

P.Z. br. 82



HRVATSKI SABOR

KLASA: 022-03/20-01/152

URBROJ: 65-20-02

Zagreb, 3. prosinca 2020.



Hs**NP*022-03/20-01/152*65-20-02**Hs

ZASTUPNICAMA I ZASTUPNICIMA
HRVATSKOGA SABORA

PREDSJEDNICAMA I PREDSJEDNICIMA
RADNIH TIJELA

Na temelju članaka 178. i 192., a u svezi članka 207.a Poslovnika Hrvatskoga sabora u prilogu upućujem *Konačni prijedlog zakona o potvrđivanju Sporazuma iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977.*, koji je predsjedniku Hrvatskoga sabora podnijela Vlada Republike Hrvatske, aktom od 3. prosinca 2020. godine.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila ministra mora, prometa i infrastrukture Olega Butkovića i državne tajnike Josipa Bilavera, Tomislava Mihotića i dr. sc. Alena Gospočića.

PREDSJEDNIK

Gordan Jandroković



VLADA REPUBLIKE HRVATSKE

KLASA: 022-03/20-11/37
URBROJ: 50301-05/16-20-7

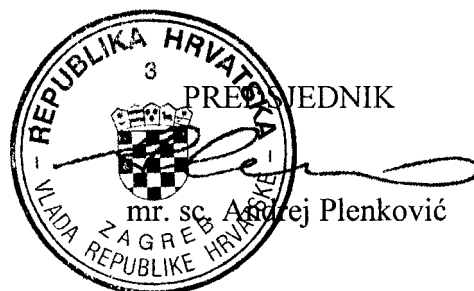
Zagreb, 3. prosinca 2020.

PREDSJEDNIKU HRVATSKOGA SABORA

PREDMET: Konačni prijedlog zakona o potvrđivanju Sporazuma iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977.

Na temelju članka 85. Ustava Republike Hrvatske (Narodne novine, br. 85/10 – pročišćeni tekst i 5/14 – Odluka Ustavnog suda Republike Hrvatske) i članka 207.a Poslovnika Hrvatskoga sabora (Narodne novine, br. 81/13, 113/16, 69/17, 29/18, 53/20, 119/20 – Odluka Ustavnog suda Republike Hrvatske i 123/20), Vlada Republike Hrvatske podnosi Konačni prijedlog zakona o potvrđivanju Sporazuma iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila ministra mora, prometa i infrastrukture Olega Butkovića i državne tajnike Josipa Bilavera, Tomislava Mihotića i dr. sc. Alena Gospočića.



**KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU SPORAZUMA
IZ CAPE TOWNA IZ 2012. O PROVEDBI ODREDABA TORREMOLINOS
PROTOKOLA IZ 1993. NA TORREMOLINOS MEĐUNARODNU
KONVENCIJU O SIGURNOSTI RIBARSKIH BRODOVA IZ 1977.**

**KONAČNI PRIJEDLOG ZAKONA
O POTVRĐIVANJU SPORAZUMA IZ CAPE TOWNA IZ 2012.
O PROVEDBI ODREDBA TORREMOLINOS PROTOKOLA IZ 1993. NA
TORREMOLINOS MEĐUNARODNU KONVENCIJU O SIGURNOSTI RIBARSKIH
BRODOVA IZ 1977.**

I. USTAVNA OSNOVA ZA DONOŠENJE ZAKONA

Ustavna osnova za donošenje Zakona o potvrđivanju Sporazuma iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977. sadržana je u odredbi članka 140. stavka 1. Ustava Republike Hrvatske (Narodne novine, br. 85/10 - pročišćeni tekst i 5/14 - Odluka Ustavnog suda Republike Hrvatske).

II. OCJENA STANJA I CILJ KOJI SE DONOŠENJEM ZAKONA ŽELI POSTIĆI

Na diplomatskoj konferenciji održanoj 1977. u španjolskom gradu Torremolinosu pod okriljem Međunarodne pomorske organizacije usvojena je prva međunarodna konvencija posvećena sigurnosti ribarskih brodova (u daljnjem tekstu: Torremolinos Konvencija).

Kako Torremolinos Konvencija nikada nije stupila na snagu, a za što je jedan od glavnih razloga bio taj što je svoje tehničke zahtjeve temeljila na SOLAS konvenciji iz 1974. bez kasnije usvojenih izmjena, 1993. je usvojen Protokol kojim je Torremolinos Konvencija izmijenjena i osuvremenjena.

Hrvatski sabor je na sjednici 3. listopada 2007. donio Zakon o potvrđivanju Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977. (Narodne novine, broj 9/2007).

S obzirom na to da navedeni Protokol još nije stupio na snagu, u Cape Townu je u razdoblju od 9. do 11. listopada 2012., pod okriljem Međunarodne pomorske organizacije, održana Međunarodna konferencija na kojoj se razmatralo usvajanje novog Sporazuma kojim bi se omogućila provedba odredaba međunarodnog instrumenta o sigurnosti ribarskih brodova rezultirajući donošenjem Sporazuma iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977 (u daljnjem tekstu: Sporazum).

Sporazum sadrži obvezujuće mjere za sigurnost plovidbe ribarskih brodova duljine veće od 24 metra koji plove na otvorenom moru, na način da uređuje glavne odrednice sigurnosti plovidbe takvih brodova kao što su stabilitet, sposobnost za plovidbu, strojeve i električne instalacije, sredstva za spašavanje, komunikacijsku opremu, protupožarnu zaštitu i konstrukciju brodova.

Sporazum još nije stupio na snagu, a stupa na snagu nakon što najmanje 22 države s ukupno 3600 ribarskih brodova na koje se Sporazum odnosi, izraze svoju suglasnost da njime budu vezane (trenutne države ugovornice Sporazuma su kako slijede: Kraljevina Belgija, Demokratska Republika Kongo, Cookovi otoci, Kraljevina Danska, Republika Finska, Republika Island, Kraljevina Nizozemska, Kraljevina Norveška, Francuska Republika, Savezna Republika Njemačka, Sveti

Kristofor i Nevis, Demokratska Republika Sveti Toma i Prinsipe, Kraljevina Španjolska i Republika Južna Afrika).

Unatoč tome što Sporazum još uvijek nije stupio na snagu, na razini Europske unije, isti se sadržajno već primjenjuje jer su Direktivom Vijeća 97/70/EZ od 11. prosinca 1997. o uspostavi usklađenog sigurnosnog sustava za ribarske brodove duljine 24 metra i više (u daljnjem tekstu: Direktiva 97/70/EZ); preuzeti sigurnosni standardi kako su utvrđeni u Torremolinos protokolu, za ribarske brodove duljine 24 metra i više.

Nadalje, Odlukom Vijeća od 17. veljače 2014. kojom se države članice ovlašćuju za potpisivanje, ratificiranje ili pristupanje Sporazumu iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977. (Tekst značajan za EGP) (2014/195/EU) (u daljnjem tekstu: Odluka Vijeća), Europska unija potiče svoje države članice da postanu strankama Sporazuma, baš kako bi isti što prije stupio na snagu (za stupanje na snagu potrebne su 22 države, kako je naprijed već pojašnjeno) i kako bi sigurnosni standardi određeni istim počeli obvezivati i druge takmace svjetskog, a ne samo one europskog tržišta (putem Direktive 97/70/EZ).

Stupanjem na snagu Sporazuma, osigurat će se, dakle, poštenija tržišna utakmica obzirom će jednaka pravila iz predmetnog upravnog područja vrijediti za sve njene sudionike, a čime će se posljedično doprinijeti i općem cilju podizanja kvalitete sigurnosnih standarda ribarskih brodova.

Nadalje, u skladu s Odlukom Vijeća, kada država članica potpiše, ratificira ili pristupi Sporazumu, polaže glavnom tajniku Međunarodne pomorske organizacije i Izjavu navedenu u Prilogu Odluci Vijeća. Kako bi se očuvale trenutačne razine sigurnosti predviđene u Direktivi 97/70/EZ, države članice, prilikom potpisivanja Sporazuma i polaganja svojih isprava o ratifikaciji ili pristupu, daju izjavu da se izuzeća predviđena u poglavlju 1. pravilu 1. stavku 6. i poglavlju 1. pravilu 3. stavku 3. Priloga Sporazumu, u vezi s godišnjim pregledima odnosno zajedničkom ribolovnom zonom ili isključivim gospodarskim pojasom, neće primjenjivati. Nadalje, u toj izjavi se navodi da ribarski brodovi trećih zemalja duljine 24 metra i više, koji djeluju u teritorijalnom moru ili unutarnjim morskim vodama država članica ili iskrcavaju ulov u njihovim lukama, podliježu sigurnosnim standardima utvrđenima u Direktivi 97/70/EZ te da se izuzeća predviđena u Prilogu, poglavlju 1., pravilu 3. stavku 3. Sporazuma neće prihvaćati u odnosu na takve ribarske brodove trećih zemalja.

III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI ZAKONOM

Ovim se Zakonom potvrđuje Sporazum kako bi njegove odredbe, u smislu članka 141. Ustava Republike Hrvatske, postale dio unutarnjeg pravnog poretka Republike Hrvatske. U istu se svrhu objavljuje i tekst Sporazuma, u prijevodu na hrvatski i u izvorniku na engleskom jeziku, uz izjavu koju Republika Hrvatska daje u skladu s Odlukom Vijeća te se određuje način objave i stupanje na snagu Sporazuma u odnosu na Republiku Hrvatsku.

IV. OCJENA I IZVORI SREDSTAVA POTREBNIH ZA PROVOĐENJE ZAKONA

Provođenje Zakona o potvrđivanju Sporazuma iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977. nema utjecaja na prihode i primitke niti na rashode i izdatke državnog proračuna Republike Hrvatske.

V. ZAKONI KOJIMA SE POTVRĐUJU MEĐUNARODNI UGOVORI

Temelj za donošenje ovoga Zakona nalazi se u članku 207.a Poslovnika Hrvatskoga sabora (Narodne novine, br. 81/13, 113/16, 69/17, 29/18, 53/20, 119/20 - Odluka Ustavnog suda Republike Hrvatske i 123/20), prema kojem se zakoni, kojima se u skladu s Ustavom Republike Hrvatske, potvrđuju međunarodni ugovori, donose u pravilu u jednom čitanju, a postupak donošenja pokreće se podnošenjem konačnog prijedloga zakona o potvrđivanju međunarodnih ugovora.

S obzirom na prirodu postupka potvrđivanja međunarodnih ugovora, kojim država i formalno izražava spremnost biti vezana već sklopljenim međunarodnim ugovorom, kao i na činjenicu da u ovoj fazi postupka nisu moguće izmjene ili dopune teksta međunarodnog ugovora, predlaže se ovaj Prijedlog zakona raspraviti i prihvatiti u jednom čitanju.

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SPORAZUMA IZ CAPE TOWNA IZ 2012.
O PROVEDBI ODREDBA TORREMOLINOS PROTOKOLA IZ 1993. NA
TORREMOLINOS MEĐUNARODNU KONVENCIJU O SIGURNOSTI RIBARSKIH
BRODOVA IZ 1977.**

Članak 1.

Potvrđuje se Sporazum iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977., sastavljen u Cape Townu 11. listopada 2012. u izvorniku na arapskom, kineskom, engleskom, francuskom, ruskom i španjolskom jeziku.

Članak 2.

Tekst Sporazuma iz članka 1. ovoga Zakona, u izvorniku na engleskom jeziku i prijevodu na hrvatski jezik, glasi:

**SPORAZUM IZ CAPE TOWNA IZ 2012. O PROVEDBI ODREDAVA
TORREMOLINOS PROTOKOLA IZ 1993. NA TORREMOLINOS
MEĐUNARODNU KONVENCIJU O SIGURNOSTI RIBARSKIH BRODOVA IZ 1977.**

STRANKE OVOGA SPORAZUMA,

PREPOZNAJUĆI značajan doprinos pomorskoj sigurnosti općenito i doprinos ribarskih brodova koji se može postići provedbom odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977.,

PRIZNAVAJUĆI MEĐUTIM, da su određene odredbe Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977. dovele do poteškoća u njihovoj provedbi od strane država sa značajnom ribarskom flotom te da je to spriječilo stupanje na snagu toga Protokola i, posljedično, provedbu pravila sadržanih u njemu,

ŽELEĆI da se zajedničkim sporazumom uspostave najviši provedivi standardi sigurnosti ribarskih brodova koje mogu primijeniti sve zainteresirane države,

SMATRAJUĆI da se navedena svrha može najbolje postići sklapanjem Sporazuma koji se odnosi na provedbu odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977.,

SPORAZUMJELE SU SE kako slijedi:

Članak 1. Opće obveze

- (1) Stranke ovoga Sporazuma daju učinak odredbama iz:
- (a) članaka ovoga Sporazuma, i
 - (b) Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977. (dalje u tekstu: „Torremolinos protokol iz 1993.“), izuzev članka 1. stavka 1. točke (a), stavaka 2. i 3., članka 9. i članka 10. toga Protokola, kako je izmijenjen ovim Sporazumom.
- (2) Članci ovog Sporazuma, članci 2. do 8. i 11. do 14. Torremolinos protokola iz 1993., pravila u prilogu Torremolinos protokolu iz 1993. i pravila u prilogu Torremolinos međunarodne konvencije o sigurnosti ribarskih brodova iz 1977. (dalje u tekstu: „Torremolinos konvencija iz 1977.“), podložno izmjenama utvrđenim u ovom Sporazumu, čitaju se i tumače kao jedan instrument.
- (3) Prilog ovome Sporazumu čini sastavni dio Sporazuma, a pozivanje na ovaj Sporazum ujedno je i pozivanje na njegov prilog.

Članak 2. Tumačenje i primjena Torremolinos protokola iz 1993. i Torremolinos konvencije iz 1977.

Članci 2. do zaključno 8. i članci 11. do zaključno 14. Torremolinos protokola iz 1993. primjenjuju se na ovaj Sporazum. Primjenom tih članaka, pravila u prilogu Torremolinos protokolu iz 1993. i pravila u prilogu Torremolinos konvenciji iz 1977. smatra se da upućivanje na „ovaj Protokol“ ili na „Konvenciju“ znači odgovarajuće upućivanje na ovaj Sporazum.

Članak 3. Potpisivanje, ratifikacija, prihvata, odobrenje ili pristup

- (1) Ovaj Sporazum ostaje otvoren za potpisivanje u sjedištu Organizacije od 11. veljače 2013. do 10. veljače 2014., i nakon toga ostaje otvoren za pristup.
- (2) Sve države mogu postati stranke ovog Sporazuma izražavanjem svog pristanka da budu vezane Sporazumom:
- (a) potpisivanjem bez rezerve glede ratifikacije, prihvata ili odobrenja; ili
 - (b) potpisivanjem podložnom ratifikaciji, prihvatu ili odobrenju, nakon kojeg slijedi ratifikacija, prihvata ili odobrenje; ili
 - (c) potpisivanjem koje podliježe postupku utvrđenom u stavku 4. ovoga članka; ili
 - (d) pristupom.

(3) Ratifikacija, prihvata, odobrenje ili pristup obavlja se polaganjem isprave s takvim učinkom kod glavnog tajnika.

(4) Smatra se da je država, koja je položila ispravu o ratifikaciji, prihvatu, odobrenju ili pristupu Torremolinos protokolu iz 1993. prije datuma donošenja ovog Sporazuma i koja je potpisala ovaj Sporazum u skladu sa stavkom 2. točkom (c) ovoga članka, izrazila svoj pristanak da bude vezana ovim Sporazumom 12 mjeseci nakon datuma donošenja ovog Sporazuma osim ako ta država obavijesti depozitara pisanim putem prije toga datuma da ne koristi pojednostavnjeni postupak naveden u ovome stavku.

Članak 4. Stupanje na snagu

(1) Ovaj Sporazum stupa na snagu 12 mjeseci nakon datuma na koji najmanje 22 države čiji ukupan broj ribarskih brodova duljine 24 metra i više koji djeluju na otvorenom moru nije manji od 3.600 izrazi svoj pristanak da budu vezane njime.

(2) Za državu koja položi ispravu o ratifikaciji, prihvatu, odobrenju ili pristupu u odnosu na ovaj Sporazum nakon što su ispunjeni uvjeti za stupanje na snagu, ali prije datuma stupanja na snagu, ratifikacija, prihvata, odobrenje ili pristup proizvode učinke na datum stupanja na snagu ovog Sporazuma ili tri mjeseca nakon polaganja isprave, ovisno o tome koji je od tih datuma kasniji.

(3) Za državu koja položi ispravu o ratifikaciji, prihvatu, odobrenju ili pristupu u odnosu na ovaj Sporazum nakon datuma njegova stupanja na snagu, ovaj Sporazum proizvodi učinke tri mjeseca nakon datuma polaganja isprave.

(4) Nakon datuma na koji se smatra da je izmjena i dopuna ovog Sporazuma prihvaćena u skladu s člankom 11. Torremolinos protokola iz 1993., kako se primjenjuje na ovaj Sporazum na temelju članka 2., svaka položena isprava o ratifikaciji, prihvatu, odobrenju ili pristupu primjenjuje se na ovaj Sporazum kako je izmijenjen i dopunjen.

U POTVRDU TOGA, niže potpisani, za to propisno ovlaštteni od svojih vlada potpisali su ovaj Sporazum.

SASTAVLJENO U CAPE TOWNU jedanaestog dana mjeseca listopada dvije tisuće i dvanaeste godine.

PRILOG**IZMJENE PRILOGA I DODATAKA PRILOGU TORREMOLINOS PROTOKOLA IZ 1993.
NA TORREMOLINOS MEĐUNARODNU KONVENCIJU O SIGURNOSTI RIBARSKIH
BRODOVA IZ 1977.****PRAVILA O GRADNJI I OPREMANJU RIBARSKIH BRODOVA****POGLAVLJE I.****OPĆE ODREDBE****Pravilo 1 – Primjena**

1 Postojeći tekst pravila zamjenjuje se sljedećim:

„(1) Ako nije izričito drugačije određeno, odredbe ovog priloga primjenjuju se na nove brodove.

(2) U smislu ovog Protokola, Uprava može odlučiti upotrijebiti sljedeću bruto tonažu umjesto duljine (L) kao osnovicu za mjerenje za sva poglavlja:

- (a) bruto tonaža od 300 smatra se jednakovrijednom duljini (L) od 24 m;
- (b) bruto tonaža od 950 smatra se jednakovrijednom duljini (L) od 45 m;
- (c) bruto tonaža od 2000 smatra se jednakovrijednom duljini (L) od 60 m; i
- (d) bruto tonaža od 3000 smatra se jednakovrijednom duljini (L) od 75 m.

(3) Svaka stranka koja iskoristi mogućnost koju joj daje stavak 2. dužna je obavijestiti Organizaciju o razlozima te odluke.

(4) Ako je stranka zaključila da nije moguće odmah provesti sve mjere predviđene u poglavljima VII., VIII., IX. i X. na postojećim brodovima, stranka može, u skladu s planom, postupno provoditi odredbe poglavlja IX. tijekom razdoblja ne dužeg od 10 godina i odredbe poglavlja VII., VIII. i X. tijekom razdoblja ne dužeg od pet godina.

(5) Svaka stranka koja iskoristi mogućnost koju joj daje stavak 4. dužna je u prvoj obavijesti Organizaciji:

- (a) navesti odredbe poglavlja VII., VIII., IX. i X. koje će postupno provoditi;
- (b) obrazložiti razloge za odluku donesenu u skladu sa stavkom 4.;

- (c) opisati plan za postupnu provedbu, koja ne smije biti duža od pet ili 10 godina, prema potrebi; i
- (d) u naknadnim obavijestima o primjeni ovog Protokola, opisati mjere poduzete s ciljem primjene odredaba Protokola i napredak ostvaren u skladu s utvrđenim vremenskim okvirom.

(6) Uprava može izuzeti brod od godišnjih pregleda, kako su navedeni u pravilu 7. stavku 1. podstavku (d) i pravilu 9. stavku 1. podstavku (d), ako smatra da je primjena nerazumna i neizvediva s obzirom na područje plovidbe i vrstu broda.“

Pravilo 2 – Definicije

2 Postojeći stavak 14. briše se, postojeći stavci 15. do 22. postaju stavci 14. do 21. i dodaju se novi stavci 22. i 23 koji glase:

„(22) *Bruto tonaža* znači bruto tonaža izračunata u skladu s pravilima o baždarenju navedenima u prilogu I. Međunarodnoj konvenciji o baždarenju brodova iz 1969. ili svakim drugim aktom koji ga mijenja ili zamjenjuje.

(23) *Datum godišnjice* znači dan i mjesec svake godine koji će odgovarati datumu isteka valjanosti odgovarajuće svjedodžbe.“

Pravilo 3 – Izuzeća

3 Stavci 3. i 4. zamjenjuju se slijedećim:

„(3) Uprava može izuzeti svaki brod koji ima pravo ploviti pod njezinom zastavom od bilo kojeg zahtjeva ovog priloga, ako smatra da je njegova primjena, s obzirom na vrstu broda, vremenske uvjete i nepostojanje opće opasnosti za plovidbu, nerazumna i neizvediva, pod uvjetom da:

- (a) brod udovoljava zahtjevima sigurnosti koji su, prema mišljenju te Uprave, primjereni službi za koju je namijenjen i koji omogućavaju sigurnost broda i osoba na brodu u cjelini;
- (b) brod plovi isključivo u:
 - (i) zajedničkoj ribolovnoj zoni uspostavljenoj u susjednim morskim područjima pod nadležnosti susjednih država koje su tu zonu uspostavile, s obzirom na brodove koji imaju pravo ploviti pod njihovom zastavama, samo u mjeri i pod uvjetom da se te države dogovore, u skladu s međunarodnim pravom, o njezinoj uspostavi u tom pogledu; ili
 - (ii) isključivom gospodarskom pojasu države pod čijom zastavom ima pravo ploviti ili, ako ta država nije uspostavila takav pojas, u području koje je izvan i neposredno uz teritorijalno more te države koji je odredila ta država u skladu s međunarodnim pravom i koji se proteže najviše

200 nautičkih milja od polazne linije od koje se mjeri širina teritorijalnog mora; ili

(iii) isključivom gospodarskom pojasu ili morskom području pod jurisdikcijom druge države ili u zajedničkoj ribolovnoj zoni, u skladu sa sporazumom među dotičnim državama u skladu s međunarodnim pravom, samo u mjeri i pod uvjetom da se te države dogovore o njihovoj uspostavi u tom pogledu; i

(c) Uprava obavješćuje glavnog tajnika o uvjetima pod kojima se odobrava izuzeće prema ovom stavku.

(4) Uprava koja odobrava bilo koje izuzeće prema stavku 1. ili 2. o tome dostavlja podatke Organizaciji u mjeri u kojoj je to potrebno kako bi se potvrdilo da se razina sigurnosti održava na primjerenj razini i Organizacija te podatke dostavlja strankama u svrhu informiranja.“

4 Postojeća pravila 6 do 11 zamjenjuju se slijedećim novim pravilima 6 do 17:

„Pravilo 6 - Pregled i nadzor

(1) Pregled i nadzor brodova, u pogledu primjene odredaba ovih pravila i odobravanja izuzeća od tih pravila, provode službenici uprave. Uprava, međutim, može provedbu pregleda i nadzora povjeriti inspektorima koji su imenovani u tu svrhu ili organizacijama koje ona priznaje.

(2) Uprava koja imenuje inspektore ili priznaje organizacije za provođenje pregleda i nadzora iz stavka 1. mora najmanje ovlastiti bilo kojeg imenovanog inspektora ili priznatu organizaciju da:

(a) zahtjeva popravak broda; i

(b) provodi preglede i nadzore ako su to zatražila nadležna tijela države luke.

Uprava obavješćuje Organizaciju o posebnim odgovornostima i uvjetima ovlasti delegiranih imenovanim inspektorima ili priznatim organizacijama.

(3) Kada imenovani inspektor ili priznata organizacija utvrde da stanje broda ili njegove opreme u značajnoj mjeri ne odgovaraju podacima u ispravi ili je takvo da brod nije spreman za isplavlavanje bez opasnosti za brod ili osobe na brodu, taj inspektor ili organizacija moraju odmah osigurati poduzimanje korektivnih radnji i pravodobno obavješćuju upravu. Ako se takve korektivne radnje ne poduzmu, trebalo bi povući odgovarajuću ispravu i o tome odmah obavijestiti upravu; a ako je brod u luci druge države stranke, o tome se odmah obavješćuju i nadležna tijela države luke. Kada službenik uprave, imenovani inspektor ili priznata organizacija obavijeste nadležna tijela države luke, vlada dotične države luke tom službeniku, inspektoru ili organizaciji pruža

svu potrebnu pomoć u izvršavanju njihovih obveza prema ovom pravilu. Prema potrebi, vlada dotične države luke osigurava da brod ne smije ploviti dok nije sposoban za isplovljavanje ili napustiti luku za potrebe nastavka do remontnog brodogradilišta, bez opasnosti za brod ili osobe na njemu.

(4) U svakom slučaju, Uprava u potpunosti jamči cjelovitost i učinkovitost pregleda i nadzora te se obvezuje osigurati potrebne mjere za ispunjenje te obveze.

Pravilo 7 - Pregledi sredstava za spašavanje i druge opreme

(1) Uređaji za spašavanje i druga oprema iz stavka 2. podstavka (a) podliježu niže navedenim pregledima:

- (a) osnovni pregled prije puštanja broda u plovidbu;
- (b) obnovni pregled u vremenskim razmacima koje odredi Uprava, ali koji ne prelaze pet godina, osim ako se primjenjuju pravilo 13 stavak 2., pravilo 13 stavak 5. i pravilo 13 stavak 6.;
- (c) redovan pregled u roku od tri mjeseca prije ili nakon datuma druge godišnjice ili u roku od tri mjeseca prije ili nakon datuma treće godišnjice Međunarodne svjedodžbe o sigurnosti ribarskih brodova koji se obavlja umjesto jednog od godišnjih pregleda navedenih u stavku 1. podstavku (d). Isto tako uprava može odlučiti da se redovan pregled mora provesti u roku od tri mjeseca prije datuma druge godišnjice i tri mjeseca nakon datuma treće godišnjice Međunarodne svjedodžbe o sigurnosti ribarskih brodova;
- (d) godišnji pregled u roku od tri mjeseca prije ili nakon svakog datuma godišnjice Međunarodne svjedodžbe o sigurnosti ribarskih brodova i
- (e) dodatni pregled, opći ili djelomičan, ovisno o okolnostima, obavlja se nakon popravka koji je rezultat istraga propisanih u pravilu 10 ili uvijek kada se obavljaju svi važni popravci ili obnova. Pregled mora biti takav da se njime osigura učinkovita provedba popravaka ili obnove, da su materijal i izvedba takvih popravaka ili obnove u svim aspektima zadovoljavajući i da brod u u svakom pogledu udovoljava odredbama ovih pravila i važećih Međunarodnih propisa za sprečavanje sudara na moru te zakona, ukaza, naloga i pravila koje je uprava donijela na osnovu njih.

(2) Pregledi iz stavka 1. provode se na sljedeći način:

- (a) osnovni pregled uključuje potpuni inspekcijski pregled sustava i uređaja za zaštitu od požara, sredstava i uređaja za spašavanje osim radio uređaja, ugrađene brodske navigacijske opreme, sredstava pristupa pilotu i druge opreme na koju se primjenjuju poglavlja II., III., IV., V., VI., VII., VIII. i X.

kako bi se osiguralo da oni ispunjavaju zahtjev ovih pravila, da su u zadovoljavajućem stanju i da su pogodni za službu za koju je brod namijenjen. Na planove protupožarne zaštite, nautičke publikacije, svjetla, tijela, sredstva za davanje zvučnih signala i signala pogibelji također se primjenjuje navedeni pregled u svrhu osiguravanja njihove usklađenosti sa zahtjevima ovih pravila i, prema potrebi, važećih Međunarodnih propisa za sprečavanje sudara na moru;

- (b) obnovni i redoviti pregledi uključuju inspekcijski pregled opreme iz stavka 2. podstavka (a) kako bi se osiguralo da je ona u skladu s relevantnim zahtjevima ovih pravila i važećih Međunarodnih propisa za sprečavanje sudara na moru, da je u zadovoljavajućem stanju i pogodna za službu za koju je brod namijenjen i
 - (c) godišnji pregled uključuje opći pregled opreme iz stavka 2. podstavka (a) kako bi se osiguralo da je ona održavana u skladu s pravilom 10. stavkom 1. i da je i dalje zadovoljavajuća za službu za koju je brod namijenjen.
- (3) Redoviti i godišnji pregledi iz stavka 1. podstavka (c) i stavka 1. podstavka (d) ovjeravaju se u Međunarodnoj svjedodžbi o sigurnosti ribarskih brodova.

Pravilo 8 - Pregledi radio uređaja

- (1) Radio uređaji, uključujući one koje se upotrebljavaju u sredstvima za spašavanje, brodova na koja se odnose poglavlja VII. i IX. podliježu dolje navedenim pregledima:
 - (a) osnovnom pregledu prije puštanja broda u plovidbu;
 - (b) obnovnom pregledu u razmacima koje odredi Uprava, ali ne duže od pet godina, osim ako se primjenjuju pravila 13 stavak 2., pravilo 13 stavak 5. i pravilo 13 stavak 6.;
 - (c) redovitom pregledu u roku od tri mjeseca prije ili nakon svakog datuma obljetnice Međunarodne svjedodžbe o sigurnosti ribarskog broda; ili redovitom pregledu u roku od tri mjeseca prije ili nakon datuma druge obljetnice ili u roku od tri mjeseca prije ili nakon datuma treće obljetnice Međunarodne svjedodžbe o sigurnosti ribarskog broda. Alternativno, uprava može odlučiti da se redoviti pregled provede u roku od tri mjeseca prije datuma druge obljetnice i tri mjeseca nakon datuma treće obljetnice Međunarodne svjedodžbe o sigurnosti ribarskog broda i
 - (d) dopunskom pregledu, općem ili djelomičnom, ovisno o okolnostima, obavlja se nakon popravka koji je rezultat istraga propisanih u pravilu 10 ili uvijek kad se izvrše neki važni popravci ili obnova. Pregled mora biti takav da se njime osigura učinkovito izvršenje potrebnih popravaka ili obnove, da su materijal i izvedba

takvih popravaka ili obnove zadovoljavajući u svim aspektima te da brod udovoljava odredbama ovih pravila i važećih Međunarodnih pravila za izbjegavanje sudara na moru na snazi, i zakona, ukaza, naloga i pravila koje je uprava donijela na osnovu njih.

- (2) Pregledi iz stavka 1. provode se na sljedeći način:
- (a) osnovni pregled uključuje cjelovit pregled radio uređaja, uključujući i one koje se upotrebljavaju u sredstvima za spašavanje, kako bi se osiguralo da oni udovoljavaju zahtjevima ovih pravila i
 - (b) obnovni i redovni pregledi uključuju pregled radio uređaja, uključujući i one koje se upotrebljavaju u sredstvima za spašavanje, kako bi se osiguralo da oni udovoljavaju zahtjevima ovih pravila.
- (3) Redovni pregledi iz stavka 1. podstavka (c) moraju biti ovjerena u Međunarodnoj svjedodžbi o sigurnosti ribarskog broda.

Pravilo 9 - Pregled konstrukcije, strojeva i opreme

- (1) Konstrukcija, strojevi i oprema (osim elemenata u smislu pravila 7. i 8. iz stavka 2. podstavka (a) podliježu dolje navedenim pregledima i inspekcijama:
- (a) osnovni pregled uključujući i pregled vanjske površine dna broda prije njegova puštanja u plovidbu;
 - (b) obnovni pregled u razmacima koje odredi uprava, ali ne duže od pet godina, osim ako se primjenjuje pravilo 13. stavak 2., pravilo 13. stavak 5. i pravilo 13. stavak 6.;
 - (c) međupregled u roku od tri mjeseca prije ili nakon datuma druge obljetnice ili u roku od tri mjeseca prije ili nakon datuma treće obljetnice Međunarodne svjedodžbe o sigurnosti ribarskog broda, koje se mora obaviti umjesto jednog od godišnjih pregleda navedenih u stavku 1. podstavku (d). Alternativno, uprava može odlučiti da se međupregled provede u roku od tri mjeseca prije datuma druge obljetnice i tri mjeseca nakon datuma treće obljetnice Međunarodne svjedodžbe o sigurnosti ribarskog broda;
 - (d) godišnji pregled u roku od tri mjeseca prije ili nakon svake obljetnice Međunarodne svjedodžbe o sigurnosti ribarskog broda;
 - (e) najmanje dvije inspekcije vanjske površine dna broda tijekom bilo kojeg petogodišnjeg razdoblja, osim ako se primjenjuje pravilo 13. stavak 5. Ako se primjenjuje pravilo 13. stavak 5. to se petogodišnje razdoblje može produžiti tako da se podudara s produženim razdobljem valjanosti svjedodžbe. U svakom slučaju razdoblje između bilo koje dvije takve inspekcije ne smije biti dulje od 36 mjeseci; i

- (f) dopunski pregled, opći ili djelomičan, ovisno o okolnostima, obavlja se nakon popravka koji je rezultat istraga propisanih u pravilu 10. ili uvijek kad se izvrše neki važni popravci ili obnova. Pregled mora biti takav da se njime osigura učinkovito izvršenje potrebnih popravaka ili obnove, da su materijal i izvedba takvih popravaka ili obnove zadovoljavajući u svim aspektima te da brod udovoljava odredbama ovih pravila i Međunarodnih pravila za izbjegavanje sudara na moru na snazi, i zakona, ukaza, naloga i pravila koje je uprava donijela na osnovu njih.
- (2) Pregledi i inspekcije iz stavka 1. provode se na sljedeći način:
- (a) osnovni pregled uključuje cjelovitu inspekciju konstrukcije, strojeva i opreme. Taj pregled mora biti takav da se njime osigura da su izvedba, materijali, strukturne dimenzije i izrada, kotlova i drugih posuda pod tlakom, njihovih pripadaka, glavnih i pomoćnih strojeva, uključujući kormilarski uređaj i pripadajuće upravljačke sustave, električne instalacije i drugu opremu u skladu sa zahtjevima ovih pravila, da su u zadovoljavajućem su stanju i da su prikladni za službu za koju je brod namijenjen te da su navedeni traženi podaci o stabilnosti;
 - (b) obnovni pregled uključuje inspekciju konstrukcije, strojeva i opreme iz stavka 2. podstavka (a) kako bi se osiguralo da oni udovoljavaju zahtjevima ovih pravila, da su u zadovoljavajućem stanju i da su prikladni za službu za koju je brod namijenjen;
 - (c) međupregled uključuje inspekciju konstrukcije, kotlova i drugih posuda pod tlakom, strojeva i opreme, kormilarskog uređaja i pripadajućih upravljačkih sustava i električnih instalacija kako bi se osiguralo da su i dalje u zadovoljavajućem stanju za službu za koju je brod namijenjen;
 - (d) godišnji pregled uključuje opću inspekciju konstrukcije, strojeva i opreme iz stavka 2. podstavka (a) kako bi se osiguralo da su održavani u skladu s pravilom 10. stavkom 1. i da su i dalje u zadovoljavajućem stanju za službu za koju je brod namijenjen i
 - (e) inspekcija vanjske površine dna broda i istovremeni pregled povezanih elemenata mora biti takva da se njome osigurava da su oni i dalje u zadovoljavajućem stanju za službu za koju je brod namijenjen.
- (3) Međupregledi i godišnji pregledi i inspekcije vanjske površine dna broda iz stavka 1. podstavaka (c), (d) i (e) ovjerava se u Međunarodnoj svjedodžbi o sigurnosti ribarskog broda.

Pravilo 10 - Održavanje stanja nakon pregleda

(1) Stanje broda i njegove opreme mora se održavati u skladu s odredbama ovih propisa kako bi se osiguralo da brod u svakom pogledu ostane sposoban za isplavljanje bez opasnosti za brod ili osobe na njemu.

(2) Nakon svakog obavljenog pregleda broda, prema pravilima 7., 8. ili 9., ne smije se obavljati nikakve promjene u izvedbi konstrukcije, strojeva, opreme i drugih elemenata obuhvaćenih pregledom, bez odobrenja uprave.

(3) Uvijek kada se dogodi nesreća na brodu ili se otkrije neki kvar, čime se utječe na sigurnost broda ili na učinkovitost ili cjelovitost njegovih sredstava za spašavanje ili druge opreme, zapovjednik broda ili brodar moraju u najkraćem mogućem roku o tome izvijestiti upravu, imenovanog inspektora ili priznatu organizaciju odgovornu za izdavanje odgovarajuće svjedožbe, koji će pokrenuti istragu radi utvrđivanja je li potreban pregled, kako nalažu pravila 7., 8. ili 9. Ako se brod nalazi u luci druge države stranke, zapovjednik broda ili brodar moraju bez odgađanja obavijestiti odgovarajuće vlasti države luke, a imenovani inspektor ili priznata organizacija utvrđuju da je takva obavijest podnesena.

Pravilo 11 - Izdavanje ili ovjeravanje svjedodžbi

(1) Svjedodžba pod nazivom Međunarodna svjedodžba o sigurnosti ribarskog broda, osim za brodove izuzete u skladu s pravilom 3. stavkom 3., izdaje se nakon osnovnog ili obnovnog pregleda ribarskog broda koji udovoljava odgovarajućim zahtjevima poglavlja II., III., IV., V., VI., VII., VIII., IX. i X. i svim ostalim relevantnim zahtjevima ovih pravila.

(2) Međunarodna svjedodžba o sigurnosti ribarskog broda iz stavka 1. dopunjuje se izvješćem o opremi.

(3) Kada se brodu odobri izuzeće prema i u skladu s odredbama ovih pravila, osim za brodove koji su izuzeti na temelju pravila 3. stavka 3., izdat će se i svjedodžba pod nazivom Međunarodna svjedodžba o izuzeću ribarskog broda uz svjedodžbu propisanu u ovom pravilu.

(4) Svjedožbe iz ovog pravila izdaje ili ovjerava uprava ili svaka osoba ili organizacija koju je ona ovlastila. U svakom slučaju, ta uprava preuzima potpunu odgovornost za svjedožbe.

Pravilo 12 - Izdavanje ili ovjeravanje svjedodžbi od strane druge stranke

Stranka može na zahtjev uprave pokrenuti pregled broda i, ako se uvjeri da su ispunjeni zahtjevi ovih pravila, izdati ili odobriti izdavanje svjedodžbe brodu i, prema potrebi, ovjeriti ili odobriti ovjeru svjedodžbi na brodu u skladu s ovim pravilima. Svaka tako izdana svjedodžba mora sadržavati izjavu o tome da je izdana na zahtjev Vlade države pod čijom zastavom brod plovi te ima istu snagu i jednako je priznata kao i svjedodžba izdana u skladu s pravilom 11.

Pravilo 13 - Trajanje i valjanost svjedodžbi

- (1) Međunarodna svjedodžba o sigurnosti ribarskog broda izdaje se za razdoblje koje odredi uprava i koje ne prelazi pet godina. Međunarodna svjedodžba o izuzeću ribarskog broda ne važi duže od razdoblja svjedodžbe na koju se odnosi.
- (2) (a) Neovisno o zahtjevima iz stavka 1., kada se obnovni pregled dovrši u roku od tri mjeseca prije datuma prestanka važenja postojeće svjedodžbe, nova će svjedodžba važiti od datuma dovršetka obnovnog pregleda do najviše pet godina od datuma prestanka važenja postojeće svjedodžbe.
- (b) Kada se obnovni pregled dovrši nakon datuma prestanka važenja postojeće svjedodžbe, nova će svjedodžba važiti od datuma dovršetka obnovnog pregleda do najviše pet godina od datuma prestanka važenja postojeće svjedodžbe.
- (c) Kada se obnovni pregled dovrši više od tri mjeseca prije prestanka važenja postojeće svjedodžbe, nova će svjedodžba važiti od datuma dovršetka obnovnog pregleda do najviše pet godina od datuma dovršetka obnovnog pregleda.
- (3) Ako se svjedodžba izdaje za razdoblje kraće od pet godina, uprava može produljiti rok važenja svjedodžbe nakon datuma prestanka važenja do maksimalnog razdoblja određenog u stavku 1., pod uvjetom da se pregledi iz pravila 7. , 8. i 9. koji su primjenjivi u trenutku izdavanja svjedodžbe za razdoblje od pet godina provode prema potrebi.
- (4) Ako je obnovni pregled dovršen i nova se svjedodžba ne može izdati ili postaviti na brodu prije datuma prestanka važenja postojeće svjedodžbe, osoba ili organizacija koju je ovlastila uprava može ovjeriti postojeću svjedodžbu i takva se svjedodžba prihvaća kao važeća za daljnje razdoblje od najviše pet mjeseci od datuma prestanka važenja.
- (5) Ako u vrijeme kada svjedodžba prestaje važiti brod nije u luci u kojoj se obavlja pregled, uprava može produljiti razdoblje valjanosti svjedodžbe, ali se to produljenje dodjeljuje samo kako bi se brodu dozvolilo da dovrši plovidbu do luke u kojoj će se obaviti pregled i to samo u slučajevima kada se to čini ispravno i razumno. Ni jedna se svjedodžba ne produljuje za razdoblje dulje od tri mjeseca, a brod kojem se dodijeli takvo produljenje, nakon uplovljavanja u luku u kojoj će se obaviti pregled neće na temelju takvog produljenja moći napustiti luku bez nove svjedodžbe. Kada je obnovni pregled dovršen, nova će svjedodžba važiti do datuma koji ne prelazi pet godina od datuma prestanka važenja postojeće svjedodžbe prije no što je dodijeljeno produljenje.
- (6) U posebnim okolnostima, kako ih je utvrdila uprava, nova svjedodžba ne mora biti datirana od datuma prestanka važenja postojeće svjedodžbe kako to nalaže stavak 2.podstavak (b) ili stavak 5. U tim posebnim okolnostima, nova svjedodžba važi do datuma od najviše pet godina od datuma dovršetka obnovnog pregleda.

(7) Ako se godišnji pregled, međupregled ili redoviti pregled dovrše prije razdoblja određenog u odgovarajućim pravilima, tada se:

- (a) datum godišnjice naveden u odgovarajućoj svjedodžbi izmjenjuje ovjerom na datum od najviše tri mjeseca nakon datuma kada je pregled dovršen;
- (b) naknadni godišnji pregledi, međupregledi ili redoviti pregledi koje nalažu relevantna pravila dovršavaju u razmacima propisanim ovim pravilima koristeći novi datum obljetnice i
- (c) datum prestanka važenja može ostati neizmjenjen pod uvjetom da se jedno ili više godišnjih pregleda, međupregleda ili redovitih pregleda, prema potrebi, provedu tako da maksimalna razdoblja između provjera ne budu dulja od onih propisanih u odgovarajućim pravilima.

(8) Svjedodžba koja se izdaje u skladu s pravilom 11 ili 12 prestaje važiti u bilo kojem od sljedećih slučajeva:

- (a) ako odgovarajući pregledi i inspekcije nisu provedeni u razdobljima navedenima u pravilu 7 stavku 1., pravilu 8 stavku 1. i pravilu 9 stavku 1.;
- (b) ako svjedodžba nije ovjerena u skladu s ovim pravilima i
- (c) nakon prelaska broda na zastavu druge države. Nova svjedodžba izdaje se samo kada je vlada koja izdaje novu svjedodžbu u potpunosti uvjerena da brod zadovoljava zahtjeve pravila 10 stavka 1. i pravila 10 stavka 2. U slučaju prelaska broda pod zastavu druge države stranke, ako se to zatraži u roku od tri mjeseca nakon prelaska, vlada države pod čijom je zastavom brod prethodno plovio, čim je ranije moguće, mora prenijeti novoj upravi kopije svjedodžbi koje je brod posjedovao prije prelaska te kopije raspoloživih izvještaja o pregledima.

Pravilo 14 - Obrasci svjedodžbi i popis opreme

Svjedodžbe i popis opreme sastavljaju se u obliku koji odgovara primjerima navedenima u dodatku prilogu ovog Protokola. Ako jezik koji se koristi nije engleski ili francuski, tekst mora sadržavati prijevod na jedan od tih jezika.

Pravilo 15 - Dostupnost svjedodžbi

Svjedodžbe koje se izdaju u skladu s pravilima 11 i 12 moraju biti uvijek dostupne na brodu za pregled u svakom trenutku.

Pravilo 16 - Prihvatanje svjedodžbi

Svjedodžbe koje je izdala jedna stranka prihvatit će druga stranka u sve svrhe obuhvaćene ovim Protokolom. Druga stranka smatrati će da te svjedodžbe imaju jednaku vrijednost kao svjedodžbe koje je ona sama izdala.

Pravilo 17 – Prava

Prava iz ovog Protokola ne mogu se zahtijevati u korist bilo kojeg broda ako on ne posjeduje odgovarajuće važeće svjedodžbe.

POGLAVLJE V

ZAŠTITA OD POŽARA, OTKRIVANJE POŽARA I GAŠENJE POŽARA

DIO A - OPĆENITO

Pravilo 1 – Općenito

5 Postojeći tekst ovog pravila zamjenjuje se slijedećim:

„(1) Osim ako nije izričito određeno drugačije, ovo se poglavlje primjenjuje na nove brodove duljine 45 m i više.

(2) Jedna od sljedećih metoda zaštite primjenjuje se u prostorijama nastambi i servisnim prostorijama:

- (a) Metoda IF – izgradnja svih unutarnjih diobenih pregrada negorivih pregrada klase "B" ili "C" općenito je bez postavljanja sustava za otkrivanje ili raspršivanje u prostorijama nastambi i servisnim prostorijama ili
- (b) Metoda IIF – postavljanje automatskog sustava za raspršivanje i protupožarnog alarma za otkrivanje i gašenje vatre u svim prostorijama u kojima se može očekivati izbijanje požara općenito je bez ograničenja u pogledu vrste unutarnjih diobenih pregrada ili
- (c) Metoda III.F – postavljanje automatskog sustava potupožarnog alarma i otkrivanja požara u svim prostorijama u kojima bi se moglo očekivati izbijanje požara općenito je bez ograničenja u pogledu vrste unutrašnjih diobenih pregrada, osim što površina bilo koje prostorije nastambi ili prostorija koje su omeđene pregradama klase „A” ili „B” ni u kojem slučaju ne smije biti veća od 50 m². Međutim, uprava može tu površinu povećati za društvene prostorije.

(3) Zahtjevi za uporabu negorivih materijala u izgradnji i izolaciji graničnih pregrada prostora strojeva, upravljačkih stanica itd. te zaštita zatvorenog prostora stubišta i hodnika zajednički su svim trima metodama.“

POGLAVLJE VII

SREDSTVA I UREĐAJI ZA SPAŠAVANJE

DIO B - ZAHTJEVI ZA BROD

Pravilo 5 - Broj i vrste brodica za spašavanje i brodica za prikupljanje

6 Iza postojećeg stavka 4. dodaju se novi stavci 5., 6. i 7. kako slijedi:

„(5) Ako bi raspored koji se zahtijeva u stavku 3. točki (a) ometao normalan rad broda, Uprava može odlučiti, umjesto da ispuni zahtjeve, da brodovi nose brodica za spašavanje koje se može spustiti samo s jednog boka broda. Ta brodice za spašavanje moraju biti dovoljnog ukupnog kapaciteta za smještaj dvaput više od ukupnog broja osoba na brodu, pod uvjetom da se brodica za spašavanje dovoljnog kapaciteta za smještaj ukupnog broja osoba na brodu može lako prebaciti na drugu stranu broda, gdje se može sigurno i brzo spustiti.

(6) U slučaju da se bilo koje brodica za spašavanje izgubi ili postane neupotrebljivo, na raspolaganju mora biti brodica za spašavanje dovoljnog ukupnog kapaciteta za smještaj ukupnog broja osoba koje se nalaze na brodu, uključujući one koji su smješteni u položaju za prebacivanje na drugu stranu. Prebacivanje se mora moći jednostavno izvršiti, na razini otvorene palube, a svi brodovi moraju biti bez prepreka kako bi se izbjeglo zaglavljivanje i olakšalo jednostavno raspoređivanje.

(7) Ako bi raspored koji se zahtijeva u stavku 3. točki (b) ometao normalan rad broda, Uprava može odlučiti, umjesto ispunjavanja zahtjeva, da brodovi budu opremljeni drugim jednakovrijednim uređajima za spašavanje osoba iz vode, uzimajući u obzir područje plovidbe i operativno stanje broda.“

7 Postojeći stavci 5. i 6. postaju stavci 8. i 9.

POGLAVLJE IX

RADIOKOMUNIKACIJE

DIO A - PRIMJENA I DEFINICIJE

Pravilo 1 - Primjena

8 Na kraju postojećeg stavka 2. dodaje se slijedeća nova rečenica:

„Neovisno o odredbama stavka 1., Uprava može dozvoliti da se postojeći radiokomunikacijski sustav i dalje koristi na postojećim ribarskim plovilima, pod uvjetom da se Uprava uvjerila da je na odgovarajući način zadovoljava zahtjevima ovog poglavlja.“

**DODATAK
SVJEDODŽBE I POPIS PODATAKA O OPREMI**

9 Postojeći tekst Dodatka zamjenjuje se slijedećim:

„1 **Obrazac Svjedodžbe o sigurnosti ribarskog broda**

MEĐUNARODNA SVJEDODŽBA O SIGURNOSTI RIBARSKOG BRODA

Ovoj Svjedodžbi mora biti pridodan
Popis podataka o opremi

(Službeni pečat)

(Država)

Izdano prema odredbama Sporazuma iz Cape Towna iz 2012. o provedbi
odredaba Torremolinos protokola iz 1993. na
Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977.

pod nadležnošću vlade

(naziv države)

od strane

(nadležna službena osoba ili organizacija)

Podaci o brodu⁽¹⁾

Ime broda

Broj ili znak raspoznavanja

Luka upisa

Duljina (L) (pravilo I/2. stavak 5.)/
Bruto tonaža (pravilo I/2. stavak 22.)⁽²⁾

Morska područja u kojima je brodicica certificirano za rad (pravilo IX/2.)

Datum gradnje ili veće preinake

Datum polaganja kobilice ili slične faze gradnje u skladu s pravilom I/2. stavkom 1. točkom (c)
alinejom (ii) ili stavkom 1. točkom (c) alinejom (iii)

Datum isporuke ili završetka veće preinake

(1) Alternativno, podaci o brodu mogu biti upisani vodoravno.

(2) Izbrisati nepotrebno.

POSVJEDOČUJE SE:

- 1.1 Da je brod pregledan u skladu sa zahtjevima pravila I/7., I/8. i I/9. Protokola.
- 1.2 Da brod podliježe/ne⁽²⁾ podliježe godišnjim pregledima zahtijevanim u pravilu I/7. stavku 1. točki (d) i pravilu I/9. stavku 1. točki (d) Protokola.
- 2 Da je pregledom utvrđeno da je:
- 2.1 stanje trupa, strojeva i opreme, kako je određeno u pravilu I/9., zadovoljavajuće, te brod udovoljava primjenjivim zahtjevima poglavlja II., III., IV., V. i VI. Protokola (osim onih koji se odnose na sustave protupožarne zaštite te uređaje i planove protupožarne zaštite);
- 2.2 posljednja dva pregleda vanjskog dijela dna broda obavljena su dana
 i
 (datum) (datum)
- 2.3 brod udovoljava zahtjevima Protokola u pogledu sustava protupožarne zaštite te uređaja i planova protupožarne zaštite;
- 2.4 sredstva za spašavanje i oprema brodice za spašavanje, splavi za spašavanje i brodice za prikupljanje osigurana su u skladu sa zahtjevima Protokola;
- 2.5 brod je opremljen spravom za dobacivanje konopa i radio-opremom koja se koristi u sredstvima za spašavanje u skladu sa zahtjevima Protokola;
- 2.6 brod udovoljava zahtjevima Protokola u pogledu radio-opreme;
- 2.7 funkcioniranje radio-opreme koja se koristi u sredstvima za spašavanje udovoljava zahtjevima Protokola;
- 2.8 brod udovoljava zahtjevima Protokola u pogledu navigacijske opreme na brodu, sredstava pristupa za pilotu i nautičkih publikacija;
- 2.9 brod je opremljen svjetlima, oznakama, sredstvima za davanje zvučnih znakova i signalima pogibelji u skladu sa zahtjevima Protokola i Međunarodnih pravila o izbjegavanju sudara na moru koja su na snazi;
- 2.10 u svim ostalim aspektima brod udovoljava relevantnim zahtjevima Protokola.
- 3 Da je međunarodna potvrda o oslobađanju ribarskog broda izdana / nije⁽²⁾ izdana.

(2) Izbrisati nepotrebno.

Svjedodžba je valjana do⁽³⁾ podložno godišnjim pregledima, međupregledima i redovitim pregledima te pregledima vanjske strane dna brodice u skladu s pravilima I/7, I/8 i I/9 Protokola.

Izdano u.....

(Mjesto izdavanja svjedodžbe)

.....

(Datum izdavanja)

.....

(Potpis nadležne službene osobe koja izdaje svjedodžbu)

(Pečat ili žig nadležnog tijela, prema potrebi)

(3) Umetni datum isteka kako propisuje Uprava u skladu s pravilom I/13. stavkom 1. Protokola. Dan i mjesec toga datuma odgovaraju datumu obljete kao je definirano u pravilu I/2 stavku 23., osim ako je izmijenjen i dopunjen u skladu s pravilom I/13 stavkom 7.

Potvrđivanje godišnjih pregleda i međupregleda u odnosu na trup, strojeve i opremu iz stavka 2.1. ove svjedodžbe

POSVJEDOČUJE SE, da je pregledom zahtijevanim pravilom I/9 Protokola, utvrđeno da brod udovoljava propisanim zahtjevima Protokola.

Godišnji pregled: Potpis:
(Potpis ovlaštene službene osobe)
Mjesto:
Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Godišnji pregled / Međupregled⁽²⁾: Potpis:
(Potpis ovlaštene službene osobe)
Mjesto:
Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Godišnji pregled / Međupregled⁽²⁾: Potpis:
(Potpis ovlaštene službene osobe)
Mjesto:
Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Godišnji pregled: Potpis:
(Potpis ovlaštene službene osobe)
Mjesto:
Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Godišnji pregled / međupregled u skladu s pravilom I/13 stavkom 7. točkom (c)

POSVJEDOČUJE SE, da je godišnjim pregledom / međupregledom⁽²⁾ zahtijevanim pravilom I/9. i I/13. stavkom 7. točkom (c), utvrđeno da brod udovoljava propisanim zahtjevima Protokola.

Potpis:
(Potpis ovlaštene službene osobe)
Mjesto:
Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

(2) Izbrisati nepotrebno.

Potvrđivanje pregleda vanjskog dijela dna brodice⁽⁴⁾

POSVJEDOČUJE SE, da je pregledom zahtijevanim pravilom I/9 Protokola, utvrđeno da brod udovoljava propisanim zahtjevima Protokola.

Prvi pregled: Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Drugi pregled: Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Potvrđivanje godišnjih i redovitih pregleda koji se odnose na sredstva za spašavanje i ostalu opremu iz stavaka 2.3., 2.4., 2.5., 2.8. i 2.9. ove svjedodžbe

POSVJEDOČUJE SE, da je pregledom zahtijevanim pravilom I/7 Protokola, utvrđeno da brod udovoljava propisanim zahtjevima Protokola.

Godišnji pregled: Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Godišnji/Redoviti⁽²⁾ pregled: Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Godišnji/Redoviti⁽²⁾ pregled: Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

(4) Mogu se predvidjeti dodatni pregledi.

(2) Izbrisati nepotrebno.

Godišnji pregled:

Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Godišnji/redoviti pregled u skladu s pravilom I/13. stavkom 7. točkom (c)

POSVJEDOČUJE SE da je godišnjim/redovitim⁽²⁾ pregledom zahtijevanim pravilom I/7. i I/13. stavkom 7. točkom (c) Protokola utvrđeno da brod udovoljava propisanim zahtjevima Protokola.

Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Potvrđivanje redovitih pregleda koji se odnose na radio-opremu iz stavaka 2.6. i 2.7. ove svjedodžbe

POSVJEDOČUJE SE, da je pregledom zahtijevanim pravilom I/8 Protokola, utvrđeno da brod udovoljava propisanim zahtjevima Protokola.

Redoviti pregled:

Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Redoviti pregled:

Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Redoviti pregled:

Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

(2) Izbrisati nepotrebno.

Redoviti pregled: Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Redoviti pregled u skladu s pravilom I/13. stavkom 7. točkom (c)

POSVJEDOČUJE SE da je redovitim pregledom zahtijevanim pravilom I/8. i I/13. stavkom 7. točkom (c) Protokola utvrđeno da brod udovoljava propisanim zahtjevima Protokola.

Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Potvrđivanje produljenja valjanosti svjedodžbe ako je kraća od 5 godina kada se primjenjuje pravilo I/13. stavak 3.

Brod udovoljava relevantnim zahtjevima Protokola, a ove se svjedodžba, u skladu s pravilom I/13. stavkom 3. Protokola, prihvaća kao valjana do

Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Potvrđivanje ako je dovršen ponovni pregled i ako se primjenjuje pravilo I/13 stavak 4.

Brod udovoljava relevantnim zahtjevima Protokola, a ove se svjedodžba, u skladu s pravilom I/13. stavkom 4. Protokola, prihvaća kao valjana do

Potpis:
 (Potpis ovlaštene službene osobe)
 Mjesto:
 Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Potvrđivanje produljenja valjanosti svjedodžbe do dolaska u luku u kojoj će se obaviti pregled kada se primjenjuje pravilo I/13. stavak 5.

Ova se svjedodžba, u skladu s pravilom I/13. stavkom 5. Protokola, prihvaća kao valjana do

Potpis:
(Potpis ovlaštene službene osobe)

Mjesto:

Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Potvrđivanje pomicanja datuma obljetnice kada se primjenjuje pravilo I/13. stavak 7.

U skladu s Pravilom I/13 stavkom 7. Protokola, novi datum godišnjice je

Potpis:
(Potpis ovlaštene službene osobe)

Mjesto:

Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

U skladu s Pravilom I/13 stavkom 7. Protokola, novi datum godišnjice je

Potpis:
(Potpis ovlaštene službene osobe)

Mjesto:

Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

2 Obrazac Svjedodžbe o oslobađanju**MEĐUNARODNA SVJEDODŽBA O OSLOBAĐANJU RIBARSKOG BRODA**

(Službeni pečat)

(Država)

Izdano prema odredbama
Sporazuma iz Cape Towna iz 2012. o provedbi odredaba
Torremolinos protokola iz 1993.
Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977.

pod nadležnošću vlade

.....
(ime države)

od

.....
(ovlaštena službena osoba ili organizacija)*Podaci o brodu*⁽¹⁾

Ime broda.....
Broj ili znak raspoznavanja
Luka upisa
Duljina (L) (pravilo I/2 stavak 5.)/
Bruto tonaža (pravilo I/2 stavak 22.)⁽²⁾

POSVJEDOČUJE SE:

Da je brod, na temelju ovlaštenja iz pravila
oslobođen od zahtjeva

Uvjeti, ako ih ima, uz koje je Svjedodžba o oslobađanju izdana:

Ova svjedodžba vrijedi do, uz uvjet da
Međunarodna svjedodžba o sigurnosti ribarskog broda, kojoj je pridodana ova svjedodžba, zadržava
valjanost.

Izdano u
(Mjesto izdavanja svjedodžbe)

.....
(Datum izdavanja).....
(Potpis ovlaštene službene osobe
koja izdaje svjedodžbu)

(Pečat ili žig nadležnog tijela, prema potrebi)

(1) Alternativno, podaci o brodu mogu biti upisani vodoravno.

(2) Izbrisati nepotrebno.

Potvrđivanje produljenja valjanosti svjedodžbe ako je kraća od 5 godina kada se primjenjuje pravilo I/13 stavak 3.

Ova se svjedodžba, u skladu s pravilom I/13 stavkom 3. Protokola, prihvaća kao valjana do, uz uvjet da Međunarodna svjedodžba o sigurnosti ribarskog broda, kojoj je pridodana ova svjedodžba, zadržava valjanost.

Potpis:
(Potpis ovlaštene službene osobe)

Mjesto:
Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Potvrđivanje ako je dovršen ponovni pregled i ako se primjenjuje pravilo I/13 stavak 4.

Ova se svjedodžba, u skladu s pravilom I/13. stavkom 4. Protokola, prihvaća kao valjana do, uz uvjet da Međunarodna svjedodžba o sigurnosti ribarskog broda, kojoj je pridodana ova svjedodžba, zadržava valjanost.

Potpis:
(Potpis ovlaštene službene osobe)

Mjesto:
Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

Potvrđivanje produljenja valjanosti svjedodžbe do dolaska u luku u kojoj će se obaviti pregled kada se primjenjuje pravilo I/13. stavak 5.

Ova se svjedodžba, u skladu s pravilom I/13 stavkom 5. Protokola, prihvaća kao valjana do, uz uvjet da Međunarodna svjedodžba o sigurnosti ribarskog broda, kojoj je pridodana ova svjedodžba, zadržava valjanost.

Potpis:
(Potpis ovlaštene službene osobe)

Mjesto:
Datum:

(Pečat ili žig nadležnog tijela, prema potrebi)

3 **Obrazac dodatka Međunarodnoj svjedodžbi o sigurnosti ribarskog broda**

POPIS PODATAKA O OPREMI ZA MEĐUNARODNU SVJEDODŽBU O SIGURNOSTI RIBARSKOG BRODA

Ovaj Popis mora biti trajno priložen
Međunarodnoj svjedodžbi o sigurnosti ribarskog broda.

POPIS PODATAKA O OPREMI ZA USKLAĐENOST SA
SPORAZUMOM IZ CAPE TOWNA IZ 2012. O PROVEDBI ODREĐABA
TORREMOLINOS PROTOKOLA IZ 1993. NA TORREMOLINOS
MEĐUNARODNU KONVENCIJU O SIGURNOSTI RIBARSKIH BRODOVA IZ 1977.

1 **Podaci o brodu**

Ime broda

Broj ili znak raspoznavanja

Luka upisa

Duljina (L) (pravilo I/2. stavak 5.)/

Bruto tonaža (pravilo I/2. stavak 22.)⁽¹⁾

2 **Pojedinosti o sredstvima za spašavanje**

1	Ukupan broj osoba za koje su predviđena sredstva za spašavanje	.....
		Lijeva strana	Desna strana
2	Ukupan broj brodica za spašavanje	.....	.....
2.1	Ukupan broj osoba koje se u njih mogu smjestiti	.....	.....
2.2	Broj djelomično zatvorenih brodica za spašavanje (pravilo VII/18.)	.....	.....
2.3	Broj potpuno zatvorenih brodica za spašavanje (pravilo VII/19.)	.....	.....

(1) Izbrisati nepotrebno.

3	Broj brodica za prikupljanje	.....
3.1	Broj brodica za prikupljanje koje su uključene u ukupan broj brodica za spašavanje (naveden gore)	.....
4	Splavi za spašavanje	.....
4.1	Splavi za spašavanje za koje se zahtjeva odobreni uređaj za spuštanje	.....
4.1.1	Broj splavi za spašavanje	.....
4.1.2	Broj osoba koje se u njih mogu smjestiti	.....
4.2	Splavi za koje se ne zahtjeva odobreni uređaj za spuštanje	.....
4.2.1	Broj splavi za spašavanje	.....
4.2.2	Broj osoba koje se u njih mogu smjestiti	.....
5	Broj koluta za spašavanje	.....
6	Broj prsluka za spašavanje	.....
7	Hidro-termo odijela	.....
7.1	Ukupan broj	.....
7.2	Broj odijela koja udovoljavaju zahtjevima za prsluke za spašavanje	.....
8	Broj odijela za zaštitu od gubitka topline ⁽²⁾
9	Radiouređaji za korištenje u sredstvima za spašavanje	.....
9.1	Broj radar transpondera	.....
9.2	Broj dvosmjernih VHF radiotelefonskih aparata	.....

(2) Isključujući one koje se zahtijevaju pravilima VII/17(8)(xxxi), VII/20(5)a(xxiv) i VII/23(2)(b)(xiii).

3 Podaci o radio-uređajima

	Oprema	Stvarno stanje
1	Osnovni sustavi	
1.1	VHF radio-oprema:	
1.1.1	DSC koder	.....
1.1.2	DSC prijemnik dežurstva	.....
1.1.3	Radiotelefoniya	.....
1.2	MF radio-oprema:	
1.2.1	DSC koder	.....
1.2.2	DSC prijemnik dežurstva	.....
1.2.3	Radiotelefoniya	.....
1.3	MF/HF radio-oprema:	
1.3.1	DSC koder	.....
1.3.2	DSC prijemnik dežurstva	.....
1.3.3	Radiotelefoniya	.....
1.3.4	Radiotelegrafija s izravnim ispisivanjem	.....
1.4	INMARSAT brodska zemaljska postaja	.....
2	Pomoćna sredstva uzbunjivanja	.....
3	Sredstva za prijem pomorskih sigurnosnih obavijesti	
3.1	NAVTEX prijemnik	.....
3.2	EGC prijemnik	.....
3.3	HF radiotelegrafski prijemnik s izravnim ispisivanjem	.....
4	Satelitski EPIRB	
4.1	COSPAS-SARSAT	.....
4.2	INMARSAT	.....
5	VHF EPIRB	.....
6	Brodski radar transponder	.....

4 Primijenjene metode za osiguranje korištenja radioopreme (pravilo IX/14.)

4.1	Udvostručenje opreme	.....
4.2	Održavanje na kopnu	.....
4.3	Sposobnost održavanja na moru	.....

POSVJEDOČUJE SE da je ovaj Popis podataka točan u svakom pogledu

Izdano u
(Mjesto izdavanja Popisa)

.....
(Datum izdavanja)

.....
(Potpis ovlaštene osobe
koja izdaje Popis)

(Pečat ili žig nadležnog tijela, prema potrebi)“

CAPE TOWN AGREEMENT OF 2012 ON THE IMPLEMENTATION OF THE PROVISIONS OF THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977

THE PARTIES TO THIS AGREEMENT,

RECOGNIZING the significant contribution to maritime safety in general and that of fishing vessels which can be made by implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977,

ACKNOWLEDGING, HOWEVER, that certain provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, have given rise to difficulties in their implementation by a number of States having substantial fishing fleets under their flags and that this has prevented the entry into force of that Protocol and, consequently, the implementation of the regulations contained therein,

DESIRING to establish by common agreement the highest practicable standards for the safety of fishing vessels that can be implemented by all the States concerned,

CONSIDERING that this objective may best be achieved by the conclusion of an Agreement relating to the implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977,

HAVE AGREED as follows:

Article 1

General obligations

- (1) The Parties to this Agreement shall give effect to the provisions of:
 - (a) the articles of this Agreement; and
 - (b) the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (hereinafter referred to as the "1993 Torremolinos Protocol"), with the exception of article 1, paragraphs (1)(a), (2) and (3), article 9 and article 10 of that Protocol, as modified by this Agreement.
- (2) The articles of this Agreement, articles 2 to 8 and 11 to 14 of the 1993 Torremolinos Protocol, the regulations in the annex to the 1993 Torremolinos Protocol, and the regulations in the annex to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (hereinafter referred to as the "1977 Torremolinos Convention") shall, subject to the modifications set out in this Agreement, be read and interpreted as a single instrument.
- (3) The annex to this Agreement shall constitute an integral part of the Agreement and a reference to this Agreement shall constitute at the same time a reference to the annex thereto.

Article 2

Interpretation and application of the 1993 Torremolinos Protocol and the 1977 Torremolinos Convention

Articles 2 to 8 inclusive and articles 11 to 14 inclusive of the 1993 Torremolinos Protocol shall apply to this Agreement. In applying these articles, the regulations in the annex to the 1993 Torremolinos Protocol, and the regulations in the annex to the 1977 Torremolinos Convention, a reference to "the present Protocol" or to "the Convention", respectively, shall be deemed to mean a reference to this Agreement.

Article 3

Signature, ratification, acceptance, approval and accession

- (1) This Agreement shall remain open for signature at the Headquarters of the Organization from 11 February 2013 to 10 February 2014 and shall thereafter remain open for accession.
- (2) All States may become Parties to this Agreement by expressing their consent to be bound by the Agreement by:
 - (a) signature without reservation as to ratification, acceptance or approval; or
 - (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
 - (c) signature subject to the procedure set out in paragraph (4) of this article; or
 - (d) accession.

(3) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

(4) A State which has deposited before the date of the adoption of this Agreement an instrument of ratification, acceptance, approval of or accession to the 1993 Torremolinos Protocol and which has signed this Agreement in accordance with paragraph (2)(c) of this article shall be deemed to have expressed its consent to be bound by this Agreement 12 months after the date of the adoption of this Agreement unless that State notifies the depositary in writing before that date that it is not availing itself of the simplified procedure set out in this paragraph.

Article 4 **Entry into force**

(1) This Agreement shall enter into force 12 months after the date on which not less than 22 States the aggregate number of whose fishing vessels of 24 m in length and over operating on the high seas is not less than 3,600 have expressed their consent to be bound by it.

(2) For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Agreement after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Agreement or three months after the date of deposit of the instrument, whichever is the later date.

(3) For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Agreement after the date on which it enters into force, this Agreement shall take effect three months after the date of deposit of the instrument.

(4) After the date on which an amendment to this Agreement is deemed to have been accepted under article 11 of the 1993 Torremolinos Protocol, as applied to this Agreement pursuant to article 2, any instrument of ratification, acceptance, approval or accession deposited shall apply to this Agreement as amended.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Agreement.

DONE AT CAPE TOWN this eleventh day of October two thousand and twelve.

ANNEX**MODIFICATIONS TO THE ANNEX AND THE APPENDICES TO THE ANNEX
TO THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE
TORREMOLINOS INTERNATIONAL CONVENTION FOR THE SAFETY OF
FISHING VESSELS, 1977****REGULATIONS FOR THE CONSTRUCTION AND EQUIPMENT OF FISHING
VESSELS****CHAPTER I****GENERAL PROVISIONS****Regulation 1 – Application**

1 The existing text of the regulation is replaced by the following:

"(1) Unless expressly provided otherwise, the provisions of this annex shall apply to new vessels.

(2) For the purpose of this Protocol, the Administration may decide to use the following gross tonnage in place of length (L) as the basis for measurement for all chapters:

- (a) a gross tonnage of 300 shall be considered equivalent to a length (L) of 24 m;
- (b) a gross tonnage of 950 shall be considered equivalent to a length (L) of 45 m;
- (c) a gross tonnage of 2,000 shall be considered equivalent to a length (L) of 60 m;
and
- (d) a gross tonnage of 3,000 shall be considered equivalent to a length (L) of 75 m.

(3) Each Party which avails itself of the possibility afforded in paragraph (2) shall communicate to the Organization the reasons for that decision.

(4) Where a Party has concluded that it is not immediately possible to implement all of the measures provided for in chapters VII, VIII, IX and X on existing ships, the Party may, in accordance with a plan, progressively implement the provisions of chapter IX over a period of no more than 10 years and the provisions of chapters VII, VIII and X over a period of no more than five years.

(5) Each Party which avails itself of the possibility afforded in paragraph (4) shall in its first communication to the Organization:

- (a) indicate the provisions of chapters VII, VIII, IX and X to be progressively implemented;
- (b) explain the reasons for the decision taken under paragraph (4);

- (c) describe the plan for progressive implementation, which shall not be for more than five or 10 years, as appropriate; and
- (d) in subsequent communications on the application of this Protocol, describe measures taken with a view to giving effect to the provisions of the Protocol and progress made in line with the time frame established.

(6) The Administration may exempt a vessel from annual surveys, as specified in regulations 7(1)(d) and 9(1)(d), if it considers that the application is unreasonable and impracticable in view of the vessel's operating area and the type of vessel."

Regulation 2 – Definitions

2 The existing paragraph (14) is deleted, the existing paragraphs (15) to (22) are renumbered as (14) to (21) and the following new paragraphs (22) and (23) are added:

"(22) *Gross tonnage* means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any instrument amending or replacing it.

(23) *Anniversary date* means the day and the month of each year which will correspond to the date of expiry of the relevant certificate."

Regulation 3 – Exemptions

3 Paragraphs (3) and (4) are replaced by the following:

"(3) The Administration may exempt any vessel entitled to fly its flag from any of the requirements of this annex if it considers that the application is unreasonable and impracticable in view of the type of vessel, the weather conditions and the absence of general navigational hazards, provided:

- (a) the vessel complies with safety requirements which, in the opinion of that Administration, are adequate for the service for which it is intended and are such as to ensure the overall safety of the vessel and persons on board;
- (b) the vessel is operating solely in:
 - (i) a common fishing zone established in adjoining marine areas under the jurisdiction of neighbouring States which have established that zone, in respect of vessels entitled to fly their flags, only to the extent and under the conditions that those States agree, in accordance with international law, to establish in this regard; or
 - (ii) the exclusive economic zone of the State of the flag it is entitled to fly, or, if that State has not established such a

zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured; or

(iii) the exclusive economic zone or a marine area under the jurisdiction of another State, or a common fishing zone, in accordance with an agreement between the States concerned in accordance with international law, only to the extent and under the conditions that those States agree to establish in this regard; and

(c) the Administration notifies the Secretary-General of the terms and conditions on which the exemption is granted under this paragraph.

(4) An Administration which allows any exemption under paragraph (1) or (2) shall communicate to the Organization particulars of the same to the extent necessary to confirm that the level of safety is adequately maintained and the Organization shall circulate such particulars to the Parties for their information."

4 The existing regulations 6 to 11 are replaced by the following new regulations 6 to 17:

"Regulation 6 – Inspection and survey

(1) The inspection and survey of vessels, so far as regards the enforcement of the provisions of the present regulations and the granting of exemptions therefrom, shall be carried out by officers of the Administration. The Administration may, however, entrust the inspections and surveys either to surveyors nominated for the purpose or to organizations recognized by it.

(2) An Administration nominating surveyors or recognizing organizations to conduct inspections and surveys as set forth in paragraph (1) shall as a minimum empower any nominated surveyor or recognized organization to:

(a) require repairs to a vessel; and

(b) carry out inspections and surveys if requested by the appropriate authorities of a port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations.

(3) When a nominated surveyor or recognized organization determines that the condition of the vessel or its equipment does not correspond substantially with the

particulars of the certificate or is such that the vessel is not fit to proceed to sea without danger to the vessel or persons on board, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the relevant certificate should be withdrawn and the Administration shall be notified immediately; and, if the vessel is in the port of another Party, the appropriate authorities of the port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation. When applicable, the Government of the port State concerned shall ensure that the vessel shall not sail until it can proceed to sea, or leave port for the purpose of proceeding to the appropriate repair yard, without danger to the vessel or persons on board.

(4) In every case, the Administration shall fully guarantee the completeness and efficiency of the inspection and survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

Regulation 7 – Surveys of life-saving appliances and other equipment

(1) The life-saving appliances and other equipment as referred to in paragraph (2)(a) shall be subject to the surveys specified below:

- (a) an initial survey before the vessel is put in service;
- (b) a renewal survey at intervals specified by the Administration but not exceeding five years, except where regulations 13(2), 13(5) and 13(6) are applicable;
- (c) a periodical survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the International Fishing Vessel Safety Certificate which shall take the place of one of the annual surveys specified in paragraph (1)(d). Alternatively, the Administration may decide that the periodical survey shall be carried out within three months before the second anniversary date and three months after the third anniversary date of the International Fishing Vessel Safety Certificate;
- (d) an annual survey within three months before or after each anniversary date of the International Fishing Vessel Safety Certificate; and
- (e) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in regulation 10 or whenever any important

repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the provisions of the present regulations and of the International Regulations for Preventing Collisions at Sea in force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.

- (2) The surveys referred to in paragraph (1) shall be carried out as follows:
- (a) the initial survey shall include a complete inspection of the fire safety systems and appliances, life-saving appliances and arrangements except radio installations, the shipborne navigational equipment, pilot transfer arrangements and other equipment to which chapters II, III, IV, V, VI, VII, VIII and X apply to ensure that they comply with the requirements of the present regulations, are in satisfactory condition and are fit for the service for which the vessel is intended. The fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals shall also be subject to the above-mentioned survey for the purpose of ensuring that they comply with the requirements of the present regulations and, where applicable, the International Regulations for Preventing Collisions at Sea in force;
 - (b) the renewal and periodical surveys shall include an inspection of the equipment referred to in paragraph (2)(a) to ensure that it complies with the relevant requirements of the present regulations and the International Regulations for Preventing Collisions at Sea in force, is in satisfactory condition and is fit for the service for which the vessel is intended; and
 - (c) the annual survey shall include a general inspection of the equipment referred to in paragraph (2)(a) to ensure that it has been maintained in accordance with regulation 10(1) and that it remains satisfactory for the service for which the vessel is intended.
- (3) The periodical and annual surveys referred to in paragraphs (1)(c) and (1)(d) shall be endorsed on the International Fishing Vessel Safety Certificate.

Regulation 8 – Surveys of radio installations

- (1) The radio installations, including those used in life-saving appliances, of vessels to which chapters VII and IX apply shall be subject to the surveys specified below:
- (a) an initial survey before the vessel is put in service;

- (b) a renewal survey at intervals specified by the Administration but not exceeding five years, except where regulations 13(2), 13(5) and 13(6) are applicable;
 - (c) a periodical survey within three months before or after each anniversary date of the International Fishing Vessel Safety Certificate; or a periodical survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the International Fishing Vessel Safety Certificate. Alternatively, the Administration may decide that the periodical survey shall be carried out within three months before the second anniversary date and three months after the third anniversary date of the International Fishing Vessel Safety Certificate; and
 - (d) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in regulation 10 or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the provisions of the present regulations and of the International Regulations for Preventing Collisions at Sea in force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.
- (2) The surveys referred to in paragraph (1) shall be carried out as follows:
- (a) the initial survey shall include a complete inspection of the radio installations, including those used in life-saving appliances, to ensure that they comply with the requirements of the present regulations; and
 - (b) the renewal and periodical surveys shall include an inspection of the radio installations, including those used in life-saving appliances, to ensure that they comply with the requirements of the present regulations.
- (3) The periodical surveys referred to in paragraph (1)(c) shall be endorsed on the International Fishing Vessel Safety Certificate.

Regulation 9 – Surveys of structure, machinery and equipment

- (1) The structure, machinery and equipment (other than items in respect of regulations 7 and 8) as referred to in paragraph (2)(a) shall be subject to the surveys and inspections specified below:

- (a) an initial survey including an inspection of the outside of the vessel's bottom before the vessel is put in service;
 - (b) a renewal survey at intervals specified by the Administration but not exceeding five years, except where regulations 13(2), 13(5) and 13(6) are applicable;
 - (c) an intermediate survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the International Fishing Vessel Safety Certificate, which shall take the place of one of the annual surveys specified in paragraph (1)(d). Alternatively, the Administration may decide that the intermediate survey shall be carried out within three months before the second anniversary date and three months after the third anniversary date of the International Fishing Vessel Safety Certificate;
 - (d) an annual survey within three months before or after each anniversary date of the International Fishing Vessel Safety Certificate;
 - (e) a minimum of two inspections of the outside of the vessel's bottom during any five-year period, except where regulation 13(5) is applicable. Where regulation 13(5) is applicable, this five-year period may be extended to coincide with the extended period of validity of the certificate. In all cases the interval between any two such inspections shall not exceed 36 months; and
 - (f) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in regulation 10, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the provisions of the present regulations and of the International Regulations for Preventing Collisions at Sea in force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.
- (2) The surveys and inspections referred to in paragraph (1) shall be carried out as follows:
- (a) the initial survey shall include a complete inspection of the structure, machinery and equipment. This survey shall be such as to ensure that the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances,

main and auxiliary machinery including steering gear and associated control systems, electrical installations and other equipment comply with the requirements of the present regulations, are in satisfactory condition and are fit for the service for which the vessel is intended and that the required stability information is provided;

- (b) the renewal survey shall include an inspection of the structure, machinery and equipment as referred to in paragraph (2)(a) to ensure that they comply with the requirements of the present regulations, are in satisfactory condition and are fit for the service for which the vessel is intended;
- (c) the intermediate survey shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, the steering gear and the associated control systems and electrical installations to ensure that they remain satisfactory for the service for which the vessel is intended;
- (d) the annual survey shall include a general inspection of the structure, machinery and equipment referred to in paragraph (2)(a), to ensure that they have been maintained in accordance with regulation 10(1) and that they remain satisfactory for the service for which the vessel is intended; and
- (e) the inspection of the outside of the vessel's bottom and the survey of related items inspected at the same time shall be such as to ensure that they remain satisfactory for the service for which the vessel is intended.

(3) The intermediate and annual surveys and the inspections of the outside of the vessel's bottom referred to in paragraphs (1)(c), (1)(d) and (1)(e) shall be endorsed on the International Fishing Vessel Safety Certificate.

Regulation 10 – Maintenance of conditions after survey

(1) The condition of the vessel and its equipment shall be maintained to conform with the provisions of the present regulations to ensure that the vessel in all respects will remain fit to proceed to sea without danger to the vessel or persons on board.

(2) After any survey of the vessel under regulation 7, 8 or 9 has been completed, no change shall be made in the structural arrangements, machinery, equipment and other items covered by the survey, without the sanction of the Administration.

(3) Whenever an accident occurs to a vessel or a defect is discovered, either of which affects the safety of the vessel or the efficiency or completeness of its life-saving appliances or other equipment, the skipper or owner of the vessel shall report at the earliest opportunity to the Administration, the nominated surveyor or recognized organization responsible for issuing the relevant certificate, who shall cause

investigations to be initiated to determine whether a survey, as required by regulation 7, 8 or 9, is necessary. If the vessel is in a port of another Party, the skipper or owner shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such a report has been made.

Regulation 11 – Issue or endorsement of certificates

(1) A certificate called an International Fishing Vessel Safety Certificate shall be issued, except for vessels exempted under regulation 3(3), after an initial or renewal survey to a fishing vessel which complies with the relevant requirements of chapters II, III, IV, V, VI, VII, VIII, IX and X and any other relevant requirements of the present regulations.

(2) The International Fishing Vessel Safety Certificate referred to in paragraph (1) shall be supplemented by a Record of Equipment.

(3) When an exemption is granted to a vessel under and in accordance with the provisions of the present regulations, except for vessels exempted under regulation 3(3), a certificate called an International Fishing Vessel Exemption Certificate shall be issued in addition to the certificate prescribed in this paragraph.

(4) The certificates referred to in this regulation shall be issued or endorsed either by the Administration or by any person or organization authorized by it. In every case, that Administration assumes full responsibility for the certificates.

Regulation 12 – Issue or endorsement of certificates by another Party

A Party may, at the request of the Administration, cause a vessel to be surveyed and, if satisfied that the requirements of the present regulations are complied with, shall issue or authorize the issue of certificates to the vessel and, where appropriate, endorse or authorize the endorsement of certificates on the vessel in accordance with the present regulations. Any certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the State the flag of which the vessel is entitled to fly, and it shall have the same force and receive the same recognition as a certificate issued under regulation 11.

Regulation 13 – Duration and validity of certificates

(1) An International Fishing Vessel Safety Certificate shall be issued for a period specified by the Administration which shall not exceed five years. An International Fishing Vessel Exemption Certificate shall not be valid for longer than the period of the certificate to which it refers.

(2) (a) Notwithstanding the requirements of paragraph (1), when the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of

completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.

- (b) When the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.
- (c) When the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

(3) If a certificate is issued for a period of less than five years, the Administration may extend the validity of the certificate beyond the expiry date to the maximum period specified in paragraph (1), provided that the surveys referred to in regulations 7, 8 and 9 applicable when a certificate is issued for a period of five years are carried out as appropriate.

(4) If a renewal survey has been completed and a new certificate cannot be issued or placed on board the vessel before the expiry date of the existing certificate, the person or organization authorized by the Administration may endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

(5) If a vessel at the time when a certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the certificate but this extension shall be granted only for the purpose of allowing the vessel to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No certificate shall be extended for a period longer than three months, and a vessel to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate. When the renewal survey is completed, the new certificate shall be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

(6) In special circumstances, as determined by the Administration, a new certificate need not be dated from the date of expiry of the existing certificate as required by paragraph (2)(b) or (5). In these special circumstances, the new certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.

(7) If an annual, intermediate or periodical survey is completed before the period specified in the relevant regulations then:

- (a) the anniversary date shown on the relevant certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
 - (b) the subsequent annual, intermediate or periodical survey required by the relevant regulations shall be completed at the intervals prescribed by these regulations using the new anniversary date; and
 - (c) the expiry date may remain unchanged provided one or more annual, intermediate or periodical surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by the relevant regulations are not exceeded.
- (8) A certificate issued under regulation 11 or 12 shall cease to be valid in any of the following cases:
- (a) if the relevant surveys and inspections are not completed within the periods specified under regulations 7(1), 8(1) and 9(1);
 - (b) if the certificate is not endorsed in accordance with the present regulations; and
 - (c) upon transfer of the vessel to the flag of another State. A new certificate shall only be issued when the Government issuing the new certificate is fully satisfied that the vessel is in compliance with the requirements of regulations 10(1) and 10(2). In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Government of the State whose flag the vessel was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the certificates carried by the vessel before a transfer and, if available, copies of the relevant survey reports.

Regulation 14 – Forms of certificates and records of equipment

The certificates and records of equipment shall be drawn up in the form corresponding to the models given in the appendix to the annex to the present Protocol. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 15 – Availability of certificates

The certificates issued under regulations 11 and 12 shall be readily available on board for examination at all times.

Regulation 16 – Acceptance of certificates

Certificates issued under the authority of a Party shall be accepted by the other Party for all purposes covered by the present Protocol. They shall be regarded by the other Party as having the same force as certificates issued by them.

Regulation 17 – Privileges

The privileges of the present Protocol may not be claimed in favour of any vessel unless it holds appropriate valid certificates."

CHAPTER V**FIRE PROTECTION, FIRE DETECTION, FIRE EXTINCTION AND FIRE FIGHTING****PART A – GENERAL****Regulation 1 – General**

5 The existing text of the regulation is replaced by the following:

"(1) Unless expressly provided otherwise, this chapter shall apply to new vessels of 45 m in length and over.

(2) One of the following methods of protection shall be adopted in accommodation and service spaces:

- (a) Method IF - The construction of all internal divisional bulkheads of non-combustible "B" or "C" Class divisions generally without the installation of a detection or sprinkler system in the accommodation and service spaces; or
- (b) Method IIF - The fitting of an automatic sprinkler and fire alarm system for the detection and extinction of fire in all spaces in which fire might be expected to originate, generally with no restrictions on the type of internal divisional bulkheads; or
- (c) Method IIIF - The fitting of an automatic fire alarm and detection system in all spaces in which a fire might be expected to originate, generally with no restriction on the type of internal divisional bulkheads, except that in no case shall the area of any accommodation space or spaces bounded by an "A" or "B" Class division exceed 50 square metres. However, the Administration may increase this area for public spaces.

(3) The requirements for use of non-combustible materials in construction and insulation of the boundary bulkheads of machinery spaces, control stations, etc., and the protection of stairway enclosures and corridors shall be common to all three methods."

CHAPTER VII

LIFE-SAVING APPLIANCES AND ARRANGEMENTS

PART B – VESSEL REQUIREMENTS

Regulation 5 – Number and types of survival craft and rescue boats

6 After the existing paragraph (4), new paragraphs (5), (6) and (7) are inserted as follows:

"(5) Where the arrangement required in paragraph (3)(a) would interfere with the normal operation of the vessel, the Administration may decide, in lieu of meeting the requirements, that vessels carry survival craft capable of being launched from only one side of the vessel. These survival craft shall be of sufficient aggregate capacity to accommodate at least twice the total number of persons on board, provided that the survival craft of sufficient capacity to accommodate the total number of persons on board can be easily transferred to the other side of the vessel, where they can be launched safely and rapidly.

(6) In the event of any one survival craft being lost or rendered unserviceable, there shall be sufficient survival craft available for use on either side, including those which are stowed in a position to be transferred to the other side, to accommodate the total number of persons on board. The transfer shall be easy to do, at a single open deck level, and all craft shall be free of obstacles to avoid entrapment and facilitate easy deployment.

(7) Where the arrangement required in paragraph (3)(b) would interfere with the normal operation of the vessel, the Administration may decide, in lieu of meeting the requirements, that vessels carry other equivalent appliances for rescuing persons from the water, taking into account the vessel's navigational area and operational condition."

7 The existing paragraphs (5) and (6) are renumbered as (8) and (9).

CHAPTER IX

RADIOCOMMUNICATIONS

PART A – APPLICATION AND DEFINITIONS

Regulation 1 – Application

8 At the end of the existing paragraph (2), the following new sentence is added:

"Notwithstanding the provisions of paragraph (1), the Administration may permit the existing radiocommunication system to continue to be used on board existing fishing vessels, providing the Administration is satisfied that it is equivalent to the requirements of this chapter."

APPENDIX

CERTIFICATES AND RECORD OF EQUIPMENT

9 The existing text of the Appendix is replaced by the following:

"1 Form of Safety Certificate for Fishing Vessels

INTERNATIONAL FISHING VESSEL SAFETY CERTIFICATE

This Certificate shall be supplemented by a
Record of Equipment

(Official seal)

(State)

Issued under the provisions of the Cape Town Agreement of 2012 on the Implementation of the
Provisions of the Torremolinos Protocol of 1993 relating to the
Torremolinos International Convention for the Safety of Fishing Vessels, 1977

under the authority of the Government of

(name of the State)

by

(person or organization authorized)

Particulars of vessel⁽¹⁾

Name of vessel

Distinctive number or letters

Port of registry

Length (L) (regulation I/2(5))/
Gross tonnage (regulation I/2(22))⁽²⁾

Sea areas in which vessel is certified to operate (regulation IX/2)

Date of building or major conversion contract

Date on which keel was laid or vessel was at a similar stage of construction in accordance with regulation
I/2(1)(c)(ii) or (1)(c)(iii)

Date of delivery or completion of major conversion

(1) Alternatively, the particulars of the vessel may be placed horizontally in boxes.
(2) Delete as appropriate.

THIS IS TO CERTIFY:

- 1.1 That the vessel has been surveyed in accordance with the requirements of regulations I/7, I/8 and I/9 of the Protocol.
- 1.2 That the vessel is/is not⁽²⁾ subject to the annual surveys required in regulations I/7(1)(d) and I/9(1)(d) of the Protocol.
- 2 That the survey showed that:
 - 2.1 the condition of the structure, machinery and equipment as defined in regulation I/9 was satisfactory and the vessel complied with the relevant requirements of chapters II, III, IV, V and VI of the Protocol (other than those relating to fire safety systems and appliances and fire control plans);
 - 2.2 the last two inspections of the outside of the vessel's bottom took place on
 and
 (date) (date)
 - 2.3 the vessel complied with the requirements of the Protocol as regards fire safety systems and appliances and fire control plans;
 - 2.4 the life-saving appliances and the equipment of the lifeboats, liferafts and rescue boats were provided in accordance with the requirements of the Protocol;
 - 2.5 the vessel was provided with a line-throwing appliance and radio installations used in life-saving appliances in accordance with the requirements of the Protocol;
 - 2.6 the vessel complied with the requirements of the Protocol as regards radio installations;
 - 2.7 the functioning of the radio installations used in life-saving appliances complied with the requirements of the Protocol;
 - 2.8 the vessel complied with the requirements of the Protocol as regards shipborne navigational equipment, means of pilot transfer arrangements and nautical publications;
 - 2.9 the vessel was provided with lights, shapes, means of making sound signals and distress signals in accordance with the requirements of the Protocol and the International Regulations for Preventing Collisions at Sea in force;
 - 2.10 in all other respects the vessel complied with the relevant requirements of the Protocol.
- 3 That an International Fishing Vessel Exemption Certificate has/has not⁽²⁾ been issued.

(2) Delete as appropriate.

This certificate is valid until⁽³⁾ subject to the annual, intermediate and periodical surveys and inspections of the outside of the vessel's bottom in accordance with regulations I/7, I/8 and I/9 of the Protocol.

Issued at
(Place of issue of certificate)

.....
(Date of issue)

.....
(Signature of authorized official issuing the certificate)

(Seal or stamp of the issuing authority, as appropriate)

(3) Insert the date of expiry as specified by the Administration in accordance with regulation I/13(1) of the Protocol. The day and the month of this date shall correspond to the anniversary date as defined in regulation I/2(23), unless amended in accordance with regulation I/13(7).

Endorsement for annual and intermediate surveys relating to structure, machinery and equipment referred to in paragraph 2.1 of this certificate

THIS IS TO CERTIFY that, at a survey required by regulation I/9 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Annual survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/intermediate⁽²⁾ survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/intermediate⁽²⁾ survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/intermediate survey in accordance with regulation I/13(7)(c)

THIS IS TO CERTIFY that, at an annual/intermediate⁽²⁾ survey in accordance with regulations I/9 and I/13(7)(c) of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

(2) Delete as appropriate.

Endorsement for inspections of the outside of the vessel's bottom⁽⁴⁾

THIS IS TO CERTIFY that, at an inspection required by regulation I/9 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

First inspection: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Second inspection: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Endorsement for annual and periodical surveys relating to life-saving appliances and other equipment referred to in paragraphs 2.3, 2.4, 2.5, 2.8 and 2.9 of this certificate

THIS IS TO CERTIFY that, at a survey required by regulation I/7 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Annual survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/periodical⁽²⁾ survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/periodical⁽²⁾ survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

⁽⁴⁾ Provision may be made for additional inspections.
⁽²⁾ Delete as appropriate.

Annual survey:

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/periodical survey in accordance with regulation I/13(7)(c)

THIS IS TO CERTIFY that, at an annual/periodical⁽²⁾ survey in accordance with regulations I/7 and I/13(7)(c) of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Endorsement for periodical surveys relating to radio installations referred to in paragraphs 2.6 and 2.7 of this certificate

THIS IS TO CERTIFY that, at a survey required by regulation I/8 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Periodical survey:

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Periodical survey:

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Periodical survey:

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

(2) Delete as appropriate.

Periodical survey:

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Periodical survey in accordance with regulation I/13(7)(c)

THIS IS TO CERTIFY that, at a periodical survey in accordance with regulations I/8 and I/13(7)(c) of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the certificate if valid for less than 5 years where regulation I/13(3) applies

The vessel complies with the relevant requirements of the Protocol, and this certificate shall, in accordance with regulation I/13(3) of the Protocol, be accepted as valid until

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement where the renewal survey has been completed and regulation I/13(4) applies

The vessel complies with the relevant requirements of the Protocol, and this certificate shall, in accordance with regulation I/13(4) of the Protocol, be accepted as valid until

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation I/13(5) applies

The certificate shall, in accordance with regulation I/13(5) of the Protocol, be accepted as valid until

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement for advancement of anniversary date where regulation I/13(7) applies

In accordance with regulation I/13(7) of the Protocol, the new anniversary date is

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

In accordance with regulation I/13(7) of the Protocol, the new anniversary date is

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

2 Form of Exemption Certificate

INTERNATIONAL FISHING VESSEL EXEMPTION CERTIFICATE

(Official seal)

(State)

Issued under the provisions of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977

under the authority of the Government of

..... (name of the State)

by (person or organization authorized)

Particulars of vessel(1)

Name of vessel Distinctive number or letters Port of registry Length (L) (regulation I/2(5))/ Gross tonnage (regulation I/2(22))(2)

THIS IS TO CERTIFY:

That the vessel is, under the authority conferred by regulation exempted from the requirements of

Conditions, if any, on which the Exemption Certificate is granted:

This certificate is valid until subject to the International Fishing Vessel Safety Certificate, to which this certificate is attached, remaining valid.

Issued at (Place of issue of certificate)

..... (Date of issue)

..... (Signature of authorized official issuing the certificate)

(Seal or stamp of the issuing authority, as appropriate)

(1) Alternatively, the particulars of the ship may be placed horizontally in boxes. (2) Delete as appropriate.

Endorsement to extend the certificate if valid for less than 5 years where regulation I/13(3) applies

This certificate shall, in accordance with regulation I/13(3) of the Protocol, be accepted as valid until subject to the International Fishing Vessel Safety Certificate, to which this certificate is attached, remaining valid.

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Endorsement where the renewal survey has been completed and regulation I/13(4) applies

This certificate shall, in accordance with regulation I/13(4) of the Protocol, be accepted as valid until subject to the International Fishing Vessel Safety Certificate, to which this certificate is attached, remaining valid.

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation I/13(5) applies

The certificate shall, in accordance with regulation I/13(5) of the Protocol, be accepted as valid until subject to the Certificate, to which this certificate is attached, remaining valid.

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

3 Form of Supplement to the International Fishing Vessel Safety Certificate

RECORD OF EQUIPMENT FOR THE INTERNATIONAL FISHING VESSEL SAFETY CERTIFICATE

This Record shall be permanently attached to the International Fishing Vessel Safety Certificate.

RECORD OF EQUIPMENT FOR COMPLIANCE WITH THE CAPE TOWN AGREEMENT OF 2012 ON THE IMPLEMENTATION OF THE PROVISIONS OF THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977

1 Particulars of vessel

Name of vessel

Distinctive number or letters

Port of registry

Length (L) (regulation I/2(5))/
Gross tonnage (regulation I/2(22))⁽¹⁾

2 Details of life-saving appliances

1	Total number of persons for whom life-saving appliances are provided	.....
		Port side	Starboard side
2	Total number of lifeboats	.....	.....
2.1	Total number of persons accommodated by them	.....	.....
2.2	Number of partially enclosed lifeboats (regulation VII/18)	.....	.....
2.3	Number of totally enclosed lifeboats (regulation VII/19)	.....	.....

(1) Delete as appropriate.

3	Number of rescue boats	.....
3.1	Number of boats which are included in the total lifeboats shown above	.....
4	Liferafts	.....
4.1	Those for which approved launching appliances are required	.....
4.1.1	Number of liferafts	.....
4.1.2	Number of persons accommodated by them	.....
4.2	Those for which approved launching appliances are not required	.....
4.2.1	Number of liferafts	.....
4.2.2	Number of persons accommodated by them	.....
5	Number of lifebuoys	.....
6	Number of lifejackets	.....
7	Immersion suits	.....
7.1	Total number	.....
7.2	Number of suits complying with the requirements for lifejackets	.....
8	Number of thermal protective aids ⁽²⁾
9	Radio installations used in life-saving appliances	.....
9.1	Number of radar transponders	.....
9.2	Number of two-way VHF radiotelephone apparatus	.....

(2) Excluding those required by regulations VII/17(8)(xxxi), VII/20(5)(a)(xxiv) and VII/23(2)(b)(xiii).

3 Details of radio facilities

	Item	Actual provision
1	Primary systems	
1.1	VHF radio installation:	
1.1.1	DSC encoder	.....
1.1.2	DSC watch receiver	.....
1.1.3	Radiotelephony	.....
1.2	MF radio installation:	
1.2.1	DSC encoder	.....
1.2.2	DSC watch receiver	.....
1.2.3	Radiotelephony	.....
1.3	MF/HF radio installation:	
1.3.1	DSC encoder	.....
1.3.2	DSC watch receiver	.....
1.3.3	Radiotelephony	.....
1.3.4	Direct-printing radiotelegraphy	.....
1.4	INMARSAT ship earth station	.....
2	Secondary means of alerting	.....
3	Facilities for reception of maritime safety information	
3.1	NAVTEX receiver	.....
3.2	EGC receiver	.....
3.3	HF direct-printing radiotelegraph receiver	.....
4	Satellite EPIRB	
4.1	COSPAS-SARSAT	.....
4.2	INMARSAT	.....
5	VHF EPIRB	.....
6	Vessel's radar transponder	.....

4 Methods used to ensure availability of radio facilities (regulation IX/14)

4.1	Duplication of equipment	.....
4.2	Shore-based maintenance	.....
4.3	At-sea maintenance capability	.....

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at

(Place of issue of the Record)

.....
(Date of issue)

.....

(Signature of duly authorized
official issuing the Record)

(Seal or stamp of the issuing authority, as appropriate)"

Članak 3.

Prilikom polaganja svoje isprave o pristupu, Republika Hrvatska će na Sporazum iz članka 1. ovoga Zakona priopćiti sljedeću izjavu:

“IZJAVA

U okviru regionalnog aranžmana odobrenog sukladno članku 3. stavku 5. Torremolinos protokola, Republika Hrvatska je obvezana relevantnim zakonodavstvom Europske unije, to jest Direktivom Vijeća 97/70/EZ od 11. prosinca 1997. o uspostavi usklađenog sigurnosnog sustava za ribarske brodove duljine 24 metra i više. Dosljedno tome, Republika Hrvatska će primjenjivati odredbe Torremolinos protokola u vezi sa sigurnosnim standardima na ribarske brodove trećih zemalja duljine 24 metra i više koji djeluju u njezinim unutarnjim morskim vodama ili teritorijalnom moru ili iskrcavaju ulov u jednoj od njezinih luka, podložno uvjetima utvrđenima u gore navedenoj direktivi.

U okviru tog regionalnog aranžmana, izuzeća predviđena u Prilogu poglavlju 1. pravilu 1. stavku 6. Sporazuma iz Cape Towna u vezi s godišnjim pregledima te u Prilogu poglavlju 1. pravilu 3. stavku 3. tog sporazuma u vezi sa zajedničkom ribolovnom zonom ili isključivim gospodarskim pojasom ne primjenjuju se na ribarske brodove države članice koja polaže izjavu te na ribarske brodove trećih zemalja duljine 24 metara i više dok djeluju u zajedničkoj ribolovnoj zoni ili isključivom gospodarskom pojasu države članice koja polaže izjavu ili iskrcavaju ulov u njezinim lukama. Ne prihvaćaju se izuzeća izdana na temelju Priloga poglavlja I., pravila 3. stavka 3. Sporazuma iz Cape Towna u vezi sa zajedničkom ribolovnom zonom ili isključivim gospodarskim pojasom za ribarske brodove obuhvaćene područjem primjene Priloga poglavlja I. pravila 1. Sporazuma iz Cape Towna.“

Članak 4.

Provedba ovoga Zakona u djelokrugu je tijela državne uprave nadležnog za poslove pomorstva.

Članak 5.

Na dan stupanja na snagu ovoga Zakona, Sporazum iz članka 1. ovoga Zakona nije na snazi u odnosu na Republiku Hrvatsku te će se podaci o njegovom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96).

Članak 6.

Ovaj Zakon stupa na snagu osmoga dana od dana objave u Narodnim novinama.

O B R A Z L O Ž E N J E

Člankom 1. Konačnog prijedloga zakona potvrđuje se Sporazum iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977. Temeljem odredbi članka 140. stavka 1. Ustava Republike Hrvatske (Narodne novine, broj 85/10 - pročišćeni tekst i 5/14 - Odluka Ustavnog suda Republike Hrvatske) i članka 18. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96), iskazuje se formalni pristanak Republike Hrvatske da bude vezana Sporazumom, na temelju čega će ovaj pristanak biti iskazan i na međunarodnoj razini.

U članku 2. Konačnog prijedloga zakona sadržan je tekst Sporazuma u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

U članku 3. Konačnog prijedloga zakona sadržan je tekst Izjave koju će Republika Hrvatska priopćiti prilikom polaganja svoje isprave o pristupanju, a u skladu s Odlukom Vijeća od 17. veljače 2014. kojom se države članice ovlašćuju za potpisivanje, ratificiranje ili pristupanje Sporazumu.

U članku 4. Konačnog prijedloga zakona utvrđuje se da je provedba ovoga Zakona u djelokrugu Ministarstva mora, prometa i infrastrukture.

U članku 5. Konačnog prijedloga zakona utvrđuje se da na dan stupanja na snagu ovoga zakona, Sporazum iz članka 1. ovoga Zakona nije na snazi u odnosu na Republiku Hrvatsku te će se podaci o njegovom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

U članku 6. Konačnog prijedloga zakona uređuje se stupanje na snagu Zakona.

- PRILOZI**
- **Preslika teksta Sporazuma u izvorniku na engleskom jeziku**
 - **Izvješće o provedenom savjetovanju sa zainteresiranom javnošću**

OBRAZAC IZVJEŠĆA O PROVEDENOM SAVJETOVANJU SA ZAINTERESIRANOM JAVNOŠĆU	
Naslov dokumenta	Izvešće o provedenom javnom savjetovanju za Nacrt konačnog prijedloga zakona o potvrđivanju Sporazuma iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977.
Stvaratelj dokumenta, tijelo koje provodi savjetovanje	Ministarstvo mora, prometa i infrastrukture
Svrha dokumenta	Izveščivanje o provedenom javnom savjetovanju za Nacrt konačnog prijedloga zakona o potvrđivanju Sporazuma iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977.
Datum dokumenta	Studenj 2020. godine
Verzija dokumenta	Prva
Vrsta dokumenta	Izvešće
Naziv nacrt zakona, drugog propisa ili akta	Nacrt konačnog prijedloga zakona o potvrđivanju Sporazuma iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977.
Jedinstvena oznaka iz Plana donošenja zakona, drugih propisa i akata objavljenog na internetskim stranicama Vlade	/
Naziv tijela nadležnog za izradu nacrt	Ministarstvo mora, prometa i infrastrukture
Koji su predstavnici zainteresirane javnosti bili uključeni u postupak izrade odnosno u rad stručne radne skupine za izradu nacrt?	Predstavnici resornog ministarstva nadležnog za poslove pomorstva.
Je li nacrt bio objavljen na internetskim stranicama ili na drugi odgovarajući način? Ako jest, kada je nacrt objavljen, na kojoj internetskoj stranici i koliko je vremena ostavljeno za savjetovanje? Ako nije, zašto?	Da, na središnjem državnom portalu za savjetovanja sa zainteresiranom javnošću "e-Savjetovanja" (https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=14975) i web stranici Ministarstva mora, prometa i infrastrukture (https://mmpi.gov.hr/press-11/savjetovanje-sa-zainteresiranom-javnoscu/savjetovanje-sa-zainteresiranom-javnoscu-20615/otvorena-savjetovanja/15198), u trajanju od 13. listopada do 13. studenog 2020. godine.

Koji su predstavnici zainteresirane javnosti dostavili svoja očitovanja?	Nije bilo predstavnika zainteresirane javnosti.
ANALIZA DOSTAVLJENIH PRIMJEDBI Primjedbe koje su prihvaćene Primjedbe koje nisu prihvaćene i obrazloženje razloga za neprihvatanje	Nije bilo primjedbi (v. Izvješće o provedenom savjetovanju - Javno savjetovanje o Nacrtu konačnog prijedloga zakona o potvrđivanju Sporazuma iz Cape Towna iz 2012. o provedbi odredaba Torremolinos protokola iz 1993. na Torremolinos međunarodnu konvenciju o sigurnosti ribarskih brodova iz 1977. na portalu "e-Savjetovanja").
Troškovi provedenog savjetovanja	Nije bilo troškova.

ATTACHMENT 1

**CAPE TOWN AGREEMENT OF 2012 ON THE IMPLEMENTATION OF THE PROVISIONS
OF THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS
INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977**

THE PARTIES TO THIS AGREEMENT,

RECOGNIZING the significant contribution to maritime safety in general and that of fishing vessels which can be made by implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977,

ACKNOWLEDGING, HOWEVER, that certain provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, have given rise to difficulties in their implementation by a number of States having substantial fishing fleets under their flags and that this has prevented the entry into force of that Protocol and, consequently, the implementation of the regulations contained therein,

DESIRING to establish by common agreement the highest practicable standards for the safety of fishing vessels that can be implemented by all the States concerned,

CONSIDERING that this objective may best be achieved by the conclusion of an Agreement relating to the implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977,

HAVE AGREED as follows:

Article 1
General obligations

- (1) The Parties to this Agreement shall give effect to the provisions of:
- (a) the articles of this Agreement; and
 - (b) the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (hereinafter referred to as the "1993 Torremolinos Protocol"), with the exception of article 1, paragraphs (1)(a), (2) and (3), article 9 and article 10 of that Protocol, as modified by this Agreement.
- (2) The articles of this Agreement, articles 2 to 8 and 11 to 14 of the 1993 Torremolinos Protocol, the regulations in the annex to the 1993 Torremolinos Protocol, and the regulations in the annex to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (hereinafter referred to as the "1977 Torremolinos Convention") shall, subject to the modifications set out in this Agreement, be read and interpreted as a single instrument.
- (3) The annex to this Agreement shall constitute an integral part of the Agreement and a reference to this Agreement shall constitute at the same time a reference to the annex thereto.

Article 2
**Interpretation and application of the 1993 Torremolinos Protocol and
the 1977 Torremolinos Convention**

Articles 2 to 8 inclusive and articles 11 to 14 inclusive of the 1993 Torremolinos Protocol shall apply to this Agreement. In applying these articles, the regulations in the annex to the 1993 Torremolinos Protocol, and the regulations in the annex to the 1977 Torremolinos Convention, a reference to "the present Protocol" or to "the Convention", respectively, shall be deemed to mean a reference to this Agreement.

Article 3
Signature, ratification, acceptance, approval and accession

- (1) This Agreement shall remain open for signature at the Headquarters of the Organization from 11 February 2013 to 10 February 2014 and shall thereafter remain open for accession.
- (2) All States may become Parties to this Agreement by expressing their consent to be bound by the Agreement by:
- (a) signature without reservation as to ratification, acceptance or approval; or
 - (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
 - (c) signature subject to the procedure set out in paragraph (4) of this article; or
 - (d) accession.

(3) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

(4) A State which has deposited before the date of the adoption of this Agreement an instrument of ratification, acceptance, approval or accession to the 1993 Torremolinos Protocol and which has signed this Agreement in accordance with paragraph (2)(c) of this article shall be deemed to have expressed its consent to be bound by this Agreement 12 months after the date of the adoption of this Agreement unless that State notifies the depositary in writing before that date that it is not availing itself of the simplified procedure set out in this paragraph.

Article 4 Entry into force

(1) This Agreement shall enter into force 12 months after the date on which not less than 22 States the aggregate number of whose fishing vessels of 24 m in length and over operating on the high seas is not less than 3,600 have expressed their consent to be bound by it.

(2) For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Agreement after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Agreement or three months after the date of deposit of the instrument, whichever is the later date.

(3) For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Agreement after the date on which it enters into force, this Agreement shall take effect three months after the date of deposit of the instrument.

(4) After the date on which an amendment to this Agreement is deemed to have been accepted under article 11 of the 1993 Torremolinos Protocol, as applied to this Agreement pursuant to article 2, any instrument of ratification, acceptance, approval or accession deposited shall apply to this Agreement as amended.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Agreement.

DONE AT CAPE TOWN this eleventh day of October two thousand and twelve.

ANNEX

MODIFICATIONS TO THE ANNEX AND THE APPENDICES TO THE ANNEX TO THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977

REGULATIONS FOR THE CONSTRUCTION AND EQUIPMENT OF FISHING VESSELS

CHAPTER I

GENERAL PROVISIONS

Regulation 1 – Application

1 The existing text of the regulation is replaced by the following:

"(1) Unless expressly provided otherwise, the provisions of this annex shall apply to new vessels.

(2) For the purpose of this Protocol, the Administration may decide to use the following gross tonnage in place of length (L) as the basis for measurement for all chapters:

- (a) a gross tonnage of 300 shall be considered equivalent to a length (L) of 24 m;
- (b) a gross tonnage of 950 shall be considered equivalent to a length (L) of 45 m;
- (c) a gross tonnage of 2,000 shall be considered equivalent to a length (L) of 60 m; and
- (d) a gross tonnage of 3,000 shall be considered equivalent to a length (L) of 75 m.

(3) Each Party which avails itself of the possibility afforded in paragraph (2) shall communicate to the Organization the reasons for that decision.

(4) Where a Party has concluded that it is not immediately possible to implement all of the measures provided for in chapters VII, VIII, IX and X on existing ships, the Party may, in accordance with a plan, progressively implement the provisions of chapter IX over a period of no more than 10 years and the provisions of chapters VII, VIII and X over a period of no more than five years.

(5) Each Party which avails itself of the possibility afforded in paragraph (4) shall in its first communication to the Organization:

- (a) indicate the provisions of chapters VII, VIII, IX and X to be progressively implemented;
- (b) explain the reasons for the decision taken under paragraph (4);

- (c) describe the plan for progressive implementation, which shall not be for more than five or 10 years, as appropriate; and
 - (d) in subsequent communications on the application of this Protocol, describe measures taken with a view to giving effect to the provisions of the Protocol and progress made in line with the time frame established.
- (6) The Administration may exempt a vessel from annual surveys, as specified in regulations 7(1)(d) and 9(1)(d), if it considers that the application is unreasonable and impracticable in view of the vessel's operating area and the type of vessel."

Regulation 2 – Definitions

2 The existing paragraph (14) is deleted, the existing paragraphs (15) to (22) are renumbered as (14) to (21) and the following new paragraphs (22) and (23) are added:

"(22) *Gross tonnage* means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any instrument amending or replacing it.

(23) *Anniversary date* means the day and the month of each year which will correspond to the date of expiry of the relevant certificate."

Regulation 3 – Exemptions

3 Paragraphs (3) and (4) are replaced by the following:

"(3) The Administration may exempt any vessel entitled to fly its flag from any of the requirements of this annex if it considers that the application is unreasonable and impracticable in view of the type of vessel, the weather conditions and the absence of general navigational hazards, provided:

- (a) the vessel complies with safety requirements which, in the opinion of that Administration, are adequate for the service for which it is intended and are such as to ensure the overall safety of the vessel and persons on board;
- (b) the vessel is operating solely in:
 - (i) a common fishing zone established in adjoining marine areas under the jurisdiction of neighbouring States which have established that zone, in respect of vessels entitled to fly their flags, only to the extent and under the conditions that those States agree, in accordance with international law, to establish in this regard; or
 - (ii) the exclusive economic zone of the State of the flag it is entitled to fly, or, if that State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than

200 nautical miles from the baselines from which the breadth of its territorial sea is measured; or

(iii) the exclusive economic zone or a marine area under the jurisdiction of another State, or a common fishing zone, in accordance with an agreement between the States concerned in accordance with international law, only to the extent and under the conditions that those States agree to establish in this regard; and

(c) the Administration notifies the Secretary-General of the terms and conditions on which the exemption is granted under this paragraph.

(4) An Administration which allows any exemption under paragraph (1) or (2) shall communicate to the Organization particulars of the same to the extent necessary to confirm that the level of safety is adequately maintained and the Organization shall circulate such particulars to the Parties for their information."

4 The existing regulations 6 to 11 are replaced by the following new regulations 6 to 17:

"Regulation 6 – Inspection and survey

(1) The inspection and survey of vessels, so far as regards the enforcement of the provisions of the present regulations and the granting of exemptions therefrom, shall be carried out by officers of the Administration. The Administration may, however, entrust the inspections and surveys either to surveyors nominated for the purpose or to organizations recognized by it.

(2) An Administration nominating surveyors or recognizing organizations to conduct inspections and surveys as set forth in paragraph (1) shall as a minimum empower any nominated surveyor or recognized organization to:

- (a) require repairs to a vessel; and
- (b) carry out inspections and surveys if requested by the appropriate authorities of a port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations.

(3) When a nominated surveyor or recognized organization determines that the condition of the vessel or its equipment does not correspond substantially with the particulars of the certificate or is such that the vessel is not fit to proceed to sea without danger to the vessel or persons on board, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the relevant certificate should be withdrawn and the Administration shall be notified immediately; and, if the vessel is in the port of another Party, the appropriate authorities of the port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give

such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation. When applicable, the Government of the port State concerned shall ensure that the vessel shall not sail until it can proceed to sea, or leave port for the purpose of proceeding to the appropriate repair yard, without danger to the vessel or persons on board.

(4) In every case, the Administration shall fully guarantee the completeness and efficiency of the inspection and survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

Regulation 7 – Surveys of life-saving appliances and other equipment

(1) The life-saving appliances and other equipment as referred to in paragraph (2)(a) shall be subject to the surveys specified below:

- (a) an initial survey before the vessel is put in service;
- (b) a renewal survey at intervals specified by the Administration but not exceeding five years, except where regulations 13(2), 13(5) and 13(6) are applicable;
- (c) a periodical survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the International Fishing Vessel Safety Certificate which shall take the place of one of the annual surveys specified in paragraph (1)(d). Alternatively, the Administration may decide that the periodical survey shall be carried out within three months before the second anniversary date and three months after the third anniversary date of the International Fishing Vessel Safety Certificate;
- (d) an annual survey within three months before or after each anniversary date of the International Fishing Vessel Safety Certificate; and
- (e) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in regulation 10 or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the provisions of the present regulations and of the International Regulations for Preventing Collisions at Sea in force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.

(2) The surveys referred to in paragraph (1) shall be carried out as follows:

- (a) the initial survey shall include a complete inspection of the fire safety systems and appliances, life-saving appliances and arrangements except radio installations, the shipborne navigational equipment, pilot transfer arrangements and other equipment to which chapters II, III, IV, V, VI, VII, VIII and X apply

to ensure that they comply with the requirements of the present regulations, are in satisfactory condition and are fit for the service for which the vessel is intended. The fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals shall also be subject to the above-mentioned survey for the purpose of ensuring that they comply with the requirements of the present regulations and, where applicable, the International Regulations for Preventing Collisions at Sea in force;

- (b) the renewal and periodical surveys shall include an inspection of the equipment referred to in paragraph (2)(a) to ensure that it complies with the relevant requirements of the present regulations and the International Regulations for Preventing Collisions at Sea in force, is in satisfactory condition and is fit for the service for which the vessel is intended; and
- (c) the annual survey shall include a general inspection of the equipment referred to in paragraph (2)(a) to ensure that it has been maintained in accordance with regulation 10(1) and that it remains satisfactory for the service for which the vessel is intended.

(3) The periodical and annual surveys referred to in paragraphs (1)(c) and (1)(d) shall be endorsed on the International Fishing Vessel Safety Certificate.

Regulation 8 – Surveys of radio installations

- (1) The radio installations, including those used in life-saving appliances, of vessels to which chapters VII and IX apply shall be subject to the surveys specified below:
 - (a) an initial survey before the vessel is put in service;
 - (b) a renewal survey at intervals specified by the Administration but not exceeding five years, except where regulations 13(2), 13(5) and 13(6) are applicable;
 - (c) a periodical survey within three months before or after each anniversary date of the International Fishing Vessel Safety Certificate; or a periodical survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the International Fishing Vessel Safety Certificate. Alternatively, the Administration may decide that the periodical survey shall be carried out within three months before the second anniversary date and three months after the third anniversary date of the International Fishing Vessel Safety Certificate; and
 - (d) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in regulation 10 or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such

repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the provisions of the present regulations and of the International Regulations for Preventing Collisions at Sea in force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.

- (2) The surveys referred to in paragraph (1) shall be carried out as follows:
- (a) the initial survey shall include a complete inspection of the radio installations, including those used in life-saving appliances, to ensure that they comply with the requirements of the present regulations; and
 - (b) the renewal and periodical surveys shall include an inspection of the radio installations, including those used in life-saving appliances, to ensure that they comply with the requirements of the present regulations.
- (3) The periodical surveys referred to in paragraph (1)(c) shall be endorsed on the International Fishing Vessel Safety Certificate.

Regulation 9 – Surveys of structure, machinery and equipment

- (1) The structure, machinery and equipment (other than items in respect of regulations 7 and 8) as referred to in paragraph (2)(a) shall be subject to the surveys and inspections specified below:
- (a) an initial survey including an inspection of the outside of the vessel's bottom before the vessel is put in service;
 - (b) a renewal survey at intervals specified by the Administration but not exceeding five years, except where regulations 13(2), 13(5) and 13(6) are applicable;
 - (c) an intermediate survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the International Fishing Vessel Safety Certificate, which shall take the place of one of the annual surveys specified in paragraph (1)(d). Alternatively, the Administration may decide that the intermediate survey shall be carried out within three months before the second anniversary date and three months after the third anniversary date of the International Fishing Vessel Safety Certificate;
 - (d) an annual survey within three months before or after each anniversary date of the International Fishing Vessel Safety Certificate;
 - (e) a minimum of two inspections of the outside of the vessel's bottom during any five-year period, except where regulation 13(5) is applicable. Where regulation 13(5) is applicable, this five-year period may be extended to coincide with the extended period of validity of the certificate. In all cases the interval between any two such inspections shall not exceed 36 months; and

- (f) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in regulation 10, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the provisions of the present regulations and of the International Regulations for Preventing Collisions at Sea in force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.

(2) The surveys and inspections referred to in paragraph (1) shall be carried out as follows:

- (a) the initial survey shall include a complete inspection of the structure, machinery and equipment. This survey shall be such as to ensure that the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and associated control systems, electrical installations and other equipment comply with the requirements of the present regulations, are in satisfactory condition and are fit for the service for which the vessel is intended and that the required stability information is provided;
- (b) the renewal survey shall include an inspection of the structure, machinery and equipment as referred to in paragraph (2)(a) to ensure that they comply with the requirements of the present regulations, are in satisfactory condition and are fit for the service for which the vessel is intended;
- (c) the intermediate survey shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, the steering gear and the associated control systems and electrical installations to ensure that they remain satisfactory for the service for which the vessel is intended;
- (d) the annual survey shall include a general inspection of the structure, machinery and equipment referred to in paragraph (2)(a), to ensure that they have been maintained in accordance with regulation 10(1) and that they remain satisfactory for the service for which the vessel is intended; and
- (e) the inspection of the outside of the vessel's bottom and the survey of related items inspected at the same time shall be such as to ensure that they remain satisfactory for the service for which the vessel is intended.

(3) The intermediate and annual surveys and the inspections of the outside of the vessel's bottom referred to in paragraphs (1)(c), (1)(d) and (1)(e) shall be endorsed on the International Fishing Vessel Safety Certificate.

Regulation 10 – Maintenance of conditions after survey

- (1) The condition of the vessel and its equipment shall be maintained to conform with the provisions of the present regulations to ensure that the vessel in all respects will remain fit to proceed to sea without danger to the vessel or persons on board.
- (2) After any survey of the vessel under regulation 7, 8 or 9 has been completed, no change shall be made in the structural arrangements, machinery, equipment and other items covered by the survey, without the sanction of the Administration.
- (3) Whenever an accident occurs to a vessel or a defect is discovered, either of which affects the safety of the vessel or the efficiency or completeness of its life-saving appliances or other equipment, the skipper or owner of the vessel shall report at the earliest opportunity to the Administration, the nominated surveyor or recognized organization responsible for issuing the relevant certificate, who shall cause investigations to be initiated to determine whether a survey, as required by regulation 7, 8 or 9, is necessary. If the vessel is in a port of another Party, the skipper or owner shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such a report has been made.

Regulation 11 – Issue or endorsement of certificates

- (1) A certificate called an International Fishing Vessel Safety Certificate shall be issued, except for vessels exempted under regulation 3(3), after an initial or renewal survey to a fishing vessel which complies with the relevant requirements of chapters II, III, IV, V, VI, VII, VIII, IX and X and any other relevant requirements of the present regulations.
- (2) The International Fishing Vessel Safety Certificate referred to in paragraph (1) shall be supplemented by a Record of Equipment.
- (3) When an exemption is granted to a vessel under and in accordance with the provisions of the present regulations, except for vessels exempted under regulation 3(3), a certificate called an International Fishing Vessel Exemption Certificate shall be issued in addition to the certificate prescribed in this paragraph.
- (4) The certificates referred to in this regulation shall be issued or endorsed either by the Administration or by any person or organization authorized by it. In every case, that Administration assumes full responsibility for the certificates.

Regulation 12 – Issue or endorsement of certificates by another Party

A Party may, at the request of the Administration, cause a vessel to be surveyed and, if satisfied that the requirements of the present regulations are complied with, shall issue or authorize the issue of certificates to the vessel and, where appropriate, endorse or authorize the endorsement of certificates on the vessel in accordance with the present regulations. Any certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the State the flag of which the vessel is entitled to fly, and it shall have the same force and receive the same recognition as a certificate issued under regulation 11.

Regulation 13 – Duration and validity of certificates

- (1) An International Fishing Vessel Safety Certificate shall be issued for a period specified by the Administration which shall not exceed five years. An International Fishing Vessel Exemption Certificate shall not be valid for longer than the period of the certificate to which it refers.
- (2)
 - (a) Notwithstanding the requirements of paragraph (1), when the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.
 - (b) When the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.
 - (c) When the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.
- (3) If a certificate is issued for a period of less than five years, the Administration may extend the validity of the certificate beyond the expiry date to the maximum period specified in paragraph (1), provided that the surveys referred to in regulations 7, 8 and 9 applicable when a certificate is issued for a period of five years are carried out as appropriate.
- (4) If a renewal survey has been completed and a new certificate cannot be issued or placed on board the vessel before the expiry date of the existing certificate, the person or organization authorized by the Administration may endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.
- (5) If a vessel at the time when a certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the certificate but this extension shall be granted only for the purpose of allowing the vessel to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No certificate shall be extended for a period longer than three months, and a vessel to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate. When the renewal survey is completed, the new certificate shall be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.
- (6) In special circumstances, as determined by the Administration, a new certificate need not be dated from the date of expiry of the existing certificate as required by paragraph (2)(b) or (5). In these special circumstances, the new certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.

(7) If an annual, intermediate or periodical survey is completed before the period specified in the relevant regulations then:

- (a) the anniversary date shown on the relevant certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
- (b) the subsequent annual, intermediate or periodical survey required by the relevant regulations shall be completed at the intervals prescribed by these regulations using the new anniversary date; and
- (c) the expiry date may remain unchanged provided one or more annual, intermediate or periodical surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by the relevant regulations are not exceeded.

(8) A certificate issued under regulation 11 or 12 shall cease to be valid in any of the following cases:

- (a) if the relevant surveys and inspections are not completed within the periods specified under regulations 7(1), 8(1) and 9(1);
- (b) if the certificate is not endorsed in accordance with the present regulations; and
- (c) upon transfer of the vessel to the flag of another State. A new certificate shall only be issued when the Government issuing the new certificate is fully satisfied that the vessel is in compliance with the requirements of regulations 10(1) and 10(2). In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Government of the State whose flag the vessel was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the certificates carried by the vessel before a transfer and, if available, copies of the relevant survey reports.

Regulation 14 – Forms of certificates and records of equipment

The certificates and records of equipment shall be drawn up in the form corresponding to the models given in the appendix to the annex to the present Protocol. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 15 – Availability of certificates

The certificates issued under regulations 11 and 12 shall be readily available on board for examination at all times.

Regulation 16 – Acceptance of certificates

Certificates issued under the authority of a Party shall be accepted by the other Party for all purposes covered by the present Protocol. They shall be regarded by the other Party as having the same force as certificates issued by them.

Regulation 17 – Privileges

The privileges of the present Protocol may not be claimed in favour of any vessel unless it holds appropriate valid certificates."

CHAPTER V

FIRE PROTECTION, FIRE DETECTION, FIRE EXTINGUISHMENT AND FIRE FIGHTING

PART A – GENERAL

Regulation 1 – General

5 The existing text of the regulation is replaced by the following:

"(1) Unless expressly provided otherwise, this chapter shall apply to new vessels of 45 m in length and over.

(2) One of the following methods of protection shall be adopted in accommodation and service spaces:

- (a) Method IF – The construction of all internal divisional bulkheads of non-combustible "B" or "C" Class divisions generally without the installation of a detection or sprinkler system in the accommodation and service spaces; or
- (b) Method IIF – The fitting of an automatic sprinkler and fire alarm system for the detection and extinction of fire in all spaces in which fire might be expected to originate, generally with no restrictions on the type of internal divisional bulkheads; or
- (c) Method IIIF – The fitting of an automatic fire alarm and detection system in all spaces in which a fire might be expected to originate, generally with no restriction on the type of internal divisional bulkheads, except that in no case shall the area of any accommodation space or spaces bounded by an "A" or "B" Class division exceed 50 square metres. However, the Administration may increase this area for public spaces.

(3) The requirements for use of non-combustible materials in construction and insulation of the boundary bulkheads of machinery spaces, control stations, etc., and the protection of stairway enclosures and corridors shall be common to all three methods."

CHAPTER VII

LIFE-SAVING APPLIANCES AND ARRANGEMENTS

PART B – VESSEL REQUIREMENTS

Regulation 5 – Number and types of survival craft and rescue boats

6 After the existing paragraph (4), new paragraphs (5), (6) and (7) are inserted as follows:

"(5) Where the arrangement required in paragraph (3)(a) would interfere with the normal operation of the vessel, the Administration may decide, in lieu of meeting the requirements, that vessels carry survival craft capable of being launched from only one side of the vessel. These survival craft shall be of sufficient aggregate capacity to accommodate at least twice the total number of persons on board, provided that the survival craft of sufficient capacity to accommodate the total number of persons on board can be easily transferred to the other side of the vessel, where they can be launched safely and rapidly.

(6) In the event of any one survival craft being lost or rendered unserviceable, there shall be sufficient survival craft available for use on either side, including those which are stowed in a position to be transferred to the other side, to accommodate the total number of persons on board. The transfer shall be easy to do, at a single open deck level, and all craft shall be free of obstacles to avoid entrapment and facilitate easy deployment.

(7) Where the arrangement required in paragraph (3)(b) would interfere with the normal operation of the vessel, the Administration may decide, in lieu of meeting the requirements, that vessels carry other equivalent appliances for rescuing persons from the water, taking into account the vessel's navigational area and operational condition."

7 The existing paragraphs (5) and (6) are renumbered as (8) and (9).

CHAPTER IX

RADIOCOMMUNICATIONS

PART A – APPLICATION AND DEFINITIONS

Regulation 1 – Application

8 At the end of the existing paragraph (2), the following new sentence is added:

"Notwithstanding the provisions of paragraph (1), the Administration may permit the existing radiocommunication system to continue to be used on board existing fishing vessels, providing the Administration is satisfied that it is equivalent to the requirements of this chapter."

APPENDIX

CERTIFICATES AND RECORD OF EQUIPMENT

9 The existing text of the Appendix is replaced by the following:

"1 **Form of Safety Certificate for Fishing Vessels**

INTERNATIONAL FISHING VESSEL SAFETY CERTIFICATE

This Certificate shall be supplemented by a
Record of Equipment

(Official seal)

(State)

Issued under the provisions of the Cape Town Agreement of 2012 on the Implementation of the
Provisions of the Torremolinos Protocol of 1993 relating to the
Torremolinos International Convention for the Safety of Fishing Vessels, 1977

under the authority of the Government of

(name of the State)

by

(person or organization authorized)

Particulars of vessel⁽¹⁾

Name of vessel

Distinctive number or letters

Port of registry

Length (L) (regulation I/2(5))/
Gross tonnage (regulation I/2(22))⁽²⁾

Sea areas in which vessel is certified to operate (regulation IX/2)

Date of building or major conversion contract

Date on which keel was laid or vessel was at a similar stage of construction in accordance with
regulation I/2(1)(c)(ii) or (1)(c)(iii)

Date of delivery or completion of major conversion

(1) Alternatively, the particulars of the vessel may be placed horizontally in boxes.

(2) Delete as appropriate.

THIS IS TO CERTIFY:

- 1.1 That the vessel has been surveyed in accordance with the requirements of regulations I/7, I/8 and I/9 of the Protocol.
- 1.2 That the vessel is/is not⁽²⁾ subject to the annual surveys required in regulations I/7(1)(d) and I/9(1)(d) of the Protocol.
- 2 That the survey showed that:
 - 2.1 the condition of the structure, machinery and equipment as defined in regulation I/9 was satisfactory and the vessel complied with the relevant requirements of chapters II, III, IV, V and VI of the Protocol (other than those relating to fire safety systems and appliances and fire control plans);
 - 2.2 the last two inspections of the outside of the vessel's bottom took place on
..... and
(date) (date)
 - 2.3 the vessel complied with the requirements of the Protocol as regards fire safety systems and appliances and fire control plans;
 - 2.4 the life-saving appliances and the equipment of the lifeboats, liferafts and rescue boats were provided in accordance with the requirements of the Protocol;
 - 2.5 the vessel was provided with a line-throwing appliance and radio installations used in life-saving appliances in accordance with the requirements of the Protocol;
 - 2.6 the vessel complied with the requirements of the Protocol as regards radio installations;
 - 2.7 the functioning of the radio installations used in life-saving appliances complied with the requirements of the Protocol;
 - 2.8 the vessel complied with the requirements of the Protocol as regards shipborne navigational equipment, means of pilot transfer arrangements and nautical publications;
 - 2.9 the vessel was provided with lights, shapes, means of making sound signals and distress signals in accordance with the requirements of the Protocol and the International Regulations for Preventing Collisions at Sea in force;
 - 2.10 in all other respects the vessel complied with the relevant requirements of the Protocol.
- 3 That an International Fishing Vessel Exemption Certificate has/has not⁽²⁾ been issued.

⁽²⁾ Delete as appropriate.

This certificate is valid until⁽³⁾ subject to the annual, intermediate and periodical surveys and inspections of the outside of the vessel's bottom in accordance with regulations I/7, I/8 and I/9 of the Protocol.

Issued at
(Place of issue of certificate)

.....
(Date of issue)

.....
(Signature of authorized official issuing the certificate)

(Seal or stamp of the issuing authority, as appropriate)

⁽³⁾ Insert the date of expiry as specified by the Administration in accordance with regulation I/13(1) of the Protocol. The day and the month of this date shall correspond to the anniversary date as defined in regulation I/2(23), unless amended in accordance with regulation I/13(7).

Endorsement for annual and intermediate surveys relating to structure, machinery and equipment referred to in paragraph 2.1 of this certificate

THIS IS TO CERTIFY that, at a survey required by regulation I/9 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Annual survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/intermediate⁽²⁾ survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/intermediate⁽²⁾ survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/intermediate survey in accordance with regulation I/13(7)(c)

THIS IS TO CERTIFY that, at an annual/intermediate⁽²⁾ survey in accordance with regulations I/9 and I/13(7)(c) of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

⁽²⁾ Delete as appropriate.

Endorsement for inspections of the outside of the vessel's bottom⁽⁴⁾

THIS IS TO CERTIFY that, at an inspection required by regulation I/9 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

First inspection: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Second inspection: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Endorsement for annual and periodical surveys relating to life-saving appliances and other equipment referred to in paragraphs 2.3, 2.4, 2.5, 2.8 and 2.9 of this certificate

THIS IS TO CERTIFY that, at a survey required by regulation I/7 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Annual survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/periodical⁽²⁾ survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/periodical⁽²⁾ survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

⁽⁴⁾ Provision may be made for additional inspections.

⁽²⁾ Delete as appropriate.

Annual survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Annual/periodical survey in accordance with regulation I/13(7)(c)

THIS IS TO CERTIFY that, at an annual/periodical⁽²⁾ survey in accordance with regulations I/7 and I/13(7)(c) of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Endorsement for periodical surveys relating to radio installations referred to in paragraphs 2.6 and 2.7 of this certificate

THIS IS TO CERTIFY that, at a survey required by regulation I/8 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Periodical survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Periodical survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Periodical survey: Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

⁽²⁾ Delete as appropriate.

Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation I/13(5) applies

The certificate shall, in accordance with regulation I/13(5) of the Protocol, be accepted as valid until

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement for advancement of anniversary date where regulation I/13(7) applies

In accordance with regulation I/13(7) of the Protocol, the new anniversary date is

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

In accordance with regulation I/13(7) of the Protocol, the new anniversary date is

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

2 Form of Exemption Certificate

INTERNATIONAL FISHING VESSEL EXEMPTION CERTIFICATE

(Official seal)

(State)

Issued under the provisions of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977

under the authority of the Government of

..... (name of the State)

by (person or organization authorized)

Particulars of vessel⁽¹⁾

Name of vessel Distinctive number or letters Port of registry Length (L) (regulation 1/2(5)) Gross tonnage (regulation 1/2(22))⁽²⁾

THIS IS TO CERTIFY:

That the vessel is, under the authority conferred by regulation exempted from the requirements of

Conditions, if any, on which the Exemption Certificate is granted:

This certificate is valid until subject to the International Fishing Vessel Safety Certificate, to which this certificate is attached, remaining valid.

Issued at (Place of issue of certificate)

..... (Date of issue)

..... (Signature of authorized official issuing the certificate)

(Seal or stamp of the issuing authority, as appropriate)

(1) Alternatively, the particulars of the ship may be placed horizontally in boxes. (2) Delete as appropriate.

Endorsement to extend the certificate if valid for less than 5 years where regulation I/13(3) applies

This certificate shall, in accordance with regulation I/13(3) of the Protocol, be accepted as valid until subject to the International Fishing Vessel Safety Certificate, to which this certificate is attached, remaining valid.

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Endorsement where the renewal survey has been completed and regulation I/13(4) applies

This certificate shall, in accordance with regulation I/13(4) of the Protocol, be accepted as valid until subject to the International Fishing Vessel Safety Certificate, to which this certificate is attached, remaining valid.

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation I/13(5) applies

The certificate shall, in accordance with regulation I/13(5) of the Protocol, be accepted as valid until subject to the Certificate, to which this certificate is attached, remaining valid.

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

3 Form of Supplement to the International Fishing Vessel Safety Certificate

**RECORD OF EQUIPMENT FOR THE
INTERNATIONAL FISHING VESSEL SAFETY CERTIFICATE**

This Record shall be permanently attached to the
International Fishing Vessel Safety Certificate.

RECORD OF EQUIPMENT FOR COMPLIANCE WITH THE
CAPE TOWN AGREEMENT OF 2012 ON THE IMPLEMENTATION OF THE PROVISIONS
OF THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS
INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977

1 Particulars of vessel

Name of vessel

Distinctive number or letters

Port of registry

Length (L) (regulation 1/2(5))/
Gross tonnage (regulation 1/2(22))⁽¹⁾

2 Details of life-saving appliances

1	Total number of persons for whom life-saving appliances are provided	.....	.....
		Port side	Starboard side
2	Total number of lifeboats	.....	.....
2.1	Total number of persons accommodated by them	.....	.....
2.2	Number of partially enclosed lifeboats (regulation VII/18)	.....	.....
2.3	Number of totally enclosed lifeboats (regulation VII/19)	.....	.....

⁽¹⁾ Delete as appropriate.

3	Number of rescue boats	.....
3.1	Number of boats which are included in the total lifeboats shown above	.....
4	Liferafts	.....
4.1	Those for which approved launching appliances are required	.....
4.1.1	Number of liferafts	.....
4.1.2	Number of persons accommodated by them	.....
4.2	Those for which approved launching appliances are not required	.....
4.2.1	Number of liferafts	.....
4.2.2	Number of persons accommodated by them	.....
5	Number of lifebuoys	.....
6	Number of lifejackets	.....
7	Immersion suits	.....
7.1	Total number	.....
7.2	Number of suits complying with the requirements for lifejackets	.....
8	Number of thermal protective aids ⁽²⁾
9	Radio installations used in life-saving appliances	.....
9.1	Number of radar transponders	.....
9.2	Number of two-way VHF radiotelephone apparatus	.....

⁽²⁾ Excluding those required by regulations VII/17(8)(xxxi), VII/20(5)(a)(xxiv) and VII/23(2)(b)(xiii).

3 Details of radio facilities

	Item	Actual provision
1	Primary systems	
1.1	VHF radio installation:	
1.1.1	DSC encoder	.....
1.1.2	DSC watch receiver	.....
1.1.3	Radiotelephony	.....
1.2	MF radio installation:	
1.2.1	DSC encoder	.....
1.2.2	DSC watch receiver	.....
1.2.3	Radiotelephony	.....
1.3	MF/HF radio installation:	
1.3.1	DSC encoder	.....
1.3.2	DSC watch receiver	.....
1.3.3	Radiotelephony	.....
1.3.4	Direct-printing radiotelegraphy	.....
1.4	INMARSAT ship earth station	.....
2	Secondary means of alerting	.....
3	Facilities for reception of maritime safety information	
3.1	NAVTEX receiver	.....
3.2	EGC receiver	.....
3.3	HF direct-printing radiotelegraph receiver	.....
4	Satellite EPIRB	
4.1	COSPAS-SARSAT	.....
4.2	INMARSAT	.....
5	VHF EPIRB	.....
6	Vessel's radar transponder	.....

4 Methods used to ensure availability of radio facilities (regulation IX/14)

4.1	Duplication of equipment	.....
4.2	Shore-based maintenance	.....
4.3	At-sea maintenance capability	.....

