

**FINAL TEXT OF THE REGULATIONS ON PERFORMING UNDERWATER ACTIVITIES IN THE WATERS OF THE REPUBLIC OF MONTENEGRO (“Gazette of the RM “ number 12/04) and REGULATIONS ON ALTERATIONS AND ADDITIONS TO THE REGULATIONS ON PERFORMING UNDERWATER ACTIVITIES IN THE WATERS OF THE REPUBLIC OF MONTENEGRO (“Gazette of the RM number 27/05)**

**Article 1**

The Regulations herein stipulate the conditions of performing underwater activities (hereinafter: diving) for the purpose of recreation and sport in the partly enclosed waters and territorial sea of the Republic of Montenegro.

Any stay under the water surface with the application of diving gear is regarded to be diving according to Section 1 of this Article.

**Article 1a**

Diving can be organized or individual.

As organized is regarded the diving performed by a diving centre, club or other legal or natural person (hereinafter: the diving organizer), and that obtains a permit for performing underwater activities issued by the Public Institution Regional Centre for Diving Instruction, Underwater Demining, Providing Aid, Salvage and Control at Sea (hereinafter: Regional Centre for Diving Instruction and Control at Sea) and the decision on registration issued by the competent authority of the Republic of Montenegro, under permanent supervision of the authorized qualified person (hereinafter: diving master) who is registered in diving log (hereinafter: Log).

The diving master must minimally have diving qualification with three stars (R\*\*\*), that is an equivalent qualification according to the classification of the recognized international diving schools.

As individual diving is regarded the diving performed under the supervision of the diving instructor who has the permit for performing underwater activities for an instructor, issued by the Regional Centre for Diving Instruction and Control at Sea, and which is registered in the Diving Log.

The permit for the underwater activities and the permit for the underwater activity for an instructor is issued after the signing of the agreement between the Regional Centre for Diving Instruction and Control at Sea and the organizer of diving, that is the instructor.

Permits as in the Section 5 of this Article are issued with an annual term of validity and can be renewed.

The forms for the permit as in Section 5 of this Article are printed with the Regulations herein and are its integral part.

**Article 1b**

A logbook is issued by the diving organizer to each diving master.

The log includes the particulars about:

-diving organizer (first name and family name, that is the name and seat of the diving organizer), work permit of the diving instructor and organizer issued by the Regional Centre for Diving Instruction and Control at Sea;

-diving master (first name and family name of the diving master, qualification certificate, number of the qualification certificate, number of the permit for performing underwater activities, data about the undergone medical examination);

diving (date and hour of diving, site of diving, type of diving, planned duration of diving, maximal depth of diving)

- the participants of diving (first name and family name, number of the divers card, citizenship, qualification);
- diving plan and the draft of the diving area
- any diving accident that occurs during the diving

The particulars must be entered legibly and clearly and the pages numbered

The diving log is verified by the Regional Centre for Diving Instruction and Control at Sea.

#### **Article 1c**

At the site of diving the diving organizer must provide:

- the essential first aid kit and the equipment for administering the aid with oxygen;
- means of communication(VHF radio unit or GSM unit);
- important telephone numbers of the recompression chambers and the services for salvage and searching at sea (DAN);
- program of the transport of the injured;
- log

#### **Article 2**

As the diving with diving gear the following is regarded:

- diving for sport and recreation;
- underwater shooting of photographs and films;
- underwater competitions;
- underwater fishing;
- training of divers;
- underwater research of the water quality and the bed of any waters;

The use of the camera for photographing or filming under the water by remote control system from the above surface is not regarded as diving according to the Regulations herein.

#### **Article 3**

As diving gear is regarded: autonomous diving gear and linked diving gear and technical diving aids.

As autonomous diving gear is regarded the set for air supply (air bottles) with compressed oxygen or air or any other breathing gas-mixture, set for breathing under the surface, which is taken by the diver, plus buoyance compensator and diving measuring instruments.

As linked diving gear is regarded the diving gear with which the breathing gas-mixture is supplied from the surface, so the diver is linked to the surface by tubes and a cable.

As technical diving aids are regarded all other devices that are used by crews for moving or to stay under the water.

#### **Article 4**

The area in which diving is performed must be visibly marked.

The marking is done by placing in the middle of the diving area a signal buoy, of orange or red colour, of diameter not smaller than 30 cm, or a dive flag (an orange rectangle with a white diagonal line, or a marine flag with the letter "A" of the International Signal Codex, or a diver's flag placed high on the craft from which the diving is performed).

At night the buoy must carry a light a blinker, in red or white colour, visible at the distance of at least 300 meters.

For the marking of the area where diving is performed the responsible person is the organizer, and for the individual diving, the responsible person is the instructor under whose supervision the diving is performed.

The marking as in Article 2, Section 1, indented line 3, is done in accordance with the approval issued by the harbour master, taking in concern the safety of traffic, and according to Article 7 of these Regulations, while the responsibility of marking is taken by the organizer of the competition.

For the marking as in Article 2, Section 1, indented line 4, the responsible person is the one who is in charge of training.

#### **Article 5**

Diving can be performed provided the person has a divers card.

The divers card is not issued to the person doing the practical part of a diving course before acquiring the primary diving qualification.

“The card as in Section 1 of this Article is issued by the Regional Centre for Diving Instruction and Control at Sea;

The divers card as in Section 1 of this Article is valid for one year from the date of issue and is issued only to the person who has the required diving qualification recognized by the Regional Centre for Diving Instruction and Control at Sea.

A divers card includes data on the form which is the integral part of the regulations herein.

Upon issuing the divers card the Regional Centre for Diving Instruction and Control at Sea is bound to provide the person to whom the card is issued with the information about the areas prohibited for diving, areas where only organized diving is allowed, important telephone numbers needed in the case of accident, as well as with the rest of important information regarding the requirements of diving stipulated by the Regulations herein and other respective acts of law and regulations.

#### **Article 6**

Diving training in the waters of the Republic of Montenegro (hereinafter: Republic) is carried out according to the curricula of the international diving schools.

Training as in the Section 1 of this Article (hereinafter: course) is applied for in written form to the Regional Centre for Diving Instruction and Control at Sea.

The application for organizing a course should include the data about the organizer of the course, divemaster, first names and family names of the participants of the course, place and time of the course, as well as the approval for organizing the course issued by the Diving Federation of Montenegro.

#### **Article 7**

Sports competitions are carried out with the previous approval of the harbour master and the Diving Federation of the Republic of Montenegro (hereinafter: Diving Federation).

The application for the approval as in Section 1 of this Article must be submitted to the harbour master's office and the Diving Federation not later than eight days before the planned beginning of the competition.

In addition to the approval as in Section 1 of this Article the harbour master and the Diving Federation determine the measures to be taken within the sports competition.

### **Article 8**

The remuneration for the issue of the divers card amounts to €15.

The funds aggregated of the remuneration as in Section 1 of this Article are exclusively allotted for the improvement of the safety of diving and control at sea, advancement of the care for the injured divers, protection of cultural and natural heritage of the seabed, and the development of diving in the Republic Montenegro

The amount of the funds as in Section 1 of this Article is purposefully allotted as follows: 60% to the Diving Federation of Montenegro and 40% to the Regional Centre for Diving Instruction and Control at Sea.

The Regional Centre for Diving Instruction and Control at Sea draws up an annual plan of the purposeful use of the funds aggregated through the issue of the divers cards.

### **Article 9**

The greatest permitted depth in sports recreational diving with breathing gas supply is 40 meters.

### **Article 10**

Diving cannot be performed:

- a) parts of coastal waters encompassing harbours, harbour accesses, anchorages, and areas of heavy traffic;
- b) in the partly enclosed areas of the sea and the territorial sea of the Republic of Montenegro in which it is so determined by special provisions, that is by an act of the competent authority;
- c) in strict and special sea nature reserves, nature parks, and in other protected areas of the sea and sea bed (such as the Bay of Risan, the Bay of Kotor, round the island Gospa od Škrpjela etc);
- d) in the vicinity of anchored warships, and guarded military facilities along the coast at the distance shorter than 100 meters.

An exemption from the stipulation in Section 1 of this Article, diving is allowed with the permit which, in accordance with special regulations issued by:

- for Item a): territorially competent harbour master's office;
- for Item b): competent state authority that brought the special provisions or act of law;
- for Item c): public enterprise and other bodies for environment protection under the requirements provided by regulations for environment protection
- for Item d): Ministry of Defence of Serbia and Montenegro

The Ministry for Internal Affairs and the Ministry for Maritime Affairs and Traffic of the Republic of Montenegro shall be informed about the issued permits by the authorities as in Section 2 of this Article.

### **Article 11**

Diving is allowed only with the previously obtained permit from the competent authority in the following zones of the partly enclosed sea and territorial sea of the Republic of Montenegro, bounded by the lines joining the following points:

- A- lat. = 42°25'54" N lon. 18°041'45" E (the Bay of Tivat)
- B- lat. = 42°25'51" N lon. 18°041'23" E (the Bay of Tivat)
- C- lat. = 42°26'12" N lon. 18°041'18" E (the Bay of Tivat)
- D- lat. = 42°26'21" N lon. 18°041'30" E (the Bay of Tivat)

The Ministry for Internal Affairs and the Ministry for Maritime Affairs and Traffic of the Republic of Montenegro shall be informed of the issued permits by the state authority as in Section 1 of this Article.

### **Article 12**

The supervision of diving stipulated by the Regulations herein can be performed, within their competence, by diving supervisors appointed by the Regional Centre for Diving Instruction and Control at Sea.

Exceptionally, in national parks the supervision of diving besides by the persons as in Section 1 of this Article can be performed by authorized official persons according to the regulations on national parks.

If the persons as in Sections 1 and 2 of this Article perceive any irregularities, they are bound to inform the police or nearest harbour master's branch office, that is to submit reports to the Regional Centre for Diving Instruction and Control at Sea.

## **FINAL PROVISIONS**

### **Article 13**

By taking effect of the Regulations herein, the application of the Regulations on Performing Underwater Activities in the Coastal Sea of the Socialist Federal Republic of Yugoslavia ("Gazette of the SFRY", number 12/80) ceases.