

SAFETY OF NAVIGATION STANDARDS IN THE PORTS OF NAUTICAL TOURISM WITH A SPECIAL FOCUS ON THE MAINTENANCE OF THE PORT ORDER

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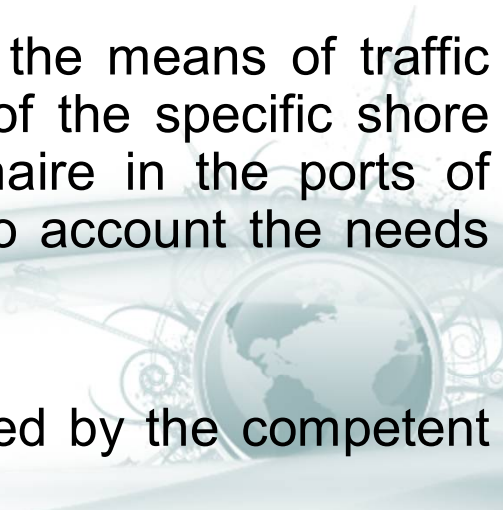
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*Developing a Modern Legal and Insurance
Regime for Croatian Marinas –
Enhancing Competitiveness, Safety, Security
and
Marine Environmental Standards*

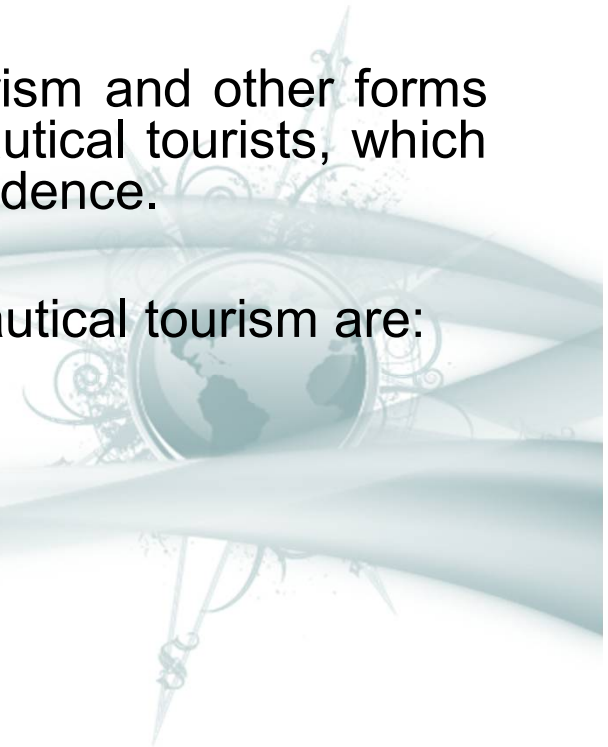


INTRODUCTION

- According to the *Maritime Code*, the *Maritime Domain and Seaports Act* and the *Ordinance on the Conditions and Method of Maintaining Order in Ports*, the concessionaire of each individual port of nautical tourism must issue an ordinance on the order in the port and conditions of use of the special purpose port.
 - Such Ordinance shall in particular regulate the means of traffic management in the port, and the purpose of the specific shore areas in the port, whereby the concessionaire in the ports of nautical tourism shall be obliged to take into account the needs for permanent, transit and operational berths.
 - The Ordinance on the order in port confirmed by the competent port authority shall be effectively publicized.
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NAUTICAL TOURISM

- Nautical tourism means navigation and accommodation of tourists – navigators on recreational vessels and in nautical ports for the purpose of rest and recreation.
- Although nautical tourism is an integral part of the tourist industry, it is a highly interdisciplinary field containing a maritime component.
- The essential difference between nautical tourism and other forms of tourism is in sailing and great mobility of nautical tourists, which involves frequent and often daily change of residence.
- The two basic components that make up the nautical tourism are:
 - **nautical tourism ports,**
 - nautical tourism vessels.



NAUTICAL TOURISM PORTS



- A nautical port mainly serves for reception and accommodation of recreational vessels and it is equipped to provide services to clients and vessels.
- The ports of nautical tourism are tourist facilities in which, apart from berth services, a variety of other additional services are provided, such as accommodation and catering for boaters, maintenance and repair of vessels, supply of spare parts, food and hygiene products supply, and recreational and all other services that navigators need.

NAUTICAL PORT TYPE

- Nautical tourism ports can be divided according to the type of service they provide:
 - marina,
 - dry marina,
 - boat storage,
 - anchorage.



- **Marina** is a part of marine and coastal space which is specifically constructed and designed for provision of services such as berths, tourist accomodation in vessels and other services.
- Marinas are the only type of nautical tourism ports that are categorized (two, three, four or five anchors).



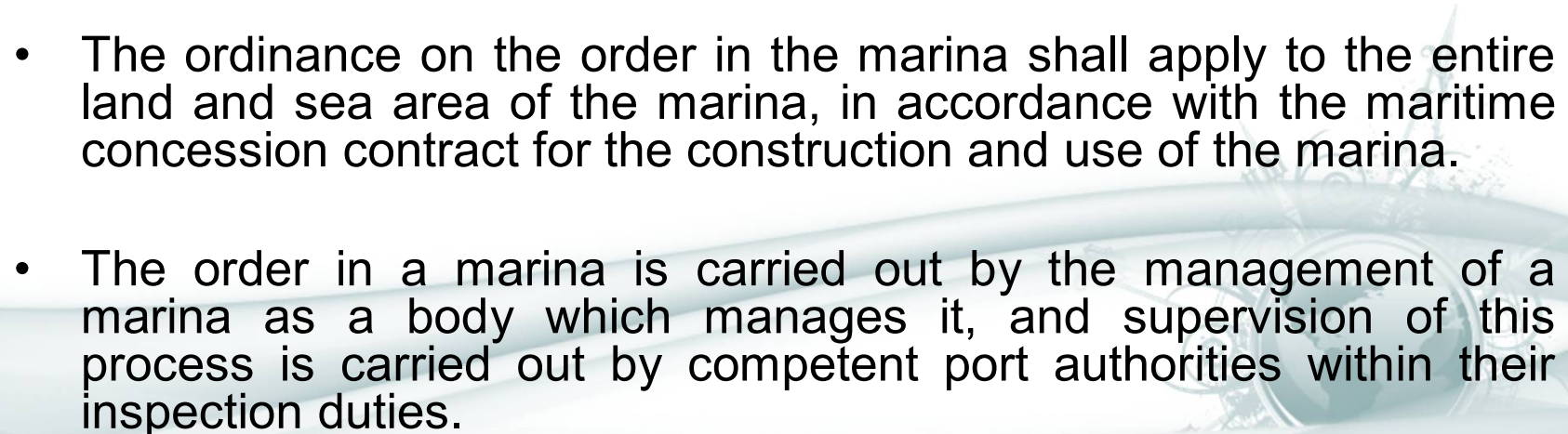
- **Dry marina** is a part of mainland which is fenced and designed for services of warehousing of vessels in dry space and provision of services of transport, hauling vessels in and out of the water. In dry marinas tourists can be accommodated and a vessel can be prepared for navigation.
- **Boat storage** is a fenced part of mainland which provides services of vessel storage in a dry area and provision of services of transport and hauling vessels in and out of the water. In boat storage tourists cannot be accommodated and a vessel cannot be prepared for navigation.



- **Anchorage** is a part of marine space suitable for anchorage of vessels equipped with the appropriate elements for safe anchoring.



THE ORDINANCE ON THE ORDER IN THE MARINA

- The ordinance on the order in the marina provides reporting procedures, as well as the entering, mooring, berthing, moving, anchoring and leaving procedures of vessels and how they ought to be controlled, which is of vital importance for the safety of navigation and the protection of human life at sea.
 - The ordinance on the order in the marina shall apply to the entire land and sea area of the marina, in accordance with the maritime concession contract for the construction and use of the marina.
 - The order in a marina is carried out by the management of a marina as a body which manages it, and supervision of this process is carried out by competent port authorities within their inspection duties.
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RESPONSIBLE PERSONS AND BODIES IN MARINAS

- Responsible persons and bodies in marinas:
 - Management of Marina,
 - Captain of Marina,
 - Authorised Marina Staff,
 - Marina Reception.
- **Captain of Marina** is the most responsible person who is in charge of communication and safety in the marina. His role is particularly important when vessels enter the marina and in organisation of berth use system.
- **Authorised marina staff** are persons who carry out captain's orders and they directly report to him. The most important tasks of authorised marina staff are navigation safety, in particular safe entering, berthing and leaving of vessels.

- **Marina Reception** is a central point where all information which are important for vessel stay in the marina can be given. The first obligation of a skipper is to report the arrival at the marina reception and submit all necessary documents about the vessel and persons who are on board.



TYPES OF BERTHS IN MARINAS

- Berths in marinas can be divided into:
 - **permanent berth** (mainly annual berth; when vessel stays berthed for a longer period of time),
 - **transit berth** (daily berth – temporary berth during travel – tourist (most often charter)),
 - **operative berth** (for performing works on a vessel, loading of fuel).
- In bigger, well organized marinas, special berths are provided for charter vessels.



OPERATIVE STEPS AND PROCEDURES FOR BERTH USERS

- Use of marinas by navigators is performed in several phases:
 - Entering (and sailing out) of vessels,
 - Berthing and anchoring of vessels,
 - Stay in marina,
 - Delivery vessel for keeping,
 - Leaving from marina.



Entering (and sailing out) of vessels

- The vessel which enters or sails out of the marina must not sail at a speed higher than 2 to 3 knots in the entire marine area (order on maximum allowed speed has to be put on visible place).
- During each entering in the marina the skipper has to announce his arrival.
- While entering, the captain and staff of the marina guide the skipper to the particular berth, give assistance at berthing and refer the skipper to the marina reception.
- The reception is responsible for collection of costs of the marina. In case a vessel leaves the marina without paying all costs, according to existing regulations of the Republic of Croatia, competent authorities (police and port authority) have no possibility to stop the vessel and collect debt on the basis of these regulations. This situation can be solved only before competent judicial authorities.

Berthing and anchoring of vessels

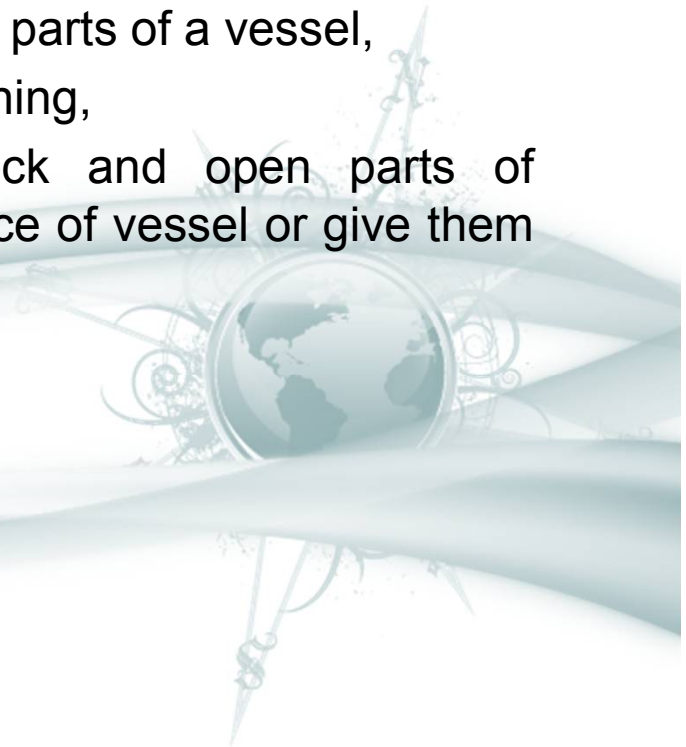
- One of the most important activities in the marina is proper berthing of a vessel which is a duty of a skipper with the assistance of captain and marina staff.
- Vessels are berthed according to the berthing system which is installed in the marina and they have to be berthed in a safe way using ropes of adequate dimensions. Vessels are most often berthed stern side to the pier, except for those berthing places at which side berthing is provided. Stern ropes and vessel berthing are the skipper's responsibility.
- Skipper must not tie a vessel in a place in a marina which has not been previously approved by the captain or marina staff.
- It is forbidden to anchor or subsequently move a vessel in the marina, however in exceptional cases the captain of the marina can allow temporary anchoring of a vessel or he can order moving of a vessel, if this can be reasonably justified.

Stay in marina

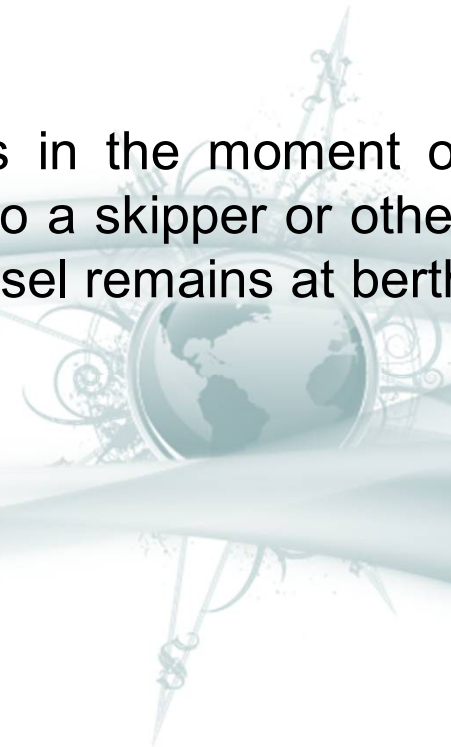
- The skipper is responsible for proper functioning of a vessel, as well as for the safety and navigational capability of a vessel in the entire space of the marina and during the entire stay.
- The skipper can connect the vessel to electrical and water installations, only if installations on vessel are in a proper state and are adapted to Croatian standard and if he or other crew members are personally on the vessel.
- If a vessel stays on a permanent berth in a marina, the skipper must submit spare keys to the marina reception, and only in case of emergency, when a vessel is threatened, the captain and marina staff can enter a vessel in order to reduce possible damage.
- In order to protect other vessels works on a vessel (sanding, painting etc.) are allowed only on the basis of a concluded contract, in specifically designated places in the marina for that purpose.

Delivery of a vessel for keeping

- Before delivering a vessel to be kept by the marina, a skipper has to do the following:
 - turn off electricity supply,
 - remove all easily flammable and explosive substances,
 - install own fire extinguishers near entrance and interior space of a vessel,
 - check the level of accumulated water in lower parts of a vessel,
 - check correctness and reliability of vessel berthing,
 - remove movable equipment from the deck and open parts of superstructure and store them in interior space of vessel or give them to the marine for warehousing,
 - make updated list of vessel inventory,
 - lock the entrance to interior spaces of vessel.

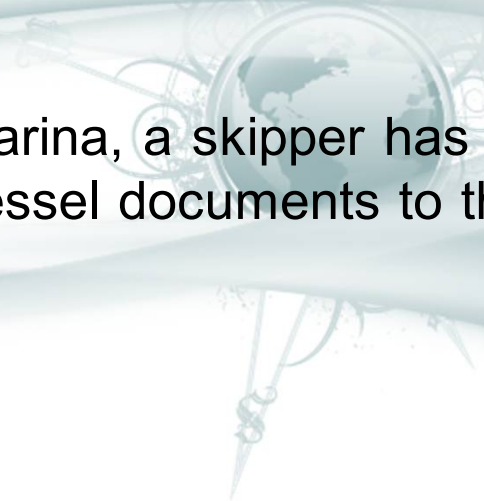


- Delivering of a vessel to the marina for keeping is considered completed in the moment when the skipper performs previously mentioned preparatory activities and submits to the marina reception following documents and items:
 - vessel's navigational licence,
 - list of vessel inventory,
 - copy of vessel insurance policy,
 - keys for interior space of vessel,
 - copy of personal documents of a skipper.
- Marina responsibility to keep a vessel finishes in the moment of returning the keys of interior space of a vessel to a skipper or other authorised person, regardless of the fact if a vessel remains at berth or sails out.



Leaving from the marina

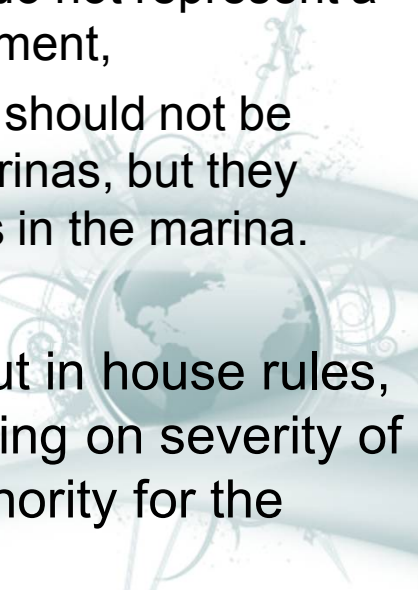
- When skipper leaves the marina he has to turn off vessel connections, close all valves on openings in underwater parts of the hull and leave berth in correct condition.
- If a vessel, for which there is berthing contract, leaves the marina permanently, a skipper has to report leaving to the reception, cancel berthing contracts in a written form and before leaving the marina he has to cover all costs. If all costs are not covered, according to *Civil Obligations Act*, marina has the right to retain the vessel.
- If a vessel stays on an annual berth in a marina, a skipper has to submit the keys of a vessel together with vessel documents to the marina reception.



- The skipper has to report in person that the vessel is leaving the marina to the marina reception, except in case of an emergency departure, when he is allowed to report the departure by radio communication.
- The skipper can ask assistance from the captain and marina staff when leaving.



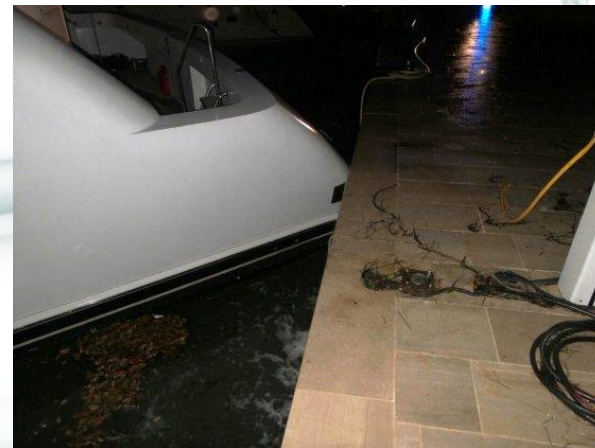
HOUSE RULES

- Analysed ordinances on order in marinas contain among others house rules which are written in form of different prohibitions. These rules can be divided to three basic categories:
 - prohibition of activities which are hazardous for human life, property and environment,
 - warnings which refer to a navigational activity and do not represent a direct hazard for human lives, property and environment,
 - regulations on guest behaviour in the marina which should not be contained in provisions of ordinance on order in marinas, but they should be separated and published in visible places in the marina.
 - In case of non-compliance with prohibitions laid out in house rules, marina has the right to cancel a berth and depending on severity of violation file an application to competent state authority for the purpose of taking necessary steps.
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MARITIME ACCIDENTS

- A maritime accident or incident is an event or set of events of the same origin that causes loss or damage to the ship, yacht, boat, cargo, other property at sea, which also causes human suffering (death or bodily injury of crew, passengers or third parties).
- Maritime accidents may be classified according to their causes (sinking, fire and explosion, grounding, collision, impact, etc.) or according to the types of adverse consequences (loss of, or threats to human life, property damage, environmental pollution etc.)





SAFETY IN NAUTICAL TOURISM PORTS

- From the standpoint of safety of navigation, nautical tourism ports provide a sufficient level of safety of vessels at berth, both during the summer when there are frequent arrivals and departures, as well as during the winter, at a time when most of the vessels have no permanent crew engaged.
- The marina offers the highest level of security for vessels at berth.
- Increased traffic poses a threat to the safety of navigation, often crossing the limits of reception capacities in case of bad weather approaching when there are a large number of vessels seeking shelter in the port.

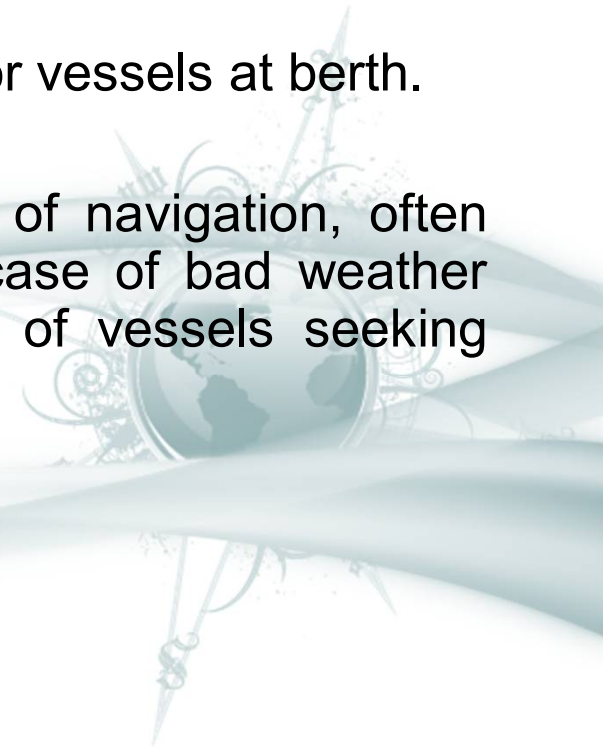
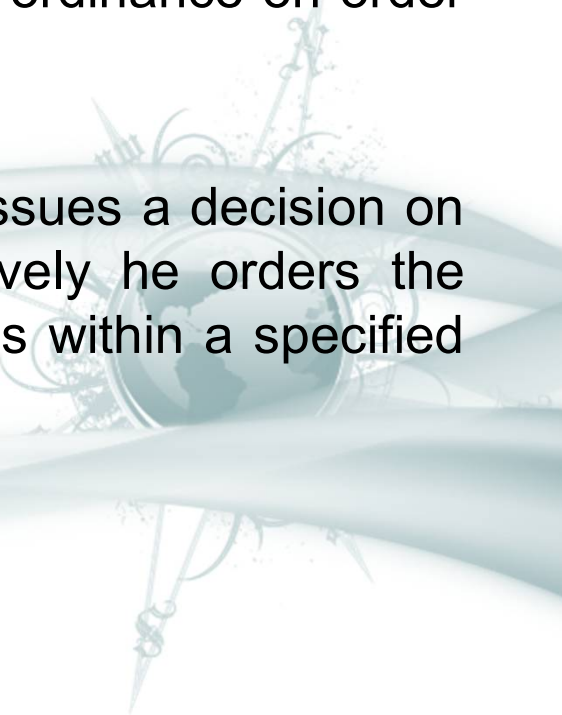


Table 1 – Data on maritime accidents in marinas

	2011	2012	2013	2014	2015	2016
Grounding	1	5	5	2	12	12
Sinking	1	4	8	2	5	4
Collision	19	13	19	22	25	19
Impact	23	49	38	46	39	43
Flooding	1	6	4	5	5	3
Fire	0	4	1	1	3	2
Other	20	36	27	17	11	23

SUPERVISION OF ORDINANCE ON ORDER IN MARINA IMPLEMENTATION

- Supervision of ordinance on marina order implementation is carried out by competent port authorities within their inspection duties.
 - Vessels for which there is a report, doubt or it has been noticed that they do not respect specific regulations such as ordinance on order in marinas are subject to inspections.
 - In case of non-compliance, the inspector shall issues a decision on prohibition of further using of vessel, respectively he orders the owner / skipper of a vessel to rectify deficiencies within a specified time.
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CONCLUSION

- A concessionaire of a marina is obliged to adopt an ordinance on order in marina.
- The ordinance shall particularly regulate operative steps and procedures for berthe users in the marina.
- The most important objection in existing ordinances is that they contain provisions on house rules, respectively provisions refering to behaviour of guests in a marina which should be contained in a separate document and not in this ordinance; other provisions which contain diferent prohibitions or warnings on safety of human lives, property and environment are actually not provisions of house rules.

- Navigators sometimes do not fulfil their contractual obligations; in case a vessel leaves a marina, without fulfilling financial obligations arising from berthing contract, competent state authorities (police, port authority) have no law enforcement powers against owners of these vessels, so marinas take a number of preventive actions in order to prevent such incidents (retention of a vessel, payment in advance etc.).
- The order in a marina is carried out by the management of a marina as a body which manages it, and supervision of this process is carried out by competent port authorities within their inspection duties.
- From all previously mentioned it can be concluded that the safety in Croatian marinas is at a very satisfactory level. The appearance of ever larger vessels of nautical tourism, it is a necessary to pay particular attention to the available space between vessels especially because the most frequent accidents are related to collision and impact.

Thank you for your attention!

