paragraph 1 of this article, applicable to damages arising from the collision of ships shall be:

(1) If all the ships in collision are of the same nationality, the law of the State of their flag;

(2) If the ships in collision are of different nationalities and their States sharing the same law, the law of their States.

#### Article 1001

Except for the provisions of article 1000 of this Law referring for damages arising from the collision of ships to the application of foreign laws, application shall be made of:

(1) The provisions of this Law, if all the interested persons are citizens of the Republic of Croatia or Croatian legal persons, or if one of the ships in collision is a Croatian warship or a Croatian public ship;

(2) The provisions of article 762, paragraph 2, article 63, paragraph 1, and articles 764 to 769 of this Law;

(3) The provisions of the law regulating the statute of barred debts and the provisions of this Law concerning the period of limitation (article 771).

An agreement contrary to the provisions of paragraph 1 of this article shall have no legal effect.

Article 1002

In the case of general average, if the law chosen by the parties cannot be applied to the contract in its entirety, or to some of the relations attaching to the contract, or if the parties have not expressly indicated the law to be applied and their intention as to the application of a particular law cannot be ascertained on the basis of the circumstances of the event either, the law of the port in which the last part of the cargo which was on board at the moment of the performance of the act of general average was discharged, shall be applied.

If all the parties in the case of general average are citizens of the Republic of Croatia or Croatian legal persons, in the cases mentioned in paragraph 1 of this article, the Croatian law shall be applied.

Article 1003

To the relations from the contracts of construction, conversion or repair of ships the law of the location of the shipyard shall be applied if the contracting parties have not indicated the law to be applied in these contracts or part of them, or if the law indicated cannot be applied in its entirety or in parts only.

Article 1004

To the contract of marine insurance and relations attaching to it the law indicated by the contracting parties shall be applied. If the parties have not contracted an applicable law, the law of the insurer's domicile shall be applied.

Except for the provision of paragraph 1 of this article, Croatian law shall be applied to the relations attaching to the contracts of marine insurance if all the interested parties are citizens of the Republic of Croatia, with permanent residence in the Republic of Croatia, and the insured objects in question are exposed to the risks covered exclusively in the territory of the Republic of Croatia.

Article 1005

The form of the legal act in the navigational relation shall be assessed according to the law of the place where the act has been performed, or where it had to be performed, or according to the law applicable to the navigational act in its entirety.

Article 1006

The provisions of this Law concerning the raising of sunken objects shall be adequately applied also to the salvage of objects sunk outside the coastal sea and the internal waters of the Republic of Croatia if a Croatian legal person or citizen of the Republic of Croatia has a claim to the property right of the objects in question and the objects are salvaged by a Croatian commercial company, another Croatian legal person or a citizen of the Republic of Croatia.

Article 1007

If this Law does not contain provisions concerning the law applicable to any relation in this part of the law, these relations shall in an adequate way be dealt with by applying the provisions and principles of other laws regulating the relations of international character, the principles of this Law, provisions and principles of the legal order of the Republic of Croatia and the generally accepted principles of international civil law.

Article 1008

The foreign law which would be applicable according to the provisions of this Law, if its application would serve only in order to avoid the laws of the Republic of Croatia, shall not be applied.

Article 1009

The Croatian court has the exclusive jurisdiction in:

- (1) Court proceedings concerning the salvage money for Croatian warships and public ships, the damages arising from the collisions of ships one of them being a Croatian warship, or a Croatian public ship;
- (2) Court proceedings mentioned in articles 430, 431 and 432 of this Law arising in the course of and in connection with the procedure of dealing with the limited liability of the ship operator conducted by a Croatian court (article 434);
- (3) Proceedings arising in the course of and in connection with a court executive action concerning ships conducted by the Croatian court (articles 870-873).

PART TWELVE  
MARITIME OFFENCES

Chapter I  
COMMON PROVISIONS

Article 1010

A maritime offence is the violation of the regulations governing relations in the internal waters and the territorial sea, on their shores, in the ports and ships in connection with the safety of navigation and the protection of human life and the surroundings, as well as traffic on the sea.

The maritime offences proceedings shall be conducted according to the regulations on offences.

Article 1011

The Commission for Offences at the harbourmaster's office shall conduct the maritime offences proceedings.

The Commission for Offences mentioned in paragraph 1 of this article may be set up also for the area of two or more harbourmasters' offices.

Article 1012

The ruling reached by the Commission for Offences at the harbourmaster's office may be appealed against by lodging a complaint with the Commission for Offences at the Ministry.

Article 1013

The Commission for Offences shall consist of the Chairman and two members. Deputies shall be appointed for the Chairman and members of the Commission.

The Chairman of the Commission and his deputy, as well as the members of the Commission and their deputies, shall be appointed from among the specialists of the harbourmaster's office, or the Ministry, or of other bodies and commercial companies in the shipping trade.

The Chairman, members of the Commission and their deputies shall be appointed for a period of two years and may be reappointed, but may be relieved also before the expiry of their term of office.

The Commission for Offences shall be appointed by the harbourmaster, and the Commission for Offences at the Ministry shall be appointed by the Minister

The Commission for Offences mentioned in article 1011, paragraph 2, of this Law shall be appointed with the consent of the harbourmasters.

Chapter II  
OFFENCES

Article 1014

The foreign legal person shall be fined with a pecuniary penalty ranging from 800 to 2,000 DEM in national currency counter-value for a maritime offence:

(1) If the foreign merchant ship enters the internal waters without the intention of entering a port of the Republic of Croatia open to international seaborne traffic, or a port in which the shipyard where the ship is to be repaired is situated (article 8);

(2) If the foreign yacht sails without permission in the internal sea waters of the Republic of Croatia, omitting to enter port in order to be given such permission (article 12);

(3) If the foreign merchant ship sailing in the internal waters in order to make a port of the Republic of Croatia open to international traffic or leaving that port or sailing between the ports of the Republic of Croatia open to international traffic does not use for this purpose the prescribed traffic lanes (article 8, para. 2);

(4) If the foreign ship carries things or persons in the internal waters or the territorial sea of the Republic of Croatia without the permission of the competent body (article 9, para. 3, point (2));

(5) If the foreign ship enters the internal waters of the Republic of Croatia without permission;

(6) If the foreign ship enters the prohibited zone in the internal waters of the Republic of Croatia without the approval of the competent body (article 16, para. 3);

(7) If due to *force majeure* or distress at sea the foreign ship has taken refuge in the internal waters of the Republic of Croatia without informing the harbourmaster's office or the harbourmaster's branch office of the fact (article 17);

(8) If the foreign ship sails in the security zone surrounding the facility or installation for the exploration and exploitation of natural and other resources of the economic zone or continental shelf of the Republic of Croatia through which navigation is prohibited (article 38);

(9) If the foreign fishing ship while passing the internal waters or the territorial sea of the Republic of Croatia catches fish or if the catch, fishing tackle and equipment serving for fishing or catching other marine animals in the sea or on the seabed is not kept in the ship's holds or under seal, or does not sail following the prescribed sea lanes, or in passing sails at a speed under 6 knots, or in passing stops and anchors in the internal waters or in the territorial sea of the Republic of Croatia, and this stopping and anchoring is not caused by *force majeure* or distress at sea, or has no visibly displayed fishing ship mark (article 26, paras. 2 and 3).

The person in the foreign legal entity responsible for the offence mentioned in paragraph 1, points (1) to (9), of this article shall be fined with a pecuniary penalty ranging from 800 to 2,000 DEM in national currency counter-value.

The shipmaster of the foreign ship or the person substituting for him on the ship shall be fined with a pecuniary penalty ranging from 800 to 2,000 DEM in national currency counter-value for the maritime offence mentioned in paragraph 1, points (1) to (9), of this article.

#### Article 1015

The legal person exploiting the ship that has entered the prohibited zone in the internal waters or sails through the prohibited zone in the internal waters in violation of the conditions prescribed (article 16) shall be fined for the maritime offence with a pecuniary penalty ranging from 800 to 2,500 DEM in national currency counter-value.

The responsible person in the legal entity's employ shall be fined with a pecuniary penalty ranging from 800 to 1,200 DEM in national currency counter-value for the maritime offence for the acts mentioned in paragraph 1 of this article.

The shipmaster or any other person acting in his stead on this ship shall be fined with a pecuniary penalty ranging from 800 to 1,200 DEM in national currency counter-value for the offence for the acts mentioned in paragraph 1 of this article.

#### Article 1016

The person engaging in activities with means in his private ownership who commits the offence mentioned in article 1035, paragraph 1, point 1, of this Law shall be fined with a pecuniary penalty ranging from 650 to 2,500 DEM in national currency counter-value.

The crew member of the foreign warship who at the time his ship is undergoing repairs leaves the precincts of the port without the permission of the internal affairs body competent for the frontier crossing control shall be fined for the offence with a pecuniary penalty of 1,200 DEM in national currency counter-value.

Article 1017

The legal person shall be fined with a pecuniary penalty ranging from 1,000 to 15,000 DEM for the marine offence:

- (1) If they use the maritime demesne or exploit it commercially without permission (article 51, para. 3);
- (2) If they build, add to the building or reconstruct it on the maritime demesne or expand the land area into the sea by filling up without the approval of the competent body (article 73);
- (3) If they deposit materials into the sea or on the seashore without the approval of the competent body (article 14);
- (4) If in case of *force majeure* or distress at sea while these circumstances last they forbid other persons access to the maritime demesne (article 54, para. 2);
- (5) If notwithstanding the prohibition they order or permit the ship to leave port regardless of the fact that the security for the compensation of the damage caused by the pollution of the sea has not been deposited (article 78).

The physical person and the responsible person in the employ of the legal person shall be fined for the maritime offence mentioned in paragraph 1 of this article with a pecuniary penalty ranging from 500 to 5,000 DEM in national currency counter-value for the maritime offence mentioned in paragraph 1 of this article.

Article 1018

The legal person shall be fined with a pecuniary penalty ranging from 500 to 2,000 DEM in national currency counter-value for the maritime offence:

- (1) If while unloading, transshipment or loading mineral or other oils no measures are taken for efficient prevention of the discharge or leakage of oil, or in a proper manner prevented the spreading of the oil escaped into the sea (article 80, para. 1);
- (2) If in the maritime demesne activities are undertaken that may endanger the life and health of people, cause damage to ships and other facilities or pollute the maritime demesne (article 76);
- (3) If solid materials are dumped or liquid or gaseous materials discharged into the sea thereby polluting the maritime demesne (article 75, para. 1).

The responsible person in the legal entity's employ shall also be fined with a pecuniary penalty ranging from 250 to 1,200 DEM in national currency counter-value for the maritime offence mentioned in paragraph 1 of this article.

Article 1019

The shipmaster or the person acting in his stead shall be fined with a pecuniary penalty ranging from 200 to 950 DEM in national currency counter-value for the maritime offence:

- (1) If he ignores the order given by the harbourmaster's office to put out to sea to render assistance to the ship on fire or in distress of any kind (article 97),
- (2) If regardless of the banning order of the harbourmaster's office he leaves port neglecting the fact that the security for the indemnification for the damage caused by pollution has not been deposited (article 78).

The shipmaster or the person acting in his stead shall be fined with a pecuniary penalty if he commits the maritime offence mentioned in article 1017, paragraphs 1, 2, 3 and 4, of this Law.

#### Article 1020

The owner or leader of the boat shall be fined with a pecuniary penalty ranging from 120 to 400 DEM in national currency counter-value for the maritime offence mentioned in article 1021 and article 1019, point (1), of this Law.

#### Article 1021

The citizen who fails to inform the nearest harbourmaster's office or its branch office, or the competent body of the County that the marine public demesne has been polluted (article 75, para. 3) shall be fined for the maritime offence with a pecuniary penalty ranging from 400 to 2,000 DEM in national currency counter-value.

The citizen who commits the offence mentioned in article 1017, points (1), (2) and (3), of this Law shall also be fined with the pecuniary penalty mentioned in paragraph 1 of this article.

#### Article 1022

The shipmaster or the person acting in his stead who, in violation of the provision of article 778 of this Law, does not render assistance to the ship in collision with the ship under his command, shall be fined with a pecuniary penalty ranging from 300 to 2,500 DEM in national currency counter-value.

#### Article 1023

The commercial company or any other legal person shall be fined for the maritime offence with a pecuniary penalty ranging from 300 to 2,500 DEM in national currency counter-value:

(1) If they fail to submit the request for revised tonnage measurement of the Croatian ship before the completion of the reconstruction work altering the gross or net tonnage of the ship, or fail to submit such request on the arrival of the ship in the first Croatian port if the reconstruction work on the ship has been carried out in a foreign country, and the tonnage measurement of the ship has not been carried out abroad in compliance with the provisions of this Law (article 127);

(2) If they open trade or continue to trade with a ship lacking in any of the ship's papers or books prescribed by this Law or regulations brought in on the basis of this Law (articles 130-145);

(3) If they engage in the capacity of the ship's commander a person not in possession of a seaman's book (article 15, para. 1);

(4) If the ship has no name and does not show the name of the port of registration, or if the technical waterborne craft and floating facility have no mark and do not bear the name of the port of registration, or if they show these marks although not having the right to do so (article 197 and 198);

(5) If they salvage sunken things although not entitled to do so (article 803);

(6) If they do not take or do not take within the time given adequate measures or complete the necessary work ordered by the decision of the safety of navigation inspection (articles 187, 188, 189 and 190).

For the offences mentioned in paragraph 1, points (1) to (5), of this article a fine of a pecuniary penalty ranging from 300 to 1,200 DEM in national currency counter-value for the maritime offence shall be imposed also on the responsible person in the commercial company or other legal entity.

#### Article 1024

With a pecuniary penalty in national currency counter-value ranging from 300 to 2,500 DEM and a prison term of up to 60 days shall be punished for the maritime offence the shipmaster of the foreign nuclear ship or the person acting in his stead if the ship enters without permission a Croatian port (article 95, para. 2).

#### Article 1025

With a pecuniary penalty in national currency counter-value of 300 to 2,500 DEM shall be fined for the maritime offence the shipmaster of a foreign ship or the person acting in his stead:

(1) If pilotage is carried out in the internal waters and the territorial sea of the Republic of Croatia (article 103);

(2) If the ship, without the approval of the competent body, engages in the towage that begins and finished in Croatian ports without calling at foreign ports (article 645).

#### Article 1026

A pecuniary penalty in the national currency counter-value ranging from 300 to 2,500 DEM for the maritime offence shall be imposed upon:

(1) The shipmaster of a foreign ship or the person acting in his stead, of a ship carrying more than 2,000 tons of oil if the ship has no insurance certificate or other financial security covering the liability for the damage caused by oil pollution when entering or leaving a port in the Republic of Croatia or loading or unloading oil in these ports (article 96);

(a) If he does not take or does not take within the given time adequate measures he has been ordered to take by the decision of the safety of navigation inspector;

(2) The shipmaster of the Croatian ship or the person acting in his stead;

(a) If the ship carrying a radio-station does not organize a round-the-clock listening watch in compliance with the radio regulations (article 89);

(b) If he leaves port in a ship with an insufficient number of duly qualified crew members (article 148);

(c) If he does not lead the ship in person when the safety of the ship calls for it, and especially when the ship is entering port, a channel or river of leaving them and in any other case when called for by the safety of the ship and navigation (article 165, para. 2);

(d) If in case of impending danger of war or setting in of a state of war between the Republic of Croatia and another State he does not take every measure that seems imperative with regard to the ship, persons and cargo on board (article 171, paras. 1 and 2);

(e) If in case of the onset of a state of war between other States, in which the Republic of Croatia is a neutral party, the ship happens to be in the port of a belligerent State or heading for the port of a belligerent State or has to pass through the internal waters and territorial sea of a belligerent State he does not ask for instructions from the ship operator, and if this is not possible - from the competent Croatian bodies (article 171, para. 3);



(f) If during the ship's voyage he does not take the necessary measures against the crew member, passenger of other person on board who has committed a criminal offence to prevent or mitigate the occurrence of untoward consequences of the offence and does not call the offender to account (article 177, paras. 1, 2 and 4);

(g) If he does not inform the competent harbourmaster's office of the shortcomings mentioned in article 159, paragraph 1, point (2) (article 150, para. 2);

(h) If he does not take, or does not take within the given time, adequate measures he has been ordered to take by the decision of the safety of navigation inspector (articles 186, 191 and 192).

#### Article 1027

The crew member of the ship or the crew member of the boat who by a breach of his duty prescribed by this Law fails to act in compliance with the rules of navigation and thereby endangers the safety of traffic or damages the ship or the cargo in it or endangers the safety of the passengers aboard or of the other crew members shall be fined for the maritime offence with a pecuniary penalty ranging from 300 to 2,500 DEM in national currency counter-value (article 150).

#### Article 1028

The shipmaster, or the shipmaster of the foreign ship or the person acting in his stead, if the ship coming from abroad communicates with other ships, physical and legal persons on land before he receives *free pratique* from the competent bodies in the port, shall be fined for the maritime offence with a pecuniary penalty ranging from 300 to 2,500 DEM in national currency counter-value (article 100).

#### Article 1029

The shipmaster or the person acting in his stead shall be fined for the maritime offence with a pecuniary penalty ranging from 300 to 2,500 DEM in national currency counter-value:

(1) If the ship does not sail within the prescribed limits of navigation or in violation of the prescribed intention, or if he undertakes a voyage for which the ship is not rated as seaworthy (article 110);

(2) If in violation of the provisions of article 122 of this Law he carries passengers in a ship that is not a passenger ship;

(3) If in violation of the provisions of article 110, paragraph 1, point (3), of this Law he takes on board a larger number of passengers than the allowed number;

(4) If he loads and trims the cargo on board in violation of the provisions of article 110, paragraph 1, point (4), of this Law;

(5) If the ship is not in possession of any of the ship's documents and books mentioned in articles 128 to 135 inclusive of this Law or in the rules passed on the basis of this Law and/or if the data in compliance with article 128, paragraph 2, of this Law are not entered in the ship's books;

(6) If he refuses to produce the ship's documents and books at the request of the competent bodies (article 130);

(7) If he fails to perform the boat and other drills with life-saving means and installations for detecting, preventing and fighting fires within the prescribed periods of time (article 174, para. 2);

(8) If he fails to maintain in working order the machinery, installations and equipment on board or neglects to take care of the safety of the ship's installations for the embarkation and landing of passengers, dangerous and other cargo, and the correct embarkation, accommodation and debarkation of passengers (article 164, para 1);

(9) If he is not on board during the voyage (article 164, para. 3).

#### Article 1030

The shipmaster or the person acting in his stead shall be fined with a pecuniary penalty ranging from 300 to 2,000 DEM in national currency counter-value for the maritime offence:

(1) If he signs on as a crew member a person who is not in possession of a seaman's book or permission to sign on (article 153, para 1);

(2) If every measure taken to save the ship in danger has remained futile and if the loss of the ship in unavoidable he fails to take every measure necessary to save the ship's logbook and if the circumstances of the event permit it, also measures to save other ship's books, ship's papers, sea charts of the voyage in question and cash in the ship's strongbox (article 167);

(3) If in case of an occurrence on board during the voyage endangering the safety of the ship, the towed or pushed ship or the safety of navigation or of an exceptional incident occurring on the ship, the towed or pushed ship, affecting the passengers, other persons or things on board or on the towed or pushed ship, he fails to submit a report together with the extract from the logbook to the competent body in the country or abroad (article 168, paras. 1, 2 and 3);

(4) If he fails to inform the Croatian Register of Shipping or the adequate bodies of the maritime administration of the accidents or defects mentioned in article 170, paragraph 1, points (1) and (2);

(5) If he fails to put on record in the prescribed form the fact of the birth and death and of the receiving of the last will deposition and to submit it to the competent body in the first domestic port, and in a foreign country, to the nearest diplomatic or consular mission of the Republic of Croatia (article 168, para. 5);

(6) If he fails to transmit by radio-communication information of any imminent danger for the safety of navigation he comes across (article 69);

(7) If he fails to submit a report on the criminal offence committed on the ship while in a foreign country to the diplomatic or consular mission of the Republic of Croatia in the country at whose port the ship first calls after the criminal offence has been committed, or if he fails to deal with the perpetrator of the criminal offence in compliance with the instructions of that diplomatic or consular mission (article 177, para. 3);

(8) If he fails to report the arbitrary abandonment in a foreign country of the crew member who is a citizen of the Republic of Croatia to the body mentioned in article 178 of this Law;

(9) If he fails to enter in the ship's logbook within the given time and in the prescribed form the description of the events, actions and measures taken that he is obliged to record in the ship's logbook (article 168, paras. 2 and 4, article 169, para. 2, article 174, para. 3, article 176, para. 2, article 177, para. 5, and article 178, para.3);

(10) If he fails to enter in the ship's logbook the reasons why he had neglected to go to the assistance of persons in danger and to undertake their salvage, or the reasons why he has failed to undertake the salvage of the ship and things on board (article 779);

(11) If he fails, although he has been able to do so, to make known to the ship in collision with the ship under his command, the name of the last port from which he has sailed and the name of the port he is bound for (article 770).

Article 1031

The crew member of the ship shall be fined for the maritime offence with a pecuniary penalty ranging from 300 to 2,000 DEM in national currency counter-value if he dumps overboard on the navigable waterway things or materials that may obstruct or endanger navigation or present danger from pollution (article 99, para. 2).

Article 1032

A person shall be fined for maritime offence:

(1) With a pecuniary penalty ranging from 300 to 2,500 DEM in national currency counter-value:

(a) Who as the contractor of the ship commits the offence mentioned in article 1037, paragraph 1, Point (3), of this Law;

(b) Who as the shipowner commits the offence mentioned in article 1023, paragraph 1, Point (5), of this Law;

(c) Who commits the offence mentioned in article 1023, para. 1, point (2) of this Law;

(2) With a pecuniary penalty ranging from 300 to 2,500 DEM in national currency counter-value:

(a) Who as the shipowner commits the offence mentioned in article 1023, points (1), (3) and (4), of this Law;

(b) If he commits the offence mentioned in article 1018 of this Law.

Article 1033

In addition to the penalty for the maritime offence mentioned in article 1026, point (2) (a), article 1027 and article 1022 of this Law the crew member of the ship or boat may as a precautionary measure be suspended from performing all or some of the jobs covered by his certificate on any ship, for the duration of two years.

Article 1034

In addition to the penalty prescribed for the maritime offence mentioned in article 1014, point (9), the foreign legal person shall be subjected to the precautionary measure of confiscation of the ship, catch and fishing gear and equipment used in fishing or catching seabed inhabitants:

(a) If the same offence had before been committed by the same ship and for which offence the competent body in the Republic of Croatia has pronounced a penalty, or if the shipmaster has during the past five years been punished for the same offence;

(b) If the fishing or catching of other animals in the sea or on the seabed is carried out by means of the fishing gear and equipment for fishing or catching other animals in the sea and on the seabed the use of which is prohibited or restricted by the Croatian regulations;

(c) If the fishing or catching of other animals in the sea or on the seabed is carried out in the fishing reservation or if kinds of fish or other animals in the sea or on the seabed are being caught during the close season for that kind of animals;

(d) If the shipmaster or crew member of the ship ignores the order of the body of the Republic of Croatia authorized to stop the ship, offers active resistance to the bodies carrying out the inspection of the ship, or by some other action endangers the life of people or property.

#### Article 1035

The legal person shall be fined with a penalty ranging from 650 to 19,000 DEM in national currency counter-value:

(1) If they explore or exploit the natural or other resources of the economic zone or continental shelf of the Republic of Croatia in a way that it unjustifiably obstructs navigation, fishing, protection of the resources of the sea or basic oceanographic or other scientific research work of public interest (article 45, para. 1);

(2) If they, contrary to the conditions envisaged by this Law or the rules brought in on the basis of this Law, explore or exploit the natural resources and other resources in the economic zone or continental shelf of the Republic of Croatia (article 46);

(3) If they fail to mark with the permanent prescribed lights or other signals the equipment and installations erected in the economic zone or continental shelf of the Republic of Croatia for the purpose of exploring or exploiting the natural and other resources, or fail to remove these installations and equipment when they cease to be employed or exploited for the purpose for which they have been built, or if they fail to make known in due time the necessary data concerning them (article 46);

(4) If they fail to take adequate measures for the protection of the sea, or of the seabed and marine environment from noxious waste when exploring or exploiting the natural and other resources in the economic zone or continental shelf of the Republic of Croatia and in the safety zones established around the equipment and installations for exploring and exploiting the natural and other resources in these areas (article 42);

(5) If they install the equipment or installations for the exploration or exploitation of the natural or other resources in the economic zone or continental shelf of the Republic of Croatia in places where they could impede the use of the recognized international navigable waterway (article 39).

For the offences mentioned in paragraph 1 of this article shall be fined also the responsible person in the legal entity with a pecuniary penalty ranging from 650 to 1,200 DEM in national currency counter-value.

#### Article 1036

The commercial company or other legal person shall be fined with a pecuniary penalty ranging from 650 to 19,000 DEM in national currency counter-value:

(1) If they fail to organize the control of the work intended to provide for the safety of navigation (article 82, point (1));

(2) If they fail to ensure the permanent control intended to provide for the safety of navigation (article 82, point (2));

(3) If they fail to remove from the navigable waterway at the request of the competent body the damaged, stranded or sunken waterborne craft obstructing or endangering the safety of navigation or presenting potential danger from pollution (article 99, para. 1).

For the offences mentioned in paragraph 1 of this article shall be fined also the responsible person in the commercial company or other legal entity with a pecuniary penalty ranging from 300 to 1,200 DEM in national currency counter-value.

Article 1037

The commercial company or other legal entity shall be fined for the offence with a pecuniary penalty ranging from 500 to 15,000 DEM in national currency counter-value:

- (1) If they fail to keep records of the prescribed data important for the safety of navigation (article 82, point (3));
- (2) If they fail to maintain the port in a condition ensuring safe navigation (article 92);
- (3) If they fail to submit for approval the technical documentation on the basis of which the ship is being built or reconstructed (article 112).

For the offences mentioned in paragraph 1 of this article shall be fined also the responsible person in the commercial company or other legal entity with a pecuniary penalty ranging from 300 to 1,200 DEM in national currency counter-value.

PART THIRTEEN  
AUTHORIZATIONS; TRANSITIONAL AND FINAL PROVISIONS

Article 1038

If after entry into force of the Law on the Maritime and Water Estate Public Demesne, Ports and Harbours (Official Gazette/"Sluzbeni list" Nos. 19/74, 30/75, 17/77 and 18/81) proprietary law or other proprietary interest in the maritime demesne existed, the person who had acquired that interest on account of a valid legal title and manner of acquiring it and that interest still obtained on the day of entry into force of this Law, the competent public legal officer shall institute proceedings to the expropriation of property in the facility in question, on the understanding that the former owner shall obtain the right of using the facility on the strength of the concession without paying compensation for the period when the amount of the established compensation for the use of the maritime demesne has reached the amount of compensation for the expropriated ownership of the facility.

The provision of the preceding article shall not apply to facilities of cultural, humanitarian, religious, historical or other public significance. The part of the maritime demesne in which these facilities are located shall be excluded by the decision of the Government of the Republic of Croatia from public use as maritime demesne to the extent which limits the public use of the neighbouring parts of the maritime demesne in the slightest degree.

If the owner of a certain maritime demesne or holder of a proprietary interest in the maritime demesne is not in a position to prove a rightful title and manner of acquiring it, the competent legal officer shall through regular court proceedings demand the estate in question to be declared maritime demesne. This person shall have no claim on compensation for damage and may remove the new facilities and buildings constructed if this is by the nature of things possible to do without damaging the maritime demesne.

Article 1039

After the entry into force of this Law the County Office for Maritime Affairs on whose territory the maritime demesne is situated shall publish three times in the official gazettes and in the major daily papers, as well as on the notice boards in the Communes on whose territory the maritime demesne is situated, an invitation addressed to every user of the maritime demesne who has acquired this right according to the Law on the Maritime and Water Estate Public Demesne, Ports and Harbours (Official Gazette/"Narodne novine" Nos. 19/74, 39/75, 17/77 and 18/81) to report within six months from the date of the third notice in the Official Gazette the decision on the right of the maritime demesne utilization.

The decision on the right of the maritime demesne utilization that has not been reported in due time shall be no longer in force.

The concessionaire who reports the decision as mentioned in paragraph 1 of this article shall submit proof of the acquired right of maritime demesne utilization, its extent and legal title of the acquisition. If the concessionaire fails to produce valid proof he shall be considered as not having acquired the right of maritime demesne utilization.

The lessor (i.e. authority) granting concession for the use of the maritime demesne shall exchange the decision on the right of maritime demesne utilization for a decision and agreement concerning the concession in compliance with this Law.

#### Article 1040

The decision on the right of maritime demesne utilization issued before the entry into force of this Law offending the provisions of the special rules on the protection of the environment shall cease to be valid after a period of two years according to the programme worked out in a year's time from the entry into force of this Law by the Ministry. The buildings erected on the basis of this decision shall be removed from the maritime demesne at the expense of the income realized from the royalties for the concessions.

#### Article 1041

The Government of the Republic of Croatia, besides the authorization to pass regulations in compliance with the provisions of this Law, shall regulate within a year's time from the day of entry into effect of this Law:

- (1) The conditions for the arrival and stay of foreign yachts and boats intended for pleasure and sports in the internal waters and territorial sea of the Republic of Croatia;
- (2) The access to, passage through and stay of foreign warships and exploration ships in the internal waters and territorial sea of the Republic of Croatia;
- (3) The conditions to be complied with by the ports;
- (4) The status of the ports, or part of the port, intended for international traffic or exclusively for military requirements and their limits.

#### Article 1042

The Parliament of the Republic of Croatia shall decide on the declaration of the economic zone of the Republic of Croatia.

The provisions of article 33 to article 42 of this Law shall apply when the Parliament of the Republic of Croatia has made the decision mentioned in paragraph 1 of this article.

#### Article 1043

The Minister in the Ministry competent for maritime affairs, besides the authorization to make the rules envisaged in this Law, shall within three years from the day of entry into force of this Law make regulations relating to:

- (1) The minimum number of crew members required for safe navigation obligatory on seagoing ships of the mercantile marine of the Republic of Croatia;

(2) The display and flying of the flag of the mercantile marine of the Republic of Croatia;

(3) The marks on the navigable waterways and internal waters and the territorial sea of the Republic of Croatia;

(4) The qualifications, occupations, conditions and ways of obtaining certificates of crew members of the mercantile marine of the Republic of Croatia;

(5) The special certificates of the crew members on board the ships of the mercantile marine of the Republic of Croatia and the examination programme to obtain these certificates;

(6) The prevention of collisions at sea;

(7) The registry of ships in the appropriate register books, with the data to be entered in sheet A of the main ship register, the set of documents, auxiliary books kept in connection with the ship register books and specimen forms of these documents and books;

(8) The documents and books that shall be in possession of the ships of the mercantile marine of the Republic of Croatia, the conditions and manner of their issuing, the contents and forms and manner of entering data in these documents and their record-keeping;

(9) The giving of names and identity marks of the ships and record-keeping of the ships' names;

(10) The seamen's discharge books and approvals to sign on;

(11) The performance of the trial trip;

(12) The investigation of ship accidents;

(13) The trade category of seagoing ships;

(14) Compulsory pilotage in designated areas of the internal waters and territorial sea of the Republic of Croatia;

(15) The ban on navigation in the Pelješac and Koločep channels and parts of the Srednji kanal, the Murter sea and Žirjanski kanal;

(16) The conditions to be complied with by the commercial company engaging in the business of pilotage;

(17) The qualifications, certificates and other conditions and obligations to be complied with by the pilot;

(18) The pilot's identification mark;

(19) The manner of marking pilot ships and boats and the pilotage signal letters;

(20) The amount of pilotage fees;

(21) The qualification, examination and other conditions to be complied with by the safety of navigation inspector;

(22) The manner of the entering of boats in the boat record book, or the boat registration form, conditions and manner of ascertaining the seaworthiness of boats and the manner of designating the name and mark of boats;

(23) The examination of vocational ability and issuing of certificates to crew members of mercantile marine ships;

(24) The setting up and marking of pontoon bridges and conditions of navigation through the openings in these bridges;

(25) The procedure in case of childbirth or death, discovery of abandoned newborn child, last will and testament taking and procedure with the property of the deceased on shipboard;

- (26) Navigation in entering the port of Šibenik, passing the Pašman Strait, Mali Ždrelac and Vela Vrata, and the Marlera Cape region;
- (27) The navigation on the Neretva and Zrmanja rivers;
- (28) The competency of harbourmasters' offices in the matter of issuing seamen's books;
- (29) The competency of harbourmasters' offices in the matter of the registry of ships;
- (30) The minimum number of qualified workers manning the floating facilities on the sea;
- (31) The conditions and manner of maintaining order in the ports and other parts of the internal waters and territorial sea of the Republic of Croatia and limits of navigation of ships and boats outside the ports;
- (32) The kinds of bathing sea beaches and the conditions they have to comply with;
- (33) The criteria for determining the amount of port dues;
- (34) The performance of the meteorological service on seagoing ships;
- (35) Navigation on the territorial sea and internal waters of the Republic of Croatia;
- (36) The discharge of duties and watchkeeping of the crew members in seagoing ships of the mercantile marine of the Republic of Croatia;
- (37) The safety of navigation and protection of human life at sea;
- (38) The engagement in underwater activities in the internal waters and territorial sea of the Republic of Croatia;
- (39) The amount of the charges for issuing to foreign waterborne craft approval for engaging in coastal trade in the internal waters and territorial sea of the Republic of Croatia;
- (40) The conditions under which and manner in which to undertake the loading and unloading of dangerous materials, bulk and other cargoes in ports and the manner of preventing the diffusion of spilled oil;
- (41) The conditions for the engagement in shipping agency activities;
- (42) The conditions under which foreign physical and legal persons may engage in exploration, examination, photographing and surveying the sea, seabed or marine subsoil of the internal waters and territorial sea of the Republic of Croatia;
- (43) The conditions under which foreign physical and legal persons may engage in scientific research work in the economic zone of the Republic of Croatia;
- (44) The amount of compensation for the safety of navigation paid by foreign yachts and boats intended for pleasure or sports.

#### Article 1044

The Minister in the Ministry competent for maritime affairs shall in agreement with the Minister of Defence within a year's time from the entry into force of this Law pass regulations:

(1) Relating to the use of navigable waterways by foreign warships, foreign tankers, foreign nuclear ships and other foreign ships carrying nuclear or other dangerous or noxious materials during innocent passage through the territorial sea of the Republic of Croatia.

The Minister in the Ministry competent for maritime affairs shall in agreement with the Minister or Defence, the Minister of the Interior, the Minister of Agriculture and Forestry and the Minister of Health pass:

(1) Regulations relating to the handling of dangerous materials in ports and harbours.



The Minister of Agriculture and Environmental Protection in agreement with the Minister shall pass:

- (1) Regulations relating to the dumping of waste materials into the sea.

#### Article 1045

Within two years' time from the entry into force of this Law in agreement with the Minister in the Ministry competent for maritime affairs,

- (1) The Minister of Health shall pass:

- (a) Regulations relating to the establishment of conditions of physical fitness of crew members of seagoing ships;

- (b) Regulations relating to the minimum equipment and content of the ship's dispensary.

- (2) The Minister of the Interior shall issue:

- (a) The decree relating to the establishment of prohibited zones in the Croatian internal waters.

The Government of the Republic of Croatia shall make a plan of interventions in case of sudden pollution of the sea in the Republic of Croatia

#### Article 1046

The Minister in the Ministry competent for maritime affairs shall designate in the regulations mentioned in articles 1043, 1044 and 1045 the maritime offences and prescribe fines for these offences.

#### Article 1047

Boats permitted to carry more than 12 passengers entered in the boat record book before the entry into force of this Law shall be registered in the register of ships within three years from the day of entry into force of this Law.

#### Article 1048

Before the enactment of the regulations mentioned in articles 1041, 1043, 1044 and 1045 of this Law, if they are not in contradiction with the provisions of this Law, the following enactments shall remain in force for seagoing navigation:

- (1) Regulations relating to the conditions to be satisfied by the ports or harbours open to international traffic and the navigable waterways subject to the international regime or bilateral regime of navigation (Official Gazette No. 53/91);

- (2) Regulation relating to the arrival and stay of foreign yachts and boats intended for pleasure and sports on the coastal sea, rivers and lakes of the Republic of Croatia (Official Gazette No. 31/92);

- (3) Regulations relating to the access, passage and stay of foreign warships and research ships in the coastal sea (Official Gazette No. 52/91);

- (4) The decision relating to the designation of ports and harbours open to international traffic (Official Gazette no. 53/91);

- (5) Regulations relating to the minimum number of crew members necessary for safe navigation obligatory for seagoing ships of the mercantile marine of the Republic of Croatia (Official Gazette No. 34/92);
- (6) Regulations relating to the exhibition and display of the national colours of the mercantile marine of the Republic of Croatia and the display of identification marks on the seagoing ships of the mercantile marine of the Republic of Croatia (Official Gazette no. 16/92);
- (7) Regulations relating to the marks on the navigable waterways in the coastal sea (Official Gazette No. 53/91);
- (8) Regulations relating to the occupations, conditions for acquiring occupations and certificates of the crew members of the mercantile marine (Official Gazette No. 53/91);
- (9) Regulations relating to special certificates of crew members of seagoing ships and the examination programme for acquiring special certificates (Official Gazette No. 53/91);
- (10) Regulations relating to the prevention of collisions at sea (Official Gazette No. 53/91);
- (11) Regulations relating to the registration of ships in specified register books, data to be entered in sheet A of the main ship register book, set of documents, auxiliary books kept in connection with the ship registers and blank forms of these documents and books (Official Gazette No. 53/91);
- (12) Regulations relating to the content, blank forms and manner of keeping the ships' books and documents in the mercantile marine (Official Gazette No. 53/91);
- (13) Regulations relating to the name, marks and identity signs of ships and recording of the names of ships (Official Gazette No. 53/91);
- (14) Regulations relating to the seamen's books, continuous discharge books and approvals to sign on (Official Gazette No. 53/91);
- (15) Regulations relating to the trial trips of ships (Official Gazette No. 53/91);
- (16) Regulations relating to investigations of ships' accidents (Official Gazette No. 53/91);
- (17) Regulations relating to the qualifications and other conditions to be complied with by the pilot of seagoing pilotage (Official Gazette No. 31/74);
- (18) Regulations relating to the mark and identity sign of the pilot of seagoing pilotage (Official Gazette No. 31/74);
- (19) Regulations relating to the vocational examination for the safety of navigation inspector (Official Gazette No. 2/81);
- (20) Regulations relating to the boats (Official Gazette Nos. 39/91 and 76/92);
- (21) Regulations relating to the vocational examinations and issuing of certificates to the crew members of mercantile marine ships (Official Gazette No. 11/84);
- (22) Regulations relating to the setting up and marking of pontoon bridges and conditions of navigating through the openings in these bridges (Official Gazette Nos. 41/80, 10/89, 18/90);
- (23) Regulations relating to the procedure in case of childbirth or death, discovery of abandoned newborn child, receiving of last will and testament and procedure with the property of the deceased on shipboard (Official Gazette No. 41/80);
- (24) Regulations relating to the minimum number and kind of installations and equipment obligatory for floating facilities on the sea and on internal waters (Official Gazette No. 11/70);
- (25) Regulations relating to the minimum number of qualified workers on floating facilities on the sea and internal waters (Official Gazette Nos. 11/70, 15/70);

(26) Regulations relating to the maintenance of law and order in ports and harbours and in other parts of the coastal sea and internal navigable waterways (Official Gazette Nos. 23/75, 31/84, 10/89, 18/90);

(27) Regulations relating to the handling of dangerous materials in ports and harbours (Official Gazette Nos. 2/82, 55/85);

(28) Regulations relating to the establishment and keeping of the maritime demesne land register (Official Gazette No. 1/76);

(29) Decree relating to the trade categories of seagoing ships (Official Gazette No. 53/91);

(30) Decree relating to compulsory pilotage in certain areas of the coastal sea (Official Gazette No. 53/91);

(31) Decree relating to the navigation ban in the Pelješac and Koločep channels and parts of the Srednji kanal and the Murter Sea and Žirjanski kanal (Official Gazette No. 53/91);

(32) Decree relating to the manner of marking pilot ships and boats and to the pilotage call sign (Official Gazette Nos. 31/74, 18/90);

(33) Decree relating to the navigation in the Šibenik port entrance, in the Pašman Strait, Mali Ždrelac and Vela Vrata passages, and in the Marlera cape region (Official Gazette Nos. 47/79, 10/89, 18/90);

(34) Decree relating to the navigation on the Neretva, Zrmanja and Sava rivers (Official Gazette Nos. 25/80, 21/85, 10/89, 18/90);

(35) Decree relating to the competency of harbourmasters' offices or their branch offices for issuing of seamen's books or discharge books (Official Gazette No. 43/81);

(36) Decree relating to the competency of harbourmasters' offices or their branch offices for the registration of ships (Official Gazette No. 43/81);

(37) Decree relating to the use of navigable waterways by foreign warships, foreign tankers, foreign nuclear ships and other foreign ships carrying dangerous or noxious materials during innocent passage through the territorial sea (Official Gazette No. 53/91);

(38) Decree relating to the establishment of prohibited zones in Croatian internal waters (Official Gazette No. 53/91);

(39) Instruction relating to the keeping of records of floating facilities and of the floating facilities safety certificate blank form (Official Gazette No. 12/70).

#### Article 1049

The documents and books issued on the basis of the technical survey made before the entry into force of this Law to ships on behalf of the Republic of Croatia by the Croatian Registry of Ships shall remain in force not more than up to the expiry of their validity.

#### Article 1050

Up to the beginning of the application of the Law on Commercial Companies (Official Gazette No. 111/93) the provisions of this Law on Commercial Companies shall refer to the companies established according to the provisions of the Law on Enterprises (Official Gazette Nos. 53/91, 58/93).

Article 1051

The provisions of this Law from article 267 to article 404 shall begin to be applied one year after the entry into force of this Law.

Up to the beginning of the application of the provision mentioned in paragraph 1 of this article, the provisions of article 239 to article 377 of the Law on Seagoing and Inland Navigation shall be applied.

Article 1052

The provisions of article 1018 to article 1022 of the Law on Seagoing and Inland Navigation shall be applied up to the entry into force of the Penal Law of the Republic of Croatia.

Article 1053

On the day of entry into force of this Law the validity shall terminate of the:

- (1) Law on the Coastal Sea and Continental Shelf (Official Gazette No. 53/91);
- (2) Law on the Maritime Demesne and Water Resources, Ports and Harbours (Official Gazette Nos. 9/74, 39/75, 17/77, 18/81) in the part referring to the maritime demesne and excluding articles 67, 68, 69, 71, 73, 76, 77, 79, whose validity shall terminate with the enactment of the relevant pieces of legislation mentioned in article 1043 of this Law;
- (3) Law on Seagoing and Inland Navigation (Official Gazette No. 53/91) in the part referring to seagoing navigation;
- (4) Pilotage Law (Official Gazette No. 15/74) with the exception of article 4, paragraphs 2 and 3, article 6, article 7, article 8, article 9, article 10, article 11, article 12, article 13, article 14, article 15, article 16, article 17 and article 18, which shall terminate with the enactment of the relevant pieces of legislation mentioned in article 1043 of this Law. The legal and physical persons engaged in seagoing pilotage up to the entry into force of this Law may continue to engage in this activity up to the time of the enactment of the relevant by-laws mentioned in article 1043 of this Law;
- (5) Law on the Safety of Navigation on the Sea and on Inland Waters (Official Gazette No. 55/90 - revised text) with the exception of article 13, article 17, article 18, article 19, article 20, article 21, article 22, article 23, article 24, article 40, paragraphs 2, 3, 4 and 5, article 42, article 43, article 44, article 45, article 46, article 51, paragraph 3 and 4, article 53, article 54, article 55, article 56, article 57, article 58 and article 59, the validity of which shall terminate with the enactment of the relevant pieces of legislation mentioned in article 1043 of this Law;
- (6) Law relating to the Establishment of Seaworthiness of Floating Facilities on the Sea and on Inland Waters (Official Gazette No. 18/69), with the exception of article 15, article 16, article 17 and article 18, the validity of which shall terminate with the enactment of the relevant pieces of legislation mentioned in article 1043 of this Law;
- (7) Article 12 of the Law relating to the Designation of Activities included in the Self-governing Sphere of Action of Local Self-government and Administration Units (Official Gazette No. 75/93).

The validity of the other provisions of the Law mentioned in paragraph 1, points (2) to (7), of this article shall terminate with the enactment of the relevant by-laws in compliance with article 1043 of this Law.

Article 1054

Article is erased (see Narodne Novine, i.e. Official Gazette of the Republic of Croatia, No. 74/94).

Article 1055

To the relations having originated before the entry into effect of this Law the regulations that have been in force at the time of the beginning of these relations shall apply if not provided otherwise by this Law.

Article 1056

This Law shall come into force within 15 days from the day of its publication in the Official Gazette.

Class: 342-01/93-01/04

Zagreb, 27 January 1994

Chamber of Deputies of the Parliament  
of the Republic of Croatia

Chairman of the Chamber of Deputies  
of the Parliament

Stjepan Mesic, m.p.

2. Honduras

[Original: Spanish]

Executive Decree No. PCM 007-2000 of 21 March 2000 2/

The Constitutional President of the Republic in the Council of Ministers:

*Considering* that the sovereign National Congress issued the Maritime Areas of Honduras Act, by means of Legislative Decree 172-99, dated 30 October 1999, which was published in the Official Gazette (*La Gaceta*), No. 29,054, of 23 December 1999, and which authorizes the Executive Power to establish the appropriate straight baselines,

*Considering* that it is necessary to establish the said baselines with a view to determining the maritime areas of Honduras in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982, and in accordance with the Maritime Areas of Honduras Act, thereby enabling the Republic to establish the maritime boundaries with neighbouring States, both in the Caribbean Sea and in the Pacific Ocean,

Therefore,

In the exercise of the powers granted to it under article 245, paragraphs 1, 2 and 11, and article 252 of the Constitution of the Republic; articles 11, 17 and 22, paragraphs 9, 10, 116 and 117, of the General Public Administration Act; and article 16, paragraph 1, of the Maritime Areas of Honduras Act,

Decrees:

Article 1

That the straight baselines in the Caribbean Sea and the Pacific Ocean, which will serve to delimit the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf, shall be determined in the following way:

The straight baselines for the delimitation of the maritime areas referred to in article 3 of the Maritime Areas of Honduras Act shall be the following:

- A. On the Atlantic coast of the Caribbean Sea: from the last monument situated on the terrestrial boundary line between Honduras and Guatemala, on the right bank of the mouth of the river Motagua, known as Station 233, with the coordinates referred to in the Datum of Ocotepeque, Point 1, 15°43'28".80 N and 88°13'24".59 W, to Point 2, in the northern part of Punta Caballos, with the coordinates 15°51'50" N and 87°57'00" W;

From Point 3, with the coordinates 15°55'25" N and 87°43'25" W, situated west of the mouth of the river Ulúa, to Point 4, in the northern part of Punta Sal, with the coordinates 15°55'50" N and 87°35'55" W;

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2/ Source: *La Gaceta* - Official Gazette of the Republic of Honduras, 124th Year, Tegucigalpa, Honduras, Wednesday, 29 March 2000, No. 29,135.

From that point to Point 5, a ruined lighthouse situated in the far western part of Utila Island, with the coordinates 16°05'23" N and 86°59'22" W;

From Point 6, situated at Blackish Point, with the coordinates 16°07'18" N and 86°56'05" W, on Utila Island, to Point 7 in the western part of Roatán Island, known as Half Moon, with the coordinates 16°18'19" N and 86°35'45" W;

From Point 8, in the eastern part of Roatán Island, known as Red Cliff, with the coordinates 16°25'48" N and 86°11'52" W, to Point 9, on Morat Island, with the coordinates 16°26'07" N and 86°11'14" W;

From Point 9 to Point 10, on Barbareta Island, known as Trunk Turtle Beach, with the coordinates 16°26'48" N and 86°08'40" W;

From Point 10 to Point 11, on Guanaja Island, known as Black Point, with the coordinates 16°30'51" N and 85°51'48" W;

From Point 12, Black Rock Point, on Guanaja Island, with the coordinates 16°29'53" N and 85°48'55" W to Point 13, coinciding with the Triangulation Station known as Camarón, on Cape Camarón, with the coordinates 15°59'09" N and 85°01'32" W;

From that point to Point 14, at Punta Patuca, west of the mouth of the river Patuca, with the coordinates 15°48'58" N and 84°18'20" W;

From that point to Point 15, on the left bank of the mouth of the river Cruta, with the coordinates 15°15'15" N and 83°23'28" W;

From that point on the left bank to Point 16, on the right bank of the mouth of the river Cruta, with the coordinates 15°14'59" N and 83°23'07" W;

From that point on the right bank of the river Cruta to Point 17, at the end of the terrestrial boundary line between Honduras and Nicaragua on the mouth of the river Coco Wanks or Segovia at Cape Gracias a Dios, with the coordinates 14°59' 8 N and 83°08' 9 W;

- B. On the Pacific Ocean, the straight baseline is the proportional sector appertaining to Honduras on the baseline common to the three coastal States of the Gulf of Fonseca, which in turn is part of the line drawn across the mouth of the said Gulf, between Punta Amapala in El Salvador and Punta Cosigüina in Nicaragua, in accordance with the terms of the Judgment delivered by the International Court of Justice on 11 September 1992, which settled the *Land, Island and Maritime Frontier Dispute* between the Republics of Honduras and El Salvador.

The territorial sea and other Honduran maritime areas shall be measured from the sector of the line appertaining to Honduras.

**Article 2**

The above-mentioned lines are traced on the general map of Honduras on the scale 1:1,000,000, which is attached so that it may be given due publicity, in accordance with the rules of international law currently in force.

**Article 3**

In those sectors of the continental coastline where the straight baseline was not considered, the baseline shall coincide with the low-water line.

**Article 4**

As to the islands under Honduran sovereignty situated in the Caribbean Sea, such as the Cisne Islands and the Cayo Gorda and Cayo Sur Islands, the corresponding national maritime areas shall have as their baseline the low-water line along the coast, from which the said maritime areas shall be measured.

**Article 5**

With the exception of Station 233, all the coordinates of the ends of the straight baselines are referred to in the North American Datum of 1927.

**Article 6**

The State Secretariat of the Ministry of Foreign Affairs is instructed, in compliance with article 16, paragraph 1, of the Maritime Areas of Honduras Act, to inform the sovereign National Congress of the contents of the present Decree.

**Article 7**

In accordance with article 16, paragraph 2, of the United Nations Convention on the Law of the Sea, there shall be deposited with the Secretary-General of that Organization a copy of the map and the list of geographical coordinates indicating the baselines established by the present Decree.

**Article 8**

The present Decree shall enter into force on the date of its publication in the Official Gazette (*La Gaceta*).



DONE at the Presidential House, Tegucigalpa, municipality of the Central District, on 21 March 2000.

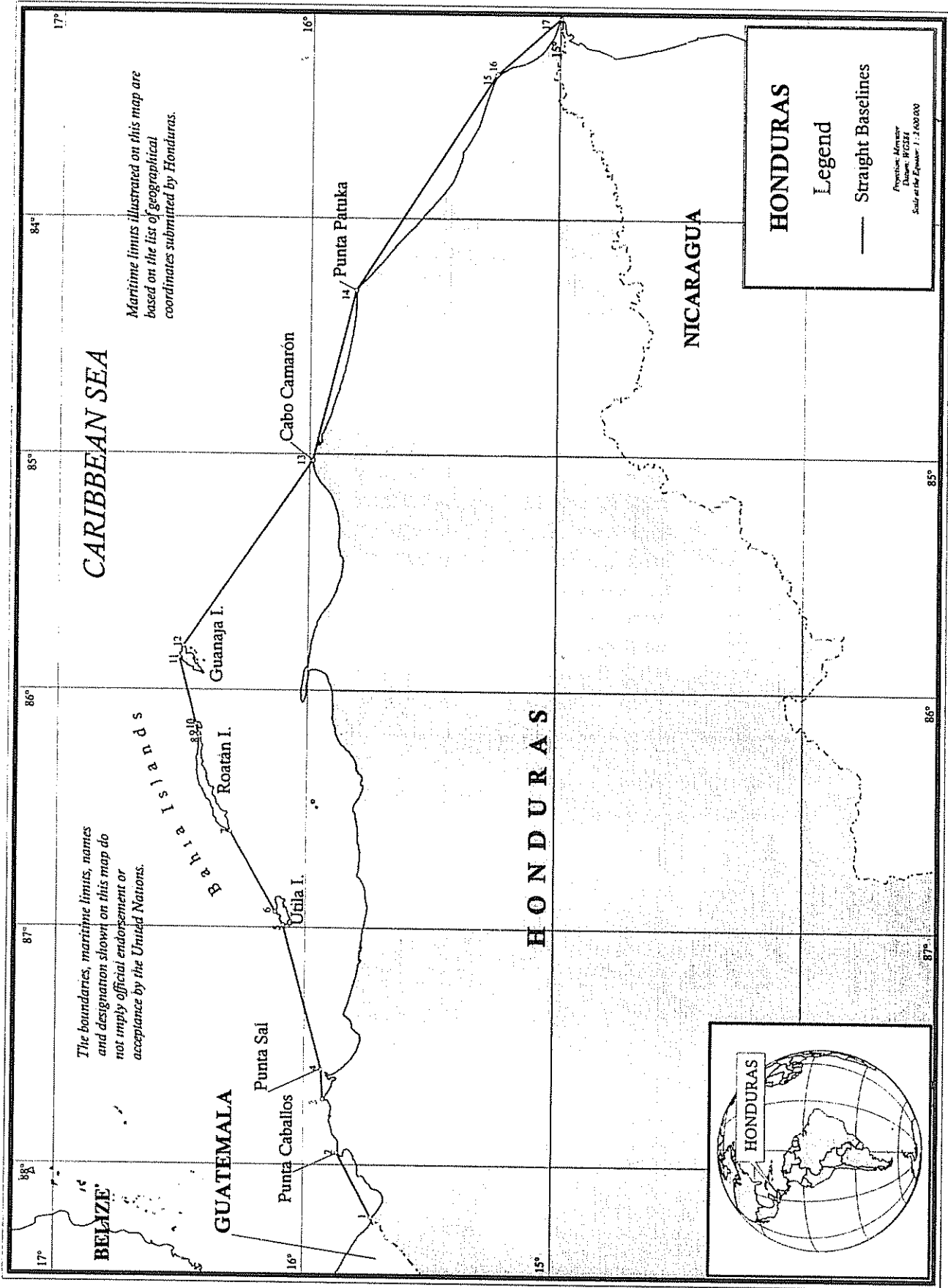
The above shall be communicated and published.

**Straight baselines of Honduras**

<i>Point No.</i>	<i>Datum</i>	<i>Name</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Notes</i>
1	*	Mouth of river Motagua	15°43'28".80 N	88°13'24".59 W	
2	**	Punta Caballos	15°51'50" N	87°57'00" W	
3	**	Mouth of river Ulúa	15°55'25" N	87°43'25" W	
4	**	Punta Sal	15°55'50" N	87°35'55" W	
5	**	Lighthouse on Utila Island	16°05'23" N	86°59'22" W	
6	**	Blackish Point	16°07'18" N	86°56'05" W	Utila Island
7	**	Half Moon	16°18'19" N	86°35'45" W	Roatán Island
8	**	Red Cliff	16°25'48" N	86°11'52" W	Roatán Island
9	**	Morat	16°26'07" N	86°11'14" W	Morat Island
10	**	Trunk Turtle Beach	16°26'48" N	86°08'40" W	Barbareta Island
11	**	Black Point	16°30'51" N	85°51'48" W	Guanaja Island
12	**	Black Rock Point	16°29'53" N	85°48'55" W	Guanaja Island
13	**	Cape Camarón	15°59'09" N	85°01'32" W	
14	**	Punta Patuca	15°48'58" N	84°18'20" W	
15	**	Mouth of river Cruta	15°15'15" N	83°23'28" W	
16	**	Mouth of river Cruta	15°14'59" N	83°23'07" W	
17	**	Mouth of river Coco	14°59'.8 N	83°08'.9 W	Thalweg of river Coco

\* Datum of Ocotepeque.

\*\* North American Datum of 1927.



3. Spain

List of geographical coordinates defining the limits set by Spain for the Fisheries Protection Zone established by Decree 1313/1997 of 1 August 1997 3/

[Original: Spanish]

The Permanent Mission of Spain ... has the honour to refer to its earlier Note No. 448 of 9 June 1998, by which it deposited the list of geographical coordinates defining the limits set by Spain for the Fisheries Protection Zone established by Decree 1313/1997 of 1 August.

Since a number of technical errors were discovered in the list, the Spanish authorities have corrected those errors on the basis of the principle of equidistance, hence the need to deposit the corrected list, which is transmitted with this note.

The changes relate to 12 geographical coordinates. Two new points have been added as Nos. 1 and 62. Former points Nos. 11 to 20 have been recast as six points. In consequence, former coordinates 17, 18, 19 and 20 have been eliminated, and the numbering of the coordinates has been changed.

This list is deposited in accordance with the provisions of article 75, paragraph 2, of the United Nations Convention on the Law of the Sea. All points defined in the list refer to the Potsdam Datum.

List of points

- Point No. 1: latitude 42° 32' 42" North — longitude 003° 24' 42" East
- Point No. 2: latitude 42° 44' 95" North — longitude 003° 51' 65" East
- Point No. 3: latitude 42° 43' 25" North — longitude 004° 08' 45" East
- Point No. 4: latitude 42° 40' 95" North — longitude 004° 11' 90" East
- Point No. 5: latitude 42° 27' 00" North — longitude 004° 32' 90" East
- Point No. 6: latitude 41° 56' 50" North — longitude 004° 58' 75" East
- Point No. 7: latitude 41° 53' 00" North — longitude 005° 00' 60" East
- Point No. 8: latitude 41° 34' 75" North — longitude 005° 14' 65" East
- Point No. 9: latitude 41° 29' 50" North — longitude 005° 19' 75" East
- Point No. 10: latitude 41° 15' 50" North — longitude 005° 56' 00" East
- Point No. 11: latitude 41° 05' 25" North — longitude 005° 56' 00" East
- Point No. 12: latitude 40° 48' 25" North — longitude 006° 02' 50" East
- Point No. 13: latitude 40° 28' 25" North — longitude 006° 13' 00" East
- Point No. 14: latitude 40° 00' 00" North — longitude 006° 17' 00" East
- Point No. 15: latitude 39° 28' 00" North — longitude 006° 15' 00" East
- Point No. 16: latitude 39° 00' 25" North — longitude 006° 08' 00" East

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3/ Communicated by note verbale No. 256 dated 13 April 2000 from the Permanent Mission of Spain to the United Nations

- Point No. 17: latitude 38° 47' 50" North — longitude 006° 03' 20" East  
Point No. 18: latitude 38° 41' 15" North — longitude 005° 49' 70" East  
Point No. 19: latitude 38° 26' 70" North — longitude 005° 18' 00" East  
Point No. 20: latitude 38° 23' 05" North — longitude 004° 43' 80" East  
Point No. 21: latitude 38° 22' 75" North — longitude 004° 34' 15" East  
Point No. 22: latitude 38° 19' 80" North — longitude 004° 24' 65" East  
Point No. 23: latitude 38° 17' 75" North — longitude 004° 20' 25" East  
Point No. 24: latitude 38° 15' 15" North — longitude 004° 13' 90" East  
Point No. 25: latitude 38° 13' 15" North — longitude 004° 08' 05" East  
Point No. 26: latitude 38° 01' 35" North — longitude 003° 21' 95" East  
Point No. 27: latitude 37° 59' 50" North — longitude 003° 14' 40" East  
Point No. 28: latitude 37° 58' 90" North — longitude 003° 08' 50" East  
Point No. 29: latitude 37° 58' 65" North — longitude 002° 54' 70" East  
Point No. 30: latitude 37° 58' 65" North — longitude 002° 46' 05" East  
Point No. 31: latitude 37° 55' 00" North — longitude 002° 37' 95" East  
Point No. 32: latitude 37° 42' 95" North — longitude 002° 10' 70" East  
Point No. 33: latitude 37° 38' 25" North — longitude 001° 52' 15" East  
Point No. 34: latitude 37° 36' 50" North — longitude 001° 37' 80" East  
Point No. 35: latitude 37° 36' 25" North — longitude 001° 32' 00" East  
Point No. 36: latitude 37° 36' 05" North — longitude 001° 29' 40" East  
Point No. 37: latitude 37° 36' 20" North — longitude 000° 47' 10" East  
Point No. 38: latitude 37° 25' 80" North — longitude 000° 36' 00" East  
Point No. 39: latitude 37° 10' 40" North — longitude 000° 17' 55" East  
Point No. 40: latitude 36° 59' 90" North — longitude 000° 00' 25" East  
Point No. 41: latitude 36° 50' 05" North — longitude 000° 19' 60" West  
Point No. 42: latitude 36° 48' 85" North — longitude 000° 22' 50" West  
Point No. 43: latitude 36° 46' 10" North — longitude 000° 28' 45" West  
Point No. 44: latitude 36° 44' 50" North — longitude 000° 37' 40" West  
Point No. 45: latitude 36° 43' 25" North — longitude 000° 43' 15" West  
Point No. 46: latitude 36° 41' 75" North — longitude 000° 52' 00" West  
Point No. 47: latitude 36° 34' 95" North — longitude 000° 59' 70" West  
Point No. 48: latitude 36° 33' 65" North — longitude 001° 02' 25" West  
Point No. 49: latitude 36° 28' 20" North — longitude 001° 11' 90" West

Point No. 50: latitude  $36^{\circ} 26' 55''$  North — longitude  $001^{\circ} 15' 65''$  West

Point No. 51: latitude  $36^{\circ} 23' 25''$  North — longitude  $001^{\circ} 22' 00''$  West

Point No. 52: latitude  $36^{\circ} 17' 15''$  North — longitude  $001^{\circ} 32' 50''$  West

Point No. 53: latitude  $36^{\circ} 05' 30''$  North — longitude  $001^{\circ} 50' 90''$  West

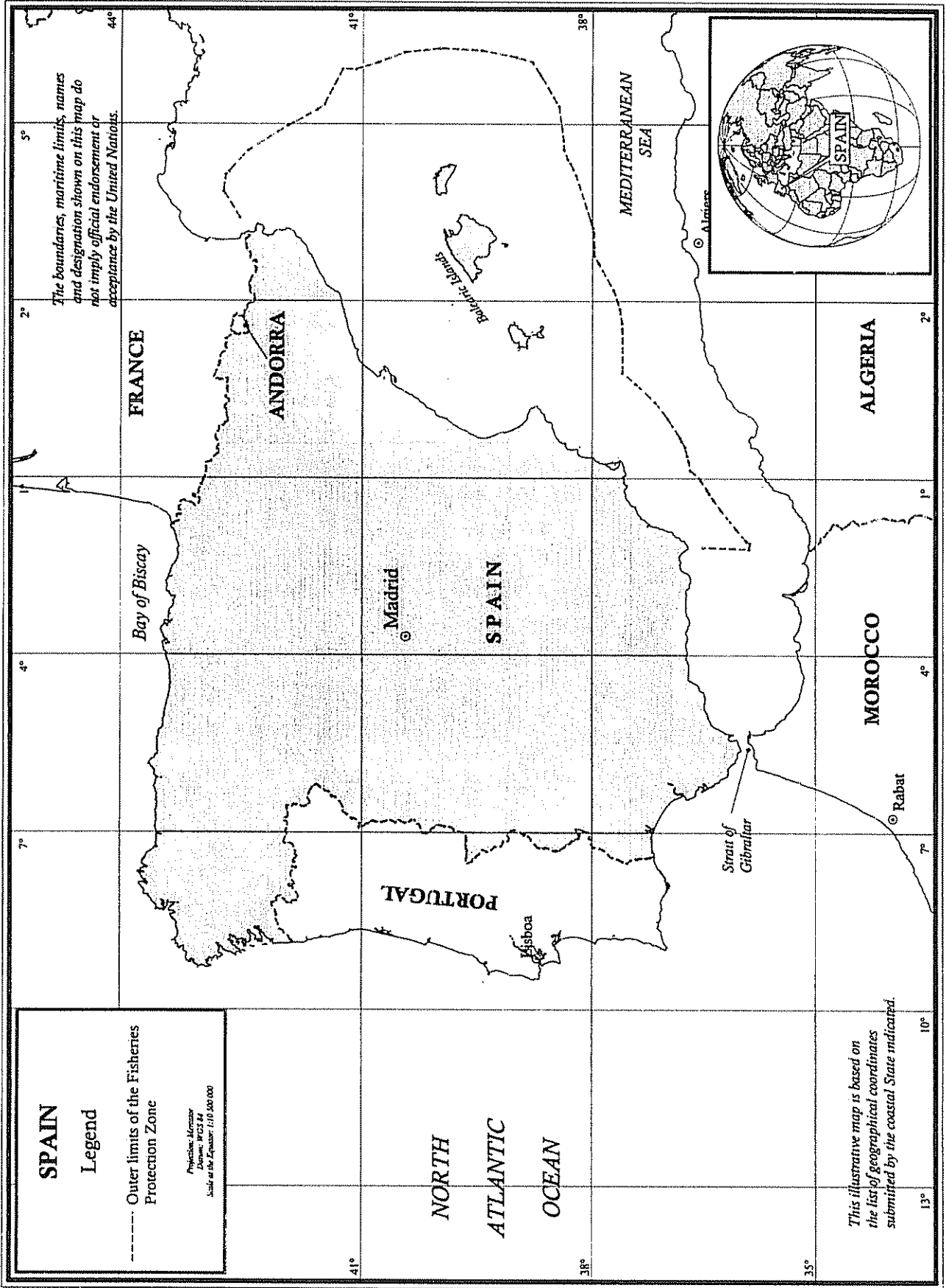
Point No. 54: latitude  $35^{\circ} 57' 40''$  North — longitude  $002^{\circ} 02' 80''$  West

Point No. 55: latitude  $35^{\circ} 56' 40''$  North — longitude  $002^{\circ} 04' 10''$  West

Point No. 56: latitude  $35^{\circ} 53' 80''$  North — longitude  $002^{\circ} 05' 65''$  West

Point No. 57: latitude  $35^{\circ} 54' 50''$  North — longitude  $002^{\circ} 12' 00''$  West

Point No. 58: latitude  $36^{\circ} 31' 42''$  North — longitude  $002^{\circ} 10' 20''$  West



B. Communications from States

1. United States of America

Note verbale dated 6 April 2000 from the United States Mission to the United Nations addressed to the United Nations Secretariat

The Permanent Mission of the United States of America to the United Nations presents its compliments to the United Nations [Secretariat] and has the honour to advise that the Government of the United States of America has studied carefully the note verbale dated 30 November 1999 from the Interests Section of the Islamic Republic of Iran, which was, at the request of the Permanent Representative of the Government of Pakistan, circulated as a document of the United Nations Security Council on 22 December 1999. 4/

In its note verbale, the Islamic Republic of Iran protested "the entrance of a United States warship into the territorial waters of the Islamic Republic of Iran ... in clear violation of the principles of international law." The note verbale alleged that at 1225 hours, on 19 September 1999, a United States warship entered Iranian territorial waters at 29-47N/049-47E and, without paying attention to radio warnings from Iranian forces positioned in the area, "chased an Iranian commercial vessel."

After carefully reviewing the facts and circumstances surrounding the alleged incident, the United States has concluded that the United States warship in question was lawfully conducting Multinational Interception Force (MIF) operations in support of United Nations Security Council resolutions, was operating in international waters at the time of the incident and did not enter the Islamic Republic of Iran's territorial or internal waters.

At 1100 hours, on 19 September 1999, at position 29-49.8N/049-50.0E, a United States warship conducting Multinational Interception Force operations intercepted and boarded a Belize-flagged merchant vessel that was suspected of conducting prohibited trade with Iraq in violation of economic sanctions imposed by the Security Council. The merchant vessel was discovered to be carrying a prohibited cargo of approximately 1130 metric tons of suspected Iraqi-origin gas-oil, and was subsequently diverted in accordance with standard MIF procedures. The United States warship did not receive any warnings or radio communications from Iranian forces positioned in the area, and did not chase any Iranian commercial vessels.

The United States wishes to recall that United States warships are deployed in the Persian Gulf and the Gulf of Oman as part of the Multinational Interception Force authorized under United Nations Security Council resolution 665 (1990) concerning Iraq.

Resolution 665 (1990) calls upon Member States that are deploying maritime forces to the region to use such measures as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destination and to ensure strict implementation of the provisions related to such shipping laid down in resolution 661 (1990).

The United States strongly supports these Multinational Interception Force operations and will continue to conduct them in support of the economic sanctions regime authorized in Security Council resolutions 661 (1990), 665 (1990), 687 (1991), 986 (1995) and related resolutions. United States warships deployed in the Persian Gulf and the Gulf of Oman operate with due regard in accordance with international law.

With regard to the position of the United States warship at the time the Belize-flagged merchant vessel was intercepted, the United States wishes to recall that customary and conventional international law, as reflected in the 1982 United Nations Convention on the Law of the Sea (UNCLOS), permits a coastal State to claim a territorial sea up to 12 nautical miles in breadth from a baseline drawn in accordance with international law. Beyond this limit, all vessels, including warships, operate in international waters exercising the internationally recognized high seas freedom of navigation.

The United States also wishes to recall that under customary and conventional international law as reflected in article 7(1) of UNCLOS, there are only two specific geographic circumstances in which a coastal State may elect to use the method of straight baselines joining appropriate points in drawing the baseline from which the breadth of the territorial sea is measured: in localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in the immediate vicinity of the coast. The Iranian coastline does not satisfy either of these two geographic prerequisites. The vast majority of the Iranian coastline is quite smooth and it is rarely deeply indented or fringed by islands.

Therefore, under customary and conventional international law as reflected in article 5 of UNCLOS, the appropriate baseline for virtually the entire Iranian coast in the Persian Gulf and the Gulf of Oman, including that portion closest to the position at which the United States warship intercepted the Belize-flagged merchant vessel on 19 September 1999, is the normal baseline, the low-water line along the coast.

The United States further recalls that the Government of the Islamic Republic of Iran, in a 22 May 1994 note verbale to the United Nations (published in Law of the Sea Bulletin No. 26, pp. 35-38, October 1994), justified its use of straight baselines by stating that their straight baselines has been drawn "in a way that they do not depart in any appreciable extent from the general direction of the coast."

The Government of the Islamic Republic of Iran also claimed that in determining their straight baselines they were entitled to consider "the economic interests peculiar to the region concerned." However, the United States wishes to point out that unless the specific geographic prerequisites set forth in article 7(1) of UNCLOS are first satisfied, these additional criteria for drawing straight baselines are not applicable. Therefore, the United States considers that Iran's claimed justification for its use of straight baselines has no basis in international law, and that the proper baseline for virtually the entire Iranian coast in the Persian Gulf and the Gulf of Oman (including that portion closest to the actual intercept position in this case) is the normal baseline, the low-water line along the coast.

The United States warship's position on 19 September 1999, as described by the Government of the Islamic Republic of Iran (29-47N/049-47E), is located in international waters approximately 5.6 miles outside of Iran's 12-nautical-mile territorial sea measured from the normal baseline (low-water line). The position at which the United States warship actually intercepted the Belize-flagged merchant vessel (29-49.8N/049-50.0E) is located in international waters approximately 3.5 miles outside of Iran's 12-nautical-mile territorial sea measured from the normal baseline (low-water line). Accordingly, the United States considers that on 19 September 1999, its warship was lawfully conducting Multinational Interception Force operations, was exercising the internationally recognized freedom of navigation in international waters and did not enter Iran's territorial or internal waters.

The United States reaffirms the right and responsibility of all nations deploying maritime forces to the area to conduct Multinational Interception Force operations in support of United Nations Security Council resolutions. The United States also reaffirms its right to exercise internationally recognized navigational freedoms. Therefore, regular operations by United States warships in this area can be expected to continue. The United States renews its protests made in 1994 (published in Law of the Sea Bulletin No. 25, pp. 101-103, June 1994) with respect to excessive maritime claims by the Government of the Islamic Republic of Iran and will continue to exercise its navigational freedoms consistent with international law.

The Government of the United States of America requests that this note be circulated by the United Nations as part of the next Law of the Sea Bulletin.



2. Islamic Republic of Iran

Letter dated 21 December 1999 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General 5/

Upon instructions from my Government, I have the honour to transmit a copy of a note verbale with its enclosure dated 30 November 1999, from the Interests Section of the Islamic Republic of Iran in Washington, D.C., addressed to the Embassy of Pakistan, to be forwarded to the United States Department of State on the violation of the territory of the Islamic Republic of Iran by the military forces of the United States of America in the Persian Gulf region (see annex).

It would be highly appreciated if the present letter and its annex were circulated as a document of the Security Council.

(Signed) Hadi NEJAD HOSSEINIAN  
Ambassador  
Permanent Representative

Annex

Note verbale dated 30 November 1999 from the Interests Section of the Islamic Republic of Iran in Washington, D.C., addressed to the Embassy of Pakistan in Washington, D.C.

The Interests Section of the Islamic Republic of Iran in Washington, D.C., presents its compliments to the Embassy of Pakistan and has the honour to transmit the attached message received from the Ministry of Foreign Affairs of the Islamic Republic of Iran (see enclosure). It is respectfully requested that the text be transmitted to the United States Department of State and that our office be informed of its response.

Enclosure

According to information received from the Government of the Islamic Republic of Iran, on 19 September 1999, a United States warship at the position of N4922 and E2945 and radius of 2 miles about Boyuyeh No. 6 and the entrance of Khor-e-Moussa was engaged in operations. At 1225 hours the said warship at the position of N2947 and E4947 entered the Islamic Republic of Iran's waters and without paying any attention to the warnings, and radio communications from the Iranian forces positioned in the region, chased an Iranian commercial vessel.

Hereby, the Government of the Islamic Republic of Iran strongly protests the entrance of the United States warships into the territorial waters of the Islamic Republic of Iran which are in clear violation of the principles of international laws and regulations. The Government of the Islamic Republic of Iran demands that these illegal actions come to an end and not be repeated.

C. Treaties

1. Protocol between the Government of the Republic of Turkey and the Government of Georgia on the confirmation of the maritime boundaries between them in the Black Sea

The Government of the Republic of Turkey and the Government of Georgia, hereinafter referred to as Parties,

Having regard to the good-neighbourly relations between the Parties,

Desiring to confirm the maritime boundaries between them through their commitment to the following agreements concluded between the former Union of Soviet Socialist Republics and the Republic of Turkey:

- Protocol between the Government of the Republic of Turkey and the Government of the Union of Soviet Socialist Republics concerning the establishment of the Maritime Boundary between the Soviet and Turkish Territorial Waters in the Black Sea, signed on 17 April 1973;
- Agreement between the Government of the Republic of Turkey and the Government of the Union of Soviet Socialist Republics concerning the delimitation of the Continental Shelf between them in the Black Sea, signed on 23 June 1978;
- Protocols and other relevant documents between the Government of the Republic of Turkey and the Government of the Union of Soviet Socialist Republics concerning the demarcation of the Maritime Boundary, signed on 11 September 1980;
- Exchange of Letters between the Government of the Republic of Turkey and the Government of the Union of Soviet Socialist Republics dated subsequently 23 December 1986 and 6 February 1987 confirming the exclusive economic zone frontier as the previously delimited continental shelf frontier,

and other existing related delimitation Agreements concluded between the Government of the Republic of Turkey and the Government of the Union of Soviet Socialist Republics,

have agreed to confirm, in accordance with the foregoing legal instruments, the maritime boundaries between the Turkish and Georgian territorial waters in the Black Sea,

This Protocol shall be ratified in conformity with the national legislation of each Contracting Party and enter into force on the date the exchange of the instruments of ratification through diplomatic channels.

DONE at Tbilisi on 14 July 1997 in the Turkish, Georgian and English languages, being equally authentic.

*(Signed)*

For the Government of the Republic of Turkey

*(Signed)*

For the Government of Georgia

2. Additional Protocol to the Agreement of 28 May 1980 between Norway and Iceland concerning fishery and continental shelf questions and the Agreement derived therefrom of 22 October 1981 on the continental shelf between Jan Mayen and Iceland

The Government of the Kingdom of Norway and the Government of the Republic of Iceland, hereinafter referred to as the Parties,

*Having regard* to the Agreement of 28 May 1980 between the Parties on Fishery and Continental Shelf Questions and the Agreement derived therefrom of 22 October 1981 on the Continental Shelf between Jan Mayen and Iceland,

*Having further regard* to consultations between the Kingdom of Norway, the Republic of Iceland and the Kingdom of Denmark concerning the final delimitation of the maritime waters between Jan Mayen, Iceland and Greenland, which led to agreement on the determination of point 1 as described in article 1 below, where the delimitation lines of the three states intersect,

*Have agreed as follows:*

Article 1

The delimitation line between the Parties' parts of the continental shelf and between the fishery zones in the area shall include a straight geodetic line between the following points:

Point 1: 69° 35' 00" N                      13° 16' 00" W

Point 2: 69° 34' 42" N                      12° 09' 24" W

The above-mentioned points are defined by their geographical latitude and longitude in accordance with the World Geodetic System 1984 (WGS 84).

The delimitation line between the above-mentioned points is, for illustrative purposes, drawn on the map appended to this Additional Protocol.

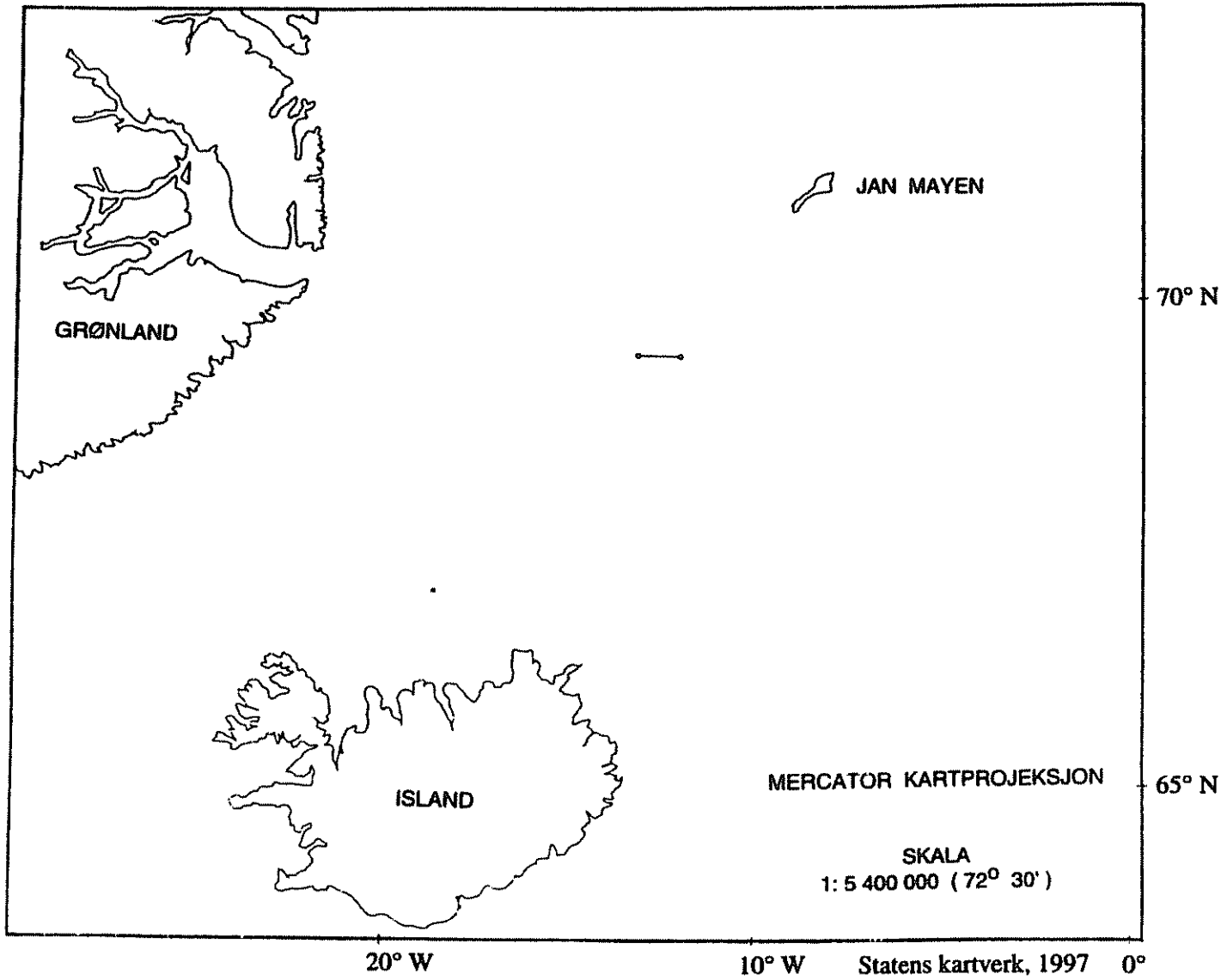
Article 2

This Additional Protocol enters into force when the Parties have notified each other in writing that the procedures necessary thereto have been completed and the Government of the Kingdom of Denmark has notified both Parties in writing that the determination of point 1 as described in article 1 has been confirmed. The date of entry into force is the date on which these conditions have been fulfilled.

DONE at Helsinki on 11 November 1997 in two originals in the Norwegian and Icelandic languages, both texts being equally authentic.

For the Government of  
the Kingdom of Norway

For the Government of  
the Republic of Iceland



3. Additional Protocol to the Agreement of 18 December 1995 between the Kingdom of Norway and the Kingdom of Denmark concerning the Delimitation of the Continental Shelf in the Area between Jan Mayen and Greenland and the Boundary between the Fishery Zones in the Area

The Government of the Kingdom of Norway and the Government of the Kingdom of Denmark, hereinafter referred to as the Parties,

*Having regard* to the Agreement of 18 December 1995 concerning the Delimitation of the Continental Shelf in the Area between Jan Mayen and Greenland and the Boundary between the Fishery Zones in the Area,

*Having further regard* to consultations between the Kingdom of Norway, the Kingdom of Denmark and the Republic of Iceland concerning the final delimitation of the maritime waters between Jan Mayen, Greenland and Iceland, which led to agreement on the determination of point 1 as described in article 1 below, where the delimitation lines of the three States intersect,

*Have agreed as follows:*

Article 1

From point 4 as described in article 1 of the Agreement of 18 December 1995, the demarcation line between the Parties' parts of the continental shelf and between the fishery zones in the area continues as a straight geodetic line to the point specified below:

Point 5:    69° 35' 00" N                      13° 16' 00" W

The above-mentioned point is defined by its geographical latitude and longitude in accordance with the World Geodetic System 1984 (WGS 84).

The delimitation line between the above-mentioned point 4 to the above-mentioned point 5 is, for illustrative purposes, drawn on the map appended to this additional protocol.

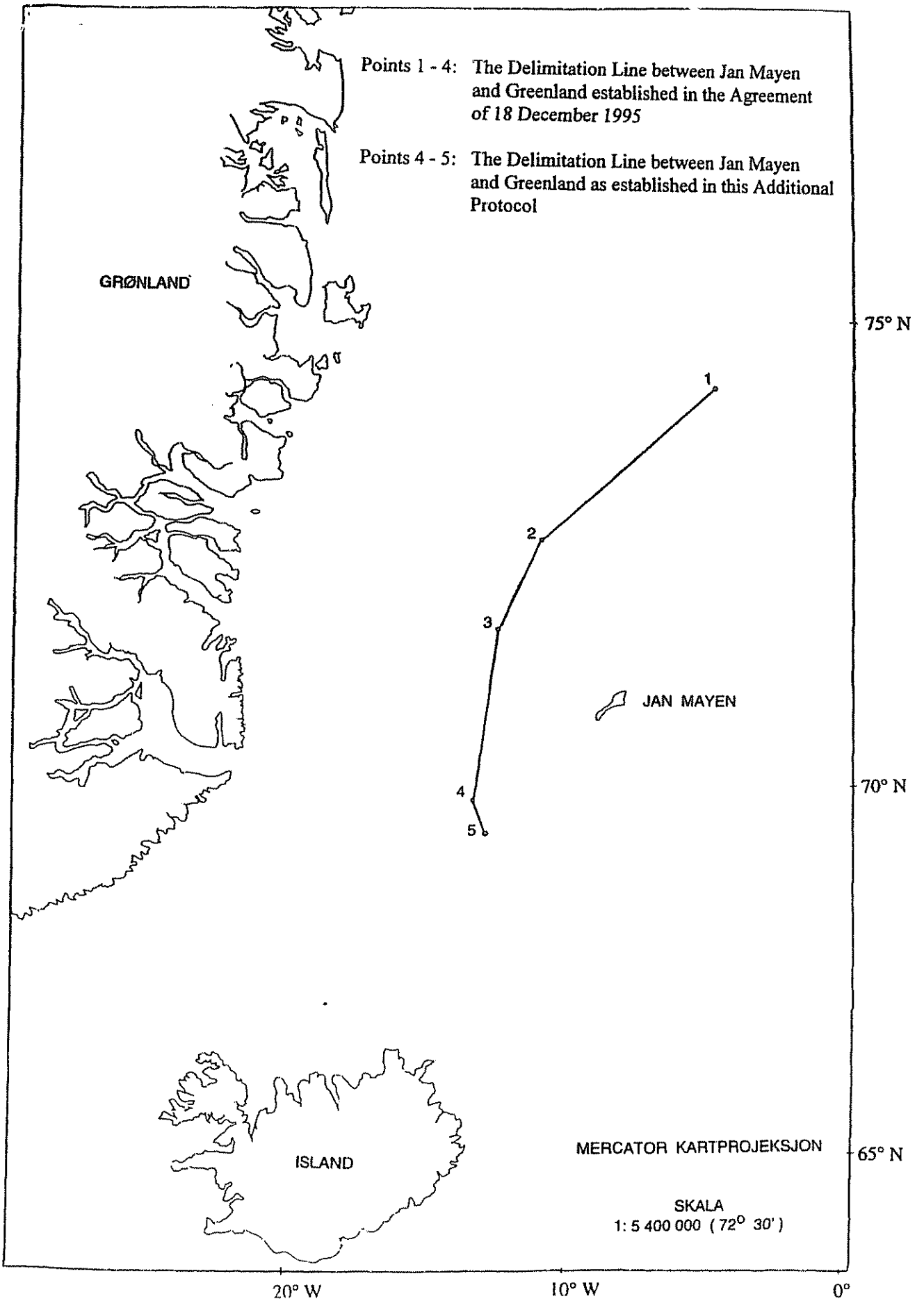
Article 2

This Additional Protocol enters into force when the Parties have notified each other in writing that the procedures necessary thereto have been completed and the Government of the Republic of Iceland has notified both Parties in writing that the determination of the point as described in article 1 is confirmed. The date of entry into force is the date on which these conditions have been fulfilled.

DONE at Helsinki on 11 November 1997 in two originals in the Norwegian and Danish languages, both texts being equally authentic.

For the Government of  
the Kingdom of Norway

For the Government of  
the Kingdom of Denmark



Points 1 - 4: The Delimitation Line between Jan Mayen and Greenland established in the Agreement of 18 December 1995

Points 4 - 5: The Delimitation Line between Jan Mayen and Greenland as established in this Additional Protocol

GRØNLAND

JAN MAYEN

ISLAND

MERCATOR KARTPROJEKSJON

SKALA  
1: 5 400 000 (72° 30')

75° N

70° N

65° N

20° W

10° W

0°

III OTHER INFORMATION

Corrigendum to Bulletin No. 41 (1999)

Page 42, point 40, should read:

40	-03° 54' 17.8"	166° 54' 37.1"
	-03° 54' 18.1"	166° 55' 30.7"
	-03° 54' 18.1"	166° 56' 24.4"
	-03° 54' 17.8"	166° 57' 18.0"
	-03° 54' 17.4"	166° 58' 11.7"
	-03° 54' 16.7"	166° 59' 05.3"
	-03° 54' 15.7"	166° 59' 59.0"
	-03° 54' 14.5"	167° 00' 52.6"
	-03° 54' 13.1"	167° 01' 46.3"
	-03° 54' 11.4"	167° 02' 39.9"
	-03° 54' 09.5"	167° 03' 33.5"
	-03° 54' 07.3"	167° 04' 27.4"
	-03° 54' 04.9"	167° 05' 20.7"
	-03° 54' 02.3"	167° 06' 14.3"

Page 42, point 41, first line, should read:

41	-03° 53' 59.4"	167° 07' 07.9"
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