…………………………..……………Translation from Montenegrin language……………………………………….

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| --- | --- | --- |
| 29th July 2015 | Official Gazette of Montenegro  | Page 39 – Number 42 |

**843.**

In virtue of Article 95 item 3 of the Constitution of Montenegro I hereby issue the

**DECREE**

**ON PROMULGATING THE LAW ON AMENDMENTS**

**TO THE LAW ON YACHTS**

 I hereby promulgate the **Law on Amendments to the Law on Yachts** adopted by the Parliament of Montenegro at the 25th session at the fifth sitting of the first ordinary (spring) session in 2015, on 16th July 2015.

 Number: 01-692/2

Podgorica, on 24th July 2015

The President of Montenegro

 **Filip Vujanovic, s.r.**

 In virtue of Article 82 paragraph 1 item 2 and of Article 91 paragraph 1 of the Constitution of Montenegro, the Parliament of the 25th session, at the fifth sitting of the first ordinary (spring) session, on 16th July 2015, has adopted the

**THE LAW**

**ON AMENDMENTS TO THE LAW ON YACHTS**

**Article 1**

 In the Law on Yachts (‘’Official Gazette of the Republic of Montenegro’’, number 46/07 and ‘’Official Gazette of Montenegro’’, number 73/10 and 40/11) in Article 2 indent 1 shall be replaced by the following:

 ‘’- **yacht** is a navigable vessel driven by motor engine or by sails, which can has more than one hull, intended and equipped for longer stay at sea, for leisure, sport and recreation, which length is greater than 7m and which is used for personal needs or commercial activity;’’

After indent 2 the three new indents shall be added and worded as follows:

 ,, - **foreign boat** is a navigable vessel which has foreign state affiliation;

* **yacht for commercial activity** is a yacht or foreign yacht intended for renting with or without the crew;
* **yacht for personal needs** is a yacht or foreign yacht which is not used for commercial activities;’’

Indents 6 and 7 shall be deleted.

Indent 15 shall be replaced by the following:

,, - **vignette** is a mark which proves the fulfilling of conditions for navigation of a

foreign yacht and foreign boat in Territorial sea, internal sea waters, rivers and lakes and it can be for personal use and for commercial activity;’’

**Article 2**

 In article 5 paragraph 5 the words: ,,200 millimeters’’ shall be replaced with words: ,,150 millimeters’’.

**Article 3**

In Article 6 the paragraph 1 shall be deleted.

In Article 6 paragraph 3 the words: ,,IMO number’’ shall be deleted.

Previous paragraphs 2 and 3 shall become paragraphs 1 and 2.

**Article 4**

 In Article 12 the paragraph 2 shall be replaced by the following:

 ,,Administrative body shall, at the request of authorized person of the owner, co-owner or charterer, issue the certificate on the status of the registration in the Register, transcript of the Certificate and documents which are kept in the archive of documents.’’

**Article 5**

 In Article 13 the paragraph 1 shall be replaced by the following:

 ,,The following documentation shall be delivered for the entry of a yacht into the Register.

1) Request for inscription into the Register along with the proposal of the name of the yacht;

2) the identity card or passport for the insight, for establishing of the identity of the party for natural persons or the certificate of registration of legal person who is the owner of the yacht;

3) power of attorney for representing of the owner, certified in accordance with the law;

4) compulsory insurance policy in accordance with the law by which the compulsory insurance in traffic is arranged;

5) decision of deletion from Register if she had been previously entered in the Register;

6) proof of the ownership of the yacht;

7) certificate of tonnage measurement or of construction of the yacht;

8) proof of paid fee for inscription;’’

Paragraphs 6 and 7 shall be replaced by the following:

,,Certificate shall be issued for the period of three years.

The form of the Certificate and of the requirements referred to in paragraph 1 item 1 of this Article shall be prescribed by the Ministry.’’

**Article 6**

 In Article 14 paragraph 2 the words: ‘’items 1 through 5’’ shall be deleted.

**Article 7**

 In Article 15 the item 5 shall be replaced by the following:

 ‘’5) C3 – navigation, during daylight and in favorable weather conditions, up to 8 nautical miles from the port of refuge and 2 nautical miles from the coast.’’

**Article 8**

 After Article 15 the new article shall be inserted, worded as follows:

**,,Seaworthiness of the yacht**

**Article 15a**

 Yacht is seaworthy in certain categories of navigation and for certain purpose if she fulfills the requirements established by international treaties and by this Law, with relation to:

* safety of human lives, yacht and property;
* safety protection;
* prevention of the pollution of the sea from the yacht;
* prevention of the pollution of air;
* protection of the sea from bioinvasive species in ballast waters;
* protection of sea environment from harmful action of the system against fouling of the hull;
* safety at work, accommodation of the crew and other persons employed onboard the ship;
* conditions for transportation of passengers;
* minimal prescribed number of the crew members with appropriate certificates of competency and/or special competency;
* accommodation and number of embarked passengers in accordance with conditions for transportation of passengers and of conditions given in documents;
* rendering of medical assistance.

Seaworthiness of the yacht shall be established by the technical inspection.

After carried out technical inspection of the yacht, the Report on technical inspection shall be issued.

Technical inspection of the yacht referred to in paragraph 2 of this Article shall be carried out by the Administrative body.

Technical conditions that must be fulfilled by the yacht, conditions for putting in the market, conditions that must be fulfilled by the manufacturer of the yacht, the manner and the procedure of nominating of the manufacturer, documents, records and books of the yacht shall be prescribed by the Ministry.’’

**Article 9**

 The name of article and Article 16 shall be replaced by the following:

**,,Technical inspection of the yacht**

**Article 16**

 Technical inspection of the yacht can be: basic, ordinary and extraordinary.

 Basic inspection is the inspection which is carried out on the occasion of the inscription of the yacht into the Register.

 Ordinary inspection is the inspection of the yacht in prescribed time intervals, and it can be renewal one and annual one.

 Renewal inspection is a compulsory inspection which is carried out ones in three years for yachts which are used for personal purpose.

 Annual inspection is a compulsory inspection for yachts which are used in commercial purposes and it shall be performed at least ones a year.

 Extraordinary inspection is compulsory inspection for the yacht:

* after accident suffered, or establishing of shortages which may influence to

 the seaworthiness of the yacht;

* on the occasion of repairs, remodeling, or renewal of the parts of the yacht;
* which are in the unrigging status longer than one year;
* at which the change of a main engine is carried out;
* on the occasion of the change of purpose, or the area of navigation;
* at which the remodeling of great proportions is carried out which can be

considered as a new yacht.

 For basic and ordinary inspection the fee amounting to €7.00 shall be paid per meter length of the yacht.

 For extraordinary inspection the fee shall be paid amounting to 20% of the price of inscription of the yacht.

 Fees referred to in paragraphs 7 and 8 of this Article shall be the income of the Budget of Montenegro.

 The manner of carrying out of technical inspection of the yacht shall be prescribed by the Ministry.’’

**Article 10**

 After Article 16 the two new articles shall be inserted, worded as follows:

**‘’Tonnage measurement of the yacht**

**Article 16a**

 Tonnage measurement shall be carried out for the purpose of establishing of the tonnage of the yacht.

 Tonnage measurement of the yacht shall be carried out before her inscription in the Register.

 Tonnage measurement of the yacht shall be carried out by the Administrative body at the request of the owner, if the yacht doesn’t possess Certificate of construction.

 Tonnage re-measurement of the yacht shall be carried out if:

1. after performed tonnage measurement of the yacht the renewals are

carried out because of which the changes appear in arrangement, construction, capacity, use of space, allowed number of passengers onboard the yacht, allotted freeboard or allowed draught of the yacht, because of which the tonnage of the yacht is changed;

1. it is suspected in the regularity of performed tonnage measurement.

In case of tonnage re-measurement, Administrative body shall decide, subject to the carried out renewals on the yacht, whether the tonnage re-measurement be carried out as a whole or partially.

Request for tonnage re-measurement shall be submitted before completion of remodelling of the yacht.

The manner of tonnage measurement of the yacht shall be established by the regulation of the Ministry.

**Construction of the yacht**

**Article 16b**

 Legal or natural person who intends to commence the construction of the yacht shall submit the application for construction of the yacht to the Administrative body before the commencement of the construction of the yacht.

 Supervision over construction of the yacht, respectively assessment of the conformity with regulations on technical conditions that the yacht must fulfill, shall be carried out by the Administrative body.

 Upon completion of construction the Administrative body shall issue the certificate of construction or declaration of conformity.’’

**Article 11**

 Article 19 shall be replaced by the following:

 ‘’For inscription of the yacht in the Register and renewing of the Certificate the fee shall be paid amounting to:

1. €30.00 per meter length for the motor driven yacht and multi-hull yacht;
2. €20.00 per meter length for the sailing yacht.

For deletion of the yacht from the Register the fee amounting to €20.00 shall be paid.

Fees referred to in paragraphs 1 and 2 of this article shall be the income of the budget of Montenegro.’’

**Article 12**

 The Title of the chapter III and article 20 shall be replaced by the following:

**,,III STAYING OF FOREIGN YACHT IN THE WATERS OF MONTENEGRO**

**Entry of the foreign yachts**

**Article 20**

 Person who navigates foreign yacht and enters into the water of Montenegro shall proceed directly to the designated port of entry opened for international traffic, for the purpose of performing of border control in accordance with the law, obtaining of vignette and certification of the crew and passengers list.

 Person referred to in paragraph 1 of this article, before entering in the designated port of entry, can, by mail, by fax, in electronic way or through authorized person, deliver copies of documents, for the purpose of obtaining of vignette and certification of the crew and passengers list.

 Vignette referred to in paragraphs 1 and 2 of this article, after performed border control, shall be issued by the organizational unit of the Ministry (hereinafter referred to as the: Harbor Master’s office or Harbor Master’s Branch office).

 For issuing of the vignette the following proves shall be delivered:

1. request for obtaining of vignette;
2. certificate of registration;
3. proof of competency of the person who navigates the foreign yacht and of the crew members issued by:
4. the competent or authorized bodies of the State flag, and which are not

in contravention with the STCW Convention, if the convention is related to the concerned yacht;

1. the competent body of the state with which the international treaty on

unilateral or common recognition of document has been concluded;

1. in accordance with the regulations of Montenegro.
2. on insurance from responsibility for damages inflicted to the third persons;
3. on ownership or power of attorney for use the yacht;
4. on paid fee for use of the safety navigation objects and on administrative fee.

 Foreign yachts which are used for performing of commercial activities in Montenegro along with the proofs referred to in paragraphs 4 of this article shall also deliver the proof on compulsory insurance in accordance with the law.

 In case that all submitted proofs referred to in paragraphs 4 and 5 of this article for obtaining vignette have not been enclosed, the Harbor Master’s office shall order to the person who navigate foreign yacht to deliver necessary proofs in certain deadline, and until the proofs be delivered the yacht shall remain in the designated port of entry.

 Forms of the crew and passengers list and vignettes shall be prescribed by the Ministry.’’

**Article 13**

 Article 21 shall be replaced by the following:

 ‘’Vignette shall comprise also the auxiliary navigable vessels which are located onboard the yacht and which must be covered by the insurance from responsibility for damage inflicted to the third persons.

 Navigable vessels referred to in paragraph 1 of this article are insured when the insurance policy covers their use, whether by individual enumeration of the auxiliary navigable vessels of the yacht, whether through the general certificate from the policy that the auxiliary navigable vessels are insured.’’

**Article 14**

 The name of the article and Article 22 shall be replaced by the following:

**,,Approval for movement of a crew member who has no visa**

**Article 22**

 The pass for movement on the area in which the border crossing, port is located may be issued to the crew member of a foreign yacht, who does not possess necessary visa, during the time of retaining of the yacht in the area of border crossing.

 The pass referred to in paragraph 1 of this Article, at request of the master, respectively of the skipper of the foreign yacht, shall be issued by the administrative body competent for police affairs, during the time of retaining of the yacht, up to 90 days the longest.’’

**Article 15**

 Article 25 paragraph 2 shall be replaced by following:

 ,,Foreign yacht which participate in sports competition or comes to Montenegro for the purpose of exposing at nautical fair is not obligated to have vignette 48 hours before and after commencement of the competition or fair, providing that the organizer of the sports competition or nautical fair reported the yacht to the Harbor Master’s office or Harbor Master’s office Branch office at least 48 hours prior the commencement of the competition or fair.’’

**Article 16**

 Title of Article and Article 28 shall be replaced by the following:

**,,Fee for using of the navigation safety objects**

**Article 28**

 For the use of the navigation safety objects the fee shall be paid.

 Fee for use of the navigation safety objects shall amount:

**Yacht for personal use**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Per meter length** | **24 h** | **7 days** | **1****month** | **3****months** | **6 months** | **1 year** |
| **boat up to 7 m** | €0.50  | €1.00  | €2.00  | €3.00  | €4.00  | €6.00  |
| **yacht driven by sails** | €1.00  | €2.00  | €6.00  | €12.00  | €15.00  | €18.00  |
| **yacht driven by motor engine** | €3.00  | €7.00  | €12.00  | €20.00  | €25.00  | €30.00  |
| **multi-hull yacht** | €3.00  | €7.00  | €12.00  | €20.00  | €25.00  | €30.00  |
| **yacht over 24 m regardless to the drive and type of hull** | €150 +length x€1  | €360 +length x€1.5  | €460 +length x€2  | €560 +length x€3  | €660 +length x€4  | €760 +length x  €5  |

**Yacht for commercial use**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Per meter length** | **24 h** | **7 days** | **1****month** | **3****months** | **6 months** | **1 year** |
| **boat up to 7 m** | €5.00  | €15.00  | €25.00  | €35.00  | €45.00  | €60.00  |
| **yacht driven by sails** | €10.00  | €25.00  | €40.00  | €80.00  | €120.00  | €150.00  |
| **yacht driven by motor engine** | €15.00  | €30.00  | €50.00  | €100.00  | €150.00  | €200.00  |
| **multi-hull yacht** | €15.00  | €30.00  | €50.00  | €100.00  | €150.00  | €200.00  |
| **yacht over 24 m regardless to the drive and type of hull** | €15 xlength  | €70 xlength  | €100 xlength | €150 xlength  | €200 xlength  | €250 xlength  |

 Fee referred to in paragraph 1 of this article shall be the income of the budget of Montenegro.’’

**Article 17**

 Article 29 shall be replaced by the following:

 ,,For yacht weighting over 1,000 gross tonnage registered in the Register and for foreign yacht over 1,000 gross tonnage entering or departing in/or from the waters of Montenegro the pilotage is compulsory.

 Exceptionally from paragraph 1 of this article, the pilotage is not compulsory for the yacht commanded by the person who has entered more than five times the same port, along with previously procured consent of the Harbor Master’s office or Harbor Master’s Branch office.

 Harbor Master’s office, respectively Harbor Master’s Branch office, shall decide on the request of the master for exception from compulsory pilotage within 24 hours from the receipt of the request, and in contrary it shall be deemed that the consent was given.’’

**Article 18**

 Article 30 shall be replaced by the following:

 ,,Onboard the yacht registered in the Register the following documents must be located:

1. Certificate of registration;
2. report on technical inspection;
3. certificates of competency for the person who navigate the yacht and for crew members;
4. proof on compulsory insurance from responsibility for damage inflicted to the third persons for the yacht and auxiliary navigable vessel;
5. certificate of qualification of the radio operator according to the area of navigation;
6. proof of the ownership or power of attorney for using of the yacht;
7. license for radio station onboard the navigable vessel;

 Onboard the yacht registered in the Register, which is used for commercial activity, beside documents referred to in paragraph 1 of this article, the following documents must be located onboard:

1. book of records referred to in article 38 paragraph 1 of this Law;
2. compulsory insurance policy in accordance with the law;

 Onboard the foreign yacht, which navigates in the waters of Montenegro, the documents referred to in article 20 of this Law must be located, as well as:

1. vignette for personal use or vignette for commercial activity;
2. license for radio station, issued in accordance with national regulations of the State flying flag;
3. certified crew and passengers list, except for the yacht referred to in article 27 paragraph 5 of this Law.’’

**Article 19**

 After Article 30 the six new articles shall be added, worded as follows:

**‘’Minimal number of the crew members**

**Article 30a**

 For performing of works by which the navigation is being secured, respectively on the occasion of the entering in the port or departure from the port the yacht must have minimal number of the crew members with appropriate certificate of competency and of special competency.

 Minimal number of the crew members of the yacht according to the category oh navigation, size and purpose of the yacht, power of engine installation, degree of automatization of the drive and period of duration of the navigation shall be prescribed by the Ministry.

**Certificate of competency**

**Article 30b**

 Crew member of the yacht registered into the Register, who performs works by which the navigation is being secured, can be the person who is of the age of at least 20, who has acquired appropriate rank, and to whom the appropriate certificate of competency has been issued.

 Rank, respectively basic certification of the crew members of the yacht registered in the Register, shall be acquired on the strength of passed examination for certain rank.

 Crew member who has acquired certain rank and to whom the appropriate certification has been issued in accordance with paragraph 2 of this Article must has appropriate certificate of special competency.

 Certification referred to in paragraph 3 of this Article shall be issued after passed examination for acquiring of appropriate certificate.

 Type of ranks and basic certifications of the crew members of the yachts, the programme and the manner of training and taking of examination for acquiring of ranks and issuance of basic certifications, the programme and the manner of training, taking of examinations and issuance of the certificate of special competency, forms of certificates and record of issued certificates shall be proscribed by the Ministry.

**Examination for acquiring of the certificate of competency**

**Article 30c**

 Examination for acquiring of rank and certificate of special competency referred to in Article 30b paragraphs 2 and 3 of this Law shall be taken before the Commission for acquiring of ranks and certificates of special competency (hereinafter referred to as: the Commission) which shall be formed by the Ministry.

 Examination referred to in paragraph 1 of this Article shall be taken on the strength of the request along which the following shall be enclosed: proof of completed training or special training, proof of navigational service, proof on paid fee for taking of the examination and other proofs on fulfillment of conditions for taking of that examination.

 For taking of the examination referred to in paragraph 2 of this article the fee shall be paid, which is the income of the budget of Montenegro.

 The extent of the fee referred to in paragraph 3 of this Article shall be established by the Government.

 Request with proofs referred to in paragraph 2 of this article shall be submitted to the Harbor Master’s office which shall establish the fulfillment of the conditions for taking of the examination for acquiring of the certificate of competency of the crew member of the yacht, whereof it shall make the decision.

 If the Harbor Master’s office establishes that the submitter of the request did not submit the proofs referred to in paragraph 2 of this Article, the request for taking of the examination shall be refused.

 The Decision referred to in paragraph 5 of this article shall be final.

**Commission**

**Article 30d**

 The Commission shall be consisted of the president, at least two members and a secretary.

 For certain subjects for taking of the examination for acquiring of ranks and certificates of special competences, the Ministry may, at the request of the president of the Commission, engage examiners out of the composition of the Commission.

 Members, president and secretary of the Commission referred to in paragraph 1 of this Article and examiners referred to in paragraph 2 of this Article have the right for compensation.

 Extent of the compensation referred to in paragraph 3 of this Article shall be established by the Government.

 The conditions that have to be fulfilled by the side of the members of the Commission and examiners shall be prescribed by the Ministry.

**Issuance of the certificates of competency,**

**respectively special competency**

**Article 30e**

 Harbor Master’s office shall issue the certificate of competency of the crew member of the yacht and special competency on the strength of the certificate of the Commission on passed examination.

 Along with the request for issuance of the certificates referred to in paragraph 1 of this Article the following shall be enclosed:

1. appropriate number of photographs;
2. photocopy of identity card or passport;
3. health certificate;
4. proof on completed training;
5. proof on passed examination for acquiring of the certificate of the crew member of the yacht;
6. proof of navigational service;
7. proof on acquired rank in seamanship.

 For issuance of the certificate of competence of the crew member of the yacht, respectively special competency the fee shall be paid, which is the income of the budged of Montenegro.

 Extent of the fee referred to in paragraph 3 of this Article shall be established by the Government.

**Training for acquiring ranks and certificates of special**

**competency**

**Article 30f**

 Training for acquiring of ranks and certificates of special competency of the crew members of the yacht shall be carried out by the legal persons who are registered in the Central register of commercial entities for training of seafarers and who possess the approval for training of seafarers in accordance with the law by which the safety of maritime navigation has been regulated.’’

**Article 20**

 In Article 33 after paragraph 1 the two new paragraphs shall be added, worded as follows:

 ,,The master or skipper of the yacht shall immediately notify the administrative body that it has come to releasing into the sea of oil and oiled water, waste and garbage, as well as any other substance which pollutes environment, with the exact position of the yacht.

 Washing of the deck and external surface of the yacht is allowed if the fresh water and biodegradable detergent, which is not harmful for sea environment, are used.’’

 Previous paragraphs 2 and 3 shall now become paragraphs 4 and 5.

**Article 21**

 After Article 34 the new article shall be added, worded as follows:

**Anchoring of yachts and boats in the waters of Montenegro**

**Article 34a**

 Anchoring of yachts and boats in the waters of Montenegro is allowed at the anchorages which have been established and marked for that purpose.

 Anchoring outside of the anchorage can be performed only on the strength of the approval of the Harbor Master’s office for exactly determined period.

 Yachts and boats at the anchorage must be safely anchored, they must not endanger safety of other users of the anchorage and they cannot be left without crew and without permission of the port which is the user of the anchorage or the consent of the Harbor Master’s office.’’

**Article 22**

 Article 37 shall be deleted.

**Article 23**

 After Article 38 the new article shall be added, worded as follows:

**,,Foreign boats**

**Article 38a**

 Provisions of Articles 20 and 22, of Articles 23 through 27, of Article 30 paragraph 3, of Articles 31 through 36 and Article 38 of this Law, shall be applied also to foreign boats.

 If the boat has no proof of registration and it is in the ownership of foreign legal or natural person, the Administrative body shall perform extraordinary inspection.

 For extraordinary inspection performed by the Administrative body, the fee in extent of euro 10.00 shall be paid per length meter, which shall be the income of the budget of Montenegro.’’

**Article 24**

 In Article 40 the word ‘’security’’ shall be replaced with word ‘’safety’’.

**Article 25**

 In Article 41 the words: ‘’inscription into the Register’’ shall be replaced with the word ‘’Certificate’’, and the words: ‘’inspection of the yacht’’ shall be deleted.

**Article 26**

Article 42 shall be replaced by the following:

 ,,Legal person shall be penalized for the offence with the fine of euro 500 up to euro 2,000, if:

1. it does not hoist the flag of Montenegro which has the proportion of the width against the length at 1 : 1.5 on the aft flagpole or on the aft mast in order that its upper edge reaches the top of the aft flagpole, respectively of the mast (Article 4);
2. it fails to write name and designation of the yacht on both sides of fore part of the yacht or, if it is more convenient, on visible place on the both side of the superstructure with the size of letters and numbers of at least 150 mm (Article 5);
3. the yacht which has been registered into the Register and which has radio telephonic and/or GMDSS device has not in possession call sign, and/or MMSI number (article 6 paragraph 1);
4. the muster of the skipper of the yacht does not notify the Administrative body about incurred damage of the yacht which may influence to the validity of the Certificate (article 17);
5. it fails to proceed directly to a designated port of entry opened for international traffic for performing of border control, obtaining of vignette and certifying of the crew members list (Article 20, paragraph 1);
6. master of the skipper of the foreign yacht whose request for obtaining of vignette has been refused by the side of the Harbor Master’s office or Harbor Master’s Branch office does not leave Montenegro on the route and at the time determined by the a yacht or a boat does not leave Montenegro within the period of time and on the route determined by the Harbor Master’s office or Harbor Master’s Branch office (article 24 paragraph 1);
7. a yacht or a boat fails to be reported to the Harbor Master’s office or to the Harbor Master’s Branch office at the latest 48 hours before the beginning of the competition or the fair (Article 25 paragraph 2);
8. the organizer of the sports competition or the nautical fair does not enclose, along with the application, the list of persons who will be aboard the foreign yacht (Article 25 paragraph 3);
9. the master, respectively the skipper of the foreign yacht, which was transported in Montenegro by land or by sea or she is being guarded or being repaired in the port and on some other approved place, do not obtain the vignette of does not certify the crew or passenger list before starting navigation from Montenegro (Article 27);
10. aboard the foreign yacht in navigation there is a person who was not quoted in the crew member and passenger list (Article 27 paragraph 6);
11. it does not provide compulsory pilotage for the yacht which has over 1,000 tones which has been registered in the Register and foreign yacht over 1,000 tones which enters into the waters of Montenegro (Article 30);
12. onboard the yacht which navigate in the waters of Montenegro there are no prescribed documents (article 30);
13. on the occasion of the entering in the port or departure from the port the yacht has no minimal number of the crew members with appropriate certificate of competency and of special competency (article 30a);
14. for the performing of works by which the navigation is being secured, the crew members have no appropriate certifications (article 30b, paragraph 1);
15. before departure from the waters of Montenegro, it does not carry out border control, certifies the crew members and passengers list and it does not leave the waters of Montenegro within 24 hours after carried out obligations (Article 31);
16. it releases or discard into the sea oils and oiled waters, waste and garbage, as well as any other substance which pollutes the environment (Article 33, paragraph 1);
17. the master or the skipper of the yacht fails to notify immediately the Administrative body that it has come to releasing into the sea of the oil, oiled water, waste and garbage as well as any other substance which pollutes the environment, with exact position of the yacht (article 33 paragraph 2);
18. for washing of the deck and external surface of the yacht it does not use fresh water and biodegradable detergents which are not harmful for sea environment (Article 33 paragraph 3);
19. it does not possess onboard the yacht the means for prevention of pollution of the sea by oils and oiled waters, waste and garbage, as well as reservoirs for their storage, which will be discharged at the appropriate equipment for acceptance on the coast (Article 33 paragraph 4);
20. anchorages the yacht or the foreign boat out of the anchorage which are determined and designated for that purpose (Article 34a paragraph 1);
21. anchorages the yacht or foreign boat out of the anchorage which are determined and designed for that purpose without the consent of the Harbor Master’s office (article 34a paragraph 2);
22. master of the skipper of the yacht anchorages the yacht in such manner that endangers the safety of other users of the anchorage (article 34a paragraph 3).

 With the fine from euro 50 up to euro 500 also responsible person in legal person and natural person shall be penalized for the offence referred to in paragraph 1 of this Article.

 With the fine from euro 150 up to 1,000 euro also the entrepreneur shall be penalized for the offence referred to in paragraph 1 of this article.’’

**Article 27**

 After Article 42 the new article shall be added, worded as follows:

**,,Article 42a**

 With the fine of euro 500 up to euro 10,000 the legal person shall be penalized if:

 1) the renter does not keep the book of records of renting of yachts (article 38 paragraph 1);

 2) the master or the skipper of the yacht which is being rented does not certify the crew and passenger list at the Harbor master’s office or at the Harbor Master’s Branch office, no later than the sailing out of the yacht (Article 38 paragraph 2);

 3) there is not aboard the yacht the certified crew or passenger list or the master or the skipper of the yacht does not show it at request of the authorized person (Article 38 paragraph 2);

 For the offence referred to in paragraph 1 of this Article the responsible person in legal person and the natural person shall be penalized with the fine of euro 500 up to euro 2,000.

 For the offence referred to in paragraph 1 of this Article also the entrepreneur shall be penalized with the fine of euro 500 up to euro 5,000.

**Article 28**

 After article 44 the new article shall be added, worded as follows:

**,,Article 44a**

 Certificates of competence issued until the day of entering into force of this Law shall be valid till the expiration of the time period on which they have been issued.’’

**Article 29**

 Secondary legislation for enforcement of this Law shall be passed within one year following the day of entering into force of this Law.

**Article 30**

 After Article 45 the new article shall be added, worded as follows:

**,,Article 45a**

 On the date of entering into force of this Law the article 54 of the Law on amendments to the Law by which the fines have been prescribed for offences (,,Official Gazette of Montenegro’’, number 40/11) shall cease to have effect.’’

**Article 31**

 This Law shall enter into force on the eight day following that of its publication in the ‘’Official Gazette of Montenegro’’.

 Number: 14-4/15-1/11

 EPA 706 XXV

 Podgorica, on 16th July 2015

**The Parliament of Montenegro of the 25. session**

The Speaker

**Ranko Krivokapic, s.r.**