

Maritime Navigation Safety Law

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I BASIC PROVISIONS

Subject-matter

Article 1

This Law governs the requirements for maritime craft, crew and vessels navigating in Montenegrin internal and territorial waters in reference to maritime navigation safety and other matters ensuring such safety.

Maritime navigation, maritime and vessels

Article 2

Maritime navigation shall mean the navigation conducted at sea and the Bojana River up to the point navigable from the seaward side, including the waters of Skadar Lake and Rijeka Crnojevica.

Maritime craft shall mean a watercraft intended for navigation at sea (hereinafter: vessel) or a craft permanently moored or anchored at sea (hereinafter: floating facility).

Vessel shall mean a ship, a technical craft, a warship, a yacht, and a boat.

Ships of Montenegrin nationality

Article 3

When in the open seas, ships of Montenegrin nationality shall be under the sovereignty of Montenegro.

Scope

Article 4

The provisions of this Law concerning ships shall also apply to warships and other maritime watercraft, if envisaged so by this Law.

Common practices in maritime navigation

Article 5

Common practices in maritime navigation shall apply to the relations not governed by this Law, other legislation, or ratified international treaties.

Definition of terms

Article 6

Certain terms and expression used in this Law shall have the following meaning:

1) **ship** shall mean a vessel intended for navigation at sea (passenger, cargo, technical, fishing, public or research) exceeding 12 m in length and the gross tonnage (GT) of 15 tons, or the one exceeding 12 m in length and the GT of 15 tons licensed to carry more than 12 passengers, other than a warship;

2) **ship under construction** shall mean a ship in the process of or intended for construction and a ship undergoing reconstruction or type conversion or altering of its initial intended purpose;

3) **ship operator** shall mean a natural person or a legal entity undertaking a maritime venture in the capacity of the ship holder, where it is presumed, until proven otherwise, the

ship operator is the person entered into the register of ships as the ship owner;

4) **pleasure boat** shall mean a vessel intended for navigation at sea of between 7 and 12 m in length and less than 15 GT, with the propulsion power under 75 kW and capable of sustaining longer stays at sea;

5) **high-speed passenger ship** shall mean a passenger ship with maximum speed in m/s equal or higher than the value obtained by applying the following equation: $3,7 \sqrt[3]{V}$, where V is the displacement on the design waterline in m³, with the exception of non-displacement ships with their hull entirely above sea surface due to aerodynamic forces generated by the surface effect and the ships with displacement up to 500 m³ with maximum speed of 20 knots;

6) **high-speed cargo ship** shall mean a cargo ship with maximum speed in m/s equal or higher than the value obtained by applying the following equation: $3,7 \sqrt[3]{V}$ where V is the displacement on the design waterline in m³, with the exception of non-displacement ships with their hull entirely above sea surface due to aerodynamic forces generated by the surface effect;

7) **GT** shall mean the gross tonnage of a vessel or a floating facility;

8) **seaplane** shall mean a plane with integrated aerodynamic floats capable of taking off and landing on water;

9) **boat** shall mean a vessel intended for navigation at sea which is neither a ship nor a yacht, more than 2.5 m in length or propelled by the engine with the power in excess of 5 kW, including a water scooter, a jet ski, etc. other than lifeboats on board vessels and boats intended for sport competitions (canoes, kayaks, gondolas and pedalos, windsurf and surf boards) not capable of sustaining longer stays at sea;

10) **Montenegrin warship** shall mean a vessel, including submarines, which is under the command of Montenegrin Army, manned by military personnel;

11) **yacht** shall mean a vessel intended for pleasure, sport and recreation, exceeding 7 m in length, and not engaged in international trade;

12) **public vessel** shall mean a vessel, other than a warship, used by state administration authorities serving solely non-commercial purposes;

13) **public transportation** shall mean the carriage of passengers and their luggage by vessels available to all persons under equal terms and performed on the basis of contract on carriage;

14) **shipping company** shall mean the ship owner or other natural person or legal entity (ship manager or charterer) that assumed responsibility for running the ship, as well as for the duties and responsibilities under the International Safety Management Code (the ISM Code);

15) **international voyage** shall mean a scheduled voyage by a ship or other vessel sailing from a port in one country to a port in another country or sailing in the open sea or the territorial waters of other coastal states;

16) **place of refuge** shall mean a place providing temporary shelter for a vessel in distress or a vessel in need of assistance to remove possible danger for the craft itself, its crew, passengers and other persons or the environment;

17) **research vessel** shall mean a ship intended for research or extraction from the sea, the seabed or its subsoil;

18) **nuclear ship** shall mean a nuclear-powered ship;

19) **floating facility** shall mean a maritime craft not intended for navigation (a floating dock, a floating storage unit, a floating restaurant, a floating power plant, a pontoon bridge, a pontoon marina etc.);

20) **pilot vessel** shall mean a vessel intended for transporting a maritime pilot from harbour to the vessel in need of pilotage;

21) **a laid-up vessel** shall mean a vessel not engaged in commercial operation, not loaded and not awaiting cargo loading or unloading, not dry-docked or under necessary repairs at quayside;

22) **derelicts resulting from a maritime incident or accident** shall mean a sunk or stranded ship or a part thereof, including the items located on board or that used to be located on board, including the items that disappeared into the sea from the stranded, sunken or abandoned ship, as well as a ship expected to sink or run aground unless measures to assist the ship or the property in distress are undertaken;

23) **maritime accident** shall mean an event that occurred during operation or utilisation of a maritime craft, a waterway or a facility on it which led, as a direct consequence of the use of maritime craft, to casualties or bodily injuries, physical damage or environmental pollution, excluding deliberate acts or omissions intended to endanger safety of maritime craft, persons on board such a craft or the environment;

24) **maritime incident** shall mean an event that occurred at sea, other than maritime accident, arising as a direct consequence of maritime craft utilisation, and which endangers or has endangered a safety of the craft, safety of passenger or other persons on board, or which threatens to or has polluted the environment, but excluding deliberate acts or omissions intended to endanger safety of the craft, persons on board or the environment;

25) **ship manager** shall mean a natural person or a legal entity managing ship's business and/or maintenance and/or manning;

26) **existing ship** shall mean a ship whose construction has been completed;

27) **passenger ship** shall mean an engine-propelled ship more than 12 m long, in excess of 15 GT and carrying more than 12 passengers;

28) **passenger** shall mean any person on board a vessel, except infants under one year of age and persons employed on board;

29) **warship** shall mean Montenegrin warship and a foreign warship;

30) **fishing vessel** shall mean an engine-powered vessel intended for and equipped with gear for catching fish and other marine organisms, whose length exceeds 12 m and with tonnage in excess of 15 GT;

31) **Ro/Ro passenger ship (ferryboat)** shall mean a boat carrying more than 12 passengers and equipped for loading, unloading and accommodation of road vehicles and railroad cars on board;

32) **foreign public ship** shall mean a ship of a foreign administration authority serving solely for non-commercial purposes, with the exception of a warship;

33) **foreign warship** shall mean a ship belonging to armed forces of another country and being under the command of the armed forces of the given country;

34) **foreign fishing vessel** shall mean an engine-powered vessel of foreign nationality intended for and equipped with gear for catching fish and other marine organisms;

35) **tug or pusher** shall mean a vessel intended for towing or pushing other vessels;

36) **technical vessel** shall mean a ship with or without engine propulsion intended to carry out technical operations (dredger, crane and excavator);

37) **cargo ship** shall mean a ship intended for transporting cargo, with or without engine propulsion;

38) **merchant navy** shall mean all ships and other vessel other than warships.

II SAFETY OF NAVIGATION

Waterway Article 7

A waterway in Montenegrin internal and territorial waters shall mean a marine strip of

sufficient depth and width for safe navigation of a vessel, marked as need be.

Waterway marking in Montenegrin internal and territorial waters shall be set forth by the state administration authority responsible for maritime affairs (hereinafter: Ministry).

Waterway definition and maintenance

Article 8

Waterway shall be defined and kept navigable and facilities for ensuring safety of navigation shall be placed and kept in proper working order.

The navigation safety facilities referred to in para 1 above shall include: lighthouses, coasting lights, buoys and other marks, signal stations and radio stations, visual, sound, electric, electronic, radar and other devices for safe navigation at sea, in waterways and ports.

It is prohibited to display signs not related to navigation safety, or damage or, without authorisation, place, remove or alter the operation of navigation safety facilities referred to in para 2 above.

The administration authority responsible for navigation safety (hereinafter: Administration Authority) shall install navigation safety facilities, ensure their proper functioning, define and mark waterways and maintain their navigability.

Usage fee for navigation safety facilities

Article 9

A fee shall be charged for the use of navigation safety facilities at waterways. The fee referred to in para 1 shall be charged to users of waterways.

The fee referred to in para 1 above shall not be charged to public vessels, Montenegrin warships and ships exempted from this charge by virtue of an international treaty.

The amount of the fee referred to in para 1 above shall be set by the Government of Montenegro (hereinafter: Government).

The funds collected by charging the fee referred to in para 1 above shall constitute the revenues of the Budget of Montenegro (hereinafter: Budget).

Maximum allowed speed

Article 10

While navigating through Montenegro's internal waters, a vessel is obliged to proceed at a safe speed so as its stern waves would not endanger and harm other vessels, shores, facilities, devices, plants and rigs on the landside or at sea.

Safe speed limit within Boka Bay shall not exceed 10 knots, and in the Strait of Kumbor, the Strait of Verige and Bojana River not more than 6 knots.

By way of exception to para 2 above, a vessel may exceed the safe speed limit with a prior consent of the Ministry.

While sailing, manoeuvring, berthing, mooring, unmooring and anchoring in port and at anchorage, the person navigating the ship shall act with due care so as not to endanger human life or harm own or other craft, the shore, devices, facilities or plants.

Public transportation

Article 11

Public transportation at sea may take the form of a liner or tramp service.

Duties of a ship operator in public transportation

Article 12

A ship operator providing public transportation services is obliged to take on board persons or goods within the limits of allowed deadweight, unless carriage of certain goods is

otherwise regulated by specific legislation.

Public liner service

Article 13

Public liner service shall be carried out according to set routes and sailing schedules, with set rates and other carriage terms, under the terms of a carriage contract between the ship operator and the user.

The sailing schedule shall be set by the ship operator in collaboration with the legal or natural person using the port or a part thereof by virtue of a concession agreement.

The sailing schedule shall be published in printed and electronic media not later than 15 days before becoming effective.

Ship operator is obliged to adhere to the set and published sailing schedule.

Public tramp service

Article 14

Public tramp service shall mean the type of service where the route, price and other terms of transport are set in a contract entered into by the user and the ship operator.

Transport for own needs

Article 15

The transport for own needs shall mean the non-commercial transportation carried out by legal entities and natural persons in pursuit of own activity.

Sports, recreation and leisure area

Article 16

Sport events and performances may take place in waterway and within port confines pursuant to an approval issued by a department in the Ministry (hereinafter: Port Authority).

The approval referred to in para 1 above shall be issued pursuant to an application of the sport event or performance organisers lodged not later than 15 days before the first day of the event.

The approval referred to in para 1 above for underwater sport fishing contest or other underwater activities shall specify the area and proper marking of the area for the event.

Port Authority is obliged to notify all vessels, via radio transmission, of the sport event or performance taking place not later than eight days before the beginning of the event.

Removal of markings, devices and items after the event

Article 17

The organiser of the sport event or performance referred to in Article 16 above is obliged to remove the markings, devices and items placed on the waterway or in port for the purpose of the event or performance within 24 hours from the end of the event or performance.

Should the organiser of the sport event or performance fail to remove the markings, devices and items placed on the waterway or within port confines, such markings, devices and items shall be removed by the Administration Authority at the expense of the organiser.

Underwater activities

Article 18

Persons engaged in underwater fishing, research or other underwater activities are obliged for the duration of the dive to drag a yellow or orange surface marker buoy of at least 30 cm in diameter.

Training for jet watercraft (water scooter, jet-ski etc.)

Article 19

Training for jet watercraft (water scooter, jet-ski, etc.) may be conducted in marked areas (the training ground) designated by the legal person managing the maritime domain, with the Port Authority's consent.

The training at the training ground shall be delivered by commercial entities and entrepreneurs meeting the requirements in terms of equipment and staff pursuant to an approval issued by the legal entity managing the maritime domain.

More detailed requirements for the needs of activities referred to in para 2 above shall be set by the state administration authority responsible for sustainable development, with prior consent by the Ministry.

Ban on sailing, berthing and anchoring

Article 20

Sailing, berthing, anchoring or beaching of vessels intended for transportation of passengers and cargo, speedboats, jet watercraft (water scooter, jet-ski, etc.) or watercraft using airbags at developed, reclaimed or natural beaches shall be prohibited.

Embarkation and disembarkation of passengers and loading and unloading of cargo to and from vessels referred to in para 1 above may be temporarily performed outside ports at spots on the shore enabling safe mooring and adequate water depth and width needed for vessel manoeuvring, pursuant to the approval provided by the Ministry.

Approaching the shore

Article 21

While sailing in Montenegrin internal and territorial waters, ships, boats and sea planes are not allowed to approach shores closer than:

- 1) 300 m for ships and sea planes;
- 2) 150 m for motor boats.

By way of exception to para 1 above, engine powered vessels may approach the shore more to enter port or anchorage area or to berth along the shore in line with Article 20 para 2 above, depending on the waterway layout, provided the approach is done at a lower speed to ease turning and stopping.

Rowing boats, windsurf and surf boards, canoes, kayaks, gondolas, recreational kayaks and pedalos may approach shore closer than 50 m.

In the water body surrounding beaches, vessels may sail at a distance greater than 50 m away from the developed or reclaimed beach or 150 m away from a natural beach.

Jet watercraft (water scooter, jet-ski, etc.) or watercraft using airbags may be skimming only at distances in excess of 200 m off shore.

Ban on swimming

Article 22

Swimming outside designated area of a developed or reclaimed beach and at the distance of more than 100 m away from a natural beach shall be prohibited.

By way of exception to para 1 above, swimming is allowed at distances greater than 100m off shore in the waters surrounding a natural beach which, by way of its terrain, prevents vessels from entering (shallow waters, shoals, rocks, reefs, etc.).

Issuance of approvals

Article 23

Approvals for construction of navigable canals, ports, berthing places and other hydro-

technical facilities affecting navigation safety shall be issued upon Port Authority's approval.

Marking obstacles and maintenance of lights

Article 24

A developer, owner or user of facilities or structures constituting permanent or temporary obstacles in waterways or in ports (bridges, cables, sunken object etc.) is obliged to install and maintain lights and beacons to mark such obstacles to ensure navigation safety.

The positions and features of lights or beacons for marking obstacles as referred to in para 1 above and structures for mineral ore exploration and extraction and for construction of structures in waterways and within port confines, navigation safety measures and deadline for posting lights and beacons shall be set by Port Authority.

If persons referred to in para 1 above fail to display lights or beacons or if lights or beacons are not kept in proper working order, Administration Authority shall install lights or beacons or bring a broken light or beacon to proper working order at the expense of such a person.

Port Authority is obliged to notify all vessels in the given waterway or port of the conditions and changes in sailing patterns, as well as the duration of works in waterways and ports referred to in para 2 above.

Damaged, stranded or sunken vessels

Article 25

The operator of a damaged, stranded or sunken vessel which obstructs or endangers navigation safety is obliged, upon Port Authority's request, to remove such vessel from the waterway or port confines without delay.

Should a ship operator referred to in para 1 above fail to proceed as requested by Port Authority, Administration Authority shall, as requested by Port Authority, remove the vessel at the expense and risk of the ship operator.

Administration Authority is obliged to undertake measures referred to in para 2 above even in cases when the ship operator of the damaged, stranded or sunken vessel is unknown, and the vessel obstructs or endangers navigation safety.

A legal or a natural person that has been granted the use of or a concession over a port or a part thereof in terms with the law is obliged to safeguard the vessel referred to in paras 2 and 3 above as well as the vessel prohibited to leave port by the Port Authority or competent court.

Dumping of objects or items in waterway or within port confines which may obstruct or endanger navigation safety shall be prohibited.

Abandoned ship and a wreck

Article 26

A ship found in a waterway or in port abandoned by its master and the crew or a ship that has lost its minimum safe manning and the ship operator failed within eight days from abandonment to man the ship in accordance with this Law shall be deemed an abandoned ship.

Ship operator referred to in para 1 above is obliged to remove the ship from the waterway and place it in port for safeguarding.

Should the ship operator referred to in para 2 above remain unknown, Administration Authority shall remove the ship from the waterway to the nearest port for safeguarding.

Should the ship operator remain unknown for 30 days from placing an abandoned ship into a port, Administration Authority is obliged to lodge a motion with the competent court for the sale of the ship by public auction to cover for the cost of the ship removal, placement

and safeguarding.

In case a ship operator is not accessible or is abroad, and an abandoned ship is in such a state that there is a danger of sinking or poses a risk for navigation, for the port and other structures and persons in the port confines or on board, Administration Authority shall lodge a motion with the competent court for the sale of the ship in an urgent procedure, in line with the Law.

Paragraphs 1 to 5 above shall also apply to ship wrecks.

The provisions of this Article apply also to other vessels.

Radio service

Article 27

The radio service for protection of lives and navigation safety shall be provided by Administration Authority.

Administration Authority is obliged to organise the 24/7 radio service referred in para 1 above.

Ships with onboard radio stations in terms with this Law shall arrange 24/7 radio watches.

The method and the conditions for radio service and the requirements to be met by coastal and shipboard radio stations shall be set by the Ministry.

Free pratique and departure

Article 28

A ship coming from a foreign port shall not communicate with other ships, authorities or persons before being granted free pratique by the Port Authority.

The free pratique referred to in para 1 above is required also for a vessel coming from a domestic port had it come, during its voyage, into physical contact with a vessel coming from a foreign port.

A ship may leave port or an anchorage only after being cleared by the Port Authority.

A foreign ship and a foreign warship in a waterway in Montenegrin territorial and internal waters is obliged to fly both the flag of its nationality and the flag of Montenegro.

A ship arriving to or departing from port must announce its arrival or departure.

A fee, which constitutes Budget revenue, shall be charged for being granted free pratique or clearance to depart.

The rate of the fee referred to in para 6 above shall be set forth by the Government.

The method for announcing arrival and departure and the format of the free pratique referred to in paras 1 and 2 above shall be set by the Ministry.

Approaching a vessel that has not been granted free pratique

Article 29

Only:

- 1) a public vessel;
- 2) a vessel to provide assistance or rescue;
- 3) a tug or a pusher for tugging or pushing the vessel without establishing contact with its crew;
- 4) a pilot vessel to provide pilot access to the ship
may approach a vessel that has not been granted free pratique.

Port arrival and departure

Article 30

A ship on an international voyage intending to arrive into or depart from a port or an anchorage area is obliged to provide to the Port Authority:

- 1) general declaration (ship name, call sign, bunkers, etc.);
- 2) health declaration;
- 3) crew manifest;
- 4) passenger manifest, if carrying passengers;
- 5) cargo manifest;
- 6) dangerous cargo manifest, in case of having hazardous cargo on board.

When leaving port, ship is obliged to provide the list of crew and passengers who have embarked or disembarked during the ship's call in port.

The format of the documents referred to in para 1 above and the documents to be provided by ships navigating Montenegrin internal and territorial waters shall be set by the Ministry.

Foreign nuclear ship

Article 31

A foreign nuclear ship intending to call in a Montenegrin port open for international transport shall apply with the Ministry for permission to enter port.

The application referred to in para 1 above shall be accompanied by a certified copy of documents concerning the safety of ship's nuclear propulsion.

The permission referred to in para 1 above shall be granted only if the ship poses no danger of causing nuclear damage and if the ship, as requested by the Ministry, produces proof of mandatory insurance or financial security or a contract of liability for damages in terms with the law.

Before the foreign nuclear ship, which has been granted permission referred to in para 3 above, may enter port, the administration authority responsible for environmental protection shall examine the documents pertinent to the safety of ship's nuclear propulsion and inspect the ship to establish whether there is any danger of causing nuclear damage.

The administration authority referred to in para 4 above may carry out repeated inspections during the ship's call in port.

A laid-up vessel

Article 32

Safeguarding and maintenance of a laid-up vessel shall be carried out by its crew.

A laid-up vessel may stay within Montenegrin internal and territorial waters under the conditions set forth by the Ministry.

Proof of mandatory insurance

Article 33

A Montenegrin ship of 300 GT and above, other than warships or public vessels owned by the state, shall have proof of insurance for liability for maritime claims in line with the 1976 Convention on Limitation of Liability for Maritime Claims up to the limits set in the 1996 Protocol to the Convention.

The insurance referred to in para 1 above may be with or without a franchise, according to the type of coverage of members of the International Group of P&I Clubs or other pertinent financial security (guarantees provided by a bank or other similar financial institution).

The proof referred to in para 1 above shall include the following particulars:

- 1) ship's name, the IMO number and port of registry;
- 2) the name of ship's operator or other person responsible for the ship;
- 3) insurance type and duration;
- 4) name and address of the insured person, and the place where insurance was concluded.

The proof referred to in para 3 above shall be issued or translated into English, French or Spanish.

A foreign ship which meets the terms set in para 1 above and which intends to call in a Montenegrin port or moor alongside hydrocarbon exploration and production facility in Montenegrin territorial waters shall hold the proof referred to in para 1 above.

Should the inspection or examination of ship's documents or the information provided by a European Union member state reveal that the ship does not hold the proof referred to in para 1 above, the Port Authority may ban the ship entering port or order the ship to leave port, and notify the European Commission, the European Union member states and the flag state thereof.

Place of refuge

Article 34

A vessel forced, due to force majeure or distress at sea, to seek refuge in Montenegrin internal waters is obliged, without delay, to notify the Port Authority to be determined the place of refuge.

The place of refuge shall be defined according to the Vessel Care Plan adopted by the Ministry.

The method for using the place of refuge and the contents of the plan referred to in para 2 shall be set by the Ministry.

III PILOTAGE

Types of Pilotage

Article 35

Pilotage shall mean the expert guidance by a maritime pilot (hereinafter: pilot) to the master of the vessel for directing the craft and safe navigation within port confines and other areas in Montenegrin internal and territorial waters.

Pilotage may be port pilotage and coastal pilotage.

Port pilotage involves piloting of a vessel within port confines and in Boka Bay.

Coastal pilotage involves piloting of a vessel in Montenegrin internal and territorial waters outside port confines and boundaries of Boka Bay.

Pilotage services

Article 36

Pilotage services may be provided by a legal entity pursuant to an approval issued by the Ministry. The pilotage services referred to in para 1 shall be issued to a legal entity provided that it:

1) is registered with the Central Register of Business Entities for delivering pilotage services;

2) holds at least one pilot vessel;

3) has at least one fixed EHF radio-station;

4) has at least four pilots with pilot IDs among its staff;

5) holds at least four handheld VHF radio-stations;

6) holds a pilot liability insurance contract in terms with Article 42 below.

The legal person referred to in para 1 above is obliged to ensure pilotage services 24/7 and keep the pilot log and ensure pilot training.

Pilot vessels shall be marked and use pilotage call signs.

More detailed conditions to be met by a pilot vessel and radio stations referred to in para 2 above, the requirements for keeping pilot log, designating pilot vessels and the use of call signs for pilotage shall be set by the Ministry.

Mandatory pilotage

Article 37

Port pilotage is mandatory.

By way of exception to para 1 above, port pilotage shall not be mandatory for:

- 1) Montenegrin warships and Montenegrin public vessels;
- 2) passenger and Ro-Ro passenger ships on scheduled lines provided the master holds a pilot certificate for the given port area;
- 3) ships under 500 GT regardless of their nationality, provided they are not carrying dangerous or hazardous liquids or liquefied gases.

Port pilotage shall be mandatory also for a ship transferred from one wharf to another or moved alongside the same wharf by means of its propulsion.

Master of a vessel is obliged to request port pilotage not later than two hours before arrival, departure, transferral or moving alongside.

Master of a vessel may request pilotage even in cases referred to in para 2 above.

Boundaries of port and costal pilotage, the time and place for pilots embarking and disembarking shall be set by the Ministry.

Using pilotage services

Article 38

Pilotage shall be provided to each vessel on equal footing.

Performance of pilotage

Article 39

Pilotage may be performed by a pilot holding a pilot identity card issued by the Port Authority.

Pilot identity card shall be granted to a person holding a certificate of competency for a master of a ship of 3000 GT or more and a pilot examination successfully passed, a medical certificate and a proof of being employed with the legal entity referred to in Article 37 above.

Pilot identity cards referred to in para 1 above shall be issued for a period of two years. Pilot identity may be renewed at pilot's request if he continues to meet the identity card requirements.

Pilot identity card shall be revoked if the pilot ceases to meet the requirements referred to in para 2 above.

Port Authority shall keep records of issued and revoked pilot identity cards. A person holding the certificate of competency referred to in para 2 above and pilot training completed may sit for a pilot exam.

The pilot exam referred to in para 7 above shall be taken after completing pilot training, following pertinent programme and taken before a panel set up by the Ministry.

A fee, which shall constitute Budget revenues, is charged for issuance of pilot identity card.

The amount of the fee referred to in para 9 above shall be established by the Government.

The delivery of pilot training and the method of taking the pilot exam, the method of keeping records referred to in para 6 above and the format of the pilot identity shall be set by the Ministry.

Duties of a pilot

Article 40

While on pilotage duty, pilot is obliged to wear uniform and hold pilot identity card.

While delivering pilotage services, a pilot shall not leave the navigation bridge of the ship under pilotage before its completion.

Pilot shall refuse pilotage on a vessel that has not been granted free pratique or departure clearance or whose draught does not correspond to the depth of the sea at the designated berthing or anchoring position, i.e. if the berthing place does not meet the safe berthing conditions to stay afloat or in other cases where navigation safety is endangered.

While delivering pilotage service, pilot is obliged to give advice to the person commanding the vessel with regard to its steering and manoeuvring and to inform that person of the regulations and rules in force in the pilotage area.

Pilot is obliged to notify the Port Authority via VHF radio station of the commencement and completion of pilotage.

Following the pilotage of a vessel, pilot is obliged to inform the Port Authority in writing of the following:

- 1) any observed malfunctioning of navigation safety facilities in the waterway;
- 2) any observed breach of navigation safety regulations and rules;
- 3) any damages caused to and by the vessel under pilotage.

The notifications referred to in para 6 above shall contain at least the following:

- about the ship (name, IMO identification number, call sign and flag state);
- about navigation (last port of call, port of destination);
- description of observable irregularities established on board ship.

The official uniform referred to in para 1 above shall be set by the Ministry.

Responsibility for running the ship

Article 41

Pilotage of a vessel does not relieve the vessel master of the duty to conduct the navigation and manoeuvre the vessel and from the liabilities resulting therefrom.

Liability and damages

Article 42

The ship operator of a vessel using pilotage services shall be liable for any actions or omissions of the pilot and for the actions or omissions of crewmembers.

The compensation for damages caused by the pilot to the operator of the vessel using pilotage services shall be the responsibility of the legal entity employing the pilot at the time when the damages were sustained, up to the amount of the basic compensation stipulated by the rate for pilotage service rendered, multiplied by the factor of 300 if it has been proven the damages were sustained through the fault of the pilot.

A contract limiting liability of the legal entity delivering pilotage services concluded contrary to the provisions of para 2 above before causing damages shall have no legal effect.

A contract limiting liability of the legal entity in reference to the damages caused by delivering non-mandatory pilotage, concluded before causing damages to the amount lower than the one stipulated in para 2 above shall have no legal effect.

Pilot's liability

Article 43

If the compensation for damages is sought directly from the pilot who has caused damages, the provision of Article 42 para 2 above shall apply to the pilot, unless the damages caused by the pilot were deliberate.

Pilot's liability, together with the liability of the legal entity employing the pilot, shall not exceed the limits set in Article 42 above, unless the damages caused by the pilot were deliberate.

Use of tugs or pushers

Article 44

Tugging or pushing in port shall be done only at the request of the master of the vessel and with as many tugs or pushers as requested by him.

By way of exception to para 1 above, in case of adverse weather, port congestion, simultaneous manoeuvring of several vessels or in case of a vessel carrying dangerous goods, Port Authority may stipulate the number of tugs or pushers that shall be used for the given manoeuvre.

The master referred to in para 1 above is obliged to request the assistance of tugs or pushers for the intended manoeuvre in a timely fashion.

In case of several vessels requesting the assistance of tugs or pushers simultaneously and where there are not sufficient tugs or pushers or when navigation safety or human lives are at stake or in case of threat of marine pollution, Port Authority shall define the sequence of tugging or pushing cognizant of the fact that liner service ships take precedence for berthing.

IV MARITIME TRAFFIC SUPERVISION, MONITORING AND MANAGEMENT

Conducting maritime traffic supervision, monitoring and management

Article 45

Maritime traffic supervision, monitoring and management shall be conducted with a view to improving maritime traffic safety and efficiency, and protection of the sea.

Maritime traffic supervision, monitoring and management shall be conducted by the Administration Authority in cooperation with the Port Authority, the administration authority in charge of hydrography and the vessels navigating or being located in Montenegrin internal and territorial waters.

Maritime traffic supervision, monitoring and management shall include:

- 1) gathering data on vessel in maritime traffic;
- 2) provision of information for vessel (weather forecasts, warnings, medical advice, etc.);
- 3) provision of navigation-related advice and support to vessels;
- 4) maritime traffic management.

The manner of conducting maritime traffic supervision, monitoring and management shall be set out by the Ministry.

Notice of arrival

Article 46

Ship operator, a person authorised by ship operator or master of the ship approaching a Montenegrin port is obliged to provide to the Port Authority the following information:

- 1) for ships:
 - ship identification (name, call sign, mandatory IMO number or MMSI number);
 - port of destination (UN/LOCODE);
 - estimated time of arrival (ETA) to the port of destination, pilot station and estimated time of departure (ETD);
 - total number of persons on board;
- 2) for tankers:
 - configuration (single hull, single hull with SBT, double hull);
 - condition of the cargo and ballast tanks (full, empty, inerted);
 - volume and nature of cargo;
- 3) port or anchorage operations (loading, unloading);
- 4) technical supervision, maintenance and repairs planned during the call in Montenegrin port;

5) date of last ship or tanker expanded inspection.

In addition to the information referred to in para 1 above, ship operator, a person authorised by ship operator or master of the ship approaching a Montenegrin port is obliged to provide to the Port Authority the following information about the cargo:

1) technical names of hazardous or polluting cargoes, the UN cargo numbers, if any, the IMO risk classes in line with international treaties, and, if needed, ship class needed for the INF cargo, cargo quantities, and, if transported in cargo units other than tanks, their identification number;

2) certificate of holding on board a list or manifest or pertinent loading plan detailing hazardous or polluting cargoes, and their distribution and disposition on board;

3) address where more detailed information of cargo is available.

The information referred to in paras 1 and 2 above shall be provided, if possible, by electronic means.

Port Authority shall make the information referred to in paras 1 and 2 above available to maritime safety inspector.

Duty to provide information

Article 47

Ship operator, a person authorised by ship operator or master of the ship is obliged to notify the information referred to in Article 46 above:

1) not later than 24 hours before entering a Montenegrin port;

2) not later than upon departure from the previous port of call if the voyage leg takes less than 24 hours;

3) in case of an unknown port of call or port of call changed during the voyage, the moment such information becomes known;

4) at least two hours before departure from a Montenegrin port.

Adhering to navigation rules

Article 48

A passenger and high-speed passenger ship, a cargo and high-speed cargo ships of 300 GT and above engaged on international voyages, as well as a technical vessel shall be equipped with the long-range identification and tracking (hereinafter: LRIT) which reports automatically, every six hours, the information on ship's IMO number and MMSI sign, position (longitude and latitude), date and time.

The information referred to in para 1 above from a ship under the Montenegrin flag shall be transmitted to the LRIT centre with which Montenegro has entered into LRIT service contract.

Administration Authority shall have available the appropriate equipment for receiving information on long-range identification and tracking of Montenegrin ships, regardless of their location.

The ship referred to in para 1 above shall have the automatic identification system (AIS) and voyage data recorder (VDR) on board, in line with international treaties.

The ship referred to in para 4 above shall have AIS permanently on, except when international treaties envisage protection of voyage data.

The provisions of paras 4 and 5 above shall also apply to fishing vessels.

The LRIT equipment, technical requirements for such equipment and its installation shall be set by Ministry.

Seaworthiness

Article 49

Ship shall be seaworthy for specific types of voyages and specific purposes if meeting the requirements of ratified and mandatory international treaties and this Law in reference to:

1) design and sea-kindliness of the engine, devices and gear for the safety of navigation for the purpose of:

a) safety of life, ship and goods;
b) accommodation of persons on board and protection of human lives;
c) occupational health and safety and accommodation of crew members and other persons employed on board;

d) protection of the ship;

e) protection on cargo on board;

f) prevention of shipboard environmental pollution in line with a separate law;

2) ship operator's and onboard safety management system;

3) security system;

4) minimum safe manning, holding relevant certificates of general and specific competency;

5) accommodation and number of passengers on board in line with requirements for passenger transportation;

6) onboard cargo loaded and stowed in line with the received load line and proper cargo disposition;

7) meeting the conditions for provision of medical aid on board depending on the ship type and purpose.

Navigation category of ships shall be set forth by the Ministry.

A ship should hold appropriate medication stocks and appropriate medical devices for provision of medical aid on board.

Ships over 500 GT and at least 15 crew members on voyages longer than three days shall have the ship's hospital or infirmary for rendering medical aid equipped with relevant medical equipment.

Ships on international voyages lasting at least three days with at least 100 crewmembers shall have a physician on board for rendering medical aid.

Ships carrying dangerous items shall hold antidotes in ship's medicine chest.

A ship owner or ship operator shall ensure having stocks of medicines and medical aids on board, which shall be dispensed by the master or a person authorised by the master to that effect.

Structural and technical seaworthiness and safety of shipboard devices, machines, equipment and materials serving the purpose of navigation safety, safety of life, occupational health and safety and accommodation of crewmembers and other persons, transport of passengers, safety management, maritime equipment, structural and technical safety of cargo handling gear, method for measuring and calculating tonnage, carrying cargo, stability, compartmentalisation, superstructure, radio equipment, signalling and navigation devices, firefighting equipment, life-saving appliances and automation, technical requirements to be met by Ro-Ro and high-speed passenger ships and stability requirements for Ro-Ro passenger ships shall be set forth by the Ministry.

The ship which is not subject to ratified and binding international treaties shall be deemed seaworthy in certain types of voyages and for specific purposes if meeting the requirements set forth by the Ministry.

More detailed requirements referred to in paras 3 to 6 above shall be set by the Ministry with the consent of the state administration authority responsible for health matters.

Safety management system

Article 50

Ship operator or shipping company is obliged to apply and maintain safety management system in line with the SOLAS Convention (Chapter IX) and the ISM Code including the following:

- 1) safety and environmental protection policy;
- 2) instructions and procedures for safe operation of the ship and environmental protection;
- 3) defined levels of authority and communication between shore and ship personnel;
- 4) procedures for reporting accidents and non-conformities with the ISM Code;
- 5) procedures for responding to emergency situations;
- 6) procedures for internal control and management audits of the ISM Code operation on board;
- 7) a system for registration of passengers.

With the aim of ensuring safe operation of its ships and establishing links with the company and persons on board, ship operator or shipping company is obliged to designate a person ashore responsible for safe operation of ships and environmental protection.

More detailed requirements to be met by ships and shipping companies in reference to the ISM Code shall be set forth by the Ministry.

Establishing seaworthiness

Article 51

Seaworthiness shall be established by means of a technical supervision.

The technical supervision referred to in para 1 above shall be carried out by the Administration Authority.

The technical supervision referred to in para 1 above shall be carried out in line with the international regulation on the implementation of international maritime conventions (IMO Instruments Implementation Code) and the international regulation for recognised organisations (IMO Code for Recognised Organisations).

The international regulation on the implementation of international maritime conventions (IMO Instruments Implementation Code) and the international regulation for recognised organisations (IMO Code for Recognised Organisations) shall be posted at the Ministry webpages.

Following the technical supervision, pertinent ship documents and logs shall be issued.

The technical supervision referred to in para 1 above and the issuance of pertinent ship documents and logs and carrying out other measures to ensure safety of navigation at sea may be carried out by an organisation recognised by the European Commission for conducting technical supervision and statutory certification of maritime vessels (hereinafter: Recognised Organisation), authorised by the Government at the Ministry's proposal.

Mutual rights and responsibilities in relation to the Recognised Organisation referred to in para 6 above shall be governed by means of an agreement concluded by the Administration Authority.

The agreement referred to in para 7 above shall contain:

- names of contracting parties;
- scope;
- types of services to be provided by the Recognised Organisation;
- interpretations and exceptions from international treaties;
- method for provision of information;
- method for supervising the Recognised Organisation;
- qualification of Recognised Organisation auditors;

- responsibilities of the parties;
- termination;
- list of binding international treaties and the type of authority;
- dispute resolution; and
- entry into force.

The agreement referred to in para 7 above may not assign to the Recognised Organisation the responsibility of Montenegro as the Flag State to issue the following ship documents:

- 1) Certificate of Registry;
- 2) Permanent record of the ship;
- 3) Minimum Safe Manning Document;
- 4) Ship Radio Communication Licence;
- 5) Declaration of maritime labour compliance;
- 6) documents which, under international treaties, may not be transferred to the Recognised Organisation.

The Ministry shall establish cooperation with the Recognised Organisation when drafting the rules and procedures for Recognised Organisations and interpreting international conventions.

The control over the work of the Recognised Organisation referred to in para 6 above shall be carried out by the Ministry once in two years.

Apart from the requirements set in this Law, ships shall meet the requirements for the design, construction, hull, engine, electrical equipment and steering gear maintenance of the Recognised Organisation which are in line with the IMO conventions. The requirements, the methodology of operation and carrying out survey by the Recognised Organisation and the method for sharing information with the Recognised Organisation shall be set forth by the Ministry.

Recognised Organisation's liability for damages

Article 51a

Recognised Organisation is obliged to pay compensation for damages caused if such responsibility for damages has been established against the Administration Authority by means of a final court judgement or arbitration award and has been caused due to a maritime accident, together with the request to pay damages to the injured party due to:

1) loss of or damage to property, bodily injury or loss of life which has been proven in court to have been caused by a deliberate act or omission or gross negligence of the Recognised Organisation, its bodies, employees, representatives or other persons acting on behalf of the Recognised Organisation, the Administration Authority shall have the right to indemnification by the Recognised Organisation in the amount established by the court judgment for which the Recognised Organisation has caused loss, damage, injury or death.

2) bodily injury or loss of life which has been proven in court to have been caused by a negligence, carelessness or omission of the Recognised Organisation, its bodies, employees, representatives or other persons acting on behalf of the Recognised Organisation, the Administration Authority shall have the right to indemnification by the Recognised Organisation in the amount established by the court judgment for which the Recognised Organisation has caused injury or death in the amount of at least 4 million euros.

3) loss of or damage to property which has been proven in court to have been caused by negligence, carelessness or omission of the Recognised Organisation, its bodies, employees, representatives or other persons acting on behalf of the Recognised Organisation, the Administration Authority shall have the right to indemnification by the Recognised Organisation in the amount established by the court judgment for which the Recognised Organisation has caused loss of or damage to property in the amount of at least 2 million

euros.

Technical supervision

Article 52

Ship's technical supervision shall include:

1) approval of technical documents used as a basis for ship construction or conversion and technical documents used as a basis for making materials, machines, devices and gear intended for ship construction, conversion and repair;

2) supervision over ship construction and conversion done in the course of construction or conversion works;

3) supervision over the making of materials, machines, devices and gear referred to in para 1 above done in the course of their making and certification;

4) supervision of materials, machines, devices and gear mounting and positioning on board;

5) survey of existing ships, including supervision over repair and replacement of those parts of the ship that have been established through survey to be in need of repair or replacement;

6) audit the safety management system in place in the shipping company or ship operator and the ship;

7) audit of ship's security arrangements.

A fee is charged for performing supervision, payable by the shipping company or ship operator.

The amount of the fee for technical supervision performed by the Administration Authority shall be set by the Government. The fee referred to in Article 3 above shall constitute Budget revenues.

The method, scope and timeframes for technical supervision over ships, the requirements for shipboard equipment for ships of Montenegrin nationality and the requirements for marketing such equipment shall be set forth by the Ministry.

Survey of existing ships

Article 53

The surveys of existing ships may be initial, regular and periodical.

A fee is charged for surveys referred to in para 1 above.

The amount of the fee for surveys referred to in para 1 above performed by the Administration Authority shall be set by the Government.

The fee referred to in Article 3 above shall constitute Budget revenues.

Initial survey

Article 54

The initial survey shall be obligatory to the existing ship, namely:

1) before its registration in the register of ships, if the supervision over its construction was not carried out by the Administration authority;

2) when the assigned purpose of the ship is permanently altered or the limits of navigation are expanded, namely before the commencement of its use;

3) when there is a reconstruction on the ship which alters its construction characteristics and properties of propulsion power devices namely before commencement of its use.

Regular survey

Article 55

Periodic survey shall mean the surveys of an existing ship in regular intervals.

Periodic surveys shall establish whether the ship's condition corresponds to the set requirements and whether the ship is being maintained properly.

A periodic review may be annual, interim and renewal survey.

Annual survey shall mean general inspection of ship's hull, machinery and equipment.

Interim survey shall mean the survey of certain sections of ship's hull, machinery and equipment to ascertain whether such parts and equipment are being maintained satisfactorily according to the ship purpose.

Renewal survey shall mean the survey, including testing where needed, of ship's structures, boilers and other pressure vessels, machinery and equipment, as well as the underwater outer shell to ascertain whether all are in satisfactory conditions, which would result in renewal or issuance of a relevant ship's certificate.

Renewal surveys have additional requirements compared to the annual ones, and the scope of renewal survey shall depend on ship's general condition and age.

Non-periodic survey

Article 56

Non-periodic surveys shall be done:

1) following a maritime incident or accident or in case of a well-founded doubt the ship or a part thereof or a machinery might have sustained damage or if faults which may affect seaworthiness are identified;

2) in case of any major repairs or renewals outside the requirements stemming from the initial or periodic surveys;

3) when temporarily altering ship's purpose or navigation category;

4) for a ship that failed to undergo periodic survey as envisaged;

5) before and after the ship has been laid-up;

6) for the tug and the ship being towed;

7) for abandoned ships;

8) to do ship inventory as per court order;

9) for the ship or parts thereof following salvage or re-floating to assess the risk it poses;

10) upon request by the Administration Authority as an addition to a periodic survey.

Sea trial

Article 57

Sea trial shall mean the trial run of the ship during or following its construction and after completing initial, periodic and non-periodic surveys of an existing ship.

Sea trial shall be conducted following the survey and issuance of sea trial certificate.

Port Authority may ban the sea trial which includes performing shipboard works using the appliances, materials or equipment which may pose an imminent danger for the ship, persons on board or the environment or if other activities are taking place in the sea trial area which may endanger safety.

The scope and the method of performing surveys for ascertaining seaworthiness for the sea trial and the method of conducting sea trial shall be set by the Ministry.

Condition of the ship and its equipment

Article 58

Ship operator is obliged to maintain ship and equipment in a seaworthy condition.

Alterations or conversions of ship's structure

Article 59

Following technical supervision over ship construction or conversion or following ship

surveys no alterations or conversions, without prior notice to the Administration Authority, to the ship's structure, machinery, gear, equipment and other parts subject to the requirements set forth by the Ministry shall be allowed.

Exemption Article 60

Administration authority, i.e. recognized organization may exempt any ship to which provisions of the recognized or binding international agreements apply, and if it fails to meet particular conditions for international voyages in cases and under conditions defined by these agreement, from obligations defined by such agreements, if it has been determined according to the survey that the ship is seaworthy for international voyage, i.e. to perform particular international voyage.

Administration authority or recognized organization may exempt any ship, which does not perform regular international voyage, and to which, if it has a regular international voyage, provisions of the ratified and/or binding international agreements would apply, which due to the extraordinary circumstances should perform only one international voyage, in accordance with the provisions of such agreements, from meeting obligations arising from such agreements, if it has been determined according to the survey that the ship is seaworthy for such voyage.

Administration authority or recognized organization may, to any ship of the new type, a ship not on a regular international voyage, or a ship sailing in protected areas, and to which the provisions of the ratified or binding international agreements apply, approve international voyage, i.e. particular international voyage for the purpose of test, if it has been determined according to the survey that the ship is seaworthy for such voyage.

Ship which sails within certain limits Article 61

Administration authority i.e. recognized organization may determine that ship is seaworthy in particular narrow limits, if it has been determined by a survey that the ship is not seaworthy within the limits in which it had previously sailed, but is seaworthy in the narrow limits of navigation.

Administration authority i.e. recognized organization may determine that ship is seaworthy for one or more particular voyages, which exceed navigation limits where it previously sailed, if it has been determined by the survey that the ship is seaworthy for such voyage.

Navigation in limits referred to in paragraphs 1 and 2 above may be conditioned by embarking fewer passengers or less volume of cargo than defined number of passengers or allowed cargo, as well as by other conditions which provide safe ship navigation.

Carriage of passengers on board ships other than passenger ships Article 62

Administration authority i.e. recognized organization may determine a non-passenger ship seaworthy for the carriage of passengers within the limits of Montenegrin internal and territorial waters, for one or more voyages, or for a particular period, if it has been determined according to this Law that it is seaworthy and if it determined by the survey that the ship meets conditions for such carriage of passengers.

Carriage of passenger Article 63

A passenger ship may carry only the specified number of passengers whose number and

accommodation shall be defined based on ship's sea-kindliness, available accommodation area, gears and equipment intended for passengers and hygienic conditions.

Allowed number of passengers and their accommodation on board shall be set by the Ministry.

Tallying passengers

Article 64

Before a passenger ship is to leave port, shipping company or ship operator are obliged to ascertain the number of persons on board.

The number of persons referred to in para 1 above shall be communicated to the master of the passenger ship and the authorised person designated by the company to tally passengers in line with the ISM Code (hereinafter: Tally person).

Master of a passenger ship shall ensure the number of persons on board does not to exceed the number the ship is allowed to carry.

Shipping company or ship operator is obliged to ensure that the information on the number of passengers is available at all times to the safety inspectors (hereinafter: Inspector), as well as to search and rescue services of the closest coastal state, set up in accordance with international regulations, in case of an emergency.

Shipping company or ship operator is obliged to ensure that the information on the persons who requested special care or assistance in case of an emergency is recorded properly and made available to the master before passenger ship leaves port.

Shipping company or ship operator of a Montenegrin passenger ship is obliged to provide the information referred to in para 2 above to the Port Authority.

Type of information, method of collection and record-keeping of data about passengers that a passenger ship of Montenegrin nationality is obliged to keep on board shall be set by the Ministry.

Mobility of persons with disabilities

Article 65

Passenger, Ro-Ro passenger and high-speed passenger ships shall have proper access for persons with disabilities.

The ships referred to in para 1 above shall be designed and equipped in such a manner to ensure easy and safe embarkation and disembarkation and deck access to persons with disabilities, with the assistance of crew or by means of ramps or elevators.

The ships referred to in para 1 above shall visibly display information signs or labels readily visible and legible for persons with reduced mobility and communication means for visual and verbal announcement of important information, as well as alarm devices with buttons within easy reach for such persons.

Rails, corridors, passages, entrances and doors shall be adapted for use by and enable mobility of persons in wheelchair, and elevators, vehicle decks, rest areas for passengers, accommodation areas and sanitary facilities shall be designed in such a way to allow easy access for such persons.

Cargo on board

Article 66

Cargo shall be stowed on board in such a manner to meet the stability requirements and ensure sea-kindliness without causing excessive strain of ship structures under different conditions of use.

Cargo shall be loaded on board up to the limits of allowable load and in terms with technical regulations governing cargo transport and be distributed, stowed and locked in such

a manner to prevent any cargo movement under any voyage conditions that could endanger ship safety, safety of life or the environment.

The maximum allowable load and distribution of cargo on board, the requirements and the method of loading and discharging bulk and containerised cargoes shall be set by the Ministry.

Tonnage measurement

Article 67

Tonnage measurement shall be done for the purpose of establishing ship tonnage.

Tonnage measurement shall be done before the ship is entered in the ship register.

Tonnage measurement shall be done by the Administration Authority, upon ship operator's request.

A fee, which shall constitute Budget revenues, is charged for tonnage measurement.

The amount of the fee referred to in para 4 above shall be set by the Government.

The method for performing tonnage measurement of ships and other vessels shall be set by the Ministry.

Foreign ships subject to tonnage measurement

Article 68

A foreign ship, which pays a fee in Montenegrin port, the amount of which is defined according to tonnage if it is measured in accordance with the rules the provisions of which are substantially different from provisions of regulations for tonnage measurement in Montenegro, shall be subject to a tonnage measurement.

Tonnage re-measurement

Article 69

Tonnage measurement shall be repeated:

1) if following tonnage measurement, some alterations have been made which resulted in changes in the disposition, structure, capacity, use of space, allowable number of passengers on board, assigned freeboard or allowable draught which change ship's tonnage;

2) in case of any doubts regarding tonnage measurement done;

3) when a coastal ship is entered in the ship register.

A coastal ship referred to in para 1 bullet point 3 above shall mean a ship registered for navigation in internal waters, at least 15 m long, and at least 3 m wide or whose largest displacement is at least 15 t, as well as a tug and a pusher, regardless of their length, width or displacement.

Repeated tonnage measurement referred to in para 1 above shall be done wholly or partially depending on the extent of alterations.

The request for repeated tonnage measurement referred to in para 1 bullet point 1 above shall be filed before completion of alterations.

Repeated tonnage measurement referred to in para 1 bullet points 1 and 3 above shall be done at the request of the ship operator, and the tonnage measurement referred to in para 1 bullet point 2 above shall be done as per Administration Authority's order.

Repeated tonnage measurement referred to in para 1 bullet point 2 above shall not be done by the personnel performing initial tonnage measurement whose accuracy is suspected.

VI SHIP DOCUMENTS AND LOGBOOKS

Documents and logbooks

Article 70

Ship documents shall include documents on ship's identity, seaworthiness and other

features.

Ship logbooks shall include logs used for entering the information on important events on board and actions undertaken.

Ship documents and logs shall be in Montenegrin (Latin script), and for ships on international voyages, also in English.

Ship documents and logs shall be carried on board, duly kept and produced at the request of relevant authorities.

Certificate of Registry

Article 71

A ship entered in the ship register in terms with the law shall be issued a Certificate of Registry.

The Certificate of Registry referred to in para 1 above shall serve as a proof of ship's Montenegrin nationality, noting the ship has the right and the duty to fly Montenegrin Merchant Marine Flag (hereinafter: Flag), its purpose and navigation category.

Certificate of Registry shall contain all the data from the given ship register.

In case of any discrepancy between the information in the Certificate of Registry and the ship register information, the ship register shall prevail.

Certificate of Registry shall be issued by the Port Authority that performed the registration.

A fee, which constitutes Budget revenues, is charged for the Certificate of Registry and ship documents referred to in para 70 issued by Port Authority.

The amount of the fee referred to in para 6 above shall be set by the Government.

Replacement of Certificate of Registry

Article 72

Issuing Port Authority is obliged to enter, ex officio, required information in the Certificate of Registration.

Should the ship change its name, port of registry, tonnage, type of propulsion, call sign, purpose or navigation category, current Certificate of Registry shall be replaced by a new one.

Temporary certificate of registration

Article 73

Temporary certificate of registration shall be issued to a ship without a Certificate of Registry that was purchased abroad and to a ship found abroad whose Certificate of Registry has been lost.

A ship not entered in the ship register shall acquire Montenegrin nationality and the right to fly the Flag with such temporary certificate of registration.

Temporary certificate of registration shall be valid until the day the ship has reached the first Montenegrin port or is entered in the ship register, and not longer than a year since its issuance.

Temporary certificate of registration shall be issued by state administration authority responsible for foreign affairs or a Montenegrin diplomatic and consular office. The manner of issuance and the format of the temporary certificate of registration shall be set by the Ministry.

Keeping ship's documents and logbooks

Article 74

Apart from the Certificate of Registry or temporary certificate of registration serving as

proof of ship's identity, ships shall hold other stipulated documents and logs aboard in line with ratified and binding international treaties.

The manner of keeping ship documents and logbooks and their contents shall be set by the Ministry.

VII FLOATING FACILITY

Establishing floating facility's fitness for operation

Article 75

A floating facility shall be deemed fit to use if meeting the requirements regarding:

- 1) safety of life, of the facility and property;
- 2) prevention of marine pollution in line with the law;
- 3) occupational health and safety, accommodation of crew and other persons on board the facility;
- 4) safety of cargo handling gear;
- 5) performance of registered activity;
- 6) minimum safe manning regarding the actual number of properly certified staff the facility is obliged to have for the sake of safe operation;
- 7) accommodation and number of other persons on board compliant with certificates, logbooks and approved technical documentation of the facility;
- 8) cargo on board compliant with certificates, logbooks and approved technical documentation of the facility;
- 9) safe mooring, anchorage and positioning on the seafloor, i.e. being fully or partially embedded in the seafloor.

More detailed requirements referred to in para 1 above shall be set by the Ministry, with the approval of the state administration authority responsible for economy.

Determination of fitness for use

Article 76

Determination of a floating facility's fitness for use as referred to in Article 75 para 1 above shall be done following the provisions of Art. 52 to 60 above, in reference to its purpose and siting.

Tonnage measurement of a floating facility

Article 77

Tonnage measurement of a floating facility shall be done in terms with Art. 67 to 69 above, in reference to its purpose and siting.

Floating facility's documents and logbooks

Article 78

A floating facility shall hold documents and logbooks in terms with Art. 70 to 74 above with reference to its purpose and siting.

A fee, which shall constitute Budget revenues, is charged for the issuance of documents and logbook referred to in para 1 above.

The amount of the fee referred to in para 2 above shall be set by the Government.

Siting and use of a floating facility

Article 79

Floating facilities shall be sited in Montenegrin internal and territorial waters with Port

Authority's approval. If a floating facility is to be moored, anchored, positioned or embedded within port confines, apart from the approval referred to in para 1, the consent of the administration authority responsible for ports or the legal entity managing the maritime domain is also required.

Entry into the register of floating facilities

Article 80

Registration of floating facilities shall be done by Port Authority in terms with the law.

Supporting documentation for registration

Article 81

The following supporting documentation shall accompany the application for first registration of a floating facility:

- 1) proofs referred to in Article 78 above;
- 2) proof of ownership over the floating facility;
- 3) an excerpt from the Central Register of Business Entities if the floating facility is owned by a legal person;
- 4) proof of Montenegrin nationality for the natural person who is the owner of the floating facility or fixed offshore facility;
- 5) proof of technical and other particulars of the floating facility or fixed offshore facility, issued by the Administration Authority for the sake of entry into the register of floating facilities;
- 6) call sign certificate in line with regulations on international radio-traffic;
- 7) proof that the floating facility has been deregistered from a foreign register, if it was registered before.

Floating facility registration mark

Article 82

A floating facility shall be marked by means of a registration mark consisting of the first two letters of the seat of the Port Authority that performed registration and its sequence number.

VIII BOAT

Establishing boat seaworthiness

Article 83

Boat seaworthiness shall be established by the Administration Authority, upon request by the boat owner, in line with the Ministry regulation.

A boat shall be seaworthy, in the given navigation area and for a specific purpose, if its structure, sea-kindliness, propulsion, gears and equipment meet the requirements set by the Ministry.

A newly built boat intended for commercial purposes, as well as existing boats being altered for commercial purposes shall be seaworthy if their structure, sea-kindliness, propulsion, gears and equipment meet the requirements set in para 2 above.

The regulation referred to in para 2 above shall govern the technical requirements to be met by boats, procedures for assessing that the construction is done against the design, and the technical norms for surveys to establish seaworthiness.

Boat survey

Article 84

Boat seaworthiness shall be established by way of a survey.

Boat surveys shall be initial, periodic and non-periodic.

A fee, which shall constitute Budget revenues, is charged for surveys referred to in para 2 above.

The amount of the fee referred to in para 3 above shall be set by the Government.

State-owned boats shall not be charged the fee referred to in para 3 above.

Periodic and non-periodic surveys shall, as a rule, be done while afloat unless the Administration Authority establishes the boat condition to be such that it requires inspection on land or if it is a boat for commercial purposes.

Initial survey

Article 85

Initial boat survey shall be done by the Administration Authority before its entering into boat register, as well as after each modification or repair, altering of its purpose or navigation range.

Initial survey shall be done on land and while afloat.

Periodic boat survey

Article 86

Periodic boat survey shall establish the condition of the hull, propulsion, and other gear and equipment.

Periodic survey of a boat for commercial and public purposes shall be carried out by Administration Authority once in two years.

Periodic survey of a boat for commercial purposes – carrying passengers and water scooters and jet skis for commercial purposes – shall be done annually and a seaworthiness certificate issued with validity until 15 June of the coming year.

Periodic survey of boats for personal purposes shall be done by the relevant Port Authority once in five years, to be confirmed by a boat survey report. Periodic survey of water scooters and jet skis for personal purposes shall be done by the relevant Port Authority once in three years.

Non-periodic boat survey

Article 87

Non-periodic survey of a boat entered in the register shall be done by the Administration Authority following a maritime incident or accident and in case of any doubt whether the boat meets the set seaworthiness requirements.

The person who operated the boat at the time it experienced an incident or an accident is obliged to report it to the Port Authority within three days from the day of the incident or accident.

The format of the report referred to in para 2 above shall be set by the Ministry.

Boat construction

Article 88

A legal or a natural person intending to build a boat is obliged, before construction commences, to procure a consent from the Administration Authority for pertinent technical documentation.

The consent referred to in para 1 above shall be issued based on an application accompanied by the following documentation:

- 1) general layout;
- 2) construction plan with cross-sections and mid-ship section plan;
- 3) housing of equipment and accommodation of persons;
- 4) technical description.

Administration Authority may, following the examination of the documents referred to in para 2 above, request additional blueprints and calculations before giving its consent. A boat shall be built in accordance with Ministry regulation on construction of boats.

Technical supervision over boat construction shall be done by the Administration Authority.

Once constructed, the Administration Authority shall issue a boat construction certificate. The format of the certificate referred to in para 6 above shall be set by the Ministry.

Boat sea-kindliness, number of persons and equipment

Article 89

Boat sea-kindliness, the number of persons allowed on board, and mandatory equipment shall be set by the Administration Authority in line with the Ministry regulation.

Carrying more persons on board than allowed shall be prohibited.

A boat intended for commercial purposes – passenger transport shall clearly display, at the entrance to passenger area, the allowed number of passenger on board.

The sign referred to in para 3 above shall be written in Montenegrin and in English.

Boats intended for commercial purposes shall have waterline on outer hull sides, 150 x 15 mm.

Certificate of seaworthiness

Article 90

Following boat survey referred to in Art. 83-87 above that established the boat to be seaworthy, the Administration Authority shall issue a certificate of seaworthiness.

The format of the certificate referred to in para 1 above shall be set by the Ministry.

Boat tonnage measurement

Article 91

Tonnage measurement shall be done for the purpose of establishing boat tonnage.

Tonnage measurement shall be done by the Administration Authority before the ship is entered in the ship register. Tonnage measurement shall be done according to the regulation set by the Ministry.

A fee, which shall constitute Budget revenues, is charged for tonnage measurement.

The amount of the fee referred to in para 4 above shall be set by the Government.

If alterations change boat tonnage, tonnage measurement will be done again.

Following the tonnage measurement, the Administration Authority shall issue boat tonnage measurement certificate.

The format of the certificate referred to in para 7 above shall be set by the Ministry.

Boat navigation

Article 92

Boat navigation category shall be set by the Ministry.

Port Authority may, at the owner's request, issue to a non-registered boat a temporary navigation licence valid for 30 days, to perform sea trials or sail into the port within the territory of the Port Authority where the boat will be registered if in possession of appropriate seaworthiness certificate.

Boat crew and boat operator's exam

Article 93

A person aged at least 16 and holding a boat operator's licence may operate a boat for personal needs.

A person holding a certificate for a skipper restricted and a certificate of proficiency for VHF DSC radio-operator (CEPT 31-04E) or GMDSS radio-operator restricted may operate a boat for commercial and public purposes.

Apart from the person referred to in para 2 above, one crewmember holding a boat operator's license shall be on board a boat intended for commercial and public purposes.

Apart from a licensed boat operator, another person shall be on board a speedboat for training of water-skiers to oversee the skier and give guidance.

Boat operator's exam shall be taken before a panel for taking the boat operator's exam (hereinafter: Exam Panel), set by the Ministry.

Boat operator licence is issued following a passed exam.

A fee, which shall constitute Budget revenues, is charged for taking the boat operator exam.

The amount of the fee referred to in para 7 above shall be set by the Government.

The programme and exam methodology, the Exam Panel composition and the format for the boat operator licence shall be set by the Ministry.

Boat usage

Article 94

A boat with the engine power of 5 KW, a water scooter, a jet ski or other, regardless of the engine power, or a boat up to 5 m in length used for personal needs may be lent for use only to a person holding a boat operator licence.

Boat registration

Article 95

Boat registration shall be done by the relevant Port Authority according to the place of residence or the business address of the boat owner.

Boats that are permanently or primarily located in or navigate Montenegrin internal and territorial waters shall be entered in the boat register regardless of the business address or residence of the boat owner.

A boat fully or partially owned by a foreign natural or legal person or Montenegrin national whose residence is not in Montenegro shall also be entered in the boat register if the boat primarily stays in Montenegrin internal and territorial waters.

Boat registry

Article 96

Boat register is a public document, and the excerpt from the boat register is a public document.

A fee, which shall constitute Budget revenues, is charged for issuing excerpts from the boat register. The amount of the fee referred to in para 2 above shall be set by the Government.

Boat register contents

Article 97

Boat register shall consist of sheets.

Each boat shall be entered into a separate sheet.

The format of the boat register shall be set by the Ministry.

Collection of documents

Article 98

A collection of documents shall contain the documents used as the basis for registering a boat in the boat register.

Owner directory

Article 99

Owner directory shall contain boat owners' business name and address or name and surname and the residence and boat registration mark, and shall be kept in alphabetical order.

Types of applications

Article 100

The application for entering a boat into boat register, for entering changes or deregistering a boat shall be filed by the boat owner to pertinent Port Authority.

The owner is obliged to file an application for entering changes that have occurred within 30 days from their occurrence.

A boat shall be registered against a decision passed by the Port Authority.

The decision referred to in para 3 above shall be final.

Procedure for registering boats

Article 101

The boat registration application shall be accompanied by:

1) proof of ownership (sale agreement, receipt, customs declaration, construction certificate, deed of gift, etc.);

2) proof of seaworthiness (boat seaworthiness certificate);

3) proof of tonnage (boat tonnage measurement certificate);

4) stability book for boats used for commercial purposes endorsed by the Administration Authority;

5) a copy of third party insurance policy of the boat owner or operator, and a copy of passenger insurance policy for boats used for commercial purposes – passenger transportation;

6) proof of deregistration for boats previously registered in foreign boat registers.

The documents referred to in para 1 above shall be filed as originals or certified copies.

The documents in a foreign language shall be accompanied by a certified translation into Montenegrin.

Should the owner of a registered boat change business address or residence or change the area where the boat is predominantly located and used is obliged to notify the change to the Port Authority at whose territory the new business address or residence is located or within whose territory the boat is primarily located within 30 days of such change.

The Port Authority receiving the notification of change referred to in para 4 above shall enter the boat in the boat register and issue a new boat licence.

The Port Authority that issued boat licence referred to in para 5 above is obliged to notify the Port Authority of previous registration and request the collection of documents within 30 days from issuing the boat licence.

Boat deregistration

Article 102

Boat shall be deregistered:

1) if missing or destroyed;

- 2)if permanently removed from navigation;
- 3)if restructured so that it is no longer subject to mandatory registration;
- 4)upon owner's request.

Boat shall be deemed missing if more than three months have elapsed since the last information about the boat.

In the case referred to in para 2 above, it shall be deemed the boat went missing the day after the last information about it.

A boat shall be deregistered against a decision passed by the Port Authority.

A boat shall be deregistered ex officio after 30 days from the expiry of the boat licence.

Boat licence

Article 103

Boat licence shall be issued following registration.

Boat licence shall include:

- 1)issuing authority;
- 2)number, date and place of issuance;
- 3)boat's registration mark and name, if named, port of registry, place and year of make;
- 4)boat features (construction material, size, gross tonnage, etc.);
- 5)owner's name, surname and address or business name and address;
- 6)licence validity.

A fee, which shall constitute Budget revenues, is payable for issuance of a boat licence.

The amount of the fee referred to in para 3 above shall be set by the Government.

The format of the boat licence shall be set by the Ministry.

Boat registration mark and name

Article 104

Boat shall have a registration mark and it may have a name defined by the owner.

Boat registration mark shall be composed of two letters and a number, which denotes the registering Port Authority and the sequential number in the boat register.

The procedure for marking boats and registration mark shall be set by the Ministry.

Documents held on board a boat

Article 105

When at sea, a valid boat licence, plan for disposition of persons on board for boats for commercial purpose – passenger transportation, and boat operator licence or relevant certificate for the operator of a commercial boat shall be held on board.

IX SHIP CREW

Members of the crew

Article 106

Ship crew shall consist of the persons embarked and registered in crew manifest.

Minimum safe manning

Article 107

A ship shall have on board a minimum number of crew holding relevant certificates of competency and certificates of proficiency necessary for ship operation and for port arrival or departure.

The minimum crew number shall be defined by the Ministry in reference to navigation

category, ship size and purpose, engine power, level of automation and duration of navigation.

Certificates of competency and proficiency

Article 108

A crew member performing tasks for ensuring ship operation shall be at least 16 years of age, hold appropriate rank and relevant certificate for performing the tasks within the given rank and certificates of proficiency, as well as a trainee.

A person meeting the requirements regarding professional qualifications and sea service who has completed pertinent training and passed the exam for acquiring the given rank may acquire the status of a crewmember.

A crewmember holding the relevant rank and certificate of competency shall also hold pertinent certificates of proficiency.

Certificates of proficiency shall be acquired following training and passing the exam required for being awarded the relevant certificate of proficiency.

Certificates of competency and of proficiency shall be issued for a period of five years, with the exception of the certificate of competency for: VHF DSC radio-operator (CEPT 31-04E), boat mechanic and ship cook which shall have no validity restrictions.

A seafarer shall be authorised to perform on board the tasks to the level of responsibility of his rank for which he is certified as competent and proficient, as well as all other tasks performed at a lower level of responsibility within the same type of service.

The authorisation for performing tasks at the lower level of responsibilities within the same type of service shall be issued for the same period as the validity of the underpinning certificate.

The types of seafaring ranks, the types of certificates of competency and proficiency, more detailed conditions regarding professional qualifications and sea service as requirements for specific rank titles, training programmes and method of taking exams for acquiring rank titles, training programmes and method of taking exams for acquiring certificates of proficiency, formats of certificates, procedures for issuing certificates and keeping records of issued certificates shall be set by the Ministry.

Revalidation of certificates of competency and proficiency

Article 108a

The certificates of competency and of proficiency issued for a period of five years shall be revalidated for the same period provided that the seafarer:

- has at least one year of sea service over the past five years on tasks within the scope of that certificate or at least one year of work service over the last five years on the tasks equal to the ones within the scope of the given certificate; or

- has completed training and passed relevant examination for revalidation of certificates of competency and proficiency.

The sea service at the managerial level shall be recognised as the sea service for revalidation of managerial level certificates.

Time spent on board a laid-up ship shall not be recognised as sea service.

Training programme, type of delivery and taking the exam for revalidation of certificates of competency and proficiency shall be set by the Ministry.

The regulation referred to in para 4 above shall identify the tasks to be deemed equal to the ones covered by certificates of competency and proficiency.

Recognition of certificates of competency and proficiency

Article 109

Certificates of competency and proficiency for seafarers issued in another country shall be recognised in Montenegro provided there is reciprocity.

The recognition referred to in para 1 above shall be done by the Ministry by endorsement.

A fee, which shall constitute Budget revenues, is charged for the recognition of certificates referred to in para 2.

The amount of the fee referred to in para 3 above shall be set by the Government.

Training towards obtaining ranks and certificates of competency

Article 110

Training towards obtaining seafaring ranks and certificates of competency in line with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) may be provided by a maritime educational establishment and a legal entity registered in the Central Register of Business Entities (hereinafter: Training Centre) based on the licence for maritime training providers issued by the Ministry.

Licence for maritime training providers

Article 111

Licence for maritime training providers shall be issued, upon application, to a Training Centre meeting the requirements regarding the space, staff and quality standards set by the STCW Convention.

Licence for maritime training providers shall be issued for a period of five years.

Maritime educational establishments and Training Centres shall be supervised by the Ministry in reference to training.

More detailed requirements referred to in para 1 above shall be set by the Ministry.

Termination of licence for maritime training providers

Article 112

Licence for maritime training providers shall terminate:

- 1) upon the expiry of its validity;
- 2) by revocation;
- 3) when ceasing to provide training for seafarers.

Revocation of licence for maritime training providers

Article 113

Licence for maritime training providers shall be revoked if the maritime educational establishment or Training Centre:

- 1) ceases to meet the underpinning requirements;
- 2) delivers training falling outside of the scope of the licence.

Maritime education

Article 114

Curricula of maritime educational establishments for educating seafarers towards acquiring ranks and specific certificates shall be harmonised with the STCW Convention.

The curricula referred to in para 1 above shall be approved by the Ministry.

Should the Ministry establish that maritime educational establishments referred to in para 1 above fail to adhere to the approved curricula, the Ministry shall revoke the approval and notify thereof the state administration authority responsible for education.

Exams towards acquiring certificates

Article 115

The exams required for acquiring rank titles and certificates of proficiency referred to in Art. 108 and 108a above shall be taken before the Panel for Acquiring Rank Titles and Certificates of Proficiency (hereinafter: Panel) set up by the Ministry.

The exam referred to in para 1 above shall be taken upon an application accompanied by a proof of professional qualifications, completed training or specific course, proof of sea service, proof of exam fee being paid and other proofs of other requirements being met for taking the exam.

A fee, which shall constitute Budget revenues, is charged for the exam referred to in para 2.

The amount of the fee referred to in para 3 above shall be set by the Government.

The application with the supporting documents referred to in para 2 above shall be filed with the Port Authority which shall verify that all requirements for taking the exam for acquiring rank titles and certificates of proficiency have been met, and pass a decision to that effect.

Should the Port Authority establish that an applicant failed to submit all proofs referred to in para 2 above, the application will be rejected.

The decision referred to in para 5 above shall be final.

Panel

Article 116

Panel shall be composed of its chair, at least two members and a secretary.

For certain exams for acquiring rank titles and certificates of proficiency the Ministry may, at the proposal by the Panel chair, hire examiners beyond the Panel composition.

Panel members, its chair and secretary shall be entitled to remuneration.

The amount of the fee referred to in para 3 above shall be set by the Government.

The conditions to be met by Panel members and examiners shall be set by the Ministry.

Issuance of certificates of competency and proficiency

Article 117

Port Authority shall issue certificates of competency and proficiency based on the Panel's confirmation of the exam passed.

The application for issuance of certificates referred to in para 1 above shall be accompanied with:

- 1) a requisite number of photographs;
- 2) a copy of personal identity or passport;
- 3) medical certificate;
- 4) proof of professional qualifications and training completed;
- 5) proof of pertinent exam passed;
- 6) proof of sea service;
- 7) proof of rank title.

A fee, which shall constitute Budget revenues, is charged for issuance of certificates of competency or proficiency.

The amount of the fee referred to in para 3 above shall be set by the Government.

Establishing medical fitness

Article 118

Medical fitness of seafarers shall be established by means of medical examinations conducted in a healthcare establishment meeting the requirements regarding space, staff and

equipment to provide healthcare services in line with the law.

A healthcare establishment referred to in para 1 above shall establish, apply and maintain quality assurance system, in line with the STCW convention

Medical fitness of seafarers referred to in para 1 above shall be established through pre-sea, periodic control and non-periodic examinations.

Having established medical fitness, a certified physician shall issue medical certificate using prescribed format.

The person not satisfied with the assessment of his medical fitness may complain to the healthcare establishment and ask for reassessment.

Before the commencement of sea service, seafarers shall hold a valid medical certificate confirming their fitness for onboard service.

Medical certificates shall be valid for two years, following which medical fitness shall be reassessed.

By way of exception to para 1 above, a colour vision certificate shall be valid for six years.

Medical fitness assessment shall be done each year for persons under 18 years of age for all types of ships and under 21 years of age for fishing vessels.

In an emergency, a seafarer may be allowed to perform duties on board without holding valid medical certificate until the next port of call in which the given seafarer may receive medical certificate from authorised physician provided that:

- 1) such period does not exceed three months;
- 2) the seafarer holds a recently expired medical certificate.

Should a valid medical certificate expire within the course of a voyage, such a certificate shall be valid until the next port of call in which the given seafarer may receive medical certificate from authorised physician provided that such period does not exceed three months.

Medical certificate for seafarers employed on board a ship on an international voyage shall also be issued in English.

Healthcare establishment shall charge a fee for assessment of medical fitness of seafarers.

More detailed requirements to be met by the authorised physician, the procedure for assessing medical fitness, the procedure for issuing medical certificate and the amount of the fee referred to in para 13 above shall be set by the state administration authority responsible for health matters, with Ministry's consent.

Discharge of duties in compliance with the rules of navigation

Article 119

Crewmembers shall perform tasks on board in compliance with the rules of navigation to ensure traffic safety, avoid damage to the ship or cargo on board, ensure safety of passengers and crewmembers and the environment.

Shipboard watches

Article 120

Duty personnel aboard ship shall be sufficient at all times and shall correspond to specific circumstances and conditions of the watch (weather conditions, visibility, sea level, traffic congestion etc.).

Watchkeeping

Article 121

While on watch duty, a crewmember shall not leave the place and room where the watch is kept without the approval of the duty officer.

While on watch duty, officer of the watch shall not leave the watch post.

At anchorage, watchkeeping duty shall be maintained on the bridge and in the engine room.

At port, at least 1/3 of minimum ship complement shall be on board.

At least one deck officer and one engineer officer shall be on board ship referred to in para 4 above, and at night also ship security guards.

A fishing vessel while in port shall have at least one deck and engine crewmember each on board.

If ships referred to in para 6 above are in groups and moored alongside each other, at least two deck and engine crewmembers shall be on board for each set of three vessels.

The watchkeeping procedure shall be set by the Ministry.

Steering Article 122

In areas of heavy traffic, in conditions of restricted visibility and in other situations when under automatic steering, it should be possible to assume manual helm control.

Changeover from automatic to manual steering and vice versa should be done by the deck officer of the watch.

Seaman's book and embarkation permit Article 123

Only a person holding a seaman's book or an embarkation permit may join a ship as a crewmember.

Seaman's book shall be issued to a Montenegrin national signed on as a master or a crewmember of a vessel of Montenegrin or foreign nationality.

Embarkation permit shall be issued to a foreign national who joined a ship of Montenegrin nationality as a crewmember.

A seaman's book holder shall have the embarkation or disembarkation endorsed at the Port Authority before signing on or after signing off the ship at least once a year for the year in which they had one embarkation/ disembarkation.

Issuance of seaman's book and embarkation permit Article 124

Seaman's book and embarkation permit shall be valid for 10 years.

Seaman's book and embarkation permit shall be issued by Port Authority.

A fee, which shall constitute Budget revenues, shall be charged for issuance of seaman's book and embarkation permit.

The amount of the fee referred to in para 3 above shall be set by the Government.

The procedure for issuance and the format of seaman's book and embarkation permit shall be set by the Ministry.

Alcohol and drug abuse Article 125

Master and crewmembers shall not be under the influence of alcohol, narcotics or other substances that alter the state of consciousness. While on duty, Master and crewmembers shall not have more than 0.05% of blood alcohol content or 0.25 mg/l of breath alcohol content.

Paragraphs 1 and 2 above shall also apply to masters and crewmembers of other vessels.

Repatriation

Article 126

Should a crewmember be discharged during his employment or after termination of his employment at a port other than his port of embarkation, the ship operator shall provide for his return to the port of embarkation, or the place of his permanent or temporary residence (hereinafter: repatriation) in accordance with his employment contract.

Should the ship operator fail to provide the repatriation referred to in para 1 above, such repatriation shall be provided by a diplomatic or consular office of Montenegro at the expense of the ship operator.

Repatriation costs

Article 127

The costs of a crewmember's repatriation shall be borne by the ship operator.

Ship operator shall not charge the crewmember any repatriation costs referred to in para 1 above either as prepayment at the beginning of his employment or from earnings the ship operator owes to the crewmember, except in case of serious violations of the employment contract by the crewmember.

Should the ship operator referred to in para 1 above fail to reimburse the repatriation costs to the crewmember, the ship operator's ship may be detained in line with ratified and binding international treaties.

Ship operator shall be entitled to a refund of all repatriation costs for a crewmember who disembarked without permission and caused through his fault the termination of employment, or who disembarked due to an injury or illness caused wilfully or due to gross negligence.

Repatriation costs shall include: accommodation costs, transportation costs, earning and allowances related to earning from the moment the crew member disembarked until his return to his port of embarkation or place of permanent or temporary residence in accordance with the employment contract and healthcare costs if the crewmember is not medically fit for repatriation.

Ship operator shall obtain insurance coverage or other financial security to cover repatriation costs for crewmembers.

Ship operator is obliged to make available to crewmembers the regulations concerning their right to repatriation.

The regulations referred to in para 7 above shall be in Montenegrin and in English.

Appropriate duty on board

Article 128

Repatriation shall be deemed provided if a crewmember is designated to an appropriate duty on board a ship engaged on a voyage to his port of embarkation.

In the event referred to in para 1 above, the crewmember is entitled to remuneration for the tasks performed.

Repatriation costs for foreigners

Article 129

Provisions of Articles 126 to 128 above shall also apply to foreigners employed as crewmembers on board ships of Montenegrin nationality.

Crewmembers' duties

Article 130

A crewmember shall notify his immediate superior or master, without delay, of the following:

1) any extraordinary event which might affect the safety of the ship, its passengers, other persons or cargo on board or cause shipboard pollution by hazardous and harmful substances;
2) when, during voyage, he notices that certain lighthouses and beacons are out of order, or markings or buoys are not in their position.

In case of distress, shipwreck or other accident, crewmembers shall undertake all necessary actions to save the ship, passengers, other persons and cargo on board and protect the environment until the master orders to abandon ship.

Ship operator's duties

Article 131

Ship operator shall compensate crewmembers for any damages sustained to their personal effects which have been destroyed or damaged during shipwreck or other accident.

In case of a shipwreck, a crew member who is under employment contract is entitled to earnings for at least two months from the date of shipwreck, according to the average earning in the past three months, unless the employment contract specifies a longer pertinent period.

In the event referred to in para 2 above, a crewmember and a foreign national are entitled to a compensation in the amount specified in the employment contract for every day of unemployment which resulted from the shipwreck, but not longer than two months from that day.

A crewmember shall not have the entitlements referred to in paras 1, 2 and 3 above if the ship operator proves that the crewmember caused damage wilfully or by gross negligence.

Provisions of Articles 127 to 130 above shall apply to repatriation of a crewmember who suffered a shipwreck.

Ship operator's liability

Article 132

Ship operator shall be held liable for damages arising from bodily injury, death or impaired health suffered by crewmember at work or related to his work on board, unless the ship operator proves that such damages occurred through no fault of his or the fault of any person the ship operator is responsible for.

Ship operator shall be held liable for damages referred to in para 1 above, suffered by a crewmember at work or related to his work on board due to the absence of safe working practices, unless it proves that the crewmember caused such damage wilfully or by gross negligence.

Ship operator, shipping company and manager shall be jointly and severally liable for damages referred to in paras 1 and 2 above.

Ship Master

Article 133

Ship master shall command the crewmembers and other persons on board a ship.

Masters on board ships of Montenegrin nationality shall be Montenegrin nationals.

Master shall be designated by ship operator or shipping company.

In case of incapacitation, absence or death, master of a ship of Montenegrin nationality shall be replaced by chief mate.

Disembarkation of a sick or injured crew member, passenger or other person

Article 134

When a ship intends a port call to disembark a sick or injured crewmember, passenger or other person for urgent medical assistance, master shall, without delay, notify the Port Authority or other relevant authority about the illness, injury, medical condition and identity

of the sick, or injured person.

The authorities referred to in para 1 above shall, in direct communication, notify the master before the ship's entry into port about the procedures and documents required for disembarkation of the sick or injured person, as well as the ship clearance without delay.

The ship referred to in para 1 above entering the port shall not be required to submit the documentation referred to in Article 30 above, except for maritime health declaration and maritime general declaration.

In case of a fire or other accident on board a ship in Montenegrin inland and territorial waters, that threatens the safety of life or ship, Port Authority shall order the master of the nearest ship to undertake, without delay, measures at the scene of fire or accident to save lives or ship.

Master's responsibility

Article 135

Master shall be responsible for ship safety and proper order on board in line with this Law.

Master's duties

Article 136

Master shall take care of the ship supplies (bunkering, lubricants, water, food provisioning, etc.); ship administration; ship maintenance, keeping ship's hull, machinery, appliances and equipment in serviceable condition; maritime navigational charts and publications; safety of shipboard gear for passenger embarkation and disembarkation; loading and discharging of hazardous and other cargo; proper loading, stowage, carriage and discharge of hazardous and other cargo; proper embarkation, accommodation and disembarkation of passengers; and performance of all duties related to ship operation.

Ship master shall ensure, within specified time limits, performance of drills including lifeboats and other life-saving appliances, devices for fire detection, prevention and fire-fighting and other drills specified in ratified and binding international treaties.

Master shall at all times be present on board during voyage.

Before leaving port, master shall check ship's proper working order and verify the state of supplies (bunkers, lubricants, provisioning, spare parts, etc.) that should suffice for the intended voyage, and ensure that all prescribed documents and logbooks, updated navigational charts and publications, as well as crewmembers are on board, and in case of passenger carriage particularly verify whether all precautions were taken for passenger safety.

Ship management

Article 137

Ship master, or deck officer of the watch shall undertake all measures required for the safety of ship and its operations.

Master shall personally manage the ship whenever ship safety requires so, and in particular when entering or leaving a port, channel or river, as well as in the conditions of restricted visibility or fog.

The presence of a pilot on board shall not relieve the master of the responsibility for ship navigation.

Life-saving measures and removal of danger to safety

Article 138

In case of events which cause danger to a ship or a towed or pushed ship or to persons on board, master shall undertake all measures to save lives and remove the danger threatening

the ship and goods on board, as well as to protect the environment.

In the event referred to in para 1 above, master shall sacrifice or damage cargo, other effects on board or shipboard appliances or equipment not necessary for navigation, or parts of ship the sacrifice or damage of which would be less harmful for the ship operator and persons interested in the cargo on board.

Ship abandonment

Article 139

In case of distress, if all actions taken to save the ship were unsuccessful and if the ship is in imminent peril, master shall primarily undertake measures to save the lives of passengers and other persons on board and issue order to abandon ship.

In the event referred to in para 1 above, master shall also undertake all measures required to save ship's logbook, and if the circumstances allow, measures to save other ship logs and documents, maritime charts and ship's petty cash.

Master may only abandon ship after having taken, within reason, all necessary measures referred to in paras 1 and 2 above.

Events endangering the safety of ship or its operation

Article 140

In case of an event on board which endangers the safety of ship or its operation, or in case of an emergency, master shall enter the description of such event in the ship's logbook without delay, and not later than 24 hours from such occurrence.

Master shall submit a report, together with the related excerpt from the ship's logbook, about the event referred to in para 1 above immediately upon arrival, and not later than 24 hours upon arrival, to the Port Authority or diplomatic or consular office of Montenegro and the maritime administration of the nearest coastal state if the ship is abroad.

If the event referred to in para 1 above occurred during navigation, master shall submit the report about the event, together with the excerpt from the ship's logbook, within the time period referred to in para 2 above to the Port Authority in the first port of call, or diplomatic or consular office of Montenegro if the ship is located abroad.

Master of the ship referred to in para 1 above shall enter in the ship's logbook the birth or death of any person on board, stating the location or geographical coordinates of a ship and the time of birth or death, and shall also accept the deposition of any last will and make records thereof in the ship's logbook stating the time of accepting such deposition.

Master shall make a report of any birth and death and deposition of last will and submit it to the Port Authority, and if abroad to the nearest diplomatic or consular office of Montenegro.

The procedure for and the format of the report in case of birth or death, finding an abandoned infant, deposition of last will and handling deceased person's effects on board shall be set by the Ministry.

Immediate danger for safety of navigation

Article 141

Master shall notify Port Authority, by means of radio-communication, of any immediate danger for the safety of navigation it encounters, in particular if he has noticed any changes on waterway referred to in Article 130 para 1 bullet point 2 above, or has encountered pollution by oil, hazardous chemicals and harmful substances, ice, storm or other immediate danger for safe navigation, or tropical storm, air temperatures below freezing point associated with gale force winds causing severe ice accretion on the superstructure of ships, or winds of 10 or above on the Beaufort Scale for which no storm warning has been received.

Master shall enter the notification referred to in para 1 above in the ship's logbook.

Notification of endangered safety

Article 142

In case of detecting any deficiency on board or discovering an incident affecting ship safety or security or the proper working order of life-saving appliances or other equipment, ship master or shipping company shall, without delay, notify thereof the Administration Authority or Recognized Organisation to initiate the procedure for establishing whether relevant survey is required.

If ship is in port of a State Party to the relevant international convention, master or shipping company shall, without delay, notify the Maritime Authority of the port state of the event referred to in para 1 above.

Imminent danger of war

Article 143

In the event of immediate danger of war, master shall undertake all precautions in order to save the ship, its crew, passengers, cargo and other goods, as well as ship's documents and logbooks.

In the event of a war outbreak between Montenegro and another state, master shall undertake the necessary measures to protect the ship, crew, passengers, cargo and other goods, as well as ship's documents and logbooks from the enemy.

If, in the event of war outbreak between other states where Montenegro is neutral, ship is found in a port of a warring party, or is engaged on a voyage towards a port of a warring party, or has to sail through inland or territorial waters of a warring party, master shall ask for instructions from the ship operator, and if that is not possible, from the administration authority in charge of foreign affairs.

Entering into salvage and ship operation contracts

Article 144

As ship operator's representative, acting on its behalf and for its account at a location outside of ship operator's place of business, master is authorised to conclude salvage contracts and legal dealings required for effectuating a voyage, and at a location outside of ship operator's place of business where the ship operator has no authorised agent, conclude ship operation contracts, except for time charter.

As ship operator's representative, master shall be authorised to instigate procedures before foreign judicial and administrative authorities with a view to protecting the rights and interests of the ship operator related to dealings referred to in para 1 above and to undertake procedural actions.

If ship operator restricts master's authorisation, such restriction shall have no legal effect towards third parties who were not or could not have been cognisant of it, given the circumstances.

Maintaining order and safety

Article 145

Master shall be authorised and obliged to issue orders to all persons on board to ensure the safety of ship and its operation, and keep order on board, and oversee the performance of such orders.

With a view of maintaining order and safety on board, master may keep firearms on board, while other crewmembers shall not be allowed to hold any firearms on board.

Restriction of freedom of movement

Article 146

Master shall be entitled to restrict the freedom of movement to any person posing serious threat to the safety of ship, crewmembers, passengers and other persons and goods carried on board and to the environment while the ship is engaged on voyage.

Freedom of movement may be restricted only if it is necessary to ensure the safety of passengers and other persons and goods carried on board, or in order to protect the ship or the environment, and such restriction may be imposed on a foreign national no longer than until ship enters its first port of call, and on Montenegrin national no longer than until ship enters the first Montenegrin port, or until the instructions obtained from the nearest diplomatic or consular office of Montenegro.

Reasoned measures referred to in paras 1 and 2 above shall be entered in the logbook.

Crewmember endangering navigation safety

Article 147

Master shall be entitled to dismiss from duty the crewmember endangering the safety of voyage, and if needed, to discharge such crewmember and repatriate him to the port of embarkation which is ship operator's place of business.

Food and water rationing

Article 148

In case of an emergency and while it lasts, master shall be entitled to ration food and water in order to rationalize the consumption of existing food and water supplies on board.

Reasoned measures referred to in para 1 above shall be entered in the logbook.

Absence without leave

Article 149

If a crewmember who is Montenegrin national leaves the ship without permission while in port, master shall report such absence to the Port Authority, or diplomatic or consular office of Montenegro in the given country, and in case of absence of such a diplomatic or consular office in the given country, to the diplomatic or consular office of the state authorised to represent the interests of Montenegro or to port authorities of the given country.

Master shall establish which personal effects and documents of the crewmember who left the ship without permission were left on board and prepare a report thereof.

The report referred to in para 2 above shall be prepared in the presence of two witnesses and signed by the master and the witnesses.

Master shall enter in the logbook the report on absence without leave and the crewmember's personal effects that were left on board and their handing over to the relevant authority.

The authority within port that takes over the personal effects of the crewmember who left ship without permission shall hand over such effects to his close family or parents, and in their absence, to a person designated by the relevant guardianship authority.

Crewmember unable to return on board

Article 150

A crewmember shall be deemed absent without leave if not returning on board before ship departure.

If a crew member was unable to return to the ship before its departure, he shall be deemed absent without leave if within 3 days from the day the impediment was removed he failed to report to the authority referred to in Article 149 para 1 above.

Failure to attempt saving a ship
Article 151

Master of a ship is not obliged to provide assistance and attempt saving persons in distress if:

- 1) such attempts would put the ship and the persons under his command in grave danger or if he deems, given the circumstances of the case, any attempt to save persons in distress is bound to fail;
- 2) he learns of other ship being chosen to proceed to assistance and that the chosen ship has accepted to do so;
- 3) he learns from the master of the ship in distress or directly from persons who were in distress or the master of another ship that proceeded to assistance that assistance is no longer needed.

Pertinent entry into the logbook
Article 152

Master of a ship is obliged to enter into the logbook the reasons for not providing assistance to persons in distress and attempting to save them, together with the reasons for not attempting salvaging the ship and items on board.

X LIVING AND WORKING CONDITIONS ON BOARD

Employment agreement
Article 153

When joining a ship engaged in international voyage, a crewmember shall have a written employment agreement, signed between the seafarer and the ship owner or ship operator or shipping company, and in case the ship owner, ship operator or shipping company is not the employer, evidence of contractual arrangement which ensures normal working and living conditions on board ship in accordance with the law and collective bargaining agreement.

Before signing the employment agreement, a crewmember shall be given an opportunity to examine it to familiarise with his rights and responsibilities arising from the agreement.

Ship operator or shipping company and seafarer concerned shall each have a signed original of the employment agreement.

Ship operator or shipping company shall ensure that the crewmember is informed about the conditions of his employment on board and produce a copy of employment agreement upon request of a competent authority, including those in ports to be visited.

Employer shall issue the crewmember a document containing a record of his employment on board the ship.

The data referred to in para 5 above may be recorded in the seaman's book or issued in the form of a certificate which shall not contain any statement as to the seafarers' wages or as to quality of their work.

Where a collective bargaining agreement forms all or a part of a seafarers' employment agreement, a copy of that agreement shall be available on board.

Where the language of the seafarers' employment agreement and any applicable collective bargaining agreement is not in English, the following shall be available in English:

- 1) a copy of the standard form of the agreement; and
- 2) the portions of the collective bargaining agreement subject to port state inspection.

Provisions of paras 1 to 8 above shall apply to crewmembers of floating facilities, as appropriate.

A crewmember shall be entitled to adequate working and living conditions, to health protection, to medical care, social security benefits and other forms of social security protection.

Minimum notice period for termination of seafarer's employment agreement shall be 30 days, and a seafarer may cancel or terminate the employment contract without notice in the following events:

1) ship detention for longer than 30 days due to the faults in accordance with the SOLAS Convention or International Convention on Load Lines;

2) ship engaged on a voyage in a war zone, provided that the seafarer does not consent to go to such war zone.

A ship owner may cancel or terminate seafarer's employment contract on a shorter notice when:

1) the ship was sold or lost;

2) the seafarer is unable to continue work due to illness or injury, and it was established that the seafarer is unfit to perform his duties or commits gross misconduct.

Contents of the employment agreement referred to in para 1 above shall be set by administration authority in charge of employment affairs.

Insurance coverage or other financial security in case of abandonment of seafarers

Article 153a

A Montenegrin ship shall hold a valid insurance coverage or other financial security to assist seafarers in case of their abandonment.

A crewmember shall be deemed to be an abandoned seafarer if:

- the shipping operator does not wish to cover the repatriation costs; or
- the shipping operator abandoned a seafarer without providing for his bare essentials, including: proper food, accommodation, fresh water supplies, necessary fuel for sustenance on board, required medical assistance; or

- the ship operator has otherwise unilaterally severed links with a seafarer, including failure to pay the contracted wages over a period of at least two months.

Insurance coverage or other financial security referred to in para 1 above shall be procured to cover for:

- unpaid wages and other remuneration under the employment contract and the collective bargaining agreement for at least four months; and

- justified costs incurred by a seafarer, including return air flight, food and lodging from the moment of disembarkation until the return to his place of residence, required medical assistance, transportation of seafarer's personal effects and other incidental costs incurred from the moment of abandonment.

Insurance coverage or other financial security referred to in para 1 above shall be held on board and available to seafarers on board and shall be made in English.

The provisions of paras 1 and 2 above shall also apply to foreign ships intended to call in a Montenegrin port or berth alongside a hydrocarbon research and production facility sited in Montenegrin territorial waters.

Insurance coverage or other financial security to cater for the costs of contracted receivables of seafarers

Article 153b

A Montenegrin ship shall hold a valid insurance coverage or other financial security in case of seafarer's death, work-related disability, occupational and work-related diseases payable at first call in accordance with the law, seafarer's employment contract or collective bargaining agreement.

In case of payment of insurance claim or other financial security referred to in para 1 above, a Release and Receipt certificate in line with the Maritime Labour Convention shall be issued.

Insurance coverage or other financial security referred to in para 1 above shall be held on board and available to seafarers on board and shall be made in English.

The provisions of paras 1 and 2 above shall also apply to foreign ships intended to call in a Montenegrin port or berth alongside a hydrocarbon research and production facility sited in Montenegrin territorial waters.

Hours of work and night work

Article 154

Seafarers' hours of work on board a ship shall be eight hours of work at sea and in the port with one day of rest per week and day of rest on public and religious holidays.

Seafarers' maximum hours of work shall not exceed:

- 1) 14 hours in any 24-hour period, and
- 2) 72 hours in any seven-day period.

Night work shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m.

Night work of seafarers under the age of 18 (hereinafter: young seafarer) shall be prohibited.

Hours of rest

Article 155

Seafarers' minimum hours of rest shall not be less than:

- 1) 10 hours in any 24-hour period, and
- 2) 77 hours in any seven-day period.

Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

Mandatory musters, fire-fighting and life-boat drills and drills prescribed by international regulations shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue of seafarers.

Hours of rest may be interrupted in emergencies provided that such hours are compensated after the end of such emergency.

The ship operator shall ensure the posting, in an easily accessible place on board, of a table with the shipboard working arrangements in Montenegrin and English languages, which shall contain for every position at least:

- 1) the schedule of service at sea and service in port;
- 2) the seafarers' maximum hours of work or the seafarers' minimum hours of rest.

The ship operator shall maintain records of seafarers' daily hours of work and of their daily hours of rest.

Annual leave

Article 156

Each seafarer shall be entitled to annual leave with pay entitlement calculated on the basis of 2.5 calendar days per month of employment and proportionally for incomplete months.

Young seafarers

Article 157

No person under 16 years of age shall be allowed to work on board a ship.

Working hours of a young seafarer shall not exceed eight hours per day or 40 hours per week and overtime should be worked only where unavoidable for safety reasons.

Young seafarer shall be allowed sufficient time for all meals, and a break of at least one hour for the main meal of the day.

Young seafarer shall be allowed a 15-minute rest period following each two hours of continuous work, where possible.

Exceptionally, the provisions of paras 2 to 4 above shall not be applied if:

- 1) they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watchkeeping duties or working on a rostered shift-work system;
- 2) the effective training of young seafarers in accordance with established schedules and programmes would be impaired;
- 3) it is required for safety reasons.

The circumstances referred to in para 5 above shall be recorded, with reasons, and signed by the master.

Health and safety protection and accident prevention

Article 158

A ship operator or shipping company shall take care about the protection of health and safety and prevention of accidents on board ships in accordance with the law.

Guidelines about health and safety protection and accident prevention procedures shall be carried on board.

Each ship with five or more seafarers shall establish a safety committee composed of one representative of every ship department.

Medical care on board

Article 159

Each seafarer shall be provided free of charge visit to a physician or dentist in ports of call, where possible.

Accommodation and recreational facilities

Article 160

Ships should provide decent accommodation and recreational facilities.

More detailed conditions to be met by accommodation and recreational facilities for seafarers shall be set by the Ministry.

The expert basis for drafting regulations referred to in para 2 above, Article 49 paras 8 and 9, Article 51 para 13, Article 57 para 4, Article 66 para 3, Article 67 para 6, Article 83 para 2, Article 88 para 4, and Article 89 para 1 shall be prepared by the Administration Authority.

Food and catering

Article 161

The quantity, nutritional value, quality and variety of food and drinking water on board shall be adequate to the number of seafarers on board the ship, their religious requirements and cultural practices.

Persons employed in the catering department shall be trained or qualified for their positions.

A qualified ship cook shall be employed on a ship with 10 or more crewmembers.

The master or a person authorised by the master shall carry out weekly control or inspection with respect to supplies of food and drinking water, all spaces and equipment used for the storage and handling of food and drinking water, and galley and other equipment for the preparation and service of meals, and prepare a report thereof, ordering to rectify the

deficiencies observed.

Protection of seafarers' labour rights

Article 162

In foreign ports, a crewmember who is a Montenegrin national may seek protection of his labour rights through diplomatic or consular offices of Montenegro.

Crewing

Article 163

Crewing services for employment of seafarers on board ships of Montenegrin nationality and on board ships of foreign nationality shall be provided by National Employment Office of Montenegro (hereinafter: NAO).

Crewing services for employment of seafarers on board ships of Montenegrin nationality and on board ships of foreign nationality may be provided by other legal entities upon approval by the Ministry.

The approval referred to in para 2 above shall be issued to a legal person registered in the Central register of Business Entities for provision of crewing services and meeting the following requirements:

- has at least one employee with at least two years of work experience in shipping business, with at least 12 months of sea service;
- be certified against ISO standards directly relevant for employment of seafarers;
- have appropriate office space and equipment.

A legal person licenced for crewing services for ships of Montenegrin nationality and foreign ships shall:

- ensure that a seafarer, before joining a ship, holds an employment agreement with a ship operator or a shipping company which is compliant with the law, collective bargaining agreement and international treaties;
- verify before signing the agreement referred to in bullet point 1 above whether the employing ship operator or shipping company insures seafarers against accidents, at work, occupational diseases and work-related diseases and whether they hold insurance for repatriation of seafarers and notify the seafarer thereof;
- verify whether the seafarer meets the requirements for joining a ship in a certain capacity;
- keep records of seafarers seeking employment and employers reporting vacancies;
- keep records of seafarers who were employed through the crewing services provided by the legal person referred to in para 2 above;
- upon the Ministry and NAO request, provide data referred to in bullet points 4 and 5 above.

The legal person referred to in para 2 above shall not be allowed to charge seafarers for the crewing services provided.

The costs incurred for issuing passport, seaman's book, certificates of proficiency, mandatory medical examinations required by law shall be borne by the seafarer.

The procedure for keeping records referred to in para 4 bullet points 4 and 5 above shall be set by the Ministry.

Maritime labour certificate and declaration of maritime labour compliance

Article 164

The ships of Montenegrin nationality, engaged in international voyages, and of 500 GT or over, shall carry a maritime labour certificate and a declaration of maritime labour compliance.

The maritime labour certificate is to certify that the working and living conditions of seafarers on ship are in compliance with the Maritime Labour Convention.

The declaration of maritime labour compliance is a document which verifies that the ship has been maintained in compliance with the Maritime Labour Convention.

Documents referred to in para 1 above shall be issued by the Administration Authority.

The Ministry shall prescribe more detailed conditions in relation to the seafarers' hours of work, hours of rest, accommodation and recreation, food and catering, medical care and occupational health and safety shall be set by the Ministry.

Wages

Article 165

Seafarers on board ship shall be paid monthly wages in accordance with the employment agreement. Seafarer shall be entitled to increased wage on the account of overtime work in accordance with the law and collective agreement.

The records of overtime work shall be maintained by or under the supervision of the master.

The records referred to in para 3 above shall be verified by the seafarer once a month.

The ship operator shall deliver the seafarer in writing the monthly account of the payments due and the amounts paid, including wages and the rate of exchange used where the payment has been made in a currency or at a rate different from the one agreed to.

Transmission of all or part of earnings

Article 166

The ship owner shall enable the seafarers to transmit all or part of their earnings to their families or other dependants.

On-board complaint procedures

Article 167

A crewmember who believes his rights regarding the living and working conditions on board ship were breached shall be entitled to submit a complaint in writing or orally to the superior officer, master, ship owner, ship operator, shipping company or the Ministry, and if deems it necessary to the relevant authorities in the ports of call.

If the complaint referred to in para 1 above is lodged on board ship, it shall be recorded in the ship's logbook.

The complaint shall be lodged in the presence of at least another crewmember acting as a witness.

The ship owner, ship operator or shipping company shall provide to every crew member, upon joining the ship, a copy of the on-board complaint procedures applicable on the ship, which shall include the information about the relevant authority in charge of acting upon complaints, the names of persons on board the ship who provide assistance in the complaint procedure, etc.

XI SEARCH AND RESCUE

Rendering assistance and rescue

Article 168

Search and rescue at sea means providing all kinds of assistance in distress and saving of lives, ships and things.

Search shall mean undertaking actions related to establishing the location, nature and scope of distress at sea, in order to provide assistance, primarily aimed at protection and

saving of lives.

Rescue shall mean undertaking actions to retrieve persons in distress, render first aid, accommodate them at the place of safety and provide for their other needs.

Observation and notification of observed developments and events shall be performed within the scope of search and rescue actions.

Search and rescue duty

Article 169

Search and rescue of persons in distress at sea shall be compulsory, provided that it does not threaten the safety of persons, ship or a vessel that conducts search and rescue operations.

Search and rescue operations

Article 170

Search and rescue of persons, ships and possessions in distress at sea shall be conducted by the Administration Authority.

National plan for search and rescue at sea

Article 171

Search and rescue operations at sea shall be conducted in accordance with the National Plan for Search and Rescue at Sea (hereinafter: the National Plan), adopted by the Government.

The National Plan shall include the organisation of search and rescue operations, search and rescue procedures, and participants in the search and rescue operations.

Search and rescue of yachts

Article 172

The provisions of Art. 168 to 171 of this Law shall apply to yachts.

XII SHIP NATIONALITY AND IDENTIFICATION

Ships of Montenegrin nationality

Article 173

A ship shall acquire Montenegrin nationality following the registration in the Ship Register of Montenegro, or after obtaining a provisional certificate or registry.

A ship that has been registered in a foreign ship registry may not be registered in the Ship Register of Montenegro.

A ship of certain age according to the type of ships may be registered in the Ship Register of Montenegro.

A ship that has acquired Montenegrin nationality shall be entitled and obliged to fly its flag.

The flag shall be equal to the flag of Montenegro, having the width-length ratio of 1:1.5.

A ship with no crew on board shall not have the right and duty to fly the flag referred to in para 4 above.

Boats registered in the Boat Register shall fly the flag of Montenegro when outside Montenegrin inland and territorial waters. The rules for flying the flag and the age of ships according to the type of ships which may be registered in the Ship Register of Montenegro shall be set by the Ministry.

Marking of ship's Montenegrin nationality

Article 174

Flag shall be the marking of the Montenegrin nationality of a ship.

Name and registration marking

Article 175

A ship registered in Montenegrin Ship Register, apart from the technical vessels and a ship granted provisional certificate of registration, shall have its name.

A technical vessel shall have a registration marking, and in addition to the marking, it may also have a name.

Two ships may not have the same name, and two technical vessels may not have the same registration markings.

The name or the registration marking and the port of registry shall be defined by the Ministry by means of a decision.

The procedure for designating the name or registration marking and the port of registry, the carving of the name and registration markings and for keeping records about the names and registration markings and the ports of registry shall be set by the Ministry.

Call sign and MMSI number

Article 176

A ship and a boat carrying on board a radio-communication device under international radio-communication regulations shall have a call sign and an MMSI number.

The manner, conditions and procedure for designating the call sign and MMSI number and the manner of keeping records about call signs and MMSI numbers shall be set by an independent regulatory body in charge of electronic communications.

Port of registry

Article 177

A ship shall bear the name of its port of registry.

The port of registry is the port where the seat of the Port Authority maintaining the register of ships is situated.

XIII INVESTIGATION OF MARITIME INCIDENTS AND ACCIDENTS

Investigation of maritime incidents and accidents

Article 178

Every maritime incident and accident shall be investigated and analysed in details, independently of the investigation led by competent government authorities.

Investigation of maritime incidents and accidents and events that endanger the safety of navigation, i.e. establishment of facts and circumstances under which they have happened shall not be aimed to apportion the blame or determine liability for such incidents and accidents and events that endanger the safety, but instead its objective is to prevent their reoccurrence in future.

Should a vessel of foreign nationality suffer a maritime incident or accident in Montenegrin inland or territorial waters, the Ministry shall notify competent government authorities in charge of interior and foreign affairs, as well as relevant authorities of the state in which such vessel was registered, the ship operator, or shipping company, or ship owner, as well as competent authorities of other states if there were passengers or crewmembers from other states on board the vessel that suffered such incident or accident, as well as the

authorities of states which are threatened with environmental pollution or have an interest to participate in the investigation.

Should a vessel of Montenegrin nationality suffer an incident or accident on the territory of another state, the investigation of such incident or accident shall be carried out in accordance with this law in case that the state concerned fails to conduct an investigation.

Investigation Board

Article 179

The safety investigation aimed at establishing the causes of a maritime incident or accident and the proposal of measures to prevent maritime incidents and accidents and improve safety shall be carried out by the Maritime Incident and Accident Investigation Board (hereinafter: Investigation Board), set up by the Government.

The Investigation Board shall be autonomous and functionally independent of all administration bodies responsible for maritime affairs and other legal entities and natural persons that might affect its impartiality.

The Investigation Board shall:

- 1) conduct investigation of maritime incidents and accidents, and at its discretion carry out incident and accident investigation involving vessels and events that endanger safety;
- 2) give safety-related recommendations for improving the safety of maritime transport;
- 3) keep a maritime incident and accident database;
- 4) provide the data from the database to international organisations, pursuant to concluded international treaties;
- 5) cooperate with other investigative bodies in charge of maritime incidents and accidents investigations of the members of International Maritime Organisation;
- 6) publish investigation findings observing the principles of confidentiality;
- 7) propose and update the roster of independent experts for maritime incident and accident investigation (hereinafter: Roster of Experts);
- 8) submit to the Government its annual activity report not later than 31 March of the current year for the previous year; and
- 9) perform other tasks relevant for maritime incident and accident investigation.

Composition of the Investigation Board

Article 180

The Investigation Board shall be composed of not more than three permanent members.

The Chief Investigator shall represent the Investigation Board and manage its work.

Other members from the Roster of Experts referred to in Article 170 para 3 bullet point 7 above, may be involved in the work of the Investigation Board, as need be.

For each incident or accident, the chief investigator, referred to in para 2 above, shall set up a maritime incident and accident investigation team from among the experts on the Roster of Experts.

The Investigation Board shall submit the incident and accident investigation report to the Government not later than five days from its completion.

Investigation Board members shall be entitled to remuneration for their work.

The funds for the work of the Investigation Board shall be provided from the Budget.

More detailed procedure and manner of conducting maritime incident and accident investigation, more detailed authorizations and conditions to be met by the chief investigator, manner of notification, organization, method of work, training of independent professionals, other issues relevant for the work of the Investigation Board and the amount of remuneration referred to in para 6 above shall be set by the Government.

Databases

Article 181

The Investigation Board and the Ministry shall collect, analyse and store data, safety and maritime incident and accident reports, as well as reports of events that endanger safety, and maintain separate databases thereof.

The manner of data collection, analysis and data storage and report preparation, as well as the manner of maintaining databases referred to in para 1 above shall be set by the Ministry.

Maritime incidents and accidents investigation for yachts

Article 182

Provisions of Articles 179 to 181 of this Law shall also apply to yachts.

XIV SUPERVISION

Article 183

Supervision over the implementation of this Law and its implementing legislation shall be carried out by the Ministry through the Port Authorities in Bar and Kotor, and by the administration authority in charge of inspection affairs.

The areas of competences of Port Authorities shall be set by the Government.

Civil servants and state employees who perform certain functions within Port Authorities shall wear uniforms when performing their functions, as prescribed by the Ministry.

Article 184

The inspection tasks referred to in Article 183 of this Law shall be carried out by the Port State Control Officers in accordance with the law.

Port State Control Officer shall:

1) hold a certificate of competency for master on ships of 3,000 GT or more, or a certificate of competency for chief engineer officer on ships powered by main propulsion machinery of 3,000 kW or and not less than 5 years of sea service as deck officer or engineer officer or flag state inspector or assistant of port state inspector, of which at least two years of sea service as deck officer or engineer officer, or the degree in naval architecture, or in mechanical engineering - shipbuilding department, or in maritime transport engineering – navigation, marine engineering or communication and ship electronics departments, and at least five years of work experience as an engineer;

2) have at least one year of work experience as a flag state inspector, or at least one year of experience in performing technical supervision over ships;

3) have the ability to communicate orally and in writing with seafarers in the language most commonly spoken at sea and appropriate knowledge of provisions of international conventions and relevant procedures of flag state inspection;

4) completed training for performing inspection procedures in line with the Paris Memorandum of Understanding on Port State Control.

The training referred to in para 2 bullet point 4 above shall be provided by the Ministry.

Port State Control Officers shall have no commercial interest, either in the port of inspection or in the ships inspected, nor will Port State Control Officers be employed by or undertake work on behalf of recognised organisations which issue statutory and classification certificates or which carry out the surveys necessary for the issue of those certificates to ships.

Each Port State Control Officer will carry an identity card issued by the Ministry.

The format of the identity card referred to in para 5 above shall be set by the Ministry.

Article 185

Inspection shall include the following:

- 1) foreign ships and their crews berthing in Montenegrin ports or harbours and ships of Montenegrin nationality and their crews;
- 2) maritime facilities in reference to their seaworthiness or fitness for use;
- 3) wharfs and piers, breakwaters, required depths, appliances, gear and other facilities intended for anchorage, ship protection embarkation and disembarkation of passengers and luggage in line with international treaties;
- 4) maintenance and marking of waterways in territorial and internal waters and safety-related facilities on such waterways;
- 5) performance of radio services for the sake of safety of navigation and safety of life at sea and their appliances and equipment, as well as the maintenance of facilities and work of such services;
- 6) navigation and pilotage;
- 7) carriage of persons and goods with regard to the safety of life and property;
- 8) performance of meteorological service on ships used for the safety of navigation;
- 9) seafarers' living and working conditions on board ships;
- 10) performance of crewing activities.

Para 3 bullet point 1 above shall not refer to part of the port intended for the needs of defence and security.

The types of inspection of foreign ships in Montenegrin ports and anchorage areas and of ships of Montenegrin nationality include the following: initial, more detailed, expanded, periodic and additional and shall be carried out in line with the Paris Memorandum of Agreement on Port State Control.

The method, procedure and frequency of inspection referred to in para 3 above, the criteria and procedures for selecting ships for inspection, the measures undertaken by Port State Control Officers following inspection, the procedure for giving objections to reports or raising complaints against inspection decisions, and the procedure upon such objections or complaints shall be set by the Ministry.

Article 186

The inspection of foreign ships under Article 185 para 1 bullet point 1 above shall check whether the ship holds valid documents in line with the provisions of relevant international instruments as follows:

- 1) the International Convention for the Safety of Life at Sea;
- 2) the International Convention on Load Lines;
- 3) the International Convention for the Prevention of Pollution from Ships;
- 4) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers;
- 5) the Merchant Shipping (Minimum Standards) Convention;
- 6) the Convention on the International Regulations for Preventing Collisions at Sea;
- 7) the International Convention on Civil Liability for Oil Pollution;
- 8) the International Convention on Tonnage Measurement of Ships;
- 9) the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;
- 10) the Maritime Labour Convention, 2006;
- 11) the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001;
- 12) the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, amended by Protocol of 2002;

If the flag state is not bound by the conventions referred to in para 1 above, Port State Control Officer shall check whether the ship may safely continue its scheduled voyage in terms of structure, equipment, crew members, type, quantity and stowage of cargo, number of passengers and total load.

When inspecting the safety of navigation of ships as referred to in para 2 above, the contents of conventions referred to in para 1 above shall be primarily, but not exclusively, taken into consideration.

Inspection of a foreign ship shall establish whether the ship's crew complement and total condition of the ship, including the engine room, crew accommodation and hygiene conditions on board, are in compliance with the rules and standards stipulated in the international instruments referred to in para 1 above.

Article 187

If the inspection reveals that the ship has no valid documents referred to in Article 186 above, or that the position of load line, or freeboard does not comply with the data contained in such documents, or that the ship has not been loaded in accordance with approved load line, or freeboard, or that the cargo was not properly distributed, the ship shall be prohibited from leaving the port until voyage may be continued without any threat to lives of people on board.

If during the inspection procedure under Article 186 above, it is established that a foreign ship holds no valid document demonstrating the proper working order of cargo handling gear, or if it is established that the actual condition of such gear is not in compliance with the data on such a document, cargo operations using shipboard cargo handling gear shall be prohibited.

If the deficiencies referred to in paras 1 and 2 above are established during the inspection, the established facts and measures undertaken shall be communicated to the competent authority of the flag state, via diplomatic or consular channels, and to the International Maritime Organization.

If the Port State Control Officer establishes that the vessel has embarked more persons or loaded more cargo than permitted, or that the cargo is stowed so that it endangers the safety of ship or persons on board, he shall prohibit the ship from leaving the port, or further voyage, by a decision, until established deficiencies are rectified.

Provisions of paras 1 to 4 above shall apply accordingly to the ships whose flag states are not bound by the above instruments.

Article 188

If it is reasonably suspected that the ship condition deviates significantly from the data stipulated in the documents referred to in Article 186 paras 1 and 2 above, or that a foreign ship has embarked more passengers than allowed, or that there is no minimum number of properly qualified crew members on board, and that obviously the ship is in such condition, or carrying that number of passengers or crewmembers that it would not be fit to continue the voyage without putting in danger the lives of people on board, such ship shall be prohibited from leaving the port until all irregularities endangering life at sea have been remedied.

Article 189

The inspection regarding seaworthiness of maritime craft according to Article 185 above shall include the following checks:

- 1) whether it holds valid prescribed ship documents and ship logbooks;
- 2) whether any material changes occurred since the date of issuance, or endorsement of the documents issued on the basis of technical supervision, due to which it is obvious that the

vessel in such condition is not fit for navigation without danger to persons and cargo carried on board and the environment;

3) whether it meets the conditions referred to in Articles 52, 75 and 83 above;

4) whether the load line, or freeboard, is properly marked on either side of the vessel;

5) how well drilled the crew is in handling life-boats and other life-saving appliances and devices for detection, prevention and fire-fighting.

Inspection shall also include the control of whether the vessel holds a valid register of cargo gear and whether the condition of the cargo-handling gear complies with the data referred to in the cargo gear register.

Article 190

Should the inspection under Article 185 above identify deficiencies of the ship in relation to its seaworthiness, the master shall be given order to rectify the identified deficiencies within a specified period.

If the identified deficiencies are not rectified within the specified period, or if identified deficiencies are of such nature that they endanger the safety of ship, persons and cargo on board and the environment, or if its waste water tanks are full, the ship shall be prohibited from further voyage until the stated deficiencies are rectified and its certificate of seaworthiness shall be revoked.

Should the inspection establish that according to Article 189 para 2 above, the ship has no valid cargo gear register or if the conditions of such gear is not in compliance with the cargo gear register, such ship shall be prohibited to perform loading, unloading and transshipment of cargo using its own gear.

The inspection control of vessels under Montenegrin flag referred to in Article 189 above may be conducted out of Montenegrin internal and territorial waters in case of reasonable suspicion that the actual condition on board ship does not comply with the issued ship documents and logs, or that the ship is not scheduled to enter Montenegrin ports before the expiry of ship documents and logs.

While carrying out inspection referred to in Article 189 above, Port State Control Officer may request from the Recognized Organisation or the Administration Authority to inspect the classification certificates of the ship subject to such inspection.

If the master fails to act under the order of inspection referred to in paras 2 and 3 above, Port State Control Officer shall appropriately prohibit navigation, or loading, unloading or transshipment of cargo when the decision becomes enforceable.

If the ship referred to in para 6 above poses or may pose danger to ports, waterways, navigation, extraction of natural marine resources or the environment, in addition to actions referred to in para 6 above, Port State Control Officer shall, by means of a written decision, order the ship owner to undertake measures for its removal under the supervision of the Port Authority, within reasonable time.

If the ship owner fails to act under the Port State Control Officer's decision referred to in para 7 above, the Port Authority shall organize the removal of such ship through a legal entity or natural person who perform such activities, at the expense and risk of the ship owner.

If the ship referred to in para 6 above constitutes imminent danger for ports, waterways, navigation, extraction of marine resources or the environment, the Port State Control Officer shall, without having previously made the decision referred to in para 7 above, decide about the removal of such ship at the expense and at the risk of the ship owner.

The removal of ship in terms of paras 8 and 9 above shall imply all forms of prevention, mitigation or removal of danger.

Articles 189 and 190 shall apply accordingly to other vessels and floating and fixed off-shore facilities.

Article 191

If the inspection carried out under Article 185 para 1 bullet point 3 above establishes that the regime compliant with Montenegro's international commitment or special regulations governing the order in ports is not implemented in the ports open for international and inland navigation, or that the condition in the ports is such that it endangers safety of vessels, the port operator shall be ordered to undertake certain measures or perform necessary works within specified period in order to rectify such deficiencies.

If the measures and works referred to in para 1 above are not completed within the specified period, Port State Control Officer may prohibit:

- 1) berthing of vessels of specific size along the wharf or elsewhere where such deficiency has been identified until safe berthing is ensured;
- 2) use of wharfs or quays or parts thereof, as well as the anchorage area which directly endangers the safety of vessels, persons or goods during loading, unloading or transshipment, or if there is imminent danger of pollution due to equipment out of proper working order;
- 3) traffic in the port and anchorage while the safety of navigation is directly endangered due to failure to maintain port facilities in proper working order or failure to maintain necessary depths.

If the deficiencies referred to in para 1 above directly endanger human life, safety of navigation and protection of the environment, Port State Control Officer may immediately undertake the measures referred to in para 2 above.

This Article shall apply appropriately to the ports open for inland traffic.

Article 192

If the inspection carried out under Article 185 para 1 bullet point 3 above establishes that the waterway or safety facility on the waterway is in such a condition that it endangers safety of navigation, the following orders shall be given:

- 1) to the Administration Authority to provisionally mark the obstacles on the waterway and to post or activate beacons and lights if removed or out of order,
- 2) temporary prohibition of navigation if no measures for the safety of navigation have been undertaken.

If the inspection referred to in para 1 above identifies other deficiencies on the waterway which may endanger safety of navigation, pertinent report including objections and proposed actions shall be submitted to the Ministry, the Administration Authority and the administration authority responsible for hydrography, in order to undertake appropriate measures.

Article 193

If the inspection carried out under Article 185 para 1 bullet point 3 above establishes that the maintenance of radio-stations and radio-communication service are not in compliance with the regulations governing telecommunications, an order shall be given to rectify the identified deficiencies within specified timeframe, or to prohibit the work of such radio-station.

If the inspection referred to in para 1 above identifies such deficiencies that may endanger safety of navigation, pertinent report including proposed actions shall be submitted to the Ministry, the Administration Authority and the ministry responsible for telecommunication.

Article 194

If Port State Control Officer determines that a crewmember does not hold a pertinent certificate or has no valid embarkation documents, he shall give order to remedy the

identified non-conformity within specified period.

If the crewmember referred to in paragraph 1 above fails to remedy the identified non-conformity, Port State Control Officer shall give order to the master to disembark such crewmember.

Article 195

If the Port State Control Officer establishes that the vessel has embarked more persons or loaded more cargo than permitted, or that the cargo is stowed so that it endangers the safety of ship or persons on board, he shall prohibit the ship from leaving the port, or further voyage until established deficiencies are rectified.

Article 196

The inspection of crewing services under Article 163 above shall check whether:

- 1) the legal entity providing crewing services is duly authorised;
- 2) the legal entity duly authorised for crewing services and manning of ships of Montenegrin and foreign nationality is compliant with Article 163 para 4 above.

The inspection referred to in para 1 bullet point 1 above shall be carried out by Port State Control Officer and labour inspector.

Article 197

If during inspection under Article 163 above, the labour inspector determines that the natural person or legal entity provides crewing services without the authorization by the Ministry, he shall, by a decision given verbally on the record, prohibit the work of such a natural person or legal entity, on a temporary basis until deficiency has been rectified.

The decision referred to in paragraph 1 above shall be executed immediately by sealing the business premises, work equipment or by other suitable means.

Labour inspector is obliged to deliver to the party a copy of the verbal decision referred to in paragraph 1 above in writing within eight days from the date of the decision pronounced verbally.

A complaint may be lodged against the decision referred to in paragraph 1 above to the Ministry, which shall not stay the execution.

If Port State Control Officer or labour inspector determines that the legal entity provides crewing services contrary to the authorization granted by the Ministry, he shall give order to remove such deficiencies or irregularities within 15 days, and if the identified deficiencies or irregularities are not removed within the specified period, he shall propose the Ministry to revoke the authorisation.

Article 198

A complaint may be lodged to the Ministry against the decision made according to this Law and a special law.

The complaint referred to in paragraph 1 above shall not stay the execution.

XV PENALTIES

Article 199

A legal entity is punishable by a fine ranging from EUR 1,500 to EUR 20,000 if:

- 1) a vessel navigating Montenegrin internal waters fails to comply with safe speed requirements (Article 10 para 1);
- 2) it fails, when on public transportation services, to take on board persons or goods within

the limits of its allowed deadweight (Article 12);

3) it fails to publish the sailing schedule in print and electronic media not later than 15 days prior to its coming into force (Article 13 para 3);

4) the ship operator fails to comply with the set and published sailing schedule (Article 13 para 4);

5) it holds sport events and performances in the waterway without having procured the Port Authority's approval (Article 16 para 1);

6) the organiser of the sport event or performance fails to remove the markings, devices and items placed on the waterway or in port for the purposes of the event or performance within 24 hours after it has ended (Article 17 para 1);

7) it fails to obtain the approval for construction of navigable canals, ports, berthing places and other hydro-technical facilities affecting the safety of navigation (Article 23);

8) it fails to display and maintain on permanent or temporary obstacles in waterways or in ports lights and beacons to mark such obstacles to ensure navigation safety (Article 24 para 1);

9) it fails to immediately remove a damaged, stranded or sunken vessel from waterway or from port, that obstructs or endangers the safety of navigation at the request of the Port Authority (Article 25 para 1);

10) it fails to safeguard the vessel to which the port or a part thereof was granted for use or concession, as well as the vessel prohibited by the Port Authority or competent court to leave the port (Article 25 para 4);

11) it fails to remove ship from waterway and place it in the port for safeguarding (Article 26 para 2);

12) ships that in accordance with the law have ship radio station fail to organize the 24/7 radio watch when engaged on voyage (Article 27 para 3);

13) a foreign nuclear ship intending to enter a Montenegrin port open for international traffic fails to submit to the Ministry the request for permission to enter the port along with the certified copy of documents about the safety of the nuclear ship's plants (Article 31 paras 1 and 2);

14) a Montenegrin ship of 300 GT and above, other than warships or public vessels owned by the state, as well as a foreign intending to enter a Montenegrin port, or berth alongside a hydrocarbon exploration and production facility in Montenegrin territorial waters shall proof of insurance for liability for maritime claims in line with the 1976 Convention on Limitation of Liability for Maritime Claims up to the limits set in the 1996 Protocol to the Convention (Article 33 paras 1 and 5);

15) a vessel forced, due to force majeure or distress at sea, to seek refuge in Montenegrin internal waters fails to notify, without delay, the Port Authority to be determined the place of refuge (Article 34 para 1);

16) pilotage services are not provided by a legal entity under the approval of the Ministry (Article 36 para 1);

17) fails to provide pilotage services 24/7, fails to keep pilot logbook, and fails to provide pilot training (Article 36 para 3);

18) pilot vessel is not marked and does not use pilotage call signs (Article 36 para 4);

19) pilot fails to refuse pilotage on a vessel that has not been granted free pratique or departure clearance or whose draught does not correspond to the depth of the sea at the designated berthing or anchoring position, i.e. if the berthing place does not meet the safe berthing conditions to stay afloat or in other cases where navigation safety is endangered (Article 40 para 3);

20) a ship approaching a Montenegrin port fails to notify the Administration Authority of the ship and tanker particulars, port or anchorage operations, technical supervision,

maintenance and repair works intended during the stay in a Montenegrin port, the date of the ship's or tanker's last extended inspection and of cargo (Article 46 paras 1 and 2);

21) a ship, person authorized by the ship operator or master fails to report the requested data within the period specified in this Law (Article 47);

22) a passenger or high-speed passenger ship, cargo or high-speed cargo ship of 300 gross tonnage or more, engaged in international voyage, as well as a technical vessel, are not equipped with the long-range identification and tracking system (Article 48 para 1);

23) the ship's AIS system fails to be in constant operation, except when the international treaties envisage protection of voyage data (Article 48 para 5);

24) fails to conduct initial survey of the ship at the time and in the manner stipulated by this Law (Article 54);

25) regular survey reveals that the condition of the ship fails to meet the set requirements and that the ship is not properly maintained (Article 55 para 2);

26) sea trial before the survey and issuance of sea trial certificate (Article 57 para 2);

27) it fails to maintain the ship and onboard equipment in a seaworthy condition (Article 58);

28) alterations or conversions are made to the ship's structure, machinery, gear, equipment and other parts without prior notice to the Administration Authority (Article 59);

29) a ship carries more than the specified number of passengers whose number and accommodation shall be defined based on ship's sea-kindliness, available accommodation area, gears and equipment intended for passengers and hygienic conditions (Article 63 para 1);

30) before a passenger ship leaves port, the shipping company or the ship operator fails to establish the number of persons on board (Article 64 para 1);

31) It fails to ensure that the information on the persons who requested special care or assistance in case of an emergency is recorded properly and made available to the master before passenger ship leaves port (Article 64 para 5);

32) a shipping company or ship operator of Montenegrin passenger ship fails to provide information referred to in Article 64 para 2 of above the Port Authority (Article 64 para 6);

33) passenger, Ro-Ro and high-speed passenger ships do not have adequate access for disabled persons (Article 65 para 1);

34) the ships referred to in Article 65 para above were not designed and equipped in the manner that enables easy and safe embarkation and access between decks to disabled persons with the assistance of crew members or by means of ramps or elevators (Article 65 para 2);

35) information signs or labels that are readily visible and legible for persons with reduced mobility and communication means for visual and verbal announcement of important information, as well as alarm devices with buttons within easy reach for such persons were not displayed on board ships referred to in Article 66 para 1 above (Article 65 para 3);

36) rails, corridors, passages, entrances and doors do not enable the use by and mobility of persons in wheelchairs, and elevators, vehicle decks, rest areas for passengers, accommodation areas and sanitary facilities were not designed in such a way to allow easy access for such persons (Article 65 para 4);

37) it fails to subject to tonnage measurement a foreign vessel that has paid a fee for mandatory tonnage in a Montenegrin port (Article 68);

38) ship documents and logbooks stipulated by this Law are not carried on board, properly maintained and produced at the request of competent authorities (Article 70 para 4);

39) the ship has changed its name, port of registry, tonnage, type of propulsion, call sign, purpose or category of navigation without modifying its certificate of registry accordingly (Article 72 para 2);

40) it does not hold temporary certificate of registration for the ship purchased abroad or

ship found abroad whose Certificate of Registry has been lost (Article 73 para 1);

41) a floating facility shall hold documents and logs as in terms with Art. 70 to 74 above with reference to its purpose and siting (Article 78 para 1);

42) A floating facility is not entered into pertinent registers maintained by the relevant Port Authority (Article 80 para 1);

43) a floating facility has not been designated by means of a registration mark consisting of the first two letters of the seat of the Port Authority that performed registration and its sequence number in the register (Article 82);

44) it fails to carry out the initial boat survey before its entering into boat register, as well as after each modification or repair, altering of its purpose or navigation range (Article 85);

45) it fails to perform periodic survey within the specified timeframe (Article 86);

46) It fails to procure the Administration Authority's consent to the technical documentation before the construction commences (Article 88 para 1);

47) A valid boat licence, plan for disposition of persons on board for boats for commercial purpose – passenger transportation, and a boat operator licence or relevant certificate for the operator of a commercial boat are not kept on board when at sea (Article 105);

48) when entering or leaving port, a ship does have on board a minimum number of crew holding relevant certificates of competency and certificates of proficiency necessary for ship operation and for port arrival or departure (Article 107 para 1);

49) crewmembers fail to hold appropriate certificates of competency for performing the assigned duties that enable safe navigation (Article 108 para 1 and 3);

50) medical fitness examination is performed in a health care institution that fails to meet the conditions with regard to the premises, staff and equipment for providing occupational health care services (Article 118 para 1);

51) a ship when at port fails to have on board at least 1/3 of minimum ship complement (Article 121 para 4);

52) a fishing vessel while in port fails to have at least one deck and engine crewmember each on board (Article 121 para 6);

53) ships referred to in Article 121 para 6 above are in groups and moored alongside each other, at least two deck and engine crewmembers each fail to be on board for each set of three vessels (Article 121 para 7);

54) a person not holding a seaman's book or an embarkation permit joins a ship as a crewmember (Article 123 para 1);

55) ship master and crewmembers, as well as the master and crew of other vessels, are under the influence of alcohol, narcotics or other substances that alter the state of consciousness or if, while on duty, they have more than 0.05% of blood alcohol content or 0.25 mg/l of breath alcohol content (Article 125);

56) when joining a ship engaged in international voyage, a crewmember does not have a written employment agreement, signed between the seafarer and the ship owner or ship operator or shipping company (Article 153 para 1);

57) a crewmember is not given the opportunity to examine the employment agreement in order to understand his rights and responsibilities arising from the agreement (Article 153 para 2);

58) employer fails to deliver a crewmember a document about his employment on board ship (Article 153 para 5);

59) seafarers' employment agreement or collective bargaining agreement are not in English, nor the copy of standard form of the agreement and the portions of the collective bargaining agreement that are subject to port state control (Article 153 para 8);

60) seafarers' maximum hours of work exceed 14 hours in any 24-hour period and 72

hours in any seven-day period (Article 154 para 2);

61) a seafarer under 18 years of age works at night (Article 154 para 4);

62) mandatory musters, fire-fighting and life-boat drills and drills prescribed by international regulations are conducted in a manner that disturbs the rest periods and induces fatigue of seafarers (Article 155 para 3);

63) it fails to post, in an easily accessible place on board, a table with the shipboard working arrangements in Montenegrin and English languages (Article 155 para 5);

64) it fails to keep records of seafarers' daily hours of work and hours of rest (Article 155 para 6);

65) person under 16 years of age is engaged to work on board ship (Article 157 para 1);

66) young seafarers' hours of work exceed eight daily hours or 40 hours per week, and overtime should be worked only where unavoidable for safety reasons (Article 157 para 2);

67) a young seafarer is not allowed sufficient time for all meals, and a break of at least one hour for the main meal of the day, as well as the rest of 15 minutes after every two hours of continuous work, when possible (Article 157 paras 3 and 4);

68) guidelines for health and safety protection and accident prevention procedures are not carried on board (Article 158 para 2);

69) no safety committee has been established on a ship with five or more seafarers, composed of one seafarer representing each department (Article 158 para 3);

70) seafarers are not provided free of charge visit to medical doctor's or dentist's in ports of call, where practicable (Article 159);

71) a ship does not provide decent accommodation and recreational facilities (Article 160 para 1);

72) quantities, nutritional value, quality and variety of food and drinking water on board are not adequate to the number of seafarers on board the ship, their religious requirements and cultural practices (Article 161 para 1);

73) persons employed in the catering department have not been trained or qualified for their position on board ship (Article 161 para 2);

74) a qualified ship cook has not been employed on a ship with 10 or more crewmembers (Article 161 para 3);

75) master or person authorised by the master fails to carry out weekly control or inspection with respect to supplies of food and drinking water, all spaces and equipment used for the storage and handling of food and drinking water, and galley and other equipment for the preparation and service of meals, and prepare a report thereof, ordering to rectify the deficiencies observed (Article 161 para 4);

76) ships of Montenegrin nationality, engaged in international voyages, and of 500 GT or over, shall carry a maritime labour certificate and a declaration of maritime labour compliance (Article 164 para 1);

77) seafarers on board ship have not been paid monthly wages in accordance with the employment agreement (Article 165 para 1);

78) a seafarer was not delivered in writing the monthly account of the payments due and the amounts paid, including wages and the rate of exchange used where the payment has been made in a currency or at a rate different from the one agreed to (Article 165 para 5);

79) it fails to enable the seafarers to transmit the all or a part of their earning to their families or other dependants (Article 166 para 1);

80) fails to deliver to every crew member, when embarking the ship, a copy of the on-board complaint procedures applicable on the ship, which includes the information about the relevant authority in charge of acting upon complaints, the names of persons on board who provide assistance in the complaint procedure, etc. (Article 167 para 4).

The responsible person of the legal entity and a natural person shall be punishable by a

fine ranging from EUR 200 and EUR 2,000 for an offence referred to in paragraph 1 above.

An entrepreneur shall be punishable by a fine ranging from EUR 450 and EUR 6,000 for an offence referred to in paragraph 1 above.

Article 200

A legal entity is punishable by a fine ranging from EUR 1,000 to EUR 15,000 if:

1) a sport event or performance organiser fails to lodge an application for obtaining a approval not later than 15 days before the first day of the event or performance (Article 16 para 2);

2) items or things are thrown in the waterway or within port boundaries which may obstruct or endanger safety of navigation (Article 25 para 5);

3) a foreign ship and a foreign warship in a waterway in Montenegrin territorial and internal waters is not flying both the flag of their nationality and the flag of Montenegro (Article 28 para 4);

4) a ship entering or leaving port fails to announce its arrival and departure (Article 28 para 5);

5) while performing pilotage services, pilot does not wear uniform and or holds pilot identity card (Article 40 para 1);

6) while performing pilotage services, pilot leaves the navigation bridge before the completion of pilotage (Article 40 para 2);

7) onboard cargo is not stowed in such a manner to meet the stability requirements and ensure sea-kindliness without causing excessive strain of ship structures under different conditions of use (Article 66 para 1);

8) onboard cargo has not been loaded up to the limits of allowable load and in terms with technical regulations governing cargo transport nor distributed, stowed and locked in such a manner to prevent any cargo movement under any voyage conditions that could endanger ship safety, safety of life or the environment (Article 66 para 2);

9) it fails to obtain Port Authority's approval for siting floating facilities in Montenegrin internal and territorial waters (Article 79 para 1);

10) if a floating facility which is moored, anchored, positioned or embedded within port confines fails to obtain the consent of the administration authority responsible for ports or the legal entity managing the maritime domain (Article 79 para 2);

11) a person who has operated a boat that suffered maritime incident or accident fails to submit the report to the Port Authority within three days of the occurrence (Article 87 para 2);

12) a boat owner fails to file an application for registering changes that have occurred within 30 days from their occurrence (Article 100 para 2);

13) boat bears no boat markings (Article 104 para 1);

14) a crewmember fails to perform tasks on board in compliance with the rules of navigation to ensure traffic safety, avoid damage to the ship or cargo on board, ensure safety of passengers and crewmembers and the environment (Article 119);

15) duty personnel aboard ship is not sufficient at all times and does not correspond to specific circumstances and conditions of the watch (Article 120);

16) in areas of heavy traffic, in conditions of restricted visibility and in other situations when under automatic steering, it is not possible for the officer of the watch to assume manual helm control (Article 122);

17) a crewmember is discharged during his employment or after termination of his employment at a port other than his port of embarkation, and the ship operator fails to provide for his return to the port of embarkation, or the place of his permanent or temporary residence in accordance with his employment contract (Article 126 para 1);

18) repatriation costs referred to in Article 127 para 1 above are charged to the crewmember either as prepayment at the beginning of his employment or from earnings owed to the crewmember, except in case of serious violations of the employment contract by the crewmember (Article 127 para 2);

19) it fails to obtain insurance coverage or other financial security to cover repatriation costs for crewmembers (Article 127 para 6);

20) it fails to make available to crewmembers the regulations concerning their right to repatriation (Article 127 para 6);

21) regulations referred to in Article 127 para 7 above are not available in Montenegrin and English language (Article 127 para 8);

22) in case of detecting any deficiency on board or discovering an incident affecting ship safety or security or the proper working order of life-saving appliances or other equipment, ship master or shipping company fails to notify, without delay, the Administration Authority or Recognized Organisation to initiate the procedure for establishing whether relevant survey is required (Article 142 para 1);

22a) it holds an approval for crewing services for manning ships of Montenegrin and foreign nationality, and fails to keep records of seafarers seeking employment and employers reporting vacancies (Article 163 para 4 bullet-point 4);

22b) it holds an approval for crewing services for manning ships of Montenegrin and foreign nationality, and fails to keep records of seafarers who were employed through the crewing services of the legal entity referred to in Article 163 para 2 above (Article 163 para 4 bullet-point 5);

22c) it holds an approval for crewing services for manning ships of Montenegrin and foreign nationality, and fails to provide data referred to in Article 163 para 4 bullet-points 4 and 5 above upon the request of the Ministry and NAO (Article 163 para 4 bullet-point 6);

22d) it holds an approval for crewing services for manning ships of Montenegrin and foreign nationality, and charged seafarers for the crewing services provided (Article 163 para 5);

23) a ship that has acquired Montenegrin nationality fails to fly its flag (Article 173 para 4);

24) boats registered in Montenegrin Boat Register fail fly the flag of Montenegro when outside Montenegrin inland and territorial waters (Article 173 para 7);

25) a ship entered in Montenegrin Ship Register has no name, and a technical vessel has no registration mark (Article 175 paras 1 and 2);

26) a ship and a boat carrying on board a radio-communication device under international radio-communication regulations have no call sign or MMSI number (Article 176 para 1);

27) a ship does not bear the name of its port of registry (Article 177).

The responsible person of the legal entity shall be punishable by a fine ranging from EUR 100 and EUR 1,500 for an offence referred to in paragraph 1 above.

An entrepreneur shall be punishable by a fine ranging from EUR 250 and EUR 4,000 for an offence referred to in paragraph 1, bullet points 1 to 22 and 23 to 27 above.

A natural person shall be punishable by a fine ranging from EUR 100 and EUR 1,500 for an offence referred to in paragraph 1, bullet points 1 to 22 and 23 to 27 above.

Article 201

A legal entity is punishable by a fine ranging from EUR 500 to EUR 10,000 if:

1) it fails to pay charges for the use of navigation safety facilities in waterways (Article 9 para 1);

2) training for jet watercraft is not conducted in marked areas designated by the legal person managing the maritime domain, without the Port Authority's consent (Article 19 para

1);

3) training at the training field is delivered by commercial entities and entrepreneurs without the approval issued by the legal entity managing the maritime domain (Article 19 para 2);

4) it fails to inform the Port Authority that the number of tugs, or pushers does not guarantee the safety of ship or port during ship manoeuvring operations (Article 44 para 3);

5) it fails to submit a request for tonnage re-measurement before the completion of ship alterations (Article 69 para 4);

6) repeated tonnage measurement referred to in Article 69 para 1 bullet point 2 above is done by the personnel performing initial doubtful tonnage measurement (Article 69 para 6);

7) it carries on board a boat more persons than allowed (Article 89 para 2);

8) it fails to clearly display, in Montenegrin and in English, at the entrance to passenger area, the allowed number of passengers on board a boat intended for commercial purposes – passenger transport (Article 89 paras 3 and 4);

9) there is no waterline on outer hull sides, 150 x 15 mm, on a boat intended for commercial purposes (Article 89 para 5);

10) it fails to perform tonnage re-measurement following alterations of the boat (Article 91 para 6);

11) a person under the age of 16 operates a boat for personal use (Article 93 para 1);

12) a boat intended for commercial and public purposes is operated by a person who does not hold a certificate for a skipper restricted and a certificate of proficiency for VHF DSC radio-operator (CEPT 31-04E) or GMDSS radio-operator restricted (Article 93 para 2);

13) a boat intended for commercial and public purposes has no crewmember holding a boat operator's license (Article 93 para 3);

14) on board a speedboat for training of water-skiers, in addition to the person qualified to operate such a boat, there is no other person to oversee the skier and give guidance (Article 93 para 4);

15) a boat with the engine power of 5 KW, a water scooter, a jet ski or other, regardless of the engine power or a boat up to 5 m in length used for personal needs may be lent for use to a person who does not hold a boat operator licence (Article 94);

16) boats that are permanently or primarily located in or navigate Montenegrin internal and territorial waters are not entered in the boat register regardless of the business address or residence of the boat owner (Article 95 para 2);

17) an owner of a registered boat changes business address or residence or changes the area where the boat is predominantly located and used fails to notify the change to the Port Authority at whose territory the new business address or residence is located or within whose territory is the boat primarily located within 30 days of such change (Article 101 para 4);

18) while on watch duty, a crewmember or an officer of the watch leave the place and room where the watch is kept without the approval of the duty officer (Article 121 paras 1 and 2);

19) at anchorage, watchkeeping duty is not maintained on the bridge and in the engine room (Article 121 para 3);

20) at port, at least 1/3 of minimum ship complement is not present on board (Article 121 para 4);

21) at least one deck officer and one engineer officer are not found on board a ship referred to in Article 121 para 4 above, and no ship security guards at night (Article 121 para 5);

22) during repatriation the crew member who was provided adequate work position on the ship bound to his port of embarkation is not adequately paid for the functions he performed on board (Article 128 paras 1 and 2);

23) provisions of Articles 126 to 128 above are not applied to foreigners employed as crewmembers on board ships of Montenegrin nationality (Article 129);

24) a crewmember fails to notify his immediate superior or master, without delay, of any extraordinary event which might affect the safety of the ship, its passengers, other persons or cargo on board or cause shipboard pollution by hazardous and harmful substances (Article 130 para 1 bullet point 1);

25) a crewmember fails to notify his immediate superior or master, without delay, when, during voyage, he notices that certain lighthouses and beacons are out of order, or markings or buoys are not in their position (Article 130 para 1 bullet point 2);

26) in case of distress, shipwreck or other accident, crewmembers fail to undertake necessary actions to save the ship, passengers, other persons and cargo on board and protect the environment until the master orders to abandon ship (Article 130 para 2);

27) it fails to compensate crewmembers for any damages sustained to their personal effects which have been destroyed or damaged during shipwreck or other accident (Article 131 para 1);

28) in case of a shipwreck, a crewmember who is under employment agreement is not given the right to earnings for at least two months from the date of shipwreck, according to the average earning in the past three months, unless the employment agreement specifies a longer pertinent period (Article 131 para 2);

29) in case of a ship wreck, a crewmember and a foreign national have not been paid a compensation in the amount specified in the employment agreement for every day of unemployment which resulted from the shipwreck, but not longer than two months from that day (Article 131 para 3).

The responsible person of the legal entity and a natural person shall be punishable by a fine ranging from EUR 100 and EUR 1,000 for an offence referred to in paragraph 1 above.

An entrepreneur shall be punishable by a fine ranging from EUR 150 and EUR 3,000 for an offence referred to in paragraph 1 above.

Article 202

A master or his deputy or a person operating a boat or a sea pilot or a natural person is punishable by a fine ranging from EUR 200 to EUR 2,000 if:

1) while sailing, manoeuvring, berthing, mooring, unmooring and anchoring in port and at anchorage, he fails act with due care so as not to endanger human life or harm own or other craft, the shore, devices, facilities or plants (Article 10 para 4);

2) persons engaged in underwater fishing, research or other underwater activities fail for the duration of the dive to drag a yellow or orange surface marker buoy of at least 30 cm in diameter (Article 18);

3) if he performs navigation, berthing, anchoring or beaching of vessel intended for transportation of passengers and cargo, speedboats, jet watercraft or watercraft using airbags at developed, reclaimed or natural beaches (Article 20 para 1);

4) Embarkation and disembarkation of passengers and loading and unloading of cargo to and from vessels referred to in Article 20 para 1 above temporarily performed outside ports at spots on the shore without safe berthing and adequate water depth and width needed for craft manoeuvring, and without the approval provided by the Ministry (Article 20 para 2);

5) ships, boats and seaplanes during navigation in Montenegrin internal and territorial waters approach the coast more than prescribed (Article 21 para 1);

6) In the water body surrounding beaches, vessels sail at a distance less than 50 m away from a developed or reclaimed beach or 150 m away from a natural beach (Article 21 para 4);

7) jet watercraft (water scooter, jet-ski, etc.) or watercraft using airbags are skimming at a distance less than 200 m off shore (Article 21 para 5);

8) swimming outside designated area of a developed or reclaimed beach and at the distance of more than 100 m away from a natural beach (Article 22 para 1);

9) a ship coming from a foreign port communicates with other ships, authorities or persons before being granted free pratique by the Port Authority (Article 28 para 1);

10) a ship leaves port or an anchorage before being cleared by the Port Authority (Article 28 para 3);

11) vessels not stipulated in this Law approach a vessel that has not been granted free pratique (Article 29);

12) a ship on an international voyage intending to arrive into or depart from a port or an anchorage area fails to provide to the Port Authority, inter alia: general declaration; health declaration; crew manifest; passenger manifest, if carrying passengers; cargo manifest and dangerous cargo manifest, in case of having hazardous cargo (Article 30 para 1);

13) when leaving port, fails to provide the list of crew and passengers who have embarked or disembarked during the ship's call in port (Article 30 para 2);

14) safeguarding and maintenance of a laid-up vessel is not carried out by its crew (Article 32 para 1);

15) a ship transferred from one wharf to another or moved alongside the same wharf by means of its propulsion fails to use port pilotage services (Article 37 para 3);

16) ship master fails to request port pilotage not later than two hours before arrival, departure, transferral or moving alongside (Article 37 para 4);

17) a pilot is providing pilotage services without possessing pilot identity card (Article 39 para 1);

18) while on pilotage duty, pilot does not carry pilot identity card and or wear uniform (Article 40 para 1);

19) while on pilotage duty, pilot navigation bridge before the completion of pilotage (Article 40 para 2);

20) pilot provides pilotage services on a vessel that has not been granted free pratique or departure clearance or whose draught does not correspond to the depth of the sea at the designated berthing or anchoring position, i.e. if the berthing place does not meet the safe berthing conditions to stay afloat or in other cases where navigation safety is endangered (Article 40 para 3);

21) during pilotage, pilot fails to give advice to the person commanding the vessel with regard to its steering and manoeuvring and fails to inform that person of the regulations and rules in force in the pilotage area (Article 40 para 4);

22) pilot fails to inform the Port Authority by means of VHF radio about the commenced and completed pilotage (Article 40 para 5);

23) following pilotage, pilot fails to inform the Port Authority in writing of: any observed malfunctioning of navigation safety facilities in the waterway; any observed breach of navigation safety regulations and rules; any damages caused to and by the vessel under pilotage (Article 40 para 6);

24) pilot caused deliberate damage (Article 43 para 1);

25) when entering or leaving the port, master fails to request the services of a tug or pusher required for the safety of ship (Article 44 para 1);

26) before passenger ship leaves port, the number of persons on board exceeds the number the ship is allowed to carry (Article 64 para 3);

27) a seaman's book holder fails to have the embarkation or disembarkation endorsed at the Port Authority before signing on or after signing off the ship at least once a year for the year in which they had one embarkation/ disembarkation (Article 123 para 4);

28) master fails to notify, without delay, the Port Authority or other relevant authority about the illness, injury, medical condition and identity of the sick, or injured person (Article

134 para 1);

29) master fails to take care that all onboard functions are carried out (Article 136 para 1);

30) ship master fails to ensure, within specified time limits, performance of drills including lifeboats and other life-saving appliances, devices for fire detection, prevention and fire-fighting and other drills specified in ratified and binding international treaties (Article 136 para 2);

31) master is not on board during voyage (Article 136 para 3);

32) before leaving port, master fails to check ship's proper working order and verify the state of supplies that should suffice for the intended voyage, and to update required documents, and in case of passenger carriage fails to undertake all precautions for passenger safety (Article 136 para 4);

33) master, or deck officer on duty in charge of ship navigation, fail to undertake all necessary measures required for the safety of ship and ship operation (Article 137 para 1);

34) master fails to personally manage the ship operation whenever the ship safety requires so (Article 137 para 2);

35) master fails to undertake all measures to save lives and remove the danger threatening the ship and goods on board, as well as to protect the environment (Article 138 para 1);

36) master fails to undertake measures necessary to save passengers and other persons on board, ship's logbook, other documents, books and ship's petty cash, as well as give order to abandon ship (Article 139 paras 1 and 2);

37) master abandons ship before having taken, within reason, all necessary measures referred to in Article 139 paras 1 and 2 above (Article 139 para 3);

38) in case of an event on board which endangers the safety of ship or its operation, or in case of an emergency, master fails to enter the description of such event in the ship's logbook without delay, and not later than 24 hours from such occurrence (Article 140 para 1);

39) master fails to submit a report, together with the related excerpt from the ship's logbook, about the event on board which endangers the safety of ship or its operation, or in case of an emergency, immediately upon arrival, and not later than 24 hours upon arrival, to the Port Authority of the first port of call or diplomatic or consular office of Montenegro and the maritime administration of the nearest coastal state if the ship is abroad (Article 140 paras 2 and 3);

40) master of the ship fails to enter in the ship's logbook the birth or death of any person on board, stating the location or geographical coordinates of a ship and the time of birth or death, and fails to accept the deposition of any last will or to make records thereof in the ship's logbook or to state the time of accepting such deposition (Article 140 para 4);

41) master fails to make a report of any birth and death and deposition of last will and to submit it to the Port Authority, and if abroad to the nearest diplomatic or consular office of Montenegro (Article 140 para 5);

42) master fails to notify Port Authority, by means of radio-communication, of any immediate danger for the safety of navigation, in particular if he has noticed any changes on waterway, or has encountered pollution by oil, hazardous chemicals and harmful substances, dangerous ice or storm or other immediate danger for safe navigation, or fails to enter such data in the ship's logbook (Article 141);

43) ship master fails to notify, without delay, the Administration Authority or Recognized Organisation of the to conduct a relevant survey after detecting a deficiency or discovering an incident affecting ship safety or security or the proper working order of life-saving appliances or other equipment (Article 142);

44) in the event of immediate danger of war, or in the event of war outbreak, master fails to undertake all precautions in order to save the ship, its crew, passengers, cargo and other

goods, as well as ship's documents and logbooks (Article 143 paras 1 and 2);

45) in the event of war outbreak between other states where Montenegro is neutral, master fails to ask for instructions from the ship operator or the administration authority in charge of foreign affairs (Article 143 para 3);

46) as ship operator's representative, acting on its behalf and for its account at a location outside of ship operator's place of business, master fails to conclude salvage contracts and legal dealings required for effectuating a voyage, and at a location outside of ship operator's place of business where the ship operator has no authorised agent, fails to conclude ship operation contracts, except for time charter (Article 144 para 1);

47) as ship operator's representative, master fails to instigate procedures before foreign judicial and administrative authorities with a view to protecting the rights and interests of the ship operator or fails to undertake procedural actions in such procedures (Article 144 para 2);

48) master fails to issue orders to all persons on board to ensure the safety of ship and its operation, and keep order on board, and oversee the performance of such orders (Article 145 para 1);

49) master fails to restrict the freedom of movement to any person posing serious threat to the safety of ship, crewmembers, passengers and other persons and goods carried on board and to the environment while the ship is engaged on voyage (Article 146 para 1);

50) master fails to dismiss from duty and disembark the crewmember who endangers the safety of voyage (Article 147);

51) in case of an emergency and while it lasts, master rations food and water but fails to enter such a measure in the ship's logbook with reasoning (Article 148 paras 1 and 2);

52) if a crewmember who is Montenegrin national leaves the ship without permission while in port, master fails to report such absence to the Port Authority, or diplomatic or consular office of Montenegro in the given country, and in case of absence of such a diplomatic or consular office in the given country, to the diplomatic or consular office of the state authorised to represent the interests of Montenegro or to port authorities of the given country (Article 149 para 1);

53) master fails to establish which personal effects and documents of the crewmember who left the ship without permission were left on board and prepare a report thereof (Article 149 para 2);

54) master fails to enter in the logbook the report on absence without leave and the crewmember's personal effects that were left on board and their handing over to the relevant authority (Article 149 para 4);

55) master of a ship fails to enter into the logbook the reasons for not providing assistance to persons and goods in distress and attempting to save them (Article 152);

56) fails to keep records of seafarers' overtime work (Article 165 para 3).

XVI TRANSITIONAL AND FINAL PROVISIONS

Implementing legislation

Article 203

Secondary legislation for implementing this Law shall be adopted within two years from the day this Law becomes effective.

Until the implementing legislation referred to in para 1 is adopted, the secondary legislation adopted under the Law on Maritime and Internal Navigation (Official Gazette of the Federal Republic of Yugoslavia 12/98, 44/99 and 73/00) and the Law on Maritime and Internal Navigation (Official Gazette of Federal Republic of Montenegro 19/78, 8/79, 19/97, 39/89, 22/90, 13/91) shall be applied unless conflicting this Law.

Article 203a

Secondary legislation for implementing this Law shall be adopted within one year from the day this Law becomes effective.

Until the implementing legislation referred to in para 1 is adopted, the secondary legislation adopted under the Law on Maritime Navigation Safety (Official Gazette of Montenegro 62/13, 6/14 i 47/15) shall be applied unless conflicting this Law.

Establishment of the Inquiry Commission

Article 204

The Inquiry Commission shall be set up within 180 days from this Law entering into force.

Until the establishment of the Commission referred to in para 1 above, the tasks of the Inquiry Commission shall be carried out by the competent Port Authority.

Validity of documents

Article 205

Authorisations, permissions, approvals, certificates and other documents issued before this Law became effective shall be valid until their expiry.

Application

Article 206

Articles 46 to 48 of this Law shall apply as of 01 January 2015. Article 33(6) concerning notifications to the European Commission and the European Union member states shall be applied as of the day of Montenegro's accession to the European Union.

Article 207

State administration authority responsible for maritime affairs is mandated to adopt, by 31 December 2014, the plan, measures and actions to maintain waterways, place navigation safety facilities in line with Articles 2, 7 and 8 above, particularly at Bojana River and its mouth.

Repeal of legislation

Article 208

The provisions of the Law on Maritime and Internal Navigation (Official Gazette of the Federal Republic of Yugoslavia 12/98, 44/99 and 73/00) referring to safety of navigation at sea, with the exception of Articles 42, 164, 167, 169, 170, 172, 174, and Art 209-1056, and the provisions of the Law on Maritime and Internal Navigation (Official Gazette of Federal Republic of Montenegro 19/78, 8/79, 19/97, 39/89, 22/90, 13/91) concerning navigation at sea, with the exception of Articles 49, 57 to 60, and 86(1)(10) and 86(2) shall be repealed with effect from the date of entry into force of this Law.

Entry into force

Article 209

This Law shall enter into force on the eight day upon its publication in the Official Gazette of Montenegro.