

# Translation from Croatian into English: Translation and Analysis of Texts of Different Genres

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UNIVERSITY OF RIJEKA  
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**TRANSLATION FROM CROATIAN INTO ENGLISH:  
TRANSLATION AND ANALYSIS OF TEXTS OF DIFFERENT  
GENRES**

Submitted in partial fulfilment of the requirements for the B.A. in English Language and Literature and Italian Language and Literature at the University of Rijeka

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## ABSTRACT

The main aim of this thesis is to translate and analyse texts of different genres. For that purpose, three texts have been translated from Croatian into English. The texts differ in style, topic and level of formality. The first text is a research article discussing the *gestalt* therapy and its application to coaching. The second text is a chapter from the book *Penitent (Pokajnik)* written by Milena Mandić. The third text is an institutional text, the Maritime Code. The last text, the Maritime Code is the text with the highest degree of formality. The second text, *Penitent* contains many idiomatic expressions and proverbs. Each text/translation is preceded by a brief introduction and followed by a commentary and analysis section where all the difficulties encountered during the process of translation are listed and discussed.

Key words: translation, Croatian into English, analysis, problems

## Table of contents

1. Introduction.....	1
2. Translation of the source text I. ....	2
2.1. Introduction .....	2
2.2. Translation.....	4
2.3. Commentary and analysis.....	15
3. Translation of the source text II. ....	17
3.1. Introduction .....	17
3.2. Translation.....	18
3.3. Commentary and analysis.....	28
4. Translation of the source text III.....	29
4.1. Introduction .....	29
4.2. Translation.....	30
4.3. Commentary and analysis.....	57
5. Conclusion .....	59
6. Appendices.....	60
6.1. Appendix I.....	60
6.2. Appendix II.....	69
6.3. Appendix III. ....	79
7. References.....	95

## 1. Introduction

This thesis will present the process of translation of three texts that vary in style, level of formality and topic. These texts were translated by using various translation techniques that can more specifically be classified as either direct or indirect. Borrowing, calque and literal translation are considered to be direct translation techniques. These techniques can be used in cases where translation of each element is possible; word- for- word. This technique is not always a good choice because it turns out to be rather ineffective, as it will be shown in the subsequent examples. The other case where this type of translation is possible is when we assume that the target language speakers are familiar with the term and hence the term can remain in its original (source language) form. This technique is commonly employed for languages that belong to the same family (e.g., Spanish and Catalan). The other type of translation is indirect translation. This is generally used when structural or conceptual elements of the source language would fail to transfer meaning successfully by using the direct translation techniques. This happens when we are not able to translate directly without changing the meaning or disrupt, in any way, the stylistic or grammatical elements of the target language. A clear example of this problem would be translating idioms, proverbs, collocations or any other culturally specific terms that are non-existent in the target language. Indirect translation or oblique translation, include techniques introduced by Vinay and Darbelnet such as borrowing, calque, literal, equivalence, adaptation, transposition or changing the sequence of parts of speech, modulation or in other word the technique to represent the same meaning or idea by using different phrases in the target language that the ones used in the source language.<sup>1</sup>

For years now, translation has been and remains a very important part of our society. It plays a crucial part in human communication and has provided us with the possibility to access very important texts. Translation studies began its development in the past seventy years. In regards to the English- speaking world the discipline itself developed in 1972. It was the American-Dutch poet, translator and translation scholar by the name of James S. Holmes who started the development of translation of the English-speaking world. He enjoyed translating poetry from Dutch to English, but also Indonesian poetry.

As already mentioned, translation has a very significant role in our everyday life. We always try to establish a communication channel and that often requires a lot of translation, even if we

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<sup>1</sup> <https://www.iosrjournals.org/iosr-jhss/papers/Vol.%2021%20Issue5/Version-5/I2105055157.pdf>

are sometimes not aware of it happening. In relation to Munday (5) “*The process of translation between two different written languages involves the translator changing an original written text (the source text or ST) in the original verbal language (the source language or SL) into a written text (the target text or TT) in a different verbal language (the target language or TL).*”

The process of translation requires translator’s thorough knowledge of both the source and the target language. Here, it is also crucial that the translator is familiar with the source and the target language culture. The culture also plays a significant role in translating. The main aim of translation is to transfer the message successfully from the source language to the target language intended for the target audience to comprehend the text without difficulty.

The main aim of this thesis is to display the problems encountered during the translation and to provide workable solutions for these problems. The texts have been translated using dictionaries like Glosbe, Merriam-Webster, Cambridge Dictionary and other translation tools. Occasionally, some of the terms needed to be looked up in online sources.

The texts are of different genres, topic and level of formality. The first text - medical research paper from the field of psychology is written in a formal style. It covers the topic of gestalt therapy, especially the benefits of its usage in coaching. The second text is a literary text, a chapter from the book *Penitent (Pokajnik)* written by Croatian author Milena Mandić. The third text is an institutional document, the Maritime Code, which was written in very formal style.

This thesis is comprised of an abstract, an introduction the translations of three texts, each preceded by an introduction and followed by commentary and analysis section which describes the problems encountered during the process of translation and the solutions to these problems. It also contains a conclusion, appendices, where all source texts can be found, as well as a bibliography.

## 2. Translation of the source text I.

### 2.1. Introduction

This text is a medical research paper from the field of psychology. It covers the main principles of the gestalt therapy and demonstrates its broad usage. The author of the paper is Sandra Čanić. She is a psychologist and an expert in the field of gestalt therapy. The text primarily focuses on the principles of the gestalt approach that could be used in coaching. It provides us also with

the insight of efficient coaching, while emphasizing the importance of dialogue. It is written in formal style. Out of the three texts I translated, this one was by far the most time consuming and demanding. Despite the fact that I had previous knowledge of the gestalt therapy it was very challenging to keep the author's original idea and to render it accordingly in the target language. One part of the text, a dialogue between the coach and the client, deviated from the academic style and had to be translated so as to sound as naturally in English as possible. That part also contained idioms and phrases for which corresponding equivalents had to be provided in the target language.

For the analysis of the source text in the Croatian language I have followed a method which focuses on 12 points of analysis. These are genre, source, audience, purpose of writing, authenticity, style, level of formality, layout, content, cohesion, sentence patterns and terminology of the subject. This analysis serves to become familiarized with the source text before the actual translation.

#### Translation brief

1. **Genre:** Medical research paper; psychology
2. **Source:** Hrčak; Portal of Croatian scientific and professional journals in Clinical Psychology, Vol. 6 No. 1-2, written by Sandra Čanić, published in 2013.
3. **Audience:** The text is written for anyone, especially for those who are interested in psychology; the field of gestalt psychology and coaching. The readers will get insight into the main principles of the gestalt psychology and its benefits when applied in coaching. The paper also provides information and guidance for anyone who seeks development in both private and professional life.
4. **Purpose of writing:** The purpose of this paper is to give insight on coaching and the gestalt principles, and how the two are correlated in order to reach your better self.
5. **Authenticity:** original scientific article
6. **Style:** research paper, informative
7. **Level of formality:** Formal.
8. **Layout:** A research paper that consists of 14 pages. The paper starts with an abstract that provides the summary of the research that follows. In the first part the definitions of coaching are given. The second part describes the fundamental principles of the gestalt therapy. The paper is concluded by exemplifying the usage of gestalt coaching in Croatia.

- 9. Content:** The author initiates the paper by acquainting the reader with the terms of coaching and the gestalt therapy. The main goals of coaching are explained and so are the main principles of the gestalt approach (i.e., the field theory, paradox of change, etc.). The paper is concluded by emphasizing the benefits and possibilities of using the gestalt principles in coaching.
- 10. Cohesion:** Lexical cohesion is created by the repetition of the key words such as *gestalt, therapy, principles, coaching, change, contact, consciousness* etc.
- 11. Sentence patterns:** The sentences in the paper are of various lengths. The sentences contain many terms related to the work of a gestalt psychotherapist and a coach. The past tenses and active voice are mostly used. In some sentences the auxiliary verb “should” is used. By doing so, the author emphasizes actions that are considered to be obligatory and of crucial importance (i.e., *He should be able to recognize certain types of personalities and pathologies such as depression, addiction, narcissism and personality disorder that are also present in the organisational life.*).
- 12. Terminology of the subject:** The text contains the terms from the field of work in psychology.

## 2.2. Translation

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Application of Gestalt Therapy Principles in Coaching

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## Abstract

The purpose of this paper is to give a brief overview of the application of some of the most important principles of gestalt therapy in coaching; a relatively new and insufficiently recognized method of professional development in Croatia. In the first part of the paper the definitions of coaching are given, their goals and the profiles of the experts in that field. In coaching, the main emphasis is on the development of client's professional self (e.g., the development of business skills, the preparation for a new role, etc.), hence it is crucial that the coach is during the process of working not only oriented towards the client, but also their organization. Efficient coaching requires a sequence of psychological, therapeutical, consulting as well as business knowledge and skills. The second part of this paper describes the fundamental concepts of the gestalt therapy such as field theory, figure and ground, light, consciousness, paradox of change, presence and contact theory, contribute to the understanding of the process of coaching and the way in which the expert in coaching, i.e., the coach, who, educated in the field of gestalt therapy (gestalt coach), supports the change and the development of the client. Gestalt and coaching, see the client primarily as being a healthy, complete person, who is, with the adequate help from the environment, capable of creatively responding to challenging situations. The precondition for changing is the client's awareness of the situation that they are currently dealing with, the acceptance of the situation consequently leading to energy release and preparation for new choices. The work in gestalt coaching is a process based on dialogue, that is initiated by the coach using various techniques such as questioning, observation sharing, experimentation, but, above all, by her constant authentic presence.

Key words: Gestalt, coaching, consciousness, contact, change

## Introduction

Gestalt therapy, i.e., "the third force" of the therapeutical world, has been practiced in its classical sense since the 1950's. However, it is not a well-known fact that the principles of the gestalt therapy are applied not only to classical therapeutical surroundings, but also to individual and team work in organizational surroundings, in interventions for large groups and the development of teams and individuals. That latter application of gestalt therapy is commonly associated with coaching.<sup>2</sup> Coaching represents one of the fastest growing professions in the modern world and one of the leading contemporary methods in the field of professional development for management and professionals. Various psychological, social, business and other theories have influenced the development of coaching can that as can be observed from various profiles of experts in coaching. Among them there is also a significant contribution of "the Gestaltists", who, based on their personal experience with the clients, inform on a widely spread and successful application of the gestalt principles and to coaching.

In North American and West European countries coaching has been systematically applied for over two decades. As a society, in Croatia, we are still in the early stage of the development of both the profession and the method of coaching, despite the number of initiatives and trainings

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<sup>2</sup> There is no official Croatian term for the word „coaching“

featuring the subject of coaching and experts that highlight coaching in their work. There is a certain confusion and misunderstanding of what coaching is. There are not many experts in the field of gestalt application, and the potential application of the gestalt as a tool for organizational change and development is almost completely unknown (Popadić, 2008).

## Coaching: profession and method of personal development

### Definitions of coaching

Coaching is a semi-formal method of individual, help-oriented and enduring work on different problems regarding professional and management performance. The definitions of coaching significantly depend on the areas of expertise and the experience of the coaches themselves, in other words the experts who implement coaching. Almost every definition highlights the learning and development connected with the improvements of the person's performance and the accomplishment of positive changes (Bluckert, 2006). According to one of the most used definitions, coaching represents a helping relationship formed between the client, who has controlling responsibility, and the adviser. The adviser, by using an array of behavioural techniques and methods helps the client in achieving common goals focused on the improvement of professional performance and personal satisfaction, ultimately leading to improvement of the organization employing the client (Kilburg, 2000). The process of therapy is conducted within the official agreement (contract) between the employer and the employee. According to Joyce and Sills (2021), coaching, similarly to therapy, represents an intentional usage of collaborative relationship for the purpose of client's development within client's particular situation. We can say that it is a method based on relationship.

Apart from the context of individual work, coaching is also sometimes used in the context of teamwork and organizations. In this paper coaching includes individual work with clients within business (professional, working) environment, regardless of the type of work and the business activity of the organization where coaching is conducted (profit, non-profit, private, public and other divisions).

### Goals of coaching

Coaching is, firstly, focused on professional, pragmatic goals. Although the process of coaching inevitably focuses on client's personal *self*; the emphasis is on the development of client's professional *self*, or simply put, on the client's development withing the business environment. In comparison with psychotherapy, the work in coaching is focused on the development and growth to a large extent rather than being focused on dealing with personal issues (Joyce and Sills, 2010). In an environment where the speed of change and the impossibility of planning a career in advance is becoming a serious challenge, the coaches are more and more viewed as the agents that help clients in the transitional phase (Gray, 2006; Bluckert, 2006). The goals of coaching can be classified into the following categories (Gray, 2006; Bluckert, 2006):

- Work on skills (managing, negotiating, impact skills etc.). These goals are generally planed in advance and clearly defined by the client; the process of coaching usually covers a short-term, and the client can quickly apply the acquired knowledge.

- Work on performance (solving various managing and professional problems). These goals are usually less clearly defined by the client, and the work usually takes a couple of months.
- A role transition (the preparation for a new workplace, leading of highly productive teams etc.). Since the new role usually requires a new competency framework, including abandoning some of the previously learned ones; these goals are usually less clearly defined by the client, and the work usually takes a couple of months.
- Personal development according to client's personal interests and requirements (completing unfinished work, development of self-esteem, development of emotional intelligence etc.). Defining goals by the client and the duration of the process depends on a particular client and his interest. Goals from previous categories may be embedded in this process.
- Finding a purpose (achieving greater pleasure in the new role, preparation for a significant change, etc.). Defining goals by the client and the duration of the process is often similar to the previous category.

Considering the listed context, the process of coaching usually lasts a couple of months, unlike the process of therapy that can sometimes be conducted in the course of several years. The sessions last longer than the ones in therapy (2 to 4 hours on average), but they are scheduled less frequently so that the client can implement the work in session in practice. For example, if the topic of coaching is client's impact on others, a good way of testing the acquired knowledge and skills is by implementing a new project proposed by the client, i.e., a specific business setting where the client can test their impact on the co-workers. One of the main differences between coaching and psychotherapy is that in the process of coaching, the coach, is focused on both the client and the organization. In other words, the coach is focused on situational requirements of the work system and challenges that are presented to the client (Denham-Vaughan and Chidiac, 2010).

#### Profile and coaching competencies

Various directions have influenced the development and framework of what today is known as coaching. Consequently, today the concept can be understood in different ways. However, despite the diversity, a basic agreement in the determination of the term coaching and the characteristics of the experts in field has been brought into agreement. In fact, the Croatian Coaching Association has, based on international standards, clarified eleven specific competences that mark the job of being a professional coach and the process of coaching. These competences cover different areas, such as clear framework of the process (professional and ethical standards, the establishment of a clear agreement), building adequate relationships, communicational skills and the encouragement and monitoring of learning and achieving results (Coaching competences). However, despite the agreement, the clear impact and the usage of coaching, to this day there is no internationally recognized official qualification that would make coaching a vocation. In fact, experts in various fields perform coaching, starting from CEOs with an excellent knowledge in organization and business, to experts in human resources with an excellent knowledge of the principles of work and learning, psychologists and psychotherapists with the knowledge and expertise in consoling and therapeutical work, consultants, like experts in having private practice and selling services, to sport trainers focused on efficiency and goal- oriented. All of the expertise and skills listed priorly are welcomed while creating the coach's profile. Since the

majority of coaches shares at least one of the skills above, it becomes a professional responsibility of every coach to decide in which area they would want to implement new knowledge and skills that are lacking. Regardless of their primary profession, the coach's task is to help the client understand what he wants to accomplish and how, to support them in making progress, changing and making decisions, encourage them in developing self-esteem and a positive attitude towards change. To give them focus, credit and help while discovering different perspectives (Stern, 2004). Regarding the differences between coaching and therapy, some coaches emphasize that it is not necessary for a coach to possess psychological, counselling or psychotherapeutic knowledge and skills. However, the facts do emphasize the necessity of the usage of the listed skills and approaches in coaching. Coaching is an individual and lasting work on learning and developing that requires full commitment in working with the client and the usage of ethical standards. It requires various competences such as the skill of listening, ability to support, confidence building and recognizing own patterns of behaviour. A good coach should be well acquainted with the theory of change. He should be able to recognize certain types of personalities and pathologies such as depression, addiction, narcissism and personality disorder that are also present in the organisational life. Considerable emphasis is also placed on the coach's life and professional experience. Experience, alongside with certain predispositions and character traits, can to a great extent compensate for the lack of a formal therapeutical or psychological education in coaching.

#### Application of the Principle of Gestalt Therapy in Coaching

##### The gestalt view of coaching

We have noted the application of the gestalt principle in organizations since the 60's. Organizational consultants today understand that the old principles of their counselling based on logic, systematic gathering of information, analysis and thorough planning are becoming more inefficient. Organizations, as being highly- complex systems, demand a different paradigm. The role of the consultant is not just to express and to promote certain values, attitudes and skills, but the usage of all of that in a way so that it stimulates or evokes the activity in the client so that they feel the urge of problem solving (Nevis, 1987).

The fundamental principle of gestalt in coaching is that the client represents a complete, healthy and intelligent person, with the need for individual autonomy and creativity, efficient action in the system and the present surrounding. The presence of the coach and his interaction with the client stimulates the client's awareness of the present moment. It is the awareness of what is present that brings the possibility of choices, so does the client's growth, as learning and development happen on a margin between the known and unknown. In that process, the client is self-responsible for changing, and the coach assumes the role of someone who helps. The work in gestalt coaching is primarily based on the dialogue between client and coach, and their "You and Me" relation<sup>3</sup>. In order for a gestalt-oriented coach to be in line with the previously said he has to take the following standpoints (according to Gestalt Institute of Cleveland):

- the coach in the process of work uses himself as a tool

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<sup>3</sup> Martin Buber, an Austrian Jewish and Israeli philosopher, writes about the value of true dialogue between people in his essay "*I and Thou*" (1923)

- while working, the coach provides the presence that the client lacks in the system
- while working the coach uses the techniques of gestalt.

The listed views are a complex combination of the coach's personal values, competence and behaviour. For a complete understanding of these points of view and the way they are performed; from the perspective of the gestalt the process of coaching is conducted within the set goals, and a more detailed overview of the classical gestalt concepts is required. The authors dealing with the application of gestalt in coaching (Bluckert, 2006; Simon 2009; Joyce and Sills 2010 et al.) came to an agreement that the concepts of the field, figure and ground, consciousness, paradox of change, presence and contact theory are particularly applicable to coaching.

#### Field theory (situation)

The gestalt approach does not apply only to the person (client). In gestalt, the person and the environment are not two different things; in fact, the person is always a part of the field (environment). The Gestaltists focus their work on the dynamic interaction between the person and the phenomenological world (Wollants, 2007). The composition of interactions between a person and his phenomenological world, which is also the only world in which a person acts, is generally referred to it as field or situation. All field theorists agree that the field is the basic unit of analysis or work in therapy. Behaviour is a purposeful activity of a person in a current, concrete field. The person and the world are inseparable in this sense.

The goal of gestalt therapy, that can also be transferred to the field of coaching, is to support the client in gaining the freedom to adequately respond to the demands of the situation, in other words the freedom to organize their interactions in such a way that they respond to the demands of the situation. Reorganization can mean changing the elements of the element in the environment, not within the client. This view has radical repercussions on all aspects of life: family, social, political, organizational (Wollants, 2007). In coaching, perhaps the most radical example is when a client, upon completion of the coaching process, makes a decision to leave the organization in which they work.

#### Figure and background

Through its discoveries in the field of visual perception, which later extended to the field of motivation and action, gestalt psychology has significantly influenced the development of the gestalt therapeutic approach. One of the early discoveries was the realization of how a person experiences his sensory world in an organized way, striving for comprehensive patterns, wholeness organization, towards specific parts and elements. Every gestalt that is formed is at the same time a figure that stands out against its background. The condition for forming a figure is openness or the ability to allow objects to stand out from the complex background. For example, at some point we pay attention to the noise in our surroundings. Otherwise, at the same time we may be completely preoccupied with our thoughts and not notice the loud sound. The figure is, therefore, the object of our interest, attention and awareness at a given moment, while the background is everything else. The classic premise in gestalt is that need organizes our field of perception. When we are hungry, we see only potential food. A mother, who takes her baby for a walk in a stroller for the first time and comes across a series of stairs in front of the house, will be surprised to learn that she has not noticed those same stairs at all before.

The background includes everything that is not a figure at a particular moment. Each background element has the potential to become a figure. If we look even more broadly, the background includes the way we see the world and the way we act in it. It represents our beliefs and the way we think. Thus, the background conditions our approach in creating new figures. For example, if we are by nature insecure about our abilities, we may miss noticing an interesting potential project and the opportunity to ask the boss to hire us on it. It follows that learning happens both through a change of figure and through a change of background. Coaching realizes its full potential when it happens on two levels: through helping the client to solve the current problems (figures) and through their overall development as an individual (background) (Bluckert, 2006). For example, a client, as a topic or figure in coaching, may bring up the problem of a “disobedient” co-worker, who refuses to perform certain tasks. At the same time, in the background, he may become aware of how this problem is related to his underdeveloped skills of influencing other people.

### Awareness and the paradox of change

The gestalt approach is work in the present, here and now. It implies an awareness of what is currently happening, a sharpening of the current figure. Awareness is a condition for the formation of a figure. Gestalt has a unique view of the notion of consciousness and behaviour change in a way that presupposes that there is a direct connection between the degree of awareness and the potential for new behavioural choices, or change (Simon, 2009). According to its author Beisser (1970), the paradoxical theory of change says that change occurs when a person accepts themselves for what they are, not when he tries to be something or someone else.

Paradoxical theory of change is the key to development and learning in the coaching process. The basic intervention in coaching is to clearly focus attention on what already exists in the present for the client, on his current situation, which, paradoxically, results in an experiential shift towards something new. By believing in the paradoxical theory of change, the coach shows respect for the client by supporting them in finding their own answers to questions such as what the client wants and how will they accomplish that? Thus, the task of the coach is to expand the field of client’s awareness through timely interventions, such as questioning, observation, experiment or others, and enable them to see a different perspective on a topic he brought into the process or has developed, crystallized as a figure during process. In this way, awareness of the current situation in which the client finds themselves exposed to source of information from which the client makes choices about their further direction and action and from which, new figures develop, through a smooth and, coach supported process flow, new figures develop.

It follows from the above that a coach, in order to be successful, needs to be a kind of expert in consciousness who uses themselves in the work as an instrument, providing and encouraging in the process of work raising awareness of what is present at that time. The process of the neo-methane flow of awareness in coaching is a powerful process that mostly happens through direct observations of the client’s system and descriptive reporting of findings by the coach (Stevenson, 2005). The coach observes and selectively shares with the client what they see, hear and feel, in order to sharpen the clarity of the client’s reflections. In that way, the coach acts as a mirror for the client. Observation can refer to verbal as well as nonverbal content.

The coach and the client create a unique situation during the coaching process. Therefore, the second variant of the aforementioned intervention is the selective sharing of one’s own experiences; feelings, sensations and thoughts by the coach. A prerequisite for the

successful use of this intervention is that the coach, in addition to the client, takes into account his own experiences during the session, i.e., that he is in contact with himself during coaching. This is a complex skill that typically requires continuous work on oneself.

In addition to sharing, one's own observations, the standard technique used in coaching, with the aim of encouraging dialogue and raising awareness of the current situation, is questioning the client. Examples of the most commonly used questions are open-ended questions: "What are you aware of at the moment?", "What are you thinking about now?", "What is happening now?", in other words the questions that start with "What" and "How". It should be noted that other questions, which are not necessarily related to "here and now", find their place in coaching when necessary: indirect questions ("It seems to me that...", "Is it possible that...?"), hypothetical questions ("What if...?"), resource-focused questions ("How have you solved a similar problem before?"), as well as questions like: "On a scale of one to ten to rate...?". Questions that start with Why? are usually avoided.

## Presence

Presence in gestalt coaching is not a neutral presence (Bluckert, 2006). It implies the therapist's full presence in the process in the now and here, with a desire for an honest and authentic encounter with the client (Radionov, 2008). The presence position provides a specific approach to solving the client's problems. Instead of offering advice to the client in order to solve the problem, the coach puts more emphasis on dialogue with the client in order to raise awareness of the problem itself. In line with the paradoxical theory of change, this approach will result in an experiential shift towards a creative solution.

Presence is necessary for the establishment of trust between the client and the coach, for the establishment of a relationship that is based on dialogue and for the implementation of purposeful and meaningful interventions. Trust leads to the creation of a supportive, psychologically safe space in which the client can simply *be*, as opposed to *have to*. The coach creates a supportive space for the client with his ability to fill every moment in the work with positive silence and relaxed attention, suffering anxiety as needed and patiently allowing its source to surface. Supportive space contributes to creating conditions in which the client will be able to experiment with new concepts and behaviours in safe surroundings.

Each coach is present in the coaching situation in a unique way, in accordance with personal values and competencies. However, certain values and competencies which in particular encourage change and client development and are therefore desirable to be part of the coach's presence. According to Nevis (1987), most of these values and competencies are related to supporting and fostering a smooth flow of awareness and establishing contact. These are: the ability to focus on the ongoing process, with faith in the natural developmental sequence; sensitivity to the sensory, physical functioning of oneself and others, and adjustment to one's own emotional reactions and the reactions of others. Furthermore, it is desirable that the coach is able to show respect for working with the system and when using interventions take into account the significant influence of the context. Skills of expression and dialogue are important, such as separating data from interpretation, emphasizing non-judgmental observations, concise, clear and direct expression. With emotionally charged situations, a skilled coach faces a minimum of defensiveness. By behaving in accordance with the stated values and skills, for example, listening without judgment, or focusing on the way the client describes a particular situation, instead of a wealth of information, the coach acts as a powerful model of behaviour in developing the client's presence here and now.

Presence is largely conditioned by the degree of integration between what the coach says and how he lives. The coach as a person should be consistent or congruent; look the way he

feels, speak the way he feels and thinks, and act as he says. Clients recognize a high degree of integration, feel interested, curious, and engaged in the work, and because of that the results will follow. (Bluckert, 2006).

## Contact

Each of our “world” experiences happens on the verge of contact. The boundary of contact is the psychological place where the psychophysiological organism of a human being, i.e., a person, meets its environment and exchanges energy, materials and information with it (Dreitzel, 2010). Contact is a creative adaptation of the organism in the eye-line (Perls, Hefferline and Goodman, 1951) and the basis of change and growth of a person. As such, it occupies one of the central places in coaching. Contacting is diverse and bipolar, in that each variant represents contact, without being valued as “good” or “bad” contact, for example approaching and distancing, inclusion and distancing, and similar (Pearls et al., 1951).

Contact is basically an indivisible whole that can be presented as a phased process or cycle of contact for the purposes of theoretical consideration. The contact cycle represents a model of healthy functioning by satisfying the needs. It is most frequently presented as a six-step process, as shown in Figure 1.

The process begins with sensation, continues with the appearance of consciousness and the formation of a figure. Awareness results in the mobilization of the energy needed for targeted contact with the environment. With the contact the needs are satisfied, and then the withdrawal happens. The contact process can also be shown in the form of a wave, where the energy in the first stages of the contact process is lower, rises to its maximum in full contact and decreases sharply in the phase of post-contact. In the moment of full contact, the weakness of the boundary is also at its maximum.

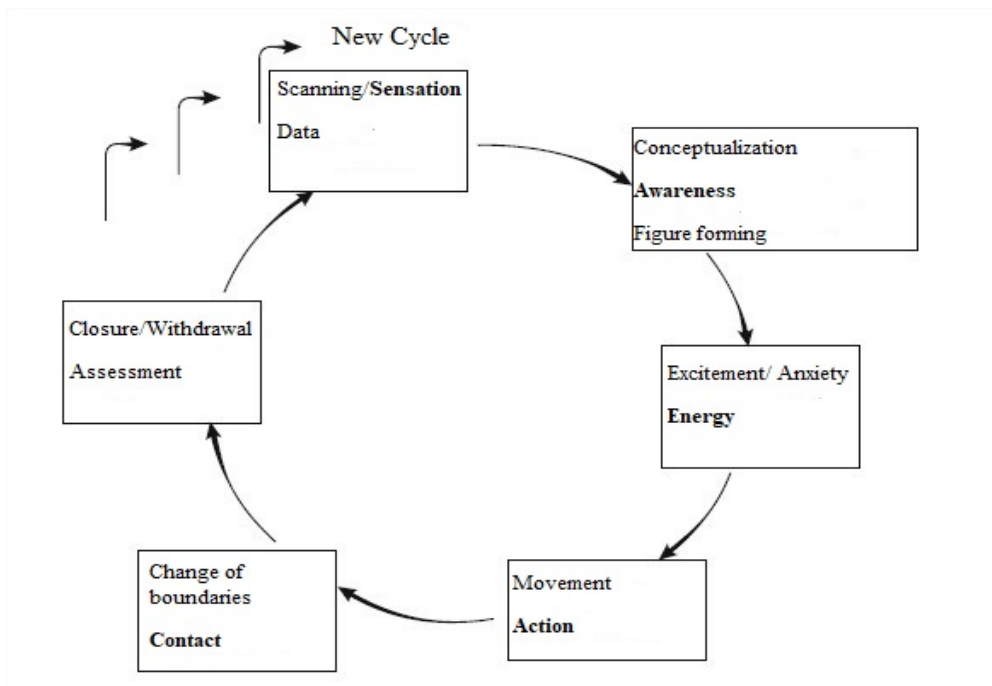


Figure 1

Contact cycle (adapted from Siminovitch and Van Eron, 2006)



The contact cycle serves as an orientation model during a coaching session (Bluckert, 2006). In a typical coaching session, the client initially needs time to get in touch with their needs, that is, for the right figure to crystallize. Sometimes the client offers different content, or seems uninterested and uninvolved. At this stage, the coach often experiences a sense of ambiguity and confusion and wonders what to focus on. Remaining in the phase of awareness of the contact cycle, using the aforementioned interventions, observations, selective sharing of their observations about the situation or questioning, the coach focuses on the energy of the client's system and the appearance or absence of the topic on which energy is directed. If the coach and client remain long enough at this stage, one of the figures sharpens. Signs that the right topic is open are often a qualitative change in the client's engagement with the topic or the Eureka Moment.

The moment the figure sharpens, the energy is mobilized and the client is ready for the next phase of the cycle; the activity phase. The goal of the activity is the contact of the client with the core of the problem, and the task of the coach is to maintain a clear, meaningful and enhanced contact of the client with the topic. The activity can be a conversation about a topic or an experiment. If, for example, the fear of losing a job crystallizes as a figure in the previous example, we can talk to the client on the topic of what would losing a job mean for them. At this stage, the client may also need to comment on the relationship with the coach, in a positive or negative sense, and that is perceived as a welcome remark.

In the phase of withdrawal and closure, it is necessary to leave the client the space and time to draw the line and verbalize the most significant insights from previous work. The task of the coach is to help the client in achieving increased awareness of the entire completed process and in closing the problem, or unfinished business. In the coaching process, the constructive usage of negative feedback and failure in a way that raises the client's knowledge of themselves and supports sustainable learning and change is especially important. Properly defined failure can sometimes lead to more valuable lessons than success could ever (Siminovitch and Van Eron, 2006).

#### Application of the principles cited in practice

The principles outlined in this paper are illustrated by the following brief example.

The head of the department becomes a client of the gestalt coach, and together with them defines the goal of skills of coaching- the improvement of the client's time and work management. During a conversation with the coach, she complains about the lack of discipline of the team members.

Coach: "When you say that your team lacks discipline, which member does it apply to the most? Who do you have in mind?"

Client (after a short break) "Peter. He is one of the most experienced, but also the most careless members of the team. "

Coach: "What does it look like when Peter is careless?"

Client: "There are daily, routine reports of which he is in charge. However, I have to double check each report, because elementary mistakes appear in it. This checking takes a lot of my time, and time is money." (*Taps fingers on the table.*)

Coach: "It seems like that situation is bothering you a lot."

Client: "It is driving me crazy. He should double check the report himself. Every time I warn him nicely about it, he promises that he'll check it next time. It feels like a wild-goose chase, and the history keeps repeating itself. In fact, he has zero to no motivation to

change (*she sighed*). He knows that I will put it right again, and, once more, he won't face any consequences. Anyhow, he is a very qualified worker, so I give him the highest marks, even though he doesn't deserve them".

Coach: "What would happen if you raised the bar?"

Client: "He wouldn't be happy, but I believe it would force him to think twice; and I would be relieved. I would get some precious time for doing other things or just some me time. Or maybe I could finally go home at a reasonable hour."

Coach: "It feels good to take the burden off your shoulders and to get some personal time!"

Client (*she smiles*) "Well, yes. I would like to try it out. "

In this example, we see how the coach, by questioning and sharing their observations, supports the client to become more aware of the anger and to direct the energy towards behaviour change.

## CONCLUSION

The aim of this article was to present the multiple possibilities of applying the principles and good practices of gestalt therapy in coaching. Gestalt and coaching, above all, share the view of the client as a healthy, holistic person, who, with adequate support from the environment, is able to respond creatively to the demands of the situation and through these responses can change and develop. Fundamental respect for the client in the work of coaching is manifested through dialogue, "Me and You", the relationship between the client and the coach and through the acceptance of the client's responsibility for change. A prerequisite for change is the client's awareness of the situation in which they find themselves and its acceptance as it is, which leads to the release of energy and readiness for new choices.

Classical gestalt concepts such as field, figure and background, awareness, paradox of change, presence and contact to a great extent contribute to understanding what happens in the coaching process and how the gestalt coach supports change and client development. The gestalt coach provides support to the client, using themselves as an instrument, ensuring their presence in the work and helping the client in completing unfinished business and moving towards the new. Skills of focusing on the current process, sensitivity to one's own and the client's functioning. Open, clear observation and expression and, above all, consistency and compliance with one's own behaviour and value system, encourage the development of a trustworthy relationship. The coach will in a timely manner and creatively intervene by sharing his observations, questioning the client and experimenting, in order for the client to make contact and develop.

In Croatia, the gestalt approach to coaching is currently represented mainly through the private practice of several educated coaches and gestalt therapists and internal organizational experts in the profit and non-profit sector. A prerequisite for this, as well as for the further development of other approaches to coaching, is the additional profiling of this profession through continuous improvement of the professional competencies of coaches and the networking of professionals who deal with it. Regardless of their core profession, it is important that coaches summarize and share their thoughts, observations, and experiences through professional papers.

### 2.3. Commentary and analysis

The first problem that I have encountered on my translation journey was whether to capitalize the word *gestalt* or not. Since it is a name of a school of psychology that emerged in the early 20<sup>th</sup> century in Germany, my first idea was to put capital letters. By doing some research I came across various references that claimed that capitalizing the word *gestalt* is not grammatically correct. According to the internet source, Leo's dictionaries on the topic of whether German borrowings should be capitalized in English, there is no straightforward answer, as it varies from case to case. For example, if the word is at the beginning of the sentence or is included in the name of some institution, the term should definitively be capitalized. Nevertheless, the all accepted rule is that the word should not be capitalized. The explanation for this lies in the fact that *gestalt* is considered more of a method or technique, than an actual school (like *Bauhaus*). I continued my research, only to find out that other psychological theories like *behaviourism*, *psychoanalytic theory*, *client-centred therapy* or *cognitive behaviour therapy* are also written without a capital letter.

Another problematic situation was the translation of “potaknuti ga u izgradnji samopouzdanja i pozitivnog stava prema promjeni te mu pružiti fokus”. The author here is referring to the client by using the male, third person singular pronoun. Most logically, I could have translated it by simply using the male, third person singular-he. My first idea was, however, to translate that by just simply using the third person singular female pronoun-she, because that sounded familiar and normal to me. Nevertheless, in the end I have decided to proceed by using a gender-neutral pronoun, i.e., they. This is one of the examples when it is really crucial for the translator to understand culture and current situation in the world, where according to a survey 1% of the human population identify as neither male nor female. Also in 2008, the European Parliament was among the first international organizations to adopt multilingual guidelines on gender-neutral language.<sup>4</sup> Among the reasons stated in the list why we should use gender-neutral terms was to avoid stereotyping. I could agree with this. Psychology flourished during the pandemic time because more and more people started looking for help, and the stigma around psychologist slowly began to weaken. In this text, also using the pronoun she could stereotypically be interpreted wrongly due to the fact that it is most often claimed that women are emotionally driven, hence a more likely case for a psychologist. Furthermore, using gender-neutral terms could help promoting social change and gender equality. Although the usage of

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<sup>4</sup> [https://www.europarl.europa.eu/cmsdata/151780/GNL\\_Guidelines\\_EN.pdf](https://www.europarl.europa.eu/cmsdata/151780/GNL_Guidelines_EN.pdf)

the masculine gender is linguistically acceptable and promoted by traditional grammatical convention as it is “inclusive” (generic form) and can refer to both sexes. On the other hand, the feminine gender is “exclusive” and refers to women only. There is also an increase in the usage of the pronoun “they” and the word was even voted the Word of the Year in 2015. This is claimed to be a good solution for the problem, however cannot be applied in every context. The terminology was also fairly complicated because it required a thorough research into the gestalt approach. Unfortunately, not many resources are to be found and thus the translation of certain terms became challenging. One of the ways to overcome this challenge is to do extensive reading and research into the topic by reading other papers regarding the same topic, in both source and target language. If there were to be more difficulties, in my opinion, consultation with an expert, in this case with someone who has expertise in the gestalt approach should also be very useful in order to get some clarification.

In my case it was very productive to narrow down my search. For example, *polje*, I would translate it as *field* and that I would look it up online as *field in the gestalt theory*. Then various papers would appear that contain the searched words. I would choose the sites that are psychological and in the way I could verify my translation. Often, other key words for my translation would also appear in the text.

Also, I would like to highlight the borrowing technique introduced by Vinay and Darbelnet. The usage can be seen with the word “coaching” that does not have an official translation in Croatian. The author in the original article explained this. The author also uses “*naglasak je na razvoju klijentova profesionalnog selfa*”. The word „self“ is also borrowed from the English language and remained in its original form, i.e., it was not translated into Croatian.

While translating, the literal translation technique could also be applied due to some sentences be easily translated into English in order to preserve structure, form and style. For example, “*Coaching je poluformalna metoda individualnog, pomagačkog i procesnog radana različitim problemima vezanima uz profesionalno i rukovodno funkcioniranje.*” The sentence was translated as following; “Coaching is a semi-formal method of individual, help-oriented and enduring work on different problems regarding professional and management performance. “

### 3. Translation of the source text II.

#### 3.1. Introduction

This is a literary work by the Croatian author Milena Mandić. The book was first published in 2014. It shifts from present to past as we follow the main character Ivan who has to deal with some of his bad decisions that he had made in the past. The time period described are the 1980s' and 1990's, i.e., the period of the homeland war in Croatia. This is a real journey of redemption. The book opens the questions of forgiveness and change in people. It highlights the fact that we should not judge a book by its covers. The following text is the revealing letter and the explanation for everything that has happened. It is very emotional, and in some instances a little brutal. Nevertheless, it is very interesting and a real challenge for the translator.

For the analysis of the source text in the Croatian language I have followed a method which focuses on 12 points of analysis. These are genre, source, audience, purpose of writing, authenticity, style, level of formality, layout, content, cohesion, sentence patterns and terminology of the subject. This analysis serves to become familiarized with the source text before the actual translation.

#### Translation brief

1. **Genre:** novel
2. **Source:** This is a novel written by the Croatian author Milena Mandić, and published in 2014 by Alfa d.d.
3. **Audience:** The text is written for anyone, especially children and young people. The audience can also be people who like emotional and personal transformation stories. The readers will gain insight into children's behaviour and how the past can change a man if they are willing to change.
4. **Purpose of writing:** The purpose of this text is to tell the redemption story because of past mistakes. The story also brings both the story of the victim and of the bully. It gives insight into the past and also emphasizes the fact that we should try to be good to the people around us and to never judge the book by its cover. The purpose is also to tell the story about how people can change if they are willing to do so.
5. **Authenticity:** original work of the author
6. **Style:** The style of the text is literary
7. **Level of formality:** semi-formal

8. **Layout:** The novel is narrated in the first person and the story is told from this point of view. The novel is not divided into chapters. It follows the narrative, shifting from past to present and vice versa. There are many dialogues and descriptions.
9. **Content:** The novel consists of 117 pages. I have translated 10 pages. The translated plot follows the middle section of the book (the climax) when the narrator receives a letter that changed his life. The story begins in the present at the graveyard and the main character starts narrating his past to his fiancée. After retelling the story, the plot continues in the present. The main character has to redeem once more for his turbulent past in order to have a bright future. The plot follows a penitent who, after understanding that his past actions were cruel, tries to find a way to repent for his wrongdoings.
10. **Cohesion:** Lexical cohesion is created by the repetition of the key words such as *past*, *redeem*, *sorry*, *personal names* (e.g., *Duje*), *letter* etc.
11. **Sentence patterns:** The sentences in the text are of various lengths. The present and past tenses, and active voice are mostly used.
12. **Terminology of the subject:** The terminology in the text contains the terms from everyday life. The letter is the revealing part of the story and it is very emotional as it had the purpose of changing the main character (Ivan). It also triggers self-reflection in the reader.

### 3.2. Translation

#### Penitent

And so came the spring. The weather was improving, but my life was not. Duje's letters were not arriving as often as they used to be. We were very worried because of that. By the end of April, I came home. I said hello to my parents and headed to my room to unpack things like I always have. My father came in after me. – "You received a letter ... From Duje... I always wondered why he was writing to me and not you. Though, I always supposed that the two of you were very close. Long story short, I read it. I was so excited when I saw his handwriting that I did not even pay attention to whom it was titled. And yet, to tell you the truth, even if I had seen it, I would have read it anyway," - he said as he handed me a thick envelope. I took it while my hand was trembling. Without uttering word, my father left and closed the door behind him. I sat on the bed, opened the envelope and started reading.

Ivan, I have been thinking for a long while whether to write you this letter or not. I wondered if it would even make any sense. Then, I decided to write it anyway. Perhaps you will think of it as being ridiculous and enjoy my sufferings as you did so many times before. But the time will come. Then you will truly understand me, and then all the humiliations and suffering you

have caused me will not be amusing anymore. I knew how much you enjoyed humiliating me, how you took it out on me. I just kept my mouth shut and suffered. What else could I do? I could have gone to your father, you would say, for sure he would have helped me. But I could not do it, trust me. To understand me better, I will tell you the story of my life before I met you. I was born in Split as the younger child of Marija and Jakov. I had a brother who was only a year older than me. Our mother was a housewife and our father worked in a shipyard. His job was hard, but he was making decent money. We could pay for our tenement apartment and live modestly. My father, exhausted from hard, all-day work, sometimes knew how to pull a cork, and then all hell would break loose in our house. He would smash plates and glasses, spill freshly cooked dinner into the sink, throw everything out of the closet ... It was not uncommon for him to show his dissatisfaction by beating us. Mostly our mother would get hurt, but sometimes he would reach out to the two of us too. In a sober state he was a sweetheart. On Sundays, he would take us for road trips, to the movies and ice cream. When mother was all covered in bruises, he would then show up sober; bringing flowers and chocolate. And she would forgive him all, deeply convinced that this was the last time that he had hit her. My brother Ivan, who had the same name as you, was the complete opposite of me. While I was quiet and shy, he was cheerful and enthusiastic. He was always ready to entertain others and everybody loved him. Even when he would join a new company, he would immediately take on the role of leader and organizer. Everybody accepted him instantly. I am sure my parents were more affectionate to him than they were to me. I grew up in his shadow but I didn't hate him for it, on the contrary, I adored him. I followed him like a dog, he was my idol, the star that shines the brightest. He loved me too. He took me everywhere. He never asked our parents for something just for himself, it was always for the two of us. In our father's dark moods, we would get out of his way. We tried to be quiet and keep it low-key so as not to direct his anger to ourselves. Ivan started school and did well. He was both teachers' and students' favourite. The following year I came along. He proudly introduced me to everyone as his younger brother. He would wait for me in front of the school so that we could go home together. He would hold my hand as we crossed the road and always repeated: "You must never run across the street. You can slip and fall, then the car can easily run you over. You should cross the road at a fast pace when there are no cars. "Even today, when I cross the road, I still remember his words. We were in a particularly good mood that evening. He was cheering me up for hours because I got an F in math. I was in the third grade and that was my first poor grade in my entire schooling. Ivan made all kinds of grimaces, pretended to be a monkey, told me funny things from his class ... The sadness disappeared very quickly and I laughed like crazy at his jokes. That was the last time I laughed heartily, from the bottom of my heart. Our father burst into the room and in an instant, we went completely silent. "Are you laughing at me? The one brings food to the table?" his tongue tangled. It's not my fault... Ivan was making me laugh - I said terrified, and he turned angrily towards Ivan. - "So that's what this is all about. My dear son is playing a fool" - he said and swung hard. He didn't pay much attention to where he was hitting, and Ivan's fragile ten-year-old body was being hit from all sides. He was covering his head with his hands, while other parts of his body were being mercilessly damaged. I looked as if I was petrified. My eyes widened in horror. I don't know how much had time passed while I watched in horror. And then, all of a sudden, I couldn't watch it anymore. I jumped on my father's back and, although I was too weak to hurt him, I was still able to distract him. Ivan took advantage of this and slid through the door. The father was flapping with his hands as if he was trying to get rid of an annoying fly. He managed to free himself. He hit me with a terrible slap that knocked me to the floor. He didn't care about me anymore. He went outside. I got up slowly and staggered to the

bed. I curled up on it and couldn't stop sobbing for a long time. Probably out of shock, I fell asleep. I was awakened by a terrible scream. My mother howled like a wounded beast. I ran out of the room wanting to help her. I couldn't let my father to keep hurting her like that. I entered the kitchen and paused. There were two policemen in it. Mother was pulling her hair and moaning. Ivan was killed five hundred meters from our apartment. The truck driver later said, "He came out of nowhere. In the same second I saw him and killed him" - his voice was breaking with pain. And indeed. A police check proved the man was driving only 47 kilometers per hour. He was sober and free of all guilt. I knew how the man felt even though he had been proven innocent. The image of the child he ran over will haunt him for the rest of his life, just as it will me, the horrible evening I witnessed. After that unfortunate event, I saw my father only once more, at Ivan's funeral. He left after the funeral and I never saw him again. Mother suffered, and as if she was getting smaller every day. She was disappearing right in front of my eyes. "It's all psychological"; said the doctors who answered my calls. - "When the first wave of grief passes, she will get better. She will realize that there is still someone to live for"- those were words that could not comfort me. I knew Ivan had always been her favorite. That year I finished school in Split, and then we were forced to move. My mother had never worked, and now she was no longer fit for any job. The little savings that we had melted like snow in the spring rain. "I have a cottage in the countryside; she told me. - We won't bother anyone there. And so, forced by a terrible accident, we moved into your neighborhood. Mother was getting thinner by the day. She didn't want to get well, she wanted to die. And she died of grief. When I came to the village, the first person I met was you. I stood as if I was struck by lightning. You looked so much like my Ivan. You even have the same name. Only in one thing were the two of you completely different. You were always mean to me, and he was so good that he couldn't have been better. I saw my Ivan in you. I imagined you were him. I wanted you to be him. But you will never be like him. It took me a long time to figure it out because I always hoped that you would change. Now, I believe, you will understand why I never went to your father. How could I do that to you when one frightened childish sentence took my brother to the grave. To this day I feel the guilt and I will always feel it. Because if I had kept my mouth shut that night ... I matured and I started to understand things better. The guilt will stay in me forever, but its intensity is a little, just a little, but still weakening. The guilt drove my father away, the guilt killed my mother, and the guilt was ruining my life as well. After my mother died, I had no one left. Only your father. He is the best man the world has ever seen. After celebrating the end of high school, I wandered the streets blinded by pain. I had nowhere to go. I had no one to talk to. I didn't have anyone to cry on his shoulder as a little child. I was thinking about suicide and that idea seemed so appealing to me. I was just a step away from really doing it, and then I sat down in a coffee shop to have some coffee. There was news on the radio of the suffering of the Croatian state and the people in the whirlwind of war that was spreading like wildfire. And then I decided. I will join the army as a volunteer. They didn't ask me much. I wanted to go to the battlefield and that was good enough for them. They needed every man. I've been on the battlefield for ten months now. I will not bother you with stories that we all experience here. I just wanted to explain to you the part of my life that is directly or indirectly related to you. I believe that some things are clearer to you now. Duje

I was reading his letter over and over again, enjoying the suffering his words made me feel. Oh God, I would give everything if I could just turn back the time. I would change so many things. But unfortunately, we cannot turn back time. What we have done, we have done and it cannot be deleted. It stays forever. A light knock on the door shook me out of my thoughts. - "Can we



talk now?" -my father asked me quietly. "I'd love to"- I said briefly. He sat on the bed, next to me, and waited. – It'll take some time. I don't know if you have the time, though? - You know, son, if you haven't figured it out by now, I always have time for the ones I care about. - I know, Dad. Sorry. It's best to start from the beginning ... I told him everything I could remember, starting from the day I met Duje. And I wasn't gentle to myself. As I spoke, my voice would often tremble and tears would flow from my eyes, but I bravely continued on. It wasn't until I was done talking that I noticed that we were sitting in complete darkness. I got up and turned on the light. My father looked like a completely broken man. He sat in despair, his head tucked deep into his shoulders, his elbows resting on his knees and his face buried in his fists. I expected his condemnation. I deserved it. "I don't know, man... How? Where did I go so wrong?" - he said. Suddenly he looked like an old man, half dead. I remained sitting in the room, alone with my pain. Before dawn, however, the dream overcame me. I fell asleep having previously decided that I had to find Duje. I had a starting point; I knew he was in the military. It was a needle in a haystack, he could have been anywhere in *Lijepa Naša*<sup>5</sup> (Croatia), but I had to find him. That weekend, my father didn't say a word to me. He even seemed unable to bear my presence. I didn't blame him for that. I could barely stand myself. I couldn't wait to go back to my tenement apartment in Zagreb, to pick up the phone and start looking for Duje. As soon as I arrived, I started dialing, I called all the possible defense offices, and got lucky the ninth time. I found out in which brigade he was in. I felt immense relief. I was one step closer to the goal. I couldn't find out where they were at the moment, it was a military secret, but they should be back in Split in twenty days or so. I was looking forward to their return. I crossed the days on the calendar and kept counting how many were left. Nothing else could capture my attention. I counted the days, hours and minutes. And then finally the day has arrived. I called the Office to find out that Duje's brigade had returned that morning. I immediately set off on detours to Split. I traveled for 11 hours. There were many tired soldiers at the base. They sat on the grass and rested. There was an unusual silence since there were so many people present. I approached a group and asked about Duje. They looked at me strangely, and then one of them said, "Talk to the commander. You'll find him there." -he pointed at a shack. I headed there, knocked and went inside. "Greetings. They sent me to you. I'm looking for one of your soldiers. His name is Duje Marasović - I tried to act bravely while the cold sweat was gathering on my forehead. - Who are you to him? I'm his brother. A year older brother - I replied. He stared abruptly at the papers in front of himself, then, after a few moments, raised his head again and looked at me. Have a seat. I didn't know he had relatives ... - he fidgeted, and I sat down on the chair offered to me because otherwise I would collapse. Sir, please. Where can I find him? – I'm very sorry, young man ... I'm really sorry ... Did something happen to him, did it? - Deadly paleness coloured my cheeks. I gripped the chair tightly with both hands. - Unfortunately ... What? Explain! - I was almost screaming. - He died yesterday ... he shook his head as if he himself didn't believe what he was saying. He secretly tried to wipe away the treacherous tears that appeared in his eyes. -How? - I tried to find out what happened, but the words did not come out of my throat. I wanted to ask a thousand questions, I wanted to ask him to change his words ... -I'm sorry. I felt his hand on my shoulder. I looked at him and only then began to understand. I could see by his posture, his gaze full of pain and his trembling hands. - Will you tell me ... how it ... happened? - My voice as if it wasn't even mine. - I will, young man ... Of course, I will. I will make us a good, strong coffee first, and then I will tell you everything. While he was making coffee, I sat on the verge between life and death. I could neither cry nor scream, I just

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<sup>5</sup> Both the title of the Croatian anthem and a metonym for the Republic of Croatia

felt a huge void. He served us coffee and sat down in his seat. - He was a nice boy. You don't meet a lot of those in a lifetime... We all loved him ... - It's scary to watch women cry, but watching that forty-year-old giant of two meters and over a hundred kilograms cry was just creepy. He paused for a moment, trying to put himself together. - For the past few days, we have been on the Slavonian battlefield. It was terrible, they were beating us from all sides and with all available means. We resisted for four days, and then we were forced to withdraw ... The guys from the Seventh Guard came to help us and so, with their help, we slowly managed to reach to a little safer area... We counted and looked for each other. Duje ran up to me, panting: - Commander, Ivan is missing! - Ivan was his obsession. He said it reminded him of two dear people. One of those two was very good and the other one was very bad. He was telling us that the time would come when that other person would understand as well. Then that other person would become as good as the first one was. We didn't know who he was talking about; who his two Ivans were. And so, when he ran up to me, we went together to look for Ivan in the camp. He was nowhere to be found. "I must find him, Commander! If I don't find him, I'll feel like I've let myself down. I have to find him! He spun in a circle, his hands on his head. I tried to calm him down: - Ivan is somewhere, only we can't find him in the general crowd. We couldn't find him for the next half hour, and then I organized a search for him. We all looked for him, we came close to the battlefield, but Ivan was nowhere to be seen. We returned tired and exhausted back to our camp. It was getting dark, we could still hear a terrible noise in the distance, shots were fired from both sides by all available means. We were in a state where we were powerless; not able to walk normally, let alone fight. We were very exhausted after a continuous four-day struggle. Reassured by the presence of the Seventh Guard Brigade, which replaced us on the front line, we fell asleep ... Everyone except Duje. Someone was persistently pulling my arm; I woke up unaware of where I was. Ivan was standing by my side, giving his best to wake me up." Duje ... help ... him". Ivan was breathing hard, and then he fell at my feet. Suddenly, I could understand everything. Duje dragged the wounded Ivan to our camp and he died while doing so. - In an instant, I raised the alarm in the camp. The doctor immediately took care of Ivan, who was unconscious, and the rest of us went to look for Duje. He was only about fifty meters away from our camp. I found him. He managed to say only a few words to me: - "Ivan ... I found ... him ... "- a slight smile trembled on his lips and remained forever on his face. Our Duje left us, he went on a path with no return. He was hit by a bullet while pulling out a wounded comrade. "I will never forgive myself for falling asleep ... and not helping him." The commander interrupted his story. He wiped away the tears with his big fists. We cried like that in silence, sitting opposite each other in the small barrack. "When Ivan regained consciousness, it took him a while to continue his story - he told us what happened. During the retreat, two bullets hit him, one in the arm and the other in the leg. He tried to call for one of us, but no one heard him due to the noise. He continued to lay in the tall grass as the pain darkened his mind. He fainted from great pain, only managing to bandage both wounds so that he would not bleed out. When he regained consciousness, it was already dark. Judging by the rumble that was coming, he was barely a few hundred meters away from the fiercest fighting. He completely lost his orientation and no longer knew in which direction to move. He began to crawl instinctively, with every movement causing him incredible pain. He was about to give up when he heard a slight rustle right next to him. He was hiding in the grass and then he took his Kalashnikov and was ready to shoot by himself. He did not want to fall alive into the hands of the enemy; not at any cost. - Ivan ... Ivan ... -suddenly he heard Duje's voice. What on earth are you doing here? he barely managed to stammer. "I'm looking for you ... let's go. Come on!"- his voice trembled with happiness. He laid on his chest and put Ivan on his back. They moved

slowly for a while. Every movement causing him terrible pain. He was biting his lips so as not to scream in pain. - It won't work this way ... I have to carry you - said Dujé and straightened up. And then it happened ... The bullet hit him in the chest. He grabbed his chest and fell on the ground. Ivan had only managed to bandage his wound before he fainted again. He will never understand how Dujé managed to bring him here, because he was much more severely wounded than Ivan. Ivan was sobbing while he was telling us his side of the story. Dujé looked like he was sleeping and dreaming something nice. A faint smile remained frozen on his face forever. That evening the trucks arrived to pick us up. We returned this morning at around four o'clock. Dujé's body is in the hospital. We will bury him in a respectful manner; as a hero and a warrior - he finished his story interrupted by long, heavy sighs, nervously shaking the ashes of his cigarette into the overfilled ashtray in front of him. "You know- he started talking again, while getting up-I've been in the battlefield since day one. They say a living man can get used to everything, but that is not true. I lost twenty-eight fighters and it always hurts just as much. Just when I start to recover ... a new tragedy happens. It's awful to live with that. All of them were young people, on the verge of life ... I didn't know what to say to him, and what can be said in such moments? There are no words that can alleviate sadness and pain. - Dujé ... I want to bury him in our village cemetery ... I hope that's not a problem. No, but we were convinced that he has no relatives ... We all had photos of our loved ones, only he ... didn't have any. He never talked about himself and his life before the army ... We reasoned that he was an orphan ... I intended to bury him in the city cemetery, but now ... it will be as you wish. I got up to say goodbye to him. I couldn't control the shaking of my hands as we shook hands. I turned and left the room where I had heard the most shocking words in my life. I was walking through the city heartbroken with pain. There were so many things to do, and all I could think of was myself. I felt the urge to scream and pound all around me, but my body was completely exhausted, as if all my strength had run out of it. I walked like that neither dead nor alive for who knows how long when I realized it can't go on like that. Firstly, I had to inform my parents about the tragic fate that befell Dujé. I sat down on the bench, trying to figure out a more painless way to tell them all of this. But there was no easy way. A tragedy always hurts just as much no matter how it is uttered. I drove slowly, purposely postponing the moment my father would find out what had happened. Obsessed with my thoughts, I didn't even notice that I was driving on the wrong side of the road. It wasn't until I saw the truck coming towards me that I swerved wildly into the other lane. The vehicle swerved and I hit a tree by the roadside with all the force. The front of the car was completely destroyed and I just hit the steering wheel a little. The truck driver ran up to me. I could see fear on his face. When he saw me getting out of the car, he was relieved. - What the hell were you doing? he shouted. - Are you crazy? You could have had us both killed. You're fine, aren't you? he finally asked. "I don't feel well, but it has nothing to do with this accident. "I said, looking at my car. - Can you drive me home? It's not far, I won't benefit from this pile of iron anymore. The man gave me a lift. My mother ran out when she heard the truck parking in her backyard. - My son... What happened? she asked, seeing me so distraught. - I'll tell you, mum. Where is father? - In the field ... Why did this man drive you? Where's your car? Tell your mother! - she bombarded me with questions. - Let's go into the house, mum. Invite the man for a drink! - I entered the house feeling weary. I was overwhelmed with heavy worries. A heavy; the heaviest burden lay on my heart. - He's gone, he says he doesn't have time. How are you, son, how come that you're at home in the middle of the work week? Please tell me... - I'm going to get some rest, mum, I'll tell you everything when father comes. Please, for now, I just want to be alone. - I shut the door of my room in her face. I knew she wouldn't bother me anymore. She always respected my wishes. I closed the window and

stretched out on the bed, on the same bed on which I had thought so many times how to hurt Duje. Tired and exhausted, I fell asleep. I had a nightmare. I was running down some dark hallway, and in front of me stood Duje with his big, sad eyes. I was running towards him but he dodged me. I heard a bullet and Duje fell. I leaned over to help him, but he didn't need help anymore, he gave me just one, the one last glance, before he closed his sad eyes forever. I woke up drenched in sweat. In the middle of the night, I jumped out of bed, wanting to check once more if Duje was breathing. It took me a few moments to realize that it was just a dream. I sat on the summoning up courage to step out in front of my father. I stood up as each of my legs weighed a ton. My parents were sitting at the kitchen table and having dinner. I sat down in my seat. -I... I have to tell you something ... - It took me a while before I started speaking. - Can it wait until we're done with the dinner? - those were the first words my father told me after the day I explained that Duje's letter was actually for me. - Okay, dad. Of course ... yes - my voice was shaking, and my hands, which were shaking, I was squeezing them under the table. Dinner was over and mum served us coffee. - Duje ... - I stared at my cup. - He died ... My father remained silent. Not a single muscle on his face moved. I knew, I knew it all along... I had a bad feeling ... I knew you came to tell us that ... - he pulled his rough fists into his hair. I got up and went to him to hug him, but he mimicked me not to approach him. I stayed where I was, buried. Mother just sat there and kept quiet. It was hard for her too. - Frane, Frane, please ... - I just want ... Leave me alone! - He turned and left the house. The minutes seemed like an eternity to me as I miserably walked around the house waiting for him to return. I was smoking cigarette after cigarette, lighting one against the other. He came when the first rays of the morning sun appeared in the east. I watched him as he approached the house with a heavy step, his back bent. I was relieved that he finally showed up and quickly ran to my room. I didn't want to meet him. I had nothing to tell him. I was the last person he wanted to see then. I did all the preparations for Duje's funeral. He chose a white coffin. Little angels were carved in quality wood. Bouquets of white flowers stood in our yard ready to adorn Duje's last home. I have little memory of the funeral itself. I was under sedation because I was afraid that I could not be able to attend the funeral otherwise. I later regretted it. I was only half aware of what was going on. After Duje's body was lowered into the cold ground, a gun salute was heard. A great crowd that had gathered at his last farewell, long after Duje was covered with black earth, remained by his last resting place and mourned for another young life that was taken by the war. People slowly began to diverge. Only my father and I remained, each of us on his own side of the grave. We looked at the pile of fresh flowers under which, covered with cold earth, rested our Duje. Ever since I brought him the terrible news, he hasn't even looked at me. He acted like I wasn't even there. Him ignoring me, hurt a lot, but I knew I deserved it too. I couldn't blame him for that. The wound after Duje's death burned me much harder. I thought the pain would never stop, and that there was no cure. The father winced, crossed Duje's eternal resting place with his hand, and set off. I followed him. We got into his car and headed home. The days that followed were even harder and more painful than the funeral itself. The images cleared in my head and it was painful. Hauntingly. I didn't know when it was dawn, or when it got dark, or what day it was, or what date it was. I didn't care. I went back to my tenement apartment and there I hit the books. The classes were coming to an end and I passed all the exams in time. I didn't go home for more than a month, I excused myself with studying, and I didn't really want to go into an environment that was killing me. Everything, truly everything reminded me of Duje. I arrived by bus one Friday in late June. The sun was blazing relentlessly and there seemed to be no breath of fresh air. I headed for the house, then suddenly changed my mind. I returned to the road and continued towards the cemetery. I climbed with a heavy step. When I got to the top, a

gentle breeze was blowing. I stood by Duje's grave as the breeze ruffled my hair slightly. - Forgive me, Duje ... Forgive me, my friend - I whispered. - At least you forgive me, when I can't forgive myself. - My eyes got wet and my legs started shaking. I sat on the ground, put my arms around my knees and talked to him in my mind. I spent two full hours at his grave. And I felt good, like I haven't for a long time. Before leaving him, I promised that I would come by on Sunday ... My mother greeted me cheerfully. - Thank God, son! You came, finally! - I came mom and I will stay until the fall. The classes were over for this academic year. "Father will be happy to see you," she touched my cheek with a motherly gesture. - You know, lately, he's not doing so well. - What's wrong with him? - That with Duje ... shook him a lot. - Where is he now? - In the field. Where else would he be? He's working his tail off. "I understand," I nodded. - Do you want something to eat? You must be starving? Here, I'll ... - No need, mum. I will rest first, and when father comes, then we will eat together. "Eat at least something until dinner," she insisted, and I just shook my head off and went to my room. From the window of my room, I watched Duje's house. I also saw the old cherry tree that served as a shelter for me the day I brought him his birthday cake. Oh, God, I hate myself so much for that. I saw my father coming and I left my room. Mum was busy with making dinner. - Father is coming. Mum, is the dinner done? - It's done, son. Just to set the table and we can eat. If I had known you were coming, I would have prepared something special, but this way you will have to settle for an apple pie as dessert. - Please, mum, don't make such a fuss out of what I'm going to eat. Everything is good for a hungry man. Tomorrow your mummy will cook something special for you. I promise. I waved at her words. She still treated me like a little boy. There was no help. My father entered the house and, when he saw me, he froze. "Good evening, Father," I said with a quiet voice. - Good evening - he answered briefly and started washing off the dirt of himself. On one side, I didn't expect God knows what a warm welcome from his side, however I didn't expect such a cold one either. I helped mum set the table, and then we had dinner. I had to answer my mother's many questions. She was very curious about everything. Where did I eat, what did I eat, when did I go to sleep, is there someone special in my life ... She exhausted me with a number of questions. Father listened to our conversation but did not participate in it. The next day I went with my father to the field. I wanted to get closer to him. He wasn't very talkative, but he would still say a few words here and there. Sunday was cloudy, but I still went alone to the cemetery in the afternoon, as I had promised Duje. I brought him a bouquet of fresh flowers that I carefully selected from my garden. As soon as I reached his grave, a real cloudburst occurred. The rain was pouring. I stayed. I came to visit Duje and I couldn't let the summer rain distract me from it. "Do you remember, Duje, it rained like this the day we buried your mother?" - My eyes got wet. - What kind of man was I? Even then, I hadn't been sympathetic to you. I've changed, Duje, trust me. I am ashamed of myself and my actions. If I could just turn back the time, I would give anything so that we could start all over again. Then everything would be different. Oh, God, if I only had one more chance... The rain was mercilessly whipping my body, and I enjoyed it. "I remember the day my friends followed you as you were going to your mother's grave," I continued. - I was laughing my guts out when they mocked you for talking to yourself ... What would they think now? Would it be funny to them hearing me now talking to myself? Probably it would, but they wouldn't dare to make fun of me like that. My God, when I think of it! I was the worst among them. Sorry, Duje! Sorry, buddy! Who am I to dare call you a friend? But I know ... I know you would let me if you could ... If only I could talk to you one more time, to tell you everything I feel, to tell you how much it hurts, that I can be sure you can hear me ... All of a sudden, the rain stopped. I stared at the sky wondering if it was a sign of God. One swallow flew in and sat on a vase in which I put

flowers. She looked at me and was not afraid. It lasted for a few moments, then she fluttered her wings slightly, made a circle around me, and flew away. I was stunned. - Oh, Duje! This cannot be a coincidence. You can hear me! You can really hear me! – my heart and soul were filled with peace. Nodding farewell, I promised him that I would come next Sunday, then the next one again, and so on. And really, from that day until today I haven't missed a single Sunday. Nothing can stop me. Just as I have to eat and drink to stay alive, so I have to come here every Sunday to stay mentally healthy. My birthday was coming up. Mum wanted a big celebration, but father quickly turned that down. - Lucia, where did you get such nonsense? Whoever wishes to celebrate can do so, but I will not have any celebration in my house. But he will turn 21 ... “Lucia!” said my father sternly. - That topic is over. How can it even occur to you to have a celebration while the young are dying on the battlefields every day? “But that’s not a reason for us not to celebrate his birthday, my mother insisted. This ends here. No celebration and that’s it! - the father remained persistent as he always was. Mum prepared a birthday luncheon and baked cakes. We celebrated my birthday within the family circle. That evening, I was already in bed, when my mum knocked quietly on the door. “Come in”-I shouted. “I forgot to give you this,” she said, handing me over the envelope. “What is it?” -Our gift for your birthday. Open it and look - she said in a solemn voice. I opened the envelope and was taken aback. There was a whole bunch of money in there. What? Why are you giving me so much money? - We wanted to buy you a new car, but we decided that it was better for you to do it yourself. Choose something that you like. “Thank you!”- I barely managed to say. I was surprised by their generosity. - Just drive carefully and that will be our best thank you. - I will, mom. I promise and please thank my father on my behalf. She smiled and nodded. - Good night, son! Sleep well, she said, quietly closing the door behind her. I counted the money several times and calculated what I could buy with that amount. And then it hit me. I knew exactly what I wanted to spend that money on. I could hardly wait for dawn. While I was getting ready, I ate something along the way. - Why are you in a hurry? Sit there. Eat in peace! - my mum, always caring, told me. “I’m in a hurry”, I told her, and put the cake in my mouth. – There’s no rush. What do five more minutes mean? – It’s very important, mum. It’s burning inside me - I ran towards her and kissed her on the forehead. "And now I have to go," I waved at her and left. I hurried to the bus stop. I was lucky to find Mr. Marko, the owner of the most famous stonemason’s workshop in Split, in his office. - How can I help you? he asked me kindly. - I want you to make me a beautiful, most beautiful tomb in three days. - But that’s a little time ... - he almost laughed in my face. I took out the envelope and placed it on the table in front of him. – There’s your money. Count it! He took the envelope and opened it timidly. He started counting. Now that’s a lot of money. Too much I... “It’s all yours,”- I interrupted. - I only have one condition. I want it done in three days. - But it’s still too much money ... - I gave you the money and it’s yours. All that matters to me is that it is enough, so that I can pay for your work. - I just can’t take ... - I don’t want it, believe me, and now I would like to look at your work and choose what I like the most. If I haven’t been able to repay him for life, I’ll try at least now when he’s no longer alive - I muttered the last sentence to myself. Mr. Marko probably thought I wasn’t at all myself. It didn’t matter that much to me. It was important to me that the tomb be ready in three days, for Duje’s 20<sup>th</sup> birthday. I didn’t tell my parents anything. Three days have passed. - Dad, what are you doing this afternoon? “I was thinking of trimming the plants he said, in a cold manner still. - Can you postpone it until tomorrow? I’d like to take you someplace. - Where? – You’ll see in the afternoon. - You bought a new car, didn’t you? “No,” I shook my head. “All right,” he finally agreed. He obediently went with me. - Why are you taking me here? he asked when he realized where I was taking him. - Be a little more patient,

just a few more minutes ... When we reached Duje's grave, he gazed in disbelief. There where the stone walls stood before, now stood a beautiful tombstone. I myself was surprised by how well made it was. But... I-I don't understand. - my father tried to say something, but under the impression of the beauty he was looking at, he could not find the right words. - I didn't buy a car. There will be times for cars in life. For the money you gave me ... I wanted to adorn Duje's eternal home. My father watched me unflinchingly, not believing his ears or eyes. You? - Yes ... me, father ... You know, people can change, too. We don't always stay the same. I can't believe it he rolled his head. I shrugged and stared again at Master Marko's masterpiece. There's at least something that I could do for him. I'm not happy either, dad. I will never forgive myself - I whispered those words more to myself than to him. - Ivan ... my son ... - he came to me and hugged me tightly. I hugged him back with an equally strong hug. Life went on. I returned to Zagreb in the fall. I continued my studies. I always came home for the weekend. My parents welcomed me happily. My mum prepared the dishes that I love the most, trying to fulfill my every wish. I spent a lot of time with my father over the weekends. I used to help him with his work on the field, and in the evenings, we would play cards until late into the night. We talked about anything and everything. He became my best friend. I went to visit Duje every Sunday afternoon. Nothing could stop me, no commitments, no storm, nothing in my life was more important than those Sunday walks to the cemetery. My mum used to say often: - Don't, son, please don't go, it's pouring outside. It's cold and you'll get sick, you'll go another time. - I would keep putting on my raincoat and boots and tell her: - You don't understand, mum, I just have to go. It is sacred for me, penance. I have to go; I would be very unhappy if I were not to go. Father would listen to our conversation and be silent. I knew he fully understood me. I would go. Always. And I will always go. It got into my blood and without it I wouldn't be me. I found my peace in monologues on Duje's grave. In college, I became more sociable. Going out with people gave me pleasure and I was looking forward to meeting them. Life has become much more bearable. And then I met you. My breath caught when I saw you, but I didn't fall in love with you because of your angelic beauty. I fell in love with you because you are a wonderful person. Full of kindness and love. So was my Duje - I finished my long, sad confession. I turned to her and saw tears sliding down her beautiful face beneath the moonlight. - Ivan, I ... I'm sorry, but all that ... it is too much for me - she said and got up. - I ... I can't talk right now ... I have to think. Please take me home. I got up too, I made a movement wanting to take her hand, but she moved away quickly. -Please. I want to go home. she said, looking at the floor. Without saying a word, we went down the hill to my car that my father had given me when I graduated. We drove in silence to her parents' apartment in Split. - Don't look for me ... I'll get back to you ... when I'm ready - she came out and entered the house without even looking back. Tamara...- I whispered her name in the, suddenly very cold, interior of my car. The second week passed, and Tamara did not answer. I couldn't wait any longer. I decided to look for her. - Oh, Ivan, is that you? - Her mother opened the door for me. - Good afternoon, Mrs. Ljerka, I would like to talk to Tamara. "Tamara has left" she said after a seemingly endless pause. "I'm sorry, Ivan, but I can't tell you her address" I had to swear it to her. A sharp pain cut through my chest. I didn't know it could still hurt me so much. "Please tell me where she is ... please" I begged. - I need to see her ... talk to her ... "I'm sorry, Ivan, I'm really sorry" she looked at me sadly. - She is a smart and reasonable girl and she certainly has her reasons for doing so. - If there are any changes, will you please let me know? - If she wants to ... Blinded by pain, I wandered the streets. The girl I love the most in the world ran away ... ran away from me. That evening I got drunk for the first time in my life, in the morning I was so sick that I

swore I would never do it again. Work was my only consolation. By listening to other people's problems, I forgot my own. Tamara did not answer. Her mother called instead.

### 3.3. Commentary and analysis

The second text was a literary text. Among the first problems that I have encountered while translating was the translation of the term *Lijepa Naša*. The term is quite accepted for the target reader Croatian audience, however that is not the case with the English target audience. The most common translation that I have encountered was “our beautiful” and that just did not seem right. In the end, I have decided to leave it in original, but in cursive and adding an additional explanation of the term and its significance in the source language. *Lijepa Naša* is a metonym for the Republic of Croatia and it is usually kept in original along with a translators note that this is the Croatian national anthem. The second problem that I came across was “*pita od jabuka*”, and I have translated it as “*apple pie*”. In this case I had to refer back to the Vinay and Darbelnet adaptation technique. The techniques aim is to express something specific in the target culture, i.e., something that is more familiar or appropriate. It is very interesting to compare the English and the Croatian version of this cake. The traditional American pie is made of shortcrust pastry, while the Croatian version usually has sponge cake as a base for the dessert. Most dictionaries also proposed “*apple pie*” as a valid translation of the term. In my opinion this was the best version, however it could pose a problem for people who are not familiar with the culinary culture of neither the source not the target language. I also had some difficulties with translating the following phrase “*Znao bi porazbijati tanjure i čaše, iskrenuti netom skuhanu večeru u sudoper, izbaciti sve iz ormara*”. I translated it “*He would smash plates and glasses, spill freshly cooked dinner into the sink, throw everything out of the closet ...*” As it is evident here, I have translated the verb “*iskrenuti*” used in the original, and translated it as “*spill*”. By using the verb “*spill*” I have decided to go for a more neutral option, and it sounded more English-like. I also looked up the meaning of the word “*iskrenuti*” in a Croatian dictionary and the word most often collocated with “*iskrenuti gležanj*” (twist an ankle). I have not found a single reference where the verb “*iskrenuti*” collocates with the word dinner. Although I understand the meaning, it would be extremely difficult to transfer the idea of “*iskrenuti*” to the English-speaking target audience, so I have decided to proceed with the verb “*spill*”. According to Vinay and Darbelnet the modulation technique requires that the translator, when necessary, tries to maintain naturalness by using different words or changing the point of view. Not to do so would result in unnatural and awkward translation.



## 4. Translation of the source text III.

### 4.1. Introduction

The third text is a Maritime Code, i.e., an institutional text published by the Ministry of the Sea, Transport and Infrastructure in 2004. The Admiralty law is a set of legal rules that regulate relations that arise in connection with maritime activities. Since the text is an official document, it is written with a high degree of formality.

For the analysis of the source text in the Croatian language I have followed a method which focuses on 12 points of analysis. These are genre, source, audience, purpose of writing, authenticity, style, level of formality, layout, content, cohesion, sentence patterns and terminology of the subject. This analysis serves to become familiarized with the source text before the actual translation.

#### Translation brief

1. **Genre:** statutory and regulatory document
2. **Source:** Narodne novine; number 181/2004 published on 21<sup>st</sup> December 2004.
3. **Audience:** anyone interested in maritime subjects, lawyers, seafarers, etc.
4. **Purpose of writing:** establishing rules of navigation and conduct at sea and any sea vessels
5. **Authenticity:** original Maritime code
6. **Style:** informative
7. **Level of formality:** formal
8. **Layout:** Maritime code composed in 138 pages in total, subdivided in 12 chapters; each chapter subdivided into articles.
9. **Content:** The text is an official document. In the document the rules of navigation and conduct at sea are established. The document suggests ways of conduct at sea for both seamen and any passenger.
10. **Cohesion:** Legal discourse is dominated by repetitions, technical terms, archaic words and phrases, binomial and multinomial expressions, unusual propositional phrases and the use of nominalization and long sentences containing several clauses. The problem that arises in legal discourse is that the layperson is hardly able to follow it.
11. **Sentence patterns:** Modal verbs like “shall”, “should”, and “must” are used commonly for giving propositions or issuing orders. Prevalent usage of the present form.

**12. Terminology of the subject:** Specific technical and legal terms such as warships, internal sea, economic zone etc. commonly used terms such as marine environment, ships, sea, navigation etc.

4.2. Translation

NN 181/2004 (21.12.2004), Maritime Code

CROATIAN PARLIAMENT

3142

Pursuant to Article 88 Of the Constitution of the Republic of Croatia, I hereby reach

## **DECISION**

### **ON THE PROMULGATION OF THE MARITIME CODE**

I proclaim the Maritime Code, adopted by the Croatian Parliament at its session on December 8, 2004.

Number: 01-081-04-3801/2  
Zagreb, 14<sup>th</sup> December 2004

President  
of the Republic of Croatia  
Stjepan Mesić, m.p.

## **MARITIME CODE**

### **Part one**

#### **GENERAL PROVISIONS**

##### **Article 1**

(1) The provisions of this Code determine the maritime and undersea areas of the Republic of Croatia and regulate legal relations therein, safety of navigation in internal sea waters and territorial sea of the Republic of Croatia, protection and preservation of natural marine resources and marine environment, basic material legal relations regarding vessels, contractual and other obligatory relations relating to ships, registration of vessels, restriction of the shipowner's responsibilities, enforcement and insurance on ships.

(2) Unless otherwise provided for in this Code, its provisions shall apply to vessels that are located or navigate in the internal sea waters, the territorial sea of the Republic of Croatia.

## Article 2

(1) Unless otherwise provided by this Code, its provisions relating to ships shall also apply to yachts.

(2) The provisions of this Code relating to ships shall also apply to marine facilities other than yachts only if this is explicitly provided for in this Code.

## Article 3

The provisions of this Code shall apply to warships if expressly provided for in this Code.

## Article 4

The customs shall apply to maritime law not regulated by this Code, other regulations adopted on the basis of this Code, or other laws.

## Article 5

Unless otherwise provided in this Code, certain terms in the sense of this Code shall have the following meanings:

1) *maritime navigation* means navigation carried out at sea and on rivers of the Croatian Adriatic basin to the border to which they are navigable from the sea side,

2) *seagoing vessel or craft* is an object intended for navigation at sea (vessel), or an object permanently moored or anchored at sea (floating object), or an object completely or partially buried in the seabed or placed on the seabed (fixed offshore object),

3) *vessel* is a marine object intended for navigation at sea. The vessel may be a ship, a warship, a yacht or a boat,

4) *ship*, other than a warship, is a vessel intended for navigation at sea, the length of which is greater than 12 meters, and a gross tonnage is greater than 15, or is authorized to carry more than 12 passengers. The ship may be a passenger, cargo, technical vessel, fishing, public or scientific research object,

5) the length of a ship, yacht or boat is the length determined by the Technical Rules

6) *Croatian warship* is a vessel, including a submarine, under the command of members of the Armed Forces of the Republic of Croatia, and whose crew is military, i.e., subjected to military discipline, and which is obliged to exhibit external signs of recognition of warships of Croatian nationality whenever necessary to make their property known,

7) *foreign warship* is a vessel that has foreign national, belongs to the Navy, carries external signs of identification of a war vessel and its nationality, is under the command of a military person and has a military crew,

8) *Cruiser ship* is a mechanically propelled ship authorized to carry more than 12 passengers,

9) *high-speed passenger ship* is a ship whose maximum speed is equal to or greater than the value obtained by the following g formula..., where  $\square\square$  is displacement on the construction water line. Non-displacement vessels with a hull completely above water surface resulting from aerodynamic forces generated by the surface effect, are not considered high-speed passenger ships

Ships, with a displacement volume of  $500Wm^3$  and less, and a top speed of less than 20 Nm, in navigation in inland waters and territorial sea of the Republic of Croatia are not considered

high-speed passenger ships.

10) cargo ship is a ship intended for the carriage of cargo with or without mechanical propulsion

11) express freighter is a cargo ship, whose maximum speed  $\check{S}m/s\check{s}$  is equal to or greater than the value obtained

with the formula:  $3,7 \cdot 0.167$ , where displacement on the constructive water line  $\check{S}m^3\check{S}$ . Under a fast freighter, no shall be deemed to be non-magnetic ships whose hull is completely above the surface due to aerodynamic forces generated by the surface effect

12) *technical vessel* is a ship, with or without a mechanical drive, intended to perform technical works (excavator, crane, dredge, mobile offshore facility for underwater exploration and exploitation, etc.),

13) *floating object* is a ship permanently moored or anchored at sea, which is not intended for navigation (e.g., floating dock, floating warehouse, floating restaurant, floating power plant, pontoon bridge, pontoon marina, etc.),

14) *fixed offshore facility* is a marine object completely or partially buried in the seabed or laid down to the seabed, which is not intended for navigation (e.g., fixed offshore facility for underwater exploration and exploitation, submarine pipeline, etc.), except for submarine cable and traffic infrastructure facilities (e.g., submarine tunnel, seabed-based bridge, etc.),

15) *boat* is a vessel intended for navigation at sea other than a ship or yacht, the length of which exceeds 2.5 meters, or a total power of propulsion machines greater than 5 kW<sup>6</sup>.

The term boat does not include:

- vessels belonging to another vessel for the purpose of collecting, rescuing or performing works,
- vessels intended exclusively for competitions,
- canoes, kayaks, gondolas and pedal boats,
- sailboards or surfboards

16) *tugboat* is a ship intended for towing or pushing other vessels,

17) *a nuclear ship* is a ship equipped with a nuclear-powered device,

18) *fishing boat* is a ship with a mechanical propulsion intended and equipped for catching fish and other living beings from the sea or the seabed, with a length greater than 12 meters, and gross tonnage greater than 15,

19) a foreign fishing boat is a vessel of foreign nationality and is also intended for fishing equipment or other living beings in the sea or on the seabed,

20) *yacht* is a vessel intended for sport and leisure, whether used for private or for commercial purposes, the with a length of 12 m or above, and which is intended for a longer voyage, and which, in addition to the crew, is authorized to carry no more than 12 passengers,

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<sup>6</sup> a unit of power, equal to 1000 watts

21) foreign yacht is a vessel for sport and leisure that has foreign nationality and is considered as such according to the regulations of the state to which it belongs,

22) public ship is a ship, other than a warship, intended and equipped to perform activities of general interest of the state, and whose owner, i.e., shipowner is the state or another body authorized by the state (e.g., a police launch, port authority vessel, etc.) and which serves exclusively for non-economic purposes,

23) foreign public ship is a vessel owned or used by a foreign country, which is not a warship, and serves exclusively for non-economic purposes,

24) foreign merchant ship is a ship of foreign nationality and used for economic purposes,

25) oil tanker is a ship intended primarily for the carriage of oil in bulk,

26) chemical tanker is a ship intended primarily for the transport of dangerous chemicals and harmful substances in bulk,

27) liquefied gas ship is a ship intended for the transport of liquefied gas in bulk,

28) scientific research ship is a ship intended exclusively for scientific or technological research or exploitation of the sea, the seabed or its subsoil, equipped with devices for that purpose, as well as accommodation for special staff,

29) ship under construction is the construction of a ship from the moment of laying a keel or similar construction process to the moment of entry in the register of ships.

30) existing ship is a ship not under construction,

31) composition of foreign warships is several foreign warships sailing together under the command of one commander,

32) disponent owner is a natural and juridical person who, as the owner of a ship, is the carrier of the maritime venture, which presumes, until proven contrary, that the disponent owner is a person in the register of ships as the owner of the ship,

33) ship's manager is a natural or juridical person who manages the business and/or technical maintenance of the ship and/or filling the ship with the crew,

34) company is a natural or juridical person who has assumed responsibility for the management of the ship from the shipowner and which, by assuming such responsibility, has assumed authority and responsibilities in accordance with the International Safety Management Regulations (ISM Regulations),

35) employer is a person who has concluded an employment contract with a seafarer on his own behalf,

36) recognized organization is an organization that meets the requirements prescribed by a special regulation and that is authorized from the Ministry - for the performance of statutory certification of maritime facilities, which includes the performance of inspections and the issuance of prescribed documents,

37) authorized organization for the of ships safety is an organization that meets the requirements prescribed by a special regulation and authorized by the Ministry to perform statutory certification regarding the safety protection of ships,

38) authorized body is an organization that meets the requirements prescribed by a special regulation and that is authorized by the Ministry to perform statutory certification of maritime facilities, which includes performing conformity assessment of sports and leisure boats and yachts up to 24 m in length during construction

39) Technical rules for the statutory certification of maritime facilities (hereinafter: Technical Rules) are regulations adopted on the basis of this Code, which determine the requirements to be met by maritime facilities and companies, as well as the manner of performing technical supervision and issuing documents, records and books of a maritime facilities and companies,

40) carrier is the owner of the ship, the shipowner or the person concluding the contract with the contracting authority,

41) passenger is any person on a ship, except children under one year of age, and persons employed on a ship in any capacity,

42) public transport is the transport of persons and things that is available to everyone under equal terms and is carried out on the basis of transport contracts,

43) international travel is a voyage by boat, yacht or boat according to the sailing plan from any Croatian port to a foreign port or vice versa,

44) oil refers to all persistent carbon mineral oils, such as crude oil and its derivatives, and precipitates and waste oils as listed in Annex I. the International Convention for the Prevention of Pollution from Ships, as amended (MARPOL 73/78)<sup>7</sup>, whether transported as cargo or as supplies of fuel and lubricants,

45) port is a seaport, i.e., sea and sea directly connected to the sea land with built and undeveloped shores, breakwaters, devices, plants and other facilities intended for mooring, anchoring and protection of ships, yachts and boats, loading and unloading of passengers and goods, storage and other handling of goods, production, processing and finishing of goods and other economic activities related to such activities in economic, transport or technological relations,

46) port open to international traffic is a port free for access of vessels of all flags,

47) port anchorage is an arranged and marked part of the sea intended for anchoring ships,

48) the mid-lower low water line is the arithmetic mean of all lower low waters during the month or year,

49) the line of medium-high water is the arithmetic mean of all higher high waters during the month or year,

50) special drawing right is the unit of account as devised by the International Monetary Fund,

51) Ministry indicates the ministry responsible for maritime affairs,

52) Minister means the Minister in the Ministry responsible for maritime affairs.

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<sup>7</sup> The International Convention for the Prevention of Pollution from Ships

Part two  
SEA AND UNDERWATER SPACES  
OF THE REPUBLIC OF CROATIA

Chapter I.

GENERAL PROVISION

Article 6

(1) The sovereignty of the Republic of Croatia at sea extends to the internal waters and territorial sea of the Republic of Croatia, to the airspace above them and to the bottom and underground of these sea areas.

(2) In its economic zone and in the continental shelf, the Republic of Croatia shall exercise sovereign rights and jurisdiction for the purpose of exploring, exploiting, protecting, preserving and enhancing natural marine resources, including resources on the seabed and in the subsoil, and for the purpose of conducting other economic activities.

(3) The Republic of Croatia protects, preserves and improves the marine environment.

(4) The Republic of Croatia cooperates with countries in the region and participates in the work of regional and world international organizations in order to establish general and regional rules, measures, recommended practices and procedures for the purpose of combating, reducing and controlling pollution of the sea and marine environment by pollutants from land-based sources, ships, immersion, air or air and pollution caused by activities on the seabed and in the subsoil.

(5) The Republic of Croatia encourages regional cooperation, especially with neighbouring countries, for the purpose of adoption of joint contingency plans in the event of accidents causing pollution of the marine environment.

(6) The Republic of Croatia shall take special measures to protect vulnerable ecosystems, habitats of species and other forms of life in the sea that are rare, endangered or threatened with extinction.

Chapter II

INLAND WATERS

Article 7

(1) The internal waters of the Republic of Croatia include: 1) ports and bays on the mainland and island coastline,

2) parts of the sea between the low-water line on the mainland coast and the flat starting line for measuring the breadth of the territorial sea referred to in Article 18, paragraph 2, items 2) and 3) of this Code.

(2) The bay referred to in paragraph 1, item 1) of this Article shall be considered as a clearly prominent bay drawn inland, whose sea surface area is equal to or greater than the area of a semicircle whose length of diameter is equal to the length of a straight line that closes the entrance to the bay.

(3) The sea surface of the bay is measured from the low water along the shore of the bay and the straight line that closes the entrance to the bay.

(4) Ports open to international traffic in the Republic of Croatia shall be determined by the Government of the Republic of Croatia under a special regulation.

#### Article 8

(1) A foreign merchant ship may pass through the internal waters of the Republic of Croatia for the purpose of entering a port open to international traffic or into a port where the shipyard in which it is to be repaired is located, for the purpose of departing from such a port, and for the purpose of navigating between ports open to international traffic, by the shortest-usual route.

(2) The Minister may designate another manner of navigation for foreign merchant ships in inland waters if dictated by interests of country's defence or safety of navigation.

#### Article 9

(1) Cabotage, i.e., transport of things and passengers between Croatian ports can be performed by ships, yachts or boats of Croatian nationality only.

(2) Cabotage is also considered to be the transport of persons by a foreign yacht or boat within the internal waters and the territorial sea for a fee.

(3) As an exception to the provision of paragraphs 1 and 2 of this Article, the Ministry may approve:

1) transport of empty containers in their exploitation between Croatian ports to a foreign ship,

2) transport of persons and things between Croatian ports by a foreign ship, yacht or boat if the economic interest of the Republic of Croatia so requires, and with the prior opinion of the Croatian Chamber of Commerce.

(4) The transport of persons by yacht or boat for a fee in the internal waters and territorial sea of the Republic of Croatia may be performed only by boat or yacht of Croatian nationality, which is owned by a domestic cable or juridical person and which meets the conditions established by a special regulation issued by the Minister.

(5) The amount of the fee for issuing the approval referred to in paragraph 3 of this Article shall be prescribed by the Minister.

#### Article 10.

(1) A foreign warship, a foreign public ship, a foreign fishing vessel, and a foreign scientific research ship may enter the internal waters of the Republic of Croatia for the purpose of entering a port open to international traffic or a port in which there is a shipyard in which the ship is to be repaired is located, provided that it obtains prior authorisation to do so:

1) for a foreign warship – the ministry responsible for defence,

2) for a foreign public ship and a scientific research ship – the Ministry with the prior consent of the Ministry in charge of internal affairs,

3) for a foreign fishing vessel – the Ministries.

(2) Entering the internal waters of the Republic of Croatia and staying in the Croatian port or a port in which it is located the shipyard in which the ship is to be repaired is situated may be authorised by a foreign warship and by a foreign warship with nuclear weapons.

(3) The ship referred to in paragraph 2 of this Article shall be obligated to submit a certified copy of the safety documentation of the nuclear installation to the ministry responsible for defence.



The approval for the entry of a ship referred in paragraph 2 of this article shall be given by The Government of the Republic of Croatia with prior notice opinion of the state administration body responsible for nuclear security, the ministry responsible for defence affairs and the Ministry.

(5) Sailing into the internal waters of the Republic of Croatia and stay in a Croatian port may not be approved to a foreign warship whose stay endangers the safety of the Republic of Croatia.

#### Article 11.

(1) A maximum of three foreign warships of the same nationality may reside in Croatian ports at the same time.

(2) The stay of a foreign warship in a Croatian port cannot last longer than 10 days.

(3) Exceptionally, the ministry in charge of defence may, if required by particularly justified interests, authorize the visit of foreign warships regardless of the conditions prescribed by the provisions of paragraphs 1 and 2 of this Article.

(4) The Minister responsible for defence shall inform the Government of the Republic of Croatia of the approval referred to in paragraph 3 of this Article within 8 days.

(5) For visits in internal waters of the Republic of Croatia, only the crew of a warship may be embarked on a foreign warship.

#### Article 12.

(1) Foreign yachts and foreign boats intended for leisure, sport or recreation may sail and stay in inland waters and in the territorial sea of the Republic of Croatia, except in the restricted zones referred to in Article 16 and Article 29 of this Code, provided that they immediately after arrival in internal sea waters of the Republic of Croatia, they enter the nearest port open to international traffic and perform border control, and perform the necessary tasks in accordance with the regulation referred to in paragraph 2 of this Article.

(2) Latter regulations on navigation and stay of foreign yachts and foreign boats intended for leisure and sports in internal marine waters and their stay in the territorial sea of the Republic of Croatia shall be adopted by the Government of the Republic of Croatia.

(3) The amount of the fee for safety of navigation paid by foreign yachts and boats referred to in paragraph 1 of this Article shall be prescribed by the Minister.

#### Article 13.

(1) Domestic and foreign natural and juridical persons, as well as a Croatian warship, may carry out research, testing, photographing and/or measuring of the sea, seabed and/or marine subsoil of the internal waters of the Republic of Croatia only with the approval of the ministry responsible for science.

(2) Domestic and foreign natural and juridical persons may carry out archaeological research, photography and/or other forms documenting the cultural heritage at the sea, seabed and subsoil of the internal waters of the Republic of Croatia only with the approval of the ministry responsible for cultural affairs.

(3) Domestic and foreign natural and juridical persons may carry out research, testing, photography and/or measurements sea, seabed and/or subsoil in protected parts of nature of the internal waters of the Republic of Croatia only with the approval of the ministry responsible for nature protection.

(4) The approvals referred to in paragraphs 1, 2 and 3 of this Article shall be issued by the aforementioned ministries with prior consent of the Ministry of Navigation Safety and the Ministry responsible for defence regarding defence interests.

(5) As an exception to the provision of paragraph 4 of this Article, the Croatian warship may perform research only with the approval of the ministry in charge of science.

(6) During the research, photography and/or the measurements referred to in paragraphs 1 and 3 of this Article on the side the scientific research ship must be attended by at least one person who, in accordance with special regulations, has the status of a scientist and is employed in a domestic scientific organization.

(7) During the archaeological research referred to in paragraph 2 of this Article on a foreign scientific research ship of the sea at least one expert appointed by the ministry responsible for cultural affairs must be present.

(8) During the research in protected areas of nature referred to in paragraph 3 of this Article, one expert appointed by the ministry responsible for nature protection must be present on the foreign scientific research ship.

(9) During the research referred to in paragraphs 6 and 7 of this Article, in the case of a ship which is also a warship, at least one expert member of the Armed Forces of the Republic of Croatia, i.e., the Ministry in charge of defence, must be present.

#### Article 14.

(1) In the shipyards of the Republic of Croatia, repairs, renewal of equipment and machinery, painting, cleaning, etc. (hereinafter: repair) of foreign warships after obtaining the approval of the Ministry in charge of defence.

(2) Approval for the repair of a foreign warship shall be given to the shipyard for the time necessary for the repair, up to a maximum of 16 months. Exceptionally, the Government of the Republic of Croatia may, if the interests of the Republic of Croatia so require, authorize a longer repair.

(3) No appeal is allowed against the decision of the Ministry responsible for defence, which grants or denies approval, but an administrative dispute may be initiated.

#### Article 15.

(1) A foreign warship under repair may have only a third of the crew with personal weapons and one set of ammunition of the usual peacetime composition.

(2) A foreign warship approved for repair is obliged to disembark fuel and lubricants, ammunition and other ordnance, except nuclear weapons, immediately after entering the Croatian port, to the place designated by the military commander in charge of the port where the repair is carried out.

(3) During the repair, the crew of a foreign warship may stay and move to the place where the ship is being repaired.

(4) The regulations of the Republic of Croatia shall apply to workers engaged in the repair of a foreign warship and to persons who are officially staying on board on behalf of the Republic of Croatia.

(5) The provisions of paragraphs 1 – 4 of this Article shall also apply to a foreign public ship under repair.

#### Article 16.

(1) The Minister in charge of defence affairs may, with the consent of the Minister, prescribe prohibited zones in the interior marine waters of the Republic of Croatia.

(2) Vessels shall not navigate in the restricted zone in internal waters, except in cases of force majeure.

(3) As an exception to the provision of paragraph 2 of this Article, the Ministry in charge of defence may authorise navigation of vessels, without discrimination, in restricted zones in inland sea waters, except in the cases of force majeure.

(4) An appeal may not be filed against the decision of the Ministry responsible for defence granting or denying the authorisation referred to in paragraph 3 of this Article, but an administrative dispute may be initiated.

(5) The regulation on the establishment of a prohibited zone in inland waters shall be published in the "Notice to Seafarers" and in other convenient way.

#### Article 17

(1) A foreign vessel which is forced to take refuge in inland waters due to force majeure or distress at sea, the Republic of Croatia shall immediately inform the nearest port authority or port office, which shall inform the competent police station of the notification received.

(2) A vessel which, due to force majeure or distress at sea, is forced to move to the restricted zone referred to in Article 16 of this Code shall immediately inform the nearest port authority or port office, which shall inform the competent command of the Armed Forces upon receipt of the notification.

(3) The Minister shall determine the places of shelter, prescribe the conditions that shelters must meet, and prescribe the conditions and way of using the places of shelter.

### Chapter III

#### TERRITORIAL SEA

#### Article 18

(1) The territorial sea of the Republic of Croatia is a sea belt 12 nautical miles wide, counting from the starting line in the direction of the economic belt.

(2) The starting line consists of:

1) Low water lines along the coasts of the mainland and islands,

2) straight lines closing entrances to ports or bays,

3) straight lines connecting the following points on the mainland coast and on the coast of the island:

a) cape Zarubača – southeaster cape of the island Mrkan – southern cape of the island of St Andrew (Andrija) – Cape Gruj (island of Mljet),

b) cape Korizmeni (island of Mljet) – Cape Glavat – Cape Struga (island of Lastovo) – Cape of Veljevo Sea (island of Lastovo) – southwestern cape of the island Kopače – cape Velo danče (island Korčula) – cape Proizd – southwestern cape of the island of Vodnjak – cape Rat (island Drvenik mali) – cliff Mulo – cliff Blitvenica – island Purara – island Balun – island Mrtovac – island Garmenjok Veli – point on Dugi otok with coordinates 43° 53'12 " north latitude and 15° 10'00" east longitude,

c) cape Veli rat (Dugi otok) – Masarine cliff – Cape Margarine (island of Susak) – Albanjež shoal – Grunj island – cliff Sv. Ivan na moru – Marmori shoal – Altiež island – Cape Kastanjija.

(3) The starting lines are drawn in the maritime map "Adriatic Sea", issued by the Croatian Hydrographic Institute.

(4) When determining the straight starting line of the territorial sea, part of the coastline will be considered the most protruding permanent port structures that are integral parts of the port system.

#### Article 19

The external boundary of the territorial sea is the line where each point is 12 nautical miles from the nearest point of departure.

#### Article 20

All foreign vessels have the right of safe passage through the territorial sea of the Republic of Croatia.

#### Article 21

(1) Innocent passage of a craft shall mean navigation in the territorial sea of the Republic of Croatia without entering a port open to international traffic, or sailing to enter such a port, or the port where the shipyard where the vessel will be repaired is located, or to leave the economic zone, provided that it is not disturbed peace, order or security of the Republic of Croatia.

(2) Innocent passage of a foreign vessel must be performed by the shortest usual route, without interruption and delay.

(3) Stopping and anchoring of a foreign vessel using the right of harmless passage is allowed only if it is caused by events imposed by regular navigation, i.e., force majeure or distress at sea, or to provide assistance to people, vessels or aircraft in danger or in distress.

(4) Stopping and anchoring of a foreign vessel exercising the right of innocent passage is permitted only if it is caused by events imposed by regular navigation, i.e., force majeure or distress at sea, or in order to provide assistance to people, vessels or aircraft in danger or distress.

#### Article 22

The state to which the warship belongs shall notify the ministry responsible for foreign affairs of the Republic of Croatia by diplomatic means about the innocent passage of the warship no later than 24 hours before the ship's arrival in the territorial sea of the Republic of Croatia.

#### Article 23

The passage of a foreign vessel through the territorial sea of the Republic of Croatia is shall not considered a harmless passage if that ship performs any of the following activities:

1) threatens or uses force against the sovereignty, territorial integrity and the Constitution of the Republic of Croatia of the established legal order or behaves in a way that violates the principles of international law,

2) exercises or performs training with weapons,

3) collect information or data that may harm the defence or security of the Republic of Croatia,

4) carries out propaganda activities that harms the defence or security of the Republic of Croatia,

- 5) accept on board any aircraft, or the aircraft takes off or lands from it,
- 6) sends, lowers or accepts on board any military device,
- 7) embarks or unloads goods, money or people contrary to customs, tax or health regulations or regulations on the movement and stay of foreigners in the Republic of Croatia,
- 8) intentionally or significantly pollutes the marine environment,
- 9) fishing for or catching other marine creatures,
- 10) performs research, testing or measurement,
- 11) performs activity for the purpose of unauthorised inclusion in any communication system or any other system or devices of the Republic of Croatia,
- 12) performs another activity that is not directly related to the passage.

#### Article 24

(1) The Minister may determine and prescribe in the internal waters and in the territorial sea of the Republic of Croatia mandatory waterways, separate traffic systems, ship reporting systems, and the method of maritime traffic management for the safety of navigation for all or some types of vessels.

(2) For the purpose of safety of navigation, protection of the sea from pollution, prevention of endangerment of biological and landscape diversity, as well as to reduce the risk of major maritime accidents, the Minister may prohibit navigation in certain parts of inland waters or territorial sea for certain types and sizes of ships, or for ships carrying a certain type of cargo.

(3) Waterways and separate traffic systems referred to in paragraph 1 of this Article may be determined in specially protected parts of nature with the consent of the ministry responsible for nature protection.

(4) Waterways and separate traffic systems referred to in paragraph 1 of this Article shall be drawn on the nautical chart "Adriatic Sea" and published in a timely manner in the "Advertisement for Seafarers".

#### Article 25

(1) A foreign fishing vessel shall be prohibited from fishing during the passage through the territorial sea of the Republic of Croatia or catching other sea creatures at sea or on the seabed.

(2) A foreign fishing vessel is obliged to sail the territorial sea of the Republic of Croatia at a speed of not less than six knots, without stopping or anchoring, unless this is absolutely necessary due to force majeure or distress at sea, and have visibly prominent markings of the fishing vessel.

(3) The provisions of paragraphs 1 and 2 of this Article shall not apply to a foreign fishing vessel authorised to fish in the territorial sea of the Republic of Croatia while located in the area where fishing is approved.

#### Article 26

(1) Up to three foreign warships of the same nationality may pass through the territorial sea of the Republic of Croatia at the same time affiliation.

(2) As an exception to the provisions of paragraph 1 of this Article, more than three foreign warships of the same nationality may simultaneously pass through the territorial sea of the Republic of Croatia with the approval of the minister responsible for defence affairs.

#### Article 27

Warships, tankers, nuclear ships and other ships when transporting dangerous goods or harmful substances, when navigating in inland waters and safely passing through the territorial sea of the Republic of Croatia, are obliged to sail the prescribed waterways for these ships, respect the separate traffic systems in the areas where these routes or separate traffic systems are prescribed and meet with other prescribed conditions regarding the safety of navigation and the combating pollution of the marine environment.

#### Article 28

A foreign submarine and other underwater means of transport during the passage through the territorial sea of the Republic of Croatia is obliged to sail the sea surface and fly the flag of its state and the flag of the Republic of Croatia.

#### Article 29

(1) The Minister may designate certain zones in the territorial sea of the Republic of Croatia in which the passage of vessels is temporarily suspended as a necessary security measure, and the Minister responsible for defence activities may designate certain zones in the territorial sea of the Republic of Croatia for the purpose of conducting training with weapons.

(2) The order establishing the zone referred to in paragraph 1 of this Article with borders and other necessary information shall be published in a timely manner and in the "Advertisement for Seafarers".

#### Article 30

If a foreign warship, or a foreign public ship, fails to comply with the safe passage regulations referred to in Articles 21 – 24; and 26 – 29 of this Code or generally accepted international regulations on the prevention of collisions at sea, and if that ship does not respond to the invitation sent to it to obey these regulations, the Croatian police launch, war ship or other authorized vessel, or the aircraft or authorized body, will require that ship to sail immediately from the territorial sea of the Republic of Croatia.

#### Article 31

(1) Domestic and foreign natural and juridical persons, as well as Croatian warships, may perform research, testing, photographing of the sea and/or measuring of the sea, seabed and/or underground of the territorial sea of the Republic of Croatia, only with the approval of the ministry responsible for science and with the prior consent of the ministry responsible for defence regarding defence interests.

(2) By way of derogation from the provision of paragraph 1 of this Article, the Croatian warship may perform research only with the approval of the ministry responsible for science.

(3) Domestic and foreign natural and juridical persons may conduct archaeological research of cultural property at sea, seabed and/or subsoil of the territorial sea of the Republic of Croatia only with the approval of the ministry responsible for cultural affairs.

(4) Domestic and foreign natural and juridical persons may perform research, testing, photography and/or surveying of the sea, seabed and/or seabed in protected areas of the nature of the territorial sea of the Republic of Croatia only with the approval of the ministry responsible for nature protection.

(5) The approvals referred to in paragraphs 1, 3 and 4 of this Article shall be issued by the competent ministries with the prior consent of the Ministry of Navigation Safety.

(6) During the research, testing, photographs of the incident and/or measurements referred to in paragraphs 1 and 4 of this Article, at least one person who, in accordance with special regulations, has the status of a scientist and is employed in a domestic scientific organization must be present on a foreign scientific research ship. During the archaeological research referred to in paragraph 3 of this Article, at least one expert appointed by the ministry responsible for cultural affairs must be present on a foreign scientific research ship.

(7) During the research referred to in paragraph 4 of this Article, one expert appointed by the ministry responsible for nature protection shall be present on the foreign scientific research ship.

(8) During the research referred to in paragraphs 6 and 7 of this Article, in the case of a ship which is also a warship, at least one expert employee of the Armed Forces of the Republic of Croatia, i.e., the ministry in charge of defence, must be present.

(9) The conditions for entry, passage and stay of foreign, war and scientific research ships in inland waters and territorial sea of the Republic of Croatia, as well as the conditions and manner of conducting scientific and other research, testing, photography and measurement of the sea, seabed or subsoil of the internal waters, territorial sea, continental and economic zone of the Republic of Croatia shall be prescribed by the Government.

## CHAPTER IV

### ECONOMIC ZONE

#### Article 32

The economic zone of the Republic of Croatia includes maritime areas from the outer border of the territorial sea in the direction of the open sea to its outer border permitted by general international law.

#### Article 33

(1) In its economic zone, the Republic of Croatia shall exercise sovereign rights in order to:

- a) research and exploitation, conservation and management of living and non-living natural resources,
- b) energy production using the sea, sea currents and winds.

(2) The Republic of Croatia shall cooperate with neighbouring countries for the purpose of adopting and implementing protection and conservation measures living marine resources in the area of the economic zone of the Republic of Croatia.

#### Article 34

Authorized bodies of the Republic of Croatia have the right and duty to take all necessary measures to exercise sovereign rights to explore, exploit, protect, preserve and manage living marine resources in the economic zone of the Republic of Croatia, including inspection, inspection, seizure of a foreign ship and court proceedings. The seizure or detention of a foreign ship and the penalties imposed shall be immediately notified, through diplomatic channels, to the State whose flag is the ship flying.

#### Article 35

(1) In the economic zone, the Republic of Croatia has the exclusive right to build, allow and regulate the construction, operation and use of artificial islands, devices and appliances at sea, on the seabed and in the maritime subsoil.

(2) The relevant regulations of the Republic of Croatia shall apply to the construction, operation and use of the facilities referred to in paragraph 1 of this Article.

#### Article 36

Natural or juridical person who has been approved for the construction of an artificial island, device or appliance referred to in Article 35 of this Code shall be obliged to:

- a) at least 30 days before the start of work, publish information on the location, method of construction and through the Harbour Master's Office about the dimensions, size, depth and appearance of the object,
- b) before the start of construction, at the place where construction begins, and subsequently at the sea facility, to install fixed assets signalling
- c) no later than 30 days from the date of cessation of construction or use, remove any marine object that is no longer in use or is abandoned, without causing damage to fishing, the protection and preservation of the marine environment or other legitimate uses of the sea.

#### Article 37

(1) At the proposal of the contractor for research and exploitation of the resources of the economic zone of the Republic of Croatia, the Minister may, when necessary, establish safety zones up to 500 meters wide around artificial islands, devices and devices referred to in Article 36 of this Code, measuring from each point of the outer edge of the building, and prohibit navigation in those zones.

(2) Establishment of a safety zone, its width and regime of navigation in it shall be published in a timely manner in the "Announcement for Seafarers".

#### Article 38

Artificial islands, devices and appliances and safety zones around them must not be placed in places where they may interfere with the use of recognised international waterways.

#### Article 39

Customs and tax regulations, regulations on health insurance, on the movement and residence of foreigners and penal regulations of the Republic of Croatia are applied on all artificial islands, devices and devices on the economic zone of the Republic of Croatia.

#### Article 40

(1) Domestic and foreign natural and juridical persons, as well as Croatian warship, may perform research, testing, photographing and measuring the sea in the economic zone of the Republic of Croatia under the conditions prescribed in Article 13 of this Code.

(2) A foreign warship, a foreign public ship, a foreign fishing ship and a foreign scientific research ship may perform activities referred to in paragraph 1 of this Article only with the approval of the ministries referred to in Article 10 of this Code.

#### Article 41

(1) When navigating the economic zone of the Republic of Croatia, vessels are obliged to respect generally accepted international regulations and standards and Croatian regulations on protection against marine and air pollution from ships and pollution caused by immersion or submarine activities.

(2) Natural and juridical persons participating in the exploration or exploitation of natural resources of the economic zone of the Republic of Croatia are obliged to comply with international and domestic regulations, procedures and standards on the protection and preservation of the sea, living marine resources and the marine environment.



(3) When flying over the economic zone of the Republic of Croatia, aircraft are obliged to respect the generally accepted international regulations and Croatian regulations on protection against pollution of the sea from the air or by air.

(4) Latter regulations on protection against pollution of the marine environment in the economic zone shall be issued by the Minister consent of the Minister responsible for environmental protection.

## CHAPTER V

### EPICONTINENTAL ZONE

#### Article 42

(1) The continental shelf of the Republic of Croatia includes the seabed and the external border of the territorial sea of the Republic of Croatia in the direction of the open sea to the borders of the continental shelf with neighbouring countries.

(2) The borders of the continental shelf of the Republic of Croatia and the Republic of Italy are determined by an agreement between Italy and the former SFRY<sup>8</sup> from 1968.

(3) Until an agreement is reached on the delimitation of the continental shelf with Montenegro, that is, with Serbia and Montenegro, the Republic of Croatia will enjoy sovereign rights in that zone up to the middle line which continues to the outer border of the territorial sea in the Bay of Boko Kotor in the direction of the open sea.

#### Article 43

(1) In the continental shelf, the Republic of Croatia exercises sovereign rights for its research and operation exploitation of the natural resources of that belt.

(2) "Natural resources" referred to in paragraph 1 of this Article shall mean the mineral and other inanimate resources of the seabed and its subsoil, as well as sea creatures that are in the stage of being hunted, immobile on the seabed or below it, or can move only in constant physical contact with the seabed or only in the seabed.

(3) Foreign natural and juridical persons may exploit sea creatures referred to in this Article only in cases determined international agreement.

#### Article 44

(1) When exercising the rights referred to in Article 43, paragraph 1 of this Code, navigation, fishing, protection of living resources of the sea, as well as basic oceanographic or other scientific research of a public character shall not be unjustifiably prevented.

(2) The provisions of Article 40 hereof shall apply to research referred to in paragraph 1 of this Article in the continental shelf.

#### Article 45

(1) Exploitation of the natural resources of the continental shelf of the Republic of Croatia and the raising, commissioning and maintenance of the necessary facilities and devices for

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<sup>8</sup> SFRY- Socialist Federal Republic of Yugoslavia

exploration and undertaking of activities for the purpose of exploitation may be performed under the conditions provided by this Code, regulations adopted on the basis of the Code and other regulations.

(2) The provisions of Articles 35 to 39 of this Code shall apply to the plants and devices referred to in paragraph 1 of this Article.

(3) The Ministry approves and supervises the laying and maintenance of submarine cables and pipelines in the continental shelf of the Republic of Croatia, that cross into the territorial sea of the Republic of Croatia, and for submarine pipelines which are laid in the continental shelf of the Republic of Croatia, and do not cross into the territorial sea of the Republic of Croatia, gives consent to the direction of laying.

(4) An appeal may not be filed against the decision of the Ministry granting or denying the authorisation referred to in paragraph 3 of this Article, but an administrative dispute may be initiated.

(5) The latter regulations on the suppression of pollution caused by activities on the seabed and the underground for the purpose of exploring or exploiting the natural resources of the continental shelf, including pollution from artificial islands, devices, devices and pipelines laid on the seabed, as well as the conditions under which the approval referred to in paragraph 3 of this Article is granted.

## CHAPTER V I

### THE RIGHT OF PERSECUTION

#### Article 46

(1) The pursuit of a foreign vessel shall be undertaken if the competent authority has reasonable grounds to suspect that the foreign vessel or its member has violated the provisions of this Code, other regulations of the Republic of Croatia or generally accepted rules of international law.

(2) The persecution of a foreign vessel may begin only if the suspected vessel or its belonging is located in internal sea waters, in the territorial sea, in the economic zone or over the continental shelf of the Republic of Croatia and if it does not stop after a visible or audible stop call sent to it from a distance that allows the call to be seen or heard.

(3) The pursuit of a foreign vessel may continue on the high seas, in the economic zone or in the outer belt of a foreign State until it is interrupted or until the pursued ship has sailed into the territorial sea of its State or of another State.

(4) Prosecution may be carried out by police, warships or military aircraft or by other vessels or aircraft authorized to do so. In the economic zone or over the continental shelf, the persecution of a foreign vessel may only commence if the rules applicable in those zones are violated.

(5) If the vessel referred to in this Article is seized, it shall be handed over to the competent authority for the implementation of the procedure.

(6) The provisions of this Article shall not apply to foreign warships and public ships enjoying immunity.

PART III  
NAVIGATION SAFETY  
CHAPTER I  
COMMON PROVISIONS

Article 47

The navigational safety regulated by this Code refers to:

1) the basic conditions they must meet: waterways in inland waters and in the territorial waters of the Republic of Croatia, ports, maritime facilities of Croatian nationality, as well as waterways navigating in internal sea waters and in the territorial sea of the Republic of Croatia, crew on maritime facilities, navigation and pilotage at sea,

2) to supervise the implementation of the provisions of this part of the Code.

Article 48

(1) A natural or juridical person engaged in public transport at sea, or engaged in the activity of chartering a vessel, or in other economic activities at sea, a company or a body managing a port and a company responsible for the maintenance and marking of waterways shall:

1) organize supervision of the performance of activities related to the safety of navigation, in accordance with the provisions of this Code and regulations adopted on the basis of this Code,

2) ensure the permanent performance of navigation safety supervision,

3) keep the prescribed data that are relevant for the safety of navigation.

(2) The Company is obliged to establish and maintain a documented safety management system in accordance with the requirements of the Technical Rules.

(3) Inspection supervision over the performance of activities referred to in this Article shall be performed by the Ministries and port authorities.

Article 49

(1) The Ministry is obliged to conduct an investigation into any accident that occurs to any ship of Croatian nationality, as well as on a ship of foreign nationality that suffers an accident in the internal waters or territorial sea of the Republic of Croatia, if the accident caused death or serious bodily injury of a citizen of Croatian nationality, major loss or damage to property, or pollution of the marine environment.

(2) The findings of the investigation referred to in paragraph 1 of this Article must be made public.

(3) The manner, conditions and authority for conducting the investigation referred to in paragraph 1 of this Article shall be prescribed by the Minister, with the consent of the Minister responsible for environmental protection in part related to environmental pollution.

Chapter II

WATERWAYS

Article 50

(1) The waterway in the internal waters and in the territorial sea of the Republic of Croatia is a sea belt deep and wide enough for safe navigation of the vessel, which, if necessary, marked.

(2) Navigation safety facilities on waterways in inland waters and in the territorial sea of the Republic of Croatia are: lighthouses, coastal lights, buoys and other markings, signal stations and radio stations, optical, acoustic, electrical, electronic, radar and other devices for safe navigation.

(3) Sports and other activities may be carried out on the waterway only with the prior approval of the competent port authority and with the conditions established by the approval.

(4) A fee shall be paid for the use or use of waterway safety facilities.

#### Article 51

(1) The waterways of the Republic of Croatia must be regulated, their navigability maintained, facilities for safe navigation installed on them and their correct operation ensured.

(2) Hydrographic activity is carried out on the waterways of the Republic of Croatia in order to ensure accurate data on depths, type of bottom, sea currents, sea density, waves and sea level fluctuations. Measurements of parameters are systematic and are carried out in accordance with the standards of the International Hydrographic Organization.

(3) The data referred to in paragraph 2 of this Article shall be described on official maritime charts and publications of the Croatian Hydrographic Institute.

(4) Markings and methods of marking on waterways in inland waters and territorial sea of the Republic of Croatia shall be prescribed by the Minister.

#### Article 52

The activities referred to in Article 50, 51, paragraphs 1 and 4 of this Code shall be performed by the company "Plovput", and the activities referred to in Article 51, paragraphs 2 and 3 of this Code shall be performed by the public institution of the Croatian Hydrographic Institute.

#### Article 53

For the installation of lights and signs for marking obstacles on the waterway, as well as for research and exploitation of industrial and other mineral raw materials, or for the construction of facilities on the waterway, the port authority determines the position and characteristic of the lights, i.e., signs and measures for safe navigation with the previously obtained opinion of the company "Plovput".

#### Article 54

(1) The investor, owner or user of facilities or means that represent permanent or temporary obstacles on the waterway (bridges, cables, sunken buildings, etc.) shall, within a period determined by the competent port authority, install and maintain lights and signs to mark these obstacles.

(2) If the person referred to in paragraph 1 of this Article does not install the prescribed light or other sign or if the installed light or other sign is not maintained in proper condition, the company that takes care of the maintenance and marking of the waterway, at the request of the competent port authority, and at the expense of that person, will place the prescribed light or other sign, or the faulty light or other sign will be brought into proper condition.

(3) The investor, owner or user of facilities or assets constructed or installed in the internal waters and territorial sea of the Republic of Croatia is obliged to properly mark them and maintain them in a condition that does not pose a danger to human lives and safety of navigation, in accordance with the provisions of this Code and regulations adopted on the basis of this Code.

## Article 55

(1) Coastal radio stations shall perform a radio service that serves to the protection of human life and the safety of navigation at sea.

(2) In the performance of the radio service, in accordance with the regulations on radio traffic referred to in paragraph 1 of this Article, coastal radio stations shall ensure the vigil service and other necessary services.

(3) Vessels that must have a radio station must organize a navigational watch, in accordance with the regulations on radio traffic.

## Chapter III

### PORTS

## Article 56

(1) Ports must meet the prescribed conditions of navigation safety, marine pollution protection and safety protection.

(2) All natural and juridical persons using the port, maritime facilities located in the port shall comply with or the rules of order in ports in terms of navigation safety, protection of human life, protection of the sea from pollution prescribed by the Minister.

(3) The port and other parts of the internal waters shall be prohibited from carrying out activities laid down in a special regulation.

(4) Handling of dangerous and other substances in ports, as well as the conditions and manner in which the loading and unloading of dangerous and harmful substances, bulk and other cargoes in ports will be carried out, and the manner of preventing the spread of pollution will be prescribed by the Minister.

(5) Other issues related to ports not regulated by this Code shall be regulated by a special decree.

## Article 57

Ports may be opened to public traffic or for special purposes if it has been previously established that the prescribed conditions for navigational safety at the port have been met.

## Article 58

(1) The port authority shall maintain the port in such a way as to enable safe navigation, docking and mooring of vessels, as well as the embarkation or disembarkation of passengers and cargo, and perform other tasks prescribed by this Code or regulations adopted on the basis of this Code, which ensure safe conditions in the port.

(2) The body referred to in paragraph 1 of this Article shall be obliged to maintain the cleanliness of the port from objects that endanger the safety of navigation or pollute the sea.

## Article 59

(1) The body managing a port open to public traffic shall, under equal conditions, provide every natural and juridical person to use the operational shores, breakwaters and other facilities in the port according to their purpose and within the limits of available capacities, unless otherwise provided by this Code or other law.

(2) As regards the use of the port open to international public traffic and the payment of port charges, foreign vessels are equivalent to Croatian vessels, subject to reciprocity.

(3) The Minister shall prescribe the application of international recommendations on the calibration of ballast spaces on oil tankers with separate ballast tanks as regards the method of calculation of charges, charges and other charges in ports.

#### Article 60

(1) Upon arrival at the port, the foreign vessel is obliged to submit to the competent port authority a general statement, the bill of health and an excerpt from the crew manifest and the passenger manifest.

(2) When leaving the port, the foreign vessel is obliged to hand over the excerpt from the crew list and the passenger list only for those persons who are embarked or disembarked while in the port.

(3) A foreign vessel coming from a Croatian port does not hand over in another Croatian port excerpts from the crew list and passenger list for those persons who do not disembark or embark in that port.

#### Article 61

(1) A foreign nuclear ship intending to enter a Croatian port open to international maritime traffic shall request authorisation to enter the port and submit in a timely manner a certified copy of the documentation on the safety of the nuclear installation to the Ministry.

(2) The Ministry will submit the obtained documentation on the safety of the nuclear installation to the state administration body responsible for nuclear safety for professional evaluation and determination of a special program for testing (measuring) the content of radioactive substances in the vicinity of the nuclear ship, and the amount of a special fee that must be paid by the shipowner to cover the costs of the special program.

(3) The Ministry shall issue to the ship referred to in paragraph 1 of this Article an authorisation to sail into the Croatian port if, on the basis of the expert assessment of the state administration body responsible for nuclear safety, it establishes that the ship is not in danger of causing nuclear damage and if the ship has a valid certificate of insurance contract or financial guarantee, issued by the insurer or the provider of the financial guarantee, up to the amount referred to in Article 831 of this Code, and that funds for the special fee referred to in paragraph 2 of this Article have been provided.

(4) Prior to the entry of a foreign nuclear ship that has received the approval referred to in paragraph 3 of this Article, the competent port authority shall order that the state administration body competent for nuclear safety, in the most appropriate place, conduct an appropriate review of the state of nuclear safety of the ship. The port authority may, if necessary, also perform re-inspections during the ship's stay in the port.

#### Article 62

(1) Domestic and foreign ship carrying more than 2,000 tonnes of oil as cargo, without a certificate of insurance or other financial guarantee of property liability for oil pollution damage provided for in Article 820 of this Code, may not enter or leave the Croatian port or embark or disembark oil there.

(2) The provision of paragraph 1 of this Article shall also apply to a ship carrying more than 2,000 tonnes of oil as cargo, which is owned by a foreign state and which is not covered by insurance or other financial guarantee, if it does not have a certificate from the state in which it is registered that it is the property of the state and that its liability is covered within the limits provided for in Article 816 of this Code.

## Article 63

(1) If a fire or other accident occurs in a port or other parts of the internal waters and territorial sea of the Republic of Croatia that endangers the safety of human life or a vessel, the competent port authority shall order the nearest or other ship to immediately proceed to the place of fire or accident in order to save the endangered human life, if it does not endanger its life.

(2) The plan of interventions in the event of sudden marine pollution is prescribed by the Government.

## CHAPTER IV

### NAVIGATION AND PILOTAGE

#### 1. Navigation

##### Article 64

(1) The master of the ship, the crew members of the ship, the person operating the boat or yacht and the crew members of the boat or yacht must apply the prescribed rules of navigation, protection of the sea from pollution, and prescribed signals and markings in accordance with the provisions of this Code and the bylaws adopted on the basis of this Code governing safe and orderly navigation.

(2) The regulations referred to in paragraph 1 of this Article shall be issued by the Minister.

(3) The Minister shall, in agreement with the Minister responsible for environmental protection, issue a regulation on management and supervision of water ballast.

##### Article 65

(1) Damaged, stranded or sunken vessels that interfere with or endanger the safety of navigation or pose a risk of pollution must be removed from the waterway without delay by order of the competent port authority.

(2) It is forbidden to throw objects or substances on the waterway that may obstruct or endanger the safety of navigation or pollute the sea.

##### Article 66

(1) A vessel coming from abroad shall not operate with other ships, bodies, organisations and persons on the coast before it has been authorised by the competent port authority to operate freely with the coast.

(2) A Foreign ship, a foreign warship and a foreign yacht are obliged to fly the flag of their nationality and the flag of the Republic of Croatia while in the territorial sea and internal waters of the Republic of Croatia, except while in harmless passage.

##### Article 67

A foreign vessel under construction may stay in the internal waters of the Republic of Croatia under conditions determined by the Minister.

#### 2. Piloting

##### Article 68

(1) Pilotage is the guidance of a craft by experts (pilots) and the provision of expert advice to the master of the craft, for the purpose of safe navigation in ports, straits and other areas of internal waters and territorial sea of the Republic of Croatia.

(2) Piloting can be port and coastal.

- (3) Port piloting is the piloting of a vessel in the area of a port up to a certain limit, and coastally in the part of internal waters and territorial sea of the Republic of Croatia up to the limit of port piloting.

#### Article 69

(1) Piloting operations in the internal sea waters and in the territorial sea of the Republic of Croatia are not possible without special approval of the Ministry to perform foreign legal entities.

(2) The permit shall be issued only if the pilotage cannot or does not want to be performed by a domestic legal entity.

(3) No decision may be filed against the decision of the Ministry granting or denying the approval referred to in paragraph 1 of this Article appeal, but an administrative dispute may be initiated.

#### Article 70

(1) The master of the ship is obliged to request pilotage services when it is obligatory.

(2) The following are not subject to mandatory pilotage:

a) Croatian warships, Croatian public ships, ships used for the maintenance of waterways and facilities

safety of navigation on these roads, aquifers, Croatian passenger ships sailing on a regular line,

b) ships with a gross tonnage of less than 500,

c) yachts with a gross tonnage of less than 1000.

(3) Exceptionally, an individual ship or yacht may be exempted from compulsory port pilotage by the Minister, with the exception of ships that transport dangerous or noxious substances with a gross tonnage of less than 2000 for a specified period and in a specified port area, provided that the master has passed a special examination.

(4) As an exception to the provision of paragraph 2, item b) of this Article, the Harbour Master's Office may, for certain types of ships whose gross tonnage of less than 500 shall be determined to be subject to compulsory port pilotage.

(5) Piloting may be performed only by a company that has received approval to perform these activities

Ministries.

(6) Mandatory pilotage, its borders, time and place of embarkation and disembarkation of pilots shall be determined, for the port pilotage, Harbour Master's Office, and for coastal pilotage minister.

(7) The conditions to be met by the ship and the master in order to be exempted from compulsory pilotage, and the content of the examination referred to in paragraph 3 of this Article shall be prescribed by the Minister.



(8) Conditions on the basis of which the approval for conducting pilotage, education, authorization and other conditions is issued, and obligations that must be met by the pilot, form, manner and conditions of issuing the pilot's card, conditions that must be met by the company that performs pilot operations, manner of marking pilot ships and boats and pilot call signs, as well as conditions and manner of conducting pilotage, and rights and obligations the pilot is prescribed by the Minister.

#### Article 71

Optional pilotage lasts until it is cancelled by the piloted vessel or until it enters the mandatory pilotage area, and the pilot is not authorized to perform such pilotage.

#### Article 72

(1) Piloting may use any vessel under equal conditions.

(2) With regard to the use of pilotage services and the payment of fees for those services, foreign vessels are equated with Croatian vessels, subject to reciprocity.

(3) The maximum permitted amount of compensation for pilotage services shall be determined by a special regulation of the Minister.

#### Article 73

(1) Piloting of a vessel, regardless of whether it is obligatory or not, does not release the master of the ship from duty navigation management and manoeuvring of the vessel and the resulting responsibilities.

(2) The shipowner who uses the services of a pilot is responsible for the actions and omissions of the pilot as well as for actions and omissions of a member of the crew of his ship.

#### Article 74

(1) The company in which the pilot is employed at the time of the damage, up to the amount of the basic compensation provided for the tariff for the performed piloting service multiplied by a factor of 300, shall be liable for the compensation of damage caused by the pilot to the shipowner of the vessel using piloting services if it is proved that the damage was caused by the fault of the pilot.

(2) Contract on limitation of liability of a company performing obligatory pilotage, concluded to the contrary

the provisions of paragraph 1 of this Article before causing damage to the shipowner, has no legal effect.

(4) Contract on limitation of liability of a company obliged to compensate for damage caused by performance non-compulsory pilotage, which was concluded before causing damage to an amount less than the amount referred to in paragraph 1 of this Article, has no legal effect.

## Article 75

(1) If according to this Code compensation for damage can be claimed directly from the pilot who caused the damage, the provision of Article 74, paragraph 1 of this Code shall also apply to the pilot, unless the pilot caused the damage intentionally.

(2) Liability of the pilot, together with the liability of the company in which the pilot is employed, i.e.

together with the liability of another juridical person whose pilot is a worker, may not exceed the limits of liability referred to in Article 74 of this Code, unless it is proven that the pilot caused the damage intentionally.

## Chapter V.

### SHIP

#### 1. Determining the seaworthiness of a ship Article 76

(1) A ship is capable of sailing in certain categories of navigation and for a certain purpose if it satisfies

provisions of this Code, regulations adopted on the basis of this Code and Technical Rules in connection with:

- 1) safety of human lives, ships and property,
- 2) company and ship safety management system,
- 3) security protection,
- 4) preventing pollution of the marine environment with oil, harmful substances, wastewater and garbage,
- 5) by preventing air pollution,
- 6) protection of the marine environment from bio invasive species in ballast waters,
- 7) protection of the marine environment from the harmful effects of the anti-fouling system,
- 8) safety at work, accommodation of the crew and other persons employed on board,
- 9) conditions for passenger transport,
- 10) safety of cargo handling devices.

(2) In addition to the conditions referred to in paragraph 1 of this Article, the ship is capable of sailing and:

- 1) if at least the prescribed number of crew members with appropriate certificates of qualifications and additional qualifications that the ship must have for safe navigation,

2) if the accommodation and the number of passengers on board are in accordance with:

- regulations governing the transport of passengers,
- the terms and conditions specified in the ship's documents, records and books and the approved technical documentation,

3) if the cargo on board is loaded, stacked, distributed and secured in accordance with:

- regulations governing the conditions of cargo transport,
- the terms and conditions specified in the ship's documents, records and books and the approved technical ship documentation

4) if the ship is provided with the prescribed conditions for the provision of medical care and if the ship has and properly conducts shipboard pharmacy

(3) The category of navigation of seagoing ships shall be prescribed by the Minister.

(4) Minimum conditions that must be met by the ship, equipment and devices, in order to provide adequate medical care for crew members, as well as the equipment and mandatory contents of the ship's pharmacy as well as records on the contents of the ship's pharmacy and the manner of their management shall be prescribed by the Minister in charge of health with the consent of the Minister.

#### Article 77

(1) The ability to navigate according to the provisions of Article 76, paragraph 1 of this Code shall be determined by a recognized organization performing technical supervision and certifying the issuance of appropriate ship documents, records and books in accordance with the provisions of the Technical Rules.

(2) Technical rules shall be adopted by the Minister.

(3) The ability of a ship to sail in accordance with the provisions of Article 76 of this Code shall be checked by inspection supervision.

#### Article 78

(1) Technical supervision includes:

1) approval of technical documentation on the basis of which the ship is built or modified,

2) type or individual approval of machines, devices and equipment intended for installation in the ship,

3) supervision over the production of materials, machines, devices and equipment intended for installation in the ship in workshops manufacturers,

4) approval of manufacturers and service companies,

5) supervision over hull construction and installation of machines, devices and equipment in the shipyard,

- 6) assessment of the safety management system of shipowners and ships,
- 7) verification of ship security protection,
- 8) inspections, assessments and verifications of existing ships.

(2) Technical supervision, based on the request of the company or the builder for the ship under construction, shall be performed by a recognized organization that is, an authorized organization for the safety of ships.

(3) The agreement on the transfer of authority between the Ministry and the recognized organization, in accordance with a special law and internationally adopted norms determine the scope, conditions, rights and obligations from the authorization to perform technical supervision and issue ship documents, records and books.

#### Article 79

Inspections, assessments and verifications (hereinafter: review) of existing ships can be: basic, regular and extraordinary.

#### Article 80

Basic inspection is a mandatory inspection to which the existing ship is subject before the start of use of the ship on the occasion of:

- 1) entry in the register of ships,
- 2) changes in the purpose, limits of navigation or other characteristics of the ship to which the provisions of the Technical Rules apply.

#### Article 81

Regular inspections are mandatory inspections to which the existing ship is subject at intervals prescribed by the Technical Rules.

#### 4.3. Commentary and analysis

Although, the text itself was very demanding, the terminology was quite straightforward. Since it is an official document containing a lot of maritime legal vocabular, I have decided to use machine translation (MT) tools for this particular document. I have inserted the document both in the DocTranslator and MateCat. When the translation was finished, I had to revise it. I also compared the translations that were made by using two different MT tools and I did find various discrepancies, so I had to find another way to verify the translation, especially in places where I found apparent discrepancies. While correcting, I was consulting with the original text that was in Croatian. I was looking for any discrepancies in syntax, morphology or just in the way that a term was translated. There were some errors regarding the word order, since the MT translated the words the way they were in their original form, i.e., in Croatian. For example, “*Članak 22. O namjeri neškodljivog prolaska stranog broda teritorijalnim morem Republike hrvatske država kojoj taj ratni brod pripada obavijestit će diplomatskim putem ministarstvo nadležno za vanjske poslove Republike Hrvatske najkasnije 24 sata prije uplovljavanja broda u teritorijalno more Republike Hrvatske*”. By using MT that article was translated as following, “*Article 22 The Ministry of foreign affairs of Republic of Croatia shall notify the Ministry of Foreign Affairs of the Republic of Croatia through diplomatic channels of the intention of a foreign warship to pass through the territorial sea of the Republic of Croatia no later than 24 hours before entering the territory.*” The translation seemed odd, and I offered the following translation “*Article 22 The state to which the warship belongs shall notify the ministry responsible for foreign affairs of the Republic of Croatia by diplomatic means about the innocent passage of the warship no later than 24 hours before the ship's arrival in the territorial sea of the Republic of Croatia.*”. Despite some difficulties, MT has helped me a lot while translating. Although, as mentioned before, there were some difficulties, it was far easier to check out particular terms than the whole translation. Machine translation can be of great help, especially when translating this type of text where the specific terms already exist and are in use. Among the difficulties that I found while doing so was the translation of “pravna ili fizička osoba”. In one version this was translated as “natural or juridical person”, while the other version offered “natural or legal person”. By doing some research I came by the definition of the term juridical person. “The term 'juridical person' is used in the sense of an entity having the capacity of the potential to act legally and constituted either by a collection or succession

of physical persons or a collection of properties.”<sup>9</sup> Some examples of the juridical person were the state, corporations, associations etc. This definition is equal to the Croatian equivalent “pravna osoba”.

The second thing that I have found interesting was the translation of “strana jahta”, translated as “side yacht”, while “strani javni brod” was translated as “foreign public ship”. This was interesting because one would expect that “strana” means “foreign”, but also can mean “side” (a position). Here a Croatian speaker might understand the intended meaning of “side yacht” but just in context of the article where this is explained.

Another interesting point was the word “potonje” as in “potonje propise”. This adjective is very compelling. When reading the text, the first option that came to my mind was “detailed”. However, by using the Vinay and Darbelnet technique of literal translation I found that there already exists an English equivalent for “potonje propise” and that is “latter provisions”.

At the beginning of the document, it says “Stjepan Mesić, m.p.” The first idea that I had was that the meaning of this abbreviation is “mjesto pečata”. Although it does not make much sense when it is put at the beginning of the document, due to the fact that the seal is most commonly placed at the end of the document. What puzzled me more, was that the MT also translated this as m.p. This was very strange to me, so I did some research. I found out that the abbreviation “mjesto pečata” is derived from Latin and its English equivalent is LS, which stands for locus sigilli (Latin: “(a/the) place of (a/the) seal”). As for “m.p.” it is also derived from Latin and it is most commonly used in documents where there is no handwritten signature. This means that both the Croatian and English language used the technique of borrowing, in this case from Latin. This is not strange because a lot of the law vocabulary derives from Latin.

The last thing I would like to mention is the difference between the words “port” and “harbour”. The term “lučka kapetanija” is translated as “Harbour Master’s Office”, while “Luke moraju udovoljavati (...)” as “Ports must meet (...)”. Although these two terms are similar, they are not the same. The main difference is that the term “port” usually implies additional facilities, while “harbour” is a natural refuge for ships.

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<sup>9</sup> <https://dictionary.archivists.org/entry/juridical-person.html>

## 5. Conclusion

In this B.A. thesis the main aim was to translate texts of different genres and topics and to present difficulties encountered during the translation process. The translating process requires profound and extensive knowledge of both the source and the target language. The process itself is very demanding and time-consuming. The whole process also requires a lot of research, especially for medical and legal terminology. In the translation of the literary text extensive research takes place, mostly regarding phrases and idioms. Despite all the resources and tools that are available to the translator both online and offline in the form of traditional dictionaries, sometimes it seems impossible to find the best translation for a particular term. The task of the translator is to, regardless of the problems encountered, successfully transfer the meaning from the source language and in a way that can be understood by the target audience, maintaining the main idea and the level of formality.

The process of translation has improved my skills of researching. At the same time, I have learned that throughout the process of translating, one can expand their knowledge and vocabulary. For a more accurate translation, the translator should always keep in mind the importance of details.

For me this process was interesting but very time-consuming. I had the ability to choose the texts that I wanted to translate. My intention was to find texts that are both interesting to me, but at the same time challenging. I have been given valuable feedback and have expanded my knowledge of the English language during the process of translation.

## 6. Appendices

### 6.1. Appendix I.

Klinička psihologija 6 (2013), 1-2, 111-124 Stručni članak -

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## PRIMJENA PRINCIPA GEŠTALT TERAPIJE U COACHINGU

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### Sažetak

Svrha ovog članka je dati sažeti pregled primjene nekih od najznačajnijih principa geštalt terapije u coachingu, relativno novoj i u Hrvatskoj nedovoljno prepoznatoj metodi profesionalnog razvoja. U prvom dijelu članka opisane su definicije coachinga, njegovi ciljevi te profil stručnjaka koji se bave ovim područjem. U coachingu je naglasak na razvoj klijentova profesionalnog selfa (npr. na razvoj poslovnih vještina, na pripremu za novu ulogu i sl.) pa je potrebno da coach u procesu rada, osim na klijenta, bude usmjeren i na klijentovu organizaciju. Uspješan coaching zahtijeva niz psihologijskih, terapijskih, konzultantskih i poslovnih znanja i vještina. U drugom dijelu članka je opisano na koji način klasični pojmovi iz geštalt terapije, poput polja, figure i pozadine, svjesnosti, paradoksa promjene, prisutnosti i kontakta, doprinose razumijevanju procesa coachinga te načina na koji stručnjak u coachingu, educiran upodručju geštalt terapije (geštalt coach), podržava promjenu i razvoj klijenta. Geštalt i coaching, prije svega, dijele pogled na klijenta kao na zdravu, cjelovitu osobu, koja je, uz adekvatnu podršku okoline, sposobna kreativno odgovoriti na zahtjeve situacije. Preduvjet promjene je klijentova svijest o situaciji u kojoj se nalazi i njeno prihvaćanje kakva jest, što dovodi do oslobađanja energije i spremnosti za nove odabire. Radu geštalt coachingu je procesan i utemeljen na dijalogu, koji coach potiče različitim tehnikama poput propitivanja, dijeljenja opažanja, eksperimentiranja, a, prije svega, svojom stalnom, autentičnom prisutnošću.

**Ključne riječi:** geštalt, coaching, svjesnost, kontakt, promjena

### UVOD

Geštalt terapija, “treća snaga” terapijskog svijeta, prakticira se u klasičnom smislu od pedesetih godina dvadesetog stoljeća. Manje je poznato kako se principi geštalt terapije



primjenjuju ne samo u klasičnom terapijskom okruženju, već i u individualnom i timskom radu u organizacijskom okruženju, u intervencijama na velikim grupama te u razvoju timova i pojedinaca. Takva se primjena najčešće vezuje uz coaching<sup>1</sup>. Coaching predstavlja jednu od najbrže rastućih profesija današnjice te jednu od vodećih suvremenih metoda u području profesionalnog razvoja rukovodstva i profesionalaca. Na razvoj coachinga djeluju brojni utjecaji različitih psiholoških, socijalnih, poslovnih i drugih teorija i praksi, što ujedno odražava i šarolikost profila stručnjaka koji provode coaching. Među njima je značajan doprinos “geštaltista” koji, na temelju osobnog iskustva rada s klijentima, izvještavaju iznimno raširenoj i uspješnoj primjeni geštaltističkog svjetonazora i načina rada u coachingu.

U zemljama Sjeverne Amerike i Zapadne Europe coaching se sustavno prakticira već gotovo dva desetljeća. Iako u Hrvatskoj postoji određen broj inicijativa i edukacija na temu coachinga te stručnjaka koji u svom radu ističu bavljenje coachingom, kao društvo smo u ranoj fazi razvoja ove profesije i metode. Postoji određenakonfuzija i nerazumijevanje toga što je coaching, iskustva u njegovoj primjeni su vrlo ograničena, a potencijalna primjena kao alata organizacijske promjene i razvojagotovo potpuno nepoznata (Popadić, 2008).

Coaching: profesija i metoda profesionalnog razvoja

### Definicije coachinga

Coaching je poluformalna metoda individualnog, pomagačkog i procesnog rada na različitim problemima vezanima uz profesionalno i rukovodno funkcioniranje. Definicije coachinga u velikoj mjeri ovise o područjima stručnosti i o iskustvu samih coacheva, odnosno stručnjaka koji provode coaching. Gotovo svim definicijama zajednički je naglasak na učenju i na razvoju povezanom s unapređenjem učinkaosobe i s postizanjem pozitivnih promjena (Bluckert, 2006). Prema jednoj od najcitiranijih definicija, coaching predstavlja pomagačku vezu formiranu između klijenta koji posjeduje upravljačku odgovornost te konzultanta. Konzultant upotrebom lepeze ponašajnih tehnika i metoda pomaže klijentu u postizanju zajednički postavljenih ciljeva usmjerenih k poboljšanju profesionalne izvedbe i osobnog zadovoljstva te, posljedično, poboljšanju organizacije koja zapošljava klijenta (Ki burg, 2000). Proces se događa unutar formalno definiranog ugovora. Prema Joyce i Sills (2010), coaching, kao i terapija, predstavlja namjerno korištenje suradničke veze u svrhu razvoja klijenta u klijentovoj osobitoj situaciji pa možemo reći da se radi o metodi temeljenoj na odnosu.

Osim u kontekstu individualnog rada, o coachingu se ponekad govori i u kontekstu rada s timovima, pa i organizacijama. U ovom članku coaching podrazumijeva individualni rad s klijentima unutar poslovnog (profesionalnog, radnog) okruženja, neovisno o vrsti i poslovanju organizacije u kojoj se coaching odvija (profitna, neprofitna, privatna, javna i druge podjele).

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<sup>1</sup> U hrvatskom jeziku nije uvriježen domaći naziv za riječ coaching

### Ciljevi coachinga

Coaching je, u prvom redu, usmjeren na profesionalne, praktične, ciljeve. Iakoproces coachinga neizbježno uključuje i usmjeravanje na klijentov osobni *self*, naglasak je na razvoju klijentova profesionalnog *selfa*, odnosno na njegovu razvoju unutar poslovnog okruženja. U usporedbi s psihoterapijom, rad u coachingu usmjeren je prema rastu i razvoju u većoj mjeri negoli prema rješavanju osobnih pitanja (Joyce i Sills, 2010). U okruženju u

kojemu brzina promjena i nemogućnost dugoročnog planiranja karijere postaju sve veći izazov, sve je izraženiji pogled na coacheve kao na agente promjene koji pomažu klijentima u tranziciji (Gray, 2006). Ciljeve coachinga možemo svrstati u sljedeće kategorije (Gray, 2006; Bluckert, 2006):

- Rad na vještinama (rukovodne, pregovaračke, vještine utjecanja i druge). Ovi ciljevi su najčešće od početka jasno artikulirani od strane klijenta; proces coachinga obično traje kratko, a klijent je u poziciji brzo primijeniti naučeno.
- Rad na izvedbi (rješavanje različitih postojećih rukovodnih i profesionalnih problema). Ovi ciljevi su uglavnom manje jasno artikulirani od strane klijenta, a rad se obično protegne nekoliko mjeseci.
- Razvoj za novu ulogu (priprema za novo radno mjesto, vođenje visokoproduktivnih timova i slično). Kako nova uloga obično zahtijeva novi set kompetencija pa i odučavanje od dijela postojećih, ovi ciljevi su također često manje jasno artikulirani od strane klijenta i rad traje nekoliko mjeseci.
- Osobni razvoj prema klijentovim interesima i zahtjevu (dovršavanje nedovršenih poslova, razvoj samopouzdanja, razvoj emocionalne inteligencije i slično). Artikulacija ciljeva od strane klijenta i trajanje procesa ovisi o specifičnom klijentu i njegovu interesu, a u procesu se može pojaviti i cilj iz već navedenih kategorija.
- Pronalaženje smisla (postizanje većeg zadovoljstva svojom ulogom, priprema za veliku promjenu i slično). Artikulacija ciljeva od strane klijenta i trajanje procesa je slično kao u prethodnoj točki.

Uzevši u obzir navedeni kontekst, proces coachinga najčešće traje nekoliko mjeseci za razliku od psihoterapijskog procesa koji se ponekad odvija i godinama. Sami sastanci obično traju dulje od onih u terapiji (u prosjeku 2 do 4 sata), ali se odvijaju rjeđe kako bi klijent u međuvremenu mogao provjeriti rezultate seanse u praksi. Na primjer, ako je tema u coachingu unapređenje klijentovih vještina utjecaja na druge, dobar način za provjeru naučenog može biti provjera uspješnosti uvođenja novog projekta iniciranog od strane klijenta, odnosno konkretna poslovna situacija kroz koju klijent može provjeriti vlastiti utjecaj na suradnike.

Jedna od osnovnih razlika između coachinga i psihoterapije je umijeće coacha da u procesu rada osim na klijenta bude usmjeren na organizaciju, odnosno na situacijske zahtjeve radnog sistema i izazove koje isti postavlja pred klijenta (Denham-Vaughan i Chidiac, 2010).

### Profil i kompetencije coacha

Na razvoj i definiranje današnjeg razumijevanja coachinga djelovali su različiti pravci, što je uvjetovalo i ponešto različito razumijevanje ovog pojma. Međutim, unatoč tim raznolikostima, postoji temeljno slaganje u određenju coachinga i karakteristikama onih koji se tim područjem bave. Naime, Hrvatska udruga za coaching je, na temelju međunarodnih standarda, definirala jedanaest specifičnih kompetencija koje obilježavaju rad profesionalnog coacha i proces coachinga. Ove kompetencije pokrivaju različita područja, poput jasnog okvira procesa (profesionalni i etički standardi, uspostava jasnog sporazuma), izgradnje primjerenog odnosa, komunikacijskih vještina te poticanja i praćenja učenja i postizanja rezultata (Coaching kompetencije, n.d.). Međutim, unatoč tom slaganju te razvidnom utjecaju i primjeni coachinga, još uvijek ne postoji međunarodno priznata formalna kvalifikacija koja bi od coachinga načinila zvanje. Naime, u praksi se coachingom bave vrlo različiti profili stručnjaka, od izvršnih direktora s izvršnim poznavanjem poslovnih procesa i organizacije

rada, preko stručnjaka u ljudskim potencijalima sodličnim poznavanjem principa učenja i razvoja, psihologa i psihoterapeuta sa znanjem i vještinama savjetodavnog i terapijskog rada, konzultanata, kao stručnjaka uvođenju samostalne prakse i prodaji usluga, do sportskih trenera usmjerenih na efikasnost i na ostvarenje ciljeva. Sva nabrojena znanja i vještine dobrodošle su u profilu coacha. Kako većina coacheva ima iste u primarno jednom ili nekoliko navedenih područja, profesionalna je dužnost svakog coacha procijeniti prostor za daljnje vlastito usavršavanje te nadopunjavati znanja i vještine koja nedostaju. Neovisno o vlastitoj temeljnoj profesiji, coachev zadatak je pomoći klijentu u razumijevanju onoga što i kako želi postići, podržati ga u razvoju, promjeni i donošenju odluka, potaknuti ga u izgradnji samopouzdanja i pozitivnog stava prema promjeni te mu pružiti fokus, validaciju i pomoć pri uviđanju različitih perspektiva (Stern, 2004).

Iako neki coachevi naglašavaju kako, s obzirom na razlike između coachinga i terapije, nije potrebno da coach posjeduje psihologijska, savjetodavna ili psihoterapijska znanja i vještine, određene činjenice govore u prilog nužnosti primjene navedenih znanja i pristupa u coachingu. Coaching je individualni, procesni rad naučenju i razvoju koji zahtijeva punu predanost u radu s klijentom i primjenu etičkih standarda. Zahtijeva niz kompetencija koje su u odnosu s dugotrajnim osobnim razvojem i radom na sebi, poput vještina slušanja, sposobnosti podrške, uspostave povjerenja i prepoznavanja vlastitih obrazaca ponašanja. Dobar coach treba odlično poznavati teoriju promjena. Treba biti u stanju prepoznati određene tipove ličnosti i patologiju poput depresije, ovisnosti, narcizma i poremećaja ličnosti koji također postoje u organizacijskom životu (Bluckert, 2006).

Velika je važnost coacheva životnog i profesionalnog iskustva. Iskustvo, uz određene predispozicije i osobine ličnosti, može u velikoj mjeri nadomjestiti nedostatak formalnog terapijskog ili psihologijskog obrazovanja u coachingu.

## Primjena principa geštalt terapije u coachingu

### Geštaltističko stajalište u coachingu

Primjenu geštalta u organizacijama pratimo već od šezdesetih godina prošlog stoljeća. Organizacijski konzultanti uviđaju kako dotadašnji principi njihova savjetničkog rada, koji se temelje na logici, sustavnom prikupljanju podataka, analizi i brižnom planiranju, postaju sve neučinkovitiji. Organizacije, kao visoko kompleksni sustavi, zahtijevaju drugačiju paradigmu. Uloga konzultanta više nije samoizražavanje i promicanje određenih vrijednosti, stavova i vještina, već korištenje istih na način da stimuliraju ili probude u klijentu aktivnost potrebnu za rješavanje problema (Nevis, 1987).

Temeljni vrijednosni stav koji zauzima geštalt u coachingu jest da klijent predstavlja cjelovitu, zdravu i snalažljivu osobu, koja ima potrebu za individualnom autonomijom i kreativnim, efikasnim djelovanjem u sistemu i njegovim trenutnim okolnostima, odnosno situaciji. Prisutnost coacha i njegova interakcija s klijentom potiču klijentovu svjesnost o onome što je ovdje i sada. Kako upravo svjesnost o onome što je postojeće donosi mogućnost drugačijih izbora, tako se i klijentov rast, učenje i razvoj događaju na granici između klijentu poznatog i nepoznatog. U tom procesu, sam klijent je odgovoran za promjenu, a uloga coacha je pomagačka. Radu geštalt coachingu se odvija primarno kroz dijalog coacha i klijenta, njihov odnosje "Ja i Ti" dijaloški odnos<sup>2</sup>.

Kako bi u svom radu djelovao u skladu s navedenim stavom, geštaltistički orijentiran coach (geštalt coach) zauzima sljedeća stajališta (prema Geštalt institutu iz Clevelanda):

- coach u procesu rada koristi sebe kao instrument;

- coach tijekom rada osigurava prisutnost koja nedostaje u klijentovu sistemu;
- coach u procesu rada koristi geštaltistički usmjerene tehnike.

Navedena stajališta složena su kombinacija coachevih osobnih vrijednosti, kompetencija i ponašanja. Za potpunije razumijevanje ovih stajališta, kao i samoga načina na koji se, iz perspektive geštalta, proces coachinga odvija i ostvaruje u svojim ciljevima, potrebno je podrobnije se osvrnuti na neke od klasičnih geštaltističkih koncepata. Autori koji su se bavili primjenom geštalta u coachingu (Bluckert, 2006; Simon 2009; Joyce i Sills 2010 i drugi) slažu se kako su koncepti polja, figure i pozadine, svjesnosti, paradoksa promjene, prisutnosti i kontakta osobito primjenjivi u coachingu.

### Polje (situacija)

Geštaltistički pristup ne podrazumijeva samo cjelovit pogled na osobu. U geštaltu, osoba i okolina ne postoje kao odvojeni entiteti, u svakom trenutku osoba jenezbježno dio polja. Geštalt terapeuti stoga usmjeravaju svoj rad prema dinamičkoj međuigri osobe s njenim fenomenološkim svijetom (Wollants, 2007). Sastav interakcija između osobe i njena fenomenološkog svijeta, koji je i jedini svijet u kojemu osoba djeluje, autori uglavnom nazivaju poljem ili situacijom. Svi teoretičari poljaslažu se u tome da je polje osnovna jedinica analize ili rada u terapiji. Ponašanje je svrsishodna aktivnost osobe u aktualnom, konkretnom polju. Osoba i svijet su utom smislu neodvojivi.

Cilj geštalt terapije, koji se može prenijeti i na područje coachinga, je podrška klijentu u stjecanju slobode da adekvatno odgovori na zahtjeve situacije, odnosno slobode da organizira svoje interakcije na način da one odgovore na zahtjeve situacije te tako dovrši zaustavljeni razvoj. Reorganizacija može značiti mijenjanje elemenata elementa u okolini, ne u samom klijentu. Ovo gledište ima radikalne reperkusije na sve aspekte života: obiteljske, društvene, političke, organizacijske (Wollants, 2007). U coachingu je možda je najradikalniji primjer kada klijent, po završetku procesa coachinga, donese odluku o napuštanju organizacije u kojoj radi.

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2 Hasidsko-židovski filozof Martin Buber u svojem eseju "Ja i ti" iz 1923. piše o vrijednosti istinskog dijaloga među ljudima

### Figura i pozadina

Geštalt psihologija je kroz svoja otkrića u polju vizualne percepcije, koja su sekasnije proširila na područje motivacije i djelovanja, značajno utjecala na razvoj geštalt terapijskog pristupa. Jedno od ranih otkrića bila je spoznaja kako osoba svojosjetni svijet doživljava na organiziran način težeći sveobuhvatnim obrascima, cjelini organizacije, spram specifičnih dijelova i elemenata. Svaki geštalt koji se formira, ujedno je i figura koja se ističe spram svoje pozadine. Uvjet za formiranje figure je otvorenost ili sposobnost da dopustimo objektima da se izdvoje iz kompleksne pozadine. Na primjer, u nekom trenutku obratimo pažnju na glasan zvuk u svojoj okolini. U suprotnom, u istom trenutku možemo biti potpuno zaokupljeni svojim mislima i ne primijetiti glasni zvuk. Figura je, dakle, predmet našeg interesa, pažnje i svjesnosti u određenom trenutku, dok je pozadina sve ostalo. Klasična premisa u geštaltu jest da potreba organizira naše polje percepcije. Kada smo gladni, vidimo samo potencijalnu hranu. Majka, koja prvi put izvede svoju bebu u kolicima u šetnju naiđe na niz stepenica pred kućom, bit će iznenađena spoznajom da te iste stepenice prije nije uopće primjećivala.

Pozadina uključuje sve ono što nije figura u određenom trenutku. Svaki element pozadine ima potencijal postati figura. Ako promatramo još šire, pozadina uključuje način na koji vidimo svijet i na koji djelujemo u njemu. Predstavlja naša uvjerenja i način razmišljanja. Samim time, pozadina uvjetuje naš pristup u stvaranju novih figura. Primjerice, ako smo po prirodi nesigurni u svoje sposobnosti, možda ćemo propustiti primijetiti zanimljiv potencijalni projekt te priliku da zamolimo šefa da nas angažira na njemu. Iz toga proizlazi da se učenje događa i kroz promjenu figure i kroz promjenu pozadine. Coaching svoj puni potencijal ostvaruje kada se događa na dvije razine: kroz pomaganje klijentu u rješavanu tekućih problema (figure) te kroz njegov cjelokupni razvoj kao pojedinca (pozadine) (Bluckert, 2006). Na primjer, klijent, kao temu ili figuru u coachingu, može iznijeti problem "neposlušnog" suradnika, koji odbija izvršavati određene zadatke. Istovremeno, u pozadini, može osvještavati kako je ovaj problem povezan s njegovim nedostatno razvijenim vještinama utjecanja na druge ljude.

### Svjesnost i paradoks promjene

Geštaltistički pristup je rad u sadašnjosti, rad ovdje i sada. Podrazumijeva svjesnost o tome što se trenutno zbiva, izoštravanje trenutne figure. Svjesnost je uvjet za formiranje figure. Geštalt ima jedinstven pogled na poimanje svjesnosti i promjene ponašanja na način da vjeruje kako postoji izravna povezanost između stupnja svjesnosti i potencijala za nove izbore ponašanja, odnosno za promjenu (Simon, 2009). Prema njenu autoru Beisseru (1970), paradoksalna teorija promjene kaže da se promjena događa onda kada osoba prihvati ono što jest, a ne kada pokušava biti ono što nije.

Paradoksalna teorija promjene ključ je razvoja i učenja u procesu coachinga. Osnovna intervencija u coachingu je jasno usmjeravanje pažnje na ono što već postoji u sadašnjosti za klijenta, na njegovu trenutnu situaciju, što, paradoksalno, ima za rezultat iskustveni pomak prema nečem novom. Vjerujući u paradoksalnu teoriju promjene, coach iskazuje poštovanje prema klijentu na način da ga podržava u pronalasku vlastitih odgovora na pitanja o tome što klijent želi i kako će doći dotoga. Dakle, zadatak coacha u coachingu je kroz pravodobne intervencije, primjerice propitivanje, opažanje, eksperiment ili druge, proširiti polje svjesnosti klijenta i omogućiti mu otvaranje nove perspektive o temi koju je donio u proces ili koja se razvila, iskristalizirala, kao figura tijekom samog procesa. Na taj način, svjesnost trenutnoj situaciji u kojoj se klijent nalazi predstavlja izvor informacija iz kojih klijent donosi izbor o svojem daljnjem usmjeravanju i djelovanju i iz koje se, kroz neometan i, s coacheve strane, podržan tijek procesa, potom razvijaju nove figure.

Iz navedenog proizlazi kako coach, da bi bio uspješan, treba biti svojevrsan stručnjak u svjesnosti koji u radu koristi upravo sebe kao instrument pružajući i potičući u procesu rada svijest o onom što je u tom trenutku prisutno. Proces neometanog tijeka svjesnosti u coachingu moćan je proces koji se uglavnom događa kroz izravne opservacije klijentova sistema i opisnog izvještavanja o pronalascima od strane coacha (Stevenson, 2005). Coach tijekom coachinga, na neki način, djeluje kao ogledalo klijentu; promatra i selektivno dijeli s klijentom ono što vidi, čuje i osjeća, izoštravajući jasnoću klijentovih refleksija. Opservacija se može odnositi na verbalni, kao i na neverbalni sadržaj.

Coach i klijent kreiraju tijekom procesa coachinga jedinstvenu situaciju. Stoga je druga varijanta prethodno navedene intervencije, selektivno dijeljenje vlastitih iskustava; osjećaja, senzacija i misli od strane coacha. Preduvjet uspješne upotrebe intervencije je da coach, osim o klijentu, vodi računa o vlastitim iskustvima tijekom seanse, odnosno da je u kontaktu sa sobom tijekom coachinga. Ovo je složena vještina koja u pravilu zahtijeva kontinuiran rad na sebi.

Osim dijeljenja vlastitih opažanja, standardna tehnika koja se koristi u coachingu s ciljem poticanja dijaloga i osvještavanja trenutne situacije je propitivanje klijenta. Primjeri najčešće korištenih pitanja su pitanja otvorenog tipa: “Čega ste svjesni u ovom trenutku?”, “O čemu sada razmišljate?”, “Što se sada događa?”, dakle pitanja “Što” i “Kako”. Treba napomenuti kako i druga pitanja, koja nisu nužno povezana s “ovdje i sada”, nalaze svoje mjesto u coachingu kada je prikladno: indirektna pitanja (“Čini mi se da...”, “Je li moguće da...?”), hipotetička pitanja (“Što ako...?”), pitanja usmjerena na resurse (“Kako ste riješili sličan problem prije?”), kao i pitanja poput: “Na skali od jedan do deset kako biste ocijenili...?”, pitanja kojazapočinju sa “Zašto”, u pravilu se izbjegavaju.

## Prisutnost

Prisutnost u geštalt coachingu nije neutralna prisutnost (Bluckert, 2006). Ona podrazumijeva terapeutovu potpunu prisutnost u procesu u sada i ovdje, sa željom za iskrenim i autentičnim susretom s klijentom (Radionov, 2008). Pozicija prisutnosti pruža specifičan pristup rješavanju klijentovih problema. Umjesto nuđenja savjeta klijentu s ciljem rješavanja problema, coach stavlja veći naglasak na dijalog s klijentom s ciljem osvještavanja samog problema. U skladu s paradoksalnom teorijom promjene navedeni pristup imaće za rezultat iskustveni pomak prema kreativnom rješenju.

Prisutnost je nužna za uspostavu povjerenja između klijenta i coacha, za uspostavu dijaloškog odnosa te za provedbu svrsishodnih i smislenih intervencija. Povjerenje vodi ka stvaranju podržavajućeg, psihološki sigurnog prostora u kojem klijent može jednostavno biti, spram nešto morati. Coach ostvaruje podržavajući prostor za klijenta svojom sposobnošću da popuni svaki trenutak u radu pozitivnom tišinom i opuštenom pažnjom, trpeći po potrebi anksioznost i strpljivo dopuštajući da njen izvor ispliva na površinu. Podržavajući prostor doprinosi stvaranju uvjeta u kojima će klijent moći u sigurnom prostoru eksperimentirati s novim konceptima ponašanja.

Svaki coach prisutan je u situaciji coachinga na jedinstven način, u skladu s osobnim vrijednostima i kompetencijama. Ipak, određene vrijednosti i kompetencije osobito potiču promjenu i razvoj klijenta pa je poželjno da budu dio coacheve prisutnosti. Prema Nevisu (1987), većina ovih vrijednosti i kompetencija vezana je uz podršku i poispješavanje neometanog tijeka svjesnosti i uspostavu kontakta. To su: sposobnost usmjeravanja na tekući proces, s vjerom u prirodan razvojni slijed; osjetljivost na osjetno, fizičko funkcioniranje sebe i drugih te podešavanje prema vlastitim emocionalnim reakcijama i reakcijama drugih. Nadalje, poželjno je da je coach u stanju pokazati poštovanje za rad sa sistemom te pri korištenju intervencija uzeti u obzir značajan utjecaj konteksta. Važne su vještine izražavanja i vođenja dijaloga, poput odvajanja podataka od interpretacije, naglašavanja ne prosudbenih opažanja, sažetog, jasnog i izravnog izražavanja. S emocionalno nabijenim situacijama vješt coach se suočava s minimumom obrambenosti. Ponašajući se u skladu s navedenim vrijednostima i vještinama, primjerice, slušajući bez prosuđivanja, ili usmjeravajući se na način na koji klijent opisuje određenu situaciju, umjesto namnoštvo informacija, coach djeluje i kao snažan model ponašanja klijentu u razvoju vlastite prisutnosti ovdje i sada.

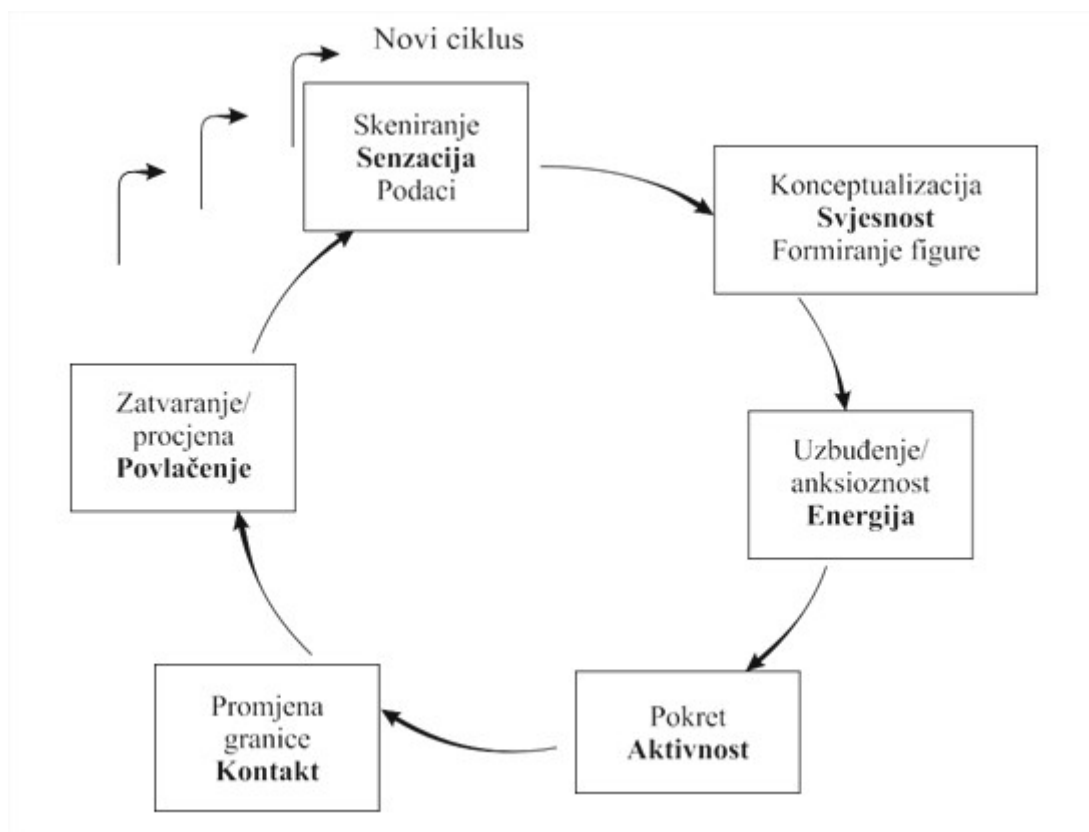
Prisutnost je najvećim dijelom uvjetovana stupnjem integracije između onoga što coach govori i toga kako živi. Coach kao osoba treba biti sukladan ili kongruentan; izgledati onako kako se osjeća, govoriti onako kako se osjeća i kako mislite djelovati u skladu s onim što kaže. Klijenti prepoznaju visok stupanj integracije, osjećaju se zainteresiranima, znatiželjnima i angažiranima za rad pa efekt obično ne izostaje (Bluckert, 2006).

## Kontakt

Svako naše iskustvo “svijeta” događa se na granici kontakta. Granica kontakta je psihološko mjesto na kojem se psihofiziološki organizam ljudskog bića, odnosno osoba, susreće sa svojim okruženjem i razmjenjuje s njim energiju, materijale i informacije (Dreitzel, 2010). Kontakt je kreativna prilagodba organizma u okolini (Perls, Hefferline i Goodman, 1951) te osnova promjene i rasta osobe. Kao takav zauzima jedno od centralnih mjesta u coachingu. Kontaktiranje je raznoliki bipolarno, na način da svaka varijanta predstavlja kontakt, bez vrednovanja kao “dobrog” ili “lošeg” kontakta, na primjer približavanje i udaljšavanje, uključivanje i distanciranje i slično (Pearls i sur., 1951).

Kontakt je u svojoj osnovi nedjeljiva cjelina koja se za potrebe teorijskog razmatranja može predstaviti kao fazni proces ili ciklus kontakta. Ciklus kontakta predstavlja model zdravog funkcioniranja zadovoljenja potrebe. Najčešće je predstavljen kao proces u šest koraka, kako je prikazano na Slici 1.

Proces započinje senzacijom, nastavlja se pojavljivanjem svijesti i formiranjem figure. Svijest rezultira mobilizacijom energije potrebne za ciljani kontakt s okolinom. Kontaktom se potreba zadovoljava pa dolazi do povlačenja. Proces kontakta se može prikazati i u obliku vala, pri čemu je energija u prvim fazama procesa kontakta niža, raste do svog maksimuma u punom kontaktu te naglo opada u fazi postkontakta. Propusnost granice također je na svom maksimumu u trenutku punog kontakta.



Slika 1. Ciklus kontakta (prilagođeno prema Siminovitich i Van Eron, 2006)

Ciklus kontakta služi kao orijentacijski model tijekom seanse coachinga (Bluckert, 2006). U tipičnoj seansi u coachingu klijentu u početku treba vremena da dođe u dodir sa svojim potrebama, odnosno da se prava figura iskristalizira. Ponekad klijent nudi različite sadržaje, ili djeluje nezainteresirano i neangažirano. U ovoj fazi coach često doživljava osjećaj

nejasnoće i konfuzije i pita se na što se usmjeriti. Zadržavajući se u fazi svjesnosti ciklusa kontakta, upotrebom prije navedenih intervencija, promatranja, selektivnog dijeljenja svojih opažanja o situaciji ili propitivanja, coach se usmjerava na energiju klijentova sistema te na pojavu ili na izostanak teme na koju je energija usmjerena. Ako coach i klijent ostanu dovoljno dugo u ovoj fazi, jedna od figura se izoštri. Znakovi koji upućuju na to da je prava tema otvorena često je kvalitativna promjena u angažiranosti klijenta za temu ili “aha” doživljaj.

U trenutku kada se figura izoštri, energija se mobilizira i klijent je spreman za iduću fazu ciklusa, za aktivnost. Cilj aktivnosti je kontakt klijenta sa srži problema, a zadatak coacha je podržavanje jasnog, smislenog i pojačanog kontakta klijenta stemom. Aktivnost može biti sam razgovor o temi ili eksperiment. Ako se, primjerice, kao figura u prethodnom primjeru iskristalizirao strah od gubitka posla, s klijentom možemo razgovarati na temu što bi mu gubitak posla značio. U ovoj fazi klijent može imati potrebu komentirati i odnos s coachem, u pozitivnom ili negativnom smislu, što je dobrodošla pojava.

U fazi povlačenja i zatvaranja potrebno je klijentu ostaviti prostora i vremena da podvuče crtu i verbalizira najznačajnije uvide iz dotadašnjeg rada. Zadatak coacha je pomoći klijentu u postizanju pojačane svjesnosti o cjelokupnom dovršenom procesu te u zatvaranju problema, odnosno nezavršenog posla. U procesu coachinga posebno je važna konstruktivna upotreba negativne povratne informacije i neuspjeha na način koji podiže klijentovo znanje o sebi i podržava održivo učenje i promjenu. Pravilno artikuliran neuspjeh može dovesti do vrjednijih lekcija od uspjeha (Siminovitch i Van Eron, 2006).

#### Primjena navedenih principa u praksi

Principe navedene u ovom članku ilustrira sljedeći kraći primjer.

Voditeljica odjela postaje klijentica geštalt coacha, te zajedno s njim kao cilj coachinga definira unapređenje klijentičinih vještina upravljanja vremenom i radnim zadacima. Tijekom razgovora s coachem, žali se na nedostatak discipline članova tima.

Coach: “Kada kažete da u vašem timu nedostaje discipline, na kojeg se člana tonajviše odnosi, koga imate pred očima?”

Klijentica (nakon kraće stanke) “Na Petra. Jedan je od najiskusnijih, ali i najnemarnijih članova tima.”

Coach: “Kako izgleda kada je Petar nemaran?”

Klijentica: “Postoje dnevni, rutinski izvještaji za koje je zadužen. Ipak, svaki izvještaj moram dodatno provjeriti, jer mu se potkradaju banalne greške. To provjeravanje mi oduzima jako puno vremena, koje ionako nemam (*lupkaprstima po stolu*).”

Coach: “Čini mi se da vas ta situacija ljuti.”

Klijentica: “Jako me ljuti. Trebao bi sam provjeriti izvještaj. Svaki put ga lijepo upozorim na to, on obeća da će drugi put provjeriti, ali kao da su moje riječi bačene u vjetar, nakon svega opet ista priča. Zapravo, nema ni motiva promijeniti se (*uzdahne*). Zna da ću opet sama ispraviti, a da za njeganeće biti nikakvih posljedica. Inače je vrlo sposoban radnik pa mu dajem najviše ocjene, iako ih ne zaslužuje”.

Coach: “Što bi se dogodilo kada biste mu umanjili ocjenu?”

Klijentica: “Ne bi mu bilo drago, ali vjerujem da bi ga potaklo na razmišljanje. A jabihi skinula teret s leđa. I dobila dragocjeno vrijeme za druge stvari. Ili zasebe. Možda bih napokon mogla otići kući u neko prikladnije vrijeme.”

Coach: “Čini mi se dobar osjećaj skinuti teret s leđa. I dobiti više vremena za sebe.” Klijentica (*smiješi se*) “Pa da. Probat ću tako.”



U ovom primjeru vidimo kao coach propitivanjem i dijeljenjem svojih opažanja podržava klijenticu u osvješćavanju ljutnje i mobiliziranju energije prema promjeni ponašanja.

## ZAKLJUČAK

Cilj ovog članka je prikazati mnogostruke mogućnosti primjene principa i dobrih praksi geštalt terapije u coachingu. Geštalt i coaching, prije svega, dijele pogledna klijenta kao na zdravu, cjelovitu osobu, koja je, uz adekvatnu podršku okoline, sposobna kreativno odgovoriti na zahtjeve situacije i kroz te se odgovore mijenjati i razvijati. Temeljno poštovanje klijenta u radu coachinga očituje se kroz dijaloški, "Ja i Ti", odnos klijenta i coacha te kroz prihvaćanje klijentove odgovornosti za promjenu. Preduvjet promjene je klijentova svijest o situaciji u kojoj se nalazi i njeno prihvaćanje kakva jest, što dovodi do oslobađanja energije i spremnosti za nove odabire.

Klasični geštaltistički pojmovi poput polja, figure i pozadine, svjesnosti, paradoksa promjene, prisutnosti i kontakta u velikoj mjeri doprinose razumijevanju onoga što se događa u procesu coachinga i načina na koji geštalt coach podržava promjenu i razvoj klijenta. Geštalt coach pruža podršku klijentu, koristeći sebe kao instrument, osiguravajući svoju prisutnost u radu i pomažući klijentu u završavanju nedovršenih poslova i u pomaku prema novome. Vještine fokusiranja na tekući proces, osjetljivost na vlastito i klijentovo funkcioniranje, otvoreno, jasno opažanje i izražavanje te, prije svega, konzistentnost i sukladnost vlastitog ponašanja i sustavavrijednosti, potiču razvoj odnosa povjerenja u kojem će, kroz pravodobne i kreativne intervencije coacha, poput dijeljenja vlastitih opažanja, propitivanja klijenta i eksperimenta, klijent ostvariti kontakt i razvoj.

U Hrvatskoj je geštaltistički pristup coachingu trenutno zastupljen uglavnom kroz privatnu praksu nekoliko educiranih coacheva i geštalt terapeuta te internih organizacijskih stručnjaka u profitnom i neprofitnom sektoru. Preduvjet za njegov, kao i za daljnji razvoj ostalih pristupa coachingu je dodatno profiliranje ove profesije kroz kontinuirano unapređivanje stručnih kompetencija coacheva te umrežavanje stručnjaka koji se njome bave. Neovisno o svojoj temeljnoj struci, važno je da coachevi sažimaju i dijele svoja razmišljanja, opažanja i iskustva kroz stručne radove.

### 6.2. Appendix II.

Došlo je proljeće. S ljepšim vremenom nije se proljepšao moj život. Dujina pisma proteklih su se mjeseci prorijedila. Brinulo nas je što se više ne javlja redovno. Krajem travnja došao sam kući. Pozdravio sam se s roditeljima i krenuo u svoju sobu raspakirati stvari kao što sam uvijek činio. Otac je ušao za mnom. - Stiglo ti je pismo... Od Duje... Uvijek me zanimalo zašto piše meni, a ne tebi. Ipak ste vas dvojica trebali biti bliski... Da ne duljim, pročitao sam ga. Toliko sam bio uzbuđen kad sam ugledao njegov rukopis da nisam ni obratio pažnju na koga je naslovljeno. Pa ipak, da ti iskreno priznam, i da sam vidio, isto bih ga pročitao - rekao je dok mi je pružao podeblju omotnicu. Uzeo sam je rukom koja je drhtala. Otac se bez riječi povukao i zatvorio za sobom vrata. Sjeo sam na krevet, otvorio omotnicu i počeo čitati. Ivane, dugo sam razmišljao da li da napišem ovo pismo. Pitao sam se ima li to ikakvog smisla. A onda sam odlučio da ga ipak napišem. Možda ćeš ga čitati s podsmijehom i uživati u mojim patnjama kao i toliko puta do sada. Ali, doći će vrijeme kad ćeš me doista razumjeti, a onda ti neće biti smiješna sva ona silna poniženja koja si mi priređivao. Znao sam koliko me uživaš ponižavati,

kako svu svoju negativnu energiju usmjeravaš prema meni. Ja sam samo šutio i patio. A što sam mogao učiniti? Mogao sam te tužiti tvom ocu, reći ćeš, on bi mi sigurno pomogao. Ali nisam mogao, vjeruj mi. Da bi me bolje razumio, ispričat ću ti svoj život prije nego što si me upoznao. Rodio sam se u Splitu kao mlađe dijete Marije i Jakova. Imao sam brata tek godinu dana starijeg od sebe. Majka je bila domaćica, a otac je radio u brodogradilištu. Posao mu je bio težak, ali pristojno je zarađivao. Mogli smo plaćati podstanarski stan i skromno živjeti. 78 Moj otac, iscrpljen teškim cjelodnevnim radom, znao je ponekad zaviriti dublje u čašicu, a tada bi u našoj kući nastajao pakao. Znao bi porazbijati tanjure i čaše, iskrenuti netom skuhanu večeru u sudoper, izbaciti sve iz ormara... Nije bila rijetkost da svoje nezadovoljstvo iskaljuje batinama. Uglavnom je stradavala majka, a znao bi se i nas dvojice dohvatiti. U trijeznom stanju bio je kruh od čovjeka. Vodio bi nas nedjeljom na izlete, u kino i na sladoled. Kada bi majka poplavjela od njegovih udaraca, otriježnjen, na koljenima bi je molio za oprost, donosio bi joj cvijeće i čokoladu i ona bi mu sve opraštala duboko uvjeren da je to posljednji put što ju je udario. Moj brat Ivan, zvao se baš kao ti, bio je moja čista suprotnost. Dok sam ja bio tih i povučen, on je bio veseo i neobuzdan. Uvijek je bio spreman zabaviti druge i svi su ga voljeli. Čak i kada bi se prvi put pojavio u nekom društvu, odmah je preuzimao ulogu vode i organizatora. I svi su ga odmah prihvaćali. Siguran sam da su i moji roditelji bili privrženiji njemu nego meni. Rastao sam u njegovoj sjeni i nisam ga mrzio zbog toga, naprotiv, obožavao sam ga. Slijedio sam ga poput psa, bio je moj idol, zvijezda koja najjače sja. Volio je i on mene. Vodio me svagdje sa sobom, nikada od roditelja nije tražio nešto samo za sebe, uvijek je to bilo za nas obojicu. U očevim mračnim raspoloženjima sklanjali bismo mu se s puta. Nastojali smo biti tihi i nenametljivi da njegov bijes ne okrenemo protiv sebe. Ivan je pošao u školu i dobro se snalazio. Bio je miljenik kako učitelja tako i učenika. Sljedeće godine krenuo sam i ja. Svima me ponosno predstavljao kao svoga mlađega brata. Čekao bi me ispred škole da zajedno idemo kući. Držao bi me za ruku dok bismo prelazili cestu i uvijek ponavljao: - Nikada ne smiješ pretrčavati cestu. Možeš se poskliznuti i pasti, tada te auto može lako pregaziti. Cesta se prelazi kad nema nijednog automobila i to brzim korakom. - I danas, kad prelazim cestu, uvijek se sjetim tih njegovih riječi. Te večeri bili smo posebno dobro raspoloženi. Satima me uveseljjavao jer sam dobio negativnu ocjenu iz matematike. Bio sam u trećem razredu i to mi je bila prva negativna ocjena u cijelom školovanju. Ivan je pravio svakojake grimase, glumio majmuna, pričao mi šaljive događaje iz svog razreda... Tuga zbog jedinice je prošla i ja sam se kao lud smijao njegovim šalama. To mi je bio posljednji put da sam se iskreno, od srca smijao. Otac je banuo u sobu i mi smo u trenutku utihnuli. - Smijete se meni? Meni koji vas kruhom hranim? - jezik mu je zaplitaio. - Nisam ja kriv. Ivan me nasmijava - rekao sam prestrašeno, a on se bijesno okrenuo prema Ivanu. - Dakle tako. Moj dragi sin izigrava budalu - rekao je i snažno zamahnuo. Nije pazio gdje udara, na Ivanovo krhko desetogodišnje tijelo udarci su pljuštali sa svih strana. Rukama je štitio glavu, dok su mu ostali dijelovi tijela nemilosrdno stradavali. Gledao sam kao okamenjen. Oči su mi se raširile od užasa. Ne znam koliko je vremena prošlo dok sam užasnut promatrao. A onda, odjednom, to više nisam mogao gledati. Skočio sam ocu na leđa i, iako mu onako nejak nisam mogao nauditi, ipak sam ga omeo. Ivan je to iskoristio i kliznuo kroz vrata. Otac je mlatarao rukama kao da tjera dosadnu muhu. Uspio se osloboditi. Opalio mi je strahovitu pljusku koja me srušila na pod. Više se nije obazirao na mene. Izašao je van. Ja sam polagano ustao i oteturao do kreveta. Sklupčao sam se na njemu i dugo jecao. Vjerojatno od šoka, zaspao sam. Probudila me strašna vriska. Moja je majka urlikala kao ranjena zvijer. Istrčao sam iz sobe u želji da joj pomognem. Nisam mogao dozvoliti ocu da se tako iživljava. Ušao sam u kuhinju i zastao kao ukopan. U njoj su se nalazila dva policajca. Majka je čupala kosu i jaukala. 80 Ivan je poginuo petstotinjak metara od našeg stana. Vozač kamiona poslije

je pričao: - Stvorio se niotkud. U istoj sekundi sam ga vidio i ubio - glas mu se lomio od bola. I zaista. Policijska provjera dokazala je da je čovjek vozio samo 47 kilometara na sat. Bio je trijezan i oslobođen svake krivnje. Znao sam kako se čovjek osjeća iako je dokazano da je nevin. Slika djeteta koje je pregazio bit će mu pred očima cijeloga života, baš kao i meni slike te užasne večeri čiji sam svjedok bio. Poslije tog nesretnog događaja oca sam vidio još samo jednom, na Ivanovoj sahrani. Poslije sahrane je otišao i nikada ga više nisam vidio. Majka je patila, svakim danom kao da je postajala sve manja. Nestajala je pred mojim očima. - Sve je to na psihičkoj bazi - govorili su liječnici koji su dolazili na moje pozive. - Kada prođe prvi val tuge, oporavit će se. Shvatit će da još ima za koga živjeti - bile su to riječi koje mene nisu mogle utješiti. Znao sam da je Ivan uvijek bio njezin ljubimac. Tu školsku godinu završio sam u Splitu, a onda smo bili prisiljeni na preseljenje. Majka nije nikada radila, a sada više nije bila sposobna za bilo kakav posao. Ono malo uštedevine što smo imali topilo se kao snijeg na proljetnoj kiši. - Imam kućicu na selu - rekla mi je. - Tamo nećemo nikome smetati. I tako smo se, prisiljeni strašnom nesrećom, doselili u tvoje susjedstvo. Majka je sve više kopnila. Nije željela ozdraviti, željela je umrijeti. I umrla je od tuge. Došavši u selo, prva osoba koju sam upoznao bio si ti. Stajao sam kao gromom ošinut. Toliko si nalikovao mome Ivanu. Imate čak i isto ime. Samo ste u jednom bili potpuno različiti. Ti si prema meni uvijek bio zao, a on dobar da bolji nije mogao biti. U tebi sam vidio svoga Ivana. Zamišljao sam da si ti on. Želio sam da si ti on. Ali ti nikada nećeš 81 biti kao on. Dugo mi je trebalo da to shvatim jer uvijek sam se nadao da ćeš se promijeniti. Sad, vjerujem, shvaćaš zašto te nikad nisam tužio tvom ocu. Kako da te tužim kada je jedna prestrašena dječja rečenica odvela moga brata u smrt. 1 dan danas osjećam krivnju i uvijek ću je osjećati. Jer, da sam šutio one večeri... Postajao sam zreliji i bolje sam shvaćao stvari. Krivnja će u meni ostati zauvijek, ali njen je intenzitet malo, samo malo, ali ipak oslabio. Krivnja je otjerala mog oca, krivnja je ubila moju majku, a krivnja je uništavala i moj život. Poslije majčine smrti nisam više imao nikoga. Samo tvog oca. On je najbolji čovjek što ga je svijet dao. Nakon proslave u povodu završetka srednješkolskog školovanja tumarao sam ulicama zaslijepljen od bola. Nisam imao kamo otići. Nisam se imao kome izjadati. Nisam imao nikoga kome bih kao malo dijete plakao na ramenu. Pomišljao sam na samoubojstvo i ta mi se ideja činila tako privlačnom. I bio sam samo korak od toga da zaista to i učinim, a onda sam sjeo u kafić da popijem kavu. S radija su dopirale vijesti o stradavanju hrvatske države i naroda u ratnom vihoru koji se širio poput požara na vjetru. I tada sam odlučio. Prijavit ću se u vojsku kao dragovoljac. Nisu me puno propitkivali. Želio sam na ratište i to im je bilo dovoljno. Bio im je potreban svaki čovjek. Već deset mjeseci sam na ratištu. Neću te gnjaviti pričama što sve doživljavamo ovdje, Želio sam samo da ti objasnim onaj dio mog života koji je direktno ili indirektno vezan za tebe. Vjerujem da ti je sada mnogo toga jasnije. Duje Čitao sam ponovno i ponovno njegovo pismo, uživajući u patnji koju su njegove riječi izazivale u meni. O Bože, što bih dao da mo82 gu vratiti vrijeme unatrag? Toliko bih toga promijenio. Ali, na žalost, vrijeme ne možemo vratiti. Što smo učinili, učinili smo i to se ne može izbrisati. Ostaje zauvijek. Lagano kucanje na vratima trgnulo me iz razmišljanja. - Možemo li sad porazgovarati? - upitao me tiho otac. - Volio bih - kratko sam odgovorio. Sjeo je na krevet, pored mene, i čekao. - Dugo će potrajati. Ne znam imaš li vremena? - Znaš, sine, ako to da sada nisi shvatio, ja uvijek imam vremena za sve one do kojih mi je stalo. - Znam, tata. Oprosti... Najbolje da počnem iz početka... Ispričao sam mu sve čega sam se mogao sjetiti, počevši od onoga dana kad sam upoznao Duju. I nisam se štedio. Pričajući, često bi mi glas zadrhtao i suza potekla iz oka, ali sam hrabro nastavljao dalje. Tek kada sam završio, primijetio sam da sjedimo u potpunom mraku. Ustao sam i upalio svjetlo. Moj otac izgledao je kao potpuno slomljen čovjek. Sjedio je poguren, glave uvučene duboko u ramena, lakte je naslonio na koljena i lice zario u šake. Očekivao sam

njegovu osudu. Zaslužio sam je. - Ne znam... Kako...? Gdje li sam toliko pogriješio? - izašao je. Odjednom je izgledao kao starac, napola mrtav čovjek. Ostao sam sjediti u sobi, sam sa svojim bolom. Pred zoru san me ipak savladao. Zaspao sam prethodno odlučivši da moram pronaći Duju. Imao sam polaznu točku, znao sam daje u vojsci. Bila je to igla u plastu sijena, mogao je biti bilo gdje u Lijepoj našoj, ali morao sam ga pronaći. Tog vikenda otac sa mnom nije progovorio ni riječi. Čak mi se činilo da ne može podnijeti moju prisutnost. Nisam ga okrivljavao zbog toga. Jedva sam i sam sebe podnosio. Nisam mogao dočekati da se vratim u svoj podstanarski stan u Zagrebu, dohvatim telefon i počnem tražiti Duju. Čim sam stigao, zasjeo sam na telefon, zvao sam sve moguće urede za obranu i posrećilo mi se iz devetog puta. Saznao sam u kojoj se brigadi nalazi. Osjetio sam golemo olakšanje. Bio sam korak do cilja. Nisam mogao saznati gdje se trenutno nalaze, bila je to vojna tajna, ali za otprilike dvadesetak dana trebali bi se vratiti u Split. Nestrpljivo sam očekivao njihov povratak. Križao sam dane na kalendaru i uvijek iznova brojio koliko ih je još ostalo. Ništa drugo nije moglo zaokupiti moju pažnju. Brojio sam dane, sate i minute. Napokon je došao i taj dan. Nazvao sam Ured i saznao da se Dujina brigada vratila tog jutra. Odmah sam se uputio zaobilaznim putovima u Split. Putovao sam 11 sati. U bazi je bilo mnogo umornih vojnika. Sjedili su na travi i odmarali se. Vladala je neuobičajena tišina za toliko mnogo ljudi. Pristupio sam jednoj grupici i upitao za Duju. Čudno su me gledali, a onda je jedan ipak progovorio: - Obratite se zapovjedniku. Naći ćete ga ondje - pokazao je prstom prema jednoj baračici. Uputio sam se tamo, pokucao sam i ušao. - Dobar dan. Poslali su me k vama. Tražim jednog vašeg vojnika. Zove se Duje Marasović - trudio sam se djelovati hrabro dok mi se hladni znoj skupljao na čelu. - Tko ste mu vi? - Brat. Godinu dana stariji brat - odgovorio sam. Naglo se zagledao u papire ispred sebe, a onda, nakon nekoliko trenutaka, opet podigao glavu i pogledao me. - Sjednite... Nisam znao da ima rodbinu... - petljao je, a ja sam sjeo na ponudenu mi stolicu jer sam mislio da ću se u protivnom srušiti. - Molim vas... Gdje ga mogu naći? - Zao mi je, mladiću... Doista mi je žao... - Nije mu se valjda nešto dogodilo? - mrtvačko bljedilo obojilo mi je obraze. Uhvatio sam se objema rukama čvrsto za stolicu. 85 - Na žalost... - Sto? Recite! - gotovo sam urlao. - Jučer je poginuo... - vrtio je glavom kao da ni sam ne vjeruje u ono što govori. Pokušao je krišom obrisati izdajničke suze koje su mu se pojavile u očima. - Kako...? - pokušao sam saznati što se dogodilo, ali riječi nisu izlazile iz grla. Htio sam postaviti tisuću pitanja, želio sam ga moliti da povuče svoje riječi... - Žao mi je... - osjetio sam njegovu ruku na svom ramenu. Pogledao sam ga i tek tad počeo shvaćati. Vidio sam po njegovom držanju, njegovom pogledu prepunom bola i rukama koje su se tresle... - Hoćete li mi reći... kako se to... dogodilo? - moj glas nije bio moj. - Hoću, mladiću... Jasno da hoću. Najprije ću nam skuhati dobru, jaku kavu, a onda ću vam sve ispričati. Dok je on kuhao kavu, ja sam sjedio ni živ ni mrtav. Nisam mogao ni plakati ni vrištati, samo sam osjećao golemu prazninu. Servirao nam je kavu i sjeo na svoje mjesto. - Bio je to krasan dečko. Malo se takvih sreće... Voljeli smo ga... - Strašno je gledati žene kad plaču, ali gledati tog četrdesetogodišnjeg diva od dva metra i preko stotinu kilograma kako plače bilo je naprosto jezivo. Nakratko je zašutio pokušavajući se sabrati. - Proteklih nekoliko dana bili smo na slavonskom bojištu. Bilo je strašno, tukli su nas sa svih strana i iz svih raspoloživih sredstava. Odolijevali smo četiri dana, a onda smo bili prisiljeni na povlačenje... U pomoć su nam došli momci iz Sedme gardijske i tako, uz njihovu pomoć, uspjeli smo se puževim korakom domoći malo sigurnijeg područja... Prebrojavali smo se i međusobno tražili. Duje je dotrčao sav zadihan do mene: - Gospodine zapovjedniče, nema Ivana! - Ivan je bio njegova opsesija. Govorio je da ga podsjeća na njemu drage dvije osobe. Je86 dna od tih osoba bila je jako dobra, a druga jako zločesta. Govorio nam je da će doći vrijeme kad će i ta druga osoba shvatiti. Postat će jednako dobra kao i prva. Nismo znali o kome se radi, tko su te dvije osobe, odnosno tko su ta dva

njegova prijašnja Ivana. I tako, kad je dotrčao do mene, pošli smo zajedno tražiti Ivana po logoru. Nigdje ga nije bilo. - Moram ga naći, gospodine zapovjedniče! Ako ga ne nađem, osjećat ću se kao da sam iznevjerio samoga sebe. Moram ga pronaći! - Vrtio se u krugu držeći se rukama za glavu. Pokušavao sam ga umiriti: - Ivan je tu negdje, samo ga mi u ovoj sveopćoj gužvi ne možemo naći. Nismo ga uspjeli pronaći ni sljedećih pola sata, a onda sam organizirao potragu za njim. Svi smo ga tražili, došli smo nadomak bojišnice, ali Ivana nigdje nije bilo. Vratili smo se umorni i iscrpljeni natrag u naš logor. Spustio se mrak, u daljini smo još uvijek čuli strahovitu buku, pucalo se s obje strane svim raspoloživim sredstvima. U stanju u kojem smo bili nismo bili ni za što, nismo bili sposobni pošteno hodati, a kamoli ratovati. Bili smo silno iscrpljeni nakon neprestane četverodnevne borbe. Umireni prisustvom Sedme gardijske brigade koja nas je zamijenila na prvoj crti bojišnice, pozaspali smo... Svi osim Duje. Netko me uporno potezao za ruku, budio sam se nesvjestan gdje se nalazim. Do mene je stajao Ivan, pokušavajući me nadljudskom snagom probuditi. - Duje... pomozite... mu - Ivan je teško disao, a onda se srušio pored mojih nogu. Odjednom sam sve shvatio. Duje je ranjenog Ivana dovukao do našeg logora i pritom i sam stradao. U trenu sam podigao uzbunu u logoru. Liječnik se odmah pobrinuo za Ivana koji je bio u nesvijesti, a mi ostali krenuli smo tražiti Duju. Bio je tek nekih pedesetak metara udaljen od našeg logora. Ja sam ga pronašao. Uspio mi je reci samo par riječi: - Ivan... našao sam... ga... - blagi osmijeh zatitrao mu je na usnama i ostao zauvijek na njegovu licu. Ostavio nas je naš Duje, otišao je na put bez povratka. Pogodio ga je metak dok je izvlačio ranjenog suborca. Nikada sebi neću oprostiti što sam zaspao... i nisam mu pomogao. Zapovjednik je prekinuo svoju priču. Brisao je suze svojim velikim šakama. Plakali smo tako u tišini sjedeći jedan nasuprot drugom u maloj baraci. - Kada je Ivan došao k svijesti - potrajalo je dok je uspio nastaviti svoju priču - ispričao nam je što se dogodilo. Prilikom povlačenja pogodila su ga dva metka, jedan u ruku, a drugi u nogu. Nastojao je dozvati nekoga od nas, ali ga nitko u onoj silnoj buci nije čuo. Ostao je ležati u visokoj travi dok mu je bol pomračivala razum. Od silnih se bolova onesvijestio, uspio je tek privezati obje rane da ne iskrvari. Kada je opet došao k svijesti, već je bio potpuni mrak. Sudeći po tutnjavi koja je dopirala, jedva da je par stotina metara bio udaljen od najžešćih borbi. Potpuno je izgubio orijentaciju i više nije znao u kojem pravcu treba krenuti. Instinktivno je počeo puzati, svaki pokret zadavao mu je nezamislive boli. Već je mislio odustati kada je začuo lagano šuškanje tik do sebe. Trava ga je skrivala, uzeo je svoj kalašnjikov i bio spreman pucati u sebe. Ni po koju cijenu nije htio živ dospjeti neprijatelju u ruke. - Ivane... Ivane... - začuo je Dujin glas. - Duje... što ti radiš... ovdje? - jedva je uspio promucati. - Tražim tebe... hajdemo brzo - glas mu je treperio od sreće. Legao je na prsa i stavio Ivana na svoja leđa. Lagano su milili neko vrijeme. Svaki pokret zadavao mu je jake golove, grizao je usnice da ne vrišti od bola. - Neće ići na ovaj način... Moram te nositi - rekao je Duje i uspravio se. I tad se dogodilo... Metak ga je pogodio u grudni koš. Uhvatio se za prsa i pao. Ivan mu je uspio tek privezati ranu prije nego što se opet onesvijestio. Kako ga je uspio dovući ovamo, nikada mu neće biti jasno, on je bio mnogo teže ranjen nego Ivan. Ivan nam je jecajući pričao svoj dio priče. Duje je izgledao kao da spava i pritom nešto lijepo sanja. Blagi osmijeh ostao mu je zauvijek zamrznut na licu. Te večeri kamioni su stigli po nas. Vratili smo se jutros oko četiri sata. Dujino tijelo nalazi se u bolnici. Pokopat ćemo ga kako dolikuje heroju i ratniku - završio je svoju priču isprekidanu dugim, teškim uzdasima, nervozno otesavajući pepeo svoje cigarete u prepunu pepeljaru pred sobom. - Znaš - rekao mi je ustajući - od prvog dana sam na ratištu. Kažu da se čovjek na sve može naviknuti, ali to nije istina. Izgubio sam dvadeset osam boraca i uvijek jednako boli. Baš kada se počnem oporavljati... dogodi se nova tragedija. Strašno je živjeti s tim. Sve su to bili mladi ljudi, na pragu života... Nisam znao što bih mu odgovorio, a što se i može reći u takvim

trenucima? Ne postoje riječi koje mogu ublažiti tugu i bol. - Duju... Želim ga pokopati na našem seoskom groblju... Nadam se da to nije problem. - Nije... Bili smo uvjereni da nema rodbine... Svi smo mi imali fotografije svojih najdražih, samo on... nije imao nijednu. Nikada nije pričao o sebi i svom životu prije vojske... Zaključili smo da je siročće... Imao sam ga namjeru pokopati na gradskom groblju, ali sada... bit će kako vi želite. Ustao sam da se pozdravim s njim. Nisam mogao zaustaviti drhtanje ruku dok smo se rukovali. Okrenuo sam se i napustio tu prostoriju u kojoj sam čuo najstrašnije riječi u svom životu. 90 Hodao sam gradom slomljen od bola. Trebalo je napraviti toliko stvari, a ja sam samo mogao misliti na sebe. Došlo mi je da vrištim i udaram svuda oko sebe, ali moje je tijelo potpuno malaksalo, kao da je iz njega istekla sva snaga. Hodao sam tako ni živ ni mrtav tko zna koliko dugo kada sam shvatio da tako ne ide dalje. Trebao sam prije svega obavijestiti svoje roditelje o tragičnoj sudbini koja je zadesila Duju. Sjeo sam na klupu i smišljao način na koji bi im to najbezbolnije priopćio. Ali pravog načina nije bilo. Tragedija uvijek jednako boli bez obzira na koji je način mi izgovorili. Vozio sam polako, svjesno odgađajući trenutak kada će moj otac doznati što se dogodilo. Obuzet mislima nisam ni primijetio da vozim pogrešnom stranom ceste. Tek kada sam ugledao kamion kako ide prema meni, divlje sam skrenuo u drugu traku. Vozilo se zanijelo i svom snagom udario sam u neko stablo pokraj puta. Prednji dio automobila bio je potpuno uništen, a ja sam samo malo udario glavom u volan. Vozač kamiona dotrčao je do mene. Na licu mu se vidio strah. Kada je vidio da izlazim iz automobila, lagnulo mu je. - Sto ti to, pobogu, radiš? - vikao je. - Jesi li ti lud? Mogao si nas obojicu ubiti. Dobro si, zar ne? - na kraju je upitao. - Nisam dobro, ali to nema veze s ovom nesrećom - rekao sam i pogledao prema svom automobilu. - Možeš li me odvesti do kuće? Nije daleko, od ove hrpe željeza neću imati više nikakve koristi. Čovjek me povezo. Majka je istrčala kada je čula da se kamion parkira u njezinom dvorištu. - Sine moj... Sto se dogodilo? - upitala je brižno vidjevši me onako ispaćenog. - Ispričat ću ti, majko. Gdje je otac? - U polju... Zašto te dovezao ovaj čovjek? Gdje je tvoj automobil? Reci svojoj majčici! - bombardirala me pitanjima. 91 - Uđimo u kuću, majko. Pozovi čovjeka na piće! - umornim korakom ušao sam u kuću. Pritiskale su me teške brige, na srcu mi je ležao težak, najteži teret. - Otišao je, kaže da nema vremena. Kako ti, sine, u sred tjedna kod kuće? Molim te, reci mi! - Idem se malo odmoriti, majko, sve ću ti ispričati kad dođe otac. Molim te, sada želim biti malo sam - zatvorio sam vrata svoje sobe njoj ispred nosa. Znao sam da me više neće gnjaviti. Ona je uvijek poštivala moje želje. Zatvorio sam prozor i ispružio se na krevetu, na onom istom krevetu na kojem sam toliko puta smišljao kako da napakostim Duju. Umoran i iscrpljen, zaspao sam. Sanjao sam košmaran san. Trčao sam nekakvim tamnim hodnikom, a ispred mene je stajao Duje sa svojim velikim tužnim očima. Trčao sam prema njemu, a on mi je izmicao. Čuo sam metak i Duje je pao. Sagnuo sam se do njega da mu pomognem, ali njemu pomoć više nije bila potrebna, uputio mi je tek jedan, posljednji pogled, prije nego što je zauvijek zaklopio svoje tužne oči. Probudio sam se obliven znojem. Još u polusnu skočio sam s kreveta u želji da još jednom provjerim diše li Duje. Trebalo mi je nekoliko trenutaka da shvatim kako je to bio samo san. Sjeo sam na krevet prikupljajući hrabrost da izađem pred oca. Ustao sam dok mi je svaka noga težila tonu. Otac i majka sjedili su za kuhinjskim stolom i večerali. Sjeo sam na svoje mjesto. - Ja... Moram vam nešto reći... - potrajalo je dok sam uspio progovoriti. - Može li to pričekati dok završimo s večerom? - to su bile prve riječi koje mi je otac uputio nakon onog dana kada sam mu objašnjavao Dujino pismo upućeno meni. - Može, tata. Jasno da... može - glas mi je podrhtavao, a ruke, koje su se tresle, stiskao sam ispod stola. 92 Večera je završila i majka nam je servirala kavu. - Duje... - zurio sam u svoju šalicu. - Poginuo je... Moj otac ostao je nijem. Ni jedan mišić na njegovu licu nije se pomakao. - Znao sam... Cijelo vrijeme sam znao... Imao sam neki ružan predosjećaj... Znao sam da si došao da

nam to kažeš... - žuljevite šake zavukao je u kosu. Ustao sam i pošao k njemu da ga zagrlim, ali on mi je rukama dao znak da mu se ne približavam. Ostao sam na mjestu, ukopan. Majka je samo sjedila i šutjela. I njoj je bilo teško. - Frane, Frane, molim te... - Želim samo... Ostavite me na miru! - okrenuo se i izašao iz kuće. Minute su mi se činile vječnost dok sam nesretan hodao po kući čekajući da se on vrati. Pušio sam cigaretu za cigaretom, pripaljujući jednu o drugu. Došao je kad su se prve jutarnje sunčeve zrake pojavile na istoku. Gledao sam ga dok je prilazio kući teškim korakom, savijenih leđa. Osjetio sam olakšanje što se napokon pojavio i brzo sam pobjegao u svoju sobu. Nisam se želio sresti s njime. Nisam mu imao što reći. Ja sam bio zadnja osoba koju je on tada želio vidjeti. Sve pripreme oko Dujina sprovoda sam je obavio. Izabrao je bijeli lijes. U kvalitetnom drvu bili su izrezbareni mali anđeli. Buketi bijelog cvijeća stajali su u našem dvorištu spremni da se njima okiti Dujin posljednji dom. Samog sprovoda slabo se sjećam. Bio sam pod sedativima jer sam se bojao da u protivnom neću moći prisustvovati. Poslije sam se kajao zbog toga. Bio sam samo napola svjestan svega što se događa. Nakon što je Dujino tijelo spuštено u hladnu zemlju, začuo se počasni plotun. Mnoštvo svijeta koje se okupilo na njegovu posljednjem ispraćaju, još dugo nakon što je Duje prekriven crnom zemljom, ostalo je uz njegovo posljednje počivalište i žalilo za još jednim mladim životom koji je rat odnio. Ljudi su se polako počeli razilaziti. Ostali smo još samo moj otac i ja, svaki sa svoje strane groba. Gledali smo u hrpu svježeg cvijeća ispod kojega je, zatrpan hladnom zemljom, počivao naš Duje. Od kada sam mu donio strašnu vijest, nije me ni pogledao. Ponašao se kao da me nema. Boljelo me njegovo ignoriranje, ali znao sam da sam ga i te kako zaslužio. Nisam ga mogao okrivljavati zbog toga. Mnogo jače pekla me rana zbog Dujine smrti. Mislio sam da bol neće nikada prestati, a lijeka nije bilo. Otac se trgnuo, rukom prekrižio Dujino vječno počivalište i krenuo. Krenuo sam i ja za njim. Sjeli smo u njegov automobil i uputili se kući. Dani koji su uslijedili bili su još teži i bolniji nego sam sprovod. Slike su se bistrile u mojoj glavi i bilo je bolno. Jezivo. Nisam znao ni kad je svanulo, ni kad se smrklo, ni koji je dan, ni koji je datum. Sve mi je bilo svejedno. Vratio sam se u svoj podstanarski stan i bacio se na učenje. Predavanja su se bližila kraju i ja sam sve ispite davao u roku. Kući nisam išao više od mjesec dana, izgovarao sam se učenjem, a ustvari nisam želio ići u okruženje koje me ubijalo. Jer sve, baš sve me podsjećalo na Duju. Stigao sam autobusom jednog petka krajem lipnja. Sunce je nemilosrdno pržilo i činilo se kao da nema ni daška svježeg zraka. Krenuo sam prema kući, a onda se odjednom predomislio. Vratio sam se na cestu i nastavio prema groblju. Penjao sam se teškim korakom. Kada sam došao na vrh, zapuhnuo me blagi povjetarac. Stajao sam pored Dujina groba dok mi je povjetarac blago mrsio kosu. - Oprosti mi, Duje... Oprosti mi, prijatelju - šaptao sam. - Oprosti mi barem ti kad sam sebi ne mogu. - Oči su mi se ovlažile i noge me izdavale. Sjео sam na zemlju, rukama obgrlio koljena i 94 u mislima pričao s njim. Puna dva sata proveo sam na njegovu grobu. I osjećao sam se dobro, kako već dugo nisam. Na rastanku sam mu obećao da ću doći u nedjelju... Majka me razdragano dočekala. - Hvala Bogu, sine! Došao si, napokon! - Stigao sam mama i ostat ću do jeseni. Predavanja su za ovu godinu završena. - Otac će se obradovati kad te vidi - majčinskom kretnjom dodirnula je moj obraz. - Znaš, u posljednje vrijeme, on i nije baš najbolje. - Sto mu je? - To s Dujom... jako ga je potreslo. - Gdje je on sada? - U polju. A gdje bi bio? Ubija se radom. - Razumijem - klimnuo sam glavom. - Hoćeš li nešto pojesti? Sigurno si gladan? Evo, odmah ću ja... - Ne treba, majko. Najprije ću se odmoriti, a kad dođe otac, zajedno ćemo večerati. - Pojedi barem nešto do večere - navaljivala je ona, a ja sam samo odmahnuo glavom i ušao u svoju sobu. S prozora svoje sobe promatrao sam Dujinu kuću. Vidio sam i staru trešnju koja mi je poslužila kao zaklon onoga dana kad sam mu nosio njegovu rođendansku tortu. O, Bože, koliko sam se sada prezirao zbog toga. Ugledao sam oca kako dolazi i izašao sam iz svoje sobe. Majka je užurbano pripremala večeru. - Stiže

otac. Majko, je li večera gotova? - Gotova je, sine. Samo da postavim stol i možemo jesti. Da sam znala da dolaziš, pripremila bih nešto posebno, a ovako ćeš se za desert morati zadovoljiti pitom od jabuka. - Molim te, majko, ne pravi dramu oko toga što ću ja jesti. Gladnom čovjeku sve odgovara. - Sutra će majčica tebi skuhati nešto posebno. Obećavam. - Odmahnuo sam rukom na njene riječi. Još uvijek me tretirala kao malo dijete. Tu nije bilo pomoći. Otac je ušao u kuću i, kad me je ugledao, zastao je kao ukopan. - Dobra večer, tata - pozdravio sam tihim glasom. - Dobra večer - kratko mi je odgovorio i krenuo da spere prljavštinu sa sebe. Iako nisam očekivao Bog zna kakav srdačan doček s njegove strane, nisam ni tako hladan. Pomogao sam majci servirati stol, a onda smo večerali. Morao sam odgovarati na majčina brojna pitanja. Sve ju je zanimalo. Gdje sam jeo, što sam jeo, kada sam išao na spavanje, ima li koja djevojka u mom životu... Iscrpila me brojnim pitanjima. Otac je slušao naš razgovor, ali nije sudjelovao u njemu. Sutradan sam otišao s ocem u polje. Želio sam mu se približiti. Nije bio baš razgovorljiv, ali tu i tamo bi ipak progovorio pokoju riječ. Nedjelja je osvanula oblačna, ali ja sam ipak poslijepodne išao sam na groblje, kako sam i obećao Duji. Ponio sam buket svježeg cvijeća koje sam brižljivo birao u svom vrtu. Tek što sam došao do njegova groba, nastao je pravi prolom oblaka. Kiša je pljuštala kao iz kabla. Ostao sam. Došao sam posjetiti Duju i nisam mogao dozvoliti da me ljetni pljusak omete u tome. - Sjećaš li se, Duje, ovako je pljuštalo i onoga dana kad smo sahranili tvoju majku? - oči su mi se ovlažile. - Kakav li sam ja to bio čovjek? Ni onda nisam imao razumijevanja za tebe. Promijenio sam se, Duje, vjeruj mi. Sramim se sebe i svojih postupaka. Sve bih dao da mogu vratiti vrijeme, da opet počnemo ispočetka. Tada bi sve bilo drugačije. O, Bože, kad bih imao još samo jednu priliku... Godila mi je kiša koja je nemilosrdno šibala moje tijelo. - Sjetio sam se onoga dana kad su te moji prijatelji pratili dok si išao na majčin grob - govorio sam dalje. - Kako sam se samo grlato 96 smijao kad su ti se rugali da razgovaraš sam sa sobom... Što bi sada rekli? Bi li im sada bilo smiješno što ja razgovaram sam sa sobom? Vjerojatno bi, ali se ne bi usudili onako rugati na moj račun. Moj Bože, kad se smo sjetim! Ja sam bio najgori među njima. Oprosti, Duje! Oprosti, prijatelju! Tko sam ja da se usuđujem nazivati te prijateljem? Ali znam... znam da bi mi dopustio da možeš... Kad bih barem još jednom mogao porazgovarati s tobom, da ti kažem sve što osjećam, da ti kažem koliko boli, da mogu biti siguran da me čuješ... Izenenada, kao što je i počela, kiša je prestala padati. Gledao sam u nebo pitajući se je li to Božji znak. Jedna lastavica doletjela je i sjela na vazu u koju sam ja stavio cvijeće. Gledala me i nije se bojala. Trajalo je to nekoliko trenutaka, a onda je lagano zamahnula krilima, napravila krug oko mene i odletjela. Bio sam zaprepašten. - Oh, Duje! Ovo ne može biti slučajnost. Ti me čuješ! Doista me čuješ! - u moje srce uvukao se mir. Na rastanku sam mu obećao da ću doći sljedeće nedjelje, pa opet sljedeće i tako stalno. I zaista, od tada pa sve do danas nisam propustio nijednu nedjelju. Ništa me ne može spriječiti. Kao što moram jesti i piti da bih ostao živ, tako moram svake nedjelje doći ovamo da bih ostao duševno zdrav. Bližio se moj rođendan. Majka je željela veliku proslavu. Otac ju je brzo ohladio. - Lucija, što ti pada na pamet? Kome je do proslave neka slavi, ali ja nikakvu proslavu neću dozvoliti u ovoj kući - rekao je strogo me pogledavši, vjerojatno misleći da je sve to moja ideja. - Otac je u pravu. Ne želim nikakvu proslavu. - Drago mi je da smo se razumjeli - zaključio je otac. - Ali on će napuniti 21. godinu... - Lucija! - strogo će moj otac. - Ta je tema završena. Kako ti uopće može pasti na pamet da nešto slaviš dok mladost svakodnevno gine na ratištima? - Nećemo se mi zato ubiti - bila je uporna moja majka. - Gotovo je! Nema proslave i točka! - otac je ostao dosljedan sebi kao i uvijek. Majka je skuhalo svečani ručak i ispekla kolače. Moj rođendan proslavili smo u obiteljskom krugu. Tu večer, kad sam već bio u krevetu, majka je tiho pokucala na moja vrata. - Slobodno - povikao sam. - Zaboravila sam ti dati ovo - rekla je i pružila mi omotnicu. - Sto je to? - Moj i očev dar za tvoj rođendan.



Otvori i pogledaj - rekla je svečanim glasom. Otvorio sam omotnicu i ostao zatečen. Tu se nalazila cijela hrpa novaca. - Sto...? Zašto mi dajete toliki novac? - Željeli smo ti kupiti novi automobil, ali smo zaključili da je ipak bolje da ti to sam učiniš. Izaberi nešto po svom ukusu. - Hvala - uspio sam reći. Bio sam zatečen njihovom velikodušnošću. - Samo pametno vozi i to će nam biti najdraža zahvala. - Hoću, mama. Obećavam i, molim te, zahvali ocu u moje ime. Nasmiješila se i klimnula glavom. - Laku noć, sine! Lijepo spavaj - rekla je i tiho za sobom zatvorila vrata. Novac sam brojio nekoliko puta i u sebi računao što bih sve s tom svotom mogao kupiti. A onda mi je sinulo. Točno sam znao u što taj novac želim utrošiti. Jedva sam dočekao da svane. Dok sam se spremao, usput sam i nešto pojeo. - Kamo žuriš? Sjedni! Pojedi na miru! - govorila mi je moja, uvijek brižna, majka. 98 - Žuri mi se - rekao sam joj i ubacio kolač u usta. - Nigdje ne gori. Sto ti znači pet minuta? - Gori, majko. U meni gori - zaletio sam se prema njoj i poljubio je u čelo. - A sada moram ići - mahnuo sam joj i izašao. Žurio sam na autobus. Imao sam sreću da gospodina Marka, vlasnika najpoznatije kamenoklesarske radionice u Splitu, zateknem u njegovu uredu. - Kako vam mogu pomoći? - pitao me ljubazno. - Želim da mi napravite lijepu, najljepšu grobnicu za tri dana. - Ali to je malo vremena... - umalo mi se nasmijao u lice. Izvadio sam omotnicu i stavio je na stol ispred njega. - Tu vam je novac. Prebrojite! Uzeo je kuvertu i bojažljivo je otvorio. Počeo je brojati. - To je mnogo novca. Previše. Ja... - Sve je to vaše - prekinuo sam ga. - Ja imam samo jedan uvjet. Želim da bude gotova za tri dana. - Ali, to je ipak previše novca... - Novac sam vam dao i on je vaš. Meni je samo važno da ga je dovoljno, da mogu platiti vaš rad. - Ja jednostavno ne mogu uzeti... - Ne želim ga, vjerujte mi, a sada bih želio pogledati vaše radove i izabrati ono što mi se najviše sviđa. Ako mu se nisam uspio odužiti za života, probat ću barem sada kada više nije živ - posljednju rečenicu promrmljao sam sebi u bradu. Gospodin Marko vjerojatno je mislio da nisam sav svoj. To mi i nije bilo toliko važno. Važno mi je bilo da grobnica bude gotova za tri dana, za Dujin 20. rođendan. Roditeljima nisam ništa govorio. Tri su dana prošla. - Tata, što radiš poslijepodne? - Mislio sam oplijeviti lozu - i dalje je bio hladan prema meni. - Možeš li to odgoditi za sutra? Želio bih te odvesti na jedno mjesto. 99 - Gdje? - Vidjet ćeš poslijepodne. - Kupio si novi automobil, zar ne? - Ne - odmahnuo sam glavom. - U redu - napokon je pristao. Poslušno je krenuo sa mnom. - Zašto me vodiš ovamo? - upitao je kada je shvatio kamo ga vodim. - Budi još malo strpljiv, još samo nekoliko minuta... Kada smo stigli do Dujina groba, gledao je u nevjerici. Ondje gdje su stajali kameni zidići sada se nalazila prekrasna grobnica. I sam sam bio iznenađen koliko je dobro napravljena. - Ali... Ne razumijem... - pokušao je nešto reći moj otac, ali pod dojmom ljepote u koju je gledao nije nalazio prave riječi. - Nisam kupio automobil. Bit će vremena za automobile u životu. Za novac koji ste mi darovali... želio sam uljepšati Dujin vječni dom. - Otac me netremice promatrao ne vjerujući svojim ušima ni očima. -Ti? - Da... ja, oče... Znaš, ljudi se mogu i promijeniti. Ne ostajemo uvijek isti. - Ne mogu vjerovati - vrtio je glavom. Slegnuo sam ramenima i ponovno se zagledao u remek-djelo majstora Marka. - Barem toliko mogu napraviti za njega. Nisam ni ja sretan, tata. Nikada si neću oprostiti - prošaptao sam više sebi nego njemu. - Ivane... sine... - došao je do mene i snažno me zagrlio. Uzvratilo sam mu jednako snažnim zagrljajem. Život se nastavljao dalje. Na jesen sam se vratio u Zagreb. Nastavio sam studirati. Svakog vikenda obavezno sam dolazio kući. Roditelji su me radosno dočekivali. Majka je pripremala jela koja sam najviše volio, nastojala ispuniti svaku moju želju. 100 S ocem sam provodio puno vremena tijekom vikenda. Znao sam mu pomagati u njegovim poslovima na zemlji, a uvečer bismo kartali do dugo u noć. Razgovarali smo o svemu i svačemu. Postao mi je najbolji prijatelj. Svakog sam nedjeljnog poslijepodneva išao posjetiti Duju. Ništa me nije moglo spriječiti, nikakve obveze, nikakvo nevrijeme, ništa mi u životu nije bilo važnije od tih nedjeljnih odlazaka na groblje. Moja je

majka često znala reći: - Nemoj, sine, molim te, ići po ovoj kiši. Hladno je i razboljet ćeš se, drugi put ćeš ići. - Ja bih nastavio navlačiti kabanicu i čizme i govorio bih joj: - Ne razumiješ, majko, ja naprosto moram ići. To je za mene svetinja, pokora. Moram ići, bio bih jako nesretan da ne odem. Otac bi slušao naš razgovor i šutio. Znao sam da me on potpuno razumije. I ja bih odlazio. Uvijek. I uvijek ću odlaziti. Ušlo mi je u krv i bez toga ja ne bih bio ja. Našao sam svoj mir u monolozima na Dujinu grobu. Na faksu sam postao društveniji. Izlasci s društvom pričinjavali su mi zadovoljstvo i radovao sam im se. Život je postao mnogo podnošljiviji. A onda sam upoznao tebe. Zastao mi je dah kad sam te ugledao, ali nisam se zbog tvoje anđeoske ljepote u tebe zaljubio. Zavolio sam te jer si prekrasna osoba. Puna dobrote i ljubavi. Takav je bio i moj Duje - završio sam svoju dugu, tužnu ispovijest. Okrenuo sam se prema njoj i vidio suze koje su klizile niz njezino lijepo lice obasjano mjesječinom. - Ivane, ja... Oprosti, ali sve to... previše je za mene - rekla je i ustala. - Ja... ne mogu sada pričati... moram razmisliti. Molim te, odvezi me kući. Ustao sam i ja, načinio sam pokret želeći je uhvatiti za ruku, ali je ona svoju brzo odmakla. - Molim te... Želim ići kući! - rekla je gledajući u pod. Bez riječi smo se spustili niz brežuljak do mog automobila koji mi je otac darovao kad sam diplomirao. Vozili smo se u tišini do stana njezinih roditelja u Splitu. - Nemoj me tražiti... Ja ću se tebi javiti... kad budem spremna - izašla je i ušla u kuću, a da se nije ni osvrnula. - Tamara... - prošaptao sam njezino ime u, odjednom jako hladnoj, unutrašnjosti mog automobila. Prolazio je i drugi tjedan, a Tamara se nije javljala. Nisam mogao više čekati. Odlučio sam ja nju potražiti. - Oh, Ivane, ti si? - vrata mi je otvorila njezina majka. - Dobar dan, gospodo Ljerka, želio bih razgovarati s Tamarom. - Tamara je otputovala - rekla je nakon, činilo mi se, beskonačno duge stanke. - Žao mi je, Ivane, ali ne smijem ti odati njezinu adresu. Morala sam joj to čvrsto obećati. Oštra bol presjekla me u predjelu prsa. Nisam znao da me još može toliko boljeti. - Molim vas, recite mi gdje je... molim vas - preklinjao sam je. - Moram je vidjeti... porazgovarati s njom... - Žao mi je, Ivane, doista mi je žao - tužno me gledala. - Ona je pametna i razborita djevojka i sigurno ima svoje razloge zašto je tako postupila. - Ako bude kakvih promjena, hoćete li mi, molim vas, javiti? - Bude li ona to željela... Slijep od bola lutao sam ulicama. Djevojka koju volim najviše na svijetu je pobjegla... pobjegla od mene. Tu večer napio sam se prvi put u životu, ujutro mi je bilo toliko zlo da sam se zakleo da to više nikada neću učiniti. Posao mi je pružao jedinu utjehu. Slušajući tuđe probleme, zaboravljao sam svoje. Tamara se nije javljala. Umjesto nje nazvala je njezina majka.

6.3. Appendix III.

NN 181/2004 (21.12.2004.), Pomorski zakonik

HRVATSKI SABOR

Na temelju članka 88. Ustava Republike Hrvatske, donosim

3142

**ODLUKU**

**O PROGLAŠENJU POMORSKOG ZAKONIKA**

Prolašavam Pomorski zakonik, koji je donio Hrvatski sabor na sjednici 8. prosinca 2004. godine.  
Broj: 01-081-04-3801/2  
Zagreb, 14. prosinca 2004.

Predsjednik  
Republike Hrvatske  
Stjepan Mesić, v. r.

**POMORSKI ZAKONIK**

1) *hrvatski ratni brod* jest plovni objekt, uključujući podmornicu, koji je pod zapovjedništvom pripadnika Oružanih snaga Republike Hrvatske, a čija je posada vojna, odnosno podvrgnuta vojnoj disciplini i koji je dužan isticati vanjske znakove raspoznavanja ratnih brodova hrvatske državne pripadnosti kad god je potrebno da svoje svojstvo učini poznatim,

2) *strani ratni brod* je plovni objekt koji ima stranu državnu pripadnost, pripada ratnoj mornarici, nosi vanjske znakove raspoznavanja ratnoga plovnog objekta i njegove državne pripadnosti, nalazi se pod zapovjedništvom vojne osobe i ima vojnu posadu,

3) *putnički brod* jest brod na mehanički pogon koji je ovlašten prevoziti više od 12 putnika,

4) *brzi putnički brod* jest putnički brod kojem je najveća brzina  $\dot{m}/s\dot{s}$  jednaka ili veća od vrijednosti dobivene formulom:  $3,7 \nabla^{0,1667}$ , gdje je  $\nabla$  istisnina na konstruktivnoj vodnoj liniji  $\dot{m}^3\dot{s}$ . Pod brzim putničkim brodom ne smatraju se neistisninski brodovi čiji je trup potpuno iznad površine uslijed djelovanja aerodinamičkih sila generiranih površinskim efektom. Brodovi, volumena istisnine 500  $\dot{m}^3\dot{s}$  i manje, i najveće brzine manje od 20  $\dot{s}\dot{c}\dot{y}\dot{s}$ , u plovidbi unutarnjim morskim vodama i teritorijalnim morem Republike Hrvatske ne smatraju se brzim putničkim brodovima,

5) *teretni brod* jest brod namijenjen za prijevoz tereta sa ili bez mehaničkog poriva,

6) *brzi teretni brod* jest teretni brod, kojem je najveća brzina  $\dot{m}/s\dot{s}$  jednaka ili veća od vrijednosti dobivene formulom:  $3,7 \nabla^{0,1667}$ , gdje je  $\nabla$  istisnina na konstruktivnoj vodnoj liniji  $\dot{m}^3\dot{s}$ . Pod brzim teretnim brodom ne smatraju se neistisninski brodovi čiji je trup potpuno iznad površine uslijed djelovanja aerodinamičkih sila generiranih površinskim efektom,

7) *tehnički plovni objekt* jest brod, sa ili bez mehaničkog poriva koji je namijenjen za obavljanje tehničkih radova (bager, dizalica, jaruzalo, pokretni odobalni objekt za istraživanje i eksploataciju podmorja i sl.),

8) *plutajući objekt* jest pomorski objekt stalno privezan ili usidren na moru, koji nije namijenjen za plovidbu (npr. plutajući dok, plutajuće skladište, plutajući restoran, plutajuća elektrana, pontonski most, pontonska marina i sl.),

9) *nepomični odobalni objekt* jest pomorski objekt u potpunosti ili djelomično ukopan u morsko dno ili položen na morsko dno, koji nije namijenjen za plovidbu (npr. nepomični odobalni objekt za istraživanje i eksploataciju podmorja, podmorski cjevovod i sl.), izuzev podmorskog kabela i objekata prometne infrastrukture (npr. podmorski tunel, most oslonjen na morsko dno i sl.),

10) *brodica* jest plovni objekt namijenjen za plovidbu morem koji nije brod ili jahta, čija je duljina veća od 2,5 metara, ili ukupne snage porivnih strojeva veća od 5 kW.

Pojam brodica ne obuhvaća:

- plovila koja pripadaju drugom pomorskom objektu u svrhu prikupljanja, spašavanja ili obavljanja radova,
- plovila namijenjena isključivo za natjecanja,
- kanue, kajake, gondole i pedaline,
- daske za jedrenje i daske za jahanje na valovima,

11) *tegljač, odnosno potiskivač* jest brod koji je namijenjen tegljenju ili potiskivanju drugih plovnih objekata,

12) *nuklearni brod* je brod opremljen uređajem na nuklearni pogon,

13) *ribarski brod* jest brod s mehaničkim porivom namijenjen i opremljen za ulov ribe i drugih živih bića iz mora ili na morskome dnu, čija je duljina veća od 12 metara, a bruto tonaža veća od 15,

14) *strani ribarski brod* je brod koji ima stranu državnu pripadnost, a namijenjen je i opremom za ulov ribe ili drugih živih bića u moru ili na morskome dnu,

15) *jahta* jest plovni objekt za sport i razonodu, neovisno koristi li se za osobne potrebe ili za gospodarsku djelatnost, a čija je duljina veća od 12 metara i koji je namijenjen za duži boravak na moru, te koji je pored posade ovlašten prevoziti ne više od 12 putnika,

16) *strana jahta* jest plovni objekt za sport i razonodu koji ima stranu državnu pripadnost i koji se takvim smatra prema propisima države čiju državnu pripadnost ima,

17) *javni brod* jest brod, osim ratnog broda, namijenjen i opremljen za obavljanje djelatnosti od općeg interesa države, a čiji je vlasnik, odnosno brodar država ili neko drugo tijelo ovlašteno od države (npr. policijski brod, brod lučke kapetanije i sl.) i koji služi isključivo u negospodarske svrhe,

18) *strani javni brod* je plovni objekt u vlasništvu ili korištenju strane države, koji nije ratni brod, a služi isključivo za negospodarske svrhe dotične države,

19) *strani trgovački brod* je brod koji ima stranu državnu pripadnost, a koristi se za gospodarske svrhe,

20) *tanker za ulje* jest brod namijenjen prvenstveno za prijevoz ulja u razlivenom stanju,

21) *tanker za kemikalije* jest brod namijenjen prvenstveno za prijevoz opasnih kemikalija i štetnih tvari u razlivenom stanju,

22) *brod za ukapljene plinove* jest brod namijenjen za prijevoz ukapljenih plinova u razlivenom stanju,

23) *znanstvenoistraživački brod* jest brod, namijenjen isključivo za znanstvena ili tehnološka istraživanja ili iskorištavanje mora, morskog dna ili njegova podzemlja, opremljen opremom i uređajima za tu namjenu, kao i smještajem za posebno osoblje,

24) *brod u gradnji* jest gradnja broda od trenutka polaganja kobilice ili sličnog postupka gradnje do trenutka upisa u upisnik brodova,

Dio prvi  
OPĆE ODREDBE

Članak 1.

(1) Odredbama ovoga Zakonika utvrđuju se morski i podmorski prostori Republike Hrvatske i uređuju pravni odnosi u njima, sigurnost plovidbe u unutarnjim morskim vodama i teritorijalnom moru Republike Hrvatske, zaštita očuvanje prirodnih morskih bogatstava i morskog okoliša, osnovni materijalopravni odnosi u pogledu plovni objekata, ugovorni i drugi obvezni odnosi koji se odnose na brodove, upise plovni objekata, ograničenje brodareve odgovornosti, ovrha i osiguranja na brodovima.

(2) Ako ovim Zakonikom nije drugačije određeno, njegove se odredbe primjenjuju na plovne objekte koji se nalaze ili plove unutarnjim morskim vodama, teritorijalnim morem Republike Hrvatske.

Članak 2.

(1) Ako ovim Zakonikom nije drugačije određeno, njegove odredbe koje se odnose na brodove primjenjuju se i na jahte.

(2) Odredbe ovoga Zakonika koje se odnose na brodove primjenjuju se i na druge pomorske objekte osim jahti samo ako je to ovim Zakonikom izričito predviđeno.

Članak 3.

Odredbe ovoga Zakonika primjenjuju se na ratne brodove ako je to ovim Zakonikom izričito predviđeno.

Članak 4.

Na odnose pomorskog prava koji nisu uređeni ovim Zakonikom, drugim propisima donesenima na temelju ovoga Zakonika, odnosno drugim zakonima, primjenjuju se običaji.

Članak 5.

Ako ovim Zakonikom nije drugačije određeno, pojedini izrazi u smislu ovoga Zakonika imaju sljedeća značenja:

1) *pomorska plovidba* jest plovidba koja se obavlja na moru i rijekama hrvatskoga Jadranskog slijeva do granice do koje su one plovne s morske strane,

2) *pomorski objekt* jest objekt namijenjen za plovidbu morem (plovni objekt), ili objekt stalno privezan ili usidren na moru (plutajući objekt), odnosno objekt u potpunosti ili djelomično ukopan u morsko dno ili položen na morsko dno (nepomični odobalni objekt),

3) *plovni objekt* jest pomorski objekt namijenjen za plovidbu morem. Plovni objekt može biti brod, ratni brod, jahta ili brodice,

4) *brod, osim ratnog broda*, jest plovni objekt namijenjen za plovidbu morem, čija je duljina veća od 12 metara, a bruto tonaža veća od 15, ili je ovlašten prevoziti više od 12 putnika. Brod može biti putnički, teretni, tehnički plovni objekt, ribarski, javni ili znanstvenoistraživački,

5) *duljina broda, jahte ili brodice* jest duljina utvrđena Tehničkim pravilima,

- 1) *postojeći brod* jest brod koji nije u gradnji,
- 2) *sastav stranih ratnih brodova* jest više stranih ratnih brodova koji plove zajedno pod zapovjedništvom jednog zapovjednika,
- 3) *brodar* jest žička ili pravna osoba koja je kao posjednik broda nositelj plovidbenog pothvata, s tim što se pretpostavlja, dok se ne dokaže protivno, da je brodar osoba koja je u upisnik brodova upisana kao vlasnik broda,
- 4) *poslovođa broda* jest žička ili pravna osoba koja upravlja poslovanjem i/ili tehničkim održavanjem broda i/ili popunjavanjem broda posadom,
- 5) *kompanija* jest žička ili pravna osoba koja je preuzela odgovornost za upravljanje brodom od vlasnika broda i koja je preuzimanjem takve odgovornosti preuzela ovlasti i odgovornosti sukladno Međunarodnom pravilniku o upravljanju sigurnošću (ISM Pravilnik),
- 6) *poslodavac* je osoba koja je s pomorcem zaključila/sklopila ugovor o radu u svoje ime,
- 7) *priznata organizacija* jest organizacija koja ispunjava uvjete propisane posebnim propisom i koja je ovlaštena od Ministarstva za obavljanje statutarne certifikacije pomorskih objekata, a koja obuhvaća obavljanje pregleda i izdavanje propisanih isprava,
- 8) *ovlaštena organizacija za sigurnosnu zaštitu brodova* jest organizacija koja ispunjava uvjete propisane posebnim propisom i koja je ovlaštena od Ministarstva za obavljanje statutarne certifikacije glede sigurnosne zaštite brodova,
- 9) *ovlašteno tijelo* je organizacija koja ispunjava uvjete propisane posebnim propisom i koja je ovlaštena od Ministarstva za obavljanje statutarne certifikacije pomorskih objekata, a koja obuhvaća obavljanje ocjene sukladnosti brodice za sport i razonodu i jahti duljine do 24 m tijekom gradnje,
- 10) *Tehnička pravila za statutarne certifikacije pomorskih objekata* (u daljnjem tekstu: Tehnička pravila) su propisi doneseni na temelju ovoga Zakonika, kojima se utvrđuju zahtjevi kojima moraju udovoljavati pomorski objekti i kompanije, kao i način obavljanja tehničkog nadzora i izdavanja isprava, zapisa i knjiga pomorskog objekta i kompanije,
- 11) *prijevoznik* jest vlasnik broda, brodar ili osoba koja sklapa ugovor s naručiteljem prijevoza,
- 12) *putnik* jest svaka osoba na pomorskom objektu, osim djece ispod jedne godine života, te osoba zaposlenih na brodu u bilo kojem svojstvu,
- 13) *javni prijevoz* je prijevoz osoba i stvari koji je uz jednake uvjete svakom dostupan i obavlja se na temelju ugovora o prijevozu,
- 14) *međunarodno putovanje* jest putovanje brodom, jahtom ili brodicom prema plovidbenom planu iz bilo koje hrvatske luke u stranu luku ili obratno,
- 15) *ulje* označava sva postojana ugljikova mineralna ulja, kao što su sirova nafta i njeni derivati, te taloge i otpadna ulja kako su navedena u prilogu I. Međunarodne konvencije o sprječavanju zagađivanja mora s brodova, kako je izmijenjena i dopunjena (MARPOL 73/78) bez obzira na to prevoze li se kao teret ili kao zalihe goriva imaziva,
- 16) *luka* jest morska luka, tj. morski i s morem neposredno povezani kopneni prostor s izgrađenim i neizgrađenim obalama, lukobranama, uređajima, postrojenjima i drugim objektima namijenjenim za pristajanje, sidrenje i zaštitu brodova, jahti i brodice, ukrcaj i iskrcaj putnika i robe, uskladištenje i drugo manipuliranje robom, proizvodnju, oplemenjivanje i doradu robe te ostale gospodarske djelatnosti koje su s tim djelatnostima u međusobnoj ekonomskoj, prometnoj ili tehnološkoj svezi,
- 17) *luka otvorena za međunarodni promet* jest luka slobodna za pristup plovinih objekata svih zastava,
- 18) *sidriste luke* je uređeni i obilježeni dio mora namijenjen i sidrenju brodova,
- 19) *crta srednje nize niske vode* jest aritmetička sredina svih nižih niskih voda tijekom mjeseca ili godine,
- 20) *crta srednje više visoke vode* jest aritmetička sredina svih viših visokih voda tijekom mjeseca ili godine,
- 21) *posebno pravo vučenja* jest obračunska jedinica kako ju je definirao Međunarodni monetarni fond,
- 22) *Ministarstvo* označava ministarstvo nadležno za pomorstvo,
- 23) *ministar* označava ministra u ministarstvu nadležnom za pomorstvo.

Dio drugi

## MORSKI I PODMORSKI PROSTORI REPUBLIKE HRVATSKE

Glava I.

### OPĆA ODREDBA

Članak 6.

(1) Suverenitet Republike Hrvatske na moru prostire se na unutarnje morske vode i teritorijalno more Republike Hrvatske, na zračni prostor iznad njih te na dno i podzemlje tih morskih prostora.

(2) U svome gospodarskom pojasu i u epikontinentalnom pojasu Republika Hrvatska ostvaruje suverena prava i jurisdikciju radi istraživanja, iskorištavanja, zaštite, očuvanja i unaprjeđivanja prirodnih morskih bogatstava, uključujući bogatstva na morskome dnu i u morskom podzemlju te radi obavljanja drugih gospodarskih djelatnosti.

(3) Republika Hrvatska štiti, čuva i unapređuje morski okoliš.

(1) Republika Hrvatska surađuje s državama u regiji i sudjeluje u radu regionalnih i svjetskih međunarodnih organizacija radi utvrđivanja općih i regionalnih pravila, mjera, preporučene prakse i postupaka sa svrhom suzbijanja, smanjivanja i nadziranja onečišćenja mora i morskog okoliša onečišćivačima iz izvora na kopnu, s brodova, potapanjem, iz zraka ili zrakom i onečišćenja uzrokovanih djelatnostima na morskome dnu i u morskome podzemlju.

(2) Republika Hrvatska potiče regionalnu suradnju, posebice sa državama u susjedstvu, radi donošenja zajedničkih planova hitnog djelovanja u slučajevima nezgoda koje uzrokuju onečišćenje morskog okoliša.

(3) Republika Hrvatska posebnim mjerama štiti osjetljive ekosustave, postojbine vrsta i drugih oblika života u moru koji su rijetki, ugroženi ili kojima prijeti opasnost istrebljenja.

## Glava II.

### UNUTARNJE MORSKE VODE

#### Članak 7.

(1) Unutarnje morske vode Republike Hrvatske obuhvaćaju:

1) luke i zaljeve na obali kopna i otoka,

2) dijelove mora između crte niske vode na obali kopna i ravne polazne crte za mjerenje širine teritorijalnog mora iz članka 18. stavka 2. točke 2) i 3) ovoga Zakonika.

(2) Zaljevom iz stavka 1. točke 1) ovoga članka smatra se jasno istaknuta uvala uvučena u kopno, čija je morska površina jednaka površini ili je veća od površine polukruga kojemu je duljina promjera jednaka duljini prave crte koja zatvara ulaz u zaljev.

(3) Morska površina zaljeva mjeri se od crte niske vode uzduž obale zaljeva i prave crte koja zatvara ulaz u zaljev.

(4) Luke otvorene za međunarodni promet u Republici Hrvatskoj određuje Vlada Republike Hrvatske posebnim propisom.

#### Članak 8.

(1) Strani trgovački brod smije prolaziti unutarnjim morskim vodama Republike Hrvatske radi uplovljavanja u luku otvorenu za međunarodni promet ili u luku u kojoj je brodogradilište u kojemu će biti popravljen, radi isplavljenja iz takve luke, te radi plovidbe između luka otvorenih za međunarodni promet, najkraćim uobičajenim putem.

(2) Ministar može odrediti drugi način plovidbe stranih trgovačkih brodova unutarnjim morskim vodama ako to zahtijevaju interesi obrane zemlje ili sigurnost plovidbe.

#### Članak 9.

(1) Kabotažu, tj. prijevoz stvari i putnika između hrvatskih luka mogu obavljati samo brodovi, jahte ili brodice hrvatske državne pripadnosti.

(2) Kabotažom se smatra i prijevoz osoba stranom jahtom ili brodicom unutar unutarnjih morskih voda i teritorijalnog mora uz naplatu.

(3) Iznimno od odredbe stavka 1. i 2. ovoga članka, Ministarstvo može odobriti:

1) stranom brodu prijevoz praznih kontejnera u njihovoj eksploataciji između hrvatskih luka,

2) stranom brodu, jahti ili brodicu prijevoz osoba i stvari između hrvatskih luka ako to zahtijeva gospodarski interes Republike Hrvatske, a uz prethodno pribavljeno mišljenje Hrvatske gospodarske komore.

(4) Prijevoz osoba jahtom ili brodicom uz naknadu u unutarnjim morskim vodama i teritorijalnom moru Republike Hrvatske može se obavljati samo brodicom ili jahtom hrvatske državne pripadnosti, koja je u vlasništvu domaće žičke ili pravne osobe i koja ispunjava uvjete utvrđene posebnim propisom koji donosi ministar.

(5) Visinu naknade za izdavanje odobrenja iz stavka 3. ovog članka propisuje ministar.

#### Članak 10.

(1) Strani ratni brod, strani javni brod, strani ribarski brod, te strani znanstvenoistraživački brod smije uploviti u unutarnje morske vode Republike Hrvatske radi ulaska u luku otvorenu za međunarodni promet ili u luku u kojoj je brodogradilište u kojemu će taj brod biti popravljen, ako za to prethodno dobije odobrenje:

1) za strani ratni brod - ministarstva nadležnog za poslove obrane,

2) za strani javni brod i znanstvenoistraživački brod - Ministarstva uz prethodnu suglasnost ministarstva nadležnog za unutarnje poslove,

3) za strani ribarski brod - Ministarstva.

(2) Uplovljavanje u unutarnje morske vode Republike Hrvatske i boravak u hrvatskoj luci ili luci u kojoj je brodogradilište u kojem će taj brod biti popravljen može se odobriti stranom ratnom nuklearnom brodu i stranom ratnom brodu koji ima nuklearno naoružanje.

(3) Brod iz stavka 2. ovoga članka dužan je prethodno dostaviti ovjereni prijepis dokumentacije o sigurnosti nuklearnog postrojenja ministarstvu nadležnom za poslove obrane.

(4) Odobrenje za uplovljavanje broda iz stavka 2. ovoga članka daje Vlada Republike Hrvatske uz prethodno mišljenje tijela državne uprave nadležnog za nuklearnu sigurnost, ministarstva nadležnog za poslove obrane i Ministarstva.

(1) Uplovljavanje u unutarnje morske vode Republike Hrvatske i boravak u hrvatskoj luci ne može se odobriti stranom ratnom brodu koji svojim boravkom ugrožava sigurnost Republike Hrvatske.

#### Članak 11.

- (1) U hrvatskim lukama mogu istodobno boraviti najviše tri strana ratna broda iste državne pripadnosti.
- (2) Boravak stranoga ratnog broda u hrvatskoj luci ne može trajati duže od 10 dana.
- (3) Iznimno, ministarstvo nadležno za poslove obrane može, ako to zahtijevaju posebno opravdani interesi, odobriti posjet stranih ratnih brodova neovisno o uvjetima propisanim odredbama stavka 1. i 2. ovoga članka.
- (4) Ministar nadležan za poslove obrane je obvezan o odobrenju iz stavka 3. ovoga članka izvijestiti Vladu Republike Hrvatske u roku 8 dana.
- (5) Za posjeta u unutarnjim morskim vodama Republike Hrvatske, na stranom ratnom brodu smije biti ukrcana samo posada ratnog broda.

#### Članak 12.

- (1) Strane jahte i strane brodice namijenjene razonodi, športu ili rekreaciji, mogu ploviti i boraviti u unutarnjim morskim vodama i u teritorijalnom moru Republike Hrvatske, osim u zabranjenim zonama iz članka 16. i članka 29. ovoga Zakonika, pod uvjetom da odmah nakon uplovljavanja u unutarnje morske vode Republike Hrvatske, uplove najkraćim putem u najbližu luku otvorenu za međunarodni promet i obave graničnu kontrolu, te potrebne poslove sukladno propisu iz stavka 2. ovoga članka.
- (2) Potanje propise o plovidbi i boravku stranih jahti i stranih brodice namijenjenih razonodi i športu u unutarnjim morskim vodama i o njihovu boravku u teritorijalnom moru Republike Hrvatske donosi Vlada Republike Hrvatske.
- (3) Visinu naknade za sigurnost plovidbe koju plaćaju strane jahte i brodice iz stavka 1. ovoga članka propisat će ministar.

#### Članak 13.

- (1) Domaće i strane pravne i fizičke osobe, te hrvatski ratni brod mogu obavljati istraživanja, ispitivanja, fotogra ranja i/ili mjerenja mora, morskog dna i/ili morskog podzemlja unutarnjih morskih voda Republike Hrvatske samo uz odobrenje ministarstva nadležnog za znanost.
- (2) Domaće i strane pravne i fizičke osobe mogu obavljati arheološko istraživanje, fotogra ranje i/ili druge oblike dokumentiranja kulturnog dobra na moru, morskome dnu i podzemlju unutarnjih morskih voda Republike Hrvatske samo uz odobrenje ministarstva nadležnog za poslove kulture.
- (3) Domaće i strane pravne i fizičke osobe mogu obavljati istraživanja, ispitivanja, fotogra ranja i/ili mjerenja mora, morskog dna i/ili morskog podzemlja u zaštićenim dijelovima prirode unutarnjih morskih voda Republike Hrvatske samo uz odobrenje ministarstva nadležnog za poslove zaštite prirode.
- (4) Odobrenja iz stavka 1., 2. i 3. ovoga članka navedena ministarstva izdaju uz prethodnu suglasnost Ministarstva glede sigurnosti plovidbe i Ministarstva nadležnog za poslove obrane glede interesa obrane.
- (5) Iznimno od odredbe stavka 4. ovoga članka hrvatski ratni brod istraživanja može obavljati samo uz odobrenje ministarstva nadležnog za znanost.
- (6) Tijekom istraživanja, fotogra ranja i/ili mjerenja mora iz stavka 1. i 3. ovoga članka na stranom znanstvenoistraživačkom brodu mora biti nazočna najmanje jedna osoba koja u skladu s posebnim propisima ima status znanstvenika a zaposlena je u domaćoj znanstvenoj organizaciji.
- (7) Tijekom arheološkog istraživanja iz stavka 2. ovoga članka na stranom znanstvenoistraživačkom brodu mora biti nazočna najmanje jedna stručna osoba koju odredi ministarstvo nadležno za poslove kulture.
- (8) Tijekom istraživanja u zaštićenim dijelovima prirode iz stavka 3. ovoga članka, na stranom znanstvenoistraživačkom brodu mora biti nazočna jedna stručna osoba koju odredi ministarstvo nadležno za poslove zaštite prirode.
- (9) Tijekom istraživanja iz stavka 6. i 7. ovoga članka, ako se radi o brodu koji je ujedno i ratni brod, mora biti nazočan najmanje jedan stručni pripadnik Oružanih snaga Republike Hrvatske, odnosno Ministarstva nadležnog za poslove obrane.

#### Članak 14.

- (1) U brodogradilištima Republike Hrvatske može se obavljati popravak, obnavljanje opreme i strojeva, bojenje, čišćenje i sl. (u daljnjem tekstu: popravak) stranih ratnih brodova nakon pribavljenog odobrenja Ministarstva nadležnog za poslove obrane.
- (2) Odobrenje za popravak stranoga ratnog broda daje se brodogradilištu za vrijeme prijeko potrebno za popravak, a najduže do 16 mjeseci. Iznimno Vlada Republike Hrvatske može, ako to zahtijevaju interesi Republike Hrvatske odobriti duži popravak.
- (3) Protiv rješenja Ministarstva nadležnog za poslove obrane kojim se daje ili uskraćuje odobrenje nije dopuštena žalba, ali se može pokrenuti upravni spor.

#### Članak 15.

- (1) Strani ratni brod na popravku može imati samo trećinu posade s osobnim naoružanjem i pripadajućim jednim kompletom streljiva od uobičajenoga mirnodopskog sastava.



(1) Strani ratni brod kojemu je odobren popravak dužan je odmah nakon uplovljavanja u hrvatsku luku iskrcati gorivo i mazivo, streljivo i druga ubojita sredstva, osim nuklearnog naoružanja, na mjesto koje odredi vojni zapovjednik nadležan za luku u kojoj se obavlja popravak.

(2) Za vrijeme popravka, posada stranoga ratnog broda može boraviti i kretati se u mjestu u kojemu se obavlja popravak broda.

(3) Na radnike koji sudjeluju u radovima na popravku stranog ratnog broda i na osobe koje službeno u ime Republike Hrvatske borave na brodu primjenjuju se propisi Republike Hrvatske.

(4) Odredbe stavka 1. - 4. ovoga članka primjenjuju se i na strani javni brod na popravku.

#### Članak 16.

(1) Ministar nadležan za poslove obrane uz suglasnost ministra, može propisati zabranjene zone u unutarnjim morskim vodama Republike Hrvatske.

(2) Plovni objekti ne smiju ploviti zabranjenom zonom u unutarnjim morskim vodama, osim u slučaju više sile.

(3) Iznimno od odredbe stavka 2. ovoga članka, Ministarstvo nadležno za poslove obrane može odobriti plovidbu plovnih objekata, bez diskriminacije, zabranjenim zonama u unutarnjim morskim vodama, osim u slučaju više sile.

(4) Protiv rješenja Ministarstva nadležnog za poslove obrane kojim se daje ili uskraćuje odobrenje iz stavka 3. ovoga članka nije dopuštena žalba, ali se može pokrenuti upravni spor.

(5) Propis o uspostavljanju zabranjene zone u unutarnjim morskim vodama objavljuje se u »Oglasu za pomorce« i na drugi prikladan način.

#### Članak 17.

(1) Strani plovni objekt koji je zbog više sile ili nevolje na moru prisiljen skloniti se u unutarnje morske vode Republike Hrvatske dužan je o tome odmah obavijestiti najbližu lučku kapetaniju ili lučku ispostavu, a koja će o dobivenoj obavijesti izvijestiti nadležnu policijsku postaju.

(2) Plovni objekt koji je zbog više sile ili nevolje na moru prisiljen skloniti se u zabranjenu zonu iz članka 16. ovoga Zakonika dužan je o tome odmah obavijestiti najbližu lučku kapetaniju ili lučku ispostavu, a koja će po dobivenoj obavijesti izvijestiti nadležno zapovjedništvo Oružanih snaga.

(3) Ministar će odrediti mjesta zakloništa, propisati uvjete koje zakloništa moraju ispunjavati, te propisati uvjete i način korištenja mjesta zakloništa.

### Glava III.

## TERITORIJALNO MORE

#### Članak 18.

(1) Teritorijalno more Republike Hrvatske je morski pojas širok 12 morskih milja, računajući od polazne crte u smjeru gospodarskoga pojasa.

(2) Polaznu crtu čine:

1) crte niske vode uzduž obala kopna i otoka,

2) ravne crte koje zatvaraju ulaze u luke ili zaljeve,

3) ravne crte koje spajaju sljedeće točke na obali kopna i na obali otoka:

a) rt Zarubača - jugoistočni rt otoka Mrkan - južni rt otoka Sv. Andrija - rt Gruj (otok Mljet),

b) rt Korizmeni (otok Mljet) - otok Glavat - rt Struga (otok Lastovo) - rt Veljeg mora (otok Lastovo) - jugozapadni rt otoka Kopače - rt Velo danče (otok Korčula) - rt Proizd - jugozapadni rt otoka Vodnjak - rt Rat (otok Drvenik mali) - hrid Mulo - hrid Blitvenica - otok Purara - otok Balun - otok Mrtovac - otok Garmenjak veli - točka na Dugom otoku s koordinatama 43°53'12" sjeverne geografske širine i 15°10'00" istočne geografske dužine,

c) rt Veli rat (Dugi otok) - hrid Masarine - rt Margarina (otok Susak) - pličina Albanež - otok Grunj - hrid Sv. Ivan na pučini - pličina Mramori - otok Altiež - rt Kastanjija.

(3) Polazne crte su ucrtane u pomorskoj karti »Jadransko more«, koju izdaje Hrvatski hidrografski institut.

(4) Pri određivanju ravne polazne crte teritorijalnog mora, dijelom obale smatrat će se i najizbočenije stalne lučke građevine koje su sastavni dijelovi lučkog sustava.

#### Članak 19.

Vanjska granica teritorijalnoga mora jest crta kojoj je svaka točka udaljena 12 morskih milja od najbliže točke polazne crte.

#### Članak 20.

Svi strani plovni objekti imaju pravo neškodljivog prolaska teritorijalnim morem Republike Hrvatske.

#### Članak 21.

(1) Pod neškodljivim prolaskom plovnog objekta razumijeva se plovidba teritorijalnim morem Republike Hrvatske bez uplovljavanja u neku njenu luku otvorenu za međunarodni promet, ili plovidba radi uplovljavanja u takvu luku, ili u luku u kojoj je brodogradilište u kojemu će plovni objekt biti popravljen, odnosno radi isplavljenja iz nje u gospodarski pojas, uz uvjet da se ne narušava mir, red ili sigurnost Republike Hrvatske.

Neškodljivi prolazak strani plovni objekt mora obaviti najkraćim uobičajenim putem, bez prekida i odgode.

(1) Zaustavljanje i sidrenje stranoga plovnog objekta koji se koristi pravom neškodljivog prolaska dopušteno je samo ako je prouzročeno događajima koje nalaže redovita plovidba, odnosno viša sila ili nevolja na moru, ili radi pružanja pomoći ljudima, plovnim objektima ili zrakoplovima u opasnosti ili u nevolji.

#### Članak 22.

O namjeri neškodljivog prolaska stranoga ratnog broda teritorijalnim morem Republike Hrvatske država kojoj taj ratni brod pripada obavijestit će diplomatskim putem ministarstvo nadležno za vanjske poslove Republike Hrvatske najkasnije 24 sata prije uplovljavanja broda u teritorijalno more Republike Hrvatske.

#### Članak 23.

Neškodljivim prolaskom ne smatra se prolazak stranoga plovnog objekta teritorijalnim morem Republike Hrvatske ako taj brod obavlja neku od ovih djelatnosti:

- 1) prijeti silom ili upotrebljuje silu protiv suvereniteta, teritorijalne cjelovitosti i Ustavom Republike Hrvatske utvrđenoga pravnog poretka ili se ponaša na način kojim se narušavaju načela međunarodnog prava,
- 2) vježba ili obavlja obuku s oružjem,
- 3) prikuplja obavijesti ili podatke koji mogu štetiti obrani ili sigurnosti Republike Hrvatske,
- 4) vrši propagandnu djelatnost kojom se šteti obrani ili sigurnosti Republike Hrvatske,
- 5) prihvaća na brod bilo kakav zrakoplov, ili zrakoplov s njega polijeće ili slijeće,
- 6) upućuje, spušta ili prihvaća na brod bilo kakav vojni uređaj,
- 7) ukrcava ili iskrcava robu, novac ili ljude suprotno carinskim, poreznim ili zdravstvenim propisima ili propisima o kretanju i boravku stranaca u Republici Hrvatskoj,
- 8) hotimično ili znatno onečišćuje morski okoliš,
- 9) obavlja ribolov ili ulov drugih morskih bića,
- 10) obavlja istraživanje, ispitivanje ili mjerenje,
- 11) obavlja djelatnost radi neovlaštenog uključivanja bilo u koji sustav komunikacija ili neki drugi sustav ili uređaje Republike Hrvatske,
- 12) obavlja drugu djelatnost koja nije u izravnoj svezi s prolaskom.

#### Članak 24.

(1) Ministar može u unutarnjim morskim vodama i u teritorijalnom moru Republike Hrvatske odrediti i propisati obvezne plovne putove, sustave odijeljenog prometa, sustave javljanja brodova, te način upravljanja pomorskim prometom radi sigurnosti plovidbe za sve ili za neke vrste plovnih objekata.

(2) U svrhu sigurnosti plovidbe, zaštite mora od onečišćenja, sprječavanja ugroženosti biološke i krajobrazne raznolikosti, kao i radi umanjenja opasnosti od većih pomorskih nezgoda, ministar može zabraniti plovidbu pojedinim dijelovima unutarnjih morskih voda ili teritorijalnog mora za određene vrste i veličine brodova, odnosno za brodove koji prevoze određenu vrstu tereta.

(3) Plovni putovi i sustavi odijeljenog prometa iz stavka 1. ovoga članka mogu se utvrditi u posebno zaštićenim dijelovima prirode uz suglasnost ministarstva nadležnog za poslove zaštite prirode.

(4) Plovni putovi i sustavi odijeljenog prometa iz stavka 1. ovoga članka ucrtavaju se u pomorsku kartu »Jadransko more« i pravodobno objavljuju u »Oglasu za pomorce«.

#### Članak 25.

(1) Stranome ribarskom brodu za vrijeme prolaska teritorijalnim morem Republike Hrvatske zabranjen je ribolov ili ulov drugih morskih bića u moru ili na morskome dnu.

(2) Strani ribarski brod dužan je ploviti teritorijalnim morem Republike Hrvatske brzinom ne manjom od šest čvorova, bez zaustavljanja ili sidrenja, osim ako je to prijeko potrebno zbog više sile ili nevolje na moru te imati vidljivo istaknute oznake ribarskoga broda.

(3) Odredbe stavka 1. i 2. ovoga članka ne odnose se na strani ribarski brod koji ima odobrenje za ribolov u teritorijalnom moru Republike Hrvatske dok se nalazi u području u kojemu je ribolov odobren.

#### Članak 26.

(1) Teritorijalnim morem Republike Hrvatske smiju istodobno prolaziti do tri strana ratna broda iste državne pripadnosti.

(2) Iznimno od odredbe stavka 1. ovoga članka teritorijalnim morem Republike Hrvatske uz odobrenje ministra nadležnog za poslove obrane, smiju istodobno prolaziti više od tri strana ratna broda iste državne pripadnosti.

#### Članak 27.

Ratni brodovi, tankeri, nuklearni brodovi i drugi brodovi kada prevoze opasne terete ili štetne tvari, prilikom plovidbe unutarnjim morskim vodama i neškodljiva prolaska teritorijalnim morem Republike Hrvatske, dužni su ploviti propisanim plovnim putovima za te brodove, poštovati sustave odijeljenoga prometa u područjima gdje su ti putovi ili sustavi odijeljenoga prometa propisani i udovoljavati drugim propisanim uvjetima glede sigurnosti plovidbe i suzbijanja onečišćenja morskog okoliša.

#### Članak 28.

Strana podmornica i drugo podvodno prijevozno sredstvo za vrijeme prolaska teritorijalnim morem Republike Hrvatske dužno je ploviti morskome površinom i viti zastavu svoje države i zastavu Republike Hrvatske.

#### Članak 29.

(1) Ministar može, kao prijeko potrebnu mjeru sigurnosti, a ministar nadležan za poslove obrane radi obavljanja obuke s uporabom oružja, odrediti pojedine zone u teritorijalnome moru Republike Hrvatske u kojima se privremeno obustavlja prolazak plovnih objekata.

(2) Naredba o ustanovljenju zone iz stavka 1. ovoga članka s granicama i drugim potrebnim podacima, objavit će se pravodobno i u »Oglasu za pomorce«.

#### Članak 30.

Ako se strani ratni brod, ili strani javni brod ne pridržava propisa o neškodljivom prolasku iz članka 21. - 24. i 26. - 29. ovoga Zakonika ili općeprihvaćenih međunarodnih propisa o sprječavanju sudara na moru, i ako se taj brod ne odazove pozivu koji mu je upućen da se tim propisima pokori, hrvatski policijski, ratni ili drugi ovlašteni brod, ili zrakoplov ili ovlašteno tijelo, zahtijevat će da taj brod odmah isplavi iz teritorijalnoga mora Republike Hrvatske.

#### Članak 31.

(1) Domaće i strane pravne i fizičke osobe, te hrvatski ratni brod mogu obavljati istraživanja, ispitivanja, fotogra ranja i/ili mjerenja mora, morskog dna i/ili morskog podzemlja teritorijalnog mora Republike Hrvatske, samo uz odobrenje ministarstva nadležnog za poslove znanosti i prethodnu suglasnost ministarstva nadležnog za poslove obrane glede interesa obrane.

(2) Iznimno od odredbe stavka 1. ovoga članka hrvatski ratni brod istraživanja može obavljati samo uz odobrenje ministarstva nadležnog za znanost.

(3) Domaće i strane pravne i fizičke osobe mogu obavljati arheološko istraživanje kulturnog dobra na moru, morskome dnu i/ili podzemlju teritorijalnog mora Republike Hrvatske samo uz odobrenje ministarstva nadležnog za poslove kulture.

(4) Domaće i strane pravne i fizičke osobe mogu obavljati istraživanja, ispitivanja, fotogra ranja i/ili mjerenja mora, morskog dna i/ili morskog podzemlja u zaštićenim dijelovima prirode teritorijalnog mora Republike Hrvatske samo uz odobrenje ministarstva nadležnog za poslove zaštite prirode.

(5) Odobrenja iz stavaka 1., 3. i 4. ovoga članka nadležna ministarstva izdaju uz prethodnu suglasnost Ministarstva glede sigurnosti plovidbe.

(6) Tijekom istraživanja, ispitivanja, fotogra ranja i/ili mjerenja iz stavaka 1. i 4. ovoga članka na stranom znanstvenoistraživačkom brodu mora biti nazočna najmanje jedna osoba koja u skladu s posebnim propisima ima status znanstvenika a zaposlena je u domaćoj znanstvenoj organizaciji. Tijekom arheološkog istraživanja iz stavka 3. ovoga članka na stranom znanstvenoistraživačkom brodu mora biti nazočna najmanje jedna stručna osoba koju odredi ministarstvo nadležno za poslove kulture.

(7) Tijekom istraživanja u zaštićenim dijelovima prirode iz stavka 4. ovoga članka, na stranom znanstvenoistraživačkom brodu mora biti nazočna jedna stručna osoba koju odredi ministarstvo nadležno za poslove zaštite prirode.

(8) Tijekom istraživanja iz stavaka 6. i 7. ovoga članka, ako se radi o brodu koji je ujedno i ratni brod, mora biti nazočan najmanje jedan stručni djelatnik Oružanih snaga Republike Hrvatske, odnosno ministarstva nadležnog za poslove obrane.

(9) Uvjete za uplovljavanje, prolazak i boravak stranih, ratnih i znanstvenoistraživačkih brodova u unutarnjim morskim vodama i teritorijalnom moru Republike Hrvatske kao i uvjete i način obavljanja znanstvenih i drugih istraživanja, ispitivanja, fotogra ranja i mjerenja mora, morskog dna ili morskog podzemlja unutarnjih morskih voda, teritorijalnog mora, epikontinentalnog i gospodarskog pojasa Republike Hrvatske propisat će Vlada.

#### Glava IV.

### GOSPODARSKI POJAS

#### Članak 32.

Gospodarski pojas Republike Hrvatske obuhvaća morske prostore od vanjske granice teritorijalnoga mora u smjeru pučine do njegove vanjske granice dopuštene općim međunarodnim pravom.

#### Članak 33.

(1) U svojem gospodarskom pojasu Republika Hrvatska ostvaruje suverena prava radi:

- a) istraživanja i iskorištavanja, očuvanja i gospodarenja živim i neživim prirodnim bogatstvima,
- b) proizvodnje energije korištenjem mora, morskih struja i vjetrova.

(2) Republika Hrvatska surađuje sa susjednim državama radi donošenja i provođenja mjera zaštite i očuvanja živih morskih bogatstava u području gospodarskog pojasa Republike Hrvatske.

#### Članak 34.

Ovlaštena tijela Republike Hrvatske imaju pravo i dužnost poduzimati sve potrebne mjere radi ostvarivanja suverenih prava istraživanja, iskorištavanja, zaštite, očuvanja i gospodarenja živim morskim bogatstvima u gospodarskome pojasu Republike Hrvatske, uključujući pregled, inspekciju, uzapćenje stranoga broda i sudske postupke. O uzapćenju ili zadržavanju stranoga broda i o izrečenim kaznama odmah se obavještava, diplomatskim putem država čiju zastavu brod vije.

(1) U gospodarskom pojasu Republika Hrvatska ima isključivo pravo graditi, dopuštati i regulirati gradnju, rad i uporabu umjetnih otoka, uređaja i naprava na moru, morskom dnu i u morskome podzemlju.

(2) Na gradnju, rad i uporabu objekata iz stavka 1. ovog članka primjenjuju se odgovarajući propisi Republike Hrvatske.

#### Članak 36.

Pravna ili fizička osoba kojoj je odobrena gradnja umjetnog otoka, uređaja ili naprave iz članka 35. ovoga Zakonika, dužna je:

a) najmanje 30 dana prije započinjanja radova, putem lučke kapetanije objaviti podatke o mjestu, načinu gradnje i o dimenzijama, veličini, dubini i izgledu objekta,

b) prije početka gradnje, na mjestu gdje počinje gradnju, a potom i na morskom objektu, postaviti stalna sredstva signalizacije,

c) najkasnije u roku od 30 dana od dana prestanka gradnji ili uporabe, ukloniti svaki morski objekt koji se više ne uporablja ili je napušten, ne uzrokujući štetu ribolovu, zaštiti i očuvanju morskog okoliša ili drugim legitimnim uporabama mora.

#### Članak 37.

(1) Na prijedlog izvođača radova na istraživanju i iskorištavanju bogatstava gospodarskog pojasa Republike Hrvatske ministar može, kad je to potrebno, oko umjetnih otoka, uređaja i naprava iz članka 35. ovoga Zakonika ustanoviti sigurnosne zone široke do 500 metara mjereći od svake točke vanjskog ruba objekta, i u tim zonama zabraniti plovidbu.

(2) Uspostavljanje sigurnosne zone, njezina širina i režim plovidbe u njoj objavljuju se pravodobno u »Oglasu za pomorce«.

#### Članak 38.

Umjetni otoci, uređaji i naprave i zone sigurnosti uokolo njih ne smiju se postavljati na mjestima gdje mogu ometati uporabu priznatih međunarodnih plovinih putova.

#### Članak 39.

Na svim umjetnim otocima, uređajima i napravama na gospodarskome pojasu Republike Hrvatske primjenjuju se carinski i porezni propisi, propisi o zdravstvenom osiguranju, o kretanju i boravku stranaca i kazneni propisi Republike Hrvatske.

#### Članak 40.

(1) Domaće i strane fizičke i pravne osobe, te hrvatski ratni brod mogu obavljati istraživanja, ispitivanja, fotografska i mjerenja mora u gospodarskom pojasu Republike Hrvatske pod uvjetima propisanim u članku 13. ovoga Zakonika.

(2) Strani ratni brod, strani javni brod, strani ribarski brod, te strani znanstvenoistraživački brod mogu obavljati djelatnosti iz stavka 1. ovoga članka samo uz odobrenje ministarstva iz članka 10. ovoga Zakonika.

#### Članak 41.

(1) Prilikom plovidbe gospodarskim pojasom Republike Hrvatske plovni objekti su dužni poštivati općeprihvaćene međunarodne propise i standarde i hrvatske propise o zaštiti od onečišćenja mora i zraka s brodova i onečišćenja prouzročeno potapanjem ili djelatnostima u podmorju.

(2) Pravne i fizičke osobe koje sudjeluju u istraživanju ili iskorištavanju prirodnih bogatstava gospodarskog pojasa Republike Hrvatske dužne su poštivati međunarodne i domaće propise, postupke i standarde o zaštiti i očuvanju mora, živih morskih bogatstava i morskog okoliša.

(3) Prilikom preleta gospodarskog pojasa Republike Hrvatske zrakoplovi su dužni poštivati općeprihvaćene međunarodne propise i hrvatske propise o zaštiti od onečišćenja mora iz zraka ili zrakom.

(4) Potanje propise o zaštiti od onečišćenja morskog okoliša u gospodarskome pojasu donosi ministar uz suglasnost ministra nadležnog za poslove zaštite okoliša.

### Glava V.

## EPIKONTINENTALNI POJAS

#### Članak 42.

(1) Epikontinentalni pojas Republike Hrvatske obuhvaća morsko dno i morsko podzemlje izvan vanjske granice teritorijalnoga mora Republike Hrvatske u smjeru pučine do granica epikontinentalnog pojasa sa susjednim državama.

(2) Granice epikontinentalnog pojasa Republike Hrvatske i Republike Italije utvrđene su sporazumom između Italije i bivše SFRJ iz 1968. godine.

(3) Do postizanja sporazuma o razgraničenju epikontinentalnog pojasa sa Crnom Gorom, odnosno sa Srbijom i Crnom Gorom, Republika Hrvatska će uživati suverena prava u tome pojasu do crte sredine koja se nastavlja na vanjsku granicu teritorijalnog mora u Bokokotorskom zaljevu u smjeru pučine.

#### Članak 43.

(1) U epikontinentalnom pojasu Republika Hrvatska ostvaruje suverena prava radi njegova istraživanja i radi iskorištavanja prirodnih bogatstava toga pojasa.

(1) Pod »prirodnim bogatstvima« iz stavka 1. ovoga članka razumijevaju se rudno i drugo neživo bogatstvo morskog dna i njegova podzemlja te morska bića koja su u stadiju u kojemu se love, nepokretna na morskome dnu ili ispod njega, ili se mogu kretati samo u stalnome zičkom dodiru s morskim dnom ili samo u morskome podzemlju.

(2) Strane pravne i zičke osobe smiju iskoristavati morska bića iz ovoga članka samo u slučajevima utvrđenim međunarodnim ugovorom.

#### Članak 44.

(1) Prilikom ostvarivanja prava iz članka 43. stavka 1. ovoga Zakonika ne smiju se neopravdano sprječavati plovidba, ribarenje, zaštita živih bogatstava mora, ni osnovna oceanografska ili druga znanstvena istraživanja javnog karaktera.

(2) Na istraživanja iz stavka 1. ovoga članka u epikontinentalnom pojasu primjenjuju se odredbe članka 40. ovoga Zakonika.

#### Članak 45.

(1) Iskorištavanje prirodnih bogatstava epikontinentalnog pojasa Republike Hrvatske te podizanje, puštanje u radi održavanje potrebnih postrojenja i uređaja za istraživanja i poduzimanje djelatnosti radi iskorištavanja mogu se obavljati uz uvjete predviđene ovim Zakonikom, propisima donesenim na temelju Zakonika i drugim propisima.

(2) Na postrojenja i uređaje iz stavka 1. ovoga članka primjenjuju se odredbe članka 35. do 39. ovoga Zakonika.

(3) Ministarstvo odobrava i nadzire polaganje i održavanje podmorskih kabela i cjevovoda u epikontinentalnom pojasu Republike Hrvatske koji prelaze u područje teritorijalnog mora Republike Hrvatske, a za podmorske cjevovode koji se polažu u epikontinentalnom pojasu Republike Hrvatske, a ne prelaze u područje teritorijalnog mora Republike Hrvatske daje suglasnost o smjeru polaganja.

(4) Protiv rješenja Ministarstva kojim se daje ili uskraćuje odobrenje iz stavka 3. ovoga članka nije dopuštena žalba, ali se može pokrenuti upravni spor.

(5) Potonje propise o suzbijanju onečišćenja uzrokovanog djelatnostima na morskome dnu i morskome podzemlju radi istraživanja ili iskorištavanja prirodnih bogatstava epikontinentalnog pojasa, uključujući onečišćenja s umjetnih otoka, sprava, uređaja i cjevovoda položenih na morskome dnu, kao i uvjete na temelju kojih se daje odobrenje iz stavka 3. ovoga članka propisuje ministar uz suglasnost ministra nadležnog za poslove zaštite okoliša.

#### Glava VI.

### PRAVO PROGONA

#### Članak 46.

(1) Progon stranoga plovnog objekta poduzet će se ako nadležno tijelo osnovano sumnja da je strani plovni objekt ili njegov pripadak povrijedio odredbe ovoga Zakonika, druge propise Republike Hrvatske ili općeprihvaćena pravila međunarodnoga prava.

(2) Progon stranoga plovnog objekta može početi samo ako se sumnjivi plovni objekt ili njegov pripadak, nalazi u unutarnjim morskim vodama, u teritorijalnome moru, u gospodarskom pojasu ili nad epikontinentalnim pojasom Republike Hrvatske i ako se ne zaustavi nakon vidljivoga ili zvučnog poziva za zaustavljanje koji mu je upućen s udaljenosti koja omogućuje da poziv vidi ili čuje.

(3) Progon stranog plovnog objekta može se nastaviti u otvorenome moru, u gospodarskom pojasu ili u vanjskom pojasu strane države dok se ne prekine ili dok progonjeni brod ne uplovi u teritorijalno more svoje ili neke druge države.

(4) Progon mogu obavljati policijski, ratni brodovi ili vojni zrakoplovi ili drugi brodovi, odnosno zrakoplovi za to ovlašteni. U gospodarskome pojasu ili nad epikontinentalnim pojasom progon stranoga plovnog objekta može započeti samo ako su povrijeđeni propisi koji se primjenjuju u tim pojasevima.

(5) Ako se plovni objekt iz ovoga članka uzapti, predat će se nadležnom tijelu za provedbu postupka.

(6) Odredbe ovoga članka ne odnose se na strane ratne brodove i javne brodove koji uživaju imunitet.

#### Dio treći

### SIGURNOST PLOVIDBE

#### Glava I.

### ZAJEDNIČKE ODREDBE

#### Članak 47.

Sigurnost plovidbe uređena ovim Zakonikom odnosi se:

1) na osnovne uvjete kojima moraju odgovarati: plovni putovi u unutarnjim morskim vodama i u teritorijalnom moru Republike Hrvatske, luke, pomorski objekti hrvatske državne pripadnosti kao i plovni objekti koji plove unutarnjim morskim vodama i teritorijalnim morem Republike Hrvatske, posada na pomorskim objektima, plovidba i peljarenje na moru,

2) na nadzor nad provođenjem odredaba ovoga dijela Zakonika.

(1) Fizička ili pravna osoba koja obavlja prijevoz u javnom prometu na moru, ili obavlja djelatnost iznajmljivanja plovila, ili druge gospodarske djelatnosti na moru, trgovačko društvo ili tijelo koje upravlja lukom i trgovačko društvo koje se brine o održavanju i obilježavanju plovnih putova dužni su:

1) organizirati nadzor obavljanja poslova koji se odnose na sigurnost plovidbe, sukladno odredbama ovog Zakonika i propisa donesenih na temelju ovoga Zakonika,

2) osigurati trajno obavljanje nadzora sigurnosti plovidbe,

3) voditi propisane podatke koji su značajni za sigurnost plovidbe.

(2) Kompanija je dužna uspostaviti i održavati dokumentirani sustav upravljanja sigurnošću sukladno zahtjevima Tehničkih pravila.

(3) Inspeksijski nadzor nad obavljanjem poslova iz ovoga članka obavlja inspekcija sigurnosti plovidbe Ministarstva i lučkih kapetanija.

#### Članak 49.

(1) Ministarstvo je dužno provesti istragu o svakoj nesreći koja se dogodi bilo kojem brodu hrvatske državne pripadnosti, kao i na brodu strane državne pripadnosti koji pretrpi nesreću u unutarnjim morskim vodama ili teritorijalnom moru Republike Hrvatske, ako je nesreća prouzročila smrt ili teže tjelesne ozljede državljanina Republike Hrvatske, veći gubitak ili oštećenje imovine, ili onečišćenje morskog okoliša.

(2) Nalaz istrage iz stavka 1. ovoga članka mora se javno objaviti.

(3) Način, uvjete i ovlasti za obavljanje istrage iz stavka 1. ovoga članka propisuje ministar, uz suglasnost ministra nadležnog za poslove zaštite okoliša u dijelu koji se odnosi na onečišćenje okoliša.

#### Glava II.

### PLOVNI PUTOVI

#### Članak 50.

(1) Plovni put u unutarnjim morskim vodama i u teritorijalnom moru Republike Hrvatske jest morski pojas dovoljno dubok i širok za sigurnu plovidbu plovnog objekta, koji je, prema potrebi, i obilježen.

(2) Objekti sigurnosti plovidbe na plovnim putovima u unutarnjim morskim vodama i u teritorijalnom moru Republike Hrvatske jesu: svjetionici, obalna svjetla, plutače i druge oznake, signalne postaje i radiopostaje, optički, zvučni, električni, elektronski, radarski i drugi uređaji za sigurnu plovidbu.

(3) športske i druge aktivnosti mogu se obavljati na plovnom putu samo uz prethodno odobrenje nadležne lučke kapetanije i uz uvjete utvrđene odobrenjem.

(4) Za uporabu, odnosno korištenje objekata sigurnosti plovidbe na plovnim putovima plaća se naknada.

#### Članak 51.

(1) Plovni putovi Republike Hrvatske moraju se uređivati, održavati njihova plovnost, postavljati na njima objekte za sigurnu plovidbu i osiguravati njihov ispravan rad.

(2) Na plovnim putovima Republike Hrvatske obavlja se hidrografska djelatnost radi osiguranja točnih podataka o dubinama, vrsti dna, morskim strujama, gustoći mora, valovima i kolebanju morske razine. Mjerenja parametara su sustavna i obavljaju se u skladu sa standardima Međunarodne hidrografske organizacije.

(3) Podaci iz stavka 2. ovog članka uctavaju se i opisuju na službenim pomorskim kartama i publikacijama Hrvatskog hidrografskog instituta.

(4) Oznake i načine označavanja na plovnim putovima u unutarnjim morskim vodama i teritorijalnom moru Republike Hrvatske propisat će ministar.

#### Članak 52.

Poslove iz članka 50., 51. stavak 1. i 4. ovoga Zakonika obavlja trgovačko društvo »Plovput«, a poslove iz članka 51. stavak 2. i 3. ovoga Zakonika obavlja javna ustanova Hrvatski hidrografski institut.

#### Članak 53.

Za postavljanje svjetala i znakova za obilježavanje zapreka na plovnom putu kao i za istraživanje i iskoristavanje industrijskih i ostalih mineralnih sirovina, odnosno za izgradnju objekata na plovnom putu, lučka kapetanija određuje poziciju i karakteristiku svjetala, odnosno znakova te mjere za sigurnu plovidbu uz prethodno pribavljeno mišljenje trgovačkog društva »Plovput«.

#### Članak 54.

(1) Investitor, vlasnik ili korisnik objekata ili sredstava koji predstavljaju stalne ili privremene zapreke na plovnom putu (mostovi, kabeli, potonuli objekti, i sl.) dužan je, u roku određenom od nadležne lučke kapetanije, postaviti i održavati svjetla i znakove za obilježavanje tih zapreka.

(2) Ako osoba iz stavka 1. ovoga članka ne postavi propisano svjetlo ili drugi znak ili ako postavljeno svjetlo ili drugi znak ne održava u ispravnom stanju, trgovačko društvo koje se brine o održavanju i obilježavanju plovnog puta, na zahtjev nadležne lučke kapetanije, a na teret te osobe, postaviti će propisano svjetlo ili drugi znak, odnosno neispravno će svjetlo ili drugi znak dovesti u ispravno stanje.

(3) Investitor, vlasnik ili korisnik objekata ili sredstava izgrađenih ili postavljenih u unutarnjim morskim vodama teritorijalnom moru Republike Hrvatske dužan je propisno ih označiti i održavati u stanju koje ne predstavlja opasnost za ljudske živote i sigurnost plovidbe, sukladno odredbama ovog Zakonika i propisa donesenih na temelju

#### Članak 55.

- (1) Obalne radiopostaje obavljaju radioslužbu koja služi zaštiti ljudskog života i sigurnosti plovidbe na moru.
- (2) U obavljanju radioslužbe, sukladno propisima o radioprometu iz stavka 1. ovoga članka obalne radiopostaje dužne su osigurati službu bdijenja i druge potrebne službe.
- (3) Plovni objekti koji moraju imati radiopostaju moraju za vrijeme plovidbe organizirati službu bdijenja, u skladu s propisima o radioprometu.

#### Glava III.

#### LUKE

#### Članak 56.

- (1) Luke moraju udovoljavati propisanim uvjetima sigurnosti plovidbe, zaštite mora od onečišćenja i sigurnosne zaštite.
- (2) Sve zičke i pravne osobe koje koriste luku, pomorski objekti koji se nalaze u luci dužni su se pridržavati ili udovoljavati pravilima o redu u lukama u pogledu sigurnosti plovidbe, zaštite ljudskih života, zaštite mora od onečišćenja koja propisuje ministar.
- (3) U luci i drugim dijelovima unutarnjih morskih voda zabranjeno je obavljati aktivnosti utvrđene posebnim propisom.
- (4) Rukovanje opasnim i ostalim tvarima u lukama, kao i uvjeti i način pod kojima će se obavljati ukrcavanje i iskrcavanje opasnih i štetnih tvari, rasutog i ostalih tereta u lukama, te način sprječavanja širenja onečišćenja, propisat će ministar.
- (5) Ostala pitanja u svezi s lukama koja nisu uređena ovim Zakonikom, uređuju se posebnim zakonom.

#### Članak 57.

Luke mogu biti otvorene za javni promet ili za posebne namjene ako je prije toga utvrđeno da je udovoljeno propisanim uvjetima za sigurnost plovidbe u luci.

#### Članak 58.

- (1) Tijelo koje upravlja lukom dužno je održavati luku tako da omogućava sigurnu plovidbu, pristajanje i vezivanje plovnih objekata, te ukrcaj ili iskrcaj putnika i tereta, te obavljati druge poslove propisane ovim Zakonikom ili propisima donesenim na temelju ovoga Zakonika, kojima se osiguravaju sigurni uvjeti u luci.
- (2) Tijelo iz stavka 1. ovoga članka dužno je održavati čistoću luke od predmeta koji ugrožavaju sigurnost plovidbe ili onečišćuju more.

#### Članak 59.

- (1) Tijelo koje upravlja lukom otvorenom za javni promet dužno je uz jednake uvjete omogućiti svakoj zičkoj i pravnoj osobi korištenje operativnih obala, lukobrana i drugih objekata u luci prema njihovoj namjeni i u granicama raspoloživih kapaciteta, ako ovim Zakonikom ili drugim zakonom nije drugačije određeno.
- (2) U pogledu korištenja luke otvorene za međunarodni javni promet i plaćanja lučkih naknada strani su plovni objekti izjednačeni s hrvatskim, uz uvjet uzajamnosti.
- (3) Primjenu međunarodnih preporuka o baždarenju balastnih prostora na tankerima za prijevoz ulja s izdvojenim balastnim tankovima u pogledu načina obračuna pristojbi, naknada i drugih pristojbi u lukama propisat će ministar.

#### Članak 60.

- (1) Strani plovni objekt dužan je pri dolasku u luku predati nadležnoj lučkoj kapetaniji opću izjavu, zdravstvenu izjavu i izvadak iz popisa posade i popis putnika.
- (2) Pri odlasku iz luke strani je plovni objekt dužan predati izvadak iz popisa posade i popis putnika samo za one osobe koje su ukrcane ili iskrccane dok se on nalazio u luci.
- (3) Strani plovni objekt koji dolazi iz hrvatske luke ne predaje u drugoj hrvatskoj luci izvatke iz popisa posade i popisa putnika za one osobe koje se ne iskrcavaju niti ukrcavaju u toj luci.

#### Članak 61.

- (1) Strani nuklearni brod koji namjerava uploviti u hrvatsku luku otvorenu za međunarodni pomorski promet dužan je zatražiti odobrenje za uplovljavanje u luku i pravodobno dostaviti ovjereni prijepis dokumentacije o sigurnosti nuklearnog postrojenja Ministarstvu.
- (2) Ministarstvo će pribavljenu dokumentaciju o sigurnosti nuklearnog postrojenja dostaviti tijelu državne uprave nadležnom za nuklearnu sigurnost radi stručne ocjene i određivanja posebnog programa ispitivanja (mjerjenja) sadržaja radioaktivnih tvari u okolini nuklearnog broda, te iznosa posebne pristojbe koju mora uplatiti poduzetnik broda za pokriće troškova posebnog programa.
- (3) Ministarstvo će izdati brodu iz stavka 1. ovoga članka odobrenje za uplovljavanje u hrvatsku luku ako na temelju stručne ocjene tijela državne uprave nadležnog za nuklearnu sigurnost ustanovi da od tog broda ne prijete povećana opasnost od uzrokovanja nuklearne štete i ako taj brod ima valjanu potvrdu o sklopljenom ugovoru o osiguranju ili potvrdu o nancijskom jamstvu, koju je izdao osiguravatelj, odnosno davatelj nancijskog jamstva, do visine svote iz članka 831. ovoga Zakonika, te da su osigurana sredstva za posebnu pristojbu iz stavka 2. ovog članka.

(1) Prije uplovljavanja stranoga nuklearnog broda koji je dobio odobrenje iz stavka 3. ovoga članka, nadležna lučka kapetanija naredit će da tijelo državne uprave nadležno za nuklearnu sigurnost, na najprikladnijem mjestu, obavi odgovarajući pregled stanja nuklearne sigurnosti broda. Lučka kapetanija može, prema potrebi, obavljati ponovne preglede i za boravka broda u luci.

#### Članak 62.

(1) Domaći i strani brod koji prevozi više od 2.000 tona ulja kao teret, a nema potvrdu o osiguranju ili drugome nancijskom jamstvu o imovinskoj odgovornosti za štetu onečišćenjem uljem predviđenu u članku 820. ovoga Zakonika, ne smije ulaziti u hrvatsku luku niti izlaziti iz hrvatske luke niti u njima ukravati ili iskravati ulje.

(2) Odredba stavka 1. ovoga članka odnosi se i na brod koji prevozi više od 2.000 tona ulja kao teret, koji je u vlasništvu strane države, a koji nije pokriven osiguranjem ili drugim nancijskim jamstvom, ako nema potvrdu države u kojoj je upisan da je vlasništvo države i da je njegova odgovornost pokrivena u granicama predviđenima u članku 816. ovoga Zakonika.

#### Članak 63.

(1) Ako u luci ili drugim dijelovima unutarnjih morskih voda i teritorijalnog mora Republike Hrvatske nastane požar ili druga nesreća koja ugrožava sigurnost ljudskih života ili plovnog objekta, nadležna lučka kapetanija je dužna narediti najbližem ili drugom brodu da odmah krene na mjesto požara, odnosno nesreće radi spašavanja ugroženih ljudskih života, ako time ne ugrožava svoj život.

(2) Plan intervencija kod iznenadnih onečišćenja mora propisuje Vlada.

#### Glava IV.

### PLOVIDBA I PELJARENJE

1.

#### *Plovidba*

#### Članak 64.

(1) Zapovjednik broda, članovi posade broda, osoba koja upravlja brodicom ili jahtom i članovi posade brodice ili jahte moraju u plovidbi primjenjivati propisana pravila plovidbe, zaštite mora od onečišćenja, te propisane signale i oznake sukladno odredbama ovoga Zakonika i podzakonskih propisa donesenim na temelju ovoga Zakonika kojima se uređuje sigurna i uredna plovidba.

(2) Propise iz stavka 1. ovoga članka donosi ministar.

(3) Ministar će uz suglasnost s ministrom nadležnim za poslove zaštite okoliša donijeti propis o upravljanju i nadzoru vodenog balasta.

#### Članak 65.

(1) Oštećeni, nasukani ili potopljeni plovni objekti koji ometaju ili ugrožavaju sigurnost plovidbe ili znače opasnost od onečišćenja moraju se po nalogu nadležne lučke kapetanije bez odlaganja ukloniti s plovnog puta.

(2) Zabranjeno je na plovni put baciti predmete ili stvari koje mogu omesti ili ugroziti sigurnost plovidbe ili onečistiti more.

#### Članak 66.

(1) Plovni objekt koji dolazi iz inozemstva ne smije prometovati s drugim brodovima, tijelima, organizacijama i osobama na obali prije nego što od nadležne lučke kapetanije dobije odobrenje za slobodan promet s obalom.

(2) Strani brod, strani ratni brod i strana jahta dužni su viti zastavu svoje državne pripadnosti i zastavu Republike Hrvatske dok se nalaze u teritorijalnom moru i unutarnjim morskim vodama Republike Hrvatske, osim dok su u neškodljivom prolazu.

#### Članak 67.

Strani plovni objekt u raspremi može boraviti u unutarnjim morskim vodama Republike Hrvatske uz uvjete koje odredi ministar.

2.

#### *Peljarenje*

#### Članak 68.

(1) Peljarenje je vođenje plovnog objekta od stručnih osoba (peljara) i davanje stručnih savjeta zapovjedniku plovnog objekta, radi sigurne plovidbe u lukama, tjesnacima i drugim područjima unutarnjih morskih voda i teritorijalnog mora Republike Hrvatske.

(2) Peljarenje može biti lučko i obalno.

(3) Lučko peljarenje je peljarenje plovnog objekta u području luke do određene granice, a obalno u dijelu unutarnjih morskih voda i teritorijalnog mora Republike Hrvatske do granice lučkog peljarenja.

#### Članak 69.

(1) Poslove peljarenja u unutarnjim morskim vodama i u teritorijalnom moru Republike Hrvatske ne mogu bez posebnog odobrenja Ministarstva obavljati strane pravne osobe.

(2) Odobrenje će se izdati samo ako peljarenje ne može ili ne želi obaviti domaća pravna osoba.

(3) Protiv rješenja Ministarstva kojim se daje ili uskraćuje odobrenje iz stavka 1. ovoga članka ne može se uložiti žalba, ali se može pokrenuti upravni spor.



- (1) Zapovjednik broda dužan je zatražiti usluge peljarenja kada je ono obvezno.
- (2) Obveznom peljarenju ne podliježu:
  - a) hrvatski ratni brodovi, hrvatski javni brodovi, brodovi koji služe za održavanje plovinih putova i objekata sigurnosti plovidbe na tim putovima, vodonosci, hrvatski putnički brodovi koji plove na redovnoj liniji,
  - b) brodovi čija je bruto tonaža manja od 500,
  - c) jahte čija je bruto tonaža manja od 1000.
- (3) Iznimno, ministar može osloboditi obveznog lučkog peljarenja pojedini brod ili jahtu, osim brodova koji prevoze opasne ili štetne tvari, čija je bruto tonaža manja od 2000 za određeno razdoblje i na određenom lučkom području, pod uvjetom da je zapovjednik položio poseban ispit.
- (4) Iznimno od odredbe stavka 2. točke b) ovoga članka lučka kapetanija može za pojedine vrste brodova čija je bruto tonaža manja od 500 odrediti da podliježu obveznom lučkom peljarenju.
- (5) Peljarenje može obavljati samo trgovačko društvo koje za obavljanje ovih poslova dobije odobrenje Ministarstva.
- (6) Obvezno peljarenje, njegove granice, vrijeme i mjesto ukrcavanja i iskrcavanja peljara određuje, za lučko peljarenje, lučka kapetanija, a za obalno peljarenje ministar.
- (7) Uvjete koje mora zadovoljavati brod i zapovjednik kako bi mogao biti oslobođen obveznog peljarenja, te sadržaj ispita iz stavka 3. ovoga članka propisuje ministar.
- (8) Uvjete na temelju kojih se izdaje odobrenje za obavljanje peljarenja, stručnu spremu, ovlaštenja i druge uvjete i obveze koji mora ispunjavati peljar, obrazac, način i uvjete izdavanja iskaznice peljara, uvjete koje mora ispunjavati trgovačko društvo koje obavlja poslove peljarenja, način obilježavanja peljarskih brodova i brodica i pozivnih znakova za peljarenje, kao i uvjeti i način obavljanja peljarenja, te prava i obveze peljara propisuje ministar.

#### Članak 71.

Neobvezno peljarenje traje dok ga ne otkáže peljareni plovni objekt ili dok on ne uđe u područje obveznog peljarenja, a peljar nije ovlašten obavljati takvo peljarenje.

#### Članak 72.

- (1) Peljarenjem se može koristiti svaki plovni objekt uz jednake uvjete.
- (2) U pogledu korištenja usluga peljarenja i plaćanja naknade za te usluge strani su plovni objekti izjednačeni s hrvatskim plovnim objektima, uz uvjet uzajamnosti.
- (3) Najvišu dopuštenu visinu naknade za usluge peljarenja posebnim propisom utvrđuje ministar.

#### Članak 73.

- (1) Peljarenje plovnog objekta, bez obzira je li obvezno ili nije, ne oslobađa zapovjednika broda dužnosti upravljanja plovidbom i manevriranjem plovnim objektom te odgovornosti koje iz toga nastaju.
- (2) Brodar plovnog objekta koji se koristi uslugama peljara odgovara za radnje i propuste člana posade svog broda.

#### Članak 74.

- (1) Za naknadu štete što je peljar prouzroči brodaru plovnog objekta koji se koristi uslugama peljarenja odgovara trgovačko društvo u kojem je peljar zaposlen u trenutku prouzročenja štete, do visine osnovne naknade predviđene tarifom za obavljanje usluga peljarenja pomnožene faktorom 300 ako se dokaže da je šteta nastala krivnjom peljara.
- (2) Ugovor o ograničenju odgovornosti trgovačkog društva koje obavlja obvezno peljarenje, sklopljen protivno odredbi stavka 1. ovoga članka prije prouzročenja štete brodaru, nema pravni učinak.
- (3) Ugovor o ograničenju odgovornosti trgovačkog društva obvezanog na naknadu štete prouzročene obavljanjem peljarenja koje nije obvezno, a koji je sklopljen prije prouzročenja štete na svotu manju od svote iz stavka 1. ovoga članka, nema pravni učinak.

#### Članak 75.

- (1) Ako se prema ovom Zakoniku može tražiti naknada štete neposredno od peljara koji je prouzročio štetu, odredba članka 74. stavka 1. ovoga Zakonika primjenjuje se i na peljara, osim ako je peljar štetu prouzročio namjerno.
- (2) Odgovornost peljara, zajedno s odgovornošću trgovačkog društva u kojem je peljar zaposlen, odnosno zajedno s odgovornošću druge pravne osobe čiji je peljar radnik, ne može prijeći granice odgovornosti iz članka 74. ovoga Zakonika, osim ako se dokaže da je peljar štetu prouzročio namjerno.

- 1) sigurnosnom zaštitom,
  - 2) sprječavanjem onečišćavanja pomorskog okoliša uljem, štetnim tvarima, otpadnim vodama i smećem,
  - 3) sprječavanjem onečišćavanja zraka,
  - 4) zaštitom pomorskog okoliša od bioinvazivnih vrsta u balastnim vodama,
  - 5) zaštitom morskog okoliša od štetnog djelovanja sustava protiv obraštanja trupa,
  - 6) zaštitom na radu, smještajem posade i drugih osoba zaposlenih na brodu,
  - 7) uvjetima za prijevoz putnika,
  - 8) sigurnošću uređaja za rukovanje teretom.
- (1) Pored uvjeta iz stavka 1. ovoga članka brod je sposoban za plovidbu i:
- 1) ako je na njemu ukrcan barem najmanji propisani broj članova posade s odgovarajućim svjedodžbama o osposobljenosti i dopunskoj osposobljenosti koji brod mora imati za sigurnu plovidbu,
  - 2) ako je smještaj i broj ukrcanih putnika u skladu sa:
    - propisima kojima se uređuje prijevoz putnika,
    - odredbama i uvjetima navedenim u brodskim ispravama, zapisima i knjigama i odobrenoj tehničkoj dokumentaciji,
  - 3) ako je teret na brodu ukrcan, složen, raspoređen i osiguran u skladu sa:
    - propisima kojima se uređuju uvjeti prijevoza tereta,
    - odredbama i uvjetima navedenim u brodskim ispravama, zapisima i knjigama i odobrenoj tehničkoj dokumentaciji broda;
  - 4) ako su na brodu osigurani propisani uvjeti pružanja medicinske skrbi i ako brod ima i propisno vodi brodsku ljekarnu.
- (2) Kategoriju plovidbe pomorskih brodova propisuje ministar.
- (3) Minimalne uvjete koje mora zadovoljavati brod, oprema i uređaji, radi pružanja odgovarajuće medicinske skrbi članovima posade, te opremu i obavezni sadržaj brodske ljekarne kao i očevidnike o sadržaju brodske ljekarne i način njihovog vođenja propisat će ministar nadležan za poslove zdravstva uz suglasnost ministra.

#### Članak 77.

- (1) Sposobnost za plovidbu prema odredbama članka 76. stavak 1. ovoga Zakonika, utvrđuje priznata organizacija obavljanjem tehničkog nadzora i posvjedočuje izdavanjem odgovarajućih brodskih isprava, zapisa i knjiga u skladu s odredbama Tehničkih pravila.
- (2) Tehnička pravila donosi ministar.
- (3) Sposobnost broda za plovidbu prema odredbama članka 76. ovoga Zakonika provjerava se inspekcijskim nadzorom.

#### Članak 78.

- (1) Tehnički nadzor obuhvaća:
- 1) odobrenje tehničke dokumentacije na temelju koje se brod gradi ili preinačuje,
  - 2) tipno ili pojedinačno odobrenje strojeva, uređaja i opreme namijenjene za ugradnju u brod,
  - 3) nadzor nad izradbom materijala, strojeva, uređaja i opreme namijenjene za ugradnju u brod u radionicama proizvođača,
  - 4) odobrenje proizvođača i uslužnih tvrtki,
  - 5) nadzor nad gradnjom trupa i ugradnjom strojeva, uređaja i opreme u brodogradilištu,
  - 6) ocjenjivanje sustava upravljanja sigurnošću brodarara i broda,
  - 7) verifikaciju sigurnosne zaštite broda,
  - 8) preglede, ocjene i verifikacije postojećih brodova.
- (2) Tehnički nadzor, na temelju zahtjeva kompanije ili graditelja za brod u gradnji obavlja priznata organizacija odnosno ovlaštena organizacija za sigurnosnu zaštitu brodova.
- (3) Ugovorom o prijenosu ovlaštenja između Ministarstva i priznate organizacije, sukladno posebnom zakonu i međunarodno usvojenim normama utvrđuje se opseg, uvjeti, prava i obveze iz ovlaštenja za obavljanje tehničkog nadzora i izdavanje brodskih isprava, zapisa i knjiga.

#### Članak 79.

Pregledi, ocjene i verifikacije (u daljnjem tekstu: pregled) postojećih brodova mogu biti: osnovni, redoviti i izvanredni.

#### Članak 80.

Osnovni pregled je obavezan pregled kojem podliježe postojeći brod prije početka korištenja broda prigodom:

- 1) upisa u upisnik brodova,
- 2) izmjene namjene, granica plovidbe ili drugih svojstava broda na koje se odnose odredbe Tehničkih pravila.

#### Članak 81.

Redoviti pregledi su obavezni pregledi kojima podliježe postojeći brod u vremenskim razmacima propisanim Tehničkim pravilima.

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