

PLACE OF REFUGE AS A NEW ELEMENT OF THE PROTECTION OF CROATIAN MARINE ENVIRONMENT

Ph.D. Ranka Petrinović, Assistant Professor

Faculty of Maritime Studies Split¹

Bisera Plančić, Senior lecturer

Faculty of Maritime Studies Split

Key words: places of refuge, IMO guidelines, Erika packages, Directive 2002/59/EC,

Abstract

The place of refuge is one of the latest acts in a long process of creation of international rules for the protection of the marine environment. In November 2003, the IMO Assembly adopted two resolutions addressing the issue of places of refuge for ships in distress. Resolution A.949 (23) Guidelines on places of refuge for ships in need of assistance, is intended for use when a ship is in need of assistance but the safety of life is not involved. The guidelines recognize that, when a ship has suffered an incident, the best way of preventing damage or pollution from its progressive deterioration is to transfer its cargo and bunkers, and to repair the causality. Such an operation is best carried out in place of refuge. A second resolution, A.950 (23) Maritime Assistance services (MAS), recommends that all coastal States should establish a maritime assistance service (MAS). By adoption of the Maritime Code in 2004, the Republic of Croatia pledged to determine the places of refuge by the end of 2007.

Introduction

Since the second half of the XX century the danger of sea disasters has increased significantly with the consequence of greater marine environment pollution due to oil spills. The main reason for this has been the building of giant vessels for the transport of oil. This was not a matter of greater concern until 1954 when the first international Convention on prevention of marine environment oil pollution was brought. Previously it was thought that little leakage could do no great harm to the vast ocean area and there was no awareness of serious damage that could be caused by oil pollution.

Unfortunately, it was soon discovered that the accident of one large tanker can cause environmental disaster (such as Torrey Canyon, Amoco Cadiz or Exxon Valdez). Therefore many actions have been taken in the recent history to prevent accidents that cause pollution of the environment. One of the recent actions in endeavours to protect and preserve the maritime environment is concerned with the subject of places of refuge.

Many maritime law experts have been involved in various activities over the years trying to solve the problem of Places of refuge. The problem needs to be resolved in a satisfactory

¹ *Faculty of Maritime Studies, Zrinskofrankopanska 38, 21000 Split, Croatia, bisera@pfst.hr*

manner as soon as possible. The issue concerns the acceptance of obligation by the Coastal States to designate one or several places where the vessels in distress may be brought. It is about avoiding environmental disasters when accidents happen at sea. Therefore, it is important that a ship can get rapid and effective assistance allowing the easier prevention of environment pollution. It is general opinion that maritime accidents of the scope of Erica and Prestige would never have happened if the coastal states had designated the ports of refuge.

By adoption of the Maritime Code in 2004, and in accordance with IMO the Republic of Croatia stipulated the liability to designate places of refuge. Article 17, paragraph (3) of the Maritime Code states that "the Minister shall designate places of refuge; prescribe the requirements that the places have to satisfy and prescribe the conditions and methods in which the places shall be used." According to the Article 1021, paragraph (1) "the Minister is obliged to bring in the legislation on places of refuge within the period of three years from the enforcement of the Code" (Pomorski zakonik Republike Hrvatske, 2004).

However, the issue of Places of refuge involves many aspects. The first is decision making regarding the appropriate place, another one is the problem of financial security, as well as the problem of liability in case of environment pollution. And of course, it is very important to define the role of the salvor regarding Places of refuge. This matter is in close relation to the modern right to salvage as the salvors are the ones who are the first to face the problem when coastal states decline to allow the place of refuge to the vessel they are trying to salvage. On the other hand, salvors should be fully engaged in places of refuge once they are determined

The Background Issues of Places of Refuge

By the end of the twentieth century protection of the marine environment became essential and designation of places of refuge is one of the most important aspects of better protection. The idea first appeared in the 1989 Salvage Convention and its Article 11.

During the debate on places of refuge, the legal issues surrounding this concept were analysed and the question was asked whether a coastal state is under an obligation, or at least is not precluded, under international law, from providing a place of refuge (where a ship can be taken when it is disabled, damaged or otherwise in distress and is posing a serious risk of pollution), in order to remove the ship from the threat of danger and undertake repairs or otherwise deal with the solution.

The article 98 of UNCLOS is also about the obligation of seafarers to assist the vessel in distress. Articles 17 and 18 of UNCLOS provide that ships of all States have a right of innocent passage through the territorial sea. Article 18 requires such passage to be "continuous and expeditious" but it does include stopping and anchoring if incidental to ordinary navigation or "are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress".

The right of the coastal State to take action to protect its coastline from marine pollution is well established in international law, relevant provisions include: UNCLOS, Articles 194, 195, 198, 199, 211, 221, 225; Salvage Convention, Article 9; and Facilitation Convention, Article V (2).

These provisions do not state that ships in distress have a right of entry to a place of refuge, nor do they explicitly refer to the question of a Coastal State's obligation to establish places of refuge. On the other hand, neither do they preclude such a principle.

The recent incidents which have diverted the attention on the issue of places of refuge were the Erika, Prestige and Castor accidents. The single-hull tankers Erika and Prestige leaked

around 22.000 and 20.000 tonnes of oil into the sea, causing huge damage to the environment, fisheries and tourism.

In December 1999, the Maltese tanker Erika, carrying 31,000 tonnes of heavy fuel, sailing from Dunkerque (France) to Livorno (Italy) in very rough weather, broke up in two off the Bay of Biscay near the Southern Brittany. French Navy saved the crew by helicopters. About 20,000 tonnes of heavy fuel washed the coast polluting about 400 kilometres of the French Atlantic coast including many tourist resorts. After the wreck of the Erika in 1999, the European Union considerably reinforced its legislation to give Europe better protection against the risks of accidental oil spills (Ozcayir, 2004).

At the beginning of 2001, The Castor, a tanker of 30,068 tons deadweight with a full cargo of gasoline developed a severe crack off the coast of Morocco while en route from Constanta, Romania to Lagos, Nigeria. She was taken in tow when near the coast of Spain. The damage to the hull was serious and the salvors tried to find a safe place to lighten the cargo. Requests were made to the authorities of several countries to allow the vessel to be brought to a place of refuge for the lightening operations. The salvors were unable to find a sheltered place to effect cargo transfer for 35 days. In the end they had to perform a ship to ship transfer when the casualty was towed off the coast of Tunisia. Fortunately her cargo was safely unloaded (Ozcayir, 2004).

The incident caused a great deal of concern and rose the awareness of the necessity to provide the refuge for vessels in distress and impelled the decision by IMO's Maritime Safety Committee (MSC) at its 74th session in May 2001 to look at the problem of places of refuge.

In November 2002, the Prestige, 26-year-old tanker carrying 77 000 tonnes of heavy fuel oil, developed a starboard list off the coast of Galicia. It eventually broke and sank 270 km off the Spanish coast. Thousands of tonnes of heavy fuel oil spilled into the sea, polluting the Galician coastline. The pollution then spread to the shores of Asturias, Cantabria and the Spanish Basque country. By the end of 2002, it reached the French coast and about 200 km of Atlantic coastline from the Spanish border to L'Ile d'Yeu were affected. Apart from the damage to the environment, the oil spill from the Prestige has had a disastrous effect on fishing and tourism (Ozcayir, 2004)

IMO Work on Places of Refuge

Places of refuge were first discussed in IMO during discussions regarding the 1989 Salvage Convention. Even then the subject was controversial. The Legal Committee approved article 11 of the Salvage Convention which is as follows:

"Co-operation

A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general." However the research in 2002 showed that the States that ratified the Salvage Convention never expressly accepted by their national law legal effects of its Article 11.

In May 2002, the Maritime Safety Committee (MSC) at its 75th session approved, in principle, the proposed general framework concerning future work on places of refuge developed by the Sub-Committee on Safety of Navigation (NAV). That work placed high priority on the safety of all involved in any operation concerning the provision of places of refuge, with due attention to all environmental aspects associated with these operations. This

included the preparation of guidelines for: a. actions a master of a ship should take when in need of a place of refuge (including actions on board and actions required in seeking assistance from other ships in the vicinity, salvage operators, flag State and coastal States); b. the evaluation of risks, including the methodology involved, associated with the provision of places of refuge and relevant operations in both a general and a case by case basis; and c. actions expected of coastal States for the identification, designation and provision of such suitable places together with any relevant facilities.

Guidelines on places of refuge for ships in need of assistance were adopted at the 23rd Assembly in 2003. The IMO Assembly has developed Guidelines on places of refuge for ships in need of assistance (Assembly Resolution A.949(23)). The guidelines are intended for use when a ship is in need of assistance but safety of life is not involved. Where the safety of life is involved, the provisions of the SAR Convention should be followed.

The guidelines recognize that, when a ship has suffered an incident, the best way of preventing damage or pollution from its progressive deterioration is to transfer its cargo and bunkers, and to repair the casualty. Such an operation is best carried out in a place of refuge. However, to bring such a ship into a place of refuge near a coast may endanger the coastal State, both economically and from the environmental point of view, and local authorities and populations may strongly object to the operation.

Therefore, granting access to a place of refuge could involve a political decision which can only be taken on a case-by-case basis. In so doing, consideration would need to be given to balancing the interests of the affected ship with those of the environment.

A second resolution, Maritime Assistance Service (MAS), recommends that all coastal States should establish a maritime assistance service (MAS). The principal purposes would be to receive the various reports, consultations and notifications required in a number of IMO instruments; monitoring a ship's situation if such a report indicates that an incident may give rise to a situation whereby the ship may be in need of assistance; serving as the point of contact if the ship's situation is not a distress situation but nevertheless requires exchanges of information between the ship and the coastal State, and for serving as the point of contact between those involved in a marine salvage operation undertaken by private facilities if the coastal State considers that it should monitor all phases of the operation.

The role of the Legal Committee was to consider the extent to which provisions of international law either place an obligation on or facilitate the development of rules requiring coastal States to provide a place where a ship can be taken when it is disabled, damaged or otherwise in distress and is posing a serious risk of pollution in order to remove the ship from the threat of danger, and undertake repairs or otherwise deal with the emergency situation.

Debate in the Legal Committee from that time on focused on the specific issue of liability and compensation arising from a decision by the coastal State whether or not to grant a ship in distress a place of refuge and it was at this point in the debate that the CMI became actively involved. (Balkin, 2006).

The role of CMI on places of refuge

As has been the case in other subjects considered by the Legal Committee over the years, the research undertaken by the CMI proved to be of invaluable assistance to the Legal Committee in its deliberations. This was so even though the Legal Committee ultimately did not agree with CMI's view on the need to develop a new convention on the subject of liability and compensation in relation to places of refuge. (CMI, Yearbook 2003)

The detailed submissions put to the Legal Committee by the CMI over many sessions helped to ensure that all members of the Legal Committee were fully aware of the various ramifications of the problem.

There were two main CMI documents. The first reported on discussions at the 38th CMI Conference in Vancouver (June 2004) while the latter provided an analysis of existing international law instruments on liability and compensation and their possible application to places of refuge.

These forcefully expressed CMI's views that the present international regime is confused and unsatisfactory and that, while many of the provisions require States to act reasonably (for example the Intervention Convention) when confronted by potential pollution threats, nonetheless they do not contain clear guidelines identifying the duties and obligations that shipowners, States and others who may be involved are under when making a request for a place of refuge or when receiving such a request. Consequently, they do not sufficiently encourage States to grant places of refuge to distressed vessels.

The Legal Committee was also fully apprized of CMI's views as to the deficiencies in coverage contained in the four principal international conventions dealing with liability arising from pollution damage (the 1992 Civil Liability Convention, the 1992 Fund Convention, the 1996 Hazardous and Noxious Substances Convention and the 2001 Bunkers Convention).

Despite these arguments, the Legal Committee decided that, at least at present, there was no need to recommend the development of a new convention since the existing liability and compensation regime worked reasonably well. And once the HNS and the Bunkers Conventions enter into force, the regime would work even better. (Balkin, 2006).

Activities on places of refuge at EU

Following the accidents that devastated European coasts in the past decade, the risks related to maritime shipping became obvious and the EU was pressed to adopt a series of preventive measures, known as the Erika I and II packages. The packages were introduced to reduce the risks of accidental pollution by ships. The Commission also established a European Maritime Safety Agency (EMSA) responsible for improving drafting and enforcement of EU rules on maritime safety.

The Erika I package (March 2000) and Erika II package (December 2000)

These packages had two objectives: firstly, to tighten existing legislation (on port State control and monitoring of classification societies) and, secondly, to propose new measures to speed up the phasing-out of single hull oil tankers, improve controls on shipping in European waters, establish a European Maritime Safety Agency and create a supplementary fund for compensation for oil pollution damage. Except for the proposal on compensating victims of oil spills, where the Member States preferred to pass the dossier to the relevant international body (the IMO), all the other measures have been adopted by the European Parliament and the Council.

The Erika I package addressed the most serious gaps in the EU maritime safety legislation revealed by the December 1999 oil spill: Firstly, it strengthened the existing Directive on port State control. Secondly, it strengthened the existing Directive on classification societies and thirdly, it set a timetable for phasing out single hull oil tankers worldwide. Double hull tankers offer better protection for the environment in the event of accidents. The IMO had accordingly decided that only double hull oil tankers should be built as from 1996. However, the gradual replacement of single hulls by double hulls was spread over a very long period,

ending in 2026. The EU pushed for a speedier phase-out and succeeded in winning international acceptance for its position: in keeping with the new international and Community standards, the last single hull tankers will be banned from EU waters by 2015.

However, the Commission regrets that the timetable it originally proposed was not accepted, as it could have prevented the Prestige accident. Under the Regulation finally adopted by the European Parliament and the Council, the Prestige was to have ceased operating by 15 March 2005 at the latest. Had the timetable proposed by the Commission been upheld, the Prestige would have had to be taken out of service on 1 September 2002.

Directive 2002/59/EC

Within EC it has been decided that Member States no later than 5. July 2004 shall establish plans to the identification of places of refuge for ships in distress, Article 20 of Directive 2002/59/EC (establishing a Community vessel traffic monitoring and information system).

Following the Prestige accident, the European Council, in December 2002 called for an accelerated implementation of this Directive by July 2003. Member States were urged to establish as early as possible, and no later than by 1 July 2003 plans to the identification of places of refuge for ships in distress. The Parliament, in its Resolution of September 2003, also insisted on the importance to implement these provisions as early as possible.

Member States need in particular to comply with article 20 of the Directive.

"Article 20 - Places of refuge

Member States, having consulted the parties concerned, shall draw up, taking into account relevant guidelines by IMO, plans to accommodate, in the waters under their jurisdiction, ships in distress. Such plans shall contain the necessary arrangements and procedures taking into account operational and environmental constraints, to ensure that ships in distress may immediately go to a place of refuge subject to authorisation by the competent authority. Where the Member State considers it necessary and feasible, the plans must contain arrangements for the provision of adequate means and facilities for assistance, salvage and pollution response. Plans for accommodating ships in distress shall be made available upon demand. Member States shall inform the Commission by 5 February 2004 of the measures taken in application of the first paragraph.

National plans for identification of places of refuge for ships in distress must contain the following elements: procedural aspects: the competent authorities need a clear framework to assess the requests of ships in distress; and geographical element: designation of places (not necessarily ports) of refuge. Regional cooperation is an essential part of the Directive. It will be facilitated by EMSA

Although many EU countries have experienced difficulty in implementing the relevant parts of an important ship reporting and monitoring directive (2002/59/EC), which includes plans to accommodate vessels in distress, most contracting parties already notified their places of refuge to the Commission. Some even made these places known to the public, although member states are not obliged to do so.

Third Maritime Safety Package (Erika III package)

Although the number of accidents was reduced the Commission decided to adopt a third package in 2005 to supplement and improve existing rules. Over the last ten years the EU, has introduced legislation aimed at improving the level of maritime safety and the prevention of accidental pollution by ships. The positive results obtained so far are due to a large extent to the establishment in the EU of a line of defence against substandard ships, and in particular through controls of ships in European ports. These defensive arrangements represent a considerable cost for the port and coastal state administrations, even though the main

responsibility for applying the security rules rests with the shipowners and flag states. Similarly, the shipowners who practice a high-quality policy suffer the consequences of the persistence of substandard shipping, which confronts them with unfair competition, repeated port controls and an overall undermining of the image of the maritime transport sector. Moreover, despite the reduction in the number of maritime accidents, the threats relating to failure to comply with safety standards remain. The pressure on flags of convenience and more generally any defect in the maritime transport chain must therefore be maintained and even accentuated.

The seven proposals contained in the package are therefore intended to supplement the European rules concerning maritime safety and improve the efficiency of the existing measures. They take account of the experience acquired in implementing the Community legislation on maritime safety (the Erika-I and II packages and the measures adopted following the Prestige accident), and the concerns expressed on several occasions by the European Parliament, the European Council and the ministers of transport. The seven proposals contained in the package are as follows: 1. A proposal for a Directive on the conformity requirements of flag states; 2. Amendment of the Directive on classification societies; 3. Amendment of the Port State Control Directive; 4. An amendment of the Traffic Monitoring Directive; 5. A proposal for a directive on accidental investigations; 6. A Regulation on liability and compensation for damage of passengers in the event of maritime accidents; 7. A Directive on the extra-contractual liability of shipowners (Memo/05/438 *Third Maritime Safety package*, Brussels, EU).

An amendment of the Traffic Monitoring Directive establishing a clear and precise legal framework for places of refuge is the main objective of the proposal to amend the Directive on the Community maritime traffic information and monitoring system. This legal framework provides that the Member States designate independent authorities responsible for designating the most appropriate place of refuge. These authorities will have the information they need to take their decisions, including a precise inventory of potential places of refuge along the coasts. The proposal also provides for the widespread use of the SafeSeaNet data exchange network. This system, developed by the Commission and operated by the European Maritime Safety Agency will enable the maritime authorities to have precise information about movements of ships and their cargoes

Recent developments relating to places of refuge at EU level since the CMI's Vancouver conference in June 2004 have been as follows: Under Article 20 of the existing EU Traffic Monitoring Directive, EU Member States are obliged to draw up plans to accommodate ships in distress. Such plans must contain the necessary arrangements and procedures taking into account operational and environmental constraints, to ensure that ships in distress may immediately go to a place of refuge subject to authorisation by the competent authority. In implementing these provisions, some EU Member States encountered difficulties. In November 2005, the European Commission proposed amendments to the Traffic Monitoring Directive. These amendments first of all envisage the replacement of Article 20 by a new text pursuant to which Member States shall ensure that, subject to the results of the assessment of the situation, ships in distress are admitted to a place of refuge which will make it possible to limit the threat posed by their situation. The accommodation of a ship in distress in a place of refuge shall be the subject of a prior assessment of the situation and a decision taken by an independent competent authority designated by the Member State. These authorities shall meet regularly to exchange their expertise and improve the measures taken pursuant to the new Article.

Next, the Commission proposed to insert a new Article 20a into the Directive, which would deal with plans for the accommodation of ships in distress. Under this provision, Member States would be under an obligation i.a. to draw up plans for responding to threats presented by ships in distress in the waters under their jurisdiction. These plans would have to take into

account the relevant IMO guidelines, and shall contain a number of mandatory items, including an inventory of potential places of refuge and the financial guarantee and liability procedures in place for ships accommodated in a place of refuge.

Thirdly, a new Article 20b would be inserted on financial guarantees. Under the proposed provision, Member States would be entitled, prior to accommodating a ship in distress in a place of refuge, to request the ship's operator, agent or master to present an insurance certificate or a financial guarantee.

Places of refuge – a new element of protection of Croatian maritime environment

After a decade of application of the 1994 Maritime Code, a new Code was enacted on 8 December 2004. The content of the new Maritime Code is based on the solutions of the 1994 Maritime Code. However, a considerable number of new provisions resulted from aspirations to bring Croatian Maritime code in accord with international unification instruments which have been ratified by the Republic of Croatia after the 1994 Maritime Code entered into force. Apart from many international contracts these are 1989 Salvage Convention, 1992 Civil Liability Convention and 1992 Fund Convention as well as many amendments and additions to SOLAS and MARPOL 73/78.

Many new provisions of the Maritime Code resulted from adjustment of the text with current conventions which have not entered into force but which offer more advanced solutions or are intended for even better environment protection such as 2001 International Convention on the Control of Harmful Anti-fouling System on Ships. Certain provisions have been amended in accordance with recommendations and guidelines of IMO, CMI, such as IMO Guidelines on places of refuge or the International Safety Management Code.

Considerable amount of amending relating to the safety of navigation resulted from the fact that Croatia is the signatory party to Paris Memorandum of Understanding on Port State Control. The main objective of the Memorandum is to have the foreign cargo vessels, which enter the ports of signatory States, checked to establish whether they comply with the standards of most significant treaties relating to the safety of navigation.

Passing the new Maritime Code enabled the complete amendment of the maritime legislation in compliance with the EU legal practise. Therefore, it could be said that the Maritime Code of the Republic of Croatia is among most advanced codes in the world (Petrinović, 2005).

The decision on the commencement of talks regarding Croatia's full EU membership was made on 3 October 2005 in Luxemburg. Maritime strategy of the Republic of Croatia in accordance with the EU system is based on absolute application of highest standards on safety at sea and marine environment protection. Although the Republic of Croatia is the signatory of many international conventions and our legislation complies with international-law regulations on safety at sea, maritime policy of EU often prescribes even higher standards than the ones brought by the IMO. The EU sometimes presses IMO to enact stricter regulations regarding the safety at sea and marine environment protection. The examples of this practice are previously discussed packages Erika I, II and III.

The Republic of Croatia, in compliance with the IMO Guidelines and EU Directive 2002/59/E pledged that the Minister in charge of maritime affairs should designate places of refuge within the three years, as well as set the terms and methods in which these places could be used. Croatia has thus showed a high level of awareness relating to the protection of marine environment. The experience of states that allow vessels in distress to enter places of refuge such as Netherlands showed that localised pollution can facilitate the combat and prevention of damage contrary to the larger scale uncontrolled pollution which can follow the decision to send the vessel to high seas as it was the case with Erika and Prestige.

The Croatian Hydrographic Institute was delegated the duty to conduct the study on places of refuge by the Ministry. The project group consisting of experts was formed with the task to perform this complex and delicate duty with a scientific approach. The dilemma remains weather to have fixed places like Denmark, or to have at disposal all available places for vessel acceptance, as in the Sailing Directions. The latter example follows the model of the United Kingdom and Norway. Regardless of the model Croatia accepts in the end, it is necessary to decide on the procedure and to perform the detailed study of various models in case a vessel needs a place of refuge. By the end of the year Ministry needs to enact the Regulations on places of refuge, the requirements that these places must fulfil as well as the terms and methods of the use of places of refuge, and the Croatian Hydrographic Institute is obliged to complete the study on places of refuge.

Conclusion

The issue of places of refuge is just one of the problems in relation to protection of marine environment which needs to be considered by the Coastal States within their rights and interests, in order to assist vessels which are damaged or disabled or otherwise in distress at sea. The places of refuge are envisaged as geographical areas, designated in advance, which could if necessary be provided with facilities, services and other requirements suitable for investigation and repair of damage, and for urgent repairs of vessels, especially laden tankers, as well as for the transhipment of their cargo.

The experience with pollution incidents so far has shown that the problem of marine environment protection by the private law, such as Salvage Convention, cannot be solved in a satisfactory manner. Therefore more involvement of most coastal states' administration is required. The coastal states according to IMO guidelines designate places of refuge for vessels (especially tankers) in need of assistance, and which are far away from their flag states. However, appropriate contingency plans need to be prepared to avoid the risk of making wrong decisions when unprepared and under pressure by groups that represent different interests.

The International Maritime Organisation by issuing a resolution establishing guidelines on places of refuge has tried to influence the Coastal States to designate places of refuge in their territorial waters. EU by its directive (2002/59/EC) requires the member states to make detailed plans in cases when a vessel requires assistance, and to submit the list of places of refuge in which the vessels in distress could be salvaged and pollution prevented. The member states are obliged to fulfil these requirements by the end of this year, and that is also the deadline in Article 1021, subparagraph (1) of Maritime Code. This makes the Guidelines of IMO Resolution A. 949.(23) on places of refuge obligatory. This measure should be welcomed as it is surely going to enhance the level of safety whenever there is any threat of pollution.

References

Balkin, R. P., 2006. Speaking notes at Capetown conference: The IMO position with respect to places of refuge, [online] available from <http://www.imo.org>. Last Accessed 18th February 2007.

CMI 2003. *Yearbook 2003*

Memo/05/438 Third Maritime Safety package, Brussels, EU

Ozcayir, Z. O. 2004.. *Port State Control*, London: LLP UK

Petrinović, R., 2005. Mjesto zakloništa kao novi element zaštite morskog okoliša, *Zbornik radova Pravnog fakulteta u Splitu*, Vol. 42, No. 79, pp. 409-430.

Pomorski zakonik Republike Hrvatske, Narodne novine, br. 181/2004.

Authors' Biographies

Ph.D. Ranka Petrinović, Assistant Professor of Maritime Law and Law of the Sea, University of Split, Faculty of Maritime Studies since 2001. Main areas of interest: Salvage, Places of refuge, Collision etc.

Bisera Plančić, Senior lecturer of English, University of Split, Faculty of Maritime Studies since 1997. Main areas of interest: Maritime English.