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| Zakon o sigurnosti pomorske plovidbe | Maritime Navigation Safety Law |
| Zakon je objavljen u "Službenom listu CG", br. [62/2013](javascript:void(0)), [6/2014](javascript:void(0)), [47/2015](javascript:void(0)) ([čl. 3-6.](javascript:void(0)) nisu u prečišćenom tekstu), [71/2017](javascript:void(0)), [34/2019](javascript:void(0)) - drugi zakon i [77/2020](javascript:void(0)). | The Law has been published in the “Official Gazette of Montenegro”, issues: [62/2013](javascript:void(0)), [6/2014](javascript:void(0)), [47/2015](javascript:void(0)) (articles 3-6 are not included in the consolidated text), [71/2017](javascript:void(0)), [34/2019](javascript:void(0)) – different law and [77/2020](javascript:void(0)). |
| I. OSNOVNE ODREDBE | I. BASIC PROVISIONS |
| Predmet | Subject-matter |
| Član 1 | Article 1 |
| Ovim zakonom uređuju se uslovi za pomorske objekte, posadu i plovne objekte koji plove unutrašnjim morskim vodama i teritorijalnim morem Crne Gore za sigurnost pomorske plovidbe i druga pitanja kojima se obezbjeđuje sigurnost pomorske plovidbe. | This law regulates the requirements for maritime facilities, crew and vessels navigating in the internal and territorial waters of Montenegro for the safety of maritime navigation and other issues that ensure the safety of maritime navigation. |
| Pomorska plovidba, pomorski i plovni objekat | Maritime navigation, maritime facility and vessel |
| Član 2 ﻿ | Article 2 ﻿ |
| Pomorska plovidba je plovidba koja se obavlja na moru i rijeci Bojani do granice njene plovnosti sa morske strane, uključujući i vode Skadarskog jezera i Rijeku Crnojevića. | Maritime navigation is navigation performed on sea and the river Bojana up to the limit of its navigability from the sea side, including the waters of Skadar Lake and the Crnojevića River. |
| Pomorski objekat je objekat namijenjen za plovidbu morem (u daljem tekstu: plovni objekat) ili pokretni objekat za bušenje na moru ili instalacija za proizvodnju ugljovodonika ili objekat stalno privezan ili usidren na moru. | A maritime facility is a vehicle intended for navigation at sea (hereinafter: a vessel) or a mobile offshore drilling unit or an installation for the production of hydrocarbons or a facility permanently moored or anchored at sea. |
| Plovni objekat je brod, tehnički plovni objekat, ratni brod, jahta i čamac. | A vessel is a ship, technical vessel, warship, yacht and boat. |
| Brodovi crnogorske državne pripadnosti | Ships flying Montenegrin flag |
| Član 3 ﻿ | Article 3 ﻿ |
| Brodovi koji imaju crnogorsku državnu pripadnost su pod suverenitetom Crne Gore i kada plove u međunarodnoj plovidbi. | Ships which are flying the Montenegrin flag are under sovereignty of Montenegro even when sailing in international navigation. |
| Primjena zakona | Scope of the Law |
| Član 4 | Article 4 |
| Odredbe ovog zakona koje se odnose na brodove, odnose se i na ratne brodove i druge plovne objekte pomorske plovidbe, ako je to ovim zakonom utvrđeno. | The provisions of this law which refer to ships shall also apply to warships and other vessels of maritime navigation, if it is so prescribed by this law |
| Običaji u pomorskoj plovidbi | Common practices in maritime navigation |
| Član 5 | Article 5 |
| Na odnose koji nijesu uređeni ovim zakonom, drugim zakonima, kao i potvrđenim međunarodnim ugovorima, primjenjuju se običaji u pomorskoj plovidbi. | Issues which are not regulated by this law, other laws or ratified international treaties shall be governed by common practices in maritime navigation |
| Značenje izraza | Definitions |
| Član 6 ﻿ | Article 6 |
| Izrazi upotrijebljeni u ovom zakonu imaju sljedeća značenja: | Terms used in this Law shall have the following meaning: |
| 1) **brod** je plovni objekat namijenjen za plovidbu morem (putnički, teretni, tehnički plovni objekat, ribarski, javni ili naučno-istraživački), čija je dužina viša od 12 metara i BT viša od 15, osim ratnog broda; | 1) **ship** refers to a vessel intended for navigation at sea (passenger, cargo, technical vessel, fishing, public or scientific-research), whose length is higher than 12 meters and BT higher than 15, except for a warship; |
| 2) **brod u gradnji** je brod koji se gradi od trenutka polaganja kobilice ili sličnog postupka gradnje, a koji je upisan u upisnik brodova kao brod u gradnji, do završetka gradnje i upisa u upisnik brodova kao brod; | 2) **ship under construction** refers to a ship that is being built from the moment of laying the keel or similar construction procedure, and which is entered in the register of ships as a ship under construction, until the completion of construction and entry in the register of ships as a ship; |
| 3) **brodar** je fizičko ili pravno lice koje je kao držalac broda nosilac plovidbenog poduhvata, s tim što se pretpostavlja, dok se ne dokaže suprotno, da je brodar lice koje je u upisniku brodova upisano kao vlasnik broda; | 3) **ship operator** refers to a natural or legal person who, as the holder of a ship, is the holder of a navigation venture; however, it shall be presumed, until proven otherwise, the ship operator is a person who is registered as the owner of the ship; |
| 3a) **brodica** je plovni objekat namijenjen za plovidbu morem dužine od 7 do 12 metara i BT manje od 15 i koji ima pogonsku snagu manju od 75 kW i ima uslove za duži boravak na moru; | 3a) **pleasure boat** refers to a vessel intended for navigation at sea, whose length is between 7 and 12 meters and GT less than 15 and which has a propulsion power of less than 75 kW and has the conditions for a longer stay at sea; |
| 4) **brzi putnički brod** je putnički brod kojem je najveća brzina u m/s jednaka ili veća od vrijednosti dobijene formulom: 3,7 V 0,1667, gdje je V istisnina na konstruktivnoj vodenoj liniji u m3, osim neistisninskih brodova čiji je trup potpuno iznad površine vode usljed djelovanja aerodinamičkih sila generisanih površinskim efektom i brodovi čija je zapremina istisnine 500 m3 i manje i najveće brzine manje od 20 čvorova, pri plovidbi; | 4) **high-speed passenger ship** refers to a passenger ship with a maximum speed measured in m/s is equal to or greater than the value obtained by the formula: 3.7 V 0.1667, where V is the displacement on the structural waterline in m3, except for non-displacement ships whose hull is completely above the water surface due to the action of aerodynamic forces generated by the surface effect and ships with a displacement volume of 500 m3 and less and a maximum speed of less than 20 knots while sailing; |
| 5) **brzi teretni brod** je teretni brod kojem je najveća brzina u m/s jednaka ili veća od vrijednosti dobijene formulom: 3,7 V 0,1667 gdje je V istisnina na konstruktivnoj vodenoj liniji u m3, osim neistisninskih brodova, čiji je trup potpuno iznad površine vode uslijed djelovanja aerodinamičkih sila generisanih površinskim efektom; | 5) **high-speed cargo ship** refers to a cargo ship with a maximum speed measured in m/s is equal to or greater than the value obtained by the formula: 3.7 V 0.1667, where V is the displacement on the structural waterline in m3, except for non-displacement ships whose hull is completely above the water surface due to the action of aerodynamic forces generated by the surface effect; |
| 6) **BT** je bruto tonaža plovnog i plutajućeg objekta; | 6) **GT** refers to the gross tonnage of a vessel or a floating facility; |
| 7) **hidroavion** je avion sa ugrađenim aerodinamičkim plovcima koji može slijetati i uzlijetati sa vodenih površina; | 7) **seaplane** refers to an airplane with built-in aerodynamic floats that can land and take off from water surfaces; |
| 8) **čamac** je plovni objekat namijenjen za plovidbu morem, koji nije brod ni jahta, čija je dužina viša od 2,5 metra ili koji ima snagu pogonskog motora jaču od 3,5 kW, uključujući skuter, ski-jet i drugo, osim čamca za spašavanje na plovnom objektu i čamca za sportska takmičenja (kanui, kajaci, gondole i pedoline, daske za jedrenje i jahanje na talasima) i koji nema uslove za duži boravak na moru; | 8) **boat** refers to a vessel intended for navigation at sea, which is not a ship or a yacht, whose length is more than 2.5 meters or which has the power of the propulsion engine stronger than 3.5 kW, including scooter, ski-jet and other, except lifeboats on a vessel and boats for sports competitions (canoes, kayaks, gondolas and pedal boats, surfboards and sailboards) and which does not have the conditions for a longer stay at sea; |
| 9) **crnogorski ratni brod** je brod, uključujući podmornicu, koji je pod komandom pripadnika Vojske Crne Gore, sa vojnom posadom; | 9) **Montenegrin warship** refers to a ship, including a submarine, which is under the command of members of the Armed Forces of Montenegro, with a military crew; |
| 10) **instalacija za proizvodnju ugljovodonika** je plutajući, fiksirani ili pokretni brod, vozilo, plovni objekat, uređaj, objekat, postrojenje ili oprema namijenjeni za proizvodnju ugljovodonika, osim cjevovoda, broda, vozila ili plovnog objekta koji se koristi za potrebe transporta nafte ili gasa u rasutom stanju; | 10) **Hydrocarbon production plant** refers to a floating, fixed or mobile ship, vehicle, craft, device, facility, plant or equipment intended for the production of hydrocarbons, except for pipelines, ships, vehicles or vessels used for the transport of oil or gas in bulk.; |
| 11) **jahta** je plovni objekat na motorni pogon ili jedra, koji može imati više od jednog trupa, namijenjen i opremljen za duži boravak na moru, za razonodu, sport i rekreaciju, čija dužina je veća od 7 m i koji se koristi za lične potrebe ili privrednu djelatnost; | 11) **yacht** refers to a motor-powered vessel or sailing vessel, which may have more than one hull, intended and equipped for a longer stay at sea, for leisure, sports and recreation, the length of which is greater than 7 m and which is used for personal needs or commercial activity; |
| 12) **javni plovni objekat** je plovni objekat koji koriste organi državne uprave i služi isključivo u neprivredne svrhe, osim ratnog plovnog objekta; | 12) **public vessel** refers to a vessel used by state administration bodies and serves exclusively for non-commercial purposes, except for a military vessel; |
| 13) **javni prevoz** je prevoz putnika i stvari plovnim objektima, koji se obavlja na osnovu ugovora o prevozu, pod jednakim uslovima za sve korisnike; | 13) **public transport** refers to the transport of passengers and goods by vessels, which is performed on the basis of a transport contract, under equal conditions for all users; |
| 14) **kompanija** je vlasnik broda ili drugo fizičko ili pravno lice (menadžer ili zakupac broda), koje je preuzelo odgovornost za upravljanje brodom od vlasnika, kao i obaveze i odgovornosti utvrđene Međunarodnim pravilnikom o sigurnom upravljanju (ISM Kodeks); | 14) **company** refers to the owner of the ship or another natural or legal person (manager or charterer of the ship), who has assumed responsibility for the management of the ship from the owner, as well as the obligations and responsibilities established by the International Safety Management Code (ISM Code); |
| 15) **međunarodno putovanje** je putovanje brodom ili drugim plovnim objektom koji plovi iz luke jedne države u luku druge države ili koji plovi na otvorenom moru ili u teritorijalnim vodama drugih obalnih država; | 15) **international voyage** refers to a voyage by ship or other vessel sailing from the port of one state to the port of another state or sailing on the high seas or in the territorial waters of other coastal states; |
| 16) **MLC konvencija** je Međunarodna konvencija o radu pomoraca, sa izmjenama i dopunama; | 16) **MLC convention** refers to the Maritime Labour Convention, with amendments; |
| 17) **mjesto skloništa** je mjesto za privremeni smještaj plovnog objekta u nevolji ili plovnog objekta kojem je potrebna pomoć, radi otklanjanja eventualne opasnosti za plovni objekat, posadu, putnike i druga lica ili životnu sredinu; | 17) **a place of refuge** refers to a place for temporary accommodation of a vessel in distress or a vessel in need of assistance, in order to eliminate a possible danger to the vessel, crew, passengers and other persons or the environment**.**; |
| 18) **naučno istraživački brod** je brod namijenjen za naučna istraživanja ili iskorišćavanje mora, morskog dna ili njegovog podmorja; | 18) **scientific research ship** refers to a ship intended for scientific research or exploitation of the sea, seabed or its submarine environment; |
| 19) **nuklearni brod** je brod na nuklearni pogon; | 19) **nuclear ship** refers to a nuclear-powered ship; |
| 20) **olupina nastala poslije pomorske nezgode ili nesreće** je potonuli ili nasukani brod ili dio potonulog ili nasukanog broda, uključujući i predmete koji se nalaze ili su se nalazili na tom brodu, kao i predmeti koji su nestali u moru sa broda, koji je nasukan, potonuo ili ostavljen da pluta, kao i brod za koji se očekuje da će potonuti ili se nasukati, ukoliko nijesu preduzete mjere radi pomoći brodu ili imovini u opasnosti; | 20) **a wreck resulting from a marine accident or incident** refers to a sunken or stranded ship or part of a sunken or stranded ship, including items located on that ship or items which have been located on that ship, as well as items missing at sea from a ship which ran aground, sank or has been left to float, as well as a ship expected to sink or run aground, unless measures have been taken to assist the ship or property in distress; |
| 21) **Paris MoU** je Pariški memorandum o razumijevanju o kontroli države luke, sa izmjenama i dopunama; | 21) **Paris MoU** refers to the Paris Memorandum of Understanding on Port State Control, with amendments; |
| 22) **Paris MoU region** je geografsko područje u kojem potpisnice Paris MoU sprovode inspekcijski nadzor; | 22) **Paris MoU region** refers to the geographic area in which the signatories of the Paris MoU are conducting inspection supervision; |
| 23) **plutajući objekat** je pomorski objekat stalno privezan ili usidren na moru, koji nije namijenjen za plovidbu (plutajući dok, plutajuće skladište, plutajući restoran, plutajuća elektrana, pontonski most, pontonska marina i slično); | 23) **floating facility** refers to a maritime craft permanently moored or anchored at sea, which is not intended for navigation (floating dock, floating warehouse, floating restaurant, floating power plant, pontoon bridge, pontoon marina, etc.); |
| 24) **pilotski plovni objekat** je plovni objekat koji je namijenjen za prevoz pomorskog pilota od luke do plovnog objekta radi pilotaže; | 24) **pilot vessel** refers to a vessel intended for the transport of a sea pilot from a port to a vessel for piloting; |
| 25) **plovni objekat u raspremi** je plovni objekat koji ne obavlja komercijalne operacije, koji nije pod teretom, odnosno ne čeka na ukrcavanje ili iskrcavanje tereta, niti vrši remont ili nužnu popravku uz operativnu obalu; | 25) **laid-up vessel** refers to a vessel which does not perform commercial operations, which is not carrying cargo, and which is not in line for loading or unloading of cargo, nor does it perform overhaul or necessary repair along the operational shore; |
| 26) **pokretni objekat za bušenje na moru** (Mobile Offshore Drilling Unit) je pomorski objekat koji je namijenjen za plovidbu i za istraživanje ugljovodonika, konstruisan i opremljen u skladu sa Međunarodnom konvencijom o sigurnosti ljudskog života na moru (SOLAS Konvencija) i Pravilnikom o konstrukciji i opremi pokretnog od-obalnog objekta za bušenje (MODU Kodeks) | 26) **Mobile Offshore Drilling Unit** refers to a maritime facility intended for navigation and hydrocarbon exploration, constructed and equipped in accordance with the International Convention for the Safety of Life at Sea (SOLAS Convention) and The Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code) |
| 27) **pomorac** je svako lice koje je zaposleno ili obavlja službu ili koje radi u bilo kojem svojstvu na brodu ili jahti za privrednu djelatnost; | 27) **seafarer** refers to any person who is employed or performs the service or who works in any capacity on a ship or yacht intended for commercial activity; |
| 28) **pomorska nesreća** je događaj ili slijed događaja koji za posljedicu ima: | 28) **maritime accident** refers to an event or a sequence of events which result in: |
| a) smrt ili ozbiljnu povredu lica, koja je uzrokovana ili je u vezi sa izradom ili upotrebom plovnog objekta, ili | a) death or serious injury of persons, which is caused by or is related to the construction or use of a vessel, or |
| b) gubitak lica sa plovnog objekta koji je uzrokovan ili je u vezi sa njegovom eksploatacijom ili radom, ili | b) a disappearance of a person from a vessel, which is caused by or is related to its exploitation or operations, or |
| c) gubitak, pretpostavljeni gubitak plovnog objekta ili njegovo napuštanje, ili | c) a loss or a presumed loss of a vessel or its evacuation, or |
| d) bitnu štetu na plovnom objektu, ili | d) serious damage to a vessel, or |
| e) nasukavanje ili onesposobljavanje plovnog objekta, ili njegovo učestvovanje u sudaru, ili | e) stranding or disabling of a vessel, or its participation in a collision, or |
| f) štetu objekata pomorske infrastrukture koja je uzrokovana ili je u vezi sa upotrebom plovnog objekta, ili | f) damage to a maritime infrastructure facility which is caused by or is related to the use of a vessel; |
| g) štetu nanesenu morskoj okolini izazvanu oštećenjem plovnog objekta, a koje je uzrokovano ili je u vezi sa njegovim korišćenjem; | g) damage inflicted to maritime environment induced by a damage of a vessel which is caused by or is related to its use; |
| 29) **pomorska nezgoda** je događaj povezan sa upotrebom plovnog objekta, koji nije pomorska nesreća, a koji je ugrozio ili bi mogao ugroziti sigurnost plovnog objekta, lica na plovnom objektu ili drugih lica, kao i more i morsku okolinu; | 29) **maritime incident** refers to an event related to the use of a vessel, which is not considered a maritime accident, and which has endangered or could endanger the safety of a vessel, persons on the vessel or other persons, as well as the sea and the marine environment; |
| 30) **poslovođa (menadžer) broda** je fizičko ili pravno lice koje upravlja poslovanjem i/ili tehničkim održavanjem broda i/ili popunjava brod posadom; | 30) **ship manager** refers to a natural or legal person who manages the business and / or technical maintenance of a ship and / or fills the ship with crew; |
| 31) **postojeći brod** je brod koji nije brod u gradnji; | 31) **existing ship** refers to a ship which is not under construction; |
| 32) **prevoznik** je pravno ili fizičko lice koje obavlja privrednu djelatnost prevoz putnika i/ili stvari plovnim objektom, osim organizatora putovanja i putničke agencije koja nudi usluge prevoza putnika i/ili stvari; | 32) **carrier** refers to a legal or natural person who performs the commercial activity of transporting passengers and / or goods by vessel, except for travel organizers and travel agencies that offer passenger and / or transport services; |
| 33) **pristanište** je dio operativne obale luke ili dio morske obale koji po svojoj prirodi ili namjeni služi za pristajanje i isplovljenje plovnih objekata u pomorskom saobraćaju; | 33) **wharf** refers to a part of the operational shore of a port or a part of the sea shore which by its nature or purpose serves for the docking and departure of vessels in maritime traffic; |
| 34) **privezište** je objekat na obali ili sidrenoj bovi namijenjen za prihvat i siguran privez plovnih objekata; | 34) **mooring** refers to a facility on the shore or anchor buoy intended for the reception and safe mooring of vessels; |
| 35) **putnički brod** je brod koji prevozi više od 12 putnika; | 35) **passenger ship** refers to a ship transporting more than 12 passengers; |
| 36) **putnik** je svako lice koje se nalazi na plovnom objektu, osim djece mlađe od jedne godine života i lica zaposlenih na plovnom objektu; | 36) **passenger** refers to any physical person located on the vessel, except for children under the age of one and persons employed at the vessel; |
| 37) **ratni brod** je crnogorski ratni brod i strani ratni brod; | 37) **warship** refers to a Montenegrin warship or a foreign warship; |
| 38) **ribarski brod** je brod na mašinski pogon, koji je namijenjen i opremljen opremom za ulov ribe i drugih morskih organizama, čija je dužina viša od 12 metara i BT viša od 15; | 38) **fishing boat** refers to a machine-powered vessel, which is intended and equipped with equipment for catching fish and other marine organisms, whose length is higher than 12 meters and GT higher than 15; |
| 39) **rizični profil** je profil stranog plovnog objekta koji se određuje kombinacijom opštih parametara (vrsta, starost, zastava, priznata organizacija, rezultati kompanije i drugo) i istorijskih parametara (broj nedostataka broda i zabrana plovidbe u određenom razdoblju i drugo); | 39) **risk profile** refers to the profile of a foreign vessel determined by a combination of general parameters (type, age, flag, recognized organization, company results, etc.) and historical parameters (number of ship defects and navigation ban in a certain period, etc.) |
| 40) **RoRo putnički brod** je brod koji prevozi više od 12 putnika i koji je opremljen za ukrcavanje, iskrcavanje i smještaj drumskih vozila sa i na brod; | 40) **RoRo passenger ship** refers to is a ship carrying more than 12 passengers which is equipped to board, disembark and accommodate road vehicles to and from; |
| 41) **sidrište** je uređeni i označeni dio mora namijenjen sidrenju plovnih objekata; | 41) **the anchorage** refers to an arranged and marked part of the sea intended for anchoring vessels; |
| 42) **strani javni brod** je brod organa strane države, koji služi isključivo u neprivredne svrhe, osim ratnog broda; | 42) **foreign public ship** refers to a ship of a foreign state body, which serves exclusively for non-commercial purposes, except for a warship; |
| 43) **strani čamac** je čamac koji ima stranu državnu pripadnost; | 43) **foreign boat** refers to a boat flying a foreign flag; |
| 44) **strani plovni objekat** je pomorski objekat, osim ratnog broda i čamca, koji ima stranu državnu pripadnost; | 44) **foreign vessel** refers to a maritime facility, except for a warship or a boat, which is flying a foreign flag; |
| 45) **strani ratni brod** je brod, uključujući podmornicu, koji ima stranu državnu pripadnost, pripada mornarici, nosi vanjske oznake raspoznavanja ratnog broda i njegove državne pripadnosti, nalazi se pod zapovjedništvom vojnog lica i ima vojnu posadu; | 45) **foreign warship** refers to a ship, including a submarine, which has a foreign nationality, belongs to a navy, bears the external insignia of a warship and its nationality, is under the command of a military person and has a military crew; |
| 46) **strani ribarski brod** je brod strane državne pripadnosti na mašinski pogon namijenjen i opremljen za ulov ribe i drugih morskih organizama; | 46) **foreign fishing boat** refers to a machine-powered foreign vessel intended and equipped to catch fish and other marine organisms; |
| 47) **šema odvojene plovidbe** je režim usmjeravanja plovidbe plovnih objekata, radi odvajanja suprotnih smjerova plovidbe odgovarajućim objektima sigurnosti plovidbe, odnosno oznakama na pomorskim kartama kojima se utvrđuje plovidbeni put odgovarajućeg područja; | 47) **traffic separation scheme** refers to the regime of directing the navigation of vessels, in order to separate the opposite directions of navigation to the appropriate facilities of navigation safety, i.e. the markings on the nautical charts which determine the waterway of the appropriate area; |
| 48) **tegljač, odnosno potiskivač** je brod koji je namijenjen tegljenju ili potiskivanju drugih plovnih objekata; | 48) **tugboat or pusher** refers to a ship intended for towing or pushing other vessels; |
| 49) **tehnički plovni objekat** je brod sa ili bez mašinskog pogona koji je namijenjen za obavljanje radova (bager, dizalica, rovokopač i slično); | 49) **technical vessel** refers to aship with or without mechanical propulsion intended for the performance of works (excavator, crane, backhoe, etc.); |
| 50) **teretni brod** je brod namijenjen za prevoz tereta sa ili bez mašinskog pogona; | 50) **cargo ship** refers to a ship intended for the transport of cargo with or without mechanical propulsion; |
| 51) **THETIS** je baza podataka inspekcijskih pregleda, odnosno informacioni sistem koji sadrži podatke o inspekcijskim pregledima koji se obavljaju u Paris MoU regionu; | 51) **THETIS** refers to a database of inspections, i.e. the information system containing data on inspections carried out in the Paris MoU region; |
| 52) **trgovačka mornarica** obuhvata brodove i druge plovne objekte, osim ratnih brodova; | 52) **merchant navy** includes ships and other vessels, except for warships; |
| 53) **unutrašnji pomorski saobraćaj** je pomorski prevoz lica i/ili stvari u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore na plovnim objektima crnogorske državne pripadnosti. | 53) **internal maritime traffic** refers to maritime transport of persons and / or cargo in the internal and territorial waters of Montenegro on vessels flying Montenegrin flag; |
| 54) **zone zabranjenog sidrenja** su djelovi mora i podmorja na kojem se nalaze podvodni kablovodi ili cjevovodi, zaštićene biljne vrste kao i mjesta gdje bi se sidrenjem ugrozila sigurnost plovidbe. | 54) **Prohibited anchoring zones** are parts of the sea and submarine area where underwater cable lines or pipelines are located, or protected plant species, as well as places where anchoring would endanger the safety of navigation**.** |
| II. SIGURNOST PLOVIDBE | II. NAVIGATION SAFETY |
| Plovni put | Waterway |
| Član 7 ﻿ | Article 7 ﻿ |
| Plovni put u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore je morski pojas dovoljno dubok i širok za sigurnu plovidbu plovnog objekta, koji je po potrebi i označen. | The waterway in the internal and territorial waters of Montenegro is a sea belt which is deep and wide enough for safe navigation of the vessel, which is marked if necessary. |
| Zabranjeno je sidrenje i zadržavanje plovnih objekata u zonama zabranjenog sidrenja. | Anchoring and keeping of vessels in prohibited anchorage zones is prohibited. |
| Zabranjeno je sidrenje i zadržavanje brodova na mjestima koja nijesu za tu namjenu uređena i obilježena. | It is forbidden to anchor and keep ships in places that are not arranged and marked for that purpose. |
| Sidrišta i zone zabranjenog sidrenja određuje organ uprave nadležan za pomorsku sigurnost (u daljem tekstu: Organ uprave) u saradnji sa organom uprave nadležnim za hidrografsku djelatnost. | Anchorages and prohibited anchorage zones shall be determined by the administrative body responsible for maritime safety and port management (hereinafter: AMSPM) in cooperation with the administrative body responsible for hydrographic affairs. |
| Oznake na plovnim putevima i šeme odvojene plovidbe u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore propisuje organ državne uprave nadležan za poslove pomorstva (u daljem tekstu: Ministarstvo). | Markings on waterways and traffic separation schemes in the inland waters and territorial sea of Montenegro shall be prescribed by the state administration body in charge of maritime affairs (hereinafter: the Ministry). |
| Uređivanje i održavanje plovnih puteva | Regulation and maintenance of waterways |
| Član 8 ﻿ | Article 8 ﻿ |
| Plovni putevi moraju se uređivati i na njima se mora održavati plovnost i postavljati objekti sigurnosti plovidbe i obezbjeđivati njihovo funkcionisanje. | Waterways must be regulated, navigability must be maintained on them and navigation safety facilities must be installed and their functioning ensured. |
| Objekti sigurnosti plovidbe iz stava 1 ovog člana su: svjetionici, obalna svijetla, plutače i druge oznake, signalne stanice i radio-stanice, optički, zvučni, električni, elektronski, radarski i drugi uređaji za sigurnu plovidbu na moru, plovnim putevima i u lukama. | Navigation safety facilities referred to in paragraph 1 of this Article are: lighthouses, coastal lights, buoys and other markings, signal stations and radio stations, optical, sound, electrical, electronic, radar and other devices for safe navigation at sea, on waterways and in ports. |
| Na objekte sigurnosti plovidbe iz stava 2 ovog člana zabranjeno je postavljati natpise, koji nijesu u vezi sa sigurnošću plovidbe, kao i oštećivati i neovlašćeno postavljati, uklanjati ili mijenjati njihovo funkcionisanje. | It is prohibited to place inscriptions that are not related to navigation safety on navigation safety facilities referred to in paragraph 2 of this Article, as well as to damage and without authorisation place, remove or change their functioning. |
| Postavljanje objekata sigurnosti plovidbe i njihovo funkcionisanje, uređivanje i održavanje plovnosti plovnih puteva i njihovo označavanje vrši Organ uprave. | Installation of navigation safety facilities and their functioning, regulation and maintenance of navigability of waterways and their marking shall be performed by AMSPM. |
| Organ uprave dužan je da obavijesti organ uprave nadležan za hidrografsku djelatnost o svim promjenama u postavljanju, funkcionisanju i uklanjanju objekata sigurnosti plovidbe na plovnom putu. | AMSPM is obliged to inform the administrative body responsible for hydrographic affairs about all changes in the installation, functioning and removal of navigation safety facilities on the waterway. |
| Organ uprave nadležan za hidrografsku djelatnost dužan je da promjene iz stava 5 ovog člana objavi kao pomorska upozorenja na osnovu kojih se ažuriraju navigacione karte (štampane i elektronske) i publikacije. | The administrative body responsible for hydrographic activity is obliged to publish the changes referred to in paragraph 5 of this Article as maritime warnings on the basis of which navigation charts (printed and electronic) and publications shall be updated. |
| Naknada za korišćenje objekata sigurnosti plovidbe | Navigation Safety Facilities Usage Fees |
| Član 9 | Article 9 |
| Za korišćenje objekata sigurnosti plovidbe na plovnim putevima plaća se naknada. Naknadu iz stava 1 ovog člana plaćaju korisnici plovnih puteva. | A fee shall be charged for the use of navigation safety facilities on waterways. The fee referred to in paragraph 1 of this Article shall be paid by waterway users. |
| Naknadu iz stava 1 ovog člana ne plaćaju javni plovni objekti, crnogorski ratni brodovi i brodovi koji su međunarodnim sporazumom izuzeti od plaćanja ove naknade. | The fee referred to in paragraph 1 of this Article shall not be paid by public vessels, Montenegrin warships and ships that are exempted from paying this fee pursuant to international agreements. |
| Visinu naknade iz stava 1 ovog člana utvrđuje Vlada Crne Gore (u daljem tekstu: Vlada). | The rates for the fee referred to in paragraph 1 of this Article shall be determined by the Government of Montenegro (hereinafter: the Government). |
| Sredstva ostvarena od naknade iz stava 1 ovog člana prihod su budžeta Crne Gore (u daljem tekstu: Budžet). | The funds collected from the fee referred to in paragraph 1 of this Article are the revenue of the Montenegro State Budget (hereinafter: the Budget). |
| Najveća dozvoljena brzina plovidbe | Maximum allowed navigation speed |
| Član 10 ﻿ | Article 10 ﻿ |
| Plovni objekat prilikom plovidbe unutrašnjim morskim vodama i teritorijalnim morem Crne Gore dužan je da postupa u skladu sa ovim zakonom, na način kojim se izbjegava sudar na moru, kao i međunarodnim pravilima o sigurnosti plovidbe. | When navigating in the internal and territorial waters of Montenegro, a vessel is obliged to act in accordance with this law, in a way that avoids collisions at sea, as well as in accordance with international rules on navigation safety. |
| Brzina plovidbe plovnog objekta ne smije biti veća od:  1) deset čvorova u Bokokotorskom zalivu;  2) šest čvorova:  - u Kumborskom tjesnacu, između koordinata:  a) 42˚26,1’N 018˚36,6’E  b) 42˚25,47’N 018˚36,26’E  c) 42˚25,85’N 018˚34,63E  d) 42˚26,47’N 018˚35,01’E,  - u tjesnacu Verige, između koordinata:  a) 42˚28,65’N 018˚41,41’E  b) 42˚28,77’N 018˚41,11’E  c) 42˚27,65’N 018˚40,15E  d) 42˚27,46’N 018˚41,02’E, i  - na rijeci Bojani; | The sailing speed of the vessel must not exceed:  1) ten knots in the Bay of Kotor;  2) six knots:  - in the Kumbor Strait, between the coordinates:  a) 42˚26.1’N 018˚36.6’E  b) 42˚25.47’N 018˚36.26’E  c) 42˚25.85’N 018˚34.63E  d) 42˚26.47’N 018˚35.01’E,  - in the strait of Verige, between the coordinates:  a) 42˚28.65’N 018˚41.41’E  b) 42˚28,77’N 018˚41,11’E  c) 42˚27.65’N 018˚40.15E  e) 42˚27.46’N 018˚41.02’E, i  - on the river Bojana; |
| 3) četiri čvora na lokacijama Skadarskog jezera: kanal Rijeke Crnojevića, kanal rijeke Karatuna, oba kraka rijeke Morače koja pripadaju Nacionalnom parku Skadarsko jezero, područje Mihailovići, Poseljanski zaliv, Biški rep, ušće Rijeke Crnojevića, ušće Bazagurske matice, područje oko ostrva Liponjak u zonama u kojima je zabranjen ribolov. | 3) four knots at the locations of Skadar Lake: Crnojevića River Canal, Karatuna River Canal, both branches of the Morača River belonging to Skadar Lake National Park, Mihailovići area, Poseljanski zaliv, Biški rep, Crnojevića Rijeka estuary, Bazagurska matica estuary, Liponjak island area in zones in which the fishing is prohibited. |
| Na Skadarskom jezeru zabranjena je plovidba plovilima na vodeni mlazni pogon i korišćenje plovnih objekata sa motorom jačine preko 7,35 kW, bez odobrenja organa uprave nadležnog za zaštitu prirode. | On Skadar Lake, navigation by water jet vessels and the use of vessels with an engine power of over 7.35 kW, without the approval of the administrative body responsible for nature protection, is prohibited. |
| Izuzetno od stava 2 ovog člana, plovni objekat može ploviti većom brzinom u slučaju pogoršanih vremenskih prilika ili ugrožavanja sigurnosti plovidbe, uz saglasnost Organa uprave. | Notwithstanding paragraph 2 of this Article, a vessel may navigate at a higher speed in case of worsened weather conditions or endangering the safety of navigation, with the consent of AMSPM. |
| Plovni objekti do 24 metra mogu ploviti brzinom do četiri čvora iznad brzine propisane u stavu 2 tačka 1 i tačka 2 al. 1 i 2 ovog člana. | Vessels up to 24 meters in length can navigate at a speed of up to four knots above the speed prescribed in paragraph 2, point 1 and point 2 indent 1 and 2 of this article. |
| Javni plovni objekat, osim tehničkog plovnog objekta, koji koriste državni organi u obavljanju poslova iz svoje nadležnosti, mogu ploviti i brzinama većim od brzina iz stava 2 ovog člana i mogu koristiti plovne objekte sa motorom jačine preko 7,35 kW. | A public vessel, except for a technical vessel, which is used by state bodies in performing activities within their competence, may sail at speeds higher than the speeds referred to in paragraph 2 of this Article and may use vessels with an engine power over 7.35 kW. |
| Lice koje upravlja plovnim objektom prilikom plovidbe, manevrisanja, pristajanja, privezivanja, odvezivanja i sidrenja u luci i na sidrištu dužno je da postupa na način kojim se ne ugrožavaju ljudski životi i ne nanosi šteta svom i drugim plovnim objektima, obali, napravama, uređajima i postrojenjima. | The person who navigates the vessel during navigation, manoeuvring, docking, mooring, unmooring and anchoring in the port and anchorage is obliged to act in a manner that does not endanger human lives and does not cause damage to own or other vessels, shore, devices, machines and plants. |
| Plovidba u uskom kanalu | Navigation in narrow channels |
| Član 10a | Article 10a |
| Uski kanal u Bokokotorskom zalivu čine Kumborski tjesnac i tjesnac Verige sa koordinatama iz člana 10 stav 2 tačka 2 al. 1 i 2 ovog zakona.  Plovni objekat koji plovi u uskom kanalu dužan je da plovi što bliže spoljnoj ivici uskog kanala koji se nalazi sa njegove desne strane.  Plovni objekat dužine manje od 20 m ili jedrenjak ne smije da ometa prolaz brodu koji može sigurno da plovi jedino unutar uskog kanala.  Ribarski brod zauzet ribarenjem ne smije da ometa prolaz bilo kojem drugom brodu koji može sigurno da plovi jedino unutar uskog kanala.  Plovni objekat ne smije presijecati uski kanal, ako to presijecanje ometa prolaz brodu koji jedino sigurno plovi unutar uskog kanala.  Zabranjeno je preticanje u uskom kanalu broda koji jedino sigurno plovi unutar uskog kanala.  Brod koji se približava zavoju ili području uskog kanala, gdje se drugi brodovi ne vide zbog prepreke, mora da plovi sa posebnom pažnjom i oprezom, uz obavezno oglašavanje odgovarajućim zvučnim signalom.  Zabranjeno je sidrenje plovnih objekata u uskom kanalu.  Način izbjegavanja sudara na moru propisuje Ministarstvo. | The narrow channel in the Bay of Kotor consists of the Kumbor Strait and the Strait of Verige with the coordinates referred to in Article 10, paragraph 2, item 2 indent 1 and 2 of this law.  A vessel sailing in a narrow channel is obliged to navigate as close as possible to the outer edge of the narrow channel located on its right side.  A vessel less than 20 meters long or a sailboat must not obstruct the passage of a ship that can safely sail only within a narrow channel.  A fishing vessel engaged in fishing must not obstruct the passage of any other vessel that can safely sail only within a narrow channel.  A vessel shall not cross a narrow channel if that crossing obstructs the passage of a ship which only sails safely within the narrow channel.  Overtaking in a narrow channel of a ship that only sails safely inside a narrow channel is prohibited.  A ship approaching a bend or an area of ​​a narrow channel, where other ships are not visible due to an obstacle, must navigate with special care and caution, with the obligatory announcement of the appropriate sound signal.  It is forbidden to anchor vessels in a narrow channel.  The manner of avoiding collisions at sea is prescribed by the Ministry. |
| Javni prevoz | Public transport |
| Član 11 | Article 11 |
| Javni prevoz na moru može se obavljati kao prevoz u linijskoj plovidbi i kao prevoz u slobodnoj plovidbi. | Public transport at sea can be performed as transport in liner or tramp service. |
| Obaveze brodara u javnom prevozu | Duties of a ship operator in public transport |
| Član 12 ﻿ | Article 12 |
| Brodar koji obavlja javni prevoz dužan je da primi na prevoz lica ili stvari u granicama dozvoljene nosivosti broda. | A ship operator who performs public transport is obliged to accept persons or goods for the transport within the limits of allowed deadweight. |
| Javni prevoz u linijskoj plovidbi | Public liner service |
| Član 13 | Article 13 |
| Javni prevoz u linijskoj plovidbi vrši se na određenim relacijama, po unaprijed utvrđenom redu plovidbe, cijeni i drugim uslovima prevoza, na osnovu ugovora o prevozu između brodara i korisnika prevoza. | Public transport in liner service is performed on certain routes, according to a predetermined sailing schedule, price and other transport conditions, based on the transport contract between the ship operator and the transport user. |
| Red plovidbe utvrđuje brodar u saradnji sa pravnim ili fizičkim licem koje koristi luku ili dio luke na osnovu ugovora o koncesiji. | The sailing schedule is determined by the ship operator in cooperation with a legal or natural person who uses the port or part of the port on the basis of a concession agreement. |
| Red plovidbe objavljuje se u štampanim ili elektronskim medijima, najmanje 15 dana prije stupanja na snagu reda plovidbe. | The sailing schedule is published in printed or electronic media, at least 15 days before the entry into force of the sailing schedule. |
| Brodar se mora pridržavati utvrđenog i objavljenog reda plovidbe. | The ship operator must adhere to the established and published sailing schedule. |
| Javni prevoz u slobodnoj plovidbi | Public tramp service |
| Član 14 | Article 14 |
| Javni prevoz u slobodnoj plovidbi je prevoz kod kojeg se relacija, cijena i drugi uslovi prevoza utvrđuju ugovorom između korisnika prevoza i brodara. | Public transport in tramp service is transport in which the route, price and other conditions of transport are determined by a contract between the user of transport and the ship operator. |
| Prevoz za sopstvene potrebe | Transportation for own needs |
| Član 15 | Article 15 |
| Prevoz za sopstvene potrebe je prevoz koji u nekomercijalne svrhe obavljaju pravna i fizička lica radi obavljanja svoje djelatnosti. | Own-account transport is transport performed for non-commercial purposes by legal and natural persons for the purpose of performing their own activity. |
| Prostor namjenjen za sport, rekreaciju i razonodu | A space intended for sports, recreation and leisure |
| Član 16 ﻿ | Article 16 ﻿ |
| Na određenom dijelu plovnog puta mogu se održavati sportska takmičenja i priredbe, u zavisnosti od intenziteta pomorskog saobraćaja, a na osnovu odobrenja Organa uprave. | Sports competitions and events may be held on a certain part of the waterway, depending on the intensity of maritime traffic, and on the basis of the approval of AMSPM. |
| Odobrenje iz stava 1 ovog člana izdaje se na osnovu zahtjeva organizatora sportskog takmičenja, odnosno priredbe, koji se podnosi najkasnije 15 dana prije početka održavanja takmičenja, odnosno priredbe. | The approval referred to in paragraph 1 of this Article shall be issued upon a request by the organizer of a sports competition or event, which shall be submitted no later than 15 days before the start of the competition or event. |
| Odobrenjem iz stava 1 ovog člana za sportsko takmičenje u podvodnom ribolovu ili drugoj aktivnosti pod vodom određuje se prostor za takmičenje i način označavanja prostora za takmičenje. | The approval referred to in paragraph 1 of this Article for sport competition in spearfishing or other underwater activities shall determine the competition area and the manner of marking the competition area. |
| O održavanju sportskog takmičenja, odnosno priredbe, Organ uprave je dužan da preko pomorskog operativnog centra obavijesti učesnike u pomorskom saobraćaju, najkasnije osam dana prije početka takmičenja, odnosno priredbe. | AMSPM is obliged to inform the participants in maritime traffic about the holding of the sports competition, i.e. event, no later than eight days before the beginning of the competition or event. |
| Uklanjanje oznaka, uređaja i predmeta nakon održavanja priredbe | Removal of tags, devices and objects after the event |
| Član 17 ﻿ | Article 17 ﻿ |
| Organizator sportskog takmičenja, odnosno priredbe iz člana 16 ovog zakona dužan je da sa plovnog puta, ukloni oznake, uređaje i predmete koji su postavljeni radi održavanja sportskog takmičenja, odnosno priredbe, u roku od 24 sata nakon održavanja sportskog takmičenja, odnosno priredbe. | The organizer of a sports competition or event referred to in Article 16 of this Law shall remove signs, devices and objects placed for the purpose of holding a sports competition or event from the waterway within 24 hours after the sports competition or event. |
| Ako organizator sportskog takmičenja, odnosno priredbe sa plovnog puta ne ukloni oznake, uređaje i predmete, uklanjanje oznaka, uređaja i predmeta izvršiće Organ uprave o trošku organizatora. | If the organizer of the sports competition, i.e. event does not remove the markings, devices and objects from the waterway, the removal of the markings, devices and objects shall be performed by AMSPM at the expense of the organizer. |
| Vršenje aktivnosti pod vodom | Performing of underwater activities |
| Član 18 | Article 18 |
| Lica koja obavljaju podvodni ribolov, podvodna istraživanja ili druge aktivnosti pod vodom dužna su da za vrijeme ronjenja po vodenoj površini za sobom povlače žuti ili narandžasti balon, prečnika najmanje 30 cm. | Persons who perform spearfishing, underwater research or other activities under water are obliged to pull on the water surface a yellow or orange balloon, at least 30 cm in diameter, while diving. |
| Obuka na plovilima na vodeni mlazni pogon ﻿ | Training on water jets vessels﻿ |
| Član 19 ﻿ | Article 19 ﻿ |
| Obuka na plovilima na vodeni mlazni pogon može se vršiti na obilježenim vodenim površinama (poligon za obuku), koje određuje pravno lice koje upravlja morskim dobrom, uz saglasnost Ministarstva. | Training on water jet vessels can be performed on marked water surfaces (training ground), which is determined by the legal entity that manages the marine domain, with the consent of the Ministry. |
| Obuku na poligonu za obuku mogu da vrše privredna društva i preduzetnici, koji ispunjavaju uslove u pogledu opreme i kadra, na osnovu odobrenja pravnog lica koje upravlja morskim dobrom. | Training on the training ground can be performed by companies and entrepreneurs, who meet the requirements in terms of equipment and staff, based on the approval of the legal entity that manages the marine domain. |
| Način obilježavanja vodenih površina iz stava 1 ovog člana, sa prilazima od mjesta polaska do poligona za obuku, način postupanja prilikom obuke na poligonima i bliže uslove iz stava 2 ovog člana, propisuje organ državne uprave nadležan za turizam, uz saglasnost Ministarstva. | The manner of marking water surfaces referred to in paragraph 1 of this Article, with approaches from the place of departure to the training grounds, the manner of training during the training grounds and more detailed conditions referred to in paragraph 2 of this Article, shall be prescribed by the state administration body responsible for tourism, with the consent of the Ministry. |
| Zabrana plovidbe, pristajanja i sidrenja | Ban of sailing, berthing and anchoring |
| Član 20 ﻿ | Article 20 ﻿ |
| Zabranjena je plovidba, pristajanje, sidrenje i pristajanje nasukivanjem plovnim objektima namijenjenim za prevoz putnika i tereta, gliserima, plovilima na vodeni mlazni pogon (skuter, jet-ski i sl.), odnosno na vazdušni jastuk na uređenim, izgrađenim i prirodnim kupalištima. | It is forbidden to sail, anchor and beach the vessels intended for the transport of passengers and cargo, speedboats, water-jet vessels (scooter, jet-ski, etc.), or on an air cushion on arranged, built and natural beaches. |
| Izuzetno od stava 1 ovog člana, ukrcaj i iskrcaj putnika i tereta na plovnim objektima može se privremeno vršiti na mjestima uz obalu na kojima postoji siguran privez i vodeni prostor koji ima odgovarajuću dubinu i širinu potrebnu za manevrisanje plovnim objektom, na osnovu odobrenja Organa uprave. | Notwithstanding paragraph 1 of this Article, embarking and disembarking of passengers and cargo on vessels may be temporarily performed in places along the shore where there is a safe mooring and water area that has the appropriate depth and width required for manoeuvring the vessel, based on the approval of AMSPM. |
| Sidrenje i vezivanje plovnih objekata izvan lučkog područja i RoRo trajektnih pristaništa može se vršiti na uređenim i obilježenim mjestima određenim za sidrenje i vezivanje, uz saglasnost Organa uprave prema planu pravnog lica koje upravlja morskim dobrom. | Anchoring and berthing of vessels outside the port area and RoRo ferry wharfs may be performed in arranged and marked places designated for anchoring and berthing, with the consent of AMSPM, according to the plan made by the legal entity that manages the marine domain. |
| Približavanje obali | Approaching the shore |
| Član 21 ﻿ | Article 21 ﻿ |
| Plovni objekti prilikom plovidbe unutrašnjim morskim vodama i teritorijalnim morem Crne Gore ne smiju se približavati obali i to: | When sailing in Montenegrin internal and territorial water, vessels may not approach the coast in accordance with the following rules: |
| 1) brodovi, jahte i hidroavioni na udaljenosti manjoj od 300 m; | 1) ships, yachts and seaplanes at a distance of less than 300 m; |
| 2) motorni čamci i ribarski brodovi na udaljenosti manjoj od 150 m. | 2) motor boats and fishing boats at a distance of less than 150 m. |
| Izuzetno od stava 1 ovog člana, plovni objekti na motorni pogon mogu ploviti i na manjim udaljenostima od obale, radi uplovljenja u luku, na pristanište i sidrište ili pristajanja uz obalu u skladu sa članom 20 stav 2 ovog zakona, u zavisnosti od konfiguracije plovnog puta, pod uslovom da smanje brzinu tako da mogu lako i brzo obaviti manevar skretanja i zaustavljanja. | Notwithstanding paragraph 1 of this Article, motor-powered vessels may sail at shorter distances from the shore, for the purpose of entering the port, wharf and anchorage or docking along the shore in accordance with Article 20 paragraph 2 of this Law, depending on the configuration of the waterway, provided that they reduce speed so that they can easily and quickly perform a turn and stop manoeuvre. |
| Čamci na vesla, daske za jedrenje i jahanje na talasima, kanui, kajaci, gondole, sandoline i pedaline mogu ploviti i na udaljenosti manjoj od 50 m od obale, a najdalje do 150 m. | Rowing boats, sailboards and surfboards, canoes, kayaks, gondolas, recreational kayaks and pedal boats can sail at a distance of less than 50 m from the shore, and up to 150 m. |
| Izuzetno od stava 3 ovog člana u Bokokotorskom zalivu čamci na vesla, daske za jedrenje i jahanje na talasima, kanui, kajaci, gondole, sandoline i pedoline mogu ploviti u zoni do 50 m od obale ili 50 m od ograđenog kupališta. | Notwithstanding paragraph 3 of this Article, in the Bay of Kotor, rowing boats, surfboards, sailboards, canoes, kayaks, gondolas, recreational kayaks and pedal boats may sail in the zone up to 50 m from the shore or 50 m from the fenced beach. |
| U vodenom prostoru pored kupališta plovni objekti mogu ploviti samo na udaljenosti većoj od 50 m od ograde uređenog ili izgrađenog kupališta. | In the water area next to the bathing area, vessels may sail only at a distance of more than 50 m from the fence of the arranged or built bathing area. |
| Zabranjeno je glisiranje na udaljenosti manjoj od 200 m od obale. | It is forbidden to glide by speedboat at a distance of less than 200 m from the shore. |
| Zabrana plivanja | Swimming ban |
| Član 22 ﻿ | Article 22 |
| Zabranjeno je plivanje izvan ograđenog vodenog prostora uređenog ili izgrađenog kupališta i na udaljenosti većoj od 100 m od obale prirodnog kupališta. | It is forbidden to swim outside the fenced water area of the arranged or built bathing area, as well as at a distance of more than 100 m from the shore of the natural bathing area. |
| Zabranjeno je u Bokotorskom zalivu plivanje izvan ograđenog vodenog prostora uređenog ili izgrađenog kupališta, kao i na udaljenosti većoj od 50 m od obale prirodnog kupališta. | In the Bay of Kotor, it is forbidden to swim outside the fenced water area of the arranged or built bathing area, as well as at a distance of more than 50 m from the shore of the natural bathing area. |
| Izuzetno od stava 1 ovog člana, dozvoljeno je plivanje i na udaljenosti većoj od 100 m od obale u vodenom prostoru prirodnog kupališta koje, po svojoj konfiguraciji, onemogućava plovidbu plovnih objekata (plićaci, sprudovi, hridi, grebeni i slično). | Notwithstanding paragraph 1 of this Article, swimming is allowed at a distance of more than 100 m from the shore in the water area of a natural bathing area which, according to its configuration, prevents navigation of vessels (shoals, reefs, cliffs, reefs, etc.). |
| Izuzetno od stava 2 ovog člana, dozvoljeno je plivanje i na udaljenosti većoj od 50 m od obale prirodnog kupališta koje po svojoj konfiguraciji, onemogućava plovidbu plovnih objekta (plićaci, sprudovi, hridi, grebeni i slično). | Notwithstanding paragraph 2 of this Article, swimming is allowed at a distance of more than 50 m from the shore of a natural bathing area, which, according to its configuration, prevents navigation of vessels (shallows, reefs, cliffs, reefs, etc.). |
| Dozvoljeno je plivanje oko usidrene jahte na udaljenosti do 50 m ukoliko ne ugrožava sigurnost pomorske plovidbe. | It is allowed to swim around the anchored yacht at a distance of up to 50 m if it does not endanger the safety of maritime navigation. |
| Izdavanje odobrenja | Issuing of approval |
| Član 23 ﻿ | Article 23 |
| Odobrenja za izgradnju plovnih kanala, luka, pristaništa i drugih hidrotehničkih objekata od uticaja na sigurnost plovidbe izdaju se na osnovu saglasnosti Ministarstva. | Approvals for the construction of navigable canals, ports, piers and other hydro-technical facilities that affect the safety of navigation are issued on the basis of the consent of the Ministry. |
| Obilježavanje prepreka i održavanje svijetla | Obstacle marking and light maintenance |
| Član 24 ﻿ | Article 24 ﻿ |
| Investitor, vlasnik ili korisnik objekata ili sredstava koji predstavljaju stalne ili privremene prepreke na plovnom putu i u luci (mostovi, kablovi, potonuli objekti i slično) dužan je da na njima postavi i održava svijetla i znakove za obilježavanje tih prepreka, radi obezbjeđenja sigurnosti plovidbe. | The investor, owner or user of facilities or means that represent permanent or temporary obstacles on the waterway and in the port (bridges, cables, sunken objects, etc.) is obliged to install and maintain lights and signs to mark these obstacles, in order to ensure safety of navigation. |
| Pozicije i karakteristike svijetla, odnosno znakova za obilježavanje prepreka iz stava 1 ovog člana i objekata za istraživanje i eksploataciju mineralnih sirovina i za izgradnju objekata na plovnom putu i u luci, mjere za sigurnu plovidbu i rok za postavljanje svijetla i znakova određuje Organ uprave. | Positions and characteristics of lights and signs for marking obstacles referred to in paragraph 1 of this Article and facilities for exploration and exploitation of mineral resources and for construction of facilities on the waterway and in the port, measures for safe navigation and deadline for installation of lights and signs shall be determined by AMSPM. |
| Ako lice iz stava 1 ovog člana ne postavi svijetlo ili znak ili ako postavljeno svijetlo ili znak ne održava u ispravnom stanju, Organ uprave postaviće svijetlo ili znak, odnosno neispravno svijetlo ili znak će dovesti u ispravno stanje o trošku tog lica. | If the person referred to in paragraph 1 of this Article does not install a light or sign or if the installed light or sign is not maintained in good condition, AMSPM shall, at the expense of that person, place a light or sign, or bring an incorrect light or sign into proper condition. |
| O uslovima i promjenama plovidbe, kao i o trajanju radova na plovnom putu i u luci iz stava 2 ovog člana Organ uprave je dužan da obavijesti učesnike u plovidbi na tom plovnom putu, odnosno luci putem pomorskog operativnog centra. | AMSPM is obliged to inform the participants in the navigation on that waterway, i.e. the port through the maritime operational centre, about the conditions and changes of navigation, as well as about the duration of works on the waterway and in the port referred to in paragraph 2 of this Article. |
| Oštećeni, nasukani ili potopljeni plovni objekat | Damaged, stranded or sunken vessels |
| Član 25 ﻿ | Article 25 ﻿ |
| Vlasnik nasukanog, potopljenog ili plovnog objekta nesposobnog za manevrisanje, odnosno olupine nastale poslije pomorske nezgode ili nesreće kojima se ometa ili ugrožava sigurnost plovidbe dužan je da, plovni objekat odnosno olupinu na zahtjev Ministarstva, bez odlaganja, ukloni sa plovnog puta, pristaništa, luke ili sidrišta luke. | The owner of a stranded or submerged vessel, or a vessel incapable of manoeuvring, or a wreck caused by a maritime incident or accident that interferes with or endangers the safety of navigation is obliged to remove the vessel or wreck from the waterway, port, wharf or port anchorages. |
| Ako vlasnik iz stava 1 ovog člana ne postupi po zahtjevu Ministarstva, Organ uprave će, ukloniti plovni objekat odnosno olupinu o trošku i riziku vlasnika ukoliko se plovni objekat odnosno olupina nalaze na plovnom putu, a ako se plovni objekat odnosno olupina nalaze u luci, sidrištu luke ili pristaništu plovni objekat odnosno olupinu će ukloniti pravno lice koje koristi luku, sidrište luke ili pristanište o trošku i riziku vlasnika. | If the owner referred to in paragraph 1 of this Article does not act upon the request of the Ministry, AMSPM shall remove the vessel or wreck at the expense and risk of the owner if the vessel or wreck is on the waterway, and if the vessel or wreck is in port, port anchorage or wharf vessel or wreck will be removed by a legal entity that uses the port, port anchorage or wharf at the expense and risk of the owner. |
| Pravno ili fizičko lice kojem je luka ili dio luke dat na korišćenje u skladu sa zakonom, dužan je da čuva plovni objekat iz stava 2 ovog člana, kao i plovni objekat kojem Ministarstvo ili nadležni sud zabrani isplovljenje. | A legal or natural person to whom a port or part of a port has been given for use in accordance with the law, is obliged to guard the vessel referred to in paragraph 2 of this Article, as well as the vessel which was issued a departure ban by the Ministry or the competent court. |
| Plovni objekti koji su korišćeni ili osumnjičeni za izazivanje bilo kojih krivičnih djela u luci pored koncesionara mora čuvati i organ uprave nadležan za policijske poslove. | Vessels used in or suspected of causing any criminal offenses in the port must be guarded by the concessionaire and the administrative body responsible for police affairs. |
| Zabranjeno je na plovni put, pristanište i u luku bacati predmete ili stvari koje mogu da ometaju ili ugroze sigurnost plovidbe. | It is forbidden to throw objects on the waterway, wharf and in the port that may interfere with or endanger the safety of navigation. |
|  |  |
| Napušteni brod i brodska olupina | Abandoned ship and shipwreck |
| Član 26 ﻿ | Article 26 ﻿ |
| Napuštenim brodom smatra se brod koji se nađe na plovnom putu i u luci koji napuste zapovjednik i posada broda, a brodar, u roku od osam dana od dana napuštanja posade broda, nije izvršio popunu broda drugom posadom u skladu sa ovim zakonom. | An abandoned ship is a ship that is on the waterway and in port, which is abandoned by the master and crew of the ship, while the ship operator, within eight days from the day of the crew leaving the ship, failed to man the ship with another crew in accordance with this law. |
| Brodar iz stava 1 ovog člana dužan je da brod ukloni sa plovnog puta i smjesti u luku radi čuvanja. | The ship operator referred to in paragraph 1 of this Article is obliged to remove the ship from the waterway and place it in the port for safekeeping. |
| Ukoliko brodar iz stava 2 ovog člana nije poznat, uklanjanje broda sa plovnog puta u najbližu luku, radi čuvanja, vrši Organ uprave. | If the ship operator referred to in paragraph 2 of this Article is not known, the removal of the ship from the waterway to the nearest port, for safekeeping, shall be performed by AMSPM. |
| Ukoliko se, u roku od 30 dana od dana smještaja napuštenog broda u luku, ne utvrdi brodar, Organ uprave dužan je da, radi namirenja troškova uklanjanja, smještaja i čuvanja broda, podnese predlog nadležnom sudu za prodaju broda putem javnog nadmetanja radi izmirenja troškova. | If, within 30 days from the day of accommodation of the abandoned ship in the port, the ship operator is not identified, AMSPM is obliged to submit a proposal to the competent court for the sale of the ship through public bidding in order to cover the costs. |
| Ako brodar nije dostupan ili se nalazi u inostranstvu, a napušteni brod je u takvom stanju da prijeti opasnost od potonuća ili predstavlja rizik za sigurnost plovidbe, luku i druge objekte i lica u luci ili na brodu, Organ uprave podnosi predlog nadležnom sudu za prodaju tog broda po hitnom postupku, u skladu sa zakonom. | If the ship operator is not available or is abroad, and the abandoned ship is in such a state that there is a risk of sinking or if it poses a risk to the safety of navigation, port and other facilities and persons in the port or on board, AMSPM shall submit a petition to the competent court for selling the ship through urgent procedure t. |
| Odredbe st. 1 do 5 ovog člana primjenjuju se i na brodske olupine. | The provisions of paragraph 1-5 of this Article shall also apply to shipwrecks. |
| Odredbe ovog člana primjenjuju se i na druge plovne objekte. | The provisions of this Article shall also apply to other vessels. |
| Radio-služba | Radio service |
| Član 27 ﻿ | Article 27 ﻿ |
| Radio-službu za zaštitu ljudskih života i sigurnosti plovidbe na moru vrši Organ uprave. | The radio service for the protection of human lives and safety of navigation at sea is performed by AMSPM. |
| Organ uprave dužan je da organizuje službu dežurstva 24 sata neprekidno u vršenju poslova radio-službe iz stava 1 ovoga člana. | AMSPM is obliged to organize the on-duty service 24 hours a day continuously for performing the tasks of the radio service referred to in paragraph 1 of this Article. |
| Plovni objekti koji u skladu sa zakonom i međunarodnim propisima imaju instaliranu VHF DSC radio stanicu, moraju za vrijeme plovidbe da slušaju radio frekvencije na kanalu 16 i odgovaraju na pozive u odnosu na sigurnost pomorske plovidbe. | Vessels which, in accordance with the law and international regulations, have a VHF DSC radio station installed, must listen to the radio frequencies on channel 16 during the voyage and answer calls in relation to the safety of maritime navigation. |
| Način i uslove rada radio-službe i uslove koje treba da ispunjavaju obalne i brodske radio-stanice propisuje Ministarstvo. | The manner and conditions of operation of the radio service and the conditions to be met by coastal and ship radio stations shall be prescribed by the Ministry. |
| Odobrenje za slobodan saobraćaj i isplovljenje | Free pratique and departure |
| Član 28 ﻿ | Article 28 ﻿ |
| Brod koji dolazi iz strane luke ne smije biti u kontaktu sa drugim brodovima, organima i licima na obali prije dobijanja odobrenja organizacione jedinice Ministarstva (u daljem tekstu: Lučka kapetanija), za slobodan saobraćaj sa obalom. | A ship coming from a foreign port must not be in contact with other ships, authorities and persons on the coast before being granted free pratique by the organizational unit of the Ministry (hereinafter: the Harbour Master Office). |
| Odobrenje iz stava 1 ovog člana izdaje se i plovnom objektu koji dolazi iz domaće luke, ako je tokom putovanja došao u fizičku vezu sa plovnim objektom koji dolazi iz strane luke. | Free pratique referred to in paragraph 1 of this Article shall also be issued to a vessel coming from a domestic port, if during the voyage it came into physical contact with a vessel coming from a foreign port. |
| Brod iz luke ili sidrišta može isploviti samo na osnovu odobrenja Lučke kapetanije za isplovljenje. | A ship may leave the port or anchorage only with the approval for departure given by the Harbour Master Office. |
| Strani brod i strani ratni brod, na plovnom putu u teritorijalnom moru i unutrašnjim morskim vodama Crne Gore, dužni su da viju zastavu svoje državne pripadnosti i zastavu Crne Gore. | Foreign ships and foreign warships, on the waterway in the internal and territorial waters of Montenegro, are obliged to fly the flag of their nationality and the flag of Montenegro. |
| Brod koji dolazi u luku i odlazi iz luke mora najaviti dolazak i odlazak iz luke. | A ship arriving in and out of port must announce its arrival and departure from port. |
| Za izdavanje odobrenja za slobodan saobraćaj sa obalom i odobrenja za isplovljenje iz luke plaća se naknada, koja je prihod Budžeta. | For the issuance of free pratique with the coast and clearance to depart, a fee is paid, which is the revenue of the State Budget. |
| Visinu naknade iz stava 6 ovog člana propisuje Vlada. | The amount of compensation referred to in paragraph 6 of this Article shall be prescribed by the Government. |
| Način najave dolaska broda u luku i odlaska broda iz luke i obrazac odobrenja iz st. 1 i 2 ovog člana propisuje Ministarstvo. | The manner of announcing the arrival of the ship in the port and the departure of the ship from the port and the approval form from paragraph 1 and 2 of this Article shall be prescribed by the Ministry. |
| Pristajanje uz plovni objekat, bez odobrenja za slobodni saobraćaj sa obalom | Approaching a vessel that has not been granted free pratique |
| Član 29 ﻿ | Article 29 ﻿ |
| Uz plovni objekat, koji nije dobio odobrenje za slobodni saobraćaj sa obalom, može da pristane samo: | If a vessel has not been granted free pratique, only the following vessels may approach it: |
| 1) javni plovni objekat; | 1) a public vessel; |
| 2) plovni objekat radi pružanja pomoći ili spašavanja; | 2) a vessel for the purpose of providing assistance or rescue; |
| 3) tegljač, odnosno potiskivač radi tegljenja, odnosno potiskivanja; | 3) a tug or pusher for the purpose of towing or pushing; |
| 4) pilotski plovni objekat, radi pristupanja pilota tom plovnom objektu. | 4) a pilot vessel, for the purpose of pilot access to that vessel. |
| Dolazak broda u luku i odlazak broda iz luke | Port arrival and departure |
| Član 30 | Article 30 |
| Brod u međunarodnoj plovidbi koji namjerava da uplovi u luku ili isplovi iz luke ili njenog sidrišta dužan je da Lučkoj kapetaniji preda: | A ship on international voyage intending to arrive into or depart from a port or an anchorage is obliged to hand over to the Harbour Master Office the following: |
| 1) opštu izjavu (ime broda, pozivni znak, zalihe goriva i sl.); | 1) general declaration (name of the ship, call sign, fuel stocks, etc.); |
| 2) zdravstvenu izjavu; | 2) health declaration; |
| 3) spisak posade; | 3) crew manifest; |
| 4) spisak putnika, ako prevozi putnike; | 4) passengers manifest, if carrying passengers; |
| 5) izjavu o teretu; | 5) cargo manifest; |
| 6) izjavu o opasnom teretu, u slučaju prevoza opasnog tereta. | 6) dangerous cargo manifest, in case of transport of dangerous cargo. |
| Pri odlasku iz luke brod je dužan da preda spisak posade i spisak putnika samo za ona lica koja su ukrcana ili iskrcana dok se brod nalazio u luci. | When leaving the port, the ship is obliged to hand over the crew list and the passenger list only for those persons who were embarked or disembarked during ship’s call in port. |
| Obrazac isprava iz stava 1 ovog člana i isprava koje predaje brod koji plovi u unutrašnjim morskim vodama i teritorijalnom moru propisuje Ministarstvo. | The form of documents referred to in paragraph 1 of this Article and documents submitted by a ship sailing in inland waters and territorial sea shall be prescribed by the Ministry. |
| Strani nuklearni brod | Foreign nuclear ship |
| Član 31 | Article 31 |
| Strani nuklearni brod koji namjerava da uplovi u crnogorsku luku otvorenu za međunarodni saobraćaj dužan je da Ministarstvu podnese zahtjev za izdavanje dozvole za uplovljavanje. | A foreign nuclear ship intending to enter a Montenegrin port open to international transport is obliged to submit a request to the Ministry for a permit to enter. |
| Uz zahtjev iz stava 1 ovog člana prilaže se ovjereni prepis dokumentacije o sigurnosti nuklearnog pogona broda. | The request referred to in paragraph 1 of this Article shall be accompanied by a certified transcript of the documentation on the safety of the ship's nuclear power plant. |
| Dozvola iz stava 1 ovog člana izdaje se samo ako od broda ne prijeti opasnost prouzrokovanja nuklearne štete i ako taj brod, na zahtjev Ministarstva, dostavi dokaz o zaključenom ugovoru o obaveznom obezbjeđenju ili potvrdu o finansijskoj garanciji ili zaključen ugovor o obezbjeđenju od odgovornosti za štetu, u skladu sa zakonom. | The permission referred to in paragraph 1 of this Article shall be issued only if the ship is not in danger of causing nuclear damage and if that ship, at the request of the Ministry, submits proof of contract on mandatory security or certificate of financial guarantee or an insurance contract against liability for damage, in accordance with the law. |
| Prije uplovljenja stranog nuklearnog broda, koji je dobio dozvolu iz stava 3 ovog člana, organ uprave nadležan za zaštitu životne sredine vrši pregled dokumentacije o sigurnosti nuklearnog pogona broda i pregled broda radi utvrđivanja opasnosti od prouzrokovanja nuklearne štete. | Prior to the arrival of a foreign nuclear ship, which has received the permit referred to in paragraph 3 of this article, the administrative body responsible for environmental protection shall review the documentation on the safety of the ship's nuclear power plant and inspect the ship to determine the danger of nuclear damage. |
| Organ uprave iz stava 4 ovog člana može da vrši ponovni pregled nuklearnog broda i za vrijeme njegovog boravka u luci. | The administrative body referred to in paragraph 4 of this Article may re-inspect the nuclear ship during its stay in the port. |
| Plovni objekat u raspremi | Laid-up vessel |
| Član 32 | Article 32 |
| Čuvanje i održavanje plovnog objekta u raspremi vrši posada tog plovnog objekta. | Safeguarding and maintaining of a laid-up vessel shall be conducted by its crew. |
| Plovni objekat u raspremi može boraviti u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore u skladu sa propisom Ministarstva. | Laid-up vessel may stay in the internal and territorial waters of Montenegro in accordance with the regulations of the Ministry. |
| Dokaz o obaveznom osiguranju | Proof of mandatory insurance |
| Član 33 ﻿ | Article 33 ﻿ |
| Crnogorski brod od 300 BT ili više, osim ratnih brodova, pomoćnih ratnih brodova ili javnih plovnih objekata koji su u državnoj svojini mora da ima potvrdu o osiguranju odgovornosti za pomorska potraživanja u skladu sa Međunarodnom konvencijom o ograničenju odgovornosti za pomorska potraživanja iz 1976, do iznosa osiguranja utvrđenih Protokolom iz 1996 na tu Konvenciju. | A Montenegrin ship of 300 GT or more, other than warships, auxiliary warships or state-owned public vessels, must have a certificate of liability insurance for maritime claims in accordance with the 1976 International Convention on Limitation of Liability for Maritime Claims, up to the limits set in the 1996 Protocol to that Convention. |
| Osiguranje iz stava 1 ovog člana može biti sa ili bez franšize, prema vrsti pokrića članica Međunarodne grupe P&I klubova ili druge odgovarajuće finansijske garancije (garancija banke ili druge slične finansijske institucije). | The insurance referred to in paragraph 1 of this Article may be with or without a franchise, depending on the type of coverage of members of the International Group of P&I Clubs or other appropriate financial guarantees (guarantee by a bank or other similar financial institution). |
| Potvrda iz stava 1 ovog člana sadrži sljedeće podatke: | The certificate referred to in paragraph 1 of this Article shall contain the following information: |
| 1) ime broda, njegov IMO broj i luku upisa; | 1) name of the ship, its IMO number and port of registry; |
| 2) ime brodara ili drugog lica odgovornog za vođenje broda; | 2) the name of the ship operator or other person responsible for the management of the ship; |
| 3) vrstu i rok osiguranja; | 3) type and duration of insurance; |
| 4) naziv i sjedište lica koje je izvršilo osiguranje, kao i mjesto gdje je osiguranje zaključeno. | 4) name and address of the person who performed the insurance, as well as the place where the insurance was obtained. |
| Potvrda iz stava 3 ovog člana mora biti izdata ili prevedena na engleskom ili francuskom ili španskom jeziku. | The certificate referred to in paragraph 3 of this Article must be issued or translated into English or French or Spanish. |
| Strani brod koji ispunjava uslove iz stava 1 ovog člana i koji namjerava da uplovi u crnogorsku luku ili da pristane uz postrojenja za istraživanje i proizvodnju ugljovodonika u teritorijalnom moru Crne Gore dužan je da ima potvrdu iz stava 1 ovog člana. | A foreign ship that meets the conditions referred to in paragraph 1 of this Article and intends to enter a Montenegrin port or dock with facilities for exploration and production of hydrocarbons in the territorial sea of ​​Montenegro is required to have a certificate referred to in paragraph 1 of this Article. |
| Ako se inspekcijskim nadzorom ili uvidom u brodske isprave ili na osnovu informacije dobijene od države članica Evropske unije utvrdi da brod nema potvrdu iz stava 1 ovog člana, Lučka kapetanija može zabraniti uplovljavanje broda ili izdati nalog za isplovljenje broda, o čemu obavještava Evropsku komisiju, države članice Evropske unije i državu zastave broda. | If by inspection, or by viewing of ship's documents or on the basis of information obtained from EU Member States it is determined that the ship does not have the certificate referred to in paragraph 1 of this Article, the Harbour Master Office may prohibit the ship's entry or issue an order members of the European Union and the flag state of the ship. |
| Mjesto skloništa | Place of refuge |
| Član 34 ﻿ | Article 34 ﻿ |
| Plovni objekat koji je zbog više sile ili nezgode na moru, prinuđen da se skloni u unutrašnje morske vode Crne Gore dužan je da, bez odlaganja, obavijesti Organ uprave, radi određivanja mjesta skloništa. | A vessel that is forced to take refuge in the internal waters of Montenegro due to force majeure or an accident at sea is obliged to inform AMSPM, without delay, in order to determine the place of shelter. |
| Zbrinjavanje broda u mjestu skloništa vrši se prema planu zbrinjavanja broda Organa uprave. | Disposal of the ship in the place of shelter is performed according to the ship disposal plan of AMSPM. |
| Mjesto skloništa iz stava 1 ovog člana određuje Ministarstvo. | The place of shelter referred to in paragraph 1 of this Article shall be determined by the Ministry. |
| III. PILOTAŽA | III. PILOTAGE |
| Vrste pilotaže | Types of pilotage |
| Član 35 | Article 35 |
| Pilotaža je davanje stručnih savjeta pomorskog pilota (u daljem tekstu: pilot) zapovjedniku plovnog objekta za vođenje plovnog objekta i sigurne plovidbe u lukama i drugim područjima unutrašnjih morskih voda i teritorijalnog mora Crne Gore. | Pilotage refers to the providing of expert guidance to a maritime pilot (hereinafter: pilot) to the master of a vessel for the management of the vessel and safe navigation in ports and other areas of inland waters and the territorial sea of Montenegro. |
| Pilotaža može biti lučka i obalna. | Pilotage refers to port pilotage as well as coastal pilotage. |
| Lučka pilotaža je pilotaža plovnog objekta na području luke i pilotaža plovnog objekta u Bokokotorskom zalivu. | Port pilotage is the pilotage of a vessel in the port area and the pilotage of a vessel in the Bay of Kotor. |
| Obalna pilotaža je pilotaža plovnog objekta u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore van granica luka i granice ulaza u Bokokotorski zaliv. | Coastal pilotage is the pilotage of a vessel in the internal and territorial waters of Montenegro outside the borders of the port and the border of the entrance to the Bay of Kotor. |
| Vršenje pilotaže | Pilotage services |
| Član 36 | Article 36 |
| Poslove pilotaže može da vrši pravno lice na osnovu odobrenja Ministarstva. Odobrenje iz stava 1 ovog člana izdaje se pravnom licu, ako: | Pilotage activities can be performed by a legal entity based on the approval of the Ministry. The approval referred to in paragraph 1 of this Article shall be issued to a legal entity if: |
| 1) je registrovano u Centralnom registru privrednih subjekata za obavljanje pilotaže; | 1) it is registered in the Central Register of Business Entities as a company performing pilotage activities; |
| 2) ima najmanje jedan pilotski plovni objekat; | 2) has at least one pilot vessel; |
| 3) ima najmanje jednu fiksnu EHF radio- stanicu; | 3) has at least one fixed EHF radio station; |
| 4) ima najmanje četiri zaposlena pilota sa pilotskom legitimacijom; | 4) has at least four employed pilots with pilot ID; |
| 5) ima najmanje četiri prenosne VHF radio- stanice; | 5) has at least four portable VHF radio stations; |
| 6) ima zaključen ugovor o osiguranju od odgovornosti pilota za vrijeme pilotaže plovnim objektom u skladu sa članom 42 ovog zakona. | 6) has entered into an insurance contract against pilot's liability during pilotage of a vessel in accordance with Article 42 of this Law. |
| Pravno lice iz stava 1 ovog člana dužno je da obezbijedi vršenje pilotaže 24 sata dnevno i da vodi pilotski dnevnik i obezbijedi obuku pilota. | The legal entity referred to in paragraph 1 of this Article is obliged to provide pilotage 24 hours a day and to keep a pilot diary and provide pilot training. |
| Pilotski plovni objekat mora da bude obilježen i da koristi pozivne znakove za pilotažu. | The pilot vessel must be marked and use pilot call signs. |
| Bliže uslove koje treba da ispunjava pilotski plovni objekat i radio-stanice iz stava 2 ovog člana, sadržaj i način vođenja pilotskog dnevnika, način obilježavanja pilotskih plovnih objekata i korišćenja pozivnih znakova za pilotažu propisuje Ministarstvo. | The Ministry shall prescribe more detailed conditions to be met by the pilot vessel and radio stations referred to in paragraph 2 of this Article, the content and manner of keeping the pilot logbook, the manner of marking pilot vessels and the use of pilot call signs. |
|  |  |
| Obavezna pilotaža | Mandatory pilotage |
| Član 37 ﻿ | Article 37 ﻿ |
| Lučka pilotaža je obavezna. | Port pilotage is mandatory. |
| Izuzetno od stava 1 ovog člana, lučka pilotaža nije obavezna za: | Notwithstanding paragraph 1 of this Article, port pilotage is not mandatory for: |
| 1) crnogorske ratne brodove i crnogorske javne plovne objekte; | 1) Montenegrin warships and Montenegrin public vessels; |
| 2) putničke i RoRo putničke brodove (u daljem tekstu: trajekt) koji plove na redovnoj liniji, ukoliko zapovjednik ima položen pilotski ispit za to područje luke i trajekte koji plove na redovnoj cjelogodišnjoj liniji i najmanje jednom nedjeljno uplovljavaju u to područje luke ili trajektnom pristaništu; | 2) passenger and RoRo passenger ships (hereinafter: ferry) on scheduled lines, if the master has passed the pilot exam for that area of ​​the port, and for ferries that sail on a regular year-round line and enter that area of ​​the port or ferry port at least once a week ; |
| 3) brodove do 500 BT bez obzira na državnu pripadnost; | 3) ships up to 500 GT regardless of nationality; |
| 4) brodove koji se koriste za operacije istraživanja i proizvodnje ugljovodonika u podmorju Crne Gore u skladu sa zakonom kojim se uređuje istraživanje i proizvodnja ugljovodonika. | 4) ships used for operations of exploration and production of hydrocarbons in the seabed of Montenegro in accordance with the law governing the exploration and production of hydrocarbons. |
| Lučka pilotaža obavezna je i za brod koji se premješta u luci sa jedne operativne obale na drugu ili se pomiče uzduž operativne obale upotrebom pogonske mašine. | Port pilotage is also mandatory for a ship transferred from one wharf to another or moved alongside the same wharf by means of its propulsion. |
| Zapovjednik plovnog objekta je dužan da zatraži lučku pilotažu, najkasnije dva sata prije uplovljenja, isplovljenja, premještanja ili pomicanja plovnog objekta. | The shipmaster is obliged to request port pilotage, no later than two hours before arrival, departure, transferal or moving alongside. |
| Zapovjednik plovnog objekta može da zatraži pilotažu i u slučajevima iz stava 2 ovog člana. | The Shipmaster of the vessel may request pilotage in the cases referred to in paragraph 2 of this Article. |
| Granice lučke i obalne pilotaže, vrijeme i mjesto ukrcavanja i iskrcavanja pilota propisuje Ministarstvo. | The boundaries of port and coastal pilotage, time and place of embarkation and disembarkation of pilots are prescribed by the Ministry. |
| Korišćenje usluga pilotaže | Use of pilotage services |
| Član 38 | Article 38 |
| Pilotaža se pruža svakom plovnom objektu pod jednakim uslovima. | Pilotage shall be provided to every vessel under equal conditions. |
| Vršenje pilotaže | Performance of pilotage |
| Član 39 ﻿ | Article 39 |
| Pilotažu može da vrši pilot koji ima pilotsku legitimaciju, koju izdaje Lučka kapetanija. | Pilotage can be performed by a pilot who has a pilot's license, issued by the Harbour Master Office. |
| Pilotska legitimacija se izdaje licu koje ima ovlašćenje o osposobljenosti za zvanje zapovjednika broda od 3000 BT ili više i položen pilotski ispit, uvjerenje o zdravstvenoj sposobnosti i dokaz da je zaposlen kod pravnog lica iz člana 36 ovog zakona. | The pilot ID card is issued to a person who has a certificate of competency for the title of master of a ship of 3000 GT or more and who has passed the pilot exam, and has certificate of medical fitness and proof that he is employed by a legal entity under Article 36 of this Law. |
| Pilotska legitimacija iz stava 1 ovog člana izdaje se na period od dvije godine. | The pilot ID card referred to in paragraph 1 of this Article shall be issued for a period of two years. |
| Pilotska legitimacija može se produžiti na zahtjev pilota, ako ispunjava uslove za izdavanje pilotske legitimacije. | The pilot ID card can be extended at the request of the pilot, if he meets the conditions for issuing the pilot ID card. |
| Pilotska legitimacija oduzeće se ako pilot prestane da ispunjava uslove iz stava 2 ovog člana. | The pilot's ID card shall be revoked if the pilot ceases to meet the conditions referred to in paragraph 2 of this Article. |
| O izdatim i oduzetim pilotskim legitimacijama Lučka kapetanija vodi evidenciju. | The Port Authority keeps records of issued and revoked pilot IDs. |
| Pilotski ispit može da polaže lice koje ima ovlašćenje o osposobljenosti iz stava 2 ovog člana i završenu pilotsku obuku. | The pilot examination may be taken by a person who has the authorization for the qualification referred to in paragraph 2 of this Article and has completed the pilot training. |
| Pilotsku obuku obezbjeđuje i vrši pravno lice iz člana 36 ovog zakona, licima koja imaju ovlašćenje o osposobljenosti iz stava 2 ovog člana i koja imaju zaključen ugovor o zdravstvenom osiguranju za vrijeme pilotske obuke. | Pilot training shall be provided and performed by a legal entity referred to in Article 36 of this Law, to persons who have the authorization on qualification referred to in paragraph 2 of this Article and who have concluded a health insurance contract during the pilot training. |
| Obavljenu pilotsku obuku, pravno lice iz člana 36 ovog zakona potvrđuje ovjerom pilotskog dnevnika. | The legal entity referred to in Article 36 of this Law shall confirm the completed pilot training by certifying the pilot logbook. |
| Lice koje se obučava za pilota odgovara za sopstvenu sigurnost tokom vršenja obuke za pilota. | The pilot trainee is responsible for his / her own safety during the pilot training. |
| Pilotski ispit iz stava 7 ovog člana polaže se nakon završene pilotske obuke, po programu za polaganje pilotskog ispita pred komisijom, koju obrazuje Ministarstvo. | The pilot exam referred to in paragraph 7 of this Article shall be taken after the completion of the pilot training, according to the program for taking the pilot exam before the commission formed by the Ministry. |
| Za izdavanje pilotske legitimacije plaća se naknada koja je prihod Budžeta. | A fee, which is the revenue of the Budget, is paid for the issuance of the pilot ID card. |
| Visinu naknade iz stava 12 ovog člana utvrđuje Vlada. | The amount of compensation referred to in paragraph 12 of this Article shall be determined by the Government. |
| Način vršenja pilotske obuke i polaganja pilotskog ispita, program za polaganje pilotskog ispita, način vođenja evidencije iz stava 6 ovog člana i obrazac pilotske legitimacije propisuje Ministarstvo. | The manner of conducting pilot training and taking the pilot exam, the program for taking the pilot exam, the manner of keeping the records referred to in paragraph 6 of this Article and the form of pilot ID shall be prescribed by the Ministry. |
| Obaveze pilota | Duties of the pilot |
| Član 40 ﻿ | Article 40 ﻿ |
| Za vrijeme vršenja pilotaže pilot je dužan da nosi službeno odijelo i da ima pilotsku legitimaciju. | During the pilotage, the pilot is obliged to wear an official suit and to have a pilot's ID. |
| Za vrijeme vršenja pilotaže pilot ne smije napustiti zapovjednički most pilotiranog broda prije završetka pilotaže. | During the pilotage, the pilot must not leave the command bridge of the piloted ship before the completion of the pilotage. |
| Pilot će odbiti pilotiranje plovnog objekta koji nije dobio odobrenje za slobodan saobraćaj sa obalom ili odobrenje za isplovljenje ili je prekrcan ili gaz ne odgovara dubini mora na mjestu određenom za privez ili sidrenje, odnosno ako na mjestu priveza nijesu ispunjeni uslovi za siguran privez u plutajućem stanju ili u drugim slučajevima kojima se ugrožava sigurnost plovidbe. | The pilot will refuse to pilot a vessel that was not granted free pratique or departure, which is overloaded, or whose draught does not correspond to the depth of the sea at the place designated for berthing or anchoring, or if the conditions for safe berthing in floating condition are not met, or in other cases which endanger the safety of navigation. |
| Pilot je dužan da za vrijeme vršenja pilotaže plovnog objekta daje savjete licu koje zapovijeda plovnim objektom u pogledu vođenja i manevrisanja plovnim objektom i obavijesti ga o propisima i pravilima u pilotiranom području. | The pilot is obliged to give advice to the person in command of the vessel regarding the guidance and manoeuvring of the vessel during the piloting of the vessel and to inform him about the regulations and rules in the pilot area. |
| Pilot je dužan da putem VHF radio-stanice obavijesti Lučku kapetaniju o započetom i završenom pilotiranju. | The pilot is obliged to inform the Harbour Master Office via VHF radio about the started and completed piloting. |
| Pilot je dužan da po završenom pilotiranju plovnog objekta obavijesti Lučku kapetaniju u pisanoj formi o: | The pilot is obliged to inform the Harbour Master Office in writing after the completion of the piloting of the vessel on the following: |
| 1) zapaženim neispravnostima objekata sigurnosti plovidbe na plovnom putu; | 1) observed malfunctions of navigation safety facilities on the waterway; |
| 2) zapaženim povredama propisa i pravila koje se odnose na sigurnost plovidbe; | 2) observed violations of regulations and rules related to safety of navigation; |
| 3) nastalim štetama koje za vrijeme pilotaže nastanu na plovnom objektu koji koristi pilotažu i o štetama koje taj plovni objekat prouzrokuje. | 3) the damages incurred during the pilotage on the vessel that uses the pilotage and the damages caused by that vessel. |
| Obavještenje iz stava 6 ovog člana, mora da sadrži najmanje sljedeće podatke: | The notification referred to in paragraph 6 of this Article must contain at least the following information: |
| - o brodu (ime, identifikacioni broj IMO, pozivni znak i zastavu); | - about the ship (name, IMO identification number, call sign and flag); |
| - o plovidbi (posljednja luka pristajanja, luka odredišta); | - on navigation (last port of call, port of destination); |
| - opis očitih nepravilnosti utvrđenih na brodu. | - a description of the obvious irregularities found on board. |
| Službeno odijelo iz stava 1 ovog člana propisuje Ministarstvo. | The official suit referred to in paragraph 1 of this Article shall be prescribed by the Ministry. |
| Odgovornost za upravljanje brodom | Responsibility for commanding the vessel |
| Član 41 | Article 41 |
| Pilotaža plovnog objekta ne oslobađa lice koje zapovijeda plovnim objektom dužnosti upravljanja plovidbom i manevrisanja plovnim objektom i odgovornosti koje iz toga nastaju. | Pilotage of a vessel does not release the vessel master from the duties of navigating and manoeuvring the vessel and from liabilities resulting therefrom. |
| Odgovornost i naknada štete | Liability and damages |
| Član 42 | Article 42 |
| Brodar plovnog objekta koji koristi usluge pilotaže odgovara za radnje i propuste pilota i za radnje i propuste člana posade svog plovnog objekta. | The ship operator who uses the pilotage services shall be liable for the actions and omissions of the pilot and for the actions and omissions of a crew member of his vessel. |
| Za naknadu štete koju je pilot prouzrokovao brodaru plovnog objekta koji koristi usluge pilotaže odgovara pravno lice u kojem je pilot zaposlen u trenutku prouzrokovanja štete, do visine naknade predviđene tarifom za obavljenu pilotažu pomnoženu faktorom 300 po događaju, ako se dokaže da je šteta nastala krivicom pilota. | The legal entity in which the pilot is employed at the time of causing the damage is liable for compensation for damage caused by the pilot to the ship operator using the pilotage services, up to the amount of compensation provided by the pilotage multiplied by a factor of 300 per event, if it is proved that the damage was caused by the pilot. |
| Ugovor o ograničenju odgovornosti pravnog lica koje obavlja pilotažu zaključen suprotno stavu 2 ovog člana prije prouzrokovanja štete brodaru ne proizvodi pravno dejstvo. | The contract on limitation of liability of a legal entity performing pilotage concluded contrary to paragraph 2 of this Article before causing damage to the ship operator shall not have any legal effect. |
| Ugovor o ograničenju odgovornosti pravnog lica u pogledu naknade štete prouzrokovane obavljanjem pilotaže koja nije obavezna, a koji je zaključen prije prouzrokovanja štete na iznos manji od iznosa iz stava 2 ovoga člana, ne proizvodi pravno dejstvo. | The contract on limitation of liability of a legal entity regarding compensation for damage caused by performing pilotage, which is not obligatory, and which was entered into before causing damage to an amount less than the amount referred to in paragraph 2 of this Article, shall not have any legal effect. |
| Odgovornost pilota | Liability of the pilot |
| Član 43 | Article 43 |
| Ako se naknada štete traži neposredno od pilota koji je prouzrokovao štetu, odredba člana 42 stav 2 ovog zakona primjenjuje se i na pilota, osim ako je pilot štetu prouzrokovao namjerno. | If compensation for damage is claimed directly from the pilot who caused the damage, the provision of Article 42, paragraph 2 of this Law shall also apply to the pilot, unless the pilot caused the damage intentionally. |
| Odgovornost pilota, zajedno sa odgovornošću pravnog lica u kojem je pilot zaposlen ne može preći granice odgovornosti iz člana 42 ovog zakona, osim ako se dokaže da je pilot štetu prouzrokovao namjerno. | The pilot's liability, together with the liability of the legal entity in which the pilot is employed, may not exceed the limits of liability referred to in Article 42 of this Law, unless it is proven that the pilot caused the damage intentionally. |
| Upotreba tegljača, odnosno potiskivača | Use of tugboats and pushers |
| Član 44 | Article 44 |
| Tegljenje, odnosno potiskivanje u luci obavlja se samo na zahtjev zapovjednika plovnog objekta i sa brojem tegljača, odnosno potiskivača koje on zatraži. | Tugging and pushing in the port shall be performed only at the request of the master of the vessel and with the number of tugs or pushers that he or she requests. |
| Izuzetno od odredbe stave 1 ovog člana, u slučaju nevremena, prenatrpanosti luke, istovremenog manevrisanja više plovnih objekata ili ako plovni objekat prevozi opasne terete, Kapetanija može odrediti broj tegljača, odnosno potiskivača koji se moraju koristiti za određeni manevar sa plovnim objektom. | Notwithstanding the provision of paragraph 1 of this Article, in case of adverse weather, port congestion, simultaneous manoeuvring of several vessels or if the vessel carries dangerous goods, the Harbour Master Office may determine the number of tugs or pushers that must be used for a particular manoeuvre with the vessel. |
| Zapovjednik broda iz stave 1 ovog člana, dužan je blagovremeno zatražiti asistenciju tegljača, odnosno potiskivača za namjeravani manevar plovnog objekta. | The shipmaster referred to in paragraph 1 of this Article shall promptly request the assistance of a tugboat or a pusher for the intended manoeuvre of the vessel. |
| Kada više plovnih objekata istovremeno traže asistenciju tegljača, odnosno potiskivača, a nema dovoljno tegljača, odnosno potiskivača, ili kada je ugrožena sigurnost plovidbe, ljudskih života ili može doći do zagađivanja mora, Kapetanija određuje redosled tegljenja, odnosno potiskivanja, vodeći računa da linijski brodovi imaju prednost priveza. | When several vessels simultaneously request the assistance of tugs or pushers, and there are not enough tugs or pushers available, or when there is danger for the safety of navigation, human lives or marine pollution, the Harbour Master Office determines the order of towing or pushing, taking into account that liners have precedence for berthing. |
| IV. NADZOR, INFORMISANjE I UPRAVLjANjE POMORSKIM SAOBRAĆAJEM | IV. MONITORING, INFORMATION AND MANAGEMENT OF MARITIME TRAFFIC |
| Sprovođenje nadzora, informisanja i upravljanja pomorskim saobraćajem | Conducting of monitoring, information and management of maritime traffic |
| Član 45 ﻿ | Article 45 |
| Nadzor, informisanje i upravljanje pomorskim saobraćajem vrši se radi unaprjeđenja sigurnosti i efikasnosti pomorskog saobraćaja i zaštite mora. | Supervision, information and management of maritime traffic is performed in order to improve the safety and efficiency of maritime traffic and the protection of the sea. |
| Nadzor, informisanje i upravljanje pomorskim saobraćajem vrši Organ uprave preko pomorskog operativnog centra i u saradnji sa Lučkom kapetanijom, organom uprave nadležnim za poslove hidrografije i plovnim objektima koji plove ili se nalaze u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore. | Supervision, information and management of maritime traffic is performed by AMSPM through the Maritime Operations Centre and in cooperation with the Harbour Master Office, the administrative body responsible for hydrography and vessels navigating or located in the internal and territorial waters of ​​Montenegro. |
| Sprovođenje nadzora, informisanja i upravljanja pomorskim saobraćajem obuhvata: | Implementation of supervision, information and management of maritime traffic includes: |
| 1) prikupljanje podataka o plovnim objektima u pomorskom saobraćaju; | 1) collection of data on vessels in maritime traffic; |
| 2) davanje podataka plovnim objektima (prognoza vremena, upozorenja, medicinskih savjeta i sl.); | 2) providing data to vessels (weather forecast, warnings, medical advice, etc.); |
| 3) davanje plovidbenih savjeta i podrške plovnim objektima u plovidbi; | 3) providing navigation advice and support to vessels in navigation; |
| 4) organizaciju pomorskog saobraćaja. | 4) organization of maritime traffic. |
| Plovni objekti koji uplovljavaju u teritorijalno more i unutrašnje morske vode Crne Gore dužni su da putem VHF radio stanice dostave podatke iz člana 46 stav 1 ovog zakona pomorskom operativnom centru. | Vessels entering the internal and territorial waters of Montenegro are obliged to submit the data referred to in Article 46, paragraph 1 of this Law to the maritime operations centre via the VHF radio station. |
| Plovni objekti dužni su da postupe po nalogu pomorskog operativnog centra. | Vessels are obliged to act on the order of the maritime operations centre. |
| Sprovođenjem nadzora i upravljanjem pomorskim saobraćajem određenom plovnom objektu ili grupi plovnih objekata može se: | By conducting supervision and management of maritime traffic to a certain vessel or group of vessels, it is possible to: |
| 1) zabraniti prolaz ili plovidba određenim područjem; | 1) prohibit the passage or navigation in a certain area; |
| 2) zabraniti preticanje ili utvrditi područje preticanja; | 2) prohibit overtaking or determine the area of ​​overtaking; |
| 3) zabraniti isplovljenje iz luke ili sa sidrišta ili ulazak u određeni dio plovnog puta; | 3) prohibit departure from the port or from the anchorage or entry into a certain part of the waterway; |
| 4) zabraniti uplovljenje u luku ili sidrenje ili izlazak iz određenog dijela plovnog puta; | 4) prohibit entry into port or berthing or exit from a certain part of the waterway; |
| 5) ograničiti kretanje ili promjena brzine; | 5) restrict movement or change of speed; |
| 6) odrediti kretanje u određenom smjeru ili odrediti plan putovanja; | 6) determine movement in a certain direction or determine a travel plan; |
| 7) odrediti područje kretanja u određenom vremenu; i/ili | 7) determine the area of ​​movement at a certain time; and or |
| 8) zabraniti sidrenje ili odrediti područje sidrenja. | 8) prohibit anchoring or determine the anchoring area. |
| Pomorski operativni centar poslove obavlja tehničkim sistemom za nadzor i upravljanje pomorskim saobraćajem (VTMIS), odnosno uređajima i opremom za automatsku identifikaciju brodova (AIS) i/ili radarskim uređajima i opremom i/ili pomorskim radiokomunikacijskim uređajima i opremom i/ili elektronskim pomorskim kartama. | The Maritime Operations Centre performs operations with the technical system for monitoring and management of maritime traffic (VTMIS), i.e. devices and equipment for automatic ship identification (AIS) and / or radar devices and equipment and / or maritime radio communication devices and equipment and / or electronic nautical charts. |
| Način vršenja nadzora, informisanja i upravljanja pomorskog saobraćaja propisuje Ministarstvo. | The manner of performing supervision, information and management of maritime traffic shall be prescribed by the Ministry. |
| Nacionalni odbor za olakšice | National board of relief |
| Član 45a | Article 45a |
| Radi sprovođenja i davanja preporuka za unapređenje mjera, aktivnosti i tehnoloških postupaka kojima se olakšava obavljanje međunarodnog pomorskog saobraćaja i protok putnika, prtljaga, tereta i/ili pošte i za implementaciju jedinstvenog nacionalnog prozora u pomorstvu ("Maritime Single Window") Vlada osniva Nacionalni odbor za olakšice u pomorskom saobraćaju (u daljem tekstu: Odbor za olakšice). | In order to implement and make recommendations for the improvement of measures, activities and technological procedures that facilitate the operation of international maritime traffic and the flow of passengers, baggage, cargo and / or mail and for the implementation of a single national maritime window ("Maritime Single Window"), the Government establishes a National Committee for relief in maritime transport (hereinafter: the Relief Committee). |
| Odbor za olakšice: | Relief Committee shall conduct the following: |
| 1) sprovodi Nacionalni program za olakšice u pomorskom saobraćaju (u daljem tekstu: program za olakšice); | 1) implements the National Maritime Transport Relief Program (hereinafter: the Relief Program); |
| 2) sprovodi mjere i aktivnosti za olakšanje obavljanja međunarodnog pomorskog saobraćaja i protok putnika, prtljaga, tereta i/ili pošte; | 2) implement measures and activities to facilitate the performance of international maritime traffic and the flow of passengers, luggage, cargo and / or mail; |
| 3) preduzima mjere za implementaciju jedinstvenog nacionalnog prozora u pomorstvu; | 3) take measures for the implementation of the single national maritime window; |
| 4) dostavlja Vladi godišnji izvještaj o sprovođenju programa za olakšice, do 31. marta tekuće za prethodnu godinu; | 4) submit to the Government an annual report on the implementation of the relief program, by March 31 of the current year for the previous year; |
| 5) obavlja i druge poslove u skladu sa programom za olakšice. | 5) performs other tasks in accordance with the relief program. |
| Odbor za olakšice ima pet članova. | The Relief Committee has five members. |
| Odbor za olakšice čine predstavnici: Ministarstva, Organa uprave, organa uprave nadležnog za policijske poslove, organa uprave nadležnog za poslove carina i organa uprave nadležnog za poslove bezbjednosti hrane, veterinu i fitosanitarne poslove. | The Relief Committee consists of representatives of: the Ministry, AMSPM, the administrative body responsible for police affairs, the administrative body responsible for customs affairs and the administrative body responsible for food safety, veterinary and phytosanitary affairs. |
| U radu Odbora za olakšice, po potrebi, učestvuju predstavnici korisnika ili koncesionara luke, prevoznika u pomorskom saobraćaju i drugih organa državne uprave. | Representatives of users or concessionaires of the port, maritime transport carriers and other state administration bodies shall participate in the work of the Relief Committee, if necessary. |
| Članovi Odbora za olakšice za svoj rad imaju pravo na naknadu u skladu sa zakonom kojim se uređuju zarade zaposlenih u javnom sektoru. | Members of the Committee for Facilitation of their work are entitled to compensation in accordance with the law governing the salaries of employees in the public sector. |
| Akt o osnivanju Odbora za olakšice objavljuje se u "Službenom listu Crne Gore". | The act on the establishment of the Relief Committee shall be published in the "Official Gazette of Montenegro". |
| Bliži sastav, mandat, način rada i odlučivanja, visinu naknade za rad članova Odbora za olakšice i druga pitanja od značaja za rad Odbora uređuju se aktom o osnivanju. | The detailed composition, mandate, manner of work and decision-making, the amount of remuneration for the work of the members of the Facilitation Committee and other issues of importance for the work of the Committee shall be regulated by the founding act. |
| Program za olakšice | Relief program |
| Član 45b | Article 45b |
| Program za olakšice donosi Vlada, na predlog Odbora za olakšice. | The relief program is adopted by the Government, on the proposal of the Relief Committee. |
| Program za olakšice sadrži: mjere, aktivnosti i tehnološke postupke kojima se olakšava obavljanje međunarodnog pomorskog saobraćaja i ubrzava uplovljavanje i isplovljavanje plovnih objekata i protok putnika i tereta u/iz luka Crne Gore. | The Relief Program contains: measures, activities and technological procedures that facilitate the performance of international maritime traffic and accelerate the entry and exit of vessels and the flow of passengers and cargo to / from the ports of Montenegro. |
| Prijava dolaska broda | Notice of arrival of a ship |
| Član 46 ﻿ | Article 46 ﻿ |
| Brodar, lice koje ovlasti brodar ili zapovjednik broda koji plovi ka luci Crne Gore dužan je da Organu uprave prijavi podatke o: | The ship operator, the person authorized by the ship operator or the shipmaster approaching a Montenegrin port is obliged to report to AMSPM the data on: |
| 1) brodu: | 1) the ship: |
| - identifikaciju broda (ime, pozivni znak, IMO, identifikacioni broj ili MMSI); | - ship identification (name, call sign, IMO, identification number or MMSI); |
| - luku odredišta (UN locode); | - port of destination (UN locode); |
| - procijenjeno vrijeme dolaska u luku odredišta, pilotsku stanicu i vrijeme odlaska iz luke; | - estimated time of arrival at the port of destination, pilot station and time of departure from the port; |
| - ukupan broj lica na brodu; | - total number of persons on board; |
| 2) tankeru: | 2) tanker: |
| - konstrukciju (jednostruka oplata, jednostruka oplata sa SBT, dvostruka oplata); | - construction (single hull, single hull with SBT, double hull); |
| - stanje tereta i balastnih tankova (pun, prazan, stanje inertnog gasa); | - condition of cargo and ballast tanks (full, empty, inerted); |
| - količinu i vrstu tereta; | - volume and nature of cargo; |
| 3) planiranim operacijama u luci ili sidrištu (ukrcaj, iskrcaj); | 3) planned operations in the port or anchorage (loading, unloading); |
| 4) planiranim tehničkim nadzorima i značajnijim radovima održavanja i popravke koji će se sprovesti za vrijeme boravka broda u luci Crne Gore; | 4) planned statutory survey inspections and significant maintenance and repair works that will be carried out during ship's call in Montenegrin port; |
| 5) datumu posljednjeg proširenog pregleda stranog plovnog objekta u Paris MoU region. | 5) the date of the last expanded inspection of a foreign vessel in the Paris MoU region. |
| Pored podataka iz stava 1 ovog člana, brodar, lice koje ovlasti brodar ili zapovjednik broda koji plovi ka luci Crne Gore dužan je da Organu uprave prijavi podatke o teretu i to: | In addition to the information referred to in paragraph 1 of this Article, the ship operator, a person authorized by the ship operator or the shipmaster sailing to the port of Montenegro is obliged to report the cargo data to the Administration body, as follows: |
| 1) tehničke nazive opasnih ili zagađujućih tereta, UN brojeve tih tereta ako postoje, IMO klase rizika u skladu sa međunarodnim ugovorima i prema potrebi, klasu broda potrebnu za INF terete, količine tereta i ako se prevoze u jedinicama za prevoz tereta koji nijesu tankovi i njihov identifikacioni broj; | 1) technical names of dangerous or polluting cargoes, UN numbers of such cargoes, if any, IMO risk classes in accordance with international agreements and, if necessary, ship class required for INF cargoes, cargo quantities and if transported in non-tank cargo transport units, and their identification number; |
| 2) potvrdu da se na brodu nalazi popis ili manifest ili odgovarajući plan utovara u kojem su detaljnije opisani opasni ili zagađujući tereti, kao i njihov smještaj na brodu; | 2) confirmation that there is a list or manifest on the ship or an appropriate loading plan in which dangerous or polluting cargoes are described in greater detail, as well as their accommodation on the ship; |
| 3) adresu na kojoj se mogu dobiti detaljni podaci o teretu. | 3) address where more detailed cargo information can be obtained. |
| Podaci iz st. 1 i 2 ovog člana dostavljaju se po mogućnosti elektronskim putem. | Data from paragraph 1 and 2 of this Article shall be submitted, if possible, by electronic means. |
| Podatke iz st. 1 i 2 ovog člana Organ uprave dostavlja Ministarstvu i Lučkoj kapetaniji. | Data from paragraph 1 and 2 of this Article, AMSPM shall submit to the Ministry and the Harbour Master Office. |
| Organ uprave dužan je da podatke iz stava 1 tačka 1 ovog člana prijavi pomorskom informacionom sistemu Evropske unije za razmjenu podataka u pomorskom saobraćaju. | AMSPM is obliged to report the data referred to in paragraph 1, item 1 of this Article to the maritime information system of the European Union for the exchange of data in maritime traffic. |
| Obaveza dostavljanja podataka | Duty to provide information |
| Član 47 ﻿ | Article 47 ﻿ |
| Brod, lice koje ovlasti brodar ili zapovjednik broda dužan je da podatke iz člana 46 ovog zakona prijavi: | The ship, the person authorized by the ship operator or the shipmaster is obliged to report the data referred to in Article 46 of this Law: |
| 1) najkasnije 72 i 24 sata prije uplovljavanja broda u luku Crne Gore; | 1) no later than 72 and 24 hours before the ship enters a Montenegrin port; |
| 2) najkasnije kada brod napušta prethodnu luku, ako je vrijeme putovanja kraće od 24 sata; | 2) no later than when the ship leaves the previous port, if the voyage time is shorter than 24 hours; |
| 3) ako luka pristajanja nije poznata ili je promijenjena tokom putovanja, odmah kada ti podaci budu poznati; | 3) if the port of call is not known or has been changed during the voyage, as soon as this information is known; |
| 4) najmanje dva sata prije isplovljenja broda iz luke Crne Gore. | 4) at least two hours before the departure of the ship from a Montenegrin port. |
| Izuzetno od stava 1 ovog člana, brod, lice koje ovlasti brodar ili zapovjednik broda nije dužan da prijavi podatke broda koji se koristi za operacije istraživanja i proizvodnje ugljovodonika u podmorju Crne Gore u skladu sa zakonom kojim se uređuje istraživanje i proizvodnja ugljovodonika. | Notwithstanding paragraph 1 of this Article, a ship, a person authorized by the ship operator or the ship's master are not obliged to report the data of the ship used for hydrocarbon exploration and production operations in the Montenegrin submarine in accordance with the law governing hydrocarbon exploration and production. |
| Brodar, lice koje ovlasti brodar ili zapovjednik broda koji plovi Jadranskim morem dužan je da u skladu sa rezolucijom MSC.139 (76) o obaveznom izvještavanju brodova u sektoru 2 ADRIREP sistema, pomorskom operativnom centru prijavi podatke o: | The ship operator, a person authorized by the ship operator or the shipmaster sailing the Adriatic Sea is obliged to report to the Maritime Operations Centre in accordance with Resolution MSC.139 (76) on mandatory reporting of ships in sector 2 of the ADRIREP system, on the following: |
| 1) brodu: | 1) ship: |
| - ime broda, dužina i vrsta broda, pozivni znak, državna pripadnost, IMO identifikacioni broj i MMSI; | - name of the ship, length and type of ship, call sign, nationality, IMO identification number and MMSI; |
| - plovidbeni podaci (gaz, pozicija, kurs i brzina broda); | - navigation data (draught, position, course and speed of the ship); |
| - luka isplovljenja i luka odredišta (UN locode); | - port of departure and port of destination (UN locode); |
| - procijenjeno vrijeme dolaska u luku odredišta; | - estimated time of arrival at the port of destination; |
| 2) tehničke nazive opasnih ili zagađujućih tereta, UN brojeve tih tereta ako postoje, IMO klase rizika u skladu sa međunarodnim ugovorima i prema potrebi, klasu broda potrebnu za INF terete, količine tereta i ako se prevoze u jedinicama za prevoz tereta koji nijesu tankovi i njihov identifikacioni broj; | 2) technical names of dangerous or polluting cargoes, UN numbers of such cargoes if any, IMO risk classes in accordance with international agreements and as appropriate, ship class required for INF cargoes, cargo quantities and if transported in non-tank cargo transport units and their identification number; |
| 3) ukupan broj lica na brodu; | 3) total number of persons on board; |
| 4) naziv lica koje ovlasti brodar. | 4) name of the person authorized by the ship operator. |
| Ako brodar, lice koje ovlasti brodar ili zapovjednik broda ne prijavi podatke iz stava 3 ovog člana, Organ uprave će bez odlaganja obavijestiti nadležni organ države zastave i Ministarstvo. | If the ship operator, the person authorized by the ship operator or the shipmaster does not report the data referred to in paragraph 3 of this Article, AMSPM shall without delay notify the competent authority of the flag State and the Ministry. |
| Postupanje u skladu sa pravilima plovidbe | Compliance with rules of navigation |
| Član 48 ﻿ | Article 48 |
| Putnički i brzi putnički brod, teretni i brzi teretni brod od 300 BT ili više u međunarodnoj plovidbi, kao i tehnički plovni objekat mora biti opremljen sistemom za identifikaciju i praćenje broda velikog dometa (u daljem tekstu: LRIT) koji, automatski, svakih šest sati, prenosi podatke IMO broju i MMSI oznaci broda, poziciji (geografska širina i dužina), datumu i vremenu slanja podatka o poziciji broda. | Passenger and high-speed passenger ship, cargo and high-speed cargo ship of 300 GT or more in international navigation, as well as technical vessel must be equipped with a system for identification and tracking of long-range ships (hereinafter: LRIT) which shall repost, automatically, every six hours, data on the IMO number and MMSI code of the ship, position (latitude and longitude), date and time of sending the position information of the ship. |
| Podaci iz stava 1 ovog člana sa brodova pod crnogorskom zastavom prenose se LRIT centru za podatke sa kojim je Crna Gora zaključila ugovor o pružanju LRIT usluga. | The data referred to in paragraph 1 of this Article from ships flying Montenegrin flag shall be transferred to the LRIT Data Centre with which Montenegro has entered into a LRIT services contract. |
| Organ uprave mora da raspolaže odgovarajućom opremom koja omogućava primanje informacija o identifikaciji i praćenju crnogorskih brodova na velikoj udaljenosti, bez obzira gdje se brod nalazi. | AMSPM shall have the appropriate equipment that enables the receipt of information on the identification and tracking of Montenegrin ships at a great distance, regardless of where the ship is located. |
| Brod iz stava 1 ovog člana mora da bude opremljen sistemom za automatsku identifikaciju broda (AIS) i sistemom zapisivanja podataka o plovidbi (VDR), u skladu sa međunarodnim ugovorima, a plovni objekti registrovani za privrednu djelatnost - prevoz putnika koji plove u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore moraju da budu opremljeni AIS sistemom. | The ship referred to in paragraph 1 of this Article must be equipped with an automatic ship identification system (AIS) and a voyage data recording system (VDR), in accordance with international agreements, and vessels registered for commercial activity - transport of passengers sailing in inland waters and the territorial sea of ​​Montenegro, must be equipped with AIS system. |
| Brod iz stava 4 ovog člana mora da ima stalno uključen AIS sistem, osim u slučaju kada je međunarodnim ugovorom utvrđena zaštita podataka u plovidbi. | The ship referred to in paragraph 4 of this Article must have the AIS system permanently switched on, except in the case when the international agreement stipulates the protection of data in navigation. |
| Brod iz stava 1 ovog člana za vrijeme boravka u luci ili na sidrištu u Bokokotorskom zalivu može da ima uključen najviše jedan radarski sistem, ako tim ne ugrožava sigurnost plovidbe. | A ship referred to in paragraph 1 of this Article may, during its stay in the port or at anchor in the Bay of Kotor, have at most one radar system on, if the team does not endanger the safety of navigation. |
| V. BROD | V. SHIP |
| Sposobnost broda za plovidbu | Seaworthiness |
| Član 49 ﻿ | Article 49 ﻿ |
| Brod je sposoban za plovidbu, odnosno upotrebu u određenim kategorijama plovidbe i za određenu namjenu ako ispunjava uslove konvencija, kodeksa, protokola i rezolucija Međunarodne pomorske organizacije (IMO), koje se odnose na: | A ship shall be seaworthy for specific types of voyages and specific purposes if meeting the requirements of ratified and mandatory international treaties, codes, protocols and resolutions of the International Maritime Organization (IMO), which relate to: |
| 1) sigurnost ljudskih života, broda i imovine; | 1) safety of human lives, ships and property; |
| 2) sistem upravljanja sigurnošću kompanije i broda; | 2) company and ship safety management system; |
| 3) sprečavanje zagađivanja životne sredine uljem, štetnim materijama, otpadnim vodama i otpadom; | 3) prevention of environmental pollution with oil, harmful substances, wastewater and waste; |
| 4) sprečavanje zagađivanja vazduha; | 4) prevention of air pollution; |
| 5) zaštitu životne sredine od bioinvazivnih vrsta u balastnim vodama; | 5) protection of the environment from bioinvasive species in ballast waters; |
| 6) zaštitu životne sredine od štetnog djelovanja sistema protiv obrastanja trupa; | 6) protection of the environment from the harmful effects of the system against carcass fouling; |
| 7) zaštitu i zdravlje na radu, smještajem posade i drugih lica zaposlenih na brodu; | 7) protection and health at work, accommodation of the crew and other persons employed on the ship; |
| 8) uslove za prevoz putnika; | 8) conditions for passenger transport; |
| 9) sigurnost uređaja za rukovanje teretom. | 9) safety of cargo handling devices. |
| Uslovi iz stava 1 tač. 1, 3, 4, 6, 7 i 9 primjenjuju se na instalacije za proizvodnju ugljovodonika. | Conditions from paragraph 1 point. 1, 3, 4, 6, 7 and 9 apply to hydrocarbon production installations. |
| Pored uslova iz stava 1 ovog člana, brod mora da ispunjava i uslove koji se odnose na: obezbjeđivanje konstrukcione i tehničke sposobnosti brodova za plovidbu i sigurnosti njihovih uređaja, mašina, opreme i materijala koji služe za održavanje sigurnosti plovidbe tih brodova, zaštitu života ljudi, zaštitu životne sredine, zaštitu na radu i smještaj članova posade i drugih lica, prevoz putnika, pomorsku opremu, konstrukcionu i tehničku sigurnost uređaja za rukovanje i utovar i istovar tereta, način mjerenja i izračunavanja tonaže, prevoz tereta, stabilitet, pregrađivanje, nadvođe, radio-opremu, sredstva za signalizaciju i navigaciju, protivpožarnu zaštitu, sredstva za spašavanje ljudskih života na brodu, automatizaciju i odobrenje proizvođača i uslužnih privrednih društava. | In addition to the conditions referred to in paragraph 1 of this Article, the ship must meet the requirements relating to: ensuring the construction and technical capability of ships for navigation and safety of their devices, machines, equipment and materials used to maintain the safety of navigation of these ships, protection of human life, environmental protection, safety at work and accommodation of crew members and other persons, passenger transport, marine equipment, constructional and technical safety of devices for handling and loading and unloading of cargo, method of measuring and calculating tonnage, cargo transport, stability, bulkhead, freeboard, radio equipment, means for signalling and navigation, fire protection, means for saving human lives on board, automation and approval of manufacturers and service companies. |
| Uslovi iz st. 2 i 3 ovog člana utvrđuju se na osnovu pravila iz konvencija, kodeksa, protokola i rezolucija Međunarodne pomorske organizacije (IMO) i drugih međunarodnih propisa i standarda (u daljem tekstu: tehnička pravila). | Conditions from paragraph 2 and 3 of this Article shall be determined on the basis of rules under international treaties, codes, protocols and resolutions of the International Maritime Organization (IMO) and other international regulations and standards (hereinafter: technical rules). |
| Tehničkim pravilima pored uslova iz stava 4 ovog člana uređuje se i sistem upravljanja sigurnošću, tehnički nadzor brodova, obim i način obavljanja pregleda brodova radi utvrđivanja njihove sposobnosti za plovidbu, zahtjevi za promjene ili prepravke konstrukcije broda, mašina, uređaja i opreme, dozvoljeni broj putnika i njihov smještaj na brodu, najveće dozvoljeno opterećenje broda i raspored tereta na brodu, način baždarenja broda i drugih plovnih objekata, zahtjevi za konstrukcionu i tehničku sposobnost za plovidbu, instalacija za proizvodnju ugljovodonika i sigurnosti njihove opreme, plovna svojstva čamca i broj lica koja se smiju ukrcati na čamac, baždarenje čamca, način obavljanja pregleda radi utvrđivanja sposobnosti čamca za plovidbu i način vođenja brodskih isprava, zapisa i knjiga i njihovo suspendovanje i povlačenje. | Technical rules, in addition to the conditions referred to in paragraph 4 of this Article, regulate the safety management system, technical supervision of ships, scope and manner of performing inspections of ships to determine their seaworthiness, requirements for changes or alterations to ship construction, machinery, devices and equipment, permitted number of passengers and their accommodation on board, maximum permissible load of the ship and distribution of cargo on board, method of calibration of the ship and other vessels, requirements for construction and technical capability for navigation, installation for production of hydrocarbons and safety of their equipment, navigability of the boat and number of persons they may board the boat, calibrate the boat, the manner of performing the inspection in order to determine the ability of the boat to sail and the manner of keeping ship documents, records and books and their suspension and withdrawal. |
| Tehnička pravila objavljuju se na internet stranici Ministarstva. | The technical rules shall be published on the website of the Ministry. |
| Na internet stranici Ministarstva objavljuju se i konvencije, kodeksi, protokoli i rezolucije Međunarodne pomorske organizacije (IMO). | Conventions, codes, protocols and resolutions of the International Maritime Organization (IMO) shall also be published on the website of the Ministry. |
| Kategorije plovidbe brodova propisuje Ministarstvo. | The categories of ship navigation are prescribed by the Ministry. |
| Brod treba da ima odgovarajuće zalihe ljekova i odgovarajuća medicinska sredstva za pružanje medicinske pomoći na brodovima. | The ship should have adequate supplies of medicines and adequate medical facilities to provide medical assistance on board ships. |
| Brod preko 500 BT koji ima najmanje 15 članova posade na putovanjima koja traju duže od tri dana mora da ima brodsku bolnicu, odnosno ambulantu za pružanje medicinske pomoći opremljenu odgovarajućom medicinskom opremom. | A ship over 500 GT that has at least 15 crew members on voyages lasting more than three days must have a ship's hospital, i.e. an infirmary for providing medical assistance, equipped with appropriate medical equipment. |
| Brod na međunarodnoj plovidbi koji ima najmanje 100 članova posade na putovanjima koja traju duže od tri dana mora da ima na brodu i ljekara za pružanje medicinske pomoći na brodu. | A ship on international voyages that has at least 100 crew members on voyages lasting more than three days must have a physician on board in order to provide medical assistance. |
| Brod koji prevozi opasna sredstva, u svojoj apoteci na brodu, mora da ima protivotrove. | A ship carrying dangerous goods must have antidotes in its pharmacy on board. |
| Vlasnik broda, odnosno brodar dužan je da obezbijedi zalihe ljekova i medicinskih sredstava na brodu, a ljekovima i medicinskom opremom raspolaže zapovjednik broda ili lice koje ovlasti zapovjednik broda. | The proprietor of the ship, i.e. the ship operator is obliged to provide stocks of medicines and medical devices on the ship, and the medicines and medical equipment are at the disposal of the shipmaster or a person authorized by the shipmaster. |
| Zalihe ljekova i medicinska sredstva za pružanje medicinske pomoći na brodu, medicinsku opremu za pružanje medicinske pomoći i protivotrove propisuje Ministarstvo, uz saglasnost organa državne uprave nadležnog za poslove zdravlja. | Stocks of medicines and medical devices for providing medical assistance on board, medical equipment for providing medical assistance and antidotes are prescribed by the Ministry, with the consent of the state administration body responsible for health affairs. |
| Sistem upravljanja sigurnošću | Safety management system |
| Član 50 ﻿ | Article 50 ﻿ |
| Brod uposlen u međunarodnoj plovidbi, brodar, odnosno kompanija koja upravlja brodom koji plovi u međunarodnoj plovidbi, dužni su da primjenjuju i održavaju sistem upravljanja sigurnošću, u skladu sa SOLAS Konvencijom (Glava IX) i ISM Kodeksom, sa izmjenama i dopunama, koje se odnose na: | A ship engaged in international navigation, the ship operator, i.e. the company operating a ship sailing in international navigation, are obliged to apply and maintain a safety management system, in accordance with the SOLAS Convention (Chapter IX) and the ISM Code, as amended, as regards to the following: |
| 1) politiku sigurnosti plovidbe i zaštitu životne sredine; | 1) navigation safety and environmental protection policy; |
| 2) uputstva i procedure za sigurnu plovidbu broda i zaštitu životne sredine; | 2) instructions and procedures for safe navigation of the ship and protection of the environment; |
| 3) utvrđivanje nivoa ovlašćenja i način komunikacije između obale i posade na brodu; | 3) determining the level of authority and the manner of communication between the shore and the ship's crew; |
| 4) procedure za prijavljivanje nezgoda i neusaglašenosti uspostavljenog sistema sa ISM Kodeksom; | 4) procedures for reporting accidents and non-compliance of the established system with the ISM Code; |
| 5) procedure za vanredne situacije; | 5) procedures for emergency situations; |
| 6) procedure za unutrašnju kontrolu i preglede funkcionisanja uspostavljenog ISM Kodeksa; | 6) procedures for internal control and reviews of the functioning of the established ISM Code; |
| 7) sistem za registrovanje podataka o putnicima. | 7) system for registration of passenger data. |
| Radi obezbjeđivanja sigurne plovidbe brodova i uspostavljanja veza sa kompanijom i licima na brodu, brodar, odnosno kompanija dužni su da odrede lice na obali odgovorno za kontrolu sigurne plovidbe brodova i zaštite životne sredine. | In order to ensure the safe navigation of ships and to establish links with the company and persons on board, the ship operator or the company is obliged to designate a person on shore responsible for the control of safe navigation of ships and environmental protection. |
| Sistem upravljanja sigurnošću primjenjuje se i održava u skladu sa tehničkim pravilima. | The safety management system is applied and maintained in accordance with the technical rules. |
| Utvrđivanje sposobnosti broda za plovidbu | Determining the seaworthiness of a ship |
| Član 51 ﻿ | Article 51 ﻿ |
| Sposobnost broda za plovidbu i sigurnost instalacije za proizvodnju ugljovodonika utvrđuje se tehničkim nadzorom. | The seaworthiness of the ship and the safety of the hydrocarbon production installation shall be determined by technical supervision. |
| Tehnički nadzor iz stava 1 ovog člana vrši službenik Organa uprave koji ispunjava sljedeće uslove: | Technical supervision referred to in paragraph 1 of this Article shall be performed by an official of AMSPM who meets the following conditions: |
| 1) da ima ovlašćenje o osposobljenosti za oficira plovidbene straže na brodu od 500 BT ili većem ili ovlašćenje o osposobljenosti za oficira plovidbene straže u mašinskom odjeljenju na brodu sa mašinskim kompleksom pogonske snage od 750 kW ili jačim, sa najmanje tri godine plovidbenog staža u svojstvu oficira palube ili oficira mašine; ili | 1) to have a certificate of competency for a navigational watch officer on a ship of 500 GT or more or a certificate of competency for a navigational watch officer in an engine room on a ship with a power complex of 750 kW or more, with at least three years of seagoing service as a deck officer or a machine officer; or |
| 2) završeno visoko obrazovanje VII nivo kvalifikacije obrazovanja (240, odnosno 300 kredita CSPK) ili VI nivo kvalifikacije obrazovanja (180 kredita CSPK), brodograđevne struke, ili brodske elektronike, ili pomorske elektrotehnike, ili mašinske struke, sa najmanje tri godine iskustva u vršenju tehničkog nadzora broda; | 2) completed higher education - VII level of education qualification (240 or 300 CSPK credits) or VI level of education qualification (180 CSPK credits), shipbuilding profession, or marine electronics, or marine electrical engineering, or mechanical profession, with at least three years of experience in performing technical supervision of the ship; |
| 3) ima praktičko i teorijsko znanje o brodu, brodskim operacijama i međunarodnim i crnogorskim pomorskim propisima, stečeno kroz uspješno završenu obuku i periodično ocjenjivanje u skladu sa planom programa obuke Organa uprave. | 3) has practical and theoretical knowledge of the ship, ship operations and international and Montenegrin maritime regulations, acquired through successfully completed training and periodic assessment in accordance with the training program plan of AMSPM. |
| Nakon izvršenog tehničkog nadzora izdaju se odgovarajuće brodske isprave i knjige. | After the technical supervision, the appropriate ship documents and books shall be issued. |
| Tehnički nadzor iz stava 1 ovog člana i izdavanje odgovarajućih brodskih isprava i knjiga i sprovođenje drugih mjera kojima se obezbjeđuje sigurnost pomorske plovidbe, za brodove u međunarodnoj plovidbi može da vrši i organizacija priznata od Evropske komisije koja postupa po propisanim pravilima za pregled, nadzor i sertifikaciju brodova (u daljem tekstu: priznata organizacija), u skladu sa međunarodnim konvencijama, koju ovlasti Vlada, na predlog Ministarstva. | Technical supervision referred to in paragraph 1 of this Article and issuance of appropriate ship documents and books and implementation of other measures to ensure the safety of maritime navigation, for ships in international navigation may be performed by an organization recognized by the European Commission acting in accordance with the rules for inspection, supervision and certification of ships (hereinafter: recognized organization), in accordance with international conventions, authorized by the Government, at the proposal of the Ministry. |
| Tehnički nadzor iz stava 1 ovog člana vrši se u skladu sa IMO rezolucijom A.1120 (30) harmonizovani sistem pregleda i sertifikacije (HSSC), 2017. Sa izmjenama i dopunama. | The technical supervision referred to in paragraph 1 of this Article shall be performed in accordance with IMO Resolution A.1120 (30) Harmonized System of Inspection and Certification (HSSC), 2017, as amended. |
| Međusobna prava i obaveze sa priznatom organizacijom uređuju se ugovorom koji zaključuje Organ uprave u skladu sa Kodeksom IMO-a o priznatim organizacijama. | Mutual rights and obligations with a recognized organization are regulated by a contract entered into by AMSPM in accordance with the IMO Code on Recognized Organizations. |
| Ugovorom iz stava 6 ovog člana ne može se prenijeti odgovornost Crne Gore kao države zastave na priznatu organizaciju i izdavanje sljedećih brodskih isprava: | The contract referred to in paragraph 6 of this Article may not transfer the responsibility of Montenegro as a flag state to the recognized organization, nor may it transfer the authority for issuance of the following ship's documents: |
| - upisnog lista; | - Certificate of registry; |
| - trajnog zapisa o brodu; | - permanent record of the ship; |
| - svjedočanstva o minimalnom broju članova posade; | - Minimum safe manning document; |
| - dozvole za brodsku radio stanicu; | - licenses for the ship's radio communication; |
| - deklaracije o ispunjavaju uslova za rad pomoraca; i | - declarations of maritime labour compliance; and |
| - koje se u skladu sa međunarodnim ugovorima, ne mogu prenijeti na priznatu organizaciju. | - documents which, in accordance with international agreements, cannot be transferred to the Recognized organization. |
| Brodske isprave iz stava 7 al. 1 i 2 ovog člana izdaje Lučka kapetanija. | Ship's documents referred to in paragraph 7 paragraph 1 and 2 of this Article are issued by the Port Authority. |
| Brodsku ispravu iz stava 7 alineja 3 ovog člana izdaje Organ uprave. | The ship's document referred to in paragraph 7, indent 3 of this Article shall be issued by AMSPM. |
| Dozvolu za brodsku radio stanicu izdaje pravno lice nadležno za elektronske komunikacije. | The license for the ship's radio communication is issued by the legal entity in charge of electronic communications. |
| Brodske isprave koje se u skladu sa međunarodnim ugovorima, ne mogu prenijeti na priznatu organizaciju izdaje Ministarstvo. | Ship documents that cannot be transferred to a recognized organization in accordance with international agreements are issued by the Ministry. |
| Kontrolu rada priznate organizacije vrši Organ uprave. | The control of the work of the Recognized organization is performed by AMSPM. |
| Prava i obaveze priznate organizacije i Organa uprave u odnosu na priznatu organizaciju, način i postupak ovlašćivanja i način vršenja nadzora nad priznatom organizacijom propisuje Ministarstvo. | The rights and obligations of the recognized organization and AMSPM in relation to the recognized organization, the manner and procedure of authorization and the manner of exercising supervision over the recognized organization shall be prescribed by the Ministry. |
| Odgovornost priznate organizacije za pričinjenu štetu | Liability of a recognized organization for damage caused |
| Član 51a | Article 51a |
| Priznata organizacija je dužna da plati naknadu za pričinjenu štetu, ako je pravosnažnom sudskom ili arbitražnom odlukom utvrđena odgovornost za štetu Organa uprave, koja je nastala zbog pomorske nezgode, zajedno sa zahtjevom za naknadu štete oštećenim strankama zbog: | Recognized organization is obliged to pay compensation for the damage caused, if the final court or arbitration decision determines the responsibility for the damage of AMSPM, which occurred due to the maritime accident, together with the request for compensation to the damaged parties due to: |
| 1) gubitka ili oštećenja imovine, tjelesne povrede ili smrti, za koju je dokazano na sudu da je prouzrokovana namjernim djelom ili propustom ili grubom nepažnjom priznate organizacije, njenih tijela, zaposlenih, zastupnika ili drugih koji djeluju u ime priznate organizacije, Organ uprave ima pravo na naknadu štete od priznate organizacije u iznosu utvrđenom odlukom suda za koju je priznata organizacija prouzrokovala gubitak, oštećenje, povredu ili smrt. | 1) loss of or damage to property, bodily injury or death, which has been proven in court to be caused by intentional act or omission or gross negligence of a recognized organization, its bodies, employees, representatives or others acting on behalf of the recognized organization, AMSPM is entitled to compensation for damages from a recognized organization in the amount determined by a court decision for which the recognized organization caused loss, damage, injury or death. |
| 2) tjelesne povrede ili smrti, za koju je dokazano na sudu da je prouzrokovana nemarom, nepažnjom ili propustom priznate organizacije, njenih zaposlenih, zastupnika ili drugih koji djeluju u ime priznate organizacije, Organ uprave ima pravo na naknadu štete od priznate organizacije u iznosu utvrđenom odlukom suda za koju je priznata organizacija prouzrokovala tjelesnu povredu ili smrt u iznosu od najmanje 4 miliona eura. | 2) bodily injury or death, which has been proven in court to be caused by careless disregard, negligence or omission of the recognized organization, its employees, representatives or others acting on behalf of the recognized organization, AMSPM is entitled to compensation from the recognized organization in the amount determined by a court decision for which the recognized organization caused bodily injury or death in the amount of at least 4 million euros. |
| 3) gubitka ili oštećenja imovine, za koju je dokazano na sudu da je prouzrokovana nemarom, nepažnjom ili propustom priznate organizacije, njenih zaposlenih, zastupnika ili drugih koji djeluju u ime priznate organizacije, Organ uprave ima pravo na naknadu štete od priznate organizacije u iznosu utvrđenom odlukom suda za koju je priznata organizacija prouzrokovala gubitak ili oštećenje imovine u iznosu od najmanje 2 miliona eura. | 3) loss or damage of property, which has been proven in court to be caused by careless disregard, negligence or omission of the recognized organization, its employees, representatives or others acting on behalf of the recognized organization, AMSPM is entitled to compensation from the recognized organization in the amount determined by a court decision for which the recognized organization caused the loss or damage of property in the amount of at least 2 million euros. |
| Tehnički nadzor | Technical supervision |
| Član 52 ﻿ | Article 52 |
| Tehnički nadzor broda obuhvata: | Technical supervision of the ship includes: |
| 1) odobravanje tehničke dokumentacije na osnovu koje se brod gradi ili prepravlja i tehničke dokumentacije na osnovu koje se izrađuju materijali, mašine, uređaji i oprema koji su namijenjeni za gradnju, prepravku i popravku broda; | 1) approval of technical documentation on the basis for ship construction or conversion and technical documentation on the basis of which materials, machines, devices and equipment intended for construction, modification and repair of the ship are made; |
| 2) nadzor nad gradnjom i prepravkom broda koji se vrši u toku njegove gradnje ili izvođenja radova na njegovoj prepravci; | 2) supervision over ship construction and conversion done in the course of construction or conversion works; |
| 3) nadzor nad izradom materijala, mašina, uređaja i opreme iz tačke 1 ovog stava koji se vrši u toku njihove izrade i izdavanje uvjerenja; | 3) supervision over the making of materials, machines, devices and gear referred to in item 1 of this paragraph done in the course of their making and certification; |
| 4) nadzor nad ugradnjom i smještajem mašina, uređaja i opreme u brod; | 4) supervision over the installation and placement of machines, devices and equipment in the ship; |
| 5) pregled postojećih brodova, uključujući i nadzor nad izvođenjem popravki i obnavljanjem djelova broda za koje je pregledom utvrđeno da ih treba popraviti ili obnoviti; | 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) izdavanje odobrenja proizvođaču i uslužnom privrednom društvu; | 6) issuing approvals to the manufacturer and service company; |
| 7) pregled sistema upravljanja sigurnošću kompanije ili brodara i broda; | 7) review of the safety management system of the company or ship operator and the ship; |
| 8) pregled bezbjednosne zaštite broda u skladu sa posebnim zakonom. | 8) survey of the safety protection of the ship in accordance with a special law. |
| Za vršenje tehničkog nadzora plaća se naknada, koju plaća kompanija ili brodar broda. | A fee is paid for the technical supervision, by the company or the ship operator. |
| Visinu naknade za tehnički nadzor koji vrši Organ uprave utvrđuje Vlada. | The amount of the fee for technical supervision performed by AMSPM shall be determined by the Government. |
| Naknada iz stava 2 ovog člana prihod je Budžeta. | The fee referred to in paragraph 2 of this Article is the revenue of the State Budget. |
| Tehnički nadzor brodova vrši se na način i u rokovima u skladu sa tehničkim pravilima. | Technical supervision of ships is performed in the manner and within the deadlines in accordance with the technical rules. |
| Uslove za opremu kojom se opremaju brodovi crnogorske državne pripadnosti i uslove za stavljanje te opreme na tržište propisuje Ministarstvo. | The conditions for the equipment with which the ships of Montenegrin nationality are equipped and the conditions for placing that equipment on the market are prescribed by the Ministry. |
| Pregled postojećih brodova | Survey of existing ships |
| Član 53 | Article 53 |
| Pregled postojećih brodova može biti osnovni, redovni i vanredni. | Survey of existing ships can be basic, regular and extraordinary. |
| Za vršenje pregleda iz stava 1 ovog člana plaća se naknada. | A fee shall be paid for performing the survey referred to in paragraph 1 of this Article. |
| Visinu naknade za pregled iz stava 1 ovog člana koji vrši Organ uprave utvrđuje Vlada. | The amount of the survey fee referred to in paragraph 1 of this Article performed by AMSPM shall be determined by the Government. |
| Naknada iz stava 3 ovog člana prihod je Budžeta. | The fee referred to in paragraph 3 of this Article is the revenue of the State Budget. |
| Osnovni pregled | Basic survey |
| Član 54 ﻿ | Article 54 ﻿ |
| Osnovni pregled obavezan je za postojeći brod i to: | The basic survey is mandatory for the existing ship, as follows: |
| 1) prije njegovog upisa u upisnik brodova, ako nadzor nad njegovom gradnjom nije vršio Organ uprave; | 1) before its entry in the register of ships, if the supervision over its construction was not performed by AMSPM; |
| 2) prije njegovog upisa u upisnik brodova, ako je nadzor nad njegovom gradnjom vršila priznata organizacija i ako njegove brodske isprave i knjige nijesu važeće; | 2) before its entry in the register of ships, if the supervision over its construction was performed by a Recognized organization and if its ship's documents and books are not valid; |
| 3) kad se brodu trajno mijenja namjena i to prije početka njegovog korišćenja. | 3) when the purpose of the ship is permanently changed before its use. |
| Redovni pregled | Regular survey |
| Član 55 ﻿ | Article 55 ﻿ |
| Redovni pregled je pregled postojećeg broda u propisanim vremenskim razmacima. | Regular survey is an inspection of an existing ship at prescribed intervals. |
| Redovni pregled može biti godišnji, međupregled, periodični i obnovni. | Regular survey can be annual, interim, periodic and renewed. |
| Vanredni pregled | Extraordinary survey |
| Član 56 ﻿ | Article 56 ﻿ |
| Vanredni pregled broda vrši se: | Extraordinary inspection of the ship shall be performed: |
| 1) nakon pretrpljene pomorske nesreće ili nezgode ako postoji osnovana sumnja da je došlo do oštećenja broda ili nekog njegovog dijela ili uređaja ili se inspekcijskim nadzorom utvrde nedostaci koji mogu uticati na sposobnost broda za plovidbu; | 1) following a maritime accident, or an incident if there is a reasonable suspicion that the ship or some of its parts or devices have been damaged or the inspection has found deficiencies that may affect the ship's ability to navigate; |
| 2) kad se vrše veće popravke ili obnova broda; | 2) when major repairs or renovations of the ship are being carried out; |
| 3) prilikom privremene promjene namjene ili kategorije plovidbe broda; | 3) during a temporary change of purpose or category of navigation of the ship; |
| 4) za brod koji nije izvršio redovni pregled u propisanom roku; | 4) for a ship that has not performed a regular survey within the prescribed period; |
| 5) prije i poslije stavljanja broda u raspremu; | 5) before and after the ship in has been laid-up; |
| 6) za tegljač i tegljeni brod prije operacije tegljenja; | 6) for a tug and a towed vessel before a towing operation; |
| 7) za napušteni brod, koji nema važeće brodske isprave i knjige; | 7) for an abandoned ship, which does not have a valid ship's documents and book; |
| 8) radi popisa broda na zahtjev suda; | 8) for the purpose of doing a ship inventory at the request of the court; |
| 9) za brod ili ostatke broda radi spašavanja, odnosno vađenja broda i ocjene rizika koji predstavlja; | 9) for a ship or shipwrecks for the purpose of rescuing, i.e. retrieving a ship and assessing the risk it poses; |
| 10) kad se na brodu vrši prepravka kojom se mijenjaju njegove konstrukcione osobine i svojstva pogonskih uređaja i to prije početka njegovog korišćenja, a u obimu obnovnog pregleda. | 10) when the ship is being repaired, which changes its construction features and properties of propulsion devices, before the beginning of its use, and within the scope of the renewal inspection. |
| Probna plovidba | Sea trial |
| Član 57 ﻿ | Article 57 |
| Probna plovidba broda je sastavni dio nadzora nad gradnjom ili prepravkom broda i osnovnog pregleda broda. | Sea trial of the ship is an integral part of the supervision over the construction or alteration of the ship and the basic survey of the ship. |
| Probna plovidba se obavlja nakon pregleda broda i izdavanja svjedočanstva za probnu plovidbu. | Sea trial is performed after the survey of the ship and the issuance of a trial voyage certificate. |
| Pregled broda za izdavanje svjedočanstva za probnu plovidbu broda vrši Organ uprave, a pregled broda u međunarodnoj plovidbi može da vrši i priznata organizacija. | The survey of a ship for the issuance of a trial vessel navigation certificate shall be performed by AMSPM, and the survey of a ship in international navigation may also be performed by a Recognized organization. |
| Probna plovidba vrši se na osnovu odobrenja nadležne lučke kapetanije. | Sea trial is performed on the basis of the approval of the competent Harbour Master Office. |
| Odredbe st. 2, 3 i 4 ovog člana primjenjuju se na brodove crnogorske i strane državne pripadnosti, kada se probna plovidba obavlja u teritorijalnom moru i unutrašnjim morskim vodama Crne Gore. | The provisions of paragraph 2, 3 and 4 of this Article shall apply to ships of Montenegrin and foreign nationality, when test navigation is performed in the territorial sea and inland waters of Montenegro. |
| Obim i način obavljanja pregleda broda, radi utvrđivanja njegove sposobnosti za probnu plovidbu i način obavljanja probne plovidbe utvrđuje se tehničkim pravilima. | 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 technical rules. |
| Stanje broda i njegove opreme | Condition of the ship and its equipment |
| Član 58 | Article 58 |
| Brodar je dužan da brod i opremu održava u stanju kojim se obezbjeđuje sposobnost broda za plovidbu. | The ship operator is obliged to maintain the ship and equipment in a condition that ensures the ship's seaworthiness. |
| Promjene ili prepravke konstrukcije broda | Alterations or conversion to the construction of the ship |
| Član 59 ﻿ | Article 59 ﻿ |
| Poslije izvršenog tehničkog nadzora nad gradnjom, odnosno prepravkom broda i poslije izvršenih pregleda broda ne smiju se, bez prethodnog obavještenja Organa uprave, obavljati promjene ili prepravke konstrukcije broda, mašina, uređaja, opreme ili drugih djelova na koje se odnose zahtjevi utvrđeni tehničkim pravilima. | After the technical supervision over the construction, i.e. repair of the ship and after the inspections of the ship, no changes or alterations of the ship's construction, machines, devices, equipment or other parts to which the requirements are determined by the technical rules may be performed without prior notification. |
| Oslobađanje od obaveza | Exemption from obligations |
| Član 60 ﻿ | Article 60 ﻿ |
| Organ uprave može brod na koji se primjenjuju odredbe potvrđenih ili obavezujućih međunarodnih ugovora, i ako ne ispunjava pojedine uslove za obavljanje međunarodnih putovanja, u slučajevima i pod uslovima utvrđenim tim ugovorima, da oslobodi od obaveza utvrđenih tim ugovorom, ako na osnovu pregleda utvrdi da je brod sposoban da obavlja međunarodna putovanja, odnosno da obavlja određeno međunarodno putovanje. | AMSPM may release a ship to which the provisions of ratified or binding international agreements apply, even if it does not meet certain conditions for international voyages, in the cases and under the conditions set out in those agreements, from the obligations set out in that agreement, if a survey determines that a ship is capable of performing international voyages, i.e. to perform a particular international voyage. |
| Organ uprave može da brod koji ne obavlja redovno međunarodna putovanja, a na koji bi se, da ih redovno obavlja, primjenile odredbe potvrđenih i/ili obavezujućih međunarodnih ugovora, koji zbog izuzetnih okolnosti treba da obavi samo jedno međunarodno putovanje, u skladu sa odredbama tih ugovora oslobodi od ispunjenja obaveza iz tih ugovora, ako pregledom broda utvrdi da je brod sposoban za plovidbu za to putovanje. | If a ship, which does not make regular international voyages, and to which voyages, if it did make them regularly, the provisions of ratified and / or binding international agreements would apply, which ship due to exceptional circumstances aims to make only one international voyage, such ship may be released from the fulfilment of the obligations from those agreements by AMSPM, in accordance with the provisions of these agreements, if an inspection of the ship determines that the ship is capable of navigation for the purpose of that voyage. |
| Organ uprave može brodu novog tipa, brodu koji redovno ne obavlja međunarodna putovanja ili brodu koji plovi u zaštićenim područjima, na koji se primjenjuju odredbe potvrđenih ili obavezujućih međunarodnih ugovora, da odobri obavljanje međunarodnih putovanja, odnosno određenih međunarodnih putovanja radi probe, ako pregledom utvrdi da je brod sposoban za plovidbu na tim putovanjima. | AMSPM may authorize a new type of ship, a ship not regularly engaged in international voyages or a ship navigating in protected areas, to which the provisions of ratified or binding international agreements apply, to carry out international voyages, or certain international voyages for testing, if a ship is capable for navigation on these voyages. |
| Brod za plovidbu u određenim granicama | A ship which sails within certain limits |
| Član 61 ﻿ | Article 61 ﻿ |
| Organ uprave može da utvrdi da je brod sposoban za plovidbu u određenim užim granicama, ako se pregledom utvrdi da brod nije sposoban za plovidbu u granicama u kojima je do tada plovio, ali je sposoban za plovidbu u užim granicama plovidbe. | AMSPM may determine that the ship is capable of navigating within certain narrower limits, if the survey determines that the ship is not seaworthy within the limits in which it had previously sailed, but is seaworthy in the narrow limits of navigation. |
| Organ uprave može da utvrdi da je brod sposoban za jedno ili više određenih putovanja koja prelaze granice plovidbe u kojima je plovio, ako se na osnovu izvršenog pregleda utvrdi da je brod sposoban za to putovanje. | AMSPM may determine that the ship is seaworthy for one or more specific voyages, which exceed the limits of navigation in which it sailed, if on the basis of the performed survey it is determined that the ship is seaworthy of that voyage. |
| Plovidba u granicama iz st. 1 i 2 ovog člana može da se uslovi ukrcavanjem manjeg broja putnika ili manje mase tereta od određenog broja putnika ili dozvoljene mase tereta, kao i drugim uslovima kojima se obezbjeđuje sigurna plovidba broda. | Navigation within the boundaries of paragraph 1 and 2 of this Article may be conditioned by embarking fewer passengers or a smaller mass of cargo than a certain number of passengers or a permitted mass of cargo, as well as other conditions that ensure safe navigation of the ship. |
| Prevoz putnika brodom koji nije putnički | Carriage of passengers on board ships other than passenger ships |
| Član 62 ﻿ | Article 62 ﻿ |
| Organ uprave može da utvrdi da je brod koji nije putnički sposoban da u granicama unutrašnjih morskih voda i teritorijalnog mora Crne Gore prevozi putnike na jednom ili više putovanja ili za određeno vrijeme, ako je njegova sposobnost za plovidbu utvrđena u skladu sa ovim zakonom i ako se pregledom utvrdi da brod ispunjava uslove za obavljanje takvog prevoza putnika. | AMSPM 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, it if 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. |
| Prevoz putnika | Carriage of transport |
| Član 63 ﻿ | Article 63 ﻿ |
| Putnički brod može da prevozi samo određeni broj putnika čiji se broj i smeštaj na brodu određuje na osnovu plovnih svojstava broda, raspoložive površine za smještaj putnika, uređaja i opreme namijenjene putnicima i higijenskih uslova. | A passenger ship may carry only a specific number of passengers whose number and accommodation on board is determined on the basis ship’s sea-kindliness, available accommodation area, gears and equipment intended for passengers and hygienic conditions. |
| Dozvoljeni broj putnika i njihov smještaj na brodu utvrđuje se tehničkim pravilima. | Allowed number of passengers and their accommodation on board is determined by technical rules. |
|  |  |
| Prebrojavanje putnika | Tallying passengers |
| Član 64 ﻿ | Article 64 ﻿ |
| Prije nego što putnički brod isplovi iz luke kompanija ili brodar je dužan da utvrdi broj lica na tom brodu. | Before a passenger ship departs from a port, the company or ship operator is obliged to determine the number of persons on board. |
| Sa brojem lica iz stava 1 ovog člana prije isplovljenja broda mora biti upoznat zapovjednik putničkog broda i ovlašćeno lice koje odredi kompanija za popis putnika. | The number of persons referred to in paragraph 1 of this Article must be known to the master of the passenger ship and the authorized person designated by the company to tally passengers before the departure of the ship. |
| Zapovjednik putničkog broda mora da obezbijedi da broj lica na brodu ne prelazi broj lica koji brod može da prevozi. | The master of a passenger ship must ensure that the number of persons on board does not exceed the number of persons that the ship is allowed to carry. |
| Kompanija ili brodar dužna je da obezbijedi da podaci koji se odnose na broj putnika budu dostupni Lučkoj kapetaniji, kao i službama za traganje i spašavanje obalne države, u slučaju nezgode. | The company or the ship operator is obliged to ensure that the data related to the number of passengers are available to the Harbour Master Office, as well as to the search and rescue services of the coastal state, in case of an accident. |
| Kompanija ili brodar dužan je da obezbijedi da podaci o licima koja su iskazala potrebu za posebnu njegu ili pomoć u vanrednim situacijama budu evidentirani na odgovarajući način i dostavljeni zapovjedniku prije nego što putnički brod isplovi iz luke. | The company or ship operator shall ensure that data on persons who have expressed a need for special care or assistance in emergencies are properly recorded and submitted to the shipmaster before the passenger ship departs from the port. |
| Kompanija ili brodar crnogorskog putničkog broda dužan je da podatke iz stava 2 ovog člana dostavi Lučkoj kapetaniji. | The company or ship operator of a Montenegrin passenger ship is obliged to submit the data referred to in paragraph 2 of this Article to the Harbour Master Office. |
| Vrstu podataka, način prikupljanja i vođenja evidencije podataka o putnicima koje putnički brod crnogorske državne pripadnosti mora da vodi na putničkom brodu propisuje Ministarstvo. | The type of data, the manner of collecting and keeping records of data on passengers that a passenger ship flying Montenegrin flag must keep on a passenger ship shall be prescribed by the Ministry. |
| Kretanje lica sa invaliditetom | Access for persons with disability |
| Član 65 | Article 65 |
| Putnički, Ro-Ro putnički i brzi putnički brodovi moraju da imaju adekvatan pristup za ulazak lica sa invaliditetom. | Passenger, Ro-Ro passenger and high-speed passenger ships must have adequate access for the entry of persons with disabilities. |
| Brodovi iz stava 1 ovog člana moraju biti konstruisani i opremljeni na način koji licima sa invaliditetom obezbjeđuje lako i sigurno ukrcavanje i iskrcavanje i pristup između paluba, uz asistenciju posade ili uz pomoć rampi ili liftova. | Ships referred to in paragraph 1 of this Article must be constructed and equipped in a way that provides persons with disabilities with easy and safe boarding and disembarking and access between decks, with the assistance of the crew or with the help of ramps or elevators. |
| Na brodovima iz stava 1 ovog člana moraju se na vidnim mjestima postaviti informacione oznake, odnosno naljepnice koje su lako uočljive i čitljive licima sa smanjenim mogućnostima kretanja i komunikaciona sredstva za vizuelno i verbalno objavljivanje važnijih informacija, kao i sistem za alarmiranje sa tipkama koji je lako pristupačan za ta lica. | On ships referred to in paragraph 1 of this Article, information signs must be placed in visible places, i.e. stickers that are easily visible and legible to persons with reduced mobility and means of communication for visual and verbal publication of important information, as well as an alarm system with buttons accessible to those persons. |
| Ograde, koridori, prolazi, ulazi i vrata moraju omogućavati korišćenje i kretanje lica u invalidskim kolicima, a liftovi, palube za vozila, putničke prostorije za odmor, smještaj, kao i toaletne prostorije moraju biti konstruisane tako da budu lako pristupačne za ta lica. | Rails, corridors, passages, entrances and doors must allow the use and movement of persons in wheelchairs, and elevators, decks for vehicles, passenger rooms for rest, accommodation, as well as toilets must be designed so that they are easily accessible to those persons. |
| Teret na brodu | Cargo on board |
| Član 66 ﻿ | Article 66 ﻿ |
| Teret na brodu mora da bude tako raspoređen da odgovara zahtjevima stabiliteta i da obezbjeđuje plovna svojstva broda i ne prouzrokuje prekomjerna naprezanja konstrukcijskih djelova broda u različitim uslovima korišćenja. | The cargo on board must be stowed in such a way as to meet the stability requirements and to ensure the navigability of the ship and not to cause excessive stress to the structural parts of the ship under different conditions of use. |
| Teret na brodu mora da bude ukrcan u granicama dozvoljenog opterećenja broda i u skladu sa tehničkim propisima o prevozu tereta i da bude složen, raspoređen i učvršćen tako da u svim uslovima plovidbe ne može doći do pomjeranja tereta koji bi mogao ugroziti sigurnost broda, ljudskih života i životne sredine. | The cargo on board must be loaded within the permitted load of the ship and in accordance with the technical regulations on cargo transport and be stacked, arranged and fixed so that in all navigation conditions there can be no movement of cargo that could endanger the safety of the ship, human lives and environment. |
| Najveće dozvoljeno opterećenje broda i raspored tereta na brodu, uslovi i način za utovar i istovar brodova za prevoz rasutog tereta i kontejnera utvrđuju se tehničkim pravilima. | The maximum permitted load of the ship and the distribution of cargo on the ship, the conditions and manner for loading and unloading of ships for the transport of bulk cargo and containers are determined by technical rules. |
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| Baždarenje broda | Calibration of the ship |
| Član 67 ﻿ | Article 67 ﻿ |
| Baždarenje broda vrši se radi utvrđivanja tonaže broda. | Calibration of the ship is conducted in order to determine the tonnage of the ship. |
| Baždarenje broda vrši se prije njegovog upisa u upisnik brodova. | The ship is calibrated before its entry in the ship register. |
| Baždarenje broda, na zahtjev brodara, vrši Organ uprave. | Calibration of the ship, at the request of the ship operator, is performed by AMSPM. |
| Izuzetno od stava 3 ovog člana, baždarenje broda u međunarodnoj plovidbi može da vrši priznata organizacija. | Notwithstanding paragraph 3 of this Article, the calibration of a ship in international navigation may be performed by a recognized organization. |
| Za baždarenje broda plaća se naknada. | A fee is paid for calibrating the ship. |
| Visinu naknade iz stava 5 ovog člana za baždarenje koje vrši Organ uprave utvrđuje Vlada. | The amount of fee referred to in paragraph 5 of this Article for calibration performed by AMSPM shall be determined by the Government. |
| Naknada iz stava 6 ovog člana prihod je Budžeta. | The fee referred to in paragraph 6 of this Article is the revenue of the State Budget. |
| Način baždarenja broda i drugih plovnih objekata utvrđuje se tehničkim pravilima. | The manner of calibration of ships and other vessels is determined by technical rules. |
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| Strani brodovi koji podliježu baždarenju | Foreign vessels subject to calibration |
| Član 68 | Article 68 |
| Baždarenju podliježe i strani brod koji u crnogorskoj luci plaća naknadu čija se visina utvrđuje prema tonaži, ako je baždaren prema pravilima čije se odredbe bitno razlikuju od odredbi propisa za baždarenje plovnih objekata u Crnoj Gori. | A foreign ship that pays a fee in the Montenegrin port, the amount of which is determined according to the tonnage, is also subject to calibration, if it is calibrated according to the rules whose provisions differ significantly from the provisions of regulations for calibration of vessels in Montenegro. |
| Ponovno baždarenje | Re-calibration |
| Član 69 ﻿ | Article 69 ﻿ |
| Ponovno baždarenje broda vrši se, ako se: | Re-calibration of the ship is performed if: |
| 1) poslije baždarenja broda izvrše prepravke usljed kojih su nastale promjene u rasporedu, konstrukciji, kapacitetu, upotrebi prostora, dozvoljenom broju putnika na brodu, dodijeljenom nadvođu ili dozvoljenom gazu broda, zbog kojih se na brodu mijenja njegova tonaža; | 1) after calibration of the ship, alterations were made due to which changes occurred in the disposition, structure, capacity, use of space, allowable number of passengers on board, assigned freeboard or allowable draught of the ship, due to which the tonnage of the ship changes; |
| 2) posumnja u pravilnost izvršenog baždarenja; | 2) doubts are raised as to the regularity of the performed calibration; |
| 3) brod unutrašnje plovidbe upisuje u upisnik brodova. | 3) when a coastal ship is entered in the register of ships. |
| Brod unutrašnje plovidbe iz stava 1 tačka 3 ovog člana je brod registrovan za plovidbu na unutrašnjim vodama, čija dužina trupa iznosi najmanje 15 m, a širina trupa - najmanje 3 m ili čija je najveća istisnina najmanje 15 tona, kao i tegljač i potiskivač, bez obzira na njihovu dužinu, širinu i istisninu. | Coastal ship referred to in paragraph 1, item 3 of this Article is a vessel registered for navigation on inland waters, whose hull length is at least 15 m and hull width - at least 3 m or whose maximum displacement is at least 15 tons, as well as a tugboat and a pusher, regardless of their length, width and displacement. |
| Ponovno baždarenje broda iz stava 1 tačka 1 ovog člana vrši se u cjelini ili djelimično u zavisnosti od izvršenih prepravki broda. | Re-calibration of the ship referred to in paragraph 1 item 1 of this Article shall be performed in whole or in part, depending on the performed repairs of the ship. |
| Zahtjev za ponovno baždarenje iz stava 1 tačka 1 ovog člana podnosi se prije završetka prepravke broda. | The request for re-calibration referred to in paragraph 1 item 1 of this Article shall be submitted before the completion of the ship's conversion. |
| Ponovno baždarenje iz stava 1 tač. 1 i 3 ovog člana vrši se na zahtjev brodara, a baždarenje iz stava 1 tačka 2 ovog člana vrši se po službenoj dužnosti. | Re-calibration from paragraph 1 item 1 and 3 of this Article shall be performed at the request of the ship operator, and the calibration referred to in paragraph 1, item 2 of this Article shall be performed ex officio. |
| Ponovno baždarenje broda iz stava 1 tačka 2 ovog člana ne smiju da vrše zaposlena lica koja su izvršila prethodno baždarenje u čiju se pravilnost sumnja. | Re-calibration of the ship referred to in paragraph 1, item 2 of this Article may not be performed by employees who have performed a previous calibration whose regularity is suspected. |
| VI. BRODSKE ISPRAVE, ZAPISI I KNjIGE ﻿ | VI. SHIP DOCUMENT, RECORDS AND BOOKS ﻿ |
| Isprave, zapisi i knjige ﻿ | Documents, records and books ﻿ |
| Član 70 ﻿ | Article 70 ﻿ |
| Brodske isprave, zapisi i knjige propisane ovim zakonom moraju da se nalaze na brodu i uvijek da bude dostupne u svrhu provjere. | Ship documents, records and books prescribed by this law must be kept on board and always be available for verification purposes. |
| Brodske isprave, zapisi i knjige koje brod mora da ima u skladu sa ovim zakonom služe kao dokaz o identitetu, sposobnosti za plovidbu i ostalim svojstvima broda. | Ship documents, records and books that a ship must have in accordance with this law serve as proof of identity, seaworthiness and other characteristics of the ship. |
| U brodske zapise i knjige, koje brod vodi, unose se podaci o važnim događajima na brodu i obavljenim radnjama na brodu. | In the ship's records and books, which are kept by the ship, data on important events on the ship and performed actions on the ship are entered. |
| Brodske isprave, zapisi i knjige vode se na način sa rokovima važenja utvrđenim tehničkim pravilima. | Ship's documents, records and books are kept in a manner with validity periods determined by technical rules. |
| Brodske isprave, zapisi i knjige mogu se suspendovati i povući pod uslovima utvrđenim tehničkim pravilima. | Ship documents, records and books may be suspended and withdrawn under the conditions established by the technical rules. |
| Način vođenja brodskih isprava, zapisa i knjiga | Process of keeping ship documents, records and books |
| Član 70a | Article 70a |
| Brodske isprave, zapisi i knjige propisane ovim zakonom moraju da budu napisane na crnogorskom jeziku latiničnim pismom, osim brodskog dnevnika i dnevnika mašine koji se na brodovima u međunarodnoj plovidbi može voditi na engleskom jeziku. | Ship documents, records and books prescribed by this law must be written in the Montenegrin language in the Latin alphabet, except for the ship's logbook and the logbook of a machine that can be kept in English on ships in international navigation. |
| Brodske isprave, zapisi i knjige izdate na osnovu međunarodnih konvencija, kodeksa, protokola i rezolucija mogu da budu prevedene na engleski jezik, ako je to utvrđeno konvencijama, kodeksima, protokolima i rezolucijama. | Ship's documents, records and books issued on the basis of international conventions, codes, protocols and resolutions may be translated into English, if it is determined by conventions, codes, protocols and resolutions. |
| Brodske isprave, zapisi i knjige propisane ovim zakonom mogu se voditi u pisanom ili elektronskom obliku. | Ship documents, records and books prescribed by this law may be kept in written or electronic form. |
| Obrazac brodskih isprava, zapisa i knjiga propisuje Ministarstvo. | The form of ship documents, records and books is prescribed by the Ministry. |
| Upisni list | Certificate of Registry |
| Član 71 | Article 71 |
| Brodu upisanom u upisnik brodova u skladu sa zakonom izdaje se upisni list. | A certificate of registry shall be issued to a ship entered in the register of ships in accordance with the law. |
| Upisnim listom iz stava 1 ovog člana dokazuje se crnogorska državna pripadnost broda, uz naznaku da brod ima pravo i dužnost da vije Zastavu trgovačke mornarice Crne Gore (u daljem tekstu: Zastava), njegova namjena i kategorija plovidbe. | The certificate referred to in paragraph 1 of this Article proves the Montenegrin nationality of the ship, indicating that the ship has the right and duty to fly the Flag of the Merchant Navy of Montenegro (hereinafter: Flag), its purpose and category of navigation. |
| Upisni list sadrži sve podatke iz upisnika brodova u koji je brod upisan. | The certificate contains all the data from the register of ships in which the ship is registered. |
| U slučaju neusaglašenosti sadržaja upisnog lista sa sadržajem upisnika brodova u pogledu upisanih prava na brodu važi ono što je upisano u upisniku brodova. | In case of discrepancy between the content of the certificate of registry and the content of the register of ships in terms of registered rights on the ship, what is entered in the register of ships shall apply. |
| Upisni list izdaje Lučka kapetanija koja je izvršila upis broda u upisnik brodova. | Certificate of registry is issued by the Harbour Master Office, which registered the ship in the register of ships. |
| Za izdavanje upisnog lista i brodskih isprava iz člana 70 ovog zakona, koje izdaje Lučka kapetanija, plaća se naknada koja je prihod Budžeta. | For the issuance of the certificate of registry and ship documents referred to in Article 70 of this Law, issued by the Harbour Master Office, a fee is paid which is the revenue of the State Budget. |
| Visinu naknade iz stava 6 ovog člana utvrđuje Vlada. | The amount of fee referred to in paragraph 6 of this Article shall be determined by the Government. |
| Zamjena upisnog lista | Replacement of Certificate of Registry |
| Član 72 | Article 72 |
| Lučka kapetanija koja je izdala upisni list dužna je, po službenoj dužnosti, da unese propisane podatke u upisni list broda. | The Harbour Master Office that issued the registration form is obliged to enter, ex officio, required information in the Certificate of Registration. |
| Ako se brodu promijeni ime, luka upisa, tonaža, vrsta pogona, znak raspoznavanja, namjena ili kategorija plovidbe, postojeći upisni list zamjenjuje se novim upisnim listom. | 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. |
| Privremeni plovidbeni list | Temporary certificate of registration |
| Član 73 ﻿ | Article 73 ﻿ |
| Privremeni plovidbeni list izdaje se brodu nabavljenom u inostranstvu koji nema upisni list i brodu koji je u inostranstvu, a izgubljen mu je upisni list. | Temporary certificate of registry 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. |
| Brod koji nije upisan u upisnik brodova stiče privremenim plovidbenim listom crnogorsku državnu pripadnost i pravo i dužnost da vije Zastavu. | 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. |
| Privremeni plovidbeni list važi do dana kada brod stigne u prvu crnogorsku luku ili se upiše u upisnik brodova, a najduže godinu dana od dana njegovog izdavanja. | 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. |
| Privremeni plovidbeni list izdaje diplomatsko - konzularno predstavništvo Crne Gore. | Temporary certificate of registration shall be issued by the diplomatic-consular mission of Montenegro. |
| Upisni list ili privremeni plovidbeni list su dokaz o identitetu broda. | The registration form or temporary registration certificate is proof of the ship's identity. |
| Način izdavanja i obrazac privremenog plovidbenog lista propisuje Ministarstvo. | The manner of issuance and the format of the temporary certificate of registration shall be set by the Ministry. |
| Način vođenja brodskih isprava i knjiga | Manner of keeping shipping documents and books |
| Član 74 ﻿ | Article 74 ﻿ |
| - brisan - | - erased - |
| VII. PLUTAJUĆI POMORSKI OBJEKAT ﻿ | VII. FLOATING MARITIME FACILITY ﻿ |
| Utvrđivanje sposobnosti za upotrebu plutajućeg pomorskog objekta ﻿ | Establishing floating facility’s fitness for operation |
| Član 75 ﻿ | Article 75 ﻿ |
| Plutajući pomorski objekat je sposoban za upotrebu ako ispunjava uslove u pogledu: | A floating facility shall be deemed fit to use if meeting the requirements regarding: |
| 1) sigurnosti ljudskih života, objekta i imovine; | 1) security of human lives, facilities and property; |
| 2) sprječavanja zagađivanja mora u skladu sa zakonom; | 2) prevention of marine pollution in accordance with the law; |
| 3) zaštite na radu, smještaja posade i drugih lica na objektu; | 3) occupational health and safety, accommodation of crew and other persons on the facility; |
| 4) sigurnosti uređaja za rukovanje teretom; | 4) safety of cargo handling gear; |
| 5) obavljanja namjenske djelatnosti; | 5) performing dedicated activities; |
| 6 propisanog minimalnog broja članova posade sa odgovarajućim ovlašćenjem o osposobljenosti koje objekat mora da ima za sigurnu upotrebu; | 6 the prescribed minimum number of crew members with the appropriate authorization on the competence that the facility must have for safe use; |
| 7) smještaja i broja drugih lica na objektu u skladu sa ispravama, knjigama i odobrenom tehničkom dokumentacijom objekta; | 7) accommodation and number of other persons on the facility in accordance with certificates, books and approved technical documentation of the facility; |
| 8) tereta na objektu u skladu sa ispravama, knjigama i odobrenom tehničkom dokumentacijom objekta; | 8) cargo on board in accordance with documents, books and approved technical documentation of the facility; |
| 9) sigurnosti priveza, usidrenja i polaganja na morsko dno, dijelom ili potpunim ukopavanjem u morsko dno. | 9) safety of mooring, anchoring and positioning on the seabed, partially or completely buried in the seabed. |
| Bliže uslove iz stava 1 ovog člana propisuje Ministarstvo, uz saglasnost organa državne uprave nadležnog za ekonomiju. | More detailed conditions referred to in paragraph 1 of this Article shall be prescribed by the Ministry, with the consent of the state administrative body responsible for the economy. |
| Utvrđivanje sposobnosti plutajućih pomorskih objekata ﻿ | Determination of fitness for use ﻿ |
| Član 76 ﻿ | Article 76 ﻿ |
| Za utvrđivanje sposobnosti plutajućih pomorskih objekata iz člana 75 stav 1 ovog zakona primjenjuju se odredbe čl. 52 do 60 ovog zakona, prema namjeni i lokaciji. | When determining the floating marine facility’s fitness for use, the provisions of Article 52-60 of this law shall apply, according to the purpose and location. |
| Baždarenje plutajućeg objekta | Calibration of the floating facility |
| Član 77 | Article 77 |
| Baždarenje plutajućeg objekta vrši se u skladu sa čl. 67 do 69 ovog zakona, prema namjeni i lokaciji. | Calibration of floating marine facility shall be conducted according to the provisions of Article 67-69, according to the purpose and location. |
| Isprave i knjige plutajućeg pomorskog objekta ﻿ | Documents and books of the floating maritime facility |
| Član 78 ﻿ | Article 78 ﻿ |
| Plutajući pomorski objekat mora da ima isprave i knjige u skladu sa čl. 70 do 73 ovog zakona, prema namjeni i lokaciji. | A floating maritime facility must have documents and books in accordance with Article 70-73 of this law, according to the purpose and location. |
| Za izdavanje isprava i knjiga iz stava 1 ovog člana plaća se naknada, koja je prihod Budžeta. | A fee, which is the revenue of the Budget, shall be paid for the issuance of documents and books referred to in paragraph 1 of this Article. |
| Visinu naknade iz stava 2 ovog člana utvrđuje Vlada. | The amount of fee referred to in paragraph 2 of this Article shall be determined by the Government. |
| Postavljanje i upotreba plutajućeg pomorskog objekta ﻿ | Siting and use of a floating facility ﻿ |
| Član 79 ﻿ | Article 79 ﻿ |
| Plutajući pomorski objekti postavljaju se u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore uz saglasnost Lučke kapetanije. | Floating maritime facilities are set up in the internal and territorial waters of Montenegro with the consent of the Harbour Master Office. |
| Ukoliko se plutajući pomorski objekat vezuje, sidri, polaže ili ukopava na području luke, pored saglasnosti iz stava 1 ovog člana, potrebna je i saglasnost organa uprave nadležnog za luke, odnosno pravnog lica koje upravlja morskim dobrom. | If a floating maritime facility is moored, anchored, positioned or embedded in the port area, in addition to the consent referred to in paragraph 1 of this Article, the consent of the administrative body responsible for ports, i.e. the legal entity managing the maritime domain is required. |
| Upis u upisnik plutajućih pomorskih objekata ﻿ | Entry into register of floating maritime facilities ﻿ |
| Član 80 ﻿ | Article 80 ﻿ |
| - prestao da važi - | - not in effect - |
|  |  |
| Isprave za upis | Documents needed for registration |
| Član 81 ﻿ | Article 81 ﻿ |
| - prestao da važi - | - not in effect - |
|  |  |
| Oznaka plutajućeg pomorskog objekta ﻿ | Marking of the floating maritime facility ﻿ |
| Član 82 ﻿ | Article 82 ﻿ |
| - prestao da važi - | - not in effect - |
|  |  |
| VIII. ČAMAC | VIII. BOAT |
| Utvrđivanje sposobnosti čamca za plovidbu | Establishing boat seaworthiness |
| Član 83 ﻿ | Article 83 ﻿ |
| Sposobnost čamca za plovidbu utvrđuje Organ uprave, na zahtjev vlasnika čamca. | Boat seaworthiness shall be established by the Administration body, at the request of the boat owner. |
| Čamac je sposoban za plovidbu, u određenom području plovidbe i za određenu namjenu, ako njegova konstrukcija, plovna svojstva, pogonski i drugi uređaji i oprema ispunjavaju zahtjeve utvrđene tehničkim pravilima. | 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 technical rules. |
| Novoizgrađeni čamac namijenjen za privredne svrhe, kao i postojeći čamci koji mijenjaju namjenu, radi obavljanja privredne djelatnosti, sposobni su za plovidbu, ako njihova konstrukcija, plovna svojstva, pogonski i drugi uređaji i oprema ispunjavaju zahtjeve utvrđene tehničkim pravilima. | 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 by technical rules. |
| Tehničkim pravilima iz st. 2 i 3 ovog člana uređuju se zahtjevi koje moraju da ispunjavaju čamci, postupci ocjene usklađenosti projekta i gradnje čamca i način obavljanja pregleda radi utvrđivanja sposobnosti čamca za plovidbu. | Technical rules from paragraph 2 and 3 of this Article regulate the requirements that must be met by boats, the procedures for assessing the conformity of the project and the construction of a boat and the manner of performing the inspection in order to determine the boat’s seaworthiness. |
| Ako se prilikom pregleda utvrdi da čamac ima nedostataka koji bitno ne ugrožavaju njegovu sposobnost za plovidbu, Organ uprave može izdati svjedočanstvo o sposobnosti čamca za plovidbu pod uslovom, da se utvrđeni nedostaci otklone u određenom roku, ili svjedočanstvo sa ograničenim rokom trajanja, ograničenim područjem plovidbe ili smanjivanjem dozvoljene nosivosti tereta i/ili putnika ili lica u čamcu. | If during the inspection it is determined that the boat has defects that do not significantly endanger its seaworthiness, AMSPM may issue a certificate of seaworthiness of a boat provided that the identified deficiencies are eliminated within a certain period, or a certificate with a limited duration or by reducing the limits of allowed deadweight and of cargo and / or passengers or persons in a boat. |
| Pregled čamca | Boat survey |
| Član 84 ﻿ | Article 84 ﻿ |
| Sposobnost čamca za plovidbu utvrđuje se pregledom. | Boat seaworthiness shall be established by way of a survey |
| Pregledi čamaca mogu biti osnovni, redovni i vanredni. | Boat survey may be basic, regular and extraordinary. |
| Za vršenje pregleda iz stava 2 ovog člana plaća se naknada, koja je prihod Budžeta. | A fee, which is the revenue of the State Budget, shall be paid for performing the survey referred to in paragraph 2 of this Article. |
| Visinu naknade iz stava 3 ovog člana utvrđuje Vlada. | The amount of fee referred to in paragraph 3 of this Article shall be determined by the Government. |
| Naknadu za pregled čamca iz stava 3 ovog člana, ne plaćaju čamci koji su u državnoj svojini. | The fee for boat survey referred to in paragraph 3 of this Article shall not be paid for state-owned boats. |
| Redovni i vanredni pregled čamca vrši se, po pravilu, na vodi, osim ako Organ uprave utvrdi da je stanje čamca takvo da ga treba pregledati na kopnu ili ako se radi o čamcu za privredne svrhe. | Regular and extraordinary survey of a boat is, as a rule, performed while afloat, unless AMSPM determines that the condition of a boat is such that it should be inspected on land or if it is a boat for commercial purposes. |
| Osnovni pregled čamca | Basic boat survey |
| Član 85 | Article 85 |
| Osnovni pregled čamca vrši Organ uprave prije upisa u upisnik čamaca, kao i poslije svake prepravke, odnosno popravke čamca, promjene namjene ili područja plovidbe. | Basic survey of a boat is performed by AMSPM before the entry in the register of boats, as well as after each modification, i.e. repair of a boat, change of purpose or navigation range. |
| Osnovni pregled čamca vrši se na kopnu i na vodi. | The basic survey of a boat is done on land and while afloat. |
| Redovni pregled čamca | Regular boat survey |
| Član 86 ﻿ | Article 86 ﻿ |
| Redovnim pregledom čamca utvrđuje se stanje trupa, pogonskih i drugih uređaja i opreme čamca. | Regular boat survey aims to determine the condition of the hull, propulsion and other gear and equipment of the boat. |
| Redovni pregled čamca za privredne i javne svrhe vrši Organ uprave, svake dvije godine. | Regular survey of boats for commercial and public purposes is performed by AMSPM, once every two years. |
| Redovni pregled čamca za privredne svrhe - prevoz putnika i plovila na vodeni mlazni pogon za privredne svrhe vrši se godišnje i izdaje se svjedočanstvo o sposobnosti za plovidbu čamca sa rokom važenja do 30. maja naredne godine. | Regular survey of boats for commercial purposes - transport of passengers and vessels on a water jet propulsion for commercial purposes is performed annually and a certificate of seaworthiness of a boat is issued with a validity period until May 30 of next year. |
| Redovni pregled čamaca za lične potrebe vrši Ministarstvo svake pete godine, što potvrđuje izvještajem o pregledu čamca. | Regular survey of boats for personal needs is performed by the Ministry every five years, which is confirmed by the report on the inspection of boats. |
| Redovni pregled skutera ili ski-džeta za lične potrebe vrši Ministarstvo, svake tri godine. | Regular survey of scooters or ski jets for personal use is performed by the Ministry, every three years. |
| Vanredni pregled čamca | Extraordinary boat survey |
| Član 87 ﻿ | Article 87 ﻿ |
| Vanredni pregled čamca koji je upisan u upisnik čamaca vrši Organ uprave i to kada je čamac pretrpio pomorsku nezgodu ili nesreću i kada se posumnja da čamac ne ispunjava propisane uslove u pogledu sposobnosti za plovidbu. | Extraordinary survey of a boat that is entered in the register of boats is performed by AMSPM when the boat has suffered a maritime incident or an accident and when it is suspected that the boat does not meet the prescribed conditions regarding seaworthiness. |
| Lice koje je upravljalo čamcem koji je pretrpio pomorsku nesreću, dužno je da odmah prijavi nastanak pomorske nesreće, a u slučaju pomorske nezgode dužno je da, u roku od 12 sati od trenutka nastanka pomorske nezgode, podnese prijavu nadležnoj Lučkoj kapetaniji. | The person who steered a boat that suffered a maritime accident is obliged to immediately report the occurrence of the maritime accident, and in case of a maritime incident, he or she is obliged to submit a report to the competent Harbour Master Office within 12 hours from the moment of the maritime accident. |
| Obrazac prijave iz stava 2 ovog člana propisuje Ministarstvo. | The application form referred to in paragraph 2 of this Article shall be prescribed by the Ministry. |
| Gradnja čamca | Boat construction |
| Član 88 ﻿ | Article 88 ﻿ |
| Pravno ili fizičko lice koje namjerava da gradi čamac dužno je da, prije početka gradnje čamca, pribavi saglasnost Organa uprave na tehničku dokumentaciju za gradnju čamca. | A legal or natural person who intends to build a boat is obliged to obtain the consent of AMSPM to the technical documentation for the construction of the boat before the start of the construction of the boat. |
| Saglasnost iz stava 1 ovog člana izdaje se na osnovu zahtjeva uz koji se prilaže sljedeća dokumentacija: | The consent referred to in paragraph 1 of this Article shall be issued on the basis of a request accompanied by the following documentation: |
| 1) opšti plan; | 1) general layout; |
| 2) plan gradnje sa presjecima i plan glavnog rebra; | 2) construction plan with cross-sections and mid-ship section plan; |
| 3) smještaj opreme i lica; | 3) housing of equipment and of persons; |
| 4) tehnički opis. | 4) technical description. |
| Organ uprave može, nakon pregleda dokumentacije iz stava 2 ovog člana, tražiti dodatne nacrte i proračune radi davanja saglasnosti. | AMSPM may, following the examination of the documents referred to in paragraph 2 of this article, request additional blueprints and calculations before giving its consent. |
| Tehnički nadzor nad gradnjom čamca vrši Organ uprave. | Technical supervision over the construction of a boat is performed by AMSPM. |
| Za vršenje nadzora iz stava 4 ovog člana plaća se naknada, koja je prihod Budžeta. | A fee, which is the revenue of the State Budget, shall be paid for performing the supervision referred to in paragraph 4 of this Article. |
| Visinu naknade iz stava 5 ovog člana utvrđuje Vlada. | The amount of fee referred to in paragraph 5 of this Article shall be determined by the Government. |
| Organ uprave, po završetku gradnje, izdaje svjedočanstvo o gradnji čamca. | AMSPM, upon completion of construction, issues a certificate of construction of a boat. |
| Obrazac svjedočanstva iz stava 7 ovog člana propisuje Ministarstvo. | The format of the certificate referred to in paragraph 7 of this Article shall be prescribed by the Ministry. |
| Plovna svojstva čamca, broj lica i oprema | Boat sea-kindliness, number of persons and equipment |
| Član 89 ﻿ | Article 89 ﻿ |
| Plovna svojstva čamca, broj lica koja se smiju ukrcati na čamac, kao i opremu koju mora da ima čamac utvrđuje Organ uprave, u skladu sa tehničkim pravilima. | Boat sea-kindliness, the number of persons allowed on board, and mandatory equipment shall be set by AMSPM, in accordance with the technical rules. |
| Zabranjeno je čamcem prevoziti veći broj lica od broja lica koja se smiju ukrcati na čamac. | Transporting more persons on board a boat than allowed shall be prohibited. |
| Na čamcu namijenjenom za privredne svrhe - prevoz putnika, na vidnom mjestu, na ulazu prostora za putnike, mora biti ispisan broj putnika koje čamac smije prevoziti. | A boat intended for commercial purposes – passenger transport shall clearly display, at the entrance to passenger area, the allowed number of passenger on board. |
| Ispisivanje broja putnika iz stava 3 ovog člana vrši se na crnogorskom i engleskom jeziku. | The sign referred to in paragraph 3 of this Article shall be written in Montenegrin and English. |
| Čamci namijenjeni za privredne svrhe moraju imati, na bokovima sa spoljnje strane čamca, obilježenu oznaku vodene linije, dimenzija 150 x 15 mm. | Boats intended for commercial purposes shall have waterline marked on outer hull sides, size 150 x 15 mm. |
|  |  |
| Svjedočanstvo o sposobnosti čamca za plovidbu | Certificate of seaworthiness |
| Član 90 | Article 90 |
| Nakon izvršenog pregleda čamca iz čl. 83 do 87 ovog zakona, kojim je utvrđeno da je čamac sposoban za plovidbu, Organ uprave izdaje svjedočanstvo o sposobnosti čamca za plovidbu. | Following boat survey referred to in Article 83 to 87 of this Law, which determines that the boat is seaworthy, AMSPM shall issue a certificate of seaworthiness of the boat. |
| Obrazac svjedočanstva iz stava 1 ovog člana propisuje Ministarstvo. | The format of the certificate referred to in paragraph 1 of this Article shall be prescribed by the Ministry. |
| Baždarenje čamca | Boat calibration |
| Član 91 ﻿ | Article 91 ﻿ |
| Baždarenje čamca vrši se radi utvrđivanja tonaže čamca. | Calibration of the boat is done to determine the tonnage of the boat. |
| Baždarenje čamca vrši Organ uprave prije upisa čamca u upisnik čamaca. | Calibration of the boat is performed by AMSPM before the entry of the boat in the register of boats. |
| Baždarenje se vrši u skladu sa tehničkim pravilima. | Calibration is performed in accordance with technical rules. |
| Za vršenje baždarenja iz stava 1 ovog člana plaća se naknada, koja je prihod Budžeta. | A fee shall be paid for performing the calibration referred to in paragraph 1 of this Article, which is the revenue of the Budget. |
| Visinu naknade iz stava 4 ovog člana utvrđuje Vlada. | The amount of compensation referred to in paragraph 4 of this Article shall be determined by the Government. |
| Ako se prepravkom mijenja tonaža čamca vrši se ponovno baždarenje. | If alterations change boat tonnage, calibration shall be repeated. |
| Nakon izvršenog baždarenja Organ uprave izdaje svjedočanstvo o baždarenju čamca. | After the calibration, AMSPM issues a certificate of calibration of the boat. |
| Obrazac svjedočanstva iz stava 7 ovog člana propisuje Ministarstvo. | The format of the certificate referred to in paragraph 7 of this Article shall be prescribed by the Ministry. |
|  |  |
| Plovidba čamca | Boat navigation |
| Član 92 ﻿ | Article 92 ﻿ |
| Kategorije plovidbe čamaca propisuje Ministarstvo. | Boat navigation categories are prescribed by the Ministry. |
| Lučka kapetanija može, na zahtjev vlasnika čamca, izdati neupisanom čamcu privremeno odobrenje za plovidbu, u trajanju do 30 dana, zbog obavljanja probnih vožnji ili uplovljenja u luku na čijem se području nalazi Lučka kapetanija u kojoj će se čamac upisati. | The Harbour Master Office may, at the request of the boat owner, issues a temporary navigation license to an unregistered boat, valid for 30 days, to perform sea trials or sail into the port within the territory of Harbour Master Office where the boat will be registered is located. |
| Privremeno odobrenje za plovidbu iz stava 2 ovog člana izdaje se čamcu koji posjeduje važeće svjedočanstvo o sposobnosti čamca za plovidbu, nakon obavljenog tehničkog pregleda. | The temporary navigation permit referred to in paragraph 2 of this Article shall be issued to a boat that holds a valid certificate of seaworthiness, after the technical inspection. |
| Posada čamca i ispit za voditelja čamca | Boat crew and boatmaster's exam |
| Član 93 ﻿ | Article 93 ﻿ |
| Čamcem za lične potrebe može da upravlja lice sa najmanje 16 godina života koje ima uvjerenje za ja čamca. | A boat for personal needs can be operated by a person with at least 16 years of age who has a boatmaster's license. |
| Čamcem za privredne i javne svrhe, osim plovila na vodeni mlazni pogon do tri sjedišta može da upravlja lice koje ima ovlašćenje za mornara-motoristu i ovlašćenje o osposobljenosti za VHF DSC radio-operatora (CEPT 31-04E) ili za GMDSS radio-operatora sa ograničenim ovlašćenjem. | A boat for commercial and public purposes, except for water-jet vessels with up to three seats, may be operated by a person who has a skipper’s license and a license for VHF DSC radio operator (CEPT 31-04E) or for GMDSS radio operator with limited authority. |
| Na čamcu namijenjenom za privredne i javne svrhe, pored lica iz stava 2 ovog člana, mora biti ukrcan i jedan član posade sa uvjerenjem za voditelja čamca. | Apart from the person referred to in paragraph 2 of this article, one crewmember holding a boat operator’s license shall be on board a boat intended for commercial and public purposes. |
| Plovilom na vodeni mlazni pogon do tri sjedišta upravlja lice koje ima uvjerenje za voditelja čamca ili ovlašćenje za mornara-motoristu ili se obučava na poligonu za obuku. | Water-jet vessel with up to three seats shall be operated by a person holding a boatmaster’s licence or a skipper’s license or is in training at a training area. |
| Na gliseru kojim se obavlja obučavanje skijaša na moru, pored mornara motoriste, mora biti ukrcano još jedno lice koje nadzire skijaša i daje mu uputstva. | On the speedboat that trains skiers at sea, in addition to a skipper, another person must be embarked to supervise the skier and give him or her instructions. |
| Ispit za voditelja čamca polaže se prema programu za polaganje ispita za voditelja čamca pred komisijom za polaganje ispita za voditelja čamca (u daljem tekstu: Komisija za polaganje ispita), koju obrazuje Ministarstvo. | The Boatmaster's Exam is taken according to the Boatmaster's Examination Program before the Boatmaster's Examination Commission (hereinafter: the Examination Commission), formed by the Ministry. |
| Uvjerenje za voditelja čamca izdaje se nakon položenog ispita. | The boatmaster's certificate is issued after passing the exam. |
| Za polaganje ispita za voditelja čamca plaća se naknada, koja je prihod Budžeta. | A fee is paid for taking the boatmaster's exam, which is the revenue of the State Budget revenue. |
| Visinu naknade iz stava 8 ovog člana utvrđuje Vlada. | The amount of compensation referred to in paragraph 8 of this Article shall be determined by the Government. |
| Program i način polaganja ispita, sastav Komisije za polaganje ispita i obrazac uvjerenja za voditelja čamca utvrđuju se propisom Ministarstva. | The program and manner of taking the exam, the composition of the Examination Commission and the certificate form for the boatmaster are determined by a regulation of the Ministry. |
| Korišćenje čamca | Boat usage |
| Član 94 ﻿ | Article 94 ﻿ |
| Čamac koji ima motor iznad 3 kW, odnosno plovilo na vodeni mlazni pogon bez obzira na snagu motora koji se koristi za lične potrebe, može se dati na korišćenje samo licu koje ima uvjerenje za voditelja čamca, uz pisanu saglasnost vlasnika čamca odnosno plovila. | A boat with an engine above 3 kW, i.e. a water-jet vessel used for personal needs regardless of the power of the engine, may be given for use only to a person who has a boatmaster's certificate, with the written consent of owner of the boat or vessel. |
| Ako crnogorski ili strani državljanin zakupi čamac koji ima motor iznad 3 kW, odnosno plovilo na vodeni mlazni pogon, bez obzira na snagu motora, mora da posjeduje uvjerenje za voditelja čamca. | If a Montenegrin or foreign citizen rents a boat that has an engine above 3 kW, or a water-powered jet, regardless of the power of the engine, he must have a certificate for the driver of the boat. |
| Pravno ili fizičko lice koje daje u zakup čamac dužno je, prije davanja u zakup čamca, provjeriti da li zakupac posjeduje uvjerenje za voditelja čamca. | A legal or natural person who rents a boat is obliged, before leasing the boat, to check whether the charterer has a certificate for the boat operator. |
| Čamac koji plovi teritorijalnim morem i unutrašnjim morskim vodama Crne Gore, mora na krmenom koplju ili drugom pogodnom mjestu istaknuti zastavu Crne Gore i zastavu državne pripadnosti tokom dana (od izlaska do zalaska sunca), veličine 0.45 x 0.80 metara koja nije oštećena. | A boat sailing in the territorial and internal waters of Montenegro must display the flag of Montenegro and the flag of nationality during the day (from sunrise to sunset), size 0.45 x 0.80 meters, which is not damaged, on the stern spear or other suitable place. |
| Upis čamca | Boat registration |
| Član 95 | Article 95 |
| Upis čamaca vrši nadležna Lučka kapetanija prema mjestu prebivališta, odnosno sjedišta vlasnika čamca. | Registration of boats is conducted by the competent Harbour Master Office according to the place of residence, i.e. the seat of the boat owner. |
| U upisnik čamaca moraju se upisati čamci koji se stalno ili pretežno zadržavaju ili plove u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore, bez obzira na sjedište, odnosno prebivalište vlasnika čamca. | 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 |
| U upisnik čamaca upisuje se i čamac koji je u cjelini ili dijelom u svojini stranog fizičkog ili pravnog lica ili državljanina Crne Gore koji nema prebivalište u Crnoj Gori, ako čamac pretežno boravi u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore. | 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. |
| Upisnik čamaca | Boat registry |
| Član 96 | Article 96 |
| Upisnik čamaca je javna knjiga, a izvod iz upisnika čamaca je javna isprava. | The register of boats is a public register, and an excerpt from the register of boats is a public document. |
| Za izdavanje izvoda iz upisnika čamaca plaća se naknada, koja je prihod Budžeta. Visinu naknade iz stava 2 ovog člana utvrđuje Vlada. | A fee is paid for the issuance of an excerpt from the register of boats, which is the revenue of the State Budget. The amount of compensation referred to in paragraph 2 of this Article shall be determined by the Government. |
| Sadržaj Upisnika | Boat register contents |
| Član 97 | Article 97 |
| Upisnik čamaca se sastoji od uložaka. | The boat register consists of sheets. |
| Svaki čamac upisuje se u poseban uložak. | Each boat is inscribed in a separate sheet. |
| Obrazac upisnika čamaca propisuje Ministarstvo. | The format of the boat register is prescribed by the Ministry. |
| Zbirka isprava | Collection of documents |
| Član 98 | Article 98 |
| Zbirka isprava sadrži isprave na osnovu kojih je izvršen upis čamca u upisnik čamaca. | The collection of documents contains documents on the basis of which the boat was entered in the boat register. |
| Imenik vlasnika | Owner directory |
| Član 99 | Article 99 |
| Imenik vlasnika čamaca sadrži naziv i sjedište, odnosno ime i prezime i prebivalište vlasnika i oznaku čamca i vodi se po abecednom redu. | The directory of boat owners contains the name and address, i.e. the name and surname and residence of the owner and the designation of the boat and is kept in alphabetical order. |
| Vrste zahtjeva | Types of applications |
| Član 100 | Article 100 |
| Zahtjev za upis čamca u upisnik čamaca, za upis promjena ili za brisanje čamca iz upisnika podnosi vlasnik čamca nadležnoj Lučkoj kapetaniji. | The application for entering a boat into boat register, for entering changes or deregistering a boat shall be filed by the boat owner to the competent Harbour Master Office. |
| Zahtjev za upis nastalih promjena vlasnik čamca je dužan podnijeti u roku od 30 dana od dana nastale promjene. | The owner is obliged to file an application for entering changes that have occurred within 30 days from their occurrence. |
| Upis čamca u upisnik vrši se na osnovu rješenja Lučke kapetanije. | The entry of the boat in the register is done on the basis of the decision of the Harbour Master Office. |
| Rješenje iz stava 3 ovog člana je konačno. | The decision referred to in paragraph 3 of this Article shall be final. |
| Način upisa čamaca | Procedure for registering boats |
| Član 101 ﻿ | Article 101 ﻿ |
| Uz zahtjev za prvi upis čamca prilaže se: | The request for the first registration of the boat shall be accompanied by: |
| 1) dokaz o vlasništvu čamca (kupoprodajni ugovor, račun, carinska deklaracija, svjedočanstvo o gradnji, ugovor o poklonu i slično); | 1) proof of ownership (sale agreement, receipt, customs declaration, construction certificate, deed of gift, etc.); |
| 2) dokaz o sposobnosti čamca za plovidbu (svjedočanstvo o sposobnosti čamca za plovidbu); | 2) proof of seaworthiness (boat seaworthiness certificate); |
| 3) dokaz o tonaži (svjedočanstvo o baždarenju čamca); | 3) proof of tonnage (boat calibration certificate); |
| 4) knjiga stabiliteta za čamce za privredne svrhe, ovjerena od Organa uprave; | 4) stability book for boats for commercial purposes, certified by AMSPM; |
| 5) kopija polise o osiguranju vlasnika, odnosno korisnika plovnog objekta od odgovornosti za štete pričinjene trećim licima, kao i kopija polise o osiguranju putnika ako se radi o čamcu za privredne svrhe - prevoz putnika; | 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) dokaz da je čamac brisan iz stranog upisnika, ako je bio upisan u strani upisnik. | 6) proof of deregistration for boats previously registered in foreign boat registers. |
| Dokumentacija iz stava 1 ovog člana prilaže se u originalu ili ovjerenoj fotokopiji. | The documentation referred to in paragraph 1 of this Article shall be attached in the original or a certified photocopy. |
| Uz dokumentaciju koja je na stranom jeziku prilaže se i ovjereni prevod na crnogorski jezik. | Along with the documentation in a foreign language, a certified translation into Montenegrin shall be attached. |
| Ukoliko vlasnik čamca upisanog u upisnik čamaca promijeni sjedište, odnosno prebivalište ili promijeni područje na kojem se čamac pretežno zadržava i koristi dužan je da tu promjenu prijavi Lučkoj kapetaniji na čijem području ima novo sjedište, odnosno prebivalište ili na čijem području se čamac pretežno zadržava, u roku od 30 dana od dana nastanka promjene. | 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 Harbour Master Office 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. |
| Lučka kapetanija kojoj je vlasnik prijavio promjenu iz stava 4 ovog člana upisaće čamac u upisnik čamaca i izdati novu dozvolu za plovidbu čamca. | The Harbour Master Office to which the owner has reported the change referred to in paragraph 4 of this Article shall enter the boat in the register of boats and issue a new boat license. |
| Lučka kapetanija koja je izdala dozvolu za plovidbu iz stava 5 ovog člana dužna je da obavijesti Lučku kapetaniju kod koje je čamac bio upisan i zatraži dostavu zbirke isprava, u roku od 30 dana od dana izdavanja dozvole za plovidbu. | The Harbour Master Office that issued the navigation license referred to in paragraph 5 of this Article shall notify the Harbour Master Office where the boat was registered and request the delivery of a collection of documents, within 30 days from the date of issuance of the boat license. |
| Izuzetno, uz zahtjev za prvi upis čamca tradicionalne gradnje (čun) za plovidbu Skadarskim jezerom, ne prilaže se dokaz iz stava 1 tačka 1 ovog člana. | Exceptionally, the proof referred to in paragraph 1, item 1 of this Article shall not be attached to the request for the first registration of a boat of traditional construction (small boat) for navigation on Skadar Lake. |
|  |  |
| Brisanje čamca iz upisnika | Boat deregistration |
| Član 102 | Article 102 |
| Čamac se briše iz upisnika čamaca: | Boat shall be deregistered: |
| 1) ako nestane ili bude uništen; | 1) if it is missing or is destroyed; |
| 2) ako se trajno povuče iz plovidbe; | 2) if he permanently withdraws from navigation; |
| 3) ako se izvrši rekonstrukcija čamca tako da ne podliježe obavezi upisa u upisnik čamaca; | 3) if the reconstruction of the boat is performed so that it is not subject to the obligation to be entered in the register of boats; |
| 4) na zahtjev vlasnika. | 4) at the request of the owner. |
| Čamac se smatra nestalim ako je od prijema poslednje vijesti o čamcu proteklo više od tri mjeseca. | A boat shall be designated as missing if more than three months have passed since receiving the last information about the boat. |
| U slučaju iz stava 2 ovog člana smatra se da je čamac nestao narednog dana od dana prijema poslednje vijesti o čamcu. | In the case referred to in paragraph 2 of this Article, the boat shall be deemed as missing the day following the day of receipt of the last news about the boat. |
| Brisanje iz upisnika čamaca vrši se rješenjem Lučke kapetanije koja je upisala čamac u upisnik. | Boat deregistration is done by the decision of the Harbour Master Office, which entered the boat in the register. |
| Čamac se briše iz upisnika čamaca po službenoj dužnosti, nakon 30 dana od dana isteka važenja dozvole za plovidbu čamca. | A boat shall be deregistered ex officio, after 30 days from the date of expiration of the boat's license. |
| Dozvola za plovidbu čamca | Boat licence |
| Član 103 | Article 103 |
| Dozvola za plovidbu čamca izdaje se nakon upisa čamca u upisnik čamaca. | Boat licence shall be issued following registration. |
| Dozvola za plovidbu čamca sadrži: | Boat licence shall include: |
| 1) naziv organa koji je izdao dozvolu; | 1) the name of the body that issued the license; |
| 2) broj, datum i mjesto izdavanja dozvole; | 2) number, date and place of issuance of the license; |
| 3) oznaku i ime, ako čamac ima ime, luku upisa, mjesto i godinu gradnje; | 3) boat’s registration mark and name, if named, port of registry, place and year of make; |
| 4) karakteristike čamca (materijal gradnje, dimenzije, bruto tonaža, itd.); | 4) boat features (construction material, size, gross tonnage, etc.); |
| 5) ime, prezime i adresu, odnosno naziv i sjedište vlasnika; | 5) owner’s name, surname and address or business name and address; |
| 6) rok važenja dozvole za plovidbu. | 6) term of validity of the navigation license. |
| Za izdavanje dozvole za plovidbu plaća se naknada, koja je prihod Budžeta. | A fee, which is the revenue of the State Budget, is paid for the issuance of a navigation license. |
| Visinu naknade iz stava 3 ovog člana utvrđuje Vlada. | The amount of fee referred to in paragraph 3 of this Article shall be determined by the Government. |
| Obrazac dozvole za plovidbu čamca propisuje Ministarstvo. | The format of a boat license is prescribed by the Ministry. |
| Oznaka i ime čamca | Boat registration mark and name |
| Član 104 | Article 104 |
| Čamac mora da ima oznaku, a može imati i ime, koje određuje vlasnik čamca. | The boat must have a mark, and it can also have a name, which is determined by the owner of the boat. |
| Oznaka čamca sastoji se od dva slova i broja, koji označavaju Lučku kapetaniju upisa i redni broj pod kojim je čamac upisan u upisnik čamaca. | The designation of the boat consists of two letters and a number, which indicate the Harbour Master Office and the sequential number in the boat register. |
| Način označavanja čamca i oznaku čamca propisuje Ministarstvo. | The procedure of marking the boat and the marking of the boat shall be prescribed by the Ministry. |
| Isprave na čamcu | Documents held on board a boat |
| Član 105 ﻿ | Article 105 |
| Na čamcu u plovidbi mora se nalaziti važeća dozvola za plovidbu čamca, polisa o obaveznom osiguranju u skladu sa zakonom, plan rasporeda lica koje čamac za privredne svrhe - prevoz putnika smije da prevozi, uvjerenje za voditelja čamca, odnosno odgovarajuće ovlašćenje za lice koje upravlja čamcem za privredne svrhe i ugovor o prevozu putnika i/ili stvari u unutrašnjem pomorskom saobraćaju. | While navigating, a valid boat licence, mandatory insurance policy according to law, 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, as well as passenger and / or cargo transport contract shall be held on board. |
| IX. POSADA BRODA | IX. SHIP CREW |
| Lica koja čine posadu | Members of the crew |
| Član 106 | Article 106 |
| Posadu broda čine lica ukrcana na brodu koja su upisana u popis posade. | Chip crew shall consist of the persons embarked and registered in crew manifest. |
| Minimalni broj članova posade | Minimum safe manning |
| Član 107 | Article 107 |
| Za vršenje poslova kojima se obezbjeđuje plovidba, odnosno prilikom uplovljenja u luku ili isplovljenja iz luke brod mora da ima minimalni broj članova posade sa odgovarajućim ovlašćenjem o osposobljenosti i posebnoj osposobljenosti. | 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. |
| Minimalni broj članova posade broda prema kategoriji plovidbe, veličini i namjeni broda, snazi mašinskog postrojenja, stepenu automatizacije pogona i vremenu trajanja plovidbe propisuje Ministarstvo. | 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. |
| Ovlašćenje o osposobljenosti i posebnoj osposobljenosti ﻿ | Certificates of competency and proficiency ﻿ |
| Član 108 ﻿ | Article 108 ﻿ |
| Član posade broda koji vrši poslove kojima se obezbjeđuje plovidba može da bude lice koje ima najmanje 16 godina života, koje je steklo odgovarajuće zvanje i ima odgovarajuće ovlašćenje o osposobljenosti za vršenje poslova toga zvanja i ovlašćenja o posebnoj osposobljenosti, kao i pripravnik za sticanje zvanja. | 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 for the purpose of attaining the appropriate rank. |
| Zvanje člana posade broda može steći lice koje ispunjava uslove u pogledu stručne spreme i plovidbenog staža i ima završenu odgovarajuću obuku i položen ispit za sticanje odgovarajućeg zvanja. | 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. |
| Član posade broda koji je stekao odgovarajuće zvanje i dobio odgovarajuće ovlašćenje o osposobljenosti, mora da ima i odgovarajuća ovlašćenja o posebnoj osposobljenosti. | A crewmember holding the relevant rank and certificate of competency shall also hold pertinent certificates of proficiency. |
| Ovlašćenja o posebnoj osposobljenosti stiču se nakon završene obuke i položenog ispita za sticanje odgovarajućeg ovlašćenja o posebnoj osposobljenosti. | Certificates of proficiency shall be acquired following training and passing the exam required for being awarded the relevant certificate of proficiency. |
| Ovlašćenja o osposobljenosti i ovlašćenja o posebnoj osposobljenosti izdaju se na period od pet godina, osim ovlašćenja o osposobljenosti za: VHF DSC radio-operator (CEPT 31-04E), brodskog mehaničara i brodskog kuvara koja se izdaju na neodređeno vrijeme. | 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. |
| Pomorac je ovlašćen da na brodu obavlja brodske poslove onog nivoa odgovornosti za koje je osposobljen i za koje je stekao zvanje i dobio ovlašćenje o osposobljenosti, kao i sve brodske poslove koji se obavljaju na nižem nivou odgovornosti u okviru iste službe. | 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. |
| Ovlašćenje za obavljanje poslova na nižem nivou odgovornosti u okviru iste službe, izdaje se na period važenja ovlašćenja na osnovu kojeg se izdaje to ovlašćenje. | 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. |
| Vrste zvanja članova posade broda, vrste ovlašćenja o osposobljenosti i posebnoj osposobljenosti, bliže uslove u pogledu stručne spreme i plovidbenog staža za sticanje zvanja, radi izdavanja ovlašćenja o osposobljenosti i posebnoj osposobljenosti, program i način obuke i polaganja ispita za sticanje zvanja, program i način obuke i polaganja ispita o posebnoj osposobljenosti, obrasci - ovlašćenja, način izdavanja ovlašćenja i evidencija izdatih ovlašćenja utvrđuje se propisom Ministarstva. | 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 programs and method of taking exams for acquiring rank titles, training programs 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. |
| Obnova ovlašćenja o osposobljenosti i posebnoj osposobljenosti | Revalidation of certificates of competency and proficiency |
| Član 108a | Article 108a |
| Ovlašćenja o osposobljenosti i posebnoj osposobljenosti koja se izdaju za period od pet godina, obnavljaju se za isti period ako pomorac ispunjava sljedeće uslove: | 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: |
| - ima najmanje godinu dana plovidbenog staža tokom prethodnih pet godina na dužnostima iz tog ovlašćenja, ili najmanje godinu dana radnog staža tokom prethodnih pet godina na poslovima koji su izjednačeni sa poslovima iz tog ovlašćenja; ili | - 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 give certificate; or |
| - je završio obuku i položio odgovarajući ispit za obnovu ovlašćenja o osposobljenosti i posebnoj osposobljenosti. | - has completed training and passed relevant examination for revalidation of certificates of competency and proficiency. |
| Plovidbeni staž koji je ostvaren na upravljačkom nivou, smatra se priznatim plovidbenim stažom za obnavljanje ovlašćenja na upravljačkom nivou. | The sea service at the managerial level shall be recognised as the sea service for revalidation of managerial level certificates |
| Vrijeme provedeno na brodu dok se brod nalazi u raspremi ne priznaje se u plovidbeni staž. | Time spent on board a laid-up ship shall not be recognised as sea service. |
| Program, način obuke i polaganja ispita za obnovu ovlašćenja o osposobljenosti i posebnoj osposobljenosti utvrđuju se propisom Ministarstva. | Training program, type of delivery and taking the exam for revalidation of certificates of competency and proficiency shall be set by the Ministry |
| Propisom iz stava 4 ovog člana određuju se i poslovi koji su izjednačeni sa poslovima iz ovlašćenja o osposobljenosti i posebnoj osposobljenosti. | The regulation referred to in paragraph 4 of this article shall identify the tasks to be deemed equal to the ones covered by certificates of competency and proficiency |
| Ovlašćenja o osposobljenosti na ribarskim brodovima | Certificates of competency on fishing boats |
| Član 108b | Article 108b |
| Vrste zvanja članova posade ribarskog broda, vrste ovlašćenja o osposobljenosti i posebnoj osposobljenosti, bliže uslove u pogledu stručne spreme i plovidbenog staža za sticanje zvanja, radi izdavanja ovlašćenja o osposobljenosti i posebnoj osposobljenosti, program i način obuke i polaganja ispita za sticanje zvanja, program i način obuke i polaganja ispita o posebnoj osposobljenosti, program, način obuke i polaganja ispita za obnovu ovlašćenja o osposobljenosti i posebnoj osposobljenosti, obrasce - ovlašćenja, način izdavanja ovlašćenja i vođenja evidencija izdatih ovlašćenja propisuje Ministarstvo. | The types of seafaring ranks on fishing boats, the types of certificates of competency and proficiency, more detailed conditions regarding professional qualifications and sea service as requirements for specific rank titles, training programs and method of taking exams for acquiring rank titles, training programs 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. |
| Priznavanje ovlašćenja o osposobljenosti i posebnoj osposobljenosti | Recognition of certificates of competency and proficiency |
| Član 109 | Article 109 |
| Priznavanje ovlašćenja o osposobljenosti i posebnoj osposobljenosti članova posade broda koja su izdata u drugoj državi priznaju se u Crnoj Gori pod uslovom uzajamnosti. | Certificates of competency and proficiency for seafarers issued in another country shall be recognised in Montenegro provided there is reciprocity |
| Priznavanje iz stava 1 ovog člana vrši Ministarstvo ovjerom - indorsment. | The recognition referred to in paragraph 1 of this article shall be done by the Ministry by endorsement |
| Za priznavanje iz stava 2 ovog člana plaća se naknada, koja je prihod Budžeta. | A fee, which shall constitute a revenue of the State Budget, is charged for the recognition of certificates referred to in paragraph 2. |
| Visinu naknade iz stava 3 ovog člana utvrđuje Vlada. | The amount of the fee referred to in paragraph 3 of this article shall be set by the Government. |
| Obuka za sticanje zvanja i ovlašćenja o posebnoj osposobljenosti | Training towards obtaining ranks and certificates of competency |
| Član 110 | Article 110 |
| Obuku za sticanje zvanja i ovlašćenja o posebnoj osposobljenosti članova posade brodova u skladu sa Međunarodnom konvencijom o standardima za obuku, izdavanje uvjerenja i vršenju brodske straže pomoraca (STCW konvencija) može da vrši pomorska školska ustanova i pravno lice koje je upisano u Centralni registar privrednih subjekata za obuku pomoraca (u daljem tekstu: Centar za obuku), na osnovu odobrenja za obuku pomoraca koje izdaje Ministarstvo. | 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 license for maritime training providers issued by the Ministry. |
| Odobrenje za obuku pomoraca | Licence for maritime training providers |
| Član 111 | Article 111 |
| Odobrenje za obuku pomoraca izdaje se Centru za obuku koji ispunjava uslove u pogledu opreme, prostora , kadra i standarda sistema kvaliteta utvrđenih Međunarodnom konvencijom o standardima za obuku, izdavanje uverenja i vršenju brodske straže pomoraca (STCW konvencija), na osnovu podnijetog zahtjeva. | 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 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention). |
| Odobrenje za obuku pomoraca izdaje se na period od pet godina. | License for maritime training providers shall be issued for a period of five years. |
| Nadzor nad pomorskom školskom ustanovom i Centrom za obuku pomoraca u odnosu na obuku vrši Ministarstvo. | Maritime educational establishments and Training Centres shall be supervised by the Ministry in reference to training. |
| Bliže uslove iz stava 1 ovog člana propisuje Ministarstvo. | More detailed requirements referred to in paragraph 1 of this article shall be set by the Ministry. |
| Prestanak odobrenja za obuku pomoraca | Termination of license for maritime training providers |
| Član 112 | Article 112 |
| Odobrenje za obuku pomoraca prestaje: | Licence for maritime training providers shall terminate: |
| 1) istekom roka na koje je izdato; | 1)upon the expiry of its validity; |
| 2) oduzimanjem; | 2)by revocation; |
| 3) prestankom obavljanja djelatnosti obuke pomoraca. | 3)when ceasing to provide training for seafarers. |
| Oduzimanje odobrenja za obuku pomoraca | Revocation of licence for maritime training providers |
| Član 113 ﻿ | Article 113 ﻿ |
| Ako Ministarstvo u sprovođenju nadzora utvrdi da pomorska školska ustanova i Centar za obuku ne ispunjava uslove na osnovu kojih je izdato odobrenje za obuku ili se utvrdi nepravilnost u radu pomorske školske ustanove i Centra za obuku, donijeće rješenje za otklanjanje utvrđenih nepravilnosti i odrediti rok koji ne može biti duži od 90 dana. | If the Ministry determines, based on conducted supervision, that the maritime educational establishment and Training Centre do not meet the conditions on the basis of which the license for maritime training was issued or an irregularity in the work of the maritime educational establishment and Training Centre is determined, it shall issue an order to eliminate the identified irregularities, with a deadline which may not be longer than 90 days. |
| Ako se nepravilnosti ne otklone u roku iz stava 1 ovog člana, Ministarstvo će ukinuti odobrenje o obuci i prije isteka njegovog važenja. | If the irregularities are not eliminated within the period referred to in paragraph 1 of this Article, the Ministry shall revoke the training license even before its expiration. |
| U slučaju ukidanja odobrenja iz stava 1 ovog člana, pomorska školska ustanova i Centar za obuku može podnijeti novi zahtjev za isti program obuke, tek nakon isteka roka od najmanje dvije godine od dana ukidanja odobrenja. | In case of revocation of the approval referred to in paragraph 1 of this Article, the maritime educational establishment and the Training Centre may submit a new application for the same training program, only after the expiration of at least two years from the date of revocation of the approval. |
| Obrazovanje pomoraca | Maritime education |
| Član 114 ﻿ | Article 114 ﻿ |
| Nastavni planovi, programi i oprema pomorskih školskih ustanova za obrazovanje pomoraca radi sticanja zvanja i posebnih ovlašćenja moraju biti usaglašeni sa Modelima kurseva Međunarodne pomorske organizacije (u daljem tekstu: IMO Model) i zahtjevima Međunarodne konvencije o standardima za obuku, izdavanje uverenja i vršenju brodske straže pomoraca (STCW Konvencija). | Curricula, programs and equipment of maritime educational establishments for the education of seafarers for the purpose of acquiring ranks and specific certificates shall be harmonized with the International Maritime Organization Course Models (hereinafter: IMO Model) and the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for seafarers (STCW Convention). |
| Pomorska školska ustanova, pored licence u skladu sa zakonom, mora da ima i sertifikat o primjeni IMO Modela kurseva u odgovarajućim nastavnim planovima i programima obrazovanja, koje izdaje priznata organizacija koji se dostavlja Lučkoj kapetaniji. | Maritime educational establishment, in addition to the license in accordance with the law, must also have a certificate on the application of the IMO Model Courses in the relevant curricula and education programs, issued by a Recognized organization and submitted to the Harbour Master Office. |
| Isprava o stečenoj kvalifikaciji izdata od pomorske školske ustanove koja ne posjeduje sertifikat iz stava 2 ovog člana neće biti priznata u postupku sticanja zvanja i izdavanja ovlašćenja. | The document on the acquired qualification issued by a maritime educational establishment that does not have the certificate referred to in paragraph 2 of this Article shall not be recognized in the procedure of acquiring ranks and specific certificates. |
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| Ispit za sticanje ovlašćenja o osposobljenosti | Exams towards acquiring certificates |
| Član 115 ﻿ | Article 115 ﻿ |
| Ispit za sticanje zvanja i ovlašćenja o posebnoj osposbljenosti iz čl. 108 i 108a ovog zakona polaže se pred Komisijom za sticanje zvanja i ovlašćenja o posebnoj osposbljenosti ( u daljem tekstu: Komisija) koju obrazuje Ministarstvo. | The exams required for acquiring rank titles and certificates of proficiency referred to in Article 108 and 108a of this law shall be taken before the Panel for Acquiring Rank Titles and Certificates of Proficiency (hereinafter: Panel) set up by the Ministry. |
| Ispit iz stava 1 ovog člana polaže se na osnovu zahtjeva uz koji se prilaže dokaz o stručnoj spremi, završenoj obuci ili posebnoj obuci, dokaz o plovidbenom stažu, dokaz o plaćenoj naknadi za polaganje ispita i drugi dokazi o ispunjavanju uslova za polaganje tog ispita. | The exam referred to in paragraph 1 of this article 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. |
| Za polaganje ispita iz stava 2 ovog člana plaća se naknada, koja je prihod Budžeta. | A fee, which shall constitute a revenue of the State Budget, is charged for the exam referred to in para 2 |
| Visinu naknade iz stava 3 ovog člana utvrđuje Vlada. | The amount of the fee referred to in paragraph 3 of this article shall be set by the Government |
| Zahtjev sa dokazima iz stava 2 ovog člana podnosi se Lučkoj kapetaniji koja utvrđuje ispunjenost uslova za polaganje ispita za sticanje ovlašćenja o osposobljenosti, o čemu donosi rješenje. | The application with the supporting documents referred to in paragraph 2 of this article shall be filed with the Harbour Master Office 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 |
| Ukoliko Lučka kapetanija utvrdi da podnosilac zahtjeva nije podnio dokaze iz stava 2 ovog člana odbiće zahtjev za polaganje ispita. | Should the Harbour Master Office establish that an applicant failed to submit all proofs referred to in paragraph 2 of this article, the application will be rejected. |
| Rješenje iz stava 5 ovog člana je konačno. | The decision referred to in paragraph 5 of this article shall be final. |
| Komisija | Panel |
| Član 116 | Article 116 |
| Komisiju čine predsjednik, najmanje dva člana i sekretar. | Panel shall be composed of its chair, at least two members and a secretary. |
| Za pojedine predmete za polaganje ispita za sticanje zvanja i ovlašćenja o posebnoj osposbljenosti, Ministarstvo može, na predlog predsjednika Komisije, da angažuje ispitivače van sastava Komisije. | 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. |
| Članovi, predsjednik i sekretar Komisije iz stava 1 ovog člana i ispitivači iz stava 2 ovog člana imaju pravo na naknadu. | Panel members, its chair and secretary shall be entitled to remuneration. |
| Visinu naknade iz stava 3 ovog člana utvrđuje Vlada. | The amount of the fee referred to in paragraph 3 of this article shall be set by the Government. |
| Uslove koje treba da ispunjavaju članovi Komisije i ispitivači utvrđuje Ministarstvo. | The conditions to be met by Panel members and examiners shall be set by the Ministry. |
| Izdavanje ovlašćenja o osposobljenosti, odnosno posebnoj osposobljenosti | Issuance of certificates of competency and proficiency |
| Član 117 | Article 117 |
| Lučka kapetanija izdaje ovlašćenje o osposobljenosti i posebnoj osposobljenosti na osnovu potvrde Komisije o položenom ispitu. | Harbour Master Office shall issue certificates of competency and proficiency based on the Panel’s confirmation of the exam passed. |
| Uz zahtjev za izdavanje ovlašćenja iz stava 1 ovog člana prilaže se: | The application for issuance of certificates referred to in para 1 of this article shall be accompanied with: |
| 1) odgovarajući broj fotografija; | 1) a requisite number of photographs; |
| 2) fotokopija lične karte ili pasoša; | 2) a copy of personal identity card or passport; |
| 3) uvjerenje o zdravstvenoj sposobnosti; | 3) medical certificate; |
| 4) dokaz o stručnoj spremi i završenoj obuci; | 4) proof of professional qualifications and training completed; |
| 5) dokaz o položenom ispitu za sticanje ovlašćenja; | 5) proof of pertinent exam passed; |
| 6) dokaz o plovidbenom stažu; | 6) proof of sea service; |
| 7) dokaz o stečenom zvanju u pomorstvu. | 7) proof of rank title. |
| Za izdavanje ovlašćenja o osposobljenosti, odnosno posebnoj osposobljenosti plaća se naknada, koja je prihod Budžeta. | A fee, which shall constitute Budget revenues, is charged for issuance of certificates of competency or proficiency. |
| Visinu naknadu iz stava 3 ovog člana utvrđuje Vlada. | The amount of the fee referred to in paragraph 3 of this article shall be set by the Government. |
| Registar ovlašćenja o osposobljenosti i posebnoj osposobljenosti pomoraca | Register of certificates of competency and proficiency |
| Član 117a | Article 117a |
| Registar izdatih ovlašćenja o osposobljenosti i posebnoj osposobljenosti pomoraca (u daljem tekstu: registar) vodi Lučka kapetanija u elektronskoj formi. | Register of certificates of competency and proficiency (hereinafter: the register) shall be kept Harbour Master Office, in a form of an electronic database. |
| U registar se unose sljedeći podaci: | Following data shall be entered into the register: |
| - ime i prezime pomorca; | - first and last name of a seafarer; |
| - datum rođenja pomorca; | - date of birth of a seafarer; |
| - državljanstvo pomorca; | - nationality of a seafarer; |
| - mjesto prebivališta pomorca; | - place of residence of a seafarer; |
| - broj pomorske knjižice; | - serial number of seamen’s book; |
| - broj identifikacione isprave pomorca; | - serial number of ID document; |
| - jedinstveni matični broj pomorca; | - unique personal number of a seafarer; |
| - plovidbeni staž pomorca; | - sea service of a seafarer; |
| - vrste ovlašćenja o osposobljenosti i posebnoj osposobljenosti pomorca. | - types of acquired competencies and proficiencies. |
| Lučkom kapetanijom rukovodi lučki kapetan koji ima ovlašćenje za zvanje zapovjednika broda od 3000 BT ili većeg. | Harbour Master Office shall be headed by harbour master holding a shipmaster’s certificate of 3000 GT or greater. |
| Lica zaposlena u Lučkoj kapetaniji i lučki kapetan poslove iz svoje nadležnosti obavljaju u službenoj uniformi. | Persons employed at Harbour Master Office as well as the Harbour Master shall conduct their official duties while wearing their uniform. |
| Izgled, način nošenja i upotrebe službene uniforme propisuje Ministarstvo. | Design, manner of wearing and use of the official uniform shall be set by the Ministry. |
| Utvrđivanje zdravstvene sposobnosti | Establishing medical fitness |
| Član 118 | Article 118 |
| Zdravstvena sposobnost pomoraca utvrđuje se ljekarskim pregledima koji se vrše u zdravstvenoj ustanovi koja ispunjava uslove u pogledu prostora, kadra i opreme za obavljanje zdravstvene zaštite zaposlenih, u skladu sa zakonom. | 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. |
| Zdravstvena ustanova iz stava 1 ovog člana mora da uspostavi, primjenjuje i održava sistem standarda kvaliteta, u skladu sa zahtjevima Međunarodne konvencije o standardima za obuku, izdavanju uverenja i vršenju brodske straže pomoraca (STCW konvencija). | A healthcare establishment referred to in paragraph 1 of this article shall establish, apply and maintain quality assurance system, in line with the International Convention on Standards of Training, Certification and Watchkeeping for seafarers (STCW convention). |
| Zdravstvena sposobnost pomoraca iz stava 1 ovog član utvrđuje se prethodnim, periodičnim, kontrolnim i vanrednim pregledima. | Medical fitness of seafarers referred to in paragraph 1 of this article shall be established through pre-sea, periodic control and non-periodic examinations. |
| O utvrđenoj zdravstvenoj sposobnosti ovlašćeni doktor izdaje uvjerenje o zdravstvenoj sposobnosti pomorca na propisanom obrascu. | Having established medical fitness, a certified physician shall issue medical certificate using prescribed format. |
| Lice koje nije zadovoljno ocjenom zdravstvene sposobnosti može podnijeti prigovor zdravstvenoj ustanovi za preispitivanje zdravstvene sposobnosti. | The person not satisfied with the assessment of his medical fitness may complain to the healthcare establishment and ask for reassessment. |
| Prije početka rada na brodu pomorci moraju imati važeće uvjerenje o zdravstvenoj sposobnosti kojim se potvrđuje da su zdravstveno sposobni da obavljaju poslove na brodu. | Before the commencement of sea service, seafarers shall hold a valid medical certificate confirming their fitness for on-board service. |
| Uvjerenja o zdravstvenoj sposobnosti pomoraca izdaju se na period od dvije godine, nakon čega se vrši ponovna provjera zdravstvene sposobnosti. | Medical certificates shall be valid for two years, following which medical fitness shall be reassessed. |
| Izuzetno od stava 7 ovog člana, uvjerenje u vezi raspoznavanja boja izdaje se na period od šest godina. | Notwithstanding paragraph 1 of this article, a colour vision certificate shall be valid for six years. |
| Utvrđivanje zdravstvene sposobnosti lica mlađih od 18 godina za sve vrste brodova, kao i lica mlađih od 21 godinu, koja plove na ribarskom brodu,vrši se svake godine. | 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. |
| U hitnim slučajevima može se dozvoliti pomorcu rad na brodu bez važećeg uvjerenja o zdravstvenoj sposobnosti, do naredne luke pristajanja u kojoj pomorac može dobiti uvjerenje o zdravstvenoj sposobnosti od ovlašćenog doktora, pod uslovom da: | 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) period takvog rada ne prelazi tri mjeseca; | 1) such period does not exceed three months; |
| 2) pomorac posjeduje nedavno izdato isteklo uvjerenje o zdravstvenoj sposobnosti. | 2) the seafarer holds a recently expired medical certificate. |
| Ako važeće uvjerenje o zdravstvenoj sposobnosti istekne tokom putovanja-plovidbe, takvo uvjerenje o zdravstvenoj sposobnosti će važiti do naredne luke dolaska gdje pomorac može dobiti uvjerenje o zdravstvenoj sposobnosti od ovlašćenog doktora, pod uslovom da takav period ne traje duže od tri mjeseca. | 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. |
| Uvjerenje o zdravstvenoj sposobnosti pomorca koji radi na brodu koji obavlja međunarodna putovanja mora biti i na engleskom jeziku. | Medical certificate for seafarers employed on board a ship on an international voyage shall also be issued in English |
| Za utvrđivanje zdravstvene sposobnosti pomoraca plaća se naknada zdravstvenoj ustanovi. | Healthcare establishment shall charge a fee for assessment of medical fitness of seafarers. |
| Bliže uslove koje mora da ispunjava ovlašćeni doktor, postupak utvrđivanja zdravstvene sposobnosti, postupak za izdavanje uvjerenja o zdravstvenoj sposobnosti, obrazac uvjerenja o zdravstvenoj sposobnosti i visinu naknade iz stava 13 ovog člana propisuje organ državne uprave nadležan za poslove zdravlja, uz saglasnost Ministarstva. | 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 paragraph 13 of this article shall be set by the state administration authority responsible for health matters, with Ministry’s consent. |
| Vršenje poslova u skladu sa pravilima navigacije | Discharge of duties in compliance with the rules of navigation |
| Član 119 | Article 119 |
| Član posade broda mora da vrši poslove na brodu u skladu sa pravilima navigacije, na način kojim se obezbjeđuje sigurnost saobraćaja, ne oštećuje brod ili teret na njemu, ne ugrožava sigurnost putnika i članova posade i životna sredina. | 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. |
| Sastav brodske straže | Shipboard watches |
| Član 120 | Article 120 |
| Sastav brodske straže mora biti u svako vrijeme dovoljan i mora da odgovara posebnim okolnostima i uslovima u kojima se vrši straža (vrijeme, vidljivost, vodostaj, gustina saobraćaja i slično). | 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.). |
| Vršenje straže | Watchkeeping |
| Član 121 ﻿ | Article 121 ﻿ |
| Član posade za vrijeme vršenja straže ne smije da napusti mjesto i prostoriju u kojoj se vrši straža bez odobrenja dežurnog oficira. | 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. |
| Oficir straže za vrijeme trajanja straže ne smije napuštati svoje mjesto na straži. | While on watch duty, officer of the watch shall not leave the watch post. |
| Za vrijeme boravka broda na sidrištu, stalna straža u smjenama mora da se vrši na mostu i u mašinskom prostoru. | At anchorage, watchkeeping duty shall be maintained on the bridge and in the engine room. |
| Straža u mašinskom prostoru, prilikom boravka broda na sidrištu, ne mora se stalno vršiti, ako je brod opremljen i ima UMS sertifikat. | While at anchorage, watchkeeping at the machine room must not be maintained at all times, it the ship is equipped with the UMS certificate. |
| Na brodu koji se nalazi u luci mora se nalaziti najmanje 1/3 od minimalnog broja članova posade. | At port, at least 1/3 of minimum ship complement shall be on board. |
| Na brodu iz stava 4 ovog člana, među članovima posade moraju se nalaziti po jedan oficir službe palube i mašine, a noću i brodska straža. | At least one deck officer and one engineer officer shall be on board ship referred to in paragraph 4 of this article, and at night also ship security guards. |
| Na ribarskom brodu koji se nalazi u luci mora se nalaziti najmanje po jedan član posade službe palube i mašine. | A fishing vessel while in port shall have at least one deck and engine crewmember each on board. |
| Ako se brodovi iz stava 6 ovog člana nalaze u grupama i privezani su uz bok jedan drugome, na svaka tri broda mora se nalaziti najmanje po dva člana posade službe palube i mašine. | If ships referred to in paragraph 6 of this article 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. |
| Način obavljanja straže na brodu propisuje Ministarstvo. | The watchkeeping procedure shall be set by the Ministry. |
| Kormilarenje brodom | Steering of the ship |
| Član 122 | Article 122 |
| U predjelima vrlo gustog saobraćaja, u uslovima ograničene vidljivosti i u ostalim plovidbenim situacijama kad se upotrebljava uređaj za automatsko kormilarenje, na brodu treba da postoji mogućnost ručnog preuzimanja kormilarenja brodom. | In areas of heavy traffic, in conditions of restricted visibility and in other situations when under automatic steerage, it should be possible to assume manual helm control. |
| Prebacivanje sa automatskog na ručno kormilarenje i obrnuto treba da izvrši dežurni oficir straže na mostu. | Changeover from automatic to manual steerage and vice versa should be done by the deck officer of the watch. |
| Pomorska knjižica, dozvola za ukrcavanje i identifikaciona isprava ﻿ | Seaman’ book, embarkation permit and identity document |
| Član 123 ﻿ | Article 123 ﻿ |
| Pomorska knjižica je isprava kojom se dokazuje svojstvo u kojem je član posade ukrcan na brod i trajanje plovidbene službe. | Seaman’s book is a document which attests to the capacity in which a crew member is embarked on the ship and the duration of the navigation service. |
| Pomorsku knjižicu mora da ima državljanin Crne Gore ukrcan kao: | Seaman’s book must be held by the citizen of Montenegro who is embarked as: |
| - zapovjednik ili drugi član posade broda crnogorske državne pripadnosti; | - shipmaster or another crew member of a Ship flying Montenegrin Flag; |
| - član posade broda strane državne pripadnosti; | - crew member of a foreign ship; |
| - član posade plutajućeg objekta ili instalacija za proizvodnju ugljovodonika crnogorske ili strane državne pripadnosti; | - crew member of a floating facility or hydrocarbon production installation of Montenegrin or foreign nationality; |
| - član posade jahte crnogorske ili strane državne pripadnosti. | - crew member of a Montenegrin of foreign yacht. |
| Dozvola za ukrcavanje izdaje se stranom državljaninu ukrcanom kao član posade na plovnom objektu crnogorske državne pripadnosti. | Embarkation permit shall be issued to a foreign national who joined a vessel flying Montenegrin flag as a crew member |
| Identifikaciona isprava pomorca je isprava kojom se dokazuje identitet pomorca državljanina Crne Gore u skladu sa Konvencijom o identifikacionim ispravama pomoraca, sa svim izmjenama i dopunama. | Seamen’s identity document is a document which attests to the identity of a seafarer holding Montenegrin nationality, pursuant to the Seafarers' Identity Documents Convention, with amendments |
| Izdavanje pomorske knjižice, dozvole za ukrcavanje i identifikacione isprave ﻿ | Issuing of the seaman’ book, embarkation permit and identity document ﻿ |
| Član 124 ﻿ | Article 124 ﻿ |
| Pomorska knjižica izdaje se licu koje je: | Seamen’s book shall be issued to a person who: |
| - navršilo 16 godina života i | - has reached the age of 16 and |
| - zdravstveno sposobno za obavljanje određenih poslova na plovnom objektu u skladu sa posebnim propisom. | - is medically fit to perform certain tasks on the vessel in accordance with a special regulation. |
| Pomorsku knjižicu, dozvolu za ukrcavanje i identifikacionu ispravu izdaje Lučka kapetanija na period od deset godina. | The seaman's book, embarkation permit and identity document are issued by the Harbour Master Office for a period of ten years. |
| Pomorska knjižica izdaje se na osnovu podnijetog zahtjeva. | The seaman's book shall be issued on the basis of the submitted request. |
| Uz zahtjev iz stava 3 ovog člana podnosi se sljedeća dokumentacija: | The request referred to in paragraph 3 of this Article shall be accompanied by the following documentation: |
| - izvod iz matične knjige rođenih ili lična karta; | - birth certificate or ID card; |
| - uvjerenje o zdravstvenoj sposobnosti; | - certificate of medical fitness; |
| - ovlašćenje o osposobljenosti i posebnoj osposobljenosti; | - certificates of competency and proficiency; |
| - dvije fotografije veličine 6 x 4,5 cm. | - two photographs measuring 6 x 4.5 cm. |
| Za izdavanje pomorske knjižice, dozvole za ukrcavanje i identifikacione isprave plaća se naknada, koja je prihod Budžeta. | A fee is paid for the issuance of a seaman's book, embarkation permit and identity document, which is the revenue of the State Budget. |
| Visinu naknade iz stava 5 ovog člana utvrđuje Vlada. | The amount of compensation referred to in paragraph 5 of this Article shall be determined by the Government. |
| Način izdavanja pomorske knjižice i dozvole za ukrcavanje, način ovjere podataka o plovidbenom stažu u pomorsku knjižicu i dozvolu za ukrcavanje, način dostavljanja podataka o plovidbenom stažu, uslove i način zamjene pomorske knjižice i dozvole za ukrcavanje, sadržinu i obrazac pomorske knjižice i dozvole za ukrcavanje, obrazac zahtjeva iz stava 3 ovog člana, kao i način vođenja evidencije izdatih pomorskih knjižica i dozvola za ukrcavanje propisuje Ministarstvo. | Manner of issuing the seaman's book and embarkation permit, method of certifying data on seagoing service in the seaman's book and embarkation permit, manner of submitting data on seagoing service, conditions and manner of replacing seaman's book and embarkation permit, content and form of seaman's book and embarkation permit, the application form referred to in paragraph 3 of this Article, as well as the manner of keeping records of issued seaman's books and embarkation permits shall be prescribed by the Ministry. |
| Način i postupak izdavanja identifikacione isprave pomorca, način uzimanja biometrijskog podatka, sadržaj i obrazac identifikacione isprave pomoraca, zaštitne elemente na obrascu i materijale koji se koriste za izradu obrasca identifikacione isprave pomorca i obrazac zahtjeva za izdavanje identifikacione isprave pomorca propisuje Ministarstvo, uz saglasnost organa državne uprave nadležnog za unutrašnje poslove. | The manner and procedure of issuing a seamen's identity document, the manner of taking biometric data, the content and form of a seamen’s identification document, security elements on the form and materials used for blank forms of a seamen’s identity document and the application form for issuing a seamen’s identity document shall be prescribed by the Ministry, with consent of the administrative body in charge of the interior affairs. |
| Zloupotreba alkohola i droge | Alcohol and drug abuse |
| Član 125 | Article 125 |
| Zapovjednik i član posade broda ne smiju biti pod uticajem alkohola, opojnih droga ili drugih materija koje mijenjaju stanje svijesti. | Shipmaster and crewmembers shall not be under the influence of alcohol, narcotics or other substances that alter the state of consciousness. |
| Zapovjednik i član posade broda ne smiju tokom obavljanja dužnosti na brodu imati više od 0,05% alkohola u krvi ili 0,25 mg/l alkohola u dahu. | While on duty, shipmaster and crewmembers shall not have more than 0.05% of blood alcohol content or 0.25 mg/l of breath alcohol content. |
| Odredbe st. 1 i 2 ovog člana se primjenjuju i na zapovjednike i članove posade drugih plovnih objekata. | Paragraphs 1 and 2 of this article shall also apply to shipmasters and crewmembers of other vessels. |
| Povratno putovanje | Repatriation |
| Član 126 | Article 126 |
| Ako član posade broda za vrijeme trajanja, odnosno prestanka radnog odnosa bude iskrcan sa broda van njegove luke ukrcaja, brodar je dužan da mu obezbijedi povratak u luku njegovog ukrcaja, odnosno u mjesto njegovog prebivališta ili boravišta (u daljem tekstu: povratno putovanje) u skladu sa ugovorom o radu. | 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. |
| Ako brodar ne obezbijedi povratno putovanje iz stava 1 ovog člana, povratno putovanje obezbijediće diplomatsko ili konzularno predstavništvo Crne Gore na teret brodara. | Should the ship operator fail to provide the repatriation referred to in paragraph 1 of this article, such repatriation shall be provided by a diplomatic or consular office of Montenegro at the expense of the ship operator |
| Troškovi povratnog putovanja | Repatriation costs |
| Član 127 | Article 127 |
| Troškove povratnog putovanja člana posade broda snosi brodar. | The costs of a crewmember’s repatriation shall be borne by the ship operator |
| Troškove povratnog putovanja iz stava 1 ovog člana brodar ne smije naplatiti od člana posade broda u obliku avansa na početku zaposlenja ili iz zarade koju je dužan da isplati članu posade broda, osim u slučaju težih povreda obaveza iz ugovora o radu člana posade broda. | Ship operator shall not charge the crewmember any repatriation costs referred to in paragraph 1 of this article 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. |
| Ako brodar iz stava 1 ovog člana ne izvrši povraćaj iznosa plaćenog za troškove povratnog putovanja člana posade može da se odredi mjera zadržavanja broda tog brodara u skladu sa potvrđenim i obavezujućim međunarodnim ugovorima. | Should the ship operator referred to in paragraph 1 of this article 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 |
| Brodar ima pravo regresa za naplatu svih troškova povratnog putovanja od člana posade broda koji se bez dozvole iskrcao sa broda i svojom krivicom doveo do prestanka radnog odnosa ili koji se iskrcao sa broda zbog povrede ili oboljenja koje je prouzrokovao namjerno ili usljed grube nepažnje. | 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. |
| Troškovi povratnog putovanja člana posade broda obuhvataju: troškove za smještaj, prevoz, zaradu i naknade na zaradu od trenutka kada je član posade iskrcan sa broda do njegovog povrataka u mjesto njegovog ukrcanja, odnosno u mjesto njegovog prebivališta ili boravišta u skladu sa ugovorom o radu i troškove liječenja ako član posade broda nije zdravstveno sposoban za povratno putovanje. | 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. |
| Brodar je dužan da obezbijedi osiguranje ili drugu finansijsku garanciju radi pokrića troškova povratnog putovanja člana posade broda. | Ship operator shall obtain insurance coverage or other financial security to cover repatriation costs for crewmembers. |
| Brodar je dužan da članovima posade broda obezbijediti dostupnost propisa koji se odnose na prava člana posade na povratno putovanje. | Ship operator is obliged to make available to crewmembers the regulations concerning their right to repatriation. |
| Propisi iz stava 7 ovog člana moraju biti dostupni na crnogorskom i engleskom jeziku. | The regulations referred to in paragraph 7 of this article shall be in Montenegrin and in English. |
| Odgovarajući posao na brodu | Appropriate duty on board |
| Član 128 | Article 128 |
| Povratno putovanje smatra se obezbijeđenim i ako je članu posade broda obezbijeđen odgovarajući posao na brodu koji plovi u luku njegovog ukrcavanja. | 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. |
| U slučaju iz stava 1 ovog člana članu posade pripada naknada za posao koji je vršio na brodu. | In the event referred to in paragraph 1 of this article, the crewmember is entitled to remuneration for the tasks performed. |
| Troškovi povratnog putovanja za strance | Repatriation costs for foreigners |
| Član 129 | Article 129 |
| Odredbe čl. 126 do 128 ovog zakona primjenjuju se i na strance koji su članovi posade broda crnogorske državne pripadnosti. | Provisions of Articles 126 to 128 of this article shall also apply to foreigners employed as crewmembers on board ships of Montenegrin nationality. |
| Dužnosti člana posade | Crewmember’s duties |
| Član 130 | Article 130 |
| Član posade broda dužan je da, bez odlaganja, obavijestiti neposrednog rukovodioca ili zapovjednika broda: | A crewmember shall notify his immediate superior or shipmaster, without delay, of the following: |
| 1) o svakom vanrednom događaju koji bi mogao da ugrozi sigurnost broda, putnika, drugih lica ili tereta na brodu i zagadi životnu sredinu opasnim i štetnim materijama sa broda; | 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) kada, u plovidbi primijeti da pojedini svjetionici i svijetla, ne rade, odnosno oznake ili plutače nijesu na svom mjestu. | 2) when, during voyage, he or she notices that certain lighthouses and beacons are out of order, or markings or buoys are not in their position. |
| U slučaju opasnosti, brodoloma ili druge havarije, članovi posade broda dužni su da preduzimaju neophodne radnje za spašavanje broda, putnika, drugih lica i tereta na brodu i zaštitu životne sredine, dok zapovjednik broda ne naredi da se brod napusti. | 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 shipmaster orders to abandon ship. |
| Obaveze brodara | Ship operator’s duties |
| Član 131 | Article 131 |
| Brodar je dužan da članu posade naknadi štetu prouzrokovanu na stvarima namijenjenim za njegovu ličnu upotrebu na brodu, koje su uništene ili oštećene pri brodolomu ili drugoj havariji broda. | Ship operator shall compensate crewmembers for any damages sustained to their personal belongings which have been destroyed or damaged during shipwreck or other accident. |
| Član posade koji je u radnom odnosu, u slučaju brodoloma, ima pravo na zaradu najmanje za dva mjeseca od dana brodoloma, prema prosjeku zarade za poslednja tri mjeseca, ako ugovorom o radu nije predviđeno duže vrijeme za zaradu. | 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. |
| U slučaju iz stava 2 ovog člana članu posade i stranom državljaninu pripada naknada u iznosu određenom ugovorom o radu, za svaki dan nezaposlenosti koja je nastupila kao posljedica brodoloma, ali najduže za dva mjeseca od dana brodoloma. | In the event referred to in paragraph 2 of this article, 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 a shipwreck, but not longer than two months from that day. |
| Član posade broda nema pravo iz st. 1, 2 i 3 ovog člana, ako brodar dokaže da je prouzrokovao štetu namjerno ili krajnjom nepažnjom. | A crewmember shall not have the entitlements referred to in paragraph 1, 2 and 3 of this article if the ship operator proves that the crewmember caused damage wilfully or by gross negligence. |
| Na povratno putovanje člana posade broda koji je pretrpio brodolom primjenjuju se odredbe čl. 127 do 130 ovog zakona. | Provisions of Articles 127 to 130 of this law shall apply to repatriation of a crewmember who suffered a shipwreck. |
| Odgovornost brodara | Ship operator’s liability |
| Član 132 | Article 132 |
| Za štetu nastalu usljed tjelesne povrede, smrti člana posade ili narušavanja zdravlja koju član posade pretrpi na radu ili u vezi sa radom na brodu odgovara brodar, ako ne dokaže da je šteta nastala bez njegove krivice ili krivice lica za koje brodar odgovara. | 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. |
| Za štetu iz stava 1 ovog člana, koju član posade broda pretrpi na radu ili u vezi sa radom na brodu usljed nepostojanja uslova za bezbjedan rad, brodar odgovara ako ne dokaže da je član posade broda štetu pruzrokovao namjerno ili krajnjom nepažnjom. | Ship operator shall be held liable for damages referred to in paragraph 1 of this article, 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. |
| Za štete iz st. 1 i 2 ovog člana solidarno odgovaraju brodar, kompanija i poslovođa. | Ship operator, shipping company and manager shall be jointly and severally liable for damages referred to in paragraphs 1 and 2 of this article. |
| Zapovjednik broda | Shipmaster |
| Član 133 | Article 133 |
| Posadom i drugim licima na brodu zapovijeda zapovjednik broda. | Shipmaster shall command the crewmembers and other persons on board a ship. |
| Zapovjednik broda crnogorske državne pripadnosti mora biti državljanin Crne Gore. | Shipmaster on board ships of Montenegrin nationality shall be Montenegrin nationals. |
| Zapovjednika broda određuje brodar ili kompanija broda. | Shipmaster shall be designated by ship operator or shipping company. |
| U slučaju spriječenosti, odsutnosti ili smrti, zapovjednika broda crnogorske državne pripadnosti zamjenjuje prvi oficir palube. | In case of incapacitation, absence or death, master of a ship of Montenegrin nationality shall be replaced by chief mate. |
| Iskrcaj bolesnog ili povrijedjenog člana posade, putnika ili drugog lica | Disembarkation of a sick or injured crew member, passenger or other person |
| Član 134 | Article 134 |
| Kada brod namjerava da svrati u luku radi iskrcaja bolesnog ili povrijeđenog člana posade, putnika ili drugog lica radi pružanja hitne medicinske pomoći, zapovjednik broda dužan je da, bez odlaganja, obavijesti Lučku kapetaniju, odnosno drugi nadležni organ o bolesti, povredi, stanju i identitetu bolesnog, odnosno povrijeđenog lica. | When a ship intends a port call to disembark a sick or injured crewmember, passenger or other person for urgent medical assistance, shipmaster shall, without delay, notify the Harbour Master Office or other relevant authority about the illness, injury, medical condition and identity of the sick, or injured person. |
| Organi iz stava 1 ovog člana dužni su da, direktnom komunikacionom vezom, obavijeste zapovjednika prije dolaska broda u luku o procedurama i dokumentima potrebnim za iskrcaj bolesnog ili povrijeđenog lica, kao i otpremu broda bez zadržavanja. | The authorities referred to in paragraph 1 of this article shall, in direct communication, notify the shipmaster 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 |
| Brod iz stava 1 ovog člana koji uplovljava u luku nije dužan da preda dokumentaciju iz člana 30 ovog zakona, osim zdravstvene i opšte izjave. | The ship referred to in paragraph 1 of this article entering the port shall not be required to submit the documentation referred to in Article 30 of this law, except for maritime health declaration and maritime general declaration. |
| Ako u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore na brodu nastane požar ili druga nezgoda koja ugrožava sigurnost ljudskih života ili broda, Lučka kapetanija će narediti zapovjedniku najbližeg broda da, bez odlaganja, na mjesto požara ili nezgode preduzme mjere radi spašavanja ugroženih ljudskih života, odnosno broda. | 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 shipmaster of the nearest ship to undertake, without delay, measures at the scene of fire or accident to save lives or ship. |
| Odgovornost zapovjednika | Shipmaster’s responsibility |
| Član 135 | Article 135 |
| Zapovjednik broda odgovoran je za sigurnost broda i red na brodu u skladu sa ovim zakonom. | Shipmaster shall be responsible for ship safety and proper order on board in line with this Law. |
| Dužnost zapovjednika | Shipmaster duties |
| Član 136 ﻿ | Article 136 ﻿ |
| Zapovjednik broda dužan je da se brine o snabdijevanju broda (gorivom, mazivom,vodom, hranom i slično), o brodskoj administraciji, o održavanju broda, o održavanju u ispravnom stanju trupa broda, mašina, uređaja i opreme, pomorskim navigacionim kartama i publikacijama, o sigurnosti brodskih uređaja za ukrcavanje i iskrcavanje putnika, utovaru i istovaru opasnog i ostalog tereta, o pravilnom utovaru, slaganju, prevozu i istovaru opasnog i ostalog tereta, o pravilnom ukrcavanju, smještaju i iskrcavanju putnika i o izvršavanju svih zadataka vezanih za proces rada. | Shipmaster 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. |
| Zapovjednik broda dužan je da u propisanim rokovima vrši vježbe sa čamcima i ostalim sredstvima za spašavanje, uređajima za otkrivanje, sprečavanje i gašenje požara i druge vježbe propisane potvrđenim i obavezujućim međunarodnim ugovorima. | Shipmaster shall ensure, within specified time limits, performance of drills including lifeboats and other life-saving appliances, devices for fire detection, prevention and firefighting and other drills specified in ratified and binding international treaties. |
| Zapovjednik broda dužan je da za vrijeme plovidbe bude na brodu. | Shipmaster shall at all times be present on board during voyage. |
| Zapovjednik broda dužan je da prije isplovljavanja provjeri ispravnost broda i količinu zaliha (goriva, maziva, hrane, rezervnih djelova i slično) koje su dovoljne za putovanje i da obezbijedi da se sve propisane isprave i knjige, ažurirane pomorske navigacione karte i publikacije, kao i članovi posade nalaze na brodu, a pri prevozu putnika - naročito da utvrdi da li su preduzete sve mjere za sigurnost putnika. | Before leaving port, shipmaster 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. |
| Zapovjednik broda dužan je radi sigurnosti plovidbe, da za vrijeme boravka broda u luci ili na sidrištu bude na komandnom mostu broda spremnog za manevar, u uslovima vjetra snage pet ili više bofora po Beaufortovoj skali, a za koje uslove je primio upozorenje. | Ship shipmaster is obliged, for the purpose of ensuring safety of navigation, to be on the command bridge of the ship that is ready for manoeuvring, during the ship's stay in the port or at anchor, in wind conditions of five or more on Beaufort scales, when he received a warning of such conditions. |
| Brod koji boravi u luci ili na sidrištu mora da bude spreman za manevar, u uslovima vjetra snage pet ili više bofora po Beaufortovoj skali, a za koje uslove je zapovjednik primio upozorenje. | A ship staying in port or at anchor must be ready to manoeuvre, in conditions of wind strength of five or more on the Beaufort scale, when ship master received a warning of such conditions. |
| Rukovođenje brodom | Ship management |
| Član 137 | Article 137 |
| Zapovjednik broda, odnosno oficir palube u smjeni koji upravlja vođenjem broda dužan je da preduzima sve mjere potrebne za sigurnost broda i plovidbe. | Shipmaster, or deck officer of the watch shall undertake all measures required for the safety of ship and its operations. |
| Zapovjednik broda dužan je da lično rukovodi brodom kad god to zahtijeva sigurnost broda, a naročito kad brod ulazi u luku, kanal ili rijeku ili kad izlazi iz njih, kao i za vrijeme slabe vidljivosti ili magle. | Shipmaster 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. |
| Prisutnost pilota na brodu ne oslobađa zapovjednika broda od odgovornosti za upravljanje brodom. | The presence of a pilot on board shall not relieve the shipmaster of the responsibility for ship navigation. |
| Mjere za spašavanje lica i otklanjanje opasnosti za brod | Life-saving measures and removal of danger to safety |
| Član 138 | Article 138 |
| Ako nastupe događaji koji brod ili brod koji se teglji ili potiskuje ili lica na njima dovede u opasnost, zapovjednik broda dužan je da preduzme sve mjere za spašavanje lica i otklanjanje opasnosti za brod i stvari na brodu, kao i za zaštitu životne sredine. | In case of events which cause danger to a ship or a towed or pushed ship or to persons on board, shipmaster 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. |
| U slučaju iz stava 1 ovog člana zapovjednik broda dužan je da žrtvuje ili ošteti teret, druge stvari ili brodske uređaje ili opremu koji nijesu neophodni za plovidbu ili djelove broda čije je žrtvovanje ili oštećenje manje štetno za brodara i lica zainteresovana za teret na brodu. | In the event referred to in paragraph 1 of this article, shipmaster 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. |
| Napuštanje broda | Ship abandonment |
| Član 139 | Article 139 |
| Ako su u slučaju opasnosti za brod sve mjere preduzete za spašavanje broda ostale bez uspjeha i ako je propast broda neizbježna, zapovjednik broda dužan je da prvenstveno preduzme mjere potrebne za spašavanje putnika i drugih lica na brodu i da naredi da se brod napusti. | In case of distress, if all actions taken to save the ship were unsuccessful and if the ship is in imminent peril, shipmaster shall primarily undertake measures to save the lives of passengers and other persons on board and issue order to abandon ship. |
| U slučaju iz stava 1 ovog člana zapovjednik broda je dužan da preduzme i sve mjere potrebne za spašavanje brodskog dnevnika, a ako okolnosti dopuštaju i mjere za spašavanje drugih brodskih knjiga i isprava, pomorskih karata i gotovog novca brodske blagajne. | In the event referred to in paragraph 1 of this article, shipmaster 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. |
| Zapovjednik broda smije da napusti brod tek pošto je, u granicama stvarne mogućnosti, preduzeo sve potrebne mjere iz st. 1 i 2 ovog člana. | Shipmaster may only abandon ship after having taken, within reason, all necessary measures referred to in paragraph 1 and 2 of this article. |
| Događaji koji ugrožavaju sigurnost broda ili plovidbe | Events endangering the safety of ship or its operation |
| Član 140 | Article 140 |
| Ako na brodu nastupi događaj koji ugrožava sigurnost broda ili plovidbe ili ako nastupi vanredni događaj, zapovjednik broda dužan je da opis tog događaja odmah unese u brodski dnevnik, a najkasnije u roku od 24 sata od nastanka događaja. | In case of an event on board which endangers the safety of ship or its operation, or in case of an emergency, shipmaster shall enter the description of such event in the ship’s logbook without delay, and not later than 24 hours from such occurrence. |
| Zapovjednik broda dužan je da o događaju iz stava 1 ovog člana , odmah po dolasku, a najkasnije za 24 sata od dolaska, podnese izvještaj, zajedno sa izvodom iz brodskog dnevnika, Lučkoj kapetaniji, odnosno diplomatskom ili konzularnom predstavništvu Crne Gore i pomorskoj upravi najbliže obalne države ako se brod nalazi u inostranstvu. | Shipmaster shall submit a report, together with the related excerpt from the ship’s logbook, about the event referred to in paragraph 1 of this article immediately upon arrival, and not later than 24 hours upon arrival, to the Harbour Master Office or diplomatic or consular office of Montenegro and the maritime administration of the nearest coastal state if the ship is abroad |
| Ako je događaj iz stava 1 ovog člana nastupio za vrijeme plovidbe, zapovjednik broda je dužan da izvještaj o događaju, zajedno s izvodom iz brodskog dnevnika, podnese u roku iz stava 2 ovoga člana Lučkoj kapetaniji u luci u koju brod najprije uplovi, odnosno diplomatskom ili konzularnom predstavništvu Crne Gore ako se brod nalazi u inostranstvu. | If the event referred to in paragraph 1 of this article occurred during navigation, shipmaster shall submit the report about the event, together with the excerpt from the ship’s logbook, within the time period referred to in paragraph 2 of this article to the Harbour Master Office in the first port of call, or diplomatic or consular office of Montenegro if the ship is located abroad. |
| Zapovjednik broda iz stava 1 ovog člana dužan je da unese u brodski dnevnik rođenje i smrt lica na brodu, upisivanjem mjesta ili geografske pozicije broda i vremena rođenja, odnosno smrti i da primi izjavu posljednje volje i unese je u brodski dnevnik sa navođenjem vremena kada je poslednju izjavu volje primio. | Shipmaster referred to in paragraph 1 of this article 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 |
| Zapovjednik broda dužan je da o činjenici rođenja i smrti i o izjavi posljednje volje sačini zapisnik i dostavi ga Lučkoj kapetaniji, a u inostranstvu, najbližem diplomatskom ili konzularnom predstavništvu Crne Gore. | Ship shall make a report of any birth and death and deposition of last will and submit it to the Harbour Master Office, and if abroad to the nearest diplomatic or consular office of Montenegro. |
| Način sačinjavanja i obrazac zapisnika u slučaju rođenja ili smrti, nalaska napuštenog novorođenog djeteta, izjavu posljednje volje i postupanje sa imovinom umrlih lica na brodu propisuje Ministarstvo. | 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. |
| Neposredna opasnost za sigurnost plovidbe | Immediate danger for safety of navigation |
| Član 141 | Article 141 |
| Zapovjednik broda dužan je da preko radiotelekomunikacione opreme pošalje obavještenje Lučkoj kapetaniji o neposrednoj opasnosti za sigurnost plovidbe na koju naiđe, a naročito ako primijeti promjene na plovnom putu iz člana 130 stav 1 tačka 2 ovog zakona, naiđe na zagađivanje uljem, opasnim hemikalijama i štetnim materijama, led, oluju ili na drugu neposrednu opasnost za plovidbu ili na tropsku oluju, na temperaturu vazduha ispod tačke smrzavanja praćenu vjetrovima olujne snage koji prouzrokuju veliko nagomilavanje leda na nadgrađima ili na vjetar snage 10 ili više bofora po Beaufort-ovoj skali, a za koji nije bilo primljeno upozorenje. | Shipmaster shall notify Harbour Master Office, 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 of this law, 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. |
| Zapovjednik broda dužan je da obavještenje iz stava 1 ovog člana unese u brodski dnevnik. | Shipmaster shall enter the notification referred to in paragraph 1 of this article in the ship’s logbook. |
| Obavještenje o ugrožavanju sigurnosti | Notification of endangered safety |
| Član 142 | Article 142 |
| Zapovjednik broda ili kompanija dužni su da, bez odlaganja, obavijeste Organ uprave, odnosno priznatu organizaciju koja će pokrenuti postupak utvrđivanja da li je potreban odgovarajući pregled broda, ako se na brodu otkrije nedostatak ili se otkrije nezgoda koja utiče na sigurnost, bezbjednosnu zaštitu broda ili ispravnost sredstava za spašavanje ili druge opreme. | Shipmaster or company shall, without delay, notify AMSPM or Recognized Organisation of the need to survey the ship on which a deficiency has been found or which has withstood an incident affecting its security, safety protection and orderly functioning of rescue and other equipment. |
| Ako se brod nalazi u luci države ugovornice odgovarajuće međunarodne konvencije, zapovjednik ili kompanija će odmah obavijestiti pomorsku upravu države luke o događaju iz stava 1 ovog člana. | If ship is in port of a State Party to the relevant international convention, shipmaster or shipping company shall, without delay, notify the Maritime Authority of the port state of the event referred to in paragraph 1 of this article. |
| Neposredna opasnost od rata | Imminent danger of war |
| Član 143 | Article 143 |
| U slučaju neposredne opasnosti od rata zapovjednik broda je dužan da preduzme sve mjere opreznosti da bi sačuvao brod, posadu, putnike, teret i ostalu imovinu, kao i brodske isprave i knjige. | In the event of immediate danger of war, shipmaster 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. |
| Ako nastupi ratno stanje između Crne Gore i druge države, zapovjednik broda je dužan da preduzme potrebne mjere da bi od neprijatelja sačuvao brod, posadu, putnike, teret i ostalu imovinu, kao i brodske isprave i knjige. | In the event of a war outbreak between Montenegro and another state, shipmaster 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. |
| Ako se brod u slučaju nastupanja ratnog stanja između drugih država u kojem je Crna Gora neutralna nađe u luci jedne od zaraćenih država ili je na putu za luku zaraćene države ili mora proći kroz unutrašnje morske vode ili teritorijalno more zaraćene države, zapovjednik broda je dužan da zatraži uputstvo od brodara, a ako to nije moguće, od organa državne uprave nadležnog za vanjske poslove. | 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, shipmaster shall ask for instructions from the ship operator, and if that is not possible, from the administration authority in charge of foreign affairs. |
| Zaključivanje ugovora o spašavanju i plovidbenim poslovima | Entering into salvage and ship operation contracts |
| Član 144 | Article 144 |
| Zapovjednik broda, kao zastupnik brodara, ovlašćen je da u njegovo ime i za njegov račun u mjestu van sjedišta brodara zaključuje ugovore o spašavanju i pravne poslove potrebne za izvršenje putovanja i da u mjestu van sjedišta brodara u kojem nema ovlašćenog predstavnika brodara zaključuje ugovore o pomorskim plovidbenim poslovima, osim brodarskog ugovora na vrijeme za cijeli brod. | As ship operator’s representative, acting on its behalf and for its account at a location outside of ship operator’s place of business, shipmaster is authorised to enter into 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. |
| Zapovjednik broda ovlašćen je da, kao zastupnik brodara, pokreće pred stranim sudskim i upravnim organima postupak radi zaštite brodarevih prava i interesa u poslovima iz stava 1 ovog člana i da u tom postupku preduzima procesne radnje. | As ship operator’s representative, shipmaster 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 paragraph 1 of this article and to undertake procedural actions. |
| Ako brodar ograniči ovlašćenje zapovjednika, to ograničenje nema pravno dejstvo prema trećim licima koja za njega nijesu znala, niti su prema okolnostima mogla znati. | If ship operator restricts shipmaster’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. |
| Održavanje reda i sigurnosti | Maintaining order and safety |
| Član 145 | Article 145 |
| Zapovjednik broda ovlašćen je i dužan da svim licima na brodu izdaje naređenja kojima se obezbjeđuje brod, plovidba i održavanje reda na brodu i da nadzire izvršenje izdatih naređenja. | Shipmaster 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. |
| Radi održavanja reda i sigurnosti na brodu zapovjednik broda može da drži na brodu vatreno oružje, dok članovi posade broda ne smiju na brodu da imaju vatreno oružje. | With a view of maintaining order and safety on board, shipmaster may keep firearms on board, while other crewmembers shall not be allowed to hold any firearms on board. |
| Ograničenje slobode kretanja | Restriction of freedom of movement |
| Član 146 | Article 146 |
| Zapovjednik broda ima pravo da za vrijeme plovidbe ograniči slobodu kretanja na brodu svakom licu koje teže ugrozi sigurnost broda, članova posade, putnika i drugih lica, stvari na brodu i životne sredine. | Shipmaster 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. |
| Sloboda kretanja može da se ograniči samo ako je to neophodno radi sigurnosti putnika i drugih lica i stvari na brodu ili radi zaštite broda ili zaštite životne sredine i može za stranog državljanina da traje najduže do dolaska broda u prvu luku u koju brod uplovi, a za državljanina Crne Gore - najkasnije do dolaska broda u prvu crnogorsku luku, odnosno dobijanja uputstva od najbližeg diplomatskog ili konzularnog predstavništva Crne Gore. | 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. |
| Mjere iz st. 1 i 2 ovog člana sa obrazloženjem unose se u brodski dnevnik. | Reasoned measures referred to in paragraph 1 and 2 of this article shall be entered in the logbook. |
| Član posade broda koji narušava sigurnost plovidbe | Crewmember endangering navigation safety |
| Član 147 | Article 147 |
| Zapovjednik broda ima pravo da člana posade broda koji narušava sigurnost plovidbe udalji sa radnog mjesta, a po potrebi, da ga iskrca sa broda i vrati u luku ukrcavanja u kojoj je sjedište brodara. | Shipmaster 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. |
| Smanjenje hrane i vode | Food and water rationing |
| Član 148 | Article 148 |
| Zapovjednik broda ima pravo, u slučaju nužde i dok ona traje, da članovima posade smanji količinu hrane i vode radi racionalnog korištenja postojećih zaliha hrane i vode na brodu. | In case of an emergency and while it is in effect, shipmaster shall be authorized to ration food and water in order to rationalize the consumption of existing food and water supplies on board. |
| Mjere iz stava 1 ovog člana sa obrazloženjem unose se u brodski dnevnik. | Reasoned measures referred to in paragraph 1 of this article shall be entered in the logbook. |
| Samovoljno napuštanje broda | Absence without leave |
| Član 149 | Article 149 |
| Ako član posade broda koji je državljanin Crne Gore samovoljno napusti brod u luci, zapovjednik broda dužan je da napuštanje broda prijavi Lučkoj kapetaniji, odnosno diplomatskom ili konzularnom predstavništvu Crne Gore u toj državi, a ako nema diplomatskog ili konzularnog predstavništva Crne Gore u toj državi, diplomatskom ili konzularnom predstavništvu države ovlašćene da zastupa interese Crne Gore, odnosno lučkim vlastima te države. | If a crewmember who is Montenegrin national leaves the ship without permission while in port, shipmaster shall report such absence to the Harbour Master Office, 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. |
| Zapovjednik broda je dužan da utvrdi koje su stvari i isprave člana posade koji je samovoljno napustio brod ostale na brodu i o tome sačini zapisnik. | Shipmaster 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. |
| Zapisnik iz stava 2 ovog člana sačinjava se u prisustvu dva svjedoka, a potpisuju ga zapovjednik broda i svjedoci. | The report referred to in paragraph 2 of this article shall be prepared in the presence of two witnesses and signed by the shipmaster and the witnesses. |
| Zapisnik o samovoljnom napuštanju broda i o stvarima člana posade koje su ostale na brodu i njihovoj predaji nadležnom organu zapovjednik broda dužan je da unese u brodski dnevnik. | Shipmaster 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. |
| Organ koji u luci primi lične stvari i isprave člana posade koji je samovoljno napustio brod predaće ih njegovoj užoj porodici ili roditeljima, a ako njih nema, licu koje odredi nadležni organ starateljstva. | 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. |
| Spriječenost člana posade da se vrati na brod | Crewmember unable to return on board |
| Član 150 | Article 150 |
| Smatra se da je član posade samovoljno napustio brod ako se nije vratio na brod do odlaska broda iz luke. | A crewmember shall be deemed absent without leave if not returning on board before ship departure. |
| Ako je član posade bio spriječen da se vrati na brod do odlaska broda iz luke, smatra se da je samovoljno napustio brod ako se u roku od tri dana od dana kad je smetnja bila otklonjena nije prijavio organu iz člana 149 stava 1 ovog zakona. | 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 paragraph 1 of this law. |
| Nepreduzimanje spašavanja broda | Failure to attempt saving a ship |
| Član 151 | Article 151 |
| Zapovjednik broda nije dužan da krene u pomoć i da preduzme spašavanje lica u životnoj opasnosti, ako: | Shipmaster of a ship is not obliged to provide assistance and attempt saving persons in distress if: |
| 1) bi preduzimanje tog spašavanja predstavljalo ozbiljnu opasnost za brod kojim on zapovijeda i za lica na tom brodu ili ako smatra da, prema posebnim okolnostima slučaja, preduzimanje spašavanja lica u opasnosti ne bi bilo uspješno; | 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) dozna da je drugi brod izabran da ide u pomoć i da je izabrani brod taj izbor prihvatio; | 2)he learns of other ship being chosen to proceed to assistance and that the chosen ship has accepted to do so; |
| 3) od zapovjednika broda u opasnosti ili neposredno od lica koja su bila u životnoj opasnosti ili od zapovjednika drugog broda koji je stigao do tih lica bude obaviješten da pomoć više nije potrebna. | 3)he learns from the shipmaster of the ship in distress or directly from persons who were in distress or the shipmaster of another ship that proceeded to assistance that assistance is no longer needed. |
| Unošenje podataka u brodski dnevnik | Pertinent entry into the logbook |
| Član 152 | Article 152 |
| Zapovjednik broda dužan je da u brodski dnevnik unese razloge zbog kojih nije krenuo u pomoć licima u opasnosti i preduzeo njihovo spašavanje, kao i razloge zbog kojih nije preduzeo spašavanje broda i stvari na njemu. | Shipmaster 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. ŽIVOTNI I RADNI USLOVI POMORACA NA BRODU | X. LIVING AND WORKING CONDITIONS ON BOARD |
| Ugovor o radu | Employment contract |
| Član 153 ﻿ | Article 153 ﻿ |
| Prilikom ukrcavanja na brod koji se nalazi na međunarodnom putovanju član posade mora imati zaključen ugovor o radu u pisanoj formi, koji potpisuju pomorac i vlasnik broda, odnosno brodar ili kompanija, a u slučaju da vlasnik broda, brodar, odnosno kompanija nije poslodavac, dokaz o ugovornom odnosu, koji mu osigurava normalne radne i životne uslove na brodu u skladu sa zakonom i kolektivnim ugovorom za pomorce. | When embarking on a ship engaged in international voyage, a crewmember shall have a written employment contract, 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. |
| Članu posade prije potpisivanja ugovora o radu mora se omogućiti da prouči ugovor radi upoznavanja sa svojim pravima i obavezama iz ugovora. | Before signing the employment contract, a crewmember shall be given an opportunity to examine it to familiarise with his rights and responsibilities arising from the agreement |
| Brodar ili kompanija i pomorac moraju imati potpisan original ugovora o radu. | Ship operator or shipping company and seafarer concerned shall each have a signed original of the employment contract. |
| Brodar ili kompanija dužna je da obezbijedi članu posade informaciju o uslovima zaposlenja na brodu i da kopiju ugovora o radu preda na zahtjev nadležnih organa, uključujući i nadležne organe u lukama pristajanja broda. | 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 contract upon request of a competent authority, including those in ports to be visited. |
| Poslodavac je dužan da izda članu posade ispravu koja sadrži zabilješku o njegovom zaposlenju na brodu. | Employer shall issue the crewmember a document containing a record of his or her employment on board the ship |
| Podaci iz stava 5 ovog člana mogu se upisati i u pomorsku knjižicu pomorca ili se izdati u vidu svjedočanstva koje ne sadrži detalje o zaradi ili kvalitetu rada pomorca na brodu. | The data referred to in paragraph 5 of this article 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. |
| Ako kolektivni ugovor čini cijeli ili dio ugovora o radu pomorca, kopija takvog ugovora se mora nalaziti na brodu. | 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. |
| Ako ugovor o radu pomorca i kolektivni ugovor nijesu na engleskom jeziku, onda na engleskom jeziku moraju biti: | Where the language of the seafarers’ employment contact and any applicable collective bargaining agreement is not in English, the following shall be available in English: |
| 1) kopija standardnog oblika ugovora; | 1) a copy of the standard form of the agreement; and; |
| 2) djelovi ugovora o kolektivnom pregovaranju koji su podložni inspekciji države luka. | 2) the portions of the collective bargaining agreement subject to port state inspection. |
| Odredbe st. 1 do 8 ovog člana primjenjuju se na odgovarajući način i na članove posada plutajućih objekata. | Provisions of paragraph 1 to 8 of this article shall apply to crewmembers of floating facilities, as appropriate. |
| Član posade broda ima pravo na odgovarajuće radne i životne uslove na brodu, pravo na zdravstvenu zaštitu, medicinsku njegu, mjere socijalne pomoći i druge oblike socijalne zaštite. | 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. |
| Minimalni otkazni rok za prestanak ugovora o radu pomorca je 30 dana, a pomorac može otkazati, odnosno prekinuti ugovor o radu bez prethodnog obavještavanja u slučaju: | Minimum notice period for termination of seafarer’s employment contract shall be 30 days, and a seafarer may cancel or terminate the employment contract without notice in the following events: |
| 1) zadržavanja broda više od 30 dana zbog nedostataka u skladu sa Konvencijom SOLAS i Konvencijom o teretnim linijama; | 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) plovidbe broda u ratnu zonu, pod uslovom da pomorac nije saglasan da ide u tu ratnu zonu. | 2) ship engaged on a voyage in a war zone, provided that the seafarer does not consent to go to such war zone. |
| Vlasnik broda može otkazati, odnosno raskinuti ugovor o radu pomorca i u roku koji je kraći od 30 dana kada je: | A ship owner may cancel or terminate seafarer’s employment contract on a shorter notice when: |
| 1) brod prodat ili izgubljen; | 1) the ship was lost or sold; |
| 2) pomorac u nemogućnosti da nastavi sa obavljanjem rada zbog bolesti ili povrede, a utvrđeno je da je pomorac nesposoban da obavlja svoje radne dužnosti ili je načinio teži disciplinski prekršaj. | 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. |
| Sadržaj ugovora o radu iz stava 1 ovog člana propisuje organ državne uprave nadležan za poslove rada. | Contents of the employment agreement referred to in paragraph 1 of this article shall be set by administration authority in charge of employment affairs. |
| Osiguranje ili druge garancije u slučaju napuštanja pomoraca | Insurance coverage or other financial security in case of abandonment of seafarers |
| Član 153a | Article 153a |
| Crnogorski brod mora da ima važeće osiguranje ili drugu finansijsku garanciju za pomoć pomorcima u slučaju njihovog napuštanja. | A Montenegrin ship shall hold a valid insurance coverage or other financial security to assist seafarers in case of their abandonment. |
| Napuštenim pomorcem smatra se član posade broda, ako: | A crewmember shall be deemed to be an abandoned seafarer if: |
| - brodar ne želi da pokrije troškove povratnog putovanja pomorca; ili | - - the shipping operator does not wish to cover the repatriation costs; or |
| - je brodar napustio pomorca bez obezbjeđivanja osnovnih uslova, što uključuje: odgovarajuću hranu, smještaj, zalihe pitke vode, neophodno gorivo za opstanak na brodu, potrebnu medicinsku pomoć; ili | - 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 |
| - je brodar na drugi način jednostrano prekinuo veze sa pomorcem, uključujući neisplaćivanje ugovorne zarade u periodu od najmanje dva mjeseca. | - 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. |
| Osiguranje ili druga finansijska garancija iz stava 1 ovog člana, treba da obezbijedi pokriće za: | Insurance coverage or other financial security referred to in paragraph 1 of this article shall be procured to cover for: |
| - neisplaćene zarade i druga primanja u skladu sa ugovorom o radu i kolektivnim ugovorom za najmanje četiri mjeseca; i | - unpaid wages and other remuneration under the employment contract and the collective bargaining agreement for at least four months; and |
| - opravdane troškove pomorca uključujući troškove povratnog putovanja avionom, hranu i smještaj od trenutka iskrcavanja sa broda do povratka u njegovo mjesto prebivališta, potrebnu medicinsku pomoć, prevoz ličnih stvari pomorca i drugih troškova nastalih od trenutka napuštanja pomorca. | - 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. |
| Osiguranje ili druga finansijska garancija iz stava 1 ovog člana, mora se nalaziti na brodu na mjestu koje je dostupno pomorcima na brodu i mora biti sačinjena na engleskom jeziku. | Insurance coverage or other financial security referred to in paragraph 1 of this article shall be held on board and available to seafarers on board and shall be made in English. |
| Odredbe st. 1 i 2 ovog člana, primjenjuju se i na strane brodove koji namjeravaju da uplove u crnogorsku luku ili da pristanu uz postrojenja za istraživanje i proizvodnju ugljovodonika u teritorijalnom moru Crne Gore. | The provisions of paragraphs 1 and 2 of this article 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. |
| Osiguranje ili druge garancije za pokrivanje troškova ugovornih potraživanja pomoraca | Insurance coverage or other financial security to cater for the costs of contracted receivables of seafarers |
| Član 153b | Article 153b |
| Crnogorski brod mora da ima važeće osiguranje ili drugu finansijsku garanciju za slučaj smrti, invalidnosti pomorca nastale zbog povreda na radu, profesionalnih bolesti i bolesti u vezi sa radom naplativu na prvi poziv u skladu sa zakonom, ugovorom o radu pomorca ili kolektivnim ugovorom. | 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. |
| U slučaju isplate sredstava osiguranja ili druge finansijske garancije iz stava 1 ovog člana izdaje se potvrda o isplaćenim sredstvima i oslobađanja od odgovornosti u skladu sa Međunarodnom konvencijom o radu pomoraca. | In case of payment of insurance claim or other financial security referred to in paragraph 1 of this article, a Release and Receipt certificate in line with the Maritime Labour Convention shall be issued. |
| Osiguranje ili druga finansijska garancija iz stava 1 ovog člana, mora se nalaziti na brodu na mjestu koje je dostupno pomorcima na brodu i mora biti sačinjena na engleskom jeziku. | Insurance coverage or other financial security referred to in paragraph 1 of this article shall be held on board and available to seafarers on board and shall be made in English. |
| Odredbe st. 1 i 2 ovog člana, primjenjuju se i na strane brodove koji namjeravaju da uplove u crnogorsku luku ili da pristanu uz postrojenja za istraživanje i proizvodnju ugljovodonika u teritorijalnom moru Crne Gore. | The provisions of paragraphs 1 and 2 of this article 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. |
| Radno vrijeme i noćni rad | Hours of work and night work |
| Član 154 | Article 154 |
| Radno vrijeme pomorca na brodu traje osam sati dnevno po moru i u luci, sa jednim danom odmora u toku neđelje i danom odmora za državne i vjerske praznike. | 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. |
| Maksimalno radno vrijeme pomorca ne može da traje duže od: | Seafarers’ maximum hours of work shall not exceed: |
| 1) 14 sati u bilo kojem periodu od 24 sata; | 1) 14 hours in any 24-hour period, and |
| 2) 72 sata u bilo kojem periodu od sedam dana. | 2) 72 hours in any seven-day period. |
| Pod noćnim radom podrazumijeva se vremenski period od najmanje devet sati, koji počinje najkasnije od ponoći a završava se ne ranije od pet sati ujutru. | Night work shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m. |
| Pomorac mlađi od 18 godina života (u daljem tekstu: mlađi pomorac) ne može da radi noću. | Night work of seafarers under the age of 18 (hereinafter: young seafarer) shall be prohibited. |
| Odmor | Hours of rest |
| Član 155 | Article 155 |
| Minimalno vrijeme odmora pomorca ne može da traje kraće od: | Seafarers’ minimum hours of rest shall not be less than: |
| 1) 10 sati u bilo kojem periodu od 24 sata; | 1) 10 hours in any 24-hour period, and; |
| 2) 77 sati u bilo kojem periodu od sedam dana. | 2) 77 hours in any seven-day period. |
| Vrijeme odmora se može podijeliti u najviše dva perioda, od kojih će jedan biti najkraće šest sati neprekidno, a vremenski razmak između uzastopnih perioda odmora ne može da pređe 14 sati. | 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. |
| Obavezne vježbe okupljanja (smotre), protivpožarne vježbe i vježbe sa čamcima za spašavanje i obuke na brodu koje su propisane međunarodnim propisima moraju se sprovoditi na način koji će što manje ometati vrijeme odmora i neće dovesti do zamora pomoraca. | 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. |
| Sati odmora mogu se prekinuti u vanrednim slučajevima pod uslovom da se naknade poslije završetka vanrednih slučajeva. | Hours of rest may be interrupted in emergencies provided that such hours are compensated after the end of such emergency. |
| Brodar je dužan da, na lako pristupačnom mjestu na brodu, obezbijedi postavljanje table sa rasporedom rada na brodu, na crnogorskom i engleskom jeziku, koja za svako radno mjesto mora da sadrži najmanje: | 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) raspored službe na moru i službe u luci; | 1) the schedule of service at sea and service in port;+; |
| 2) maksimalno radno vrijeme ili minimalno vrijeme odmora pomorca. | 2) the seafarers’ maximum hours of work or the seafarers’ minimum hours of rest. |
| Brodar je dužan da vodi zapisnik o dnevnim satima rada i odmora pomorca. | The ship operator shall maintain records of seafarers’ daily hours of work and of their daily hours of rest. |
| Godišnji odmor | Annual leave |
| Član 156 | Article 156 |
| Svaki pomorac ima pravo na plaćeni godišnji odmor, koji se izračunava na osnovu 2,5 kalendarska dana po mjesecu zaposlenja i srazmjerno za nepotpune mjesece. | 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. |
| Rad mlađeg pomorca | Young seafarers |
| Član 157 | Article 157 |
| Lice mlađe od 16 godina života ne može da radi na brodu. | No person under 16 years of age shall be allowed to work on board a ship. |
| Radno vrijeme mlađeg pomorca ne može da bude duže od osam sati dnevno ili 40 sati neđeljno, dok prekovremeni rad treba da bude odrađen samo ako je to neizbježno radi sigurnosti plovidbe. | 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. |
| Mlađem pomorcu mora biti obezbijeđeno za sve obroke dovoljno vremena, a za dnevni glavni obrok najmanje sat vremena. | 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. |
| Mlađem pomorcu mora biti obezbijeđen odmor od 15 minuta poslije svaka dva sata neprekidnog rada, kada je to moguće. | Young seafarer shall be allowed a 15-minute rest period following each two hours of continuous work, where possible. |
| Izuzetno, odredbe st. 2 do 4 ovog člana neće se primjenjivati, ako: | Exceptionally, the provisions of paragraph 2 to 4 of this article shall not be applied if: |
| 1) nije moguće obavljanje dužnosti u smjenama ili rad prema promjenljivom rasporedu za mlađe pomorce koji obavljaju poslove na palubi, mašini ili u opštoj službi; | 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) nije moguće obezbijediti efikasnu obuku mlađih pomoraca u skladu sa propisanim planovima i programima; | 2) the effective training of young seafarers in accordance with established schedules and programmes would be impaired; |
| 3) je to neophodno zbog sigurnosti plovidbe. | 3) it is required for safety reasons. |
| Okolnosti iz stava 5 ovog člana moraju se evidentirati, uz navođenje razloga i uz potpis od strane zapovjednika broda. | The circumstances referred to in paragraph 5 of this article shall be recorded, with reasons, and signed by the shipmaster. |
| Zaštita zdravlja i sigurnosti i sprječavanje nezgoda na brodu | Health and safety protection and accident prevention |
| Član 158 | Article 158 |
| Brodar ili kompanija dužna je da brine o zaštiti zdravlja i sigurnosti i sprječavanju nezgoda na brodu u skladu sa zakonom. | 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. |
| Na brodu se mora nalaziti priručnik o načinu zaštite zdravlja, sigurnosti i sprječavanja nezgoda na brodu. | Guidelines about health and safety protection and accident prevention procedures shall be carried on board. |
| Na brodu koji ima pet i više pomoraca mora se obrazovati brodski odbor za sigurnost, koji čini po jedan predstavnik iz svake službe na brodu. | Each ship with five or more seafarers shall establish a safety committee composed of one representative of every ship department. |
| Zdravstvena briga na brodu | Medical care on board |
| Član 159 | Article 159 |
| Svakom pomorcu se mora obezbijediti besplatan odlazak ljekaru ili zubaru u lukama pristajanja broda, gdje je to moguće. | Each seafarer shall be provided free of charge visit to a physician or dentist in ports of call, where possible. |
| Prostorije za smještaj i odmor pomoraca | Accommodation and recreational facilities |
| Član 160 ﻿ | Article 160 ﻿ |
| Brod treba da ima odgovarajuće prostorije za smještaj i odmor pomoraca. | Ships should appropriate decent accommodation and recreational facilities. |
| Bliže uslove koje treba da ispunjavaju prostorije za smještaj i odmor pomoraca utvrđuje Ministarstvo. | More detailed conditions to be met by accommodation and recreational facilities for seafarers shall be set by the Ministry. |
| Stručne osnove za izradu propisa iz stava 2 ovog člana, člana 49 st. 8 i 9, člana 51 stav 13, člana 57 stav 4, člana 66 stav 3, člana 67 stav 6, člana 83 stav 2, člana 88 stav 4 i člana 89 stav 1 ovog zakona priprema Organ uprave. | The expert basis for drafting regulations referred to in paragraph 2 of this article, Article 49 paragraphs 8 and 9, Article 51 paragraph 13, Article 57 paragraph 4, Article 66 paragraph 3, Article 67 paragraph 6, Article 83 paragraph 2, Article 88 paragraph 4, and Article 89 paragraph 1 of this law shall be prepared by AMSPM. |
| Prehrana i posluživanje hrane na brodu | Food and catering |
| Član 161 | Article 161 |
| Količina, hranljiva vrijednost, kvalitet, raznovrsnost hrane i pitke vode na brodu mora da odgovara broju pomoraca na brodu,njihovim vjerskim zahtjevima i kulturnim običajima. | 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. |
| Lica koja su zaposlena u službi za posluživanje hrane moraju biti obučena ili osposobljena za ta radna mjesta. | Persons employed in the catering department shall be trained or qualified for their positions. |
| Na brodu koji plovi sa 10 ili više članova posade mora biti ukrcan osposobljen brodski kuvar. | A qualified ship cook shall be employed on a ship with 10 or more crewmembers. |
| Zapovjednik broda ili lice koje ovlasti zapovjednik dužno je da jednom neđeljno vrši kontrolu, odnosno pregled zaliha hrane i pitke vode, svih prostora i opreme koji služe za skladištenje i rukovanje hranom i pitkom vodom, brodske kuhinje i druge opreme za pripremanje i posluživanje obroka, o čemu sačinjava zapisnik, kojim se nalaže otklanjanje uočenih nedostataka. | The shipmaster or a person authorised by the shipmaster 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. |
| Zaštita prava pomoraca iz radnog odnosa | Protection of seafarers’ labour rights |
| Član 162 | Article 162 |
| U inostranim lukama član posade broda koji je državljanin Crne Gore može se, radi zaštite svojih prava iz radnog odnosa, obratiti diplomatskim ili konzularnim predstavništvima Crne Gore. | In foreign ports, a crewmember who is a Montenegrin national may seek protection of his labour rights through diplomatic or consular offices of Montenegro. |
| Posredovanje pri zapošljavanju | Crewing |
| Član 163 ﻿ | Article 163 ﻿ |
| Posredovanje pri zapošljavanju pomoraca na brodovima crnogorske državne pripadnosti i brodovima strane državne pripadnosti vrši Zavod za zapošljavanje Crne Gore (u daljem tekstu: Zavod). | 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). |
| Posredovanje pri zapošljavanju pomoraca na brodovima crnogorske i strane državne pripadnosti mogu obavljati i pravna lica, na osnovu odobrenja Ministarstva. | 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. |
| Odobrenje iz stava 2 ovog člana, izdaje se pravnom licu koje je registrovano za obavljanje djelatnosti zapošljavanja pomoraca u Centralnom registru privrednih subjekata i koje ispunjava sljedeće uslove: | The approval referred to in paragraph 2 of this article 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: |
| - ima zaposleno najmanje jedno lice koje ima najmanje dvije godine radnog iskustva u pomorstvu, od čega najmanje 12 mjeseci plovidbenog staža; | - has at least one employee with at least two years of work experience in shipping business, with at least 12 months of sea service; |
| - ima sertifikat o sistemu kvaliteta u skladu sa međunarodnim ISO standardom ili sertifikat o sistemu upravljanja u skladu sa MLC konvencijom koji izdaje priznata organizacija, koji se odnosi na posredovanje pri zapošljavanju pomoraca; | - be certified against ISO standards directly relevant for employment of seafarers, or certificate of management system in accordance with the MLC convention issued by a recognized organization, relating to mediation in the employment of seafarers |
| - ima odgovarajući prostor i opremu. | - have appropriate office space and equipment. |
| Pravno lice kojem je izdato odobrenje za posredovanje pri zapošljavanju pomoraca, na brodovima crnogoske i strane državne pripadnosti, dužno je da: | A legal person licenced for crewing services for ships of Montenegrin nationality and foreign ships shall: |
| - obezbijedi da pomorac, prije upućivanja na brod, ima zaključen ugovor o radu sa brodarom ili kompanijom koji je u skladu sa zakonom, kolektivnim ugovorom i međunarodnim ugovorima; | - 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; |
| - provjeri da li prije potpisivanja ugovora iz alineje 1 ovog stava, brodar ili kompanija kod koje se pomorac zapošljava, osigurava pomorce od povreda na radu, profesionalnih bolesti i bolesti u vezi sa radom i da li posjeduje osiguranje repatrijacije pomoraca i da o tome obavijesti pomorca; | - verify before signing the agreement referred to in indent 1 of this paragraph 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; |
| - provjeri da li pomorac ispunjava uslove za ukrcavanje na brod u određenom svojstvu; | - verify whether the seafarer meets the requirements for joining a ship in a certain capacity; |
| - vodi evidenciju o pomorcima koji traže zaposlenje i poslodavcima koji prijavljuju potrebu za pomorcima; | - keep records of seafarers seeking employment and employers reporting vacancies; |
| - vodi evidenciju o pomorcima koji su se zaposlili posredovanjem pravnog lica iz stava 2 ovog člana; | - keep records of seafarers who were employed through the crewing services provided by the legal person referred to in paragraph 2 of this article; |
| - na zahtjev Ministarstva i Zavoda dostavlja podatke iz al. 4 i 5 ovog stava. | - upon the Ministry and NAO request, provide data referred to in indents 4 and 5 of this paragraph. |
| Za posredovanje pri zapošljavanju pomoraca pravno lice iz stava 2 ovog člana ne smije naplaćivati naknadu pomorcima. | The legal person referred to in paragraph 2 of this article shall not be allowed to charge seafarers for the crewing services provided. |
| Troškove za izdavanje pasoša, pomorske knjižice, ovlašćenja o osposobljenosti, ljekarske preglede koji spadaju u obavezne preglede u skladu sa zakonom plaća pomorac. | The costs incurred for issuing passport, seaman’s book, certificates of proficiency, mandatory medical examinations required by law shall be borne by the seafarer. |
| Bliže uslove u pogledu prostora i opreme iz stava 3 alineja 3 ovog člana i način vođenja evidencije iz stava 4 al. 4 i 5 ovog člana propisuje Ministarstvo, uz saglasnost organa državne uprave nadležnog za poslove rada. | More detailed condition regarding space and equipment referred to in paragraph 3 indent 3 of this article as well as manner of keeping records referred to in paragraph 4 indent 4 and 5 shall be set by the Ministry, with consent of the administrative body competent for labour affairs. |
| Svjedočanstvo o radu pomoraca i deklaracija o ispunjenosti uslova rada pomoraca | Maritime labour certificate and declaration of maritime labour compliance |
| Član 164 | Article 164 |
| Brodovi crnogorske državne pripadnosti koji plove u međunarodnom putovanju i imaju 500 BT ili više moraju imati svjedočanstvo o radu i deklaraciju o ispunjenosti uslova rada pomoraca. | The ships flying Montenegrin Flag, engaged in international voyages, and of 500 GT or over, shall carry a maritime labour certificate and a declaration of maritime labour compliance. |
| Svjedočanstvom o radu pomoraca potvrđuje se da su radni i životni uslovi pomoraca na tom brodu u skladu sa Konvencijom o radu pomoraca. | 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. |
| Deklaracija o ispunjavanju uslova rada pomoraca je isprava kojom se potvrđuje da je brod održavan u skladu sa Konvencijom o radu pomoraca. | The declaration of maritime labour compliance is a document which verifies that the ship has been maintained in compliance with the Maritime Labour Convention. |
| Isprave iz stava 1 ovog člana izdaje Organ uprave. | Documents referred to in paragraph 1 of this article shall be issued by AMSPM. |
| Bliže uslove koji se odnose na radno vrijeme, vrijeme odmora, smještaj i prostorije za odmor, hranu i način posluživanja, zdravstvene mjere i mjere zaštite na radu pomoraca propisuje Ministarstvo. | 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. |
| Zarade pomoraca na brodu | Seafarer’s wages |
| Član 165 | Article 165 |
| Pomorcima na brodu mjesečno se isplaćuju zarade u skladu sa ugovorom o radu. | Seafarers on board ship shall be paid monthly wages in accordance with the employment agreement. |
| Pomorac ima pravo na uvećanu zaradu za prekovremeni rad, u skladu sa  zakonom i kolektivnim ugovorom. | Seafarer shall be entitled to increased wage on the account of overtime work in accordance with the law and collective agreement. |
| Evidenciju prekovremenog rada dužan je da vodi zapovjednik ili lice koje ovlasti zapovjednik. | The records of overtime work shall be maintained by or under the supervision of the shipmaster. |
| Evidenciju iz stava 3 ovog člana ovjerava pomorac jednom mjesečno. | The records referred to in paragraph 3 of this article shall be verified by the seafarer once a month. |
| Brodar je dužan da pomorcu, u pisanoj formi, preda mjesečni obračun dospjelih isplata i plaćenih iznosa, uključujući zarade i kurs zamjene ako je isplata izvršena u stranoj valuti ili primjenom stopa različitih od onih koje su ugovorene. | 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. |
| Prenos cijele ili dijela zarade | Transmission of all or part of earnings |
| Član 166 | Article 166 |
| Vlasnik broda dužan je da omogući pomorcu prenos cijele ili dijela zarade porodici i drugim licima koje izdržava. | The ship owner shall enable the seafarers to transmit all or part of their earnings to their families or other dependants. |
| Brodski postupak po prigovoru pomorca | On-board complaint procedures |
| Član 167 ﻿ | Article 167 ﻿ |
| Član posade broda koji smatra da su mu povrijeđena prava u vezi životnih i radnih uslova na brodu ima pravo da podnese usmeni i pismeni prigovor nadređenom oficiru, zapovjedniku broda, vlasniku broda, brodaru, kompaniji ili Lučkoj kapetaniji, a ako to smatra potrebnim i odgovarajućim organima u lukama pristajanja broda. | 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, shipmaster, ship owner, ship operator, shipping company or the Ministry, and if deems it necessary to the relevant authorities in the ports of call. |
| Ako se prigovor iz stava 1 ovog člana podnosi na brodu, unosi se u brodski dnevnik. | If the complaint referred to in paragraph 1 of this article is lodged on board ship, it shall be recorded in the ship’s logbook. |
| Prilikom podnošenja prigovora mora biti prisutan najmanje još jedan član posade broda u svojstvu svjedoka. | The complaint shall be lodged in the presence of at least another crewmember acting as a witness. |
| Vlasnik broda, brodar ili kompanija dužni su da obezbijede da se svakom članu posade broda pri ukrcavanju na brod uruči uputstvo za postupak po prigovoru koji se primjenjuje na tom brodu, koje sadrži informacije o nadležnom organu države za postupanje po prigovoru, imena članova posade broda koji će im u postupcima po prigovoru pružiti odgovarajuću pomoć i dr. | 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. TRAGANjE I SPAŠAVANjE | XI. SEARCH AND RESCUE |
| Pružanje pomoći i spašavanje | Rendering assistance and rescue |
| Član 168 | Article 168 |
| Traganje i spašavanje na moru je pružanje svih vidova pomoći i spašavanja ugroženih lica, brodova i stvari. | Search and rescue at sea means providing all kinds of assistance in distress and saving of lives, ships and things. |
| Traganje obuhvata preduzimanje radnji na ustanovljavanju mjesta, prirode i obima nezgode na moru, radi pružanja pomoći, prvenstveno radi zaštite i spašavanja ugroženih lica. | 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. |
| Spašavanje obuhvata preduzimanje radnji radi pronalaženja lica u opasnosti, pružanja prve pomoći, smještaja na sigurno mjesto i obezbjeđivanja drugih potreba. | 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. |
| U okviru traganja i spašavanja obavlja se osmatranje i javljanje o zapaženim pojavama i drugim događajima. | Observation and notification of observed developments and events shall be performed within the scope of search and rescue actions. |
| Obaveza traganja i spašavanja | Search and rescue duty |
| Član 169 | Article 169 |
| Traganje i spašavanje ugroženih lica na moru je obavezno, pod uslovom da se time ne ugrožava sigurnost lica, broda, odnosno plovnog objekta koji obavlja traganje, odnosno spašavanje. | 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. |
| Vršenje traganja i spašavanja | Search and rescue operations |
| Član 170 | Article 170 |
| Traganje i spašavanje ugroženih lica, brodova i stvari na moru vrši Organ uprave. | Search and rescue of endangered persons, ships and items shall be conducted by AMSPM. |
| Nacionalni plan za traganje i spašavanje na moru | National plan for search and rescue at sea |
| Član 171 | Article 171 |
| Traganje i spašavanje na moru vrši se u skladu sa Nacionalnim planom za traganje i spašavanje na moru (u daljem tekstu: Nacionalni plan), koji donosi Vlada. | 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. |
| Nacionalni plan sadrži organizaciju traganja i spašavanja, način traganja i spašavanja i nosioce aktivnosti na traganju i spašavanju. | The National Plan shall include the organisation of search and rescue operations, search and rescue procedures, and participants in the search and rescue operations. |
| Traganje i spašavanje jahti | Search and rescue of yachts |
| Član 172 | Article 172 |
| Odredbe čl. 168 do 171 ovog zakona primjenjuju se i na jahte. | The provisions of Articles 168 to 171 of this Law shall apply to yachts. |
| XII. DRŽAVNA PRIPADNOST I IDENTIFIKACIJA BRODA | XII. SHP NATIONALITY AND IDENTIFICATION |
| Crnogorska državna pripadnost broda | Montenegrin nationality of a ship |
| Član 173 | Article 173 |
| Crnogorsku državnu pripadnost stiče brod upisom u upisnik brodova Crne Gore, odnosno izdavanjem privremenog plovidbenog lista. | A ship shall acquire Montenegrin nationality following the registration in the Ship Register of Montenegro, or after obtaining a provisional certificate or registry. |
| U upisnik brodova Crne Gore ne može se upisati brod koji je upisan u strani upisnik brodova. | A ship that has been registered in a foreign ship registry may not be registered in the Ship Register of Montenegro. |
| U upisnik brodova Crne Gore može se upisati brod odgovarajuće starosti prema vrsti brodova. | A ship of certain age according to the type of ships may be registered in the Ship Register of Montenegro. |
| Brod koji je stekao crnogorsku državnu pripadnost ima pravo i dužnost da vije zastavu Crne Gore. | A ship that has acquired Montenegrin nationality shall be entitled and obliged to fly its flag. |
| Zastava je istovjetna sa zastavom Crne Gore, čija je širina u odnosu na dužinu 1:1,5. | The flag shall be equal to the flag of Montenegro, having the width-length ratio of 1:1.5. |
| Pravo i dužnost da vije zastavu iz stava 4 ovog člana nema brod bez posade. | A ship with no crew on board shall not have the right and duty to fly the flag referred to in paragraph 4 of this article. |
| Čamci upisani u upisnik čamaca dužni su da, van granica unutrašnjih morskih voda i teritorijalnog mora Crne Gore, viju zastavu Crne Gore. | Boats registered in the Boat Register shall fly the flag of Montenegro when outside Montenegrin inland and territorial waters. |
| Način vijanja zastave na brodovima i drugim pomorskim objektima i starost brodova prema vrsti brodova koji se mogu upisati u upisnik brodova Crne Gore propisuje Ministarstvo. | 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. |
| Znak crnogorske državne pripadnosti broda | Marking of ship’s Montenegrin nationality |
| Član 174 | Article 174 |
| Zastava je znak crnogorske državne pripadnosti broda. | Flag shall be the marking of the Montenegrin nationality of a ship. |
| Određivanje imena i oznake | Name and registration marking |
| Član 175 | Article 175 |
| Brod koji je upisan u upisnik brodova Crne Gore, osim tehničkog plovnog objekata i broda kojem je izdat privremeni plovidbeni list, mora da ima ime. | A ship registered in Montenegrin Ship Register, apart from the technical vessels and a ship granted provisional certificate of registration, shall have a name. |
| Tehnički plovni objekat mora da ima oznaku, a pored oznake može da ima i ime. | A technical vessel shall have a registration marking, and in addition to the marking, it may also have a name. |
| Dva broda ne mogu da imaju isto ime, a dva tehnička plovna objekta ne mogu da imaju istu oznaku. | Two ships may not have the same name, and two technical vessels may not have the same registration markings |
| Ime, odnosno oznaku i luku upisa rješenjem određuje Ministarstvo. | The name or the registration marking and the port of registry shall be defined by the Ministry by means of a decision. |
| Način određivanja imena, odnosno oznake i luke upisa, način nanošenja imena i oznaka i način vođenja evidencije o imenima i oznakama i luci upisa propisuje Ministarstvo. | 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. |
| Pozivni znak i MMSI broj | Call sign and MMSI number |
| Član 176 | Article 176 |
| Brod i čamac koji imaju radio-uređaj prema propisima o međunarodnom radio- saobraćaju moraju imati pozivni znak i MMSI broj. | 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. |
| Način, uslove i postupak određivanja pozivnog znaka i MMSI broja i vođenja evidencije o pozivnom znaku i MMSI broju propisuje nezavisno regulatorno tijelo nadležno za elektronske komunikacije. | 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. |
| Luka upisa | Port of registry |
| Član 177 | Article 177 |
| Brod mora nositi ime luke upisa. | A ship shall bear the name of its port of registry. |
| Luka upisa je luka na čijem je području sjedište Lučke kapetanije koja vodi upisnik u koji je brod upisan. | The port of registry is the port where the seat of the Harbour Master Office maintaining the register of ships is situated. |
| XIII. ISTRAGA POMORSKIH NESREĆA ﻿ | XIII. INVESTIGATION OF MARITIME ACCIDENTS﻿ |
| Istraživanje pomorskih nesreća ﻿ | Investigating maritime accidents ﻿ |
| Član 178 ﻿ | Article 178 ﻿ |
| Organi državne uprave, fizička i pravna lica koji imaju informaciju o nastanku pomorske nesreće (ozbiljne ili vrlo ozbiljne nesreće) ili su uključeni u pomorsku nesreću, dužni su da bez odlaganja obavijeste Komisiju za istraživanje pomorskih nesreća (u daljem tekstu: Komisija za istraživanje). | Public authorities, as well as physical and legal entities who have information on the occurrence of a maritime accident (serious or very serious accident) or are involved in a maritime accident, are obliged to inform the Maritime Accident Investigation Commission (hereinafter: the Investigation Commission) without delay. |
| Svaka pomorska ozbiljna ili vrlo ozbiljna nesreća mora se detaljno ispitati i analizirati, nezavisno od istrage koju vode nadležni državni organi. | Any serious or very serious maritime accident must be thoroughly examined and analysed, independently of the investigation conducted by the competent state authorities. |
| Istraživanje pomorskih nesreća nema za cilj utvrđivanje krivice ili odgovornosti za nastanak nesreća i događaja koji ugrožavaju sigurnost, već njihovo sprečavanje u budućnosti. | The aim of maritime accident investigation is not to determine the guilt or responsibility for the occurrence of accidents and events that endanger safety, but to prevent them in the future. |
| Ako plovni objekat strane državne pripadnosti pretrpi pomorsku nesreću u unutrašnjim morskim vodama ili teritorijalnom moru Crne Gore, Ministarstvo obavještava organe državne uprave nadležne za unutrašnje i vanjske poslove, nadležne organe države kod koje je plovni objekat upisan, brodara, kompaniju, odnosno vlasnika broda, nadležne organe drugih država, ako su se na plovnom objektu koji je pretrpio pomorsku nesreću nalazili putnici i posada iz tih država i organe države kojoj prijeti opasnost od zagađenja životne sredine ili ima interesa da učestvuje u istrazi. | If a vessel of foreign nationality suffers a maritime accident in the internal or territorial of ​​Montenegro, the Ministry shall notify the state administration bodies responsible for interior and foreign affairs, the competent authorities of the state where the vessel is registered, the ship operator, the company or the owner of the vessel, public authorities of other states, if the vessel that suffered a maritime accident had passengers and crew from those states and the authorities of a state that is in danger of environmental pollution or has an interest in participating in the investigation. |
| Ako plovni objekat crnogorske državne pripadnosti pretrpi pomorsku nesreću na teritoriji druge države, Komisija za istraživanje će sprovesti istragu u saradnji sa nadležnim državnim tijelom na čijoj teritoriji se nesreća dogodila | If a vessel flying Montenegrin Flag suffers a maritime accident on the territory of another state, the Investigation Commission will conduct an investigation in cooperation with the competent state body on whose territory the accident occurred. |
| Komisija za istraživanje | Investigation Commission |
| Član 179 ﻿ | Article 179 ﻿ |
| Istragu pomorskih nesreća, radi utvrđivanja uzroka pomorske nesreće i predlaganja mjera za izbjegavanje pomorskih nesreća i unapređivanja sigurnosti plovidbe vrši Komisija za istraživanje, koju obrazuje Vlada. | The Investigation Commission, formed by the Government, investigates maritime accidents in order to determine the cause of the maritime accident and propose measures to avoid maritime accidents and improve navigation safety. |
| Pokretanje i vođenje istraga pomorskih nesreća ne smije se zabraniti niti ograničiti na bilo koji način. | The initiation and conduct of maritime accident investigations shall not be prohibited or restricted in any way. |
| Komisija za istraživanje je samostalna u radu i funkcionalno nezavisna od svih organa državne uprave nadležnih za pomorstvo i drugih pravnih i fizičkih lica koja mogu uticati na objektivnost komisije. | The Investigation Commission is independent in its work and functionally independent from all state administration bodies responsible for maritime affairs and other legal and natural persons that may affect the objectivity of the Investigation Commission. |
| Komisija za istraživanje: | Investigation Commission shall: |
| 1) vrši istraživanje pomorskih nesreća plovnih objekata; | 1) investigate maritime accidents of vessels; |
| 2) daje sigurnosne preporuke radi poboljšanja sigurnosti u pomorskom saobraćaju; | 2) make safety recommendations in order to improve safety in maritime traffic; |
| 3) vodi bazu podataka o istraživanju pomorskih nesreća; | 3) maintain a database on maritime accident investigations; |
| 4) dostavlja podatke iz baze podataka Međunarodnoj pomorskoj organizaciji i drugim međunarodnim organizacijama, u skladu sa zaključenim međunarodnim ugovorima; | 4) submit data from the database to the International Maritime Organization and other international organizations, in accordance with international agreements; |
| 5) sarađuje sa drugim istražnim organima za istragu pomorskih nesreća članica Međunarodne pomorske organizacije; | 5) cooperate with other investigative bodies for the investigation of maritime accidents of members of the International Maritime Organization; |
| 6) objavljuje rezultate istrage uz poštovanje načela tajnosti; | 6) publish results of investigations in compliance with the principle of confidentiality; |
| 7) utvrđuje i ažurira listu stručnjaka za istragu pomorskih nesreća koji su nezavisni (u daljem tekstu: lista stručnjaka); | 7) propose and update the roster of independent experts for maritime incident and accident investigation (hereinafter: Roster of Experts); |
| 8) dostavlja Vladi godišnji izvještaj o radu do 31. marta tekuće za prethodnu godinu; | 8) submit to the Government its annual activity report not later than 31 March of the current year for the previous year; and |
| 9) obavlja druge poslove od značaja za istraživanje pomorskih nesreća plovnih objekata. | 9) perform other tasks relevant for maritime incident and accident investigation. |
| Organi državne uprave kojima je Komisija za istraživanje dala sigurnosnu preporuku, dužni su da u roku od 90 dana od prijema preporuke obavijeste Komisiju za istraživanje o sprovođenju datih korektivnih mjera, a ako korektivne mjere nijesu ili su djelimično sprovedene, dužni su da obavijeste Komisiju za istraživanje o razlozima njihovog nesprovođenja. | State administration bodies to which the Investigation Commission has issued a safety recommendation are obliged to inform the Investigation Commission of the implementation of the given corrective measures within 90 days of receiving the recommendation, and if corrective measures are not implemented or are partially implemented, they are obliged to inform the implemented Commission about the reasons for their non-implementation. |
| Način prikupljanja podataka, analize i čuvanja podataka i sačinjavanja izvještaja i način vođenja baze podataka pomorskih nesreća propisuje Ministarstvo. | The manner of data collection, analysis and storage of data and preparation of reports and the manner of keeping the database of maritime accidents shall be set by the Ministry. |
| Sastav Komisije za istraživanje | Composition of the Investigation Commission |
| Član 180 ﻿ | Article 180 ﻿ |
| Komisiju za istraživanje čine najviše tri stalna člana, od koji je jedan glavni istražilac, a ostali istražitelji. | The Investigation Commission shall be composed of not more than three permanent members, of which one shall be the chief investigator, while others shall be designated as investigators. |
| Komisiju za istraživanje predstavlja i njenim radom rukovodi glavni istražilac. | The Investigation Commission shall be represented and its work managed by the chief investigator. |
| U radu Komisije za istraživanje po potrebi mogu učestvovati i stručnjaci sa liste stručnjaka. | If necessary, experts from the Roster of Experts may also participate in the work of the Research Commission. |
| Glavni istražilac za istragu pomorske nesreće može da obrazuje ekspertski tim za istraživanje nesreća sa liste stručnjaka. | The chief investigator may form a team of expert from the Roster of Experts in order to investigate accidents. |
| Izvještaj o rezultatima istraživanja pomorskih nesreća sačinjava Komisija za istraživanje i dostavlja Vladi, najkasnije u roku od pet dana od dana sačinjavanja izvještaja. | The report on the results of the investigation of maritime accidents shall be prepared by the Investigation Commission and submitted to the Government, no later than five days from the day of compiling the report. |
| Članovi Komisije za istraživanje imaju pravo na naknadu za svoj rad. | Members of the Investigation Commission are entitled to remuneration for their work. |
| Sredstva za rad Komisije za istraživanje obezbjeđuju se iz Budžeta. | Funds for the work of the Research Commission are provided from the State Budget. |
| Bliži postupak i način sprovođenja istraživanja pomorskih nesreća, bliža ovlašćenja i uslove koje mora da ispunjava glavni istražilac, istražitelji i stručnjaci, način obavještavanja, organizaciju, način rada, obuku nezavisnih stručnjaka, druga pitanja od značaja za rad Komisije za istraživanje i visinu naknade iz stava 6 ovog člana utvrđuje Vlada. | More detailed rules of proceeding and manner of conducting maritime accident investigations, closer authorizations and conditions that must be met by the chief investigator, investigators and experts, manner of informing, organization, manner of work, training of independent experts, other issues of importance for the work of the Investigation Commission from paragraph 6 of this article shall be determined by the Government. |
| Baze podataka | Databases |
| Član 181 ﻿ | Article 181 ﻿ |
| - brisan - | - not in effect - |
| Istraga pomorskih nezgoda i nesreca jahti | Investigation of maritime accidents and incidents of yachts |
| Član 182 ﻿ | Article 182 ﻿ |
| - brisan - | - not in effect - |
| XIIIa. PREVOZ PUTNIKA I/ILI STVARI U UNUTRAŠNjEM POMORSKOM SAOBRAĆAJU | XIIIa. TRANSPORT OF PASSENGERS AND / OR GOODS IN INTERNAL MARITIME TRAFFIC |
| Djelatnost prevoza putnika i/ili stvari | Transport of passengers and / or goods |
| Član 182a | Article 182a |
| Prevoz putnika i/ili stvari u unutrašnjem pomorskom saobraćaju obavlja se kao: | Transport of passengers and / or goods in internal maritime traffic shall be performed as: |
| - redovni cjelogodišnji; | - scheduled year-round transport; |
| - sezonski; | - seasonal transport; |
| - slobodni; i | - tramp service; and |
| - prevoz trajektom. | - ferry transport. |
| Prevoznik koji obavlja djelatnost prevoza iz stava 1 ovog člana, dužan je da obezbijedi siguran prevoz putnika i/ili stvari na plovnom objektu u granicama dozvoljene nosivosti plovnog objekta, ako prevoz nije uređen posebnim propisom. | The carrier performing the transport activity referred to in paragraph 1 of this Article, is obliged to ensure the safe transport of passengers and / or items on the vessel within the limits of allowed deadweight, if the transport is not regulated by a special regulation. |
| Redovni cjelogodišnji prevoz putnika i/ili stvari | Scheduled year-round transport of passengers and / or cargo |
| Član 182b | Article 182b |
| Redovni cjelogodišnji prevoz putnika i/ili stvari u unutrašnjem pomorskom saobraćaju obavlja se po unaprijed određenim relacijama, redu plovidbe, cijeni i drugim uslovima prevoza. | Scheduled year-round transport of passengers and / or cargo in internal maritime traffic is performed according to pre-determined routes, sailing schedule, price and other transport conditions. |
| Prevoz iz stava 1 ovog člana, mogu da obavljaju pravna ili fizička lica koja su upisana u Centralni registar privrednih subjekata (u daljem tekstu: CRPS). | Transport referred to in paragraph 1 of this Article may be performed by legal or natural persons registered in the Central Register of Business Entities (hereinafter: CRPS). |
| Prevoz iz stava 1 ovog člana, može se obavljati samo plovnim objektima koji su upisani u upisnike Lučke kapetanije, na području plovidbe upisanom u dozvoli za plovidbu i upisnom listu. | The transport referred to in paragraph 1 of this Article may be performed only by vessels registered in the registers of the Harbour Master Office, in the area of navigation entered in the navigation license and the registration form. |
| Prevoz iz stava 1 ovog člana, obavlja se prema planu reda plovidbe (u daljem tekstu: plan plovidbe). | Transportation referred to in paragraph 1 of this Article shall be performed according to the schedule of navigation (hereinafter: navigation schedule). |
| Sezonski prevoz putnika i/ili stvari | Seasonal transport of passengers and/or goods |
| Član 182c | Article 182c |
| Sezonski prevoz putnika i/ili stvari u unutrašnjem pomorskom saobraćaju obavlja se u određenom periodu godine - sezone, na određenim relacijama, po utvrđenom redu plovidbe u skladu sa planom plovidbe, cijeni i drugim uslovima prevoza. | Seasonal transport of passengers and / or goods in internal maritime traffic is performed in a certain period of the year – a season, on determined routes, according to the established sailing schedule in accordance with the sailing plan, price and other conditions of transport. |
| Prevoz iz stava 1 ovog člana, mogu da obavljaju pravna ili fizička lica koja su upisana u CRPS. | Transportation referred to in paragraph 1 of this Article may be performed by legal or natural persons registered in the CRPS. |
| Prevoz iz stava 1 ovog člana, može se obavljati samo plovnim objektima koji su upisani u upisnike Lučke kapetanije, na području plovidbe upisanom u dozvoli za plovidbu i upisnom listu. | The transport referred to in paragraph 1 of this Article may be performed only by vessels registered in the registers of the Harbour Master Office, in the area of navigation entered in the navigation license and the registration form. |
| Prevoz iz stava 1 ovog člana, obavlja se prema planu plovidbe. | The transportation referred to in paragraph 1 of this Article shall be performed according to the navigation schedule. |
| Slobodan prevoz putnika i/ili stvari | Tramp service transport of passengers and / or goods |
| Član 182d | Article 182d |
| Slobodan prevoz putnika i/ili stvari u unutrašnjem pomorskom saobraćaju je prevoz unaprijed određene grupe putnika i/ili stvari, bez usputnog ukrcaja i iskrcaja putnika i/ili stvari, za koji su relacija, cijena prevoza i drugi uslovi utvrđeni ugovorom između prevoznika i korisnika prevoza, prije ukrcavanja putnika i/ili stvari na plovni objekat na pristaništu isplovljenja, a ugovor se mora nalaziti na plovnom objektu za vrijeme obavljanja prevoza. | Tramp service transport of passengers and / or goods in internal maritime transport is the transport of a predetermined group of passengers and / or goods, without embarkation and disembarkation of passengers and / or goods along the way, for which the route, transport price and other conditions are determined by contract between the carrier and transport user before embarking the passenger and / or loading of goods on the vessel at the port of departure, while the contract must be on the vessel during the transport. |
| Prevoz iz stava 1 ovog člana, može se obavljati kao izletnička tura ili taksi prevoz. | The transport referred to in paragraph 1 of this Article may be performed as an excursion tour or taxi transport. |
| Prevoz iz stava 1 ovog člana, mogu da obavljaju pravna ili fizička lica koja su upisana u CRPS. | Transportation referred to in paragraph 1 of this Article may be performed by legal or natural persons registered in the CRPS. |
| Prevoz iz stava 1 ovog člana, može se obavljati samo plovnim objektima koji su upisani u upisnike Lučke kapetanije, na području plovidbe upisanom u dozvoli za plovidbu i upisnom listu. | The transport referred to in paragraph 1 of this Article may be performed only by vessels registered in the registers of the Harbour Master Office, in the area of ​​navigation entered in the navigation license and the registration form. |
| Plovni objekat kojim se vrši slobodan prevoz mora biti označen oznakom vrste slobodnog prevoza (izletnička tura ili taksi prevoz), koja se ističe na vidnom mjestu, na plovnom objektu za svo vrijeme obavljanja prevoza. | The vessel with which tramp service transport is performed must be marked with the designation of the type of tramp service (excursion tour or taxi transport), which stands out in a visible place on the vessel for the entire period of transport. |
| Izgled oznake iz stava 5 ovog člana propisuje Ministarstvo. | The appearance of the mark referred to in paragraph 5 of this Article shall be prescribed by the Ministry. |
| Plan plovidbe | Navigation schedule |
| Član 182e | Article 182e |
| Plan plovidbe izrađuje Organ uprave uz saglasnost Ministarstva. | The navigation schedule is prepared by AMSPM with the consent of the Ministry. |
| Plan plovidbe sadrži: red plovidbe za svaku liniju, broj i vrstu linije, pristaništa na kojima prevoznik obavlja ukrcaj i iskrcaj putnika, vremenski period u kojem se obavlja prevoz na toj liniji, rok važenja reda plovidbe i druge podatke od značaja za obavljanje prevoza putnika i/ili stvari u unutrašnjem pomorskom saobraćaju. | The navigation schedule contains: the sailing schedule for each line, number and type of line, ports where the carrier embarks and disembarks passengers, the time period in which the transport is performed on that line, the validity period of the sailing schedule and other information relevant for transport of passengers and / or goods in internal maritime transport. |
| Plan plovidbe se objavljuje internet stranici Organa uprave. | The navigation schedule shall be published on the website of AMSPM. |
| Red plovidbe prema planu plovidbe Organ uprave ističe na odgovarajućoj tabli na pristaništima na kojem se obavlja redovni cjelogodišnji i sezonski prevoz. | The sailing schedule according to the navigation schedule is displayed by AMSPM on the appropriate board at the ports where scheduled year-round and seasonal transport is performed. |
| Prevoznik je dužan da obavlja prevoz i pristaje na pristaništa u skladu sa objavljenim redom plovidbe. | The carrier is obliged to perform transportation and dock at the docks in accordance with the published sailing schedule. |
| Dozvola za prevoz | Transport license |
| Član 182f | Article 182f |
| Dozvola za prevoz iz čl. 182b i 182c ovog zakona izdaje se na osnovu javnog poziva za obavljanje prevoza. | Transport license referred to in Art. 182b and 182c of this law shall be issued on the basis of a public call to perform transportation. |
| Javni poziv za izdavanje dozvole iz stava 1 ovog člana, raspisuje i postupak sprovodi Organ uprave. | The public call for licences referred to in paragraph 1 of this Article shall be announced and the procedure shall be conducted by AMSPM. |
| Dozvola iz stava 1 ovog člana, izdaje se pravnim ili fizičkim licima koji ispunjavaju uslove utvrđene ovim zakonom i javnim pozivom. | License referred to in paragraph 1 of this Article shall be issued to legal or natural persons who meet the conditions set by this Law and listed in the public call. |
| Dozvolu za prevoz iz člana 182d ovog zakona izdaje Organ uprave na osnovu podnijetog zahtjeva prevoznika za slobodan prevoz. | The transport license referred to in Article 182d of this Law shall be issued by AMSPM on the basis of the submitted request of the carrier for tramp service. |
| Dozvola iz st. 1 i 4 ovog člana sadrži: | License from paragraph 1 and 4 of this article shall contain: |
| 1) naziv i sjedište prevoznika; | 1) name and address of the carrier; |
| 2) vrstu prevoza; | 2) type of transport; |
| 3) uslove, način i vrijeme trajanja dozvole za prevoz; | 3) conditions, manner and duration of the transport license; |
| 4) visinu, rokove, uslove i način plaćanja naknade za izdavanje dozvole za prevoz; | 4) amount, deadlines, conditions and manner of payment of the fee for the transport license fee; |
| 5) oznaku, odnosno ime plovnog objekta sa kojim će se obavljati prevoz. | 5) mark, i.e. name of the vessel with which the transport will be performed. |
| Dozvola za redovni cjelogodišnji prevoz izdaje se na period do deset godina, a dozvola za sezonski i slobodni prevoz na period do 12 mjeseci. | License for scheduled year-round transport is issued for a period of up to ten years, and the permit for seasonal and tramp transport for a period of up to 12 months. |
| Za izdavanje dozvole iz st. 1 i 4 ovog člana plaća se naknada u zavisnosti od kapaciteta plovnog objekta i dnevnog broja pristajanja. | For issuing the license from paragraphs 1 and 4 of this Article, a fee is paid depending on the capacity of the vessel and the daily number of berths. |
| Naknada iz stava 7 ovog člana za cjelogodišnji prevoz plaća se godišnje. | The fee referred to in paragraph 7 of this Article for year-round transportation shall be paid annually. |
| Naknada iz stava 7 ovog člana prihod je Budžeta. | The fee referred to in paragraph 7 of this Article is the revenue of the State Budget. |
| Visinu naknade iz stava 7 ovog člana utvrđuje Vlada. | The amount of compensation referred to in paragraph 7 of this Article shall be determined by the Government. |
| Oduzimanje dozvole | License revocation |
| Član 182g | Article 182g |
| Dozvola iz čl. 182b, 182c i 182d ovog zakona, oduzeće se ako: | License referred to in Articles 182b, 182c and 182d of this law, shall be revoked if: |
| 1) prevoznik ne obavlja prevoz u skladu sa dozvolom; | 1) the carrier does not perform the transport in accordance with the license; |
| 2) prevoznik ne započne prevoz u roku određenom dozvolom; | 2) the carrier does not start the transport within the period determined by the license; |
| 3) prevoznik ne plati naknadu za izdatu dozvolu; | 3) the carrier did not pay due license fees; |
| 4) se obavljanjem prevoza ugrožava zdravlje ljudi i životna sredina, što se nije moglo predvidjeti u vrijeme izdavanja dozvole, niti se može spriječiti, osim oduzimanjem dozvole; | 4) the performance of transport endangers human health and the environment, which could not have been foreseen at the time of issuing the license, nor can it be prevented, except by revoking the license; |
| 5) prevoznik ne vrši ili obavlja prevoz prema odobrenim cijenama vozne karte; | 5) the carrier does not perform transport in accordance with approved ticket prices; |
| 6) se prevoznik ne pridržava usklađenog i objavljenog reda plovidbe. | 6) the carrier does not adhere to the harmonized and published sailing schedule. |
| Red na pristaništima | Priority of docking |
| Član 182h | Article 182h |
| Plovni objekti koji obavljaju djelatnost na osnovu dozvole za prevoz prema redu plovidbe imaju prioritet pristajanja na pristaništu u odnosu na druge plovne objekte koji su dužni da se sklone sa pristaništa radi poštovanja reda plovidbe. | Vessels that perform activities on the basis of a transport license according to the sailing schedule have the priority of docking at the port in relation to other vessels that are obliged to leave the port in order to comply with the sailing schedule. |
| Plovni objekti koji obavljaju djelatnost na osnovu dozvole za prevoz, pristaju na uređena i označena pristaništa i uz obalu na kojoj postoji siguran privez i vodeni prostor, određeni programom pravnog lica koje upravlja morskim dobrom. | Vessels that perform activities on the basis of a transport license, dock at arranged and marked ports and along the shore where there is a safe mooring and water area, determined by the program of the legal entity that manages the marine domain. |
| Cjenovnik usluga u unutrašnjem pomorskom saobraćaju | Price list of services in internal maritime transport |
| Član 182i | Article 182i |
| Cjenovnik usluga u unutrašnjem pomorskom saobraćaju predlaže prevoznik koji je pravo prevoza lica i/ili stvari stekao na osnovu dozvole za prevoz, pojedinačno za svaki usklađeni i objavljeni red vožnje i dostavlja Organu uprave na saglasnost. | The price list of services in internal maritime transport is proposed by the carrier who has acquired the right to transport persons and / or cargo on the basis of the transport permit, individually for each harmonized and published schedule and submitted to AMSPM for approval. |
| Prevoznik je dužan da prodaje vozne karte za unutrašnji pomorski saobraćaj putem posrednika, u poslovnicama prevoznika ili na plovnim objektima. | The carrier is obliged to sell tickets for internal maritime transport through intermediaries, in the carrier's offices or on vessels. |
| Vozna karta sadrži: naziv prevoznika, serijski broj vozne karte, datum izdavanja karte, vrijeme važenja karte i cijenu prevoza. | The ticket shall contain: the name of the carrier, the serial number of the ticket, the date of issue of the ticket, the time of validity of the ticket and the price of transportation. |
| Prevoz trajektom između pristaništa | Ferry transport between wharfs |
| Član 182j | Article 182j |
| Prevoz trajektom mogu da obavljaju pravna lica koja su upisana u CRPS za prevoz putnika. | Transport by ferry can be performed by legal entities registered in the CRPS for passenger transport. |
| Prevoz iz stava 1 ovog člana može se obavljati samo plovnim objektima koji su upisani u upisnike Lučke kapetanije na čijem području se obavlja prevoz. | The transport referred to in paragraph 1 of this Article may be performed only by vessels registered in the registers of the Harbour Master Office in whose territory the transport is performed. |
| Pravo na obavljanje djelatnosti prevoza trajektom između pristaništa i pravo na izgradnju, korišćenje i održavanje pristaništa i privezišta, stiču se dodjelom koncesije. | The right to perform ferry transport activities between wharfs and the right to build, use and maintain wharfs and moorings are acquired by granting a concession. |
| Koncesija iz stava 3 ovog člana dodjeljuje se na period do 30 godina. | The concession referred to in paragraph 3 of this Article shall be granted for a period of up to 30 years. |
| Rok trajanja koncesije iz stava 3 ovog člana može se produžiti samo za period za koji koncesionar nije mogao da koristi koncesiju usljed više sile. | The term of the concession referred to in paragraph 3 of this Article may be extended only for the period for which the concessionaire could not use the concession due to force majeure. |
| Dodjela koncesije vrši se u skladu sa zakonom kojim se uređuju koncesije. | The award of a concession is made in accordance with the law governing concessions. |
| Sprovođenje postupka za dodjelu koncesije | Concession procedure |
| Član 182k | Article 182k |
| Postupak za dodjelu koncesije iz člana 182j ovog zakona pokreće Organ uprave, izradom koncesionog akta. | The procedure for granting a concession referred to in Article 182j of this Law shall be initiated by AMSPM, by issuing a concession act. |
| Koncesioni akt, pored elemenata utvrđenim zakonom kojim se uređuju koncesije, sadrži i: | The concession act, in addition to the elements determined by the law governing concessions, shall also contain: |
| 1) tehničke zahtjeve sigurnosti i bezbjednosti plovidbe i zaštite mora sa plovnih objekata koji će se koristiti za obavljanje koncesione djelatnosti; | 1) technical requirements for safety and security of navigation and protection of the sea from vessels that will be used to perform concession activities; |
| 2) analizu procjene uticaja na životnu sredinu; | 2) analysis of the environmental impact assessment; |
| 3) obavezan minimum učestalosti saobraćaja održavanja linije; | 3) mandatory minimum frequency of line maintenance traffic; |
| 4) analizu, procjenu i uravnoteženje rizika između koncedenta i koncesionara; | 4) analysis, assessment and balancing of risks between the grantor and the concessionaire; |
| 5) prava, obaveze i odgovornosti koji se odnose na zaštitu i zdravlje na radu u skladu sa zakonom. | 5) rights, obligations and responsibilities related to occupational health and safety in accordance with the law. |
| Ugovor o koncesiji zaključuje se sa izabranim ponuđačem, nakon sprovedenog postupka u skladu sa zakonom kojim se uređuju koncesije. | The concession contract shall be entered with the selected bidder, after the procedure has been carried out in accordance with the law governing concessions. |
| Red plovidbe koncesionara | Concessionaire's sailing schedule |
| Član 182l | Article 182l |
| Režim prevoza putnika i/ili stvari u unutrašnjem pomorskom saobraćaju trajektom odvija se svakodnevno tokom cijele godine, u zavisnosti od priliva vozila sa putne infrastrukture na trajekt, bez prekida i zastoja u odvijanju saobraćaja. | The regime of transport of passengers and / or goods in the internal maritime traffic by ferry shall take place daily throughout the year, depending on the inflow of vehicles from the road infrastructure to the ferry, without interruptions and delays in traffic. |
| Izuzetno od stava 1 ovog člana u slučaju smanjenog priliva vozila sa putne infrastrukture na trajekt, period između dva uzastopna isplovljenja trajekta na relacijama kraćim od jedne nautičke milje, ne smije biti duži od 45 minuta. | Notwithstanding paragraph 1 of this Article, in the case of reduced inflow of vehicles from the road infrastructure to the ferry, the period between two consecutive departures of the ferry on routes shorter than one nautical mile, may not exceed 45 minutes. |
| U slučajevima hitnosti koncesionar je dužan da pruža usluge prevoza nezavisno od priliva vozila sa putne infrastrukture na trajekt. | In cases of urgency, the concessionaire is obliged to provide transport services regardless of the inflow of vehicles from the road infrastructure to the ferry. |
| Koncesionar je dužan da vrši prevoz putnika po cijenama na koje je saglasnost dao Organ uprave. | The concessionaire is obliged to transport passengers at prices agreed upon by AMSPM. |
| XIV. NADZOR | XIV. SUPERVISION |
| Član 183 ﻿ | Article 183 ﻿ |
| Nadzor nad sprovođenjem ovog zakona i propisa donesenih na osnovu ovog zakona, kao i drugih propisa kojima se uređuje sigurnost pomorske plovidbe vrši Ministarstvo. | Supervision over the implementation of this Law and its implementing secondary legislation, as well as other legislation governing maritime navigation safety shall be carried out by the Ministry |
| Inspekcijski nadzor vrše Inspektori nad stranim plovnim objekata (u daljem tekstu: PSC inspektor) i Inspektori sigurnosti plovidbe. | Inspection supervision shall be conducted by Port State Control Officers (hereinafter: PSC Officer) and by maritime safety inspectors. |
| Nadzor nad obavljanjem djelatnosti posredovanja pri zapošljavanju pomoraca, u skladu sa ovim zakonom, vrši organ uprave nadležan za inspekcijske poslove, preko inspektora rada. | Supervision over the crewing, in accordance with this Law, is performed by the administrative body responsible for inspection affairs, through labour inspectors. |
| Član 183a | Article 183a |
| PSC inspektor, pored uslova uređenim propisima o državnim službenicima i namještenicima, mora da ispunjava i sljedeće uslove: | The PSC officer, in addition to the conditions set by legislation governing civil servants, must also meet the following conditions: |
| 1) da ima ovlašćenje o osposobljenosti za zvanje zapovjednika broda od 3000 BT ili većeg ili ovlašćenje o osposobljenosti za zvanje upravitelja mašine na brodu sa mašinskim kompleksom pogonske snage od 3000 kW ili jačim; | 1) to have certificate of competency for master on ships of 3000 gross tonnage or more or chief engineer officer on ships powered by main propulsion machinery of 3000 kW or more; |
| 2) da ima najmanje pet godina plovidbenog staža u svojstvu oficira palube ili oficira mašine; | 2) have at least five years of seagoing service as a deck officer or engine officer; |
| 3) da ima završeno visoko obrazovanje VII nivo kvalifikacije obrazovanja (240, odnosno 300 kredita CSPK) nautičke ili brodomašinske struke; | 3) to have completed higher education VII level of education qualification (240 or 300 CSPK credits) of nautical or ship engineering profession; |
| 4) najmanje jednu godinu radnog iskustva u vršenju poslova inspekcijskog nadzora stranih brodova u lukama i sidrištima Crne Gore, ili najmanje dvije godine iskustva u svojstvu pomoćnog PSC inspektora; | 4) at least one year of work experience in performing inspection survey of foreign ships in ports and anchorages of Montenegro, or at least two years of experience as an assistant PSC officer; |
| 5) sposobnost usmene i pisane komunikacije na engleskom jeziku i primjereno znanje odredbi međunarodnih konvencija i bitnih postupaka u nadzoru države luke; | 5) ability to communicate orally and in writing in English and adequate knowledge of the provisions of international conventions and relevant procedures in port State control; |
| 6) dobro poznavanje pomorske bezbjednosti i radno iskustvo u načinu primjene bezbjedonosnih mjera na brodovima i u lukama, poznavanju bezbjedonosnih tehnika i tehnologija, poznavanje načela, postupaka, tehnika i bezbjedonosnih operacija nad kojima se vrši inspekcijski pregled, ukoliko je PSC inspektor ujedno i inspektor pomorske bezbjednosti; | 6) good knowledge in the field of maritime security and work experience in the application of security measures on ships and in ports, knowledge of security techniques and technologies, knowledge of principles, procedures, techniques and security operations over which inspection is performed, if the PSC officer is also a maritime security inspector; |
| 7) uspješno završenu obuku i periodično ocjenjivanje za vršenje inspekcijskog nadzora u skladu sa planom Ministarstva, usklađenim sa planom kojeg usvoji Odbor za inspekcijski nadzor Pariškog memoranduma o razumijevanju o kontroli države luke. | 7) successfully completed training and periodic assessment for inspection in accordance with the plan of the Ministry, harmonized with the plan adopted by the Inspection Committee of the Paris Memorandum of Understanding on Port State Control. |
| Pomoćni PSC inspektor iz stava 1 tačka 4 ovog člana može biti lice koje ima najmanje jednu godinu radnog iskustva u vršenju tehničkog nadzora na brodovima crnogorske državne pripadnosti, namijenjenih međunarodnoj plovidbi, ili lice koje ima najmanje jednu godinu radnog iskustva u Ministarstvu na poslovima primjene nacionalnih i međunarodnih pomorskih propisa i ispunjava uslove iz stava 1 tač. 1, 2 i 5 ovog člana. | The assistant PSC officer referred to in paragraph 1, item 4 of this Article may be a person who has at least one year of work experience in performing technical survey on ships of Montenegrin nationality, intended for international navigation, or a person who has at least one year of work experience in the Ministry on jobs related to domestic and international maritime regulations and meets the requirements of paragraph 1 items 1, 2 and 5 of this article. |
| Prilikom obavljanja inspekcijskog nadzora, PSC inspektor se rukovodi Pravilnikom uspješne prakse za obavljanje inspekcijskih pregleda kontrole države luke u okviru Paris MoU regiona. | When conducting inspections, the PSC officer is guided by the Code of Good Practice for conducting Port State Control Inspections within the Paris MoU region. |
| Obuku i periodično ocjenjivanje iz stava 1 tačka 7 ovog člana obezbjeđuje Ministarstvo. | Training and periodic assessment referred to in paragraph 1, item 7 of this Article shall be provided by the Ministry. |
| Inspektor sigurnosti plovidbe mora ispunjavati uslove utvrđene propisom o državnim službenicima i namještenicima i najmanje 12 mjeseci radnog iskustva u vršenju poslova inspekcijskog nadzora plovnih objekata. | The maritime safety inspector must meet the conditions established by the regulation on civil servants and at least 12 months of work experience in performing inspection activities of vessels. |
| PSC inspektor i Inspektor sigurnosti plovidbe samostalno vrše inspekcijski nadzor, donose odluke u upravnom postupku i sprovode druge mjere iz svoje nadležnosti. | The PSC officer and the maritime safety inspector independently perform inspection supervision, reach decisions in administrative proceedings and implement other measures within their competence. |
| PSC inspektor i Inspektor sigurnosti plovidbe ne smiju imati imovinski interes u luci inspekcijskog pregleda na stranim plovnim objektima i plovnim objektima koji su predmet pregleda i biti zaposleni ili obavljati poslove u ime priznatih organizacija za statutarnu sertifikaciju brodova, kao i obavljati preglede potrebne za izdavanje sertifikata za brodove. | The PSC officer and the maritime safety inspector may not have a property interest in the port of inspection on foreign vessels and vessels subject to inspection and be employed or perform activities on behalf of recognized organizations for statutory certification of ships, as well as perform inspections necessary for the issuance of certificates for ships. |
| PSC inspektor i Inspektor sigurnosti plovidbe poslove inspekcijskog nadzora vrše u službenom odijelu i nose propisanu identifikacionu ispravu (u daljem tekstu: legitimacija) za vrijeme službe. | The PSC officer and the maritime safety inspector perform inspection activities while wearing an official suit and carrying the prescribed identification document (hereinafter: identification card) during the service. |
| Način i uslove za nošenje službenog odijela, službenih oznaka i obrazac legitimacije PSC inspektora i Inspektora sigurnosti plovidbe propisuje Ministarstvo. | The manner and conditions for wearing the official suit, official insignia and the form of identification of the PSC officer and the maritime safety inspector shall be prescribed by the Ministry. |
| Inspekcijski poslovi PSC inspektora | Scope of inspection conducted by PSC officers |
| Član 184 ﻿ | Article 184 ﻿ |
| PSC inspektor vrši nadzor nad stranim plovnim objektima i njihovim posadama u unutrašnjim morskim vodama i teritorijalnom moru, uključujući luke i sidrišta Crne Gore. | The PSC officer supervises foreign vessels and their crews in internal and territorial sea, including ports and anchorages of Montenegro. |
| Radi obavljanja poslova iz svoje nadležnosti, PSC inspektor ima slobodan pristup obali i stranom plovnom objektu. | In order to perform the tasks within their competence, the PSC officer has free access to the shore and a foreign vessel. |
| PSC inspektor vrši nadzor nad: | The PSC officer supervises: |
| 1) sigurnošću plovidbe i sposobnosti stranog plovnog objekta za plovidbu, zaštitom ljudskih života i zaštitom životne sredine; | 1) safety of navigation and seaworthiness of a foreign vessel, protection of human lives and protection of the environment; |
| 2) primjenom međunarodnih konvencija i lučkih propisa u skladu sa međunarodnim obavezama Crne Gore, utvrđenim uslovima koje moraju ispunjavati luke razvrstane prema vrsti pomorskog saobraćaja i namjeni, kao i ispunjavanje uslova za sigurnu plovidbu i privez stranih plovnih objekata, ukrcavanje i iskrcavanje lica i utovar i istovar tereta; | 2) implementation of international conventions and port regulations in accordance with international obligations of Montenegro, established conditions that must be met by ports classified by type of maritime traffic and purpose, as well as meeting the conditions for safe navigation and mooring of foreign vessels, embarkation and disembarkation of persons and loading and unloading cargo; |
| 3) obavljanjem međunarodnog javnog prevoza lica ili robe pomorskim putem; | 3) performing international public transport of persons or goods by sea; |
| 4) članovima posade stranog plovnog objekta; | 4) crew members of a foreign vessel; |
| 5) sprovođenjem zaštite i zdravlja na radu članova posade; | 5) implementation of occupational health and safety; |
| 6) vršenjem pilotaže; | 6) by performing of pilotage; |
| 7) plutajućim objektima namijenjenim međunarodnom pomorskom saobraćaju radi njihove sigurne upotrebe i plovnosti; | 7) floating facilities intended for international maritime transport for the purpose of their safe use and navigability; |
| 8) tegljenjem odnosno potiskivanjem stranih plovnih objekata. | 8) towing or pushing of foreign vessels. |
| Inspekcijski nadzor iz stava 3 tač. 6, 7 i 8 se vrši na osnovu obavještenja Lučke kapetanije ili Organa uprave, u cilju obezbjeđenja sigurnosti plovidbe. | Inspection supervision referred to in paragraph 3 item 6, 7 and 8 shall be performed on the basis of a notification from the Harbour Master Office or AMSPM, in order to ensure safety of navigation. |
| Utvrđivanje prioriteta inspekcijskog nadzora | Determining priority of inspection supervision |
| Član 184a | Article 184a |
| Prije početka inspekcijskog pregleda, PSC inspektor utvrđuje rizični profil stranom plovnom objektu i postojanje odlučujućih ili nepredviđenih faktora, koji će odrediti kategoriju inspekcijskog nadzora. | Prior to the commencement of the inspection, the PSC officer shall determine the risk profile of the foreign vessel and the existence of Overriding and Unexpected Factors , which will determine the category of inspection. |
| Na osnovu rizičnog profila stranog plovnog objekta i postojanja odlučujućih ili nepredviđenih faktora određuje se kategorija i vrsta inspekcijskog nadzora, odnosno prioritet, učestalost i obim inspekcijskog nadzora. | Based on the risk profile of the foreign vessel and the existence of Overriding and Unexpected Factors, the category and type of inspection is determined, i.e. the priority, frequency and scope of inspection. |
| Kategorije inspekcijskog nadzora su: | The categories of inspection supervision are: |
| 1) periodični inspekcijski nadzor i | 1) periodic inspection supervision and |
| 2) dodatni inspekcijski nadzor, koji može zahtijevati obavljanje inspekcijskog pregleda u vremenu između periodičnih inspekcijskih pregleda. | 2) additional inspection supervision, which may require the performance of an inspection in the period between periodic inspections. |
| Periodični inspekcijski pregledi stranog plovnog objekta se obavljaju u sljedećim vremenskim razmacima za strane plovne objekte: | Periodic inspections of a foreign vessel shall be carried out at the following intervals for foreign vessels: |
| - visokog rizika (HRS) - između pet i šest mjeseci nakon posljednjeg inspekcijskog pregleda u regionu Paris MoU. | - high risk (HRS) - between five and six months after the last inspection in the Paris MoU region. |
| - srednjeg rizika (SRS) - između deset i 12 mjeseci nakon posljednjeg inspekcijskog pregleda u regionu Paris MoU. | - Medium risk (SRS) - between ten and 12 months after the last inspection in the Paris MoU region. |
| - niskog rizika (LRS) - između 24 i 36 mjeseci nakon posljednjeg inspekcijskog pregleda u regionu Paris MoU. | - low risk (LRS) - between 24 and 36 months after the last inspection in the Paris MoU region. |
| Vremenski razmak između periodičnih inspekcijskih pregleda i dodatnih inspekcijskih pregleda se računaju na način da naredni periodični inspekcijski pregled počinje da se računa nakon obavljenog dodatnog inspekcijskog pregleda. | The time interval between periodic inspections and additional inspections shall be calculated in such a way that the next periodic inspection begins to be calculated after the additional inspection has been performed. |
| Kategorija i vrsta inspekcijskog nadzora stranog plovnog objekta određuju prioritet inspekcijskog nadzora, odnosno kojem prioritetu strani plovni objekat pripada, i to: | The category and type of inspection of a foreign vessel determine the priority of inspection, i.e. to which priority the foreign vessel belongs, as follows: |
| 1) prioritet I: strani plovni objekti se moraju pregledati zato što je istekao vremenski razmak ili zato što postoji odlučujući faktor; | 1) Priority I: foreign vessels must be inspected because the time interval has expired or because there is a deciding factor; |
| 2) prioritet II: strani plovni objekti se mogu pregledati iako su unutar vremenskog razmaka ili PSC inspektor smatra da je nepredviđeni faktor razlog za inspekcijski pregled. | 2) Priority II: Foreign vessels can be inspected even though they are within the time interval or the PSC officer considers that an unforeseen factor is the reason for the inspection. |
| Ukoliko periodični inspekcijski nadzor prioriteta II nije obavljen, strani plovni objekat ostaje u prioritetu II sve dok ne istekne vremenski razmak i strani plovni objekat postane prioritet I. | If the periodic inspection of Priority II is not performed, the foreign vessel remains in Priority II until the time interval expires and the foreign vessel becomes Priority I. |
| Za određivanje prioriteta inspekcijskog nadzora stranog plovnog objekta iz stava 2 ovog člana PSC inspektor koristi podatke iz THETIS-a. | To determine the priority of inspection supervision of a foreign vessel referred to in paragraph 2 of this Article, the PSC officer shall use data from THETIS. |
| Rizični profil stranog plovnog objekta, sistem odabira kategorije i vrste inspekcijskog nadzora, odlučujuće ili nepredviđene faktore, odnosno prioritet, učestalost i obim inspekcijskog nadzora iz stava 2 ovog člana propisuje Ministarstvo. | The risk profile of a foreign vessel, the system for selecting the category and type of inspection, decisive or unforeseen factors, i.e. the priority, frequency and scope of inspection referred to in paragraph 2 of this Article shall be prescribed by the Ministry. |
| Vrste inspekcijskih pregleda stranog plovnog objekta | Types of inspections of foreign vessels |
| Član 184b | Article 184b |
| Vrste inspekcijskih pregleda stranog plovnog objekta u unutrašnjim morskim vodama i teritorijalnom moru, uključujući luke i sidrišta Crne Gore mogu biti: osnovni, detaljni i prošireni. | Types of inspections of a foreign vessel in internal and territorial sea, including ports and anchorages of Montenegro can be: initial, more detailed and expanded. |
| Inspekcijskim pregledom iz stava 1 ovog člana utvrđuje se ispunjenost zahtjeva međunarodnih konvencija i pripadajućih kodeksa, protokola i rezolucija IMO i ILO konvencija (u daljem tekstu: relevantnih instrumenata). | The inspection referred to in paragraph 1 of this Article shall determine the fulfilment of the requirements of international conventions and related codes, protocols and resolutions of the IMO and ILO conventions (hereinafter: relevant instruments). |
| Postupak vršenja inspekcijskog pregleda PSC inspektora obavlja se u skladu sa rezolucijom A.1119 (30) i priručnikom koji sadrži procedure, instrukcije, cirkularna pisma i smjernice za PSC inspektora (u daljem tekstu "PSCO Manual") kojeg donosi Odbor za inspekcijski nadzor Pariškog memoranduma o razumijevanju o kontroli države luke. | The inspection procedure of the PSC officer shall be carried out in accordance with Resolution A.1119 (30) and a Manual containing procedures, instructions, circulars and guidelines for the PSC officer (hereinafter referred to as the "PSCO Manual") issued by the Inspection Committee of the Paris Memorandum of Understanding on Port State Control. |
| Vrste inspekcijskog pregleda, relevantne instrumente i EU propise na osnovu kojih se vrši inspekcijski pregled stranog plovnog objekta iz stava 2 ovog člana utvrđuje se propisom Ministarstva. | The types of inspection, relevant instruments and EU regulations on the basis of which the inspection of a foreign vessel referred to in paragraph 2 of this Article is performed shall be determined by a regulation of the Ministry. |
| Osnovni inspekcijski pregled stranog plovnog objekta | Initial inspection of foreign vessels |
| Član 184c | Article 184c |
| Osnovni inspekcijski pregled stranog plovnog objekta je pregled prilikom kojeg PSC inspektor provjerava usklađenost stranog plovnog objekta, njegove opreme i posade sa zahtjevima relevantnih instrumenata. | Initial inspection of a foreign vessel is an inspection during which the PSC officer checks the compliance of the foreign vessel, its equipment and crew with the requirements of the relevant instruments. |
| Nakon prijema najave o uplovljavanju stranog plovnog objekta u luke i sidrišta Crne Gore, PSC inspektor obavještava zapovjednika broda ili lice koje upravlja stranim plovnim objektom o obavezi vršenja inspekcijskog pregleda. | Upon receipt of the announcement of entry of a foreign vessel into the ports and anchorages of Montenegro, the PSC officer shall notify the shipmaster or the person operating the foreign vessel of the obligation to conduct an inspection. |
| Prilikom vršenja osnovnog inspekcijskog pregleda stranog plovnog objekta, PSC inspektor provjerava: | During the Initial inspection of a foreign vessel, the PSC officer checks: |
| - brodske isprave, zapise i knjige, odgovarajuća svjedočanstva i njihov rok važenja i ostalu neophodnu brodsku dokumentaciju; | - ship's documents, records and books, appropriate certificates and their validity period and other necessary ship's documentation; |
| - da opšte stanje stranog plovnog objekta i higijenski uslovi na stranom plovnom objektu, uključujući komandni most, prostor za smještaj i boravak posade, brodske palube sa pramčanim kaštelom, brodska skladišta/prostor za teret i prostor mašine ispunjavaju opšteprihvaćena međunarodna pravila i standarde; | - that the general condition of the foreign vessel and the hygiene conditions on the foreign vessel, including the command bridge, crew accommodation, ship decks including forecastle, cargo holds/area and machinery space meet generally accepted international rules and standards; |
| - otklonjenost nedostataka utvrđenih zapisnikom o prethodnom inspekcijskom pregledu stranog plovnog objekta, ako to nije prethodno urađeno, a u skladu sa vremenskim rokom određenim u zapisniku inspekcijskog pregleda. | - elimination of deficiencies determined by the records of the previous inspection of the foreign vessel, if this has not been done before, and in accordance with the time limit specified in the records of the inspection. |
| Ukoliko se prilikom pregleda iz stava 1 ovog člana utvrde nedostaci, PSC inspektor usmenim putem obavještava zapovjednika broda ili lice koje upravlja stranim plovnim objektom o očiglednim razlozima za dalje vršenje detaljnog inspekcijskog pregleda stranog plovnog objekta. | If deficiencies are found during the inspection referred to in paragraph 1 of this Article, the PSC officer shall orally inform the shipmaster or the person operating the foreign vessel of the obvious reasons for further more detailed inspection of the foreign vessel. |
| Lista brodskih isprava, zapisa i knjiga, svjedočanstava i brodskih dokumenata iz stava 3 alineja 1 ovog člana utvrđuje se propisom Ministarstva. | The list of ship documents, records and books, certificates and ship documents referred to in paragraph 3, indent 1 of this Article shall be determined by a regulation of the Ministry. |
| Detaljni inspekcijski pregled stranog plovnog objekta | More detailed inspection of foreign vessels |
| Član 184d | Article 184d |
| Detaljni inspekcijski pregled stranog plovnog objekta je pregled prilikom kojeg PSC inspektor u cjelini ili djelimično detaljno pregleda strani plovni objekat, opremu, posadu, životne i radne uslove i provjerava usklađenost postupaka članova posade sa radnim obavezama na brodu. | More detailed inspection of a foreign vessel is an inspection during which the PSC officer conducts, an in-depth inspection the foreign vessel, equipment, crew, living and working conditions in whole or in part and checks the compliance of the crew members' actions with the ship's work obligations. |
| Detaljni inspekcijski pregled stranog plovnog objekta, obavlja se uvijek kada postoje očigledni razlozi utvrđeni tokom inspekcijskog pregleda iz člana 184c ovog zakona da stanje stranog plovnog objekta ili njegove opreme ili posade ili uslovi života i rada pomoraca u značajnoj mjeri ne ispunjava odgovarajuće zahtjeve relevantnih instrumenata. | More detailed inspection of a foreign vessel shall be performed whenever there are obvious reasons established during the inspection referred to in Article 184c of this Law that the condition of the foreign vessel or its equipment or crew or seafarers' living and working conditions does not significantly meet the relevant requirements of relevant instruments. |
| Detaljniji inspekcijski pregled obuhvata temeljni pregled: | More detailed inspection includes a thorough inspection of: |
| - oblasti gdje su utvrđeni očigledni razlozi za dalje vršenje detaljnog inspekcijskog pregleda stranog plovnog objekta nakon pregleda iz člana 184c; | - areas where obvious reasons for further detailed inspection of the foreign vessel after the inspection referred to in Article 184c have been identified; |
| - oblasti na koje se odnose odlučujući ili nepredviđeni faktori; | - areas affected by Overriding and Unexpected Factors; |
| - ostale oblasti izabrane od strane PSC inspektora, koje se odnose na: dokumentaciju, stanje konstrukcije, stanje vodonepropusnosti/otpornosti broda na vremenske uslove, sisteme za slučaj nužde, radio-komunikaciju, trgovačke operacije, protivpožarnu zaštitu, alarmne uređaje, uslove života i rada, navigacionu opremu, sredstva za spašavanje, opasne materije, pogonske i pomoćne mašine i sprečavanje zagađenja. | - other areas selected by the PSC officer, relating to: documentation, condition of the structure, state of watertightness / weather resistance of the ship, emergency systems, radio communication, cargo operations, fire protection, alarm devices, living and working conditions, navigation equipment, life-saving appliances, hazardous materials, propulsion and auxiliary machinery and pollution prevention. |
| Prilikom vršenja detaljnog inspekcijskog pregleda uzima se u obzir i uticaj ljudskog faktora sadržan u ILO, STCW i ISM Pravilniku i obuhvata operativne kontrole, primjereno potrebi. | When conducting a detailed inspection, the impact of the human factor contained in the ILO, STCW and ISM Regulations shall be taken into account and include operational controls, as appropriate. |
| U izuzetnim okolnostima, gdje je kao rezultat detaljnog inspekcijskog pregleda utvrđeno da je sveukupno stanje stranog plovnog objekta i njegove opreme, članovi posade i njihovi uslovi života i rada, ispod zahtjeva relevantnih instrumenata, PSC inspektor može obustaviti inspekcijski pregled u skladu sa kriterijumima PSCO Manual. | In exceptional circumstances, where as a result of a detailed inspection it is determined that the overall condition of the foreign vessel and its equipment, crew members and their living and working conditions are below the requirements of relevant instruments, the PSC officer may suspend the inspection in accordance with PSCO Manual criteria. |
| Na stranim plovnim objektima koji viju zastavu države koja nije potpisnica međunarodnih konvencija, ili članovi posade ne posjeduju odgovarajuća STCW ovlašćenja, PSC inspektor treba da vrši detaljni inspekcijski pregled, a po potrebi i prošireni inspekcijski pregled, postupajući po istim procedurama propisanim za strane plovne objekte na koje se primjenjuju zahtjevi relevantnih instrumenata. | On foreign vessels flying the flag of a State which is not a party to international conventions, or crew members do not possess the appropriate STCW certificates, the PSC officer should conduct a More detailed inspection and, if necessary, an expanded inspection, following the same procedures prescribed for foreign vessels, upon which the requirements of the relevant instruments apply. |
| Obustava inspekcijskog pregleda stranog plovnog objekta iz stava 5 ovog člana traje sve dok zapovjednik broda odnosno lice koje upravlja stranim plovnim objektom ne preduzme mjere kojima će se osigurati ispunjavanje zahtjeva relevantnih instrumenata i o tome obavijesti PSC inspektora. | The inspection of a foreign vessel referred to in paragraph 5 of this Article shall be suspended until the master of the vessel or the person operating the foreign vessel undertakes measures to ensure compliance with the relevant instruments and notifies the PSC officer. |
| Prije obustave inspekcijskog pregleda, PSC inspektor mora zapisnički konstatovati sve nedostatke koji nalažu zadržavanje stranog plovnog objekta u nekoliko oblasti, kako je definisano PSCO Manual-om. | Prior to the suspension of the inspection, the PSC officer must state in the minutes all deficiencies that require the detention of a foreign vessel in several areas, as defined by the PSCO Manual. |
| Obavještenje pomorske administracije države zastave stranog plovnog objekta o zadržavanju mora sadržati informaciju da je inspekcijski pregled obustavljen sve dok PSC inspektor ne bude obaviješten da strani plovni objekat ispunjava zahtjeve relevantnih instrumenata. | The notification of the maritime administration of the flag State of a foreign vessel on detention must contain the information that the inspection has been suspended until the PSC officer is notified that the foreign vessel meets the requirements of the relevant instruments. |
| Konkretne primjere očiglednih razloga da stanje stranog plovnog objekta ili njegove opreme ili posade ili uslovi života i rada pomoraca u značajnoj mjeri ne ispunjava odgovarajuće zahtjeve relevantnih instrumenata, utvrđenih tokom inspekcijskog pregleda iz člana 184c ovog zakona, na osnovu kojih se pristupilo obavljanju detaljnog inspekcijskog pregleda propisuje Ministarstvo. | Specific examples of obvious reasons that the condition of a foreign vessel or its equipment or crew or the living and working conditions of seafarers do not significantly meet the requirements of the relevant instruments established during the inspection referred to in Article 184c of this Law, based on which a detailed inspection has been initiated, shall be set by the Ministry. |
| Prošireni inspekcijski pregled stranog plovnog objekta | Expanded inspection of foreign vessels |
| Član 184e | Article 184e |
| Prošireni inspekcijski pregled stranog plovnog objekta je sveobuhvatni pregled koji obuhvata rizična područja a može uključiti i detaljni inspekcijski pregled stranog plovnog objekta kada za to postoje očigledni razlozi navedeni u PSCO Manual-u. | An expanded inspection of a foreign vessel is a comprehensive inspection that covers risk areas and may include a More detailed inspection of a foreign vessel when there are obvious reasons stated in the PSCO Manual. |
| Strani plovni objekat nad kojim se vrši prošireni inspekcijski pregled ostaje u luci ili sidrištu do završetka inspekcijskog pregleda, osim u slučaju bezbjedonosnog rizika za brod i luku. | A foreign vessel over which an expanded inspection is performed shall remain in the port or anchorage until the completion of the inspection, except in the case of a security risk to the ship and the port. |
| Rizična područja na kojima se vrši prošireni inspekcijski pregled i specifične oblasti koje će biti pregledane za vrijeme proširenog inspekcijskog pregleda stranog plovnog objekta utvrđuju se u skladu sa PSCO Manual-om. | Risk areas subject to an expanded inspection and specific areas to be inspected during an expanded inspection of a foreign vessel shall be determined in accordance with the PSCO Manual. |
| Član 185 ﻿ | Article 185 ﻿ |
| Pored provjere brodskih isprava, zapisa i knjiga, odgovarajućih svjedočanstava i njihovog roka važenja i ostale neophodne brodske dokumentacije nesmetano obavljanje trgovačkih operacija odnosno rad uređaja za utovar i istovar tereta na brodu, i da li stanje ovih uređaja odgovara podacima prikazanim u toj ispravi. | In addition to checking the ship's documents, records and books, appropriate certificates and their validity and other necessary ship's documentation, uninterrupted performance of cargo operations, i.e. operation of cargo loading and unloading devices on board shall also be inspected, and whether the condition of these devices corresponds to the data shown in that document. |
| Utvrđivanje nedostataka | Determining deficiencies |
| Član 185a | Article 185a |
| PSC inspektor nakon inspekcijskog pregleda stranog plovnog objekta, zbog neispunjenosti zahtjeva relevantnih instrumenata utvrđenih nadzorom iz člana 184 stav 3 ovog zakona, konstatuje nedostatke ili nedostatke koji prouzrokuju zabranu napuštanja luke ili nedostatke koji prouzrokuju zabranu vršenja trgovačkih operacija stranog plovnog objekta, u skladu sa PSCO Manual-om. | After an inspection of a foreign vessel, conducted due to non-compliance with the requirements of relevant instruments determined by the supervision from Article 184 paragraph 3 of this Law, PSC officer shall put on record any deficiencies or detainable deficiencies or deficiences cause prohibition of cargo operations of a foreign vessel, in accordance with PSCO Manual. |
| Ako PSC inspektor na stranom plovnom objektu utvrdi nedostatke iz stava 1 ovog člana u pogledu sigurnosti plovidbe stranog plovnog objekta, njegove sposobnosti za plovidbu, zaštite ljudi i zaštite životne sredine, zapovjednik broda ili lice koje upravlja stranim plovnim objektom odgovorno je za njihovo otklanjanje u određenom roku. | If the PSC officer finds deficiencies on a foreign vessel referred to in paragraph 1 of this Article regarding the safety of navigation of a foreign vessel, its navigability, human protection and environmental protection, the master of the vessel or the person operating the foreign vessel is responsible for their elimination within an appropriate deadline. |
| Ako utvrđeni nedostaci nijesu otklonjeni u određenom roku ili ako su, po svojoj prirodi, takvi da ugrožavaju sigurnost stranog plovnog objekta, zdravlje ljudi i životnu sredinu, PSC inspektor će zabraniti stranom plovnom objektu dalju plovidbu dok se ti nedostaci ne otklone i opozvaće ispravu o sigurnosti plovidbe i/ili dozvolu za plovidbu. | If the identified deficiencies are not remedied within a specified deadline or if, by their nature, they endanger the safety of the foreign vessel, human health and the environment, PSC officer shall detain a foreign vessel from further navigation until these deficiencies are remedied and revoke the navigation safety certificate and / or navigation license. |
| Izuzetno od stava 3 ovog člana kada je osnov za zabranu plovidbe nastao kao rezultat slučajne štete koju je strani plovni objekat pretrpio, neće se izdati nalog o zabrani isplovljenja, pod uslovom da: | Notwithstanding to paragraph 3 of this Article, when the basis for the prohibition of navigation has arisen as a result of accidental damage sustained by a foreign vessel, detention order shall not be issued in case that: |
| 1) je zapovjednik broda ili lice koje upravlja stranim plovnim objektom obavijestilo PSC inspektora, pomorsku administraciju države zastave, odnosno priznatu organizaciju odgovornu za izdavanje relevantnog svjedočanstva, o slučajnoj šteti; | 1) the master of the ship or the person operating the foreign vessel has notified the PSC officer, the maritime administration of the flag State, or a recognized organization responsible for issuing the relevant certificate, of accidental damage; |
| 2) je zapovjednik broda ili lice koje upravlja stranim plovnim objektom, prije uplovljavanja u luku ili neposredno nakon nastanka štete, dostavio PSC inspektoru podatke o okolnostima pod kojima se desila nesreća i pretrpljenoj šteti, kao i informacije o potrebnom obavještavanju pomorske administracije države zastave odnosno priznate organizacije odgovorne za izdavanje relevantnih svjedočanstava; | 2) the master of the ship or the person operating the foreign vessel, before entering the port or immediately after the damage, submitted to the PSC officer information on the circumstances under which the accident occurred and the damage suffered, as well as information on the necessary notification of the flag State administration, i.e. recognized organization responsible for issuing relevant certificates; |
| 3) se na brodu preduzimaju odgovarajuće radnje vezano za ispravljanje nedostataka, u skladu sa zahtjevima PSC inspektora; i | 3) appropriate actions are taken on board vessel to correct deficiencies, in accordance with the requirements of the PSC officer; and |
| 4) je PSC inspektor, nakon primljenog obavještenja o otklonjenim nedostacima kojima je bila ugrožena sigurnost, zdravlje ljudi ili životna sredina, potvrdio njihovo otklanjanje. | 4) PSC officer, after receiving the notification on the eliminated deficiencies which endangered the safety, human health or the environment, confirmed their elimination. |
| Ako PSC inspektor utvrdi da strani plovni objekat nema važeću ispravu kojom se dokazuje nesmetano obavljanje trgovačkih operacija odnosno rad uređaja za utovar i istovar tereta na brodu, ili ako stanje ovih uređaja nije u skladu sa važećom ispravom, zabraniće utovar, istovar ili prevoz tereta brodskom opremom. | If the PSC officer determines that the foreign vessel does not have a valid document proving the smooth conduct of cargo operations or functioning of devices for loading and unloading cargo on board, or if the condition of these devices is not in accordance with the valid document, he or she shall prohibit loading, unloading or transport of cargo by ship equipment. |
| Zapisnik o izvršenom inspekcijskom pregledu | Official record of conducted inspection |
| Član 185b | Article 185b |
| Nakon izvršenog inspekcijskog pregleda stranog plovnog objekta, PSC inspektor sačinjava zapisnik o izvršenom inspekcijskom pregledu na crnogorskom i engleskom jeziku i jedan primjerak dostavlja zapovjedniku broda odnosno licu koje upravlja stranim plovnim objektom. | After the inspection of a foreign vessel, PSC officer shall issue an official record on the inspection in Montenegrin and English languages and submits one copy to the shipmaster or the person operating the foreign vessel. |
| Zapisnik sadrži rezultate inspekcijskog pregleda, utvrđene nedostatke, kao i pojedinosti o svakoj preduzetoj mjeri i sačinjen je na obrascu kojeg propisuje Ministarstvo. | Record contains the results of the inspection, identified deficiencies, as well as details of each measure taken and is made on a form prescribed by the Ministry. |
| Podaci iz zapisnika se unose u THETIS odmah nakon završetka zapisnika o izvršenom inspekcijskom pregledu ili zabrani isplovljenja stranog plovnog objekta i potvrđuju se u roku od 72 sata. | The data from the record shall be entered into THETIS immediately after issuance of records on the performed inspection or detention of a foreign vessel and shall be confirmed within 72 hours. |
| Izgled i sadržaj obrasca zapisnika iz st. 1 i 2 ovog člana propisuje Ministarstvo. | Appearance and content of the blank form of records from paragraph 1 and 2 of this Article shall be prescribed by the Ministry. |
| Zabrana uplovljenja stranog plovnog objekta nakon višestrukog zadržavanja | Foreign vessel banning after multiple detentions |
| Član 186 ﻿ | Article 186 ﻿ |
| Lučka kapetanija, na osnovu rješenja PSC inspektora, neće izdati odobrenje za slobodan saobraćaj sa obalom stranom plovnom objektu u luke i sidrišta Crne Gore ukoliko takav strani plovni objekat: | The Harbour Master Office, based on the decision of the PSC officer, will not issue a permit for free pratique to a foreign vessel in the ports and anchorages of Montenegro if such a foreign vessel: |
| - plovi pod zastavom države koja se nalazi na sivoj listi objavljenoj u godišnjem izvještaju Paris MoU i bio je zadržan više od dva puta tokom prethodna 24 mjeseca u luci ili sidrištu u Paris MoU regionu; ili | - sails under the flag of the State appearing on the grey list published in the annual report of the Paris MoU and has been detained more than twice during the previous 24 months in a port or anchorage in the Paris MoU region; or |
| - plovi pod zastavom države koja se nalazi na crnoj listi objavljenoj u godišnjem izvještaju Paris MoU i bio je zadržan više od dva puta tokom prethodnih 36 mjeseci u luci ili sidrištu unutar Paris MoU regiona. | - sails under the flag of a blacklisted country published in the annual report of the Paris MoU and has been detained more than twice during the previous 36 months in a port or anchorage within the Paris MoU region. |
| Zabrana uplovljenja stranog plovnog objekta nakon trećeg zadržavanja, traje tri meseca nakon isplovljenja stranog plovnog objekta i napuštanja luke ili sidrišta Paris MoU regiona. | Banning of foreign vessel after the third detention shall expire three months after the departure of the foreign vessel and leaving the port or anchorage of the Paris MoU region. |
| Zabranu uplovljenja iz st. 1 i 2 ovog člana donosi PSC inspektor rješenjem o zabrani uplovljavanja u slučaju više zabrana isplovljavanja, koje se sačinjava na obrascu kojeg propisuje Ministarstvo, i dostavlja Lučkoj kapetaniji na dalje postupanje. | Banning referred to in para. 1 and 2 of this Article shall be issued by the PSC inspector with a decision prohibiting entry in case of multiple detention, which shall be made on the form prescribed by the Ministry and submitted to the Harbor Master's Office for further action. |
| Rješenje o zabrani uplovljavanju stranog plovnog objekta iz stava 3 ovog člana se poništava nakon isteka perioda od tri mjeseca od datuma izdavanja rješenja i kada se ispune uslovi dati u PSCO Manual-u. | The decision prohibiting the entry of a foreign vessel referred to in paragraph 3 of this Article shall be revoked after the expiration of a period of three months from the date of issuance of the decision and when the conditions set out in the PSCO Manual are fulfilled. |
| Ako strani plovni objekat kome je izdato rješenje o zabrani uplovljenja stranog plovnog objekta, ispuni uslove iz stava 4 ovog člana, PSC inspektor donosi rješenje o ukidanju rješenja o zabrani uplovljavanja stranog plovnog objekta, koje se sačinjava na obrascu kojeg propisuje Ministarstvo. | If a foreign vessel to which a decision prohibiting the entry of a foreign vessel has been issued meets the conditions referred to in paragraph 4 of this Article, the PSC officer shall issue a decision revoking the decision prohibiting the entry of a foreign vessel, which shall be made on a form prescribed by the Ministry. |
| Ako je stranom plovnom objektu po drugi put zabranjeno uplovljavanje, period zabrane uplovljavanja u Paris MoU region je 12 mjeseci nakon isplovljenja stranog plovnog objekta i napuštanja luke ili sidrišta Paris MoU regiona. | If a foreign vessel is prohibited from entering for the second time, the period of prohibition of entry into the Paris MoU region is 12 months after the departure of the foreign vessel and of leaving the port or anchorage of the Paris MoU region. |
| Rješenje o zabrani uplovljavanju stranog plovnog objekta iz stava 6 ovog člana se poništava nakon isteka perioda od 12 mjeseci od datuma izdavanja rješenja i kada se ispune uslovi dati u PSCO Manual-u. | The decision prohibiting the entry of a foreign vessel referred to in paragraph 6 of this Article shall be revoked after the expiration of a period of 12 months from the date of issuance of the decision and when the conditions given in the PSCO Manual are fulfilled. |
| Zabrana uplovljenja stranom plovnom objektu nakon drugog zabranjenog uplovljavanja | Prohibition of entry of a foreign vessel after another prohibited entry |
| Član 186a | Article 186a |
| Strani plovni objekat koji nakon isteka perioda od 12 mjeseci od druge zabrane uplovljavanja u zemljama Paris MoU regiona, bude ponovo zadržan u luci ili sidrištu Paris MoU regiona, dobija nalog o trećoj zabrani uplovljavanja u luku ili sidrište Paris MoU regiona. | Foreign vessel which, after the expiration of a period of 12 months from the second prohibition of entry into the Paris MoU region, is retained at the port or anchorage of the Paris MoU region, shall receive an order prohibiting the third entry into the port or anchorage of the Paris MoU region. |
| Mjera iz stava 1 ovog člana sprovodi se na osnovu rješenja PSC inspektora o zabrani uplovljavanja u slučaju treće zabrane uplovljavanja stranog plovnog objekta koje se sačinjava na obrascu kojeg propisuje Ministarstvo, i dostavlja svim zainteresovanim stranama. | The order referred to in paragraph 1 of this Article shall be implemented on the basis of the decision of the PSC officer on the prohibition of entry in the case of the third ban on entry of a foreign vessel, which is made on the form prescribed by the Ministry, and delivered to all interested parties. |
| Rješenje o zabrani uplovljavanja u slučaju treće zabrane uplovljavanja stranog plovnog objekta može se poništiti samo nakon isteka perioda od 24 mjeseca od datuma izdavanja takvog rješenja i samo ukoliko: | A decision on the prohibition of entry in the event of a third ban on entry of a foreign vessel may be revoked only after the expiration of a period of 24 months from the date of issuance of such a decision and only if: |
| - strani plovni objekat plovi pod zastavom države čija stopa zadržavanja ne pripada crnoj ili sivoj listi Paris MoU; | - a foreign vessel sails under the flag of a country whose detention rate does not belong to the black or grey list of Paris MoU; |
| - su statutarna svjedočanstva i klasa stranog plovnog objekta izdata od strane jedne ili više organizacija koje su priznate od strane jedne ili više država članica Paris MoU u skladu sa propisom Ministarstva iz člana 184a stav 9 ovog zakona; | - the statutory certificates and class of the foreign vessel are issued by one or more organizations recognized by one or more member states of the Paris MoU in accordance with the regulation of the Ministry referred to in Article 184a paragraph 9 of this Law; |
| - stranim plovnim objektom upravlja kompanija visokog rejtinga u skladu sa propisom Ministarstva iz člana 184a stav 9 ovog zakona; | - the foreign vessel is managed by a high rating company in accordance with the regulation of the Ministry referred to in Article 184a paragraph 9 of this Law; |
| - su ispunjeni uslovi PSCO Manual. | - the requirements of the PSCO Manual are fulfilled. |
| Svaki strani plovni objekat koji ne ispunjava kriterijume iz stava 3 ovog člana, nakon perioda od 24 mjeseca od izdavanja rješenja o trećoj zabrani uplovljenja, biće trajno odbijeno uplovljavanje u bilo koju luku ili sidrište Paris MoU regiona. | Any foreign vessel that does not meet the criteria referred to in paragraph 3 of this Article, after a period of 24 months from the issuance of the decision on the third entry ban, will be permanently denied entry into any port or anchorage of the Paris MoU region. |
| Svako naknadno zadržavanje stranog plovnog objekta u luci ili sidrištu nakon trećeg odbijenog uplovljavanja rezultira trajnu zabranu uplovljavanja u bilo koju luku ili sidrište Paris MoU regiona. | Any subsequent detention of a foreign vessel in a port or anchorage after the third denied entry results in a permanent ban on entry into any port or anchorage of the Paris MoU region. |
| Mjera iz st. 4 i 5 ovog člana sprovodi se na osnovu rješenja PSC inspektora o trajnom odbijanju uplovljavanja stranog plovnog objekta koje se sačinjava na obrascu kojeg propisuje Ministarstvo, i dostavlja svim zainteresovanim stranama. | The measure from paragraph 4 and 5 of this Article shall be implemented on the basis of the decision of the PSC officer on the permanent ban on entry of a foreign vessel, which shall be made on the form prescribed by the Ministry, and submitted to all interested parties. |
| Prije mjere odbijanja uplovljavanja, PSC inspektor može zahtijevati savjetovanje sa pomorskom administracijom države zastave stranog plovnog objekta. | Prior to the measure of ban of entry, the PSC officer may request consultation with the maritime administration of the flag State of the foreign vessel. |
| Zabrana uplovljenja stranom plovnom objektu na osnovu drugih događaja | **Foreign vessel banning on the basis of other events** |
| Član 186b | Article 186b |
| Lučka kapetanija, na osnovu rješenja PSC inspektora, neće izdati odobrenje za slobodan saobraćaj sa obalom stranom plovnom objektu u bilo koju luku, brodogradilište ili sidrište na teritoriji Crne Gore, ako utvrdi da strani plovni objekat nije postupio po zahtjevima inspekcijskog nadzora države članice Paris MoU i nije se uputio na remont u brodogradilište, odnosno nije postupio u skladu sa članom 188 ovog zakona. | The Harbor Master's Office, based on the decision of the PSC Inspector, will not issue a permit for free pratique with the coast to a foreign vessel for any port, shipyard or anchorage in the territory of Montenegro, if it finds that the foreign vessel did not comply with the requirements of the inspection of the Member State of Paris MOU and did not proceed to the shipyard, or did not comply with Article 188 of this Law. |
| Ako PSC inspektor utvrdi da strani plovni objekat nema potvrdu o osiguranju odgovornosti za pomorska potraživanja ili druge odgovarajuće finansijske garancije iz člana 33 ovog zakona i da nema osnova za zadržavanje stranog plovnog objekta, PSC inspektor može donijeti rješenje o protjerivanju stranog plovnog objekta o čemu obavještava Evropsku komisiju, druge države članice EU i pomorsku administraciju države zastave stranog plovnog objekta. | If the PSC officer finds that the foreign vessel does not have a certificate of liability insurance for maritime claims or other appropriate financial guarantees referred to in Article 33 of this Law and that there are no grounds for retaining the foreign vessel, the PSC officer may issue a decision on expulsion of the foreign vessel, on which he or she informs the European Commission, other EU Member States and the Maritime Administration of the flag State of a foreign vessel. |
| Ako je strani plovni objekat iz čl. 186, 186a i st. 1 i 2 ovog člana već uplovio u vode Crne Gore, Lučka kapetanija, na osnovu rješenja PSC inspektora, ima ovlašćenje da zapovjedniku odnosno licu koje upravlja stranim plovnim objektom naloži da napusti unutrašnje morske vode i teritorijalno more Crne Gore. | If the foreign vessel referred to in Article 186, 186a and paragraph 1 and 2 of this Article has already entered the waters of Montenegro, the Harbour Master Office, based on the decision of the PSC officer, has the authority to order the shipmaster or the person operating a foreign vessel to leave the internal sea waters and territorial sea of ​​Montenegro. |
| Ako strani plovni objekat iz stava 3 ovog člana ne postupi po naređenju Lučke kapetanije, ista može naložiti organu uprave nadležnom za unutrašnje poslove da ukloni strani plovni objekat iz unutrašnjih morskih voda i teritorijalnog mora Crne Gore. | If a foreign vessel referred to in paragraph 3 of this Article fails to comply with the order of the Harbor Master's Office, Harbour Master’s Ofice may order the administrative body responsible for internal affairs to remove the foreign vessel from the internal sea waters and territorial sea of ​​Montenegro. |
| Izuzetno od čl. 186, 186a ovog zakona i ovog člana, Lučka kapetanija će po nalogu Organa uprave dati odobrenje za uplovljenje stranom plovnom objektu u luku i sidrište Crne Gore u slučaju više sile ili zbog odlučujućih sigurnosnih razloga, ili da bi se smanjio ili sveo na najmanju mjeru rizik od zagađivanja, pod uslovom da su vlasnik stranog plovnog objekta, brodar, zapovjednik broda ili lice koje upravlja stranim plovnim objektom sproveli odgovarajuće mjere prihvatljive za Lučku kapetaniju da bi omogućili sigurno uplovljavanje. | Notwithstanding to Art. 186, 186a and this Article the Harbor Master's Office shall, upon the order of the AMSPM, allow the entry of a foreign vessel into the port and anchorage of Montenegro in case of force majeure or for crucial safety reasons, or to reduce or minimize the risk of pollution, provided that the owner of the foreign vessel, ship operator, the master of the ship or the person operating the foreign vessel has implemented appropriate measures acceptable to the Harbor Master's Office to enable safe entering. |
| Zabrana isplovljenja stranog plovnog objekta | Detention of a foreign vessel |
| Član 187 ﻿ | Article 187 ﻿ |
| Ako se inspekcijskim pregledom utvrde nedostaci koji očigledno upućuju na zaključak da strani plovni objekat neće moći da nastavi plovidbu bez ugrožavanja sigurnosti, života ljudi i životne sredine, rješenjem PSC inspektora će se zabraniti napuštanje luke, odnosno sidrišta, dok se ne obezbijede uslovi za nastavak plovidbe, odnosno otklone pojedinačni ili zbirni nedostaci kojima se ugrožava sigurnost, život ljudi i životna sredina. | If the inspection reveals deficiencies that clearly indicate that the foreign vessel will not be able to continue sailing without endangering safety, human life and the environment, PSC officer shall prohibit the departure from the port or anchorage until the conditions for continuation of navigation are provided, i.e. until individual or collective deficiencies that endanger safety, human life and the environment are eliminated. |
| Nedostatke iz stava 1 ovog člana i dalje postupanje na osnovu pronađenih nedostataka, utvrđuje PSC inspektor u skladu sa PSCO Manual-om. | The deficiencies referred to in paragraph 1 of this Article and further action based on the deficiencies found shall be determined by the PSC officer in accordance with the PSCO Manual. |
| Mjera iz stava 1 ovog člana, sprovodi se na osnovu rješenja o zabrani isplovljavanja stranog plovnog objekta koje se sačinjava na obrascima koje propisuje Ministarstvo i dostavlja se zapovjedniku broda, odnosno licu koje upravlja stranim plovnim objektom i pomorskoj administraciji države zastave stranog plovnog objekta. | The measure referred to in paragraph 1 of this Article shall be implemented on the basis of a decision prohibiting the departure of a foreign vessel, which shall be made on forms prescribed by the Ministry and delivered to the shipmaster, i.e. the person operating the foreign vessel and the maritime administration of the foreign flag state. |
| Prilikom sprovođenja inspekcijskog pregleda koji se odnosi na pregled pomorskih ovlašćenja članova posade stranog plovnog objekta, PSC inspektor postupa u skladu sa odredbama Međunarodne konvencije o standardima za obuku, izdavanje uvjerenja i vršenju brodske straže pomoraca (STCW konvencija) i PSCO Manual-om. | When conducting an inspection related to the review of the maritime certificates of a crew members on foreign vessel, the PSC officer shall act in accordance with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) and the PSCO Manual. |
| Ako se u obavljanju inspekcijskog nadzora utvrde nedostaci iz st. 1 i 2 ovog člana, o utvrđenom stanju i preduzetim mjerama obavjestiće se vlasnik stranog plovnog objekta, brodar, priznata organizacija, a putem diplomatskih odnosno konzularnih tijela, pomorska administracija države čiju zastavu strani plovni objekat vije i odgovarajuće organizacije pomoraca u slučaju neusaglašenosti sa MLC konvencijom. | In the event that deficiencies have been established during the inspection referred to in para. 1 and 2 of this Article, found condition and the measures taken shall be notified to the owner of the foreign vessel,, ship operator, recognized organization, and through diplomatic or consular bodies, the maritime administration of the state whose flag the foreign vessel flies and the relevant seafarers' organizations in case of non-compliance with the MLC Convention. |
| Ako strani plovni objekat kome je izdato rješenje iz stava 3 ovog člana, ispuni uslove utvrđene ovim rješenjem i u skladu sa PSCO Manual-om, PSC inspektor donosi rješenje o ukidanju rješenja o zabrani isplovljavanja stranog plovnog objekta, koje se sačinjava na obrascu kojeg propisuje Ministarstvo. | If the foreign vessel to which the decision referred to in paragraph 3 of this Article has been issued meets the conditions set out in this decision and in accordance with the PSCO Manual, the PSC officer shall issue a decision revoking the decision prohibiting the departure of a foreign vessel, which shall be made on the form prescribed by the Ministry |
| Odredbe ovog člana primjenjuju se i na strane plovne objekte koji plove pod zastavom države koja nije potpisnica konvencija Međunarodne pomorske organizacije. | The provisions of this Article shall also apply to foreign vessels flying the flag of a State which is not a party to the conventions of the International Maritime Organization. |
| Zabrane isplovljavanja i obavljanja trgovačkih operacija stranog plovnog objekta na osnovu odredaba MLC konvencije | Detention order and ban on cargo operations of a foreign vessel in accordance with provisions of the MLC Convention |
| Član 187a | Article 187a |
| PSC inspektor će izreći mjeru zabrane isplovljavanja stranog plovnog objekta ili zabranu vršenja trgovinskih operacija na stranom plovnom objektu kada se utvrdi da radni i životni uslovi na plovnom objektu ugrožavaju sigurnost, zdravlje ili bezbijednost pomoraca, ili da nedostaci predstavljaju ozbiljno ili ponovljeno kršenje zahtjeva MLC konvencije. | The PSC Officer shall issue a detention order to a foreign vessel or prohibit the cargo operations on a foreign vessel when it is determined that the working and living conditions on the vessel endanger the safety, health or security of seafarers, or that the deficiencies constitute a serious or repeated violation of the requirements of the MLC Convention. |
| Mjera iz stava 1 ovog člana ukinuće se nakon otklanjanja nedostataka ili prihvatanja plana za otklanjanje nedostataka. | The measure referred to in paragraph 1 of this Article shall be revoked after the elimination of deficiencies or acceptance of the plan for elimination of deficiencies. |
| Prije prihvatanja plana iz stava 2 ovog člana, PSC inspektor se može savjetovati sa pomorskom administracijom države zastave stranog plovnog objekta. | Before accepting the plan referred to in paragraph 2 of this Article, the PSC officer may consult with the maritime administration of the flag state of a foreign vessel. |
| U slučaju zabrane isplovljavanja stranog plovnog objekta iz stava 1 ovog člana, PSC inspektor će bez odlaganja obavijestiti pomorsku administraciju države zastave i pozvati predstavnika države zastave, da ako je moguće bude prisutan, zahtijevajući odgovor države zastave u propisanom roku. | In the event of issuing a detention order to a foreign vessel according to paragraph 1 of this Article, PSC Officer shall notify the maritime authority of the flag state of a foreign vessel without delay and invite the representative of the flag State to be present, if possible, requesting the flag State's reply within the prescribed time limit. |
| PSC inspektor će o zabrani isplovljavanja stranog plovnog objekta iz stava 1 ovog člana, bez odlaganja obavijestiti odgovarajuće organizacije pomoraca i brodovlasnika u luci ili sidrištu u kojoj je sproveden inspekcijski pregled. | The PSC officer shall, without delay, notify the relevant organizations of seafarers and shipowners in the port or anchorage where the inspection has been carried out about the detention order issued according to paragraph 1 of this Article |
| Zabrana trgovačkih operacija na stranim plovnim objektima | Prohibition of cargo operations on foreign vessels |
| Član 187b | Article 187b |
| Ako PSC inspektor utvrdi da strani plovni objekat ima nedostatke koji pri vršenju trgovačkih operacija jasno ugrožavaju stabilitet, sigurnost za plovidbu i čvrstoću stranog plovnog objekta, sigurnost plovidbe, zdravlje ljudi ili životnu sredinu, PSC inspektor će rješenjem zabraniti stranom plovnom objektu dalje vršenje tih trgovačkih operacija. | If the PSC Officer finds that the foreign vessel has deficiencies which clearly threaten the stability, safety for navigation and strength of the foreign vessel, safety of navigation, human health or the environment during cargo operations, the PSC inspector will prohibit the foreign vessel from carrying out those cargo operations, by a decision. |
| Nedostatke iz stava 1 ovog člana i dalje postupanje na osnovu pronađenih nedostataka, utvrđuje PSC inspektor u skladu sa PSCO Manual-om. | The deficiencies referred to in paragraph 1 of this Article and further action based on the deficiencies found shall be determined by the PSC officer in accordance with the PSCO Manual. |
| Mjera iz stava 1 ovog člana sprovodi se na osnovu rješenja o zabrani operacija na stranom plovnom objektu, koje se sačinjava na obrascu kojeg propisuje Ministarstvo. | The measure referred to in paragraph 1 of this Article shall be implemented on the basis of a decision prohibiting operations on a foreign vessel, which shall be made on a form prescribed by the Ministry. |
| Ako strani plovni objekat, kojem je izdato rješenje iz stava 3 ovog člana, ispuni uslove utvrđene ovim rješenjem i u skladu sa PSCO Manual-om, PSC inspektor povlači rješenje o zabrani operacija na stranom plovnom objektu. | If the foreign vessel, to which the decision referred to in paragraph 3 of this Article has been issued, meets the conditions set out in this decision and in accordance with the PSCO Manual, the PSC officer shall withdraw the decision prohibiting operations on the foreign vessel. |
| Ako PSC inspektor, prilikom vršenja inspekcijskog nadzora iz člana 185 ovog zakona utvrdi da strani plovni objekat ne posjeduje važeće isprave koje potvrđuju da je brodska oprema za utovar i istovar u ispravnom i sigurnom stanju, ili ako utvrdi da stanje ove opreme ne odgovara podacima iz tih isprava, zabraniće vršenje utovara i istovara tereta korišćenjem brodske opreme tog stranog plovnog objekta. | If the PSC officer, during the inspection referred to in Article 185 of this Law, determines that the foreign vessel does not have valid documents certifying that the ship's loading and unloading equipment is in proper and safe condition, or if it determines that the condition of this equipment does not correspond to such documents, he or she shall prohibit the loading and unloading of cargo using the ship's equipment of that foreign vessel. |
| Posada na stranom plovnom objektu | Crew on a foreign vessel |
| Član 187c | Article 187c |
| Ako PSC inspektor utvrdi da je član posade stranog plovnog objekta bio pod uticajem alkohola ili drugih psihoaktivnih supstanci, ili da je član posade u takvom psihofizičkom stanju da može ugroziti sigurnost plovidbe, narediće zapovjedniku broda ili licu koje upravlja stranim plovnim objektom da udalji sa radnog mjesta to lice, a po potrebi i da ga iskrca sa stranog plovnog objekta. | If the PSC officer determines that a crew member of a foreign vessel has been under the influence of alcohol or other psychoactive substances, or that the crew member is in such a psycho-physical condition that he may endanger the safety of navigation, he shall order the shipmaster or the person operating foreign vessel to remove from work that person and, if necessary, to disembark him from a foreign vessel. |
| Ako je to lice zapovjednik broda ili lice koje upravlja stranim plovnim objektom, PSC inspektor će narediti zamjeniku zapovjednika broda ili zamjeniku lica koje upravlja stranim plovnim objektom da to lice udalji sa radnog mjesta. | If that person is the shipmaster or the person operating the foreign vessel, the PSC officer shall order the deputy master of the ship or the deputy person operating the foreign vessel to remove that person from his or her post. |
| Ako PSC inspektor utvrdi da član posade stranog plovnog objekta nema ovlašćenje za obavljanje odgovarajućih poslova na stranom plovnom objektu ili nema važeći ugovor o radu na stranom plovnom objektu, PSC inspektor će postupiti u skladu sa PSCO Manual. | If the PSC officer determines that a foreign vessel crew member is not authorized to perform appropriate operations on the foreign vessel or does not have a valid foreign vessel employment contract, the PSC officer shall act in accordance with the PSCO Manual. |
| Član 187d | Article 187d |
| Strani plovni objekat kojem je PSC inspektor zabranio da napusti luku, za svaki naredni inspekcijski pregled kojim se utvrđuje da li su nedostaci i okolnosti koje su dovele do zabrane napuštanja luke otklonjeni, plaća troškove pregleda koje utvrdi Ministarstvo. | A foreign vessel prohibited by the PSC officer from leaving the port shall pay the costs of the inspection, determined by the Ministry, for each subsequent inspection which determines whether the deficiencies and circumstances that led to the ban on leaving the port have been eliminated. |
| Rješenje o zabrani napuštanja luke ili zabrani vršenja trgovačkih operacija na stranom plovnom objektu ukinuće se nakon otklanjanja nedostataka i kada se utvrdi da strani plovni objekat može nastaviti svoje putovanje ili trgovačke operacije bez rizika za sigurnost plovidbe, zdravlje ljudi ili životnu sredinu, i da su ispunjeni ostali uslovi iz stava 1 ovog člana. | The decision on detention and prohibition of cargo operations on a foreign vessel shall be revoked after the deficiencies have been remedied and it has been established that the foreign vessel can continue its voyage or cargo operations without risk to navigation, human health or the environment other conditions referred to in paragraph 1 of this Article. |
| Uslovno oslobađanje stranog plovnog objekta od zabrane isplovljavanja | **Conditional exemption of a foreign vessel from a detention order** |
| Član 188 ﻿ | Article 188 ﻿ |
| Ako se nedostaci na stranom plovnom objektu kojem je rješenjem zabranjeno isplovljavanje ne mogu otkloniti u luci, PSC inspektor donosi rješenje o uslovnom oslobađanju stranog plovnog objekta od zabrane isplovljavanja i slanju stranog plovnog objekta na remont u brodogradilište, koje se sačinjava na obrascu koji propisuje Ministarstvo. | If the deficiencies on a foreign vessel which has been detained cannot be repaired at the port, PSC Officer shall issue an administrative decision on the conditional release of a foreign vessel from detention, based on which a foreign vessel will be directed to an shipyard, which decision shall be issued by filling out a form prescribed by the Ministry |
| Strani plovni objekat iz stava 1 ovog člana se može uputiti na remont u brodogradilište u skladu sa PSCO Manual-om, uz prethodno pribavljenu saglasnost brodogradilišne luke na zahtjev PSC inspektora za prihvat broda, koji se sačinjava na obrascu koji propisuje Ministarstvo. | Foreign vessel referred to in paragraph 1 of this Article may proceed for repair to the shipyard in accordance with the PSCO Manual, with the prior approval of the shipyard based on the request of the PSC Officer for ship acceptance, which shall be made on the form prescribed by the Ministry |
| Ako strani plovni objekat ne dođe u brodogradilište iz stava 1 ovog člana do procijenjenog vremena dolaska, PSC inspektor izdaje rješenje o zabrani uplovljavanja stranog plovnog objekta u Paris MoU regionu koji se sačinjava na obrascu koji propisuje Ministarstvo, u skladu sa PSCO Manual-om. | If the foreign vessel does not arrive at the shipyard referred to in paragraph 1 of this Article by the estimated time of arrival, the PSC officer shall issue a decision prohibiting the entry of the foreign vessel in the Paris MoU region on a form prescribed by the Ministry, in accordance with the PSCO Manual. |
| Žalba | Right to appeal |
| Član 188a | Article 188a |
| Protiv rješenja PSC inspektora može se izjaviti žalba Ministarstvu. | An appeal may be lodged with the Ministry against the decision of the PSC officer. |
| Žalba ne odlaže izvršenje rješenja. | The appeal does not delay enforcement of the decision. |
| Postupak i rokovi podnošenja žalbe su propisani zakonom o upravnom postupku. | The procedure and deadlines for filing an appeal are prescribed by the Law on Administrative Procedure. |
| Ako se na osnovu žalbe rješenje o zabrani isplovljavanja stranog plovnog objekta ili odbijanju uplovljavanja stranog plovnog objekta poništi, ukine ili izmijeni, o preduzetim radnjama Ministarstvo informiše sve članice Paris MoU a podaci o poništenju, ukidanju ili izmijeni se unose u THETIS. | If, on the basis of an appeal, the decision prohibiting the departure of a foreign vessel or refusing entry of a foreign vessel is annulled, revoked or amended, the Ministry shall inform all members of the Paris MoU of the actions taken and the data on annulment, revocation or amendment shall be entered in THETIS. |
| Ovlašćenja inspektora sigurnosti plovidbe | Powers of maritime safety inspectors |
| Član 188b | Article 188b |
| Inspektor sigurnosti plovidbe vrši nadzor nad pomorskim objektima crnogorske državne pripadnosti, stranim čamcima i njihovim posadama u unutrašnjim morskim vodama i teritorijalnom moru, uključujući luke, sidrišta i ostale objekte obalne infrastrukture Crne Gore. | The maritime safety inspector supervises maritime facilities of Montenegrin nationality, foreign boats and their crews in internal and territorial waters, including ports, anchorages and other coastal infrastructure facilities of Montenegro. |
| Inspektor sigurnosti plovidbe vrši nadzor nad: | The maritime safety inspector supervises: |
| 1) sposobnosti pomorskog objekta za plovidbu, zaštitom ljudskih života i zaštitom životne sredine; | 1) the capabilities of the maritime facility for navigation, protection of human lives and protection of the environment; |
| 2) ispravama, zapisima i knjigama, odgovarajućim svjedočanstvima i njihov rok važenja i ostalu neophodnu dokumentaciju pomorskog objekta; | 2) documents, records and books, appropriate certificates and their validity period and other necessary documentation of the maritime facility; |
| 3) opšte stanje pomorskog objekta, higijenske uslove na pomorskom objektu, uključujući prostore mašine i prostore za smještaj i boravak posade i putnika; | 3) general condition of the maritime facility, hygienic conditions at the maritime facility, including machinery spaces and spaces for accommodation and stay of crew and passengers; |
| 4) operativnim i drugim obalama, lukobranima, potrebnim dubinama, uređajima, postrojenjima i drugim objektima namijenjenim za vez u lukama, zaštitu pomorskog objekta, ukrcavanje i iskrcavanje putnika i stvari u skladu sa međunarodnim i propisima Crne Gore; | 4) operational and other shores, breakwaters, required depths, devices, machines and other facilities intended for berth in ports, protection of maritime facilities, embarkation and disembarkation of passengers and goods in accordance with international and Montenegrin regulations; |
| 5) održavanjem i obilježavanjem plovnih puteva u teritorijalnom moru i unutrašnjim morskim vodama i objektima za sigurnost plovidbe na tim plovnim putevima; | 5) maintenance and marking of waterways in the territorial sea and internal waters and facilities for safety of navigation on those waterways; |
| 6) obavljanjem radio-službe radi sigurnosti plovidbe i zaštite ljudskog života na moru i njihovim uređajima i opremom kao i održavanjem sredstava i radom tih službi; | 6) performing radio services for the safety of navigation and protection of human life at sea and their devices and equipment, as well as maintenance of funds and operation of these services; |
| 7) prevozom lica i stvari u pogledu zaštite ljudskih života i imovine; | 7) transportation of persons and things in terms of protection of human lives and property; |
| 8) prevozom putnika i/ili stvari u unutrašnjem pomorskom saobraćaju; | 8) transportation of passengers and / or items in internal maritime traffic; |
| 9) plovidbom i pilotažom; | 9) navigation and pilotage; |
| 10) sigurnošću instalacija za proizvodnju ugljovodonika. | 10) safety of installations for the production of hydrocarbons. |
| Inspekcijske poslove iz stava 2 tač. 1, 2, 7 i 8 ovog člana, koji se odnose na čamce i jahte za ličnu upotrebu pored Inspektora sigurnosti plovidbe može obavljati i policijski službenik po ovlašćenju Ministarstva. | Inspection activities from paragraph 2 item 1, 2, 7 and 8 of this Article, which refer to boats and yachts for personal use, in addition to the Inspector of Navigation Safety, may also be performed by a police officer authorized by the Ministry. |
| Inspekcijske poslove iz stava 2 tač. 1, 2, 6, 7, 8 i 9 ovog člana, vrši i Organ uprave. | Inspection activities from paragraph 2 item 1, 2, 6, 7, 8 and 9 of this Article, shall also be performed by AMSPM. |
| Inspekcijske poslove iz stava 2 tačka 9 ovog člana Organ uprave vrši korišćenjem tehničkih sistema iz člana 45 stava 7 ovog zakona. | Inspection activities referred to in paragraph 2 item 9 of this Article shall be performed by AMSPM using technical systems referred to in Article 45 paragraph 7 of this Law. |
| Ukoliko Organ uprave korišćenjem tehničkih sistema iz člana 45 stava 7 ovog zakona ne može utvrditi identitet plovnog objekta koji je počinio prekršaj, o događaju će putem službene zabilješke obavijestiti Inspektora sigurnosti plovidbe. | If AMSPM, using technical systems referred to in Article 45 paragraph 7 of this Law, cannot determine the identity of the vessel that committed the violation, it shall notify maritime safety inspector of the event via an official note. |
| Poslove iz stava 2 ovog člana za crnogorske ratne brodove, vojne luke, sidrišta i ostale objekte obalne infrastrukture Vojske Crne Gore vrši organizaciona jedinica Ministarstva odbrane nadležna za poslove inspekcijskog nadzora i Generalštab Vojske Crne Gore, u skladu sa zakonom. | The activities referred to in paragraph 2 of this Article for Montenegrin warships, military ports, anchorages and other coastal infrastructure facilities of the Armed Forces of Montenegro shall be performed by the organizational unit of the Ministry of Defence responsible for inspection supervision and the General Staff of the Armed Forces of Montenegro. |
| Član 189 ﻿ | Article 189 ﻿ |
| U obavljanju inspekcijskog nadzora nad sposobnošću pomorskih objekata za plovidbu prema odredbi člana 188b ovoga zakona provjerava se: | In performing inspection supervision over the ability of maritime facilities to navigate according to the provision of Article 188b of this Law, the following shall be checked: |
| 1) ima li pomorski objekat važeće propisane brodske isprave i brodske knjige; | 1) whether the maritime facility has valid prescribed ship documents and ship books; |
| 2) jesu li na plovnom objektu od dana izdavanja, odnosno potvrđivanja isprava izdatih na osnovu tehničkog nadzora nastale bitne promjene zbog kojih je očigledno da plovni objekat u takvom stanju nije sposoban ploviti bez opasnosti za lica, teret na njemu i okolinu; | 2) whether significant changes have occurred on the vessel from the day of issuance, i.e. confirmation of documents issued on the basis of technical supervision due to which it is obvious that the vessel in such condition is not able to sail without danger to persons, cargo and environment; |
| 3) ispunjava li pomorski objekat uslove određene u čl. 52, 75 i 83 ovog zakona; | 3) whether the maritime facility meets the conditions specified in Article 52, 75 and 83 of this law; |
| 4) je li na bokovima plovnog objekta obilježena propisana oznaka teretne linije, odnosno nadvođe; | 4) whether the prescribed mark of the cargo line, i.e. freeboard is marked on the sides of the vessel; |
| 5) uvježbanost posade u rukovanju čamcima i ostalim sredstvima za spašavanje i uređajima za otkrivanje, sprječavanje i gašenje požara. | 5) training of the crew in handling boats and other rescue equipment and devices for detecting, preventing and extinguishing fires. |
| Inspekcijski nadzor obuhvata i provjeru ima li pomorski objekat važeći registar teretnog uređaja i odgovara li stanje uređaja za utovar, istovar ili pretovar tereta podacima iz registra teretnog uređaja. | Inspection supervision also includes checking whether the maritime facility has a valid cargo register and whether the condition of the loading, unloading or transhipment device corresponds to the data from the cargo register. |
| Član 190 ﻿ | Article 190 ﻿ |
| Ako se u obavljanju inspekcijskog nadzora shodno odredbama člana 188b ovog zakona utvrde nedostaci broda u pogledu njegove sposobnosti za plovidbu, narediće se zapovjedniku broda da u određenom roku otkloni utvrđene nedostatke. | If in the performance of inspection supervision in accordance with the provisions of Article 188b of this Law, deficiencies of the ship in terms of its seaworthiness are determined, the shipmaster shall be ordered to eliminate the identified deficiencies within a certain period. |
| Ako se utvrđeni nedostaci ne otklone u određenom roku ili ako su utvrđeni nedostaci takve prirode da ugrožavaju sigurnost broda, lica i tereta na njemu i okoline ili ako su mu tankovi otpadnih voda puni, zabraniće se brodu dalja plovidba dok se navedeni nedostaci ne otklone i oduzeće mu se isprava o sposobnosti za plovidbu. | If the identified deficiencies are not remedied within a specified period or if deficiencies of such a nature are identified that endanger the safety of the ship, persons and cargo on it and the environment or if its wastewater tanks are full, the ship shall be prohibited from further navigation until the deficiencies are remedied, while its navigation licence shall be revoked. |
| Ako Inspektor sigurnosti plovidbe, odnosno drugi ovlašćeni službenik utvrdi da plovni objekat ima nedostataka koji ugrožavaju sigurnost plovidbe, zabraniće dalju plovidbu plovnom objektu, oduzeti dozvolu za plovidbu i o tome obavijestiti Lučku kapetaniju koja je izdala dozvolu za plovidbu plovnog objekta. | If the maritime safety inspector, i.e. another authorized official determines that the vessel has deficiencies that endanger the safety of navigation, it will prohibit further navigation of the vessel, revoke the navigation license and notify the Harbour Master Office that issued the navigation license. |
| Inspekcijski pregled pomorskih objekata iz člana 189 ovog zakona koji viju crnogorsku zastavu može se obaviti i van unutrašnjih morskih voda i teritorijalnog mora Crne Gore, ukoliko se ocijeni da postoji opravdana sumnja da stvarno stanje na brodu ne odgovara izdatim brodskim ispravama i knjigama ili da se do isteka važenja brodskih isprava i knjiga ne predviđa uplovljavanje broda u luke Crne Gore. | Inspection of maritime facilities referred to in Article 189 of this Law that fly the Montenegrin flag may be performed outside the internal sea waters and territorial sea of ​​Montenegro, if it is assessed that there is a reasonable suspicion that the actual condition of the ship does not correspond to issued ship documents and books, or if it not foreseen that the ship will enter Montenegrin ports until the expiration of issued ship documents and books. |
| U obavljanju inspekcijskog nadzora iz člana 189 ovog zakona Inspektor sigurnosti plovidbe može od priznate organizacije ili Organa uprave zatražiti na uvid dokumentaciju o postupku izdavanja svjedočanstava za brod koji se nadzire. | In performing the inspection supervision referred to in Article 189 of this Law, maritime safety inspector may request from the recognized organization AMSPM the documentation on the procedure of issuing certificates for the vessel being inspected. |
| Ako zapovjednik ne postupi po nalogu inspekcije iz st. 2 i 3 ovog člana, Inspektor sigurnosti plovidbe će, nakon što rješenje postane izvršno, na pogodan način zabraniti plovidbu, odnosno utovar, istovar ili pretovar tereta. | If the commander does not act on the order of the inspection from paragraph 2 and 3 of this Article, the maritime safety inspector shall, after the decision becomes enforceable, in an appropriate manner prohibit navigation, i.e. loading, unloading or transhipment of cargo. |
| Ako brod iz stava 6 ovog člana predstavlja ili može predstavljati opasnost za luke, plovne puteve, plovidbu, iskorištavanje prirodnih bogatstava mora ili okoline, Inspektor sigurnosti plovidbe će, pored radnji iz stava 6 ovog člana, rješenjem narediti vlasniku broda da u primjerenom roku preduzme mjere za njegovo uklanjanje uz nadzor Organa uprave. | If the ship referred to in paragraph 6 of this Article represents or may pose a danger to ports, waterways, navigation, exploitation of natural resources of the sea or environment, the maritime safety inspector shall, in addition to the actions referred to in paragraph 6 of this Article, order the ship owner to take measures for its removal under the supervision of AMSPM. |
| Ako vlasnik broda ne postupi u skladu sa rješenjem Inspektora sigurnosti plovidbe, Organ uprave će na trošak i rizik vlasnika organizovati uklanjanje broda posredstvom pravnog ili fizičkog lica kojoj je to poslovna djelatnost. | If the owner of the ship does not act in accordance with the decision of the maritime safety inspector, AMSPM shall, at the expense and risk of the owner, organize the removal of the ship through a legal or natural person who performs such activity. |
| Ako brod iz stava 6 ovog člana predstavlja neposrednu opasnost za luke, plovne puteve, plovidbu, iskorištavanje prirodnih bogatstava mora ili okoline, Inspektor sigurnosti plovidbe će i bez prethodnog donošenja rješenja iz stava 7 ovog člana odlučiti o uklanjanju broda na trošak i rizik vlasnika. | If the ship referred to in paragraph 6 of this Article poses an immediate danger to ports, waterways, navigation, exploitation of natural resources of the sea or environment, the maritime safety inspector shall decide to remove the ship at the expense and risk of the owner. |
| Uklanjanje broda u smislu st. 8 i 9 ovog člana znači svaki oblik sprečavanja, ublažavanja ili otklanjanja opasnosti. | Removal of the ship in terms of paragraph 8 and 9 of this Article refers to any form of prevention, mitigation or elimination of danger. |
| Odredbe čl. 189 i 190 ovog zakona na odgovarajući se način primjenjuju na druge plovne te plutajuće odobalne objekte. | The provisions of Article 189 and 190 of this Law shall apply accordingly to other navigable and floating offshore facilities. |
| Član 191 ﻿ | Article 191 ﻿ |
| Ako se u obavljanju inspekcijskog nadzora shodno odredbama člana 184 stav 3 tačka 2 i člana 188b stav 2 tačka 4 ovog zakona utvrdi da se u lukama otvorenim za međunarodni i unutrašnji saobraćaj ne sprovode mjere koje su u skladu s međunarodnim obavezama Crne Gore ili posebnim propisima koji uređuju red u lukama ili da je stanje luka takvo da predstavlja opasnost za sigurnost plovnih objekata, Organ uprave će narediti korisniku odnosno koncesionaru luke da, radi otklanjanja utvrđenih nedostataka, u određenom roku, preduzme odgovarajuće mjere ili obavi potrebne radove. | If, in accordance with the provisions of Article 184, paragraph 3, item 2 and Article 188b, paragraph 2, item 4 of this Law, it is determined that measures are not implemented in ports open to international and domestic traffic that are in accordance with Montenegro's international obligations or special regulations governing the order in the ports or that the condition of the ports is such that it poses a danger to the safety of vessels, AMSPM shall order the user or concessionaire of the port to take appropriate measures or perform the necessary works within a certain period. |
| Ako mjere i radovi naređeni shodno stavu 1 ovog člana ne budu izvršeni u određenom roku, PSC inspektor, odnosno Inspektor sigurnosti plovidbe može zabraniti: | If the measures and works ordered in accordance with paragraph 1 of this Article are not carried out within the specified period, the PSC officer, i.e. the maritime safety inspector may prohibit: |
| 1) pristajanje plovnih objekata određene veličine uz dio operativne ili druge obale za koji je utvrđen nedostatak dok ne bude omogućeno sigurno pristajanje takvih plovnih objekata; | 1) berthing of vessels of a certain size along the part of the operational or other shore for which a deficiency has been determined until the safe berthing of such vessels is enabled; |
| 2) upotrebu operativne ili druge obale ili njenog dijela, kao i sidrišta koje neposredno ugrožava sigurnost plovnih objekata, lica i stvari prilikom utovara, istovara ili pretovara ili ako prijeti opasnost da se zbog neispravnog uređaja zagadi okolina; | 2) the use of operational or other shore or its part, as well as anchorages that directly endanger the safety of vessels, persons and things during loading, unloading or transhipment or if there is a danger of polluting the environment due to a faulty device; |
| 3) saobraćaj u luci i sidrištu sve dok je sigurnost plovidbe neposredno ugrožena zbog neodržavanja lučkih objekata u ispravnom stanju ili potrebnih dubina. | 3) traffic in the port and anchorage as long as the safety of navigation is directly endangered due to non-maintenance of port facilities in proper condition or required depths. |
| Ako nedostaci iz stava 1 ovog člana neposredno ugrožavaju ljudske živote, sigurnost plovidbe i zaštitu životne sredine, PSC inspektor odnosno Inspektor sigurnosti plovidbe može odmah preduzeti mjere iz stava 2 ovog člana. | If the deficiencies referred to in paragraph 1 of this Article directly endanger human lives, safety of navigation and environmental protection, the PSC officer or the maritime safety inspector may immediately take the measures referred to in paragraph 2 of this Article. |
| Odredbe ovog člana na odgovarajući način se primjenjuju i na luke otvorene za unutrašnji saobraćaj. | The provisions of this Article shall apply mutatis mutandis to ports open to inland traffic. |
| Član 192 ﻿ | Article 192 ﻿ |
| Ako se u obavljanju inspekcijskog nadzora prema odredbi člana 188b stav 2 tačka 5 ovog zakona utvrdi da je stanje plovnog puta ili objekta za sigurnost plovidbe na plovnom putu takvo da ugrožava sigurnost plovidbe, Inspektor sigurnosti plovidbe će obavijestiti Organ uprave da: | If during the inspection according to the provision of Article 188b paragraph 2 item 5 of this Law is determined that the condition of the waterway or facility for safety of navigation on the waterway is such that it endangers safety of navigation, the maritime safety inspector shall inform AMSPM in order to: |
| 1) privremeno obilježi smetnje na plovnom putu, odnosno da smetnju ukloni i da postavi ili aktivira signalne oznake i svijetla ako su ista uklonjena ili neispravna; | 1) temporarily mark disturbances on the waterway, i.e. to remove the disturbance and to place or activate signal signs and lights if they have been removed or are faulty; |
| 2) privremeno zabrani plovidbu na tom plovnom putu ako nijesu preduzete mjere za sigurnu plovidbu. | 2) temporarily prohibit navigation on that waterway if measures for safe navigation have not been undertaken. |
| Ako se u obavljanju inspekcijskog nadzora iz stava 1 ovog člana utvrde i drugi nedostaci na plovnom putu koji mogu ugroziti sigurnost plovidbe, nalazi o tome s primjedbama i predlogom mjera dostaviće se Ministarstvu, Organu uprave i organu uprave nadležnom za poslove hidrografije, radi preduzimanja odgovarajućih mjera. | If other deficiencies on the waterway that may endanger the safety of navigation are determined during the inspection referred to in paragraph 1 of this Article, the findings with remarks and proposed measures shall be submitted to the Ministry, AMSPM and administrative body responsible for hydrography, in order to take appropriate measures. |
| Član 193 ﻿ | Article 193 ﻿ |
| Ako se u obavljanju inspekcijskog nadzora prema odredbi člana 188b stav 2 tačka 6 ovog zakona utvrdi da održavanje radio-stanica i obavljanje radio-službe nije u skladu s propisima kojima se uređuje područje telekomunikacija, Inspektor sigurnosti plovidbe će naložiti Organu uprave otklanjanje utvrđenih nedostataka u određenom roku. | If during the inspection according to the provision of Article 188b paragraph 2 item 6 of this Law it is determined that the maintenance of radio stations and radio service is not in accordance with regulations governing the field of telecommunications, the maritime safety inspector shall set a deadline to AMSPM to remedy found deficiencies. |
| Ako se u obavljanju inspekcijskog nadzora iz stava 1 ovog člana utvrde takvi nedostaci koji mogu ugroziti sigurnost plovidbe, izvještaj o utvrđenim nedostacima, s predlozima za njihovo otklanjanje dostaviće se Ministarstvu i Organu uprave. | If such deficiencies, that may endanger the safety of navigation, are identified during the inspection referred to in paragraph 1 of this Article, a report on the identified deficiencies, with proposals for their elimination, shall be submitted to the Ministry and AMSPM. |
| Član 194 ﻿ | Article 194 ﻿ |
| Ako Inspektor sigurnosti plovidbe utvrdi da član posade nema ovlašćenja za obavljanje određenih poslova ili nema važeće isprave o ukrcaju, narediće da se u određenom roku otkloni utvrđeni nedostatak. | If maritime safety inspector determines that a crew member does not have the authority to perform certain tasks or does not have a valid boarding document, he or she will order that the identified deficiency be eliminated within a certain period of time. |
| Ako član posade iz stava 1 ovog člana ne otkloni utvrđeni nedostatak, Inspektor sigurnosti plovidbe će narediti zapovjedniku broda da iskrca tog člana posade. | If the crew member referred to in paragraph 1 of this Article does not rectify the identified deficiency, maritime safety inspector shall order the shipmaster to disembark that crew member. |
|  |  |
| Član 195 ﻿ | Article 195 ﻿ |
| - brisan - | - not in effect - |
|  |  |
| Član 196 ﻿ | Article 196 ﻿ |
| U obavljanju inspekcijskog nadzora nad obavljanjem djelatnosti posredovanja pri zapošljavanju pomoraca prema odredbi člana 163 ovog zakona provjerava se: | In performing the inspection supervision over the performance of crewing according to the provision of Article 163 of this Law, the following shall be checked: |
| 1) da li pravno lice koje obavlja djelatnost posredovanja pri zapošljavanju pomoraca ima izdato odobrenje; | 1) whether the legal entity performing the activity of crewing of seafarers has a permit; |
| 2) da li pravno lice kojem je izdato odobrenje za posredovanje pri zapošljavanju pomoraca na brodovima crnogorske i strane državne pripadnosti obavlja djelatnost shodno odredbama člana 163 stav 4 ovog zakona. | 2) whether the legal entity to which the permit for crewing has been issued on ships of Montenegrin and foreign nationality performs the activity in accordance with the provisions of Article 163, paragraph 4 of this Law. |
| Inspekcijski nadzor shodno odredbi stava 1 tačke 1 ovog člana sprovodi inspektor nadležan za poslove rada a inspekcijski nadzor shodno odredbi stava 1 tačke 2 ovog člana sprovodi Inspektor sigurnosti plovidbe i inspektor nadležan za poslove rada. | Inspection supervision in accordance with the provisions of paragraph 1, item 1 of this Article shall be conducted by the inspector in charge of labour affairs and inspection supervision in accordance with the provisions of paragraph 1 of item 2 of this Article shall be conducted by the maritime safety inspector and inspector in charge of labour affairs. |
| Član 197 ﻿ | Article 197 |
| Ako u sprovođenju inspekcijskog nadzora iz člana 163 ovog zakona inspektor nadležan za poslove rada utvrdi da fizičko ili pravno lice obavlja djelatnost posredovanja pri zapošljavanju pomoraca bez ovlašćenja Ministarstva, usmenim rešenjem će u zapisniku, privremeno do otklanjanja utvrđenih nedostatka, zabraniti obavljanje djelatnosti pravnom ili fizičkom licu za koje utvrdi da obavlja poslove u vezi sa posredovanjem pri zapošljavanju pomoraca. | If, in conducting the inspection referred to in Article 163 of this Law, the inspector in charge of labour determines that a natural or legal person performs crewing without the authorization of the Ministry, he or she shall orally and temporarily prohibit that legal or natural person from conducting crewing activities, until found deficiencies are remedies. |
| Rješenje iz stava 1 ovog člana izvršava se odmah pečaćenjem poslovnih prostorija, opreme za rad ili na drugi pogodan način. | The decision referred to in paragraph 1 of this Article shall be executed immediately by sealing the business premises, work equipment or in another suitable manner. |
| Otpravak usmenog rješenja iz stava 1 ovog člana inspektor nadležan za poslove rada je dužan otpremiti stranci u pisanom obliku u roku od osam dana od dana izricanja zabrane usmenim rješenjem. | The inspector in charge of labour shall send a written version of the oral decision referred to in paragraph 1 of this Article to the party within eight days from the day of imposing the ban by an oral decision. |
| Protiv rješenja iz stava 1 ovog člana može se izjaviti žalba Ministarstvu, a koja ne odlaže izvršenje rješenja. | An appeal may be lodged with the Ministry against the decision referred to in paragraph 1 of this Article, which shall not delay the enforcement of the decision. |
| Ako Inspektor sigurnosti plovidbe ili inspektor nadležan za poslove rada utvrdi da pravno lice obavlja poslove u vezi sa posredovanjem pri zapošljavanju pomoraca suprotno ovlašćenju Ministarstva, narediće otklanjanje nedostataka ili nepravilnosti, u roku od 15 dana, a ako nedostaci ili nepravilnosti ne budu otklonjeni u ostavljenom roku predložit će Ministarstvu oduzimanje odobrenja. | If maritime safety inspector or the inspector in charge of labour determines that the legal entity performs activities related to crewing contrary to the authorization of the Ministry, he or she shall order the elimination of deficiencies or irregularities within 15 days, and if such deficiencies are not remedied during this deadline, he or she will propose to the Ministry the revocation of the license. |
| Član 198 | Article 198 |
| Protiv rješenja inspektora donesenog na osnovu ovog zakona i posebnog zakona može se podnijeti žalba Ministarstvu. | An appeal may be filed with the Ministry against the decision of the inspector made on the basis of this Law and a special law. |
| Žalba na rješenje iz stava 1 ovog člana ne odlaže izvršenje rešenja. | An appeal against the decision referred to in paragraph 1 of this Article shall not delay enforcement of the decision. |
| XV. KAZNENE ODREDBE | XV. PENAL PROVISIONS |
| Član 199 ﻿ | Article 199 ﻿ |
| Novčanom kaznom u iznosu od 1.500 eura do 20.000 eura kazniće se za prekršaj pravno lice, ako: | A legal entity is punishable by a fine ranging from EUR 1,500 to EUR 20,000 if: |
| 1) plovni objekat sidri ili se zadržava u zonama zabranjenog sidrenja (član 7 stav 2); | 1) a vessel is anchored or kept in prohibited anchorage zones (article 7 paragraph 2); |
| 2) brod ili čamac za prevoz putnika sidri ili se zadržava na mjestima koja nijesu za tu namjenu uređena i obilježena (član 7 stav 3); | 2) a passenger transport ship or a passenger transport boat is anchored or kept on places that are not arranged and marked for that purpose (article 7 paragraph 3); |
| 3) plovni objekat prilikom plovidbe unutrašnjim morskim vodama ili teritorijalnim morem Crne Gore ne postupa u skladu sa ovim zakonom, na način kojim se izbjegava sudar na moru, kao i međunarodnim pravilima o sigurnosti plovidbe (član 10 stav 1); | 3) a vessel, when navigating in the internal and territorial waters of Montenegro, does not act in accordance with this law, in a way that avoids collisions at sea, as well as in accordance with international rules on navigation safety (article 10 paragraph 1); |
| 4) brzina plovidbe plovnog objekta bude veća od propisane (član 10 stav 2); | 4) sailing speed of the vessel exceeds prescribes speeds (article 10 paragraph 2); |
| 5) na Skadarskom jezeru koristi plovilo na vodeni mlazni pogon i plovni objekat sa motorom jačine preko 7,35 kW, bez odobrenja organa uprave nadležnog za zaštitu prirode (član 10 stav 3); | 5) it uses on Skadar Lake a water jet vessel or a vessel with an engine power of over 7.35 kW, without the approval of the administrative body responsible for nature protection (article 10 paragraph 3); |
| 6) plovni objekat do 24 metra plovi brzinom većom od četiri čvora iznad brzine propisane u članu 10 stav 2 tačka 1 i tačka 2 al. 1 i 2 ovog zakona (član 10 stav 5); | 6) a vessel up to 24 meters in length navigates at a speed greater than four knots above the speed prescribed in article 10 paragraph 2, point 1 and point 2 indent 1 and 2 of this law (article 10 paragraph 5); |
| 7) plovni objekat koji plovi u uskom kanalu ne plovi što bliže spoljnoj ivici uskog kanala koja se nalazi sa njegove desne strane (član 10a stav 2); | 7) a vessel sailing in a narrow channel does not navigate as close as possible to the outer edge of the narrow channel located on its right side (article 10a paragraph 2); |
| 8) plovni objekat dužine manje od 20 m ili jedrenjak ometa prolaz brodu koji može sigurno da plovi jedino unutar uskog kanala (član 10a stav 3); | 8) a vessel less than 20 meters long or a sailboat obstructs the passage of a ship that can safely sail only within a narrow channel (article 10a paragraph 3); |
| 9) ribarski brod, zauzet ribarenjem, ometa prolaz bilo kojem drugom brodu koji može sigurno da plovi jedino unutar uskog kanala (član 10a stav 4); | 9) a fishing vessel engaged in fishing obstructs the passage of any other vessel that can safely sail only within a narrow channel (article 10a paragraph 4); |
| 10) plovni objekat presijeca uski kanal, a to presijecanje ometa prolaz brodu koji jedino sigurno plovi unutar uskog kanala (član 10a stav 5); | 10) a vessel crosses a narrow channel, and such a crossing obstructs the passage of a ship which only sails safely within the narrow channel (article 10a paragraph 5); |
| 11) pretiče u uskom kanalu brod koji jedino sigurno plovi unutar uskog kanala (član 10a stav 6); | 11) a vessel overtakes in a narrow channel a ship that only sails safely inside a narrow channel (article 10a paragraph 6); |
| 12) brod koji se približava zavoju ili području uskog kanala, gdje se drugi brodovi ne vide zbog prepreke, ne plovi sa posebnom pažnjom i oprezom i ne vrši obavezno oglašavanje odgovarajućim zvučnim signalom (član 10a stav 7); | 12) a ship approaching a bend or an area of ​​a narrow channel, where other ships are not visible due to an obstacle, does not navigate with special care and caution, and does not perform an obligatory announcement using an appropriate sound signal (article 10a paragraph 7); |
| 13) plovni objekat usidri u uskom kanalu (član 10a stav 8); | 13) it anchors a vessel in a narrow channel (article 10a paragraph 8); |
| 14) prilikom obavljanja javnog prevoza primi na prevoz lica ili stvari iznad granica dozvoljene nosivosti broda (član 12); | 14) during public transportation activities accepts for transport persons or goods above the limits of allowed deadweight (article 12); |
| 15) ne objavi red plovidbe u štampanim ili elektronskim medijima najmanje 15 dana prije stupanja na snagu reda plovidbe (član 13 stav 3); | 15) does not publish the sailing schedule in printed or electronic media, at least 15 days before the entry into force of the sailing schedule (article 13 paragraph 3); |
| 16) se brodar ne pridržava utvrđenog i objavljenog reda plovidbe (član 13 stav 4); | 16) a ship operator does not adhere to the established and published sailing schedule (article 13 paragraph 4); |
| 17) održi sportska takmičenja i priredbe na određenom dijelu plovnog puta na kojem se mogu održavati, u zavisnosti od intenziteta pomorskog saobraćaja, bez odobrenja Organa uprave (član 16 stav 1); | 17) it holds sports competitions and events on a certain part of the waterway on which these may be held, depending on the intensity of maritime traffic, without obtaining approval of AMSPM (article 16 paragraph 1); |
| 18) organizator sportskog takmičenja, odnosno priredbe iz člana 16 ovog zakona sa plovnog puta ne ukloni oznake, uređaje i predmete koji su postavljeni radi održavanja sportskog takmičenja, odnosno priredbe u roku od 24 sata nakon njihovog održavanja (član 17 stav 1); | 18) an organizer of a sports competition or event referred to in Article 16 of this Law does not remove signs, devices and objects placed for the purpose of holding a sports competition or event from the waterway within 24 hours after the sports competition or event (article 17 paragraph 1); |
| 19) se obuka na plovilima na vodeni mlazni pogon ne vrši na obilježenim vodenim površinama (poligon za obuku) koje određuje pravno lice koje upravlja morskim dobrom, uz saglasnost Ministarstva (član 19 stav 1); | 19) training on water jet vessels is not performed on marked water surfaces (training ground) which is determined by the legal entity that manages the marine domain, with the consent of the Ministry (article 19 paragraph 1); |
| 20) obuku na poligonu za obuku vrše privredna lica i preduzetnici koji ispunjavaju uslove u pogledu opreme i kadra, bez odobrenja pravnog lica koje upravlja morskim dobrom (član 19 stav 2); | 20) training on the training ground is performed by companies and entrepreneurs, who meet the requirements in terms of equipment and staff, without obtaining approval of the legal entity that manages the marine domain (article 19 paragraph 2); |
| 21) usidri ili veže plovni objekat izvan lučkog područja i Ro-Ro trajektnih pristaništa na uređenim i obilježenim mjestima određenim za sidrenje i vezivanje, bez saglasnosti Organa uprave prema planu pravnog lica koje upravlja morskim dobrom (član 20 stav 3); | 21) it is anchoring or berthing a vessel outside the port area and RoRo ferry wharfs on arranged and marked places designated for anchoring and berthing, without obtaining consent of AMSPM, according to the plan made by the legal entity that manages the marine domain (article 20 paragraph 3); |
| 22) bez pribavljenog odobrenja, izdatog na osnovu saglasnosti Ministarstva, započne izgradnju plovnih kanala, luka, pristaništa i drugih hidrotehničkih objekata od uticaja na sigurnost plovidbe (član 23); | 22) it begins construction of navigable canals, ports, piers and other hydro-technical facilities that affect the safety of navigation without obtaining approval, issued on the basis of the consent of the Ministry (article 23); |
| 23) na objektima i sredstvima, koja predstavljaju stalne ili privremene prepreke na plovnom putu i u luci (mostovi, kablovi, potonuli objekti i slično), ne postavi i održava svijetla i znakove za obilježavanje tih prepreka radi obezbjeđenja sigurnosti plovidbe (član 24 stav 1); | 23) it on facilities or means that represent permanent or temporary obstacles on the waterway and in the port (bridges, cables, sunken objects, etc.) does not install and maintain lights and signs to mark these obstacles, in order to ensure safety of navigation (article 24 paragraph 1); |
| 24) nasukani, potopljeni ili plovni objekat nesposoban za manevrisanje koji ometa ili ugrožava sigurnost plovidbe, na zahtjev Ministarstva, bez odlaganja, ne ukloni plovni objekat sa plovnog puta, pristaništa, luke ili sidrišta (član 25 stav 1); | 24) a stranded or submerged vessel, or a vessel incapable of manoeuvring, which interferes with or endangers the safety of navigation, does not act upon a request by the Ministry to remove the vessel from the waterway, port, wharf or port anchorages (article 25 paragraph 1); |
| 25) ne čuva plovni objekat iz člana 25 stav 2 ovog zakona, kao i plovni objekat kojem je Ministarstvo ili nadležni sud zabranio isplovljenje (član 25 stav 3); | 25) it does not guard the vessel referred to in article 25 paragraph 2 of this law, as well as the vessel which was issued a departure ban by the Ministry or the competent court (article 25 paragraph 3); |
| 26) na plovni put, pristanište i u luku baci predmete ili stvari koje mogu da ometaju ili ugroze sigurnost plovidbe (član 25 stav 5); | 26) it throws objects on the waterway, wharf and in the port that may interfere with or endanger the safety of navigation (article 25 paragraph 5); |
| 27) sa plovnog puta ne ukloni brod i smjesti ga u luku radi čuvanja (član 26 stav 2); | 27) it does not remove the ship from the waterway and place it in the port for safekeeping (article 26 paragraph 2); |
| 28) plovni objekti koji u skladu sa zakonom i međunarodnim propisima imaju instaliranu VHF DSC radio stanicu za vrijeme plovidbe ne odgovaraju na pozive u odnosu na sigurnost pomorske plovidbe (član 27 stav 3); | 28) a vessel which, in accordance with the law and international regulations, has a VHF DSC radio station installed, does not answer calls in relation to the safety of maritime navigation (article 27 paragraph 3); |
| 29) strani brod i strani ratni brod ne viju zastavu svoje državne pripadnosti i zastavu Crne Gore, dok se nalaze na plovnom putu u teritorijalnom moru i unutrašnjim morskim vodama Crne Gore (član 28 stav 4); | 29) a foreign ship and foreign warship, on the waterway in the internal and territorial waters of Montenegro, does not fly the flag of their nationality and the flag of Montenegro (article 28 paragraph 4); |
| 30) brod koji dolazi u luku i odlazi iz luke ne najavi dolazak u luku i odlazak iz luke (član 28 stav 5); | 30) a ship arriving in and out of port does not announce its arrival and departure from port (article 28 paragraph 5); |
| 31) strani nuklearni brod koji namjerava da uplovi u crnogorsku luku otvorenu za međunarodni saobraćaj ne podnese Ministarstvu zahtjev za izdavanje dozvole za uplovljenje u luku i uz zahtjev ne priloži ovjereni prepis dokumentacije o sigurnosti nuklearnog pogona broda (član 31 st. 1 i 2); | 31) a foreign nuclear ship intending to enter a Montenegrin port open to international transport does not submit a request to the Ministry for a permit to enter and does not attach to it a certified transcript of the documentation on the safety of the ship's nuclear power plant (article 31 paragraph 1 and 2); |
| 32) crnogorski brod od 300 BT ili više, kao i strani brod, koji namjerava da uplovi u crnogorsku luku ili da pristane uz postrojenja za istraživanje i proizvodnju ugljovodonika u teritorijalnom moru Crne Gore, nemaju potvrdu o osiguranju odgovornosti za pomorska potraživanja navedena u Međunarodnoj konvenciji o ograničenju odgovornosti za pomorska potraživanja iz 1976. godine, do iznosa osiguranja utvrđenih Protokolom iz 1996. godine, na tu Konvenciju (član 33 st. 1 i 5); | 32) Montenegrin ship of 300 GT or more, as well as a foreign ship which intends to enter a Montenegrin port or dock with facilities for exploration and production of hydrocarbons in the territorial sea of ​​Montenegro, does not have a certificate of liability insurance for maritime claims in accordance with the 1976 International Convention on Limitation of Liability for Maritime Claims, up to the limits set in the 1996 Protocol to that Convention (article 33 paragraph 1 and 5); |
| 33) plovni objekat koji je zbog više sile ili nezgode na moru prinuđen da se skloni u unutrašnje morske vode Crne Gore, a o tome, bez odlaganja, ne obavijesti Organ uprave radi određivanja mjesta skloništa (član 34 stav 1); | 33) a vessel that is forced to take refuge in the internal waters of Montenegro due to force majeure or an accident at sea does not inform AMSPM, without delay, in order to determine the place of shelter (article 34 paragraph 1); |
| 34) poslove pilotaže ne obavlja na osnovu odobrenja Ministarstva (član 36 stav 1); | 34) it conducts pilotage activities without the approval of the Ministry (article 36 paragraph 1); |
| 35) ne obezbijedi obavljanje pilotaže 24 sata dnevno, ne vodi pilotski dnevnik i ne obezbijedi obuku pilota (član 36 stav 3); | 35) does not ensure pilotage services 24/7, does not keep pilot book and does not provide for training of pilots (article 36 paragraph 3); |
| 36) pilotski plovni objekat nije obilježen i ne koristi pozivne znakove za pilotažu (član 36 stav 4); | 36) a pilot vessel is not marked and is not using pilot call signs (article 36 paragraph 4); |
| 37) ne obezbijedi i izvrši obuku pilota (član 39 stav 8); | 37) it does not provide for and perform pilot training (article 39 paragraph 8); |
| 38) za vrijeme vršenja pilotaže pilot ne nosi službeno odijelo i nema kod sebe pilotsku legitimaciju (član 40 stav 1); | 38) during pilotage, the pilot leaves the command bridge of the piloted ship before the completion of the pilotage (article 40 paragraph 1); |
| 39) za vrijeme vršenja pilotaže pilot napusti zapovjednički most pilotiranog broda prije završetka pilotaže (član 40 stav 2); | 39) during pilotage, pilot abandons the command bridge of a piloted ship before pilotage is completed (article 40 paragraph 2); |
| 40) pilot ne odbije pilotiranje plovnog objekta koji nije dobio odobrenje za slobodan saobraćaj sa obalom ili odobrenje za isplovljenje ili ako je brod prekrcan ili ako gaz broda ne odgovara dubini mora na mjestu određenom za privez ili sidrenje broda ili ako na mjestu priveza broda nijesu ispunjeni uslovi za siguran privez u plutajućem stanju ili u drugim slučajevima kojima se ugrožava sigurnost plovidbe (član 40 stav 3); | 40) a pilot does not refuse to pilot a vessel that was not granted free pratique or departure, which is overloaded, or whose draught does not correspond to the depth of the sea at the place designated for berthing or anchoring, or if the conditions for safe berthing in floating condition are not met, or in other cases which endanger the safety of navigation (article 40 paragraph 3); |
| 41) plovni objekat koji uplovi u teritorijalno more i unutrašnje morske vode Crne Gore, a podatke iz člana 46 stav 1 ovog zakona nije dostavio pomorskom operativnom centru putem VHF radio stanice (član 45 stav 4); | 41) a vessel entering the internal and territorial waters of Montenegro does not submit the data referred to in Article 46, paragraph 1 of this Law to the maritime operations centre via the VHF radio station (article 45 paragraph 4); |
| 42) za brod koji plovi ka luci Crne Gore, Organu uprave ne prijavi podatke o brodu, tankeru, planiranim operacijama u luci ili sidrištu, planiranim tehničkim nadzorima i značajnim radovima održavanja i popravke koji će se sprovesti za vrijeme boravka broda u luci Crne Gore, datumu posljednjeg proširenog pregleda stranog plovnog objekat u Paris MoU region i podatke o teretu (član 46 st. 1 i 2); | 42) a ship approaching a Montenegrin port does not report to AMSPM the data on the ship, tanker, planned operations in the port or anchorage, planned technical inspections and significant maintenance and repair works that will be carried out during ship's call in Montenegrin port, the date of the last expanded inspection of a foreign vessel in the Paris MoU region (article 46 paragraph 1 and 2); |
| 43) brod, lice koje ovlasti brodar ili zapovjednik broda ne prijavi podatke iz člana 46 ovog zakona u rokovima propisanim u članu 47 stav 1 ovog zakona; | 43) a ship, the person authorized by the ship operator or the master of the ship does not report the data referred to in Article 46 of this law within deadlines set in Article 47 paragraph 1 of this law; |
| 44) brodar, lice koje ovlasti brodar ili zapovjednik broda koji plovi Jadranskim morem u skladu sa rezolucijom MSC.139 (76) o obaveznom izvještavanju brodova u sektoru 2 ADRIREP Sistema, pomorskom operativnom centru ne prijavi podatke iz člana 47 stav 3 ovog zakona; | 44) a ship operator, a person authorized by the ship operator or the master of a ship sailing the Adriatic Sea does not report the data referred to in article 47 paragraph 3 of this law to the Maritime Operations Centre in accordance with Resolution MSC.139 (76) on mandatory reporting of ships in sector 2 of the ADRIREP system; |
| 45) putnički i brzi putnički brod, teretni i brzi teretni brod od 300 BT ili više, u međunarodnoj plovidbi, kao i tehnički plovni objekat nije opremljen sistemom za identifikaciju i praćenje broda velikog dometa (član 48 stav 1); | 45) a passenger and high-speed passenger ship, cargo and high-speed cargo ship of 300 GT or more in international navigation, as well as technical vessel is not equipped with a system for identification and tracking of long-range ships (article 48 paragraph 1); |
| 46) putnički i brzi putnički brod, teretni i brzi teretni brod od 300 BT ili više, u međunarodnoj plovidbi, kao i tehnički plovni objekat nije opremljen sistemom za automatsku identifikaciju broda (AIS) i sistemom zapisivanja podataka o plovidbi (VDR), u skladu sa međunarodnim ugovorima, a plovni objekti registrovani za privrednu djelatnost - prevoz putnika koji plove u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore nijesu opremljeni AIS sistemom (član 48 stav 4); | 46) a passenger and high-speed passenger ship, cargo and high-speed cargo ship of 300 GT or more in international navigation, as well as technical vessel is not equipped with an automatic ship identification system (AIS) and a voyage data recording system (VDR), in accordance with international agreements, and vessels registered for commercial activity - transport of passengers sailing in inland waters and the territorial sea of ​​Montenegro, are not equipped with AIS system (article 48 paragraph 4); |
| 47) brod iz člana 48 stav 4 ovog zakona nema stalno uključen AIS sistem, osim u slučaju kada je međunarodnim ugovorom utvrđena zaštita podataka u plovidbi (član 48 stav 5); | 47) a ship referred to in Article 48 paragraph 4 of this Article does have the AIS system permanently switched on, except in the case when the international agreement stipulates the protection of data in navigation (article 48 paragraph 5); |
| 48) brod nema odgovarajuće zalihe ljekova i odgovarajuća medicinska sredstva za pružanje medicinske pomoći na brodovima (član 49 stav 9); | 48) a ship does not have adequate supplies of medicines and adequate medical facilities to provide medical assistance on board ships (article 49 paragraph 9); |
| 49) brod preko 500 BT koji ima najmanje 15 članova posade na putovanjima koja traju duže od tri dana nema brodsku bolnicu, odnosno ambulantu za pružanje medicinske pomoći, opremljenu odgovarajućom medicinskom opremom (član 49 stav 10); | 49) a ship over 500 GT that has at least 15 crew members on voyages lasting more than three days does not have a ship's hospital, i.e. an infirmary for providing medical assistance, equipped with appropriate medical equipment (article 49 paragraph 10); |
| 50) na brodu na međunarodnoj plovidbi koji ima najmanje 100 članova posade na putovanjima koja traju duže od tri dana, nema ljekara za pružanje medicinske pomoći (član 49 stav 11); | 50) a ship on international voyages that has at least 100 crew members on voyages lasting more than three days does not have a physician on board in order to provide medical assistance (article 49 paragraph 11); |
| 51) brod koji prevozi opasna sredstva, u svojoj apoteci na brodu, nema protivotrove (član 49 stav 12); | 51) a ship carrying dangerous goods must have antidotes in its pharmacy on board (article 49 paragraph 12); |
| 52) ne obezbijedi zalihe ljekova i medicinskih sredstava na brodu (član 49 stav 13); | 52) it does not provide stocks of medicines and medical devices on the ship (article 49 paragraph 13); |
| 53) ne izvrši osnovni pregled broda u vrijeme i na način propisan u članu 54 ovog zakona; | 53) it does not conduct a basic survey of a ship in a time and manner prescribed by article 54 of this law; |
| 54) redovni pregled ne izvrši u propisanim vremenskim razmacima (član 55); | 54) it does not conduct regular surveys in prescribed intervals (article 55); |
| 55) probnu plovidbu obavlja prije pregleda broda i izdavanja svjedočanstva za probnu plovidbu (član 57 stav 2); | 55) a sea trial is performed before the survey of the ship and the issuance of a trial voyage certificate (article 57 paragraph 2); |
| 56) ne održava brod i opremu u stanju kojim se obezbjeđuje sposobnost broda za plovidbu (član 58); | 56) it does not maintain the ship and equipment in a condition that ensures the ship's seaworthiness (article 58); |
| 57) se bez prethodnog obavještenja Organa uprave obavljaju promjene ili prepravke konstrukcije broda, mašina, uređaja, opreme ili drugih djelova broda (član 59); | 57) without prior notification to AMSPM conducts alterations of the ship's construction, machines, devices, equipment or other parts (article 59); |
| 58) brod prevozi veći broj putnika od broja putnika određenog na osnovu plovnih svojstava broda, raspoložive površine za smještaj putnika, uređaja i opreme namijenjene putnicima i higijenskih uslova (član 63 stav 1); | 58) a ship is carrying only a larger number of passengers than the one determined on the basis ship’s sea-kindliness, available accommodation area, gears and equipment intended for passengers and hygienic conditions (article 63 paragraph 1); |
| 59) prije nego što putnički brod isplovi iz luke, kompanija ili brodar ne utvrde broj lica na putničkom brodu (član 64 stav 1); | 59) before a passenger ship departs from a port, the company or ship operator does not determine the number of persons on board (article 64 paragraph 1); |
| 60) ne obezbijedi da podaci o licima koja su iskazala potrebu za posebnu njegu ili pomoć u vanrednim situacijama ne budu evidentirani na odgovarajući način i dostavljeni zapovjedniku prije nego što putnički brod isplovi iz luke (član 64 stav 5); | 60) it does not ensure that data on persons who have expressed a need for special care or assistance in emergencies are properly recorded and submitted to the master before the passenger ship departs from the port (article 64 paragraph 5); |
| 61) kompanija ili brodar crnogorskog putničkog broda ne dostavi podatke Lučkoj kapetaniji iz člana 64 stav 2 ovog zakona (član 64 stav 6); | 61) the company or ship operator of a Montenegrin passenger ship does not submit the data referred to in article 64 paragraph 2 of this law to the Harbour Master Office (article 64 paragraph 6); |
| 62) putnički, Ro-Ro i brzi putnički brodovi nemaju adekvatan pristup za ulazak lica sa invaliditetom (član 65 stav 1); | 62) a passenger, Ro-Ro passenger and high-speed passenger ship does not have adequate access for the entry of persons with disabilities (article 65 paragraph 1); |
| 63) brodovi iz člana 65 stav 1 ovog zakona nijesu konstruisani i opremljeni na način koji licima sa invaliditetom obezbjeđuje lako i sigurno ukrcavanje i iskrcavanje i pristup između paluba, uz asistenciju posade ili uz pomoć rampi ili liftova (član 65 stav 2); | 63) ships referred to in article 65paragraph 1 of this law are not constructed and equipped in a way that provides persons with disabilities with easy and safe boarding and disembarking and access between decks, with the assistance of the crew or with the help of ramps or elevators (article 65 paragraph 2); |
| 64) na brodovima iz člana 65 stav 1 ovog zakona na vidnim mjestima nijesu postavljene informacione oznake, odnosno naljepnice koje su lako uočljive i čitljive licima sa smanjenim mogućnostima kretanja i komunikaciona sredstva za vizuelno i verbalno objavljivanje važnijih informacija, kao i sistem za alarmiranje sa tipkama koji je lako pristupačan za ta lica (član 65 stav 3); | 64) on ships referred to in article 65 paragraph 1 of this law, information signs are not placed in visible places, i.e. stickers that are easily visible and legible to persons with reduced mobility and means of communication for visual and verbal publication of important information, nor are alarm system with buttons accessible to those persons. (article 65 paragraph 3); |
| 65) ograde, koridori, prolazi, ulazi i vrata ne omogućavaju korišćenje i kretanje lica u invalidskim kolicima, a liftovi, palube za vozila, putničke prostorije za odmor, smještaj, kao i toaletne prostorije nijesu konstruisane tako da budu lako pristupačne za ta lica (član 65 stav 4); | 65) Rails, corridors, passages, entrances and doors do not allow the use and movement of persons in wheelchairs, and elevators, decks for vehicles, passenger rooms for rest, accommodation, nor are toilets designed so that they are easily accessible to those persons (article 65 paragraph 4); |
| 66) teret na brodu nije raspoređen tako da odgovara zahtjevima stabiliteta i da obezbjeđuje plovna svojstva broda i ne prouzrokuje prekomjerna naprezanja konstrukcionih djelova broda u različitim uslovima korišćenja (član 66 stav 1); | 66) the cargo on board is not stowed in such a way as to meet the stability requirements and to ensure the navigability of the ship and not to cause excessive stress to the structural parts of the ship under different conditions of use (article 66 paragraph 1); |
| 67) teret na brodu nije ukrcan u granicama dozvoljenog opterećenja broda i u skladu sa tehničkim propisima o prevozu tereta i nije složen, raspoređen i učvršćen tako da u svim uslovima plovidbe ne može doći do pomjeranja tereta koji bi mogao ugroziti sigurnost broda, ljudske živote i životnu sredinu (član 66 stav 2); | 67) the cargo on board is not loaded within the permitted load of the ship and in accordance with the technical regulations on cargo transport and is not stacked, arranged and fixed so that in all navigation conditions there can be no movement of cargo that could endanger the safety of the ship, human lives and environment (article 66 paragraph 2); |
| 68) se strani brod koji u crnogorskoj luci plaća naknadu za propisano baždarenje ne podvrgne istom (član 68); | 68) foreign ship that pays a fee in the Montenegrin port for calibration does not conduct calibration (article 68); |
| 69) zahtjev za ponovno baždarenje iz člana 69 stav 1 tačka 1 ovog zakona, ne podnese prije završetka prepravke broda (član 69 stav 4); | 69) the request for re-calibration referred to in article 69 paragraph 1 item 1 of this law is not submitted before the completion of the ship's conversion (article 69 paragraph 4); |
| 70) ponovno baždarenje broda iz člana 69 stav 1 tačka 2 ovog zakona vrše lica koja su izvršila prethodno baždarenje u čiju se pravilnost izvršenog baždarenja sumnja (član 69 stav 6); | 70) re-calibration of the ship referred to in article 69 paragraph 1 item 2 of this Article is performed by employees who have performed a previous calibration whose regularity is suspected (article 69 paragraph 6); |
| 71) se brodske isprave, zapisi i knjige propisane ovim zakonom ne nalaze na brodu i nijesu uvjek dostupne u svrhu provjere (član 70 stav 1); | 71) ship documents, records and books prescribed by this law are not kept on board and are not always available for verification purposes (article 70 paragraph 1); |
| 72) brodu promijeni ime, luku upisa, tonažu, vrstu pogona, znak raspoznavanja, namjenu ili kategoriju plovidbe, a nije mu zamijenio upisni list (član 72 stav 2); | 72) a ship changes its name, port of registry, tonnage, type of propulsion, call sign, purpose or navigation category, while the current Certificate of Registry is not replaced (article 72 paragraph 2); |
| 73) nema privremeni plovidbeni list za brod nabavljen u inostranstvu ili brod koji je u inostranstvu, a izgubljen mu je upisni list (član 73 stav 1); | 73) it does not have a temporary certificate of registry for a ship that was purchased abroad whose Certificate of Registry has been lost (article 73 paragraph 1); |
| 74) plutajući pomorski objekat nema isprave i knjige u skladu sa čl. 70 do 73 ovog zakona prema namjeni i lokaciji (član 78 stav 1); | 74) a floating maritime facility does not have documents and books in accordance with Article 70-73 of this law, according to the purpose and location (article 78 paragraph 1); |
| 75) postavi plutajući pomorski objekat u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore bez saglasnosti Lučke kapetanije (član 79 stav 1); | 75) it sets up a floating maritime facility in the internal and territorial waters of Montenegro without the consent of the Harbour Master Office (article 79 paragraph 1); |
| 76) plutajući pomorski objekat privezuje, sidri, polaže ili ukopava na području luke bez saglasnosti organa uprave nadležnog za luke ili pravnog lica koje upravlja morskim dobrom (član 79 stav 2); | 76) a floating maritime facility is moored, anchored, positioned or embedded in the port area, without consent of the administrative body responsible for ports, or the legal entity managing the maritime domain (article 79 paragraph 2); |
| 77) ne izvrši osnovni pregled čamca prije upisa u upisnik čamaca, kao i poslije svake prepravke, odnosno popravke čamca, promjene namjene ili područja plovidbe (član 85); | 77) it does not perform a basic survey of a boat before the entry in the register of boats, as well as after each modification, i.e. repair of a boat, change of purpose or navigation range (article 85); |
| 78) redovni pregled čamca ne izvrši u predviđenom roku (član 86); | 78) it does not perform regular boat survey in prescribed deadlines (article 86); |
| 79) lice koje je upravljalo čamcem koji je pretrpio pomorsku nesreću, nije odmah prijavilo nastanak pomorske nesreće, a u slučaju pomorske nezgode u roku od 12 sati od momenta nastanka pomorske nezgode, nije podnio prijavu nadležnoj Lučkoj kapetaniji (član 87 stav 2); | 79) the person who steered a boat that suffered a maritime accident does not immediately report the occurrence of the maritime accident, and in an event of a maritime incident does not make a report to the competent Harbour Master Office within 12 (article 87 paragraph 2); |
| 80) prije početka gradnje čamca ne pribavi saglasnost Organa uprave na tehničku dokumentaciju za gradnju čamca (član 88 stav 1); | 80) before the start of the construction of the boat does not obtain consent from AMSPM for technical documentation for the construction of the boat (article 88 paragraph 1); |
| 81) čamcem prevozi veći broj lica od broja lica koja se smiju ukrcati na čamac (član 89 stav 2); | 81) it transports on board a boat more persons than allowed (article 89 paragraph 2); |
| 82) na čamcu namijenjenom za privredne svrhe - prevoz putnika, na vidnom mjestu, na ulazu prostora za putnike, nije ispisan broj putnika koje čamac smije prevoziti, na crnogorskom i engleskom jeziku (član 89 st. 3 i 4); | 82) on a boat intended for commercial purposes – passenger transport does not clearly display, at the entrance to passenger area, the allowed number of passenger on board, in Montenegrin and English (article 89 paragraph 3 and 4); |
| 83) na čamcu namijenjenom za privredne svrhe nema na bokovima sa spoljnje strane čamca obilježenu oznaku vodene linije, dimenzija 150x15 mm (član 89 stav 5); | 83) a boat intended for commercial purposes does not have waterline marked on outer hull sides, size 150 x 15 mm (article 89 paragraph 5); |
| 84) nakon prepravke čamca nije izvršeno ponovno baždarenje (član 91 stav 6); | 84) calibration was not repeated after alterations of the boat (article 91 paragraph 6); |
| 85) čamcem za lične potrebe upravlja lice mlađe od 16 godina (član 93 stav 1); | 85) a boat for personal use is operated by a person with age of less than 16 years (article 93 paragraph 1); |
| 86) čamcem za privredne i javne svrhe, osim plovila na vodeni mlazni pogon do tri sjedišta ne upravlja lice koje ima ovlašćenje za mornara-motoristu i ovlašćenje o osposobljenosti za VHF DSC radio-operatora (CEPT 31-04E) ili za GMDSS radio-operatora sa ograničenim ovlašćenjem (član 93 stav 2); | 86) a boat for commercial and public purposes, except for water-jet vessels with up to three seats, is not operated by a person who has a skipper’s license and a license for VHF DSC radio operator (CEPT 31-04E) or for GMDSS radio operator with limited authority (article 93 paragraph 2); |
| 87) na čamcu namijenjenom za privredne i javne svrhe, pored lica iz člana 93 stav 2 ovog zakona nije ukrcan i jedan član posade sa uvjerenjem za voditelja čamca (član 93 stav 3); | 87) a boat for commercial and public purposes, apart from the person referred to in article 93 paragraph 2 of this law, one crewmember holding a boat operator’s license is not on board a boat (article 93 paragraph 3); |
| 88) plovilom na vodeni mlazni pogon do tri sjedišta upravlja lice koje nema uvjerenje za voditelja čamca ili ovlašćenje za mornara-motoristu ili se obučava van poligona za obuku (član 93 stav 4); | 88) a water-jet vessel with up to three seats is operated by a person who does not hold a boatmaster’s licence or a skipper’s license or is in training outside of a training area (article 93 paragraph 4); |
| 89) na gliseru kojim se obavlja obučavanje skijaša na moru, pored mornara motoriste, nije ukrcano još jedno lice koje nadzire skijaša i daje mu uputstva (član 93 stav 5); | 89) on a speedboat that trains skiers at sea, in addition to a skipper, another person is not embarked to supervise the skier and give him or her instructions (article 93 paragraph 5); |
| 90) bez pisane saglasnosti vlasnika čamca, odnosno plovila, čamac koji ima motor iznad 3 kW, odnosno plovilo na vodeni mlazni pogon bez obzira na snagu motora koji se koristi za lične potrebe, da na korišćenje licu koje ima uvjerenje za voditelja čamca (član 94 stav 1); | 90) it gives for use, without written consent of the owner of a boat or a vessel, a boat with an engine above 3 kW, i.e. a water-jet vessel used for personal needs regardless of the power of the engine, to a person who has a boatmaster's certificate (article 94 paragraph 1); |
| 91) zakupi čamac motora iznad 3 kW, odnosno plovilo na vodeni mlazni pogon, bez obzira na snagu motora, a ne posjeduje uvjerenje za voditelja čamca (član 94 stav 2); | 91) it rents a boat that has an engine above 3 kW, or a water-powered jet, regardless of the power of the engine, without having a certificate for the driver of the boat (article 94 paragraph 2); |
| 92) da u zakup čamac, a ne provjeri da li zakupac posjeduje uvjerenje za voditelja čamca (član 94 stav 3); | 92) it rents a boat and does not check whether the charterer has a certificate for the boat operator (article 94 paragraph 3); |
| 93) čamac koji plovi teritorijalnim morem i unutrašnjim morskim vodama Crne Gore, na krmenom koplju ili drugom pogodnom mjestu nema istaknutu državnu zastavu Crne Gore i zastavu državne pripadnosti tokom dana (od izlaska do zalaska sunca), veličine 0.45 x 0.80 metara i koja nije oštećena (član 94 stav 4); | 93) a boat sailing in the territorial and internal waters of Montenegro does not display the flag of Montenegro and the flag of nationality during the day (from sunrise to sunset), size 0.45 x 0.80 meters, which is not damaged, on the stern spear or other suitable place (article 94 paragraph 4); |
| 94) se u upisnik čamaca ne upišu čamci koji se stalno ili pretežno zadržavaju ili plove u unutrašnjim morskim vodama i teritorijalnom moru Crne Gore, bez obzira na sjedište, odnosno prebivalište vlasnika čamca (član 95 stav 2); | 94) 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 paragraph 2); |
| 95) zahtjev za upis nastalih promjena vlasnik čamca ne podnese u roku od 30 dana od dana nastale promjene (član 100 stav 2); | 95) the owner is obliged to file an application for entering changes that have occurred within 30 days from their occurrence (article 100 paragraph 2); |
| 96) vlasnik čamca upisanog u upisnik čamaca promijeni sjedište, odnosno prebivalište ili promijeni područje na kojem se čamac pretežno zadržava i koristi, a takvu promjenu ne prijavi Lučkoj kapetaniji na čijem području ima novo sjedište, odnosno prebivalište ili na čijem području se čamac pretežno zadržava, u roku od 30 dana od dana nastanka promjene (član 101 stav 4); | 96) the owner of a registered boat changes business address or residence or change the area where the boat is predominantly located and does not notify the change to the Harbour Master Office 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 (article 101 paragraph 4); |
| 97) čamac nema oznaku čamca (član 104); | 97) a boat does not have a mark (article 104); |
| 98) se na čamcu u plovidbi ne nalazi važeća dozvola za plovidbu čamca, polisa o obaveznom osiguranju u skladu sa zakonom, plan rasporeda lica koje čamac za privredne svrhe - prevoz putnika smije da prevozi, uvjerenje za voditelja čamca, odnosno odgovarajuće ovlašćenje za lice koje upravlja čamcem za privredne svrhe i ugovor o prevozu putnika i/ili stvari u unutrašnjem pomorskom saobraćaju (član 105); | 98) while navigating, a valid boat licence, mandatory insurance policy according to law, 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, as well as passenger and / or cargo transport contract are not held on board (article 105); |
| 99) prilikom uplovljenja u luku ili isplovljenja iz luke brod nema minimalni broj članova posade sa odgovarajućim ovlašćenjem o osposobljenosti i posebnoj osposobljenosti (član 107 stav 1); | 99) during port arrival or departure a ship does not have a minimum number of crew holding relevant certificates of competency and certificates of proficiency (article 107 paragraph 1); |
| 100) za vršenje poslova kojima se obezbjeđuje plovidba članovi posade nemaju odgovarajuća ovlašćenja (član 108 st. 1 i 3); | 100) crewmembers performing tasks for ensuring ship operation do not hold pertinent certificates of proficiency (article 108 paragraph 1 and 3); |
| 101) se zdravstvena sposobnost pomoraca vrši u zdravstvenoj ustanovi koja ne ispunjava uslove u pogledu prostora, kadra i opreme za obavljanje zdravstvene zaštite zaposlenih (član 118 stav 1); | 101) medical examinations of seafarers is conducted in a healthcare establishment which does not meet the requirements regarding space, staff and equipment to provide healthcare services (article 118 paragraph 1); |
| 102) član posade broda ne vrši poslove na brodu u skladu sa pravilima navigacije, na način kojim se obezbjeđuje sigurnost saobraćaja, ne oštećuje brod ili teret na njemu ili ne ugrožava sigurnost putnika, članova posade i životnu sredinu (član 119); | 102) a crewmember does not 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); |
| 103) sastav brodske straže u svako vrijeme nije dovoljan i ne odgovara posebnim okolnostima i uslovima u kojima se vrši straža (član 120); | 103) duty personnel aboard ship is not sufficient at all times and does not correspond to specific circumstances and conditions of the watch (article 120); |
| 104) član posade za vrijeme vršenja straže napusti svoje mjesto i prostoriju u kojoj se vrši straža bez odobrenja dežurnog oficira (član 121 stav 1); | 104) a crewmember, while on watch duty, leaves the place and room where the watch is kept without the approval of the duty officer (article 121 paragraph 1); |
| 105) oficir straže napusti svoje mjesto za vrijeme trajanja straže (član 121 stav 2); | 105) an officer, while on watch duty, leaves the watch post (article 121 paragraph 2); |
| 106) se na brodu u luci ne nalazi najmanje 1/3 od minimalnog broja članova posade (član 121 stav 5); | 106) at port, at least 1/3 of minimum ship complement is not on board (article 121 paragraph 5); |
| 107) se na brodu iz člana 121 stav 5 ovog zakona među članovima posade ne nalazi po jedan oficir palube i mašine, a noću i brodska straža (član 121 stav 6); | 107) on the boat referred to in article 121 paragraph 5 of this law among crew members there is no at least one deck officer and one engineer officer, at night also ship security guards (article 121 paragraph 6); |
| 108) se na ribarskom brodu u luci ne nalazi najmanje po jedan član posade službe palube i mašine (član 121 stav 7); | 108) a fishing vessel while in port does not have at least one deck and engine crewmember each on board (article 121 paragraph 7); |
| 109) se na brodovima iz člana 121 stav 7 ovog zakona koji se nalaze u grupama i privezani uz bok jedan drugome, na svaka tri broda ne nalazi najmanje po dva člana posade službe palube i mašine (član 121 stav 8); | 109) if ships referred to in paragraph 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 (article 121 paragraph 8); |
| 110) u predjelima vrlo gustog saobraćaja, u uslovima ograničene vidljivosti i u svim ostalim plovidbenim situacijama kad se upotrebljava uređaj za automatsko kormilarenje na brodu ne postoji mogućnost ručnog preuzimanja kormilarenja brodom od strane dežurnog oficira straže na mostu (član 122); | 110) in areas of heavy traffic, in conditions of restricted visibility and in other situations when under automatic steerage, it is not possible to assume manual helm control by the watch duty officer (article 122); |
| 111) zapovjednik ili član posade broda, kao i članovi posade drugih plovnih objekata budu pod uticajem alkohola, opojnih droga ili drugih materija koje mijenjaju stanje svijesti ili ako tokom obavljanja dužnosti na brodu imaju više od 0,5 g/kg alkohola u krvi ili 0,25 mg/l alkohola u dahu (član 125); | 111) the master or crewmembers of a ship, as well as crewmembers 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); |
| 112) član posade broda za vrijeme trajanja, odnosno prestanka radnog odnosa bude iskrcan sa broda van njegove luke ukrcanja, a brodar mu ne obezbijedi povratak u luku njegovog ukrcanja, odnosno u mjesto njegovog prebivališta ili boravišta u skladu sa ugovorom o radu (član 126 stav 1); | 112) a crewmember is discharged during his employment or after termination of his employment at a port other than his port of embarkation, while the ship operator does 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 paragraph 1); |
| 113) troškove povratnog putovanja iz člana 127 stav 1 ovog zakona naplati od člana posade broda u obliku avansa na početku zaposlenja ili iz zarade koju je dužan da isplati članu posade broda, osim u slučaju težih povreda obaveza iz ugovora o radu od strane člana posade broda (član 127 stav 2); | 113) it charges the crewmember any repatriation costs referred to in article 127 paragraph 1 of this law 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 (article 127 paragraph 2); |
| 114) ne obezbijedi osiguranje ili drugu finansijsku garanciju radi pokrića troškova povratnog putovanja članova posade broda (član 127 stav 6); | 114) it does not obtain insurance coverage or other financial security to cover repatriation costs for crewmembers (article 127 paragraph 6); |
| 115) ne obezbijedi članovima posade broda dostupnost propisa koji se odnose na prava člana posade na povratno putovanje (član 127 stav 7); | 115) it does not make available to crewmembers the regulations concerning their right to repatriation (article 127 paragraph 7); |
| 116) propisi iz člana 127 stav 7 ovog zakona članovima posade ne budu dostupni na crnogorskom i engleskom jeziku (član 127 stav 8); | 116) regulation referred to in article 127 paragraph 7 of this law has not been made available in both Montenegrin and English (article 127 paragraph 8); |
| 117) članu posade broda prilikom povratnog putovanja kojem je obezbijeđen odgovarajući posao na brodu koji plovi u luku njegovog ukrcavanja ne pripadne naknada za posao koji je vršio na brodu (član 128 st. 1 i 2); | 117) during repatriation process, a crewmember who is designated to an appropriate duty on board a ship engaged on a voyage to his port of embarkation does not receive remuneration for the tasks performed (article 128 paragraph 1 and 2); |
| 118) se odredbe čl. 126 do 128 ovog zakona ne primjenjuju na strance koji su članovi posade broda crnogorske državne pripadnosti (član 129); | 118) provisions of articles 126 to 128 of this law do not apply to foreigners employed as crewmembers on board ships of flying Montenegrin Flag (article 129); |
| 119) član posade broda odmah, bez odlaganja, ne obavijesti neposrednog rukovodioca ili zapovjednika broda o svakom vanrednom događaju na brodu koji bi mogao da ugrozi sigurnost broda, putnika, drugih lica ili tereta na brodu, kao i da zagadi životnu sredinu opasnim i štetnim materijama sa broda (član 130 stav 1 tačka 1); | 119) a crewmember does not 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 paragraph 1 item 1); |
| 120) član posade broda, bez odlaganja, ne obavijesti neposrednog rukovodioca ili zapovjednika broda kada u plovidbi primijeti da pojedini svetionici i svijetla ne rade, odnosno oznake ili plutače nijesu na svom mjestu (član 130 stav 1 tačka 2); | 120) a crewmember does not notify his immediate superior or master, without delay when, during voyage, he or she notices that certain lighthouses and beacons are out of order, or markings or buoys are not in their position (article 130 paragraph 1 item 2); |
| 121) članovi posade broda u slučaju opasnosti, brodoloma ili druge havarije ne preduzimaju neophodne radnje za spašavanje broda, putnika, drugih lica i tereta na brodu, kao i zaštite životne sredine, dok zapovjednik broda ne naredi da se brod napusti (član 130 stav 2); | 121) in case of distress, shipwreck or other accident, crewmembers do not 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 (article 130 paragraph 2); |
| 122) članu posade ne naknadi štetu prouzrokovanu na stvarima namijenjenim za njegovu ličnu upotrebu na brodu, a koje su uništene ili oštećenje pri brodolomu ili drugoj havariji broda (član 131 stav 1); | 122) a crewmember is not compensates for damages sustained to their personal belongings which have been destroyed or damaged during shipwreck or other accident (article 131 paragraph 1); |
| 123) se članu posade broda koji je u radnom odnosu, u slučaju brodoloma, ne obezbijedi pravo na zaradu za najmanje dva mjeseca od dana brodoloma prema prosjeku zarade za poslednja tri mjeseca, ako ugovorom o radu nije predviđeno duže vrijeme za zaradu (član 131 stav 2); | 123) a crewmember who is under employment contract, in case of a shipwreck, is not provided with 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 (article 131 paragraph 2); |
| 124) članu posade i stranom državljaninu, u slučaju brodoloma, ne isplati naknadu u iznosu određenom ugovorom o radu za svaki dan nezaposlenosti koja je nastupila kao posljedica brodoloma, a najduže za dva mjeseca od dana brodoloma (član 131 stav 3); | 124) a crewmember and a foreign national, in case of a shipwreck, are not provided with compensation in the amount specified in the employment contract for every day of unemployment which resulted from a shipwreck, but not longer than two months from that day (article 131 paragraph 3); |
| 125) zapovjednik broda ili kompanija odmah, bez odlaganja, ne obavijesti Organ uprave, odnosno priznatu organizaciju koja će pokrenuti postupak utvrđivanja da li je potreban odgovarajući pregled broda na kojem se otkrije nedostatak ili nezgoda koja utiče na sigurnost, bezbjednosnu zaštitu broda i ispravnost sredstava za spašavanje ili druge opreme (član 142 stav 1); | 125) if a ship master or shipping company, without delay, do not notify AMSPM or Recognized Organisation to initiate the procedure for establishing whether relevant survey is required on a ship on which were detected deficiencies on board or an incident affecting ship safety or security or the proper working order of life-saving appliances or other equipment (article 142 paragraph 1); |
| 126) prilikom ukrcavanja na brod koji se nalazi na međunarodnom putovanju član posade nema zaključen ugovor o radu u pisanoj formi, koji potpisuju pomorac i vlasnik broda odnosno brodar ili kompanija (član 153 stav 1); | 126) when embarking on a ship engaged in international voyage, a crewmember does not have a written employment contract, signed between the seafarer and the ship owner or ship operator or shipping company (article 153 paragraph 1); |
| 127) se članu posade prije potpisivanja ugovora o radu ne omogući da prouči ugovor radi upoznavanja sa svojim pravima i obavezama iz ugovora (član 153 stav 2); | 127) before signing the employment contract, a crewmember was not given an opportunity to examine it to familiarise with his rights and responsibilities arising from the agreement (article 153 paragraph 2); |
| 128) poslodavac ne izda članu posade ispravu koja sadrži zabilješku o njegovom zaposlenju na brodu (član 153 stav 5); | 128) employer does not issue the crewmember a document containing a record of his or her employment on board the ship (article 153 paragraph 5); |
| 129) ugovor o radu pomorca i kolektivni ugovor nijesu na engleskom jeziku ili kopija standardnog oblika ugovora i djelovi ugovora o kolektivnom pregovaranju koji su podložni inspekciji države luka (član 153 stav 8); | 129) employment contract and the collective bargaining agreement are not in English or a copy of the standard form of the agreement and the portions of the collective bargaining agreement subject to port state inspection (article 153 paragraph 8); |
| 130) maksimalno radno vrijeme pomorca traje duže od 14 sati u bilo kojem periodu od 24 sata i 72 sata u bilo kojem periodu od 7 dana (član 154 stav 2); | 130) seafarers’ maximum hours of work exceed 14 hours in any 24-hour period, and 72 hours in any seven-day period (article 154 paragraph 2); |
| 131) pomorac mlađi od 18 godina radi noću (član 154 stav 4); | 131) a seafarer younger than 18 years old is working at night (article 154 paragraph 4); |
| 132) se obavezne vježbe okupljanja, protivpožarne vježbe i vježbe sa čamcima za spašavanje i obuke na brodu koje su propisane međunarodnim propisima sprovode na način koji ometa vrijeme odmora i dovodi do zamora pomoraca (član 155 stav 3); | 132) mandatory musters, fire-fighting and life-boat drills and drills prescribed by international regulations are conducted in a manner that created disturbance of rest periods and induces fatigue of seafarers (article 155 paragraph 3); |
| 133) ne obezbijedi postavljanje na lako pristupačnom mjestu na brodu table sa rasporedom rada na brodu na crnogorskom i engleskom jeziku (član 155 stav 5); | 133) it does not ensure the posting, in an easily accessible place on board, of a table with the shipboard working arrangements in Montenegrin and English languages (article 155 paragraph 5); |
| 134) ne vodi zapisnik o dnevnim satima rada i odmora pomorca (član 155 stav 6); | 134) it does not maintain records of seafarers’ daily hours of work and of their daily hours of rest (article 155 paragraph 6); |
| 135) lice mlađe od 16 godina radi na brodu (član 157 stav 1); | 135) a person younger than 16 years of age is working on the ship (article 157 paragraph 1); |
| 136) radno vrijeme mlađeg pomorca bude duže od osam sati dnevno ili 40 sati nedjeljno, a prekovremeni rad samo ako je to neizbježno radi sigurnosti plovidbe (član 157 stav 2); | 136) working hours of a young seafarer exceed eight hours per day or 40 hours per week, and overtime only if unavoidable for safety reasons (article 157 paragraph 2); |
| 137) mlađem pomorcu ne bude obezbijeđeno za sve obroke dovoljno vremena, a za dnevni glavni obrok najmanje sat vremena, kao i odmor od 15 minuta poslije svaka dva sata neprekidnog rada, kada je to moguće (član 157 st. 3 i 4); | 137) 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 a 15-minute rest period following each two hours of continuous work, where possible (article 157 paragraph 3 and 4); |
| 138) se na brodu ne nalazi priručnik o načinu zaštite zdravlja, sigurnosti i sprečavanja nezgoda na brodu (član 158 stav 2); | 138) guidelines about health and safety protection and accident prevention procedures are not carried on board (article 158 paragraph 2); |
| 139) se na brodu koji ima pet i više pomoraca ne obrazuje brodski odbor za sigurnost koji čini po jedan predstavnik iz svake službe na brodu (član 158 stav 3); | 139) a ship with five or more seafarers does not establish a safety committee composed of one representative of every ship department (article 158 paragraph 3); |
| 140) se pomorcu ne obezbijedi besplatan odlazak ljekaru ili zubaru u lukama pristajanja broda, gdje je to moguće (član 159); | 140) a seafarer is not provided with free of charge visit to a physician or dentist in ports of call, where possible (article 159); |
| 141) brod nema odgovarajuće prostorije za smještaj i odmor pomoraca (član 160 stav 1); | 141) the ship does not provide appropriate accommodation and recreational facilities (article 160 paragraph 1); |
| 142) količina, hranjiva vrijednost, kvalitet, raznovrsnost hrane i pitke vode na brodu ne odgovara broju pomoraca na brodu, njihovim vjerskim zahtjevima i kulturnim običajima (član 161 stav 1); | 142) quantity, nutritional value, quality and variety of food and drinking water on board is not adequate to the number of seafarers on board the ship, their religious requirements and cultural practices (article 161 paragraph 1); |
| 143) lica koja su zaposlena u službi za posluživanje hrane ne budu obučena ili osposobljena za ta radna mjesta (član 161 stav 2); | 143) persons employed in the catering department are not trained or qualified for their positions (article 161 paragraph 2); |
| 144) na brodu koji plovi sa 10 ili više članova posade ne bude ukrcan osposobljeni brodski kuvar (član 161 stav 3); | 144) on a ship with 10 or more crewmembers there is not qualified ship cook (article 161 paragraph 3); |
| 145) zapovjednik broda ili lice koje ovlasti zapovjednik jednom nedjeljno ne vrši kontrolu, odnosno pregled zaliha hrane i pitke vode, svih prostora i opreme koji služe za skladištenje i rukovanje hranom i pitkom vodom, brodske kuhinje i druge opreme za pripremanje i posluživanje obroka, i ne sačinjava zapisnik, kojim se nalaže otklanjanje uočenih nedostataka (član 161 stav 4); | 145) the shipmaster or a person authorised by the shipmaster does not 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 does not prepare a report thereof, ordering to rectify the deficiencies observed (article 161 paragraph 4); |
| 146) ima odobrenje za posredovanje pri zapošljavanju pomoraca na brodovima crnogorske i strane državne pripadnosti, a ne vodi evidenciju o pomorcima koji traže zaposlenje i poslodavcima koji prijavljuju potrebu za pomorcima (član 163 stav 4 alineja 4); | 146) is licenced for crewing services for ships of Montenegrin nationality and foreign ships and is not keeping records of seafarers seeking employment and employers reporting vacancies (article 163 paragraph 4 indent 4); |
| 147) ima odobrenje za posredovanje pri zapošljavanju pomoraca na brodovima crnogorske i strane državne pripadnosti, a ne vodi evidenciju o pomorcima koji su se zaposlili posredovanjem pravnog lica iz člana 163 stav 2 ovog zakona (član 163 stav 4 alineja 5); | 147) is licenced for crewing services for ships of Montenegrin nationality and foreign ships and is not keeping records of seafarers who were employed through the crewing services provided by the legal person referred to in article 163 paragraph 2 of this law (article 163 paragraph 4 indent 5); |
| 148) ima odobrenje za posredovanje pri zapošljavanju pomoraca na brodovima crnogorske i strane državne pripadnosti, a ne dostavlja podatke iz člana 163 stav 4 al. 4 i 5 ovog zakona na zahtjev Ministarstva i Zavoda (član 163 stav 4 alineja 6); | 148) is licenced for crewing services for ships of Montenegrin nationality and foreign ships and upon the Ministry and NAO request, does not provide data referred to in article 163 paragraph 4 indents 4 and 5 of this law (article 163 paragraph 4 indent 6); |
| 149) ima odobrenje za posredovanje pri zapošljavanju pomoraca na brodovima crnogorske i strane državne pripadnosti, a naplatilo je naknadu pomorcima za posredovanje pri zapošljavanju pomoraca (član 163 stav 5); | 149) is licenced for crewing services for ships of Montenegrin nationality and foreign ships and has charged seafarers for the crewing services provided (article 163 paragraph 5); |
| 150) brodovi crnogorske državne pripadnosti koji plove u međunarodnom putovanju i imaju 500 BT ili više nemaju svjedočanstvo o radu i deklaraciju o ispunjenosti uslova rada pomoraca (član 164 stav 1); | 150) a ship flying Montenegrin Flag, engaged in international voyages, and of 500 GT or over, does not carry a maritime labour certificate and a declaration of maritime labour compliance (article 164 paragraph 1); |
| 151) se pomorcima na brodu mjesečno ne isplaćuju zarade u skladu sa ugovorom o radu (član 165 stav 1); | 151) seafarers on board ship are not paid monthly wages in accordance with the employment agreement (article 165 paragraph 1); |
| 152) pomorcu u pisanoj formi ne preda mjesečni obračun dospjelih isplata i plaćenih iznosa, uključujući zarade i kurs zamjene, ako je isplata izvršena u stranoj valuti ili primjenom stopa različitih od onih koje su ugovorene (član 165 stav 5); | 152) the seafarer is 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 paragraph 5); |
| 153) ne omogući pomorcu prenos cijele ili dijela zarade porodici i drugim licima koje izdržava (član 166 stav 1); | 153) does not enable the seafarers to transmit all or part of their earnings to their families or other dependants (article 166 paragraph 1); |
| 154) ne obezbijedi da se svakom članu posade broda pri ukrcavanju na brod uruči uputstvo za postupak koji se primjenjuje na tom brodu po prigovoru, koji sadrži informacije o nadležnom organu države za postupanje po prigovoru, imena članova posade broda koji će im u postupcima po prigovoru pružiti odgovarajuću pomoć i dr. (član 167 stav 4); | 154) it does not 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. (article 167 paragraph 4); |
| 155) brod koji je stekao crnogorsku državnu pripadnost ne vije zastavu Crne Gore (član 173 stav 4); | 155) a ship that has acquired Montenegrin nationality does not fly the Flag of Montenegro (article 173 paragraph 4); |
| 156) čamci upisani u upisnik čamaca Crne Gore van granica unutrašnjih morskih voda i teritorijalnog mora Crne Gore ne viju zastavu Crne Gore (član 173 stav 7); | 156) a boat registered in the Boat Register does not fly the Flag of Montenegro when outside Montenegrin internal and territorial waters (article 173 paragraph 7); |
| 157) brod upisan u crnogorski upisnik brodova nema ime, a tehnički plovni objekat nema oznaku (član 175 st. 1 i 2); | 157) a ship registered in Montenegrin Ship Register does not have a name, while a technical vessel does not have a registration mark (article 175 paragraph 1 and 2); |
| 158) brod i čamac koji imaju radio uređaj prema propisima o međunarodnom radio saobraćaju nemaju pozivni znak i MMSI broj (član 176 stav 1); | 158) a ship and a boat carrying on board a radio-communication device under international radio-communication regulations do not have a call sign and an MMSI number (article 176 paragraph 1); |
| 159) brod ne nosi ime luke upisa (član 177); | 159) a ship does not bear the name of its port of registry (article 177); |
| 160) ima informaciju o nastanku pomorske nesreće (ozbiljne ili vrlo ozbiljne nesreće) ili je uključeno u pomorsku nesreću, bez odlaganja ne obavijesti Komisiju za istraživanje (član 178 stav 1); | 160) it has information on the occurrence of a maritime accident (serious or very serious accident) or is involved in a maritime accident, and does not inform the Investigation Commission without delay (article 178 paragraph 1); |
| 161) ne obezbijedi siguran prevoz putnika i/ili stvari na plovnom objektu i u granicama dozvoljene nosivosti plovnog objekta, a prevoz nije regulisan posebnim propisom (član 182a stav 2); | 161) does not ensure the safe transport of passengers and / or items on the vessel within the limits of allowed deadweight, if the transport is not regulated by a special regulation (article 182a paragraph 2); |
| 162) prevoz iz člana 182b stav 1 ovog zakona ne obavlja plovnim objektima, a koji su upisani u upisnike Lučke kapetanije, na čijem području se obavlja prevoz (član 182b stav 3); | 162) transport referred to in article 182b paragraph 1 of this law is not performed by vessels registered in the registers of the Harbour Master Office, in whose area such transport is performed (article 182b paragraph 3); |
| 163) prevoz iz člana 182b stav 1 ovog zakona obavlja bez važeće dozvole za prevoz izdate od strane Organa uprave (član 182b stav 3); | 163) transport referred to in article 182b paragraph 1 of this law is performed without a valid transport licence issues by AMSPM (article 182b paragraph 3); |
| 164) prevoz iz člana 182c stav 1 ovog zakona ne obavlja plovnim objektima, a koji su upisani u upisnike Lučke kapetanije, na čijem području se obavlja prevoz (član 182c stav 3); | 164) transport referred to in article 182c paragraph 1 of this law is not performed by vessels registered in the registers of the Harbour Master Office, in whose area such transport is performed (article 182c paragraph 3); |
| 165) prevoz iz člana 182c stav 1 ovog zakona obavlja bez važeće dozvole za prevoz izdate od strane Organa uprave (član 182c stav 3); | 165) transport referred to in article 182c paragraph 1 of this law is performed without a valid transport licence issues by AMSPM (article 182b paragraph 3); |
| 166) se na plovnom objektu za vrijeme obavljanja prevoza ne nalazi ugovor iz člana 182d stav 1 ovog zakona (član 182d stav 1); | 166) a vessel during transport does not have on board the contract referred to in article 182d paragraph 1 of this law (article 182d paragraph 1); |
| 167) prevoz iz člana 182d stav 1 ovog zakona ne obavlja plovnim objektima, a koji su upisani u upisnike Lučke kapetanije, na čijem području se obavlja prevoz (član 182d stav 4); | 167) transport referred to in article 182d paragraph 1 of this law is not performed by vessels registered in the registers of the Harbour Master Office, in whose area such transport is performed (article 182d paragraph 4); |
| 168) prevoz iz člana 182d stav 1 ovog zakona obavlja bez važeće dozvole za prevoz izdate od strane Organa uprave (član 182d stav 4); | 168) transport referred to in article 182d paragraph 1 of this law is performed without a valid transport licence issues by AMSPM (article 182d paragraph 4); |
| 169) nije označen oznakom vrste slobodnog prevoza (izletnička tura ili taksi prevoz), na vidnom mjestu na plovnom objektu za sve vrijeme obavljanja prevoza (član 182d stav 5); | 169) a ship is not marked with the designation of the type of tramp service (excursion tour or taxi transport), which stands out in a visible place on the vessel for the entire period of transport (article 182d paragraph 5); |
| 170) ne obavlja prevoz i ne pristaje na pristaništa u skladu sa objavljenim redom plovidbe (član 182e stav 5); | 170) does not perform transportation and dock at the docks in accordance with the published sailing schedule (article 182e paragraph 5); |
| 171) ne prodaje vozne karte za unutrašnji pomorski saobraćaj posredstvom posrednika, u poslovnicama prevoznika ili na plovnim objektima (član 182i stav 2); | 171) does not sell tickets for internal maritime transport through intermediaries, in the carrier's offices or on vessels (article 182i paragraph 2); |
| 172) u slučaju smanjenog priliva vozila sa putne infrastrukture na trajekt, period između dva uzastopna isplovljavanja na relacijama kraćim od jedne nautičke milje bude duži od 45 minuta (član 182l stav 2); | 172) in the case of reduced inflow of vehicles from the road infrastructure to the ferry, the period between two consecutive departures of the ferry on routes shorter than one nautical mile, exceeds 45 minutes (article 182l paragraph 2); |
| 173) u slučajevima hitnosti koncesionar nije pružio uslugu prevoza, nezavisno od priliva vozila sa putne infrastrukture na trajekt (član 182l stav 3); | 173) in cases of urgency, the concessionaire does not provide transport services, regardless of the inflow of vehicles from the road infrastructure to the ferry (article 182l paragraph 3); |
| 174) ne vrši prevoz putnika po cijenama na koje je saglasnost dao Organ uprave (član 182l stav 4). | 174) does not transport passengers at prices agreed upon by AMSPM (article 182l paragraph 4). |
| Za prekršaj iz stava 1 ovog člana kazniće se i odgovorno lice u pravnom licu novčanom kaznom u iznosu od 200 eura do 2.000 eura. | For a violation listed in paragraph 1 of this article, a responsible person in a legal entity shall also be fined within the range of 200 – 2,000 Euros. |
| Za prekršaj iz stava 1 tač. 1 do 147 i tač. 151 do 172 ovog člana kazniće se i preduzetnik novčanom kaznom u iznosu od 250 eura do 4.000 eura. | For a violation listed in paragraph 1 item 1 – 147 and item 151 – 172 of this article, an entrepreneur shall be fined within the range of 250 – 4,000 Euros |
| Za prekršaj iz stava 1 tač. 1 do 147 i tač. 151 do 172 ovog člana kazniće se i fizičko lice novčanom kaznom u iznosu od 200 eura do 2.000 eura. | For a violation listed in paragraph 1 item 1 – 147 and item 151 – 172 of this article, a physical person shall also be fined within the range of 200 – 2,000. |
| Član 200 ﻿ | Article 200 ﻿ |
| - brisan - | - not in effect - |
|  |  |
| Član 201 ﻿ | Article 201 ﻿ |
| - brisan - | - not in effect - |
| Član 202 ﻿ | Article 202 ﻿ |
| Novčanom kaznom u iznosu od 200 eura do 2.000 eura kazniće se za prekršaj zapovjednik broda, odnosno lice koje ga zamjenjuje ili lice koje upravlja čamcem ili pomorski pilot ili fizičko lice, ako: | A shipmaster and his or her deputy, or a boat operator or a maritime pilot or a physical person is punishable by a fine ranging from EUR 1,500 to EUR 20,000 if: |
| 1) prilikom plovidbe, manevrisanja, pristajanja, privezivanja, odvezivanja i sidrenja u luci i na sidrištu postupa na način kojim se ugrožavaju ljudski životi i nanosi šteta svom i drugim plovnim objektima, obali, napravama, uređajima i postrojenjima (član 10 stav 7); | 1) during navigation, manoeuvring, docking, mooring, unmooring and anchoring in the port and anchorage acts in a manner that endangers human lives and does causes damage to own or other vessels, shore, devices, machines and plants (article 10 paragraph 7); |
| 2) lica koja obavljaju podvodni ribolov, podvodna istraživanja ili druge aktivnosti pod vodom za vrijeme ronjenja po vodenoj površini za sobom ne povlače žuti ili narandžasti balon, prečnika najmanje 30 cm (član 18); | 2) persons who perform spearfishing, underwater research or other activities under water do not pull on the water surface a yellow or orange balloon, at least 30 cm in diameter, while diving (article 18); |
| 3) vrši plovidbu, pristajanje, sidrenje i pristajanje nasukivanjem plovnim objektima namijenjenim za prevoz putnika i tereta, gliserima, plovilima na vodeni mlazni pogon, odnosno vazdušni jastuk na uređenim, izgrađenim i prirodnim kupalištima (član 20 stav 1); | 3) sails, anchors and beaches the vessels intended for the transport of passengers and cargo, speedboats, water-jet vessels (scooter, jet-ski, etc.), or on an air cushion on arranged, built and natural beaches (article 20 paragraph 1); |
| 4) bez odobrenja Organa uprave, vrši ukrcaj i iskrcaj putnika i tereta na plovnim objektima iz člana 20 stav 1 ovog zakona koji se privremeno izvrši izvan luke na mjestu uz obalu na kojem postoji siguran privez i vodeni prostor ima odgovarajuću dubinu i širinu koja je potrebna za manevrisanje plovnim objektom (član 20 stav 2); | 4) without the approval of AMSPM conducts embarking and disembarking of passengers and cargo on vessels referred to in article 20 paragraph 1 of this law which may be temporarily performed in places along the shore where there is a safe mooring and water area that has the appropriate depth and width required for manoeuvring the vessel (article 20 paragraph 2); |
| 5) se plovni objekti prilikom plovidbe unutrašnjim morskim vodama i teritorijalnim morem Crne Gore približavaju obali više od propisanog (član 21 stav 1); | 5) vessels while sailing in Montenegrin internal and territorial waters approach the coasts at a closer distance than allowed (article 21 paragraph 1); |
| 6) čamci na vesla, daske za jedrenje i jahanje na talasima, kanui, kajaci, gondole, sandoline i pedaline plove na udaljenosti većoj od 150 metara (član 21 stav 3); | 6) rowing boats, surfboards, sailboards, canoes, kayaks, gondolas, recreational kayaks and pedal can sail at a distance greater than 150 m (article 21 paragraph 3); |
| 7) u vodenom prostoru pored kupališta plovnim objektom plovi na udaljenosti manjoj od 50 metara od obale ili od ograđenog kupališta (član 21 stav 5); | 7) in the water area next to the bathing area, sails at a distance of less than 50 m from the fence of the arranged or built bathing area (article 21 paragraph 5); |
| 8) vrši glisiranje na udaljenosti manjoj od 200 metara od obale (član 21 stav 6); | 8) glides by speedboat at a distance of less than 200 m from the shore (article 21 paragraph 6); |
| 9) pliva izvan ograđenog vodenog prostora uređenog ili izgrađenog kupališta i na udaljenosti većoj od 100 metara od obale prirodnog kupališta (član 22 stav 1); | 9) swims outside the fenced water area of the arranged or built bathing area, as well as at a distance of more than 100 m from the shore of the natural bathing area (article 22 paragraph 1); |
| 10) u Bokotorskom zalivu pliva izvan ograđenog vodenog prostora uređenog ili izgrađenog kupališta, kao i na udaljenosti većoj od 50 metara od obale prirodnog kupališta (član 22 stav 2); | 10) in the Bay of Kotor, swims outside the fenced water area of the arranged or built bathing area, as well as at a distance of more than 50 m from the shore of the natural bathing area (article 22 paragraph 2); |
| 11) brod koji dolazi iz strane luke komunicira sa drugim brodovima, organima i licima na obali prije dobijanja odobrenja Lučke kapetanije za slobodan saobraćaj sa obalom (član 28 stav 1); | 11) a ship coming from a foreign port is in contact with other ships, authorities and persons on the coast before being granted free pratique by the Harbour Master Office (article 28 paragraph 1); |
| 12) brod isplovi iz luke ili sa sidrišta bez odobrenja Lučke kapetanije za isplovljenje (član 28 stav 3); | 12) a ship leaves the port or anchorage without the approval for departure given by the Harbour Master Office (article 28 paragraph 3); |
| 13) uz plovni objekat koji nije dobio odobrenje za slobodni saobraćaj sa obalom pristaju plovni objekti koji nijesu navedeni u članu 29 ovog zakona; | 13) if a vessel not granted free pratique was approached by vessels not listed in article 29 of this law; |
| 14) brod u međunarodnoj plovidbi koji namjerava da uplovi u luku ili isplovi iz luke ili njenog sidrišta, u slučaju prevoza opasnog tereta, ne preda Lučkoj kapetaniji između ostalog i opštu izjavu, zdravstvenu izjavu, spisak posade, spisak putnika, ako prevozi putnike, izjavu o teretu i izjavu o opasnom teretu (član 30 stav 1); | 14) a ship on international voyage intending to arrive into or depart from a port or an anchorage, in case of transporting dangerous cargo, does not hand over to the Harbour Master Office, among other items, the general declaration, health declaration, crew manifest, passengers manifest, if carrying passengers, cargo manifest and dangerous cargo manifest (article 30 paragraph 1); |
| 15) brod pri odlasku iz luke ne preda spisak posade i spisak putnika za ona lica koja su ukrcana ili iskrcana, dok se brod nalazio u luci (član 30 stav 2); | 15) when leaving the port, the ship does not hand over the crew list and the passenger list for persons who were embarked or disembarked during ship’s call in port (article 30 paragraph 2); |
| 16) čuvanje i održavanje plovnog objekta u raspremi ne vrši posada tog plovnog objekta (član 32 stav 1); | 16) safeguarding and maintaining of a laid-up vessel is not conducted by its crew (article 32 paragraph 1); |
| 17) brod koji se premješta u luci sa jedne operativne obale na drugu ili se pomiče uzduž operativne obale upotrebom pogonske mašine, ne koristi lučku pilotažu (član 37 stav 3); | 17) a ship transferred from one wharf to another or moved alongside the same wharf by means of its propulsion is not using port pilotage (article 37 paragraph 3); |
| 18) zapovjednik broda ne zatraži usluge lučke pilotaže, najkasnije dva sata prije uplovljenja, isplovljenja, premještanja ili pomicanja plovnog objekta (član 37 stav 4); | 18) shipmaster does not request port pilotage, no later than two hours before arrival, departure, transferal or moving alongside (article 37 paragraph 4); |
| 19) pilot vrši pilotažu, a nema pilotsku legitimaciju koju izdaje Lučka kapetanija (član 39 stav 1); | 19) a pilot is conducting pilotage without holding a pilot's license, issued by the Harbour Master Office (article 39 paragraph 1); |
| 20) za vrijeme vršenja pilotaže pilot nema pilotsku legitimaciju i ne nosi službeno odijelo (član 40 stav 1); | 20) during the pilotage, the pilot is not wearing wear an official suit a pilot's ID (article 40 paragraph 1); |
| 21) za vrijeme pilotaže pilot napusti zapovjednički most pilotiranog broda prije završetka pilotaže (član 40 stav 2); | 21) during the pilotage, the pilot leaves the command bridge of the piloted ship before the completion of the pilotage (article 40 paragraph 2); |
| 22) pilot vrši pilotiranje plovnog objekta, a nije dobio od Lučke kapetanije odobrenje za slobodan saobraćaj sa obalom ili odobrenje za isplovljenje ili ako je brod prekrcan ili ako gaz broda ne odgovara dubini broda, na mjestu određenom za privez ili sidrenje broda odnosno ako na mjestu priveza broda nijesu ispunjeni uslovi za siguran privez u plutajućem stanju ili u drugim slučajevima kojima se ugrožava sigurnost plovidbe (član 40 stav 3); | 22) a pilot is conducting pilotage a vessel that was not granted free pratique or departure, which is overloaded, or whose draught does not correspond to the depth of the sea at the place designated for berthing or anchoring, or if the conditions for safe berthing in floating condition are not met, or in other cases which endanger the safety of navigation (article 40 paragraph 3); |
| 23) pilot za vrijeme vršenja pilotaže plovnog objekta ne daje savjete u pogledu vođenja i manevrisanja plovnim objektom licu koje zapovijeda plovnim objektom i ne obavještava ga o propisima i pravilima u pilotiranom području (član 40 stav 4); | 23) a pilot is does not give advice to the person in command of the vessel regarding the guidance and manoeuvring of the vessel during the piloting of the vessel and to inform him about the regulations and rules in the pilot area (article 40 paragraph 4); |
| 24) pilot putem VHF radio-stanice ne obavijesti Lučku kapetaniju o započetom i završenom pilotiranju (član 40 stav 5); | 24) a pilot does not inform the Harbour Master Office via VHF radio about the started and completed piloting (article 40 paragraph 5); |
| 25) pilot po završenom pilotiranju ne obavijesti Lučku kapetaniju u pisanoj formi o: zapaženim neispravnostima objekata sigurnosti plovidba na plovnom putu; zapaženim povredama propisa i pravila koje se odnose na sigurnost plovidbe; nastalim štetama koje za vrijeme pilotaže nastanu na plovnom objektu koji koristi pilotažu i o štetama koje taj plovni objekat prouzrokuje (član 40 stav 6); | 25) a pilot does not inform the Harbour Master Office in writing after the completion of the piloting of the vessel on: observed malfunctions of navigation safety facilities on the waterway; observed violations of regulations and rules related to safety of navigation; the damages incurred during the pilotage on the vessel that uses the pilotage and the damages caused by that vessel (article 40 paragraph 6); |
| 26) je pilot štetu prouzrokovao namjerno (član 43 stav 1); | 26) pilot caused the damage intentionally (article 43 paragraph 1); |
| 27) zapovjednik kod uplovljavanja i isplovljavanja broda u i iz luke radi sigurnosti broda ili luke ne zatraži upotrebu tegljača, odnosno potiskivača (član 44 stav 1); | 27) shipmaster while tugging and pushing in the port for reasons of safety of the ship or port does not request for the use of tugboats or pushers (article 44 paragraph 1); |
| 28) brod za vrijeme boravka u luci ili na sidrištu u Bokokotorskom zalivu ima uključen više od jednog radarskog sistema (član 48 stav 6); | 28) a ship during its stay in the port or at anchor in the Bay of Kotor has more than one radar system on (article 48 paragraph 6); |
| 29) prije nego sto putnički brod isplovi iz luke broj lica na brodu veći od broja lica koji brod može da prevozi (član 64 stav 3); | 29) before a passenger ship departs the port a number of persons on board exceeds the number of persons that the ship is allowed to carry (article 64 paragraph 3); |
| 30) zapovjednik broda, bez odlaganja, ne obavijesti Lučku kapetaniju, odnosno drugi nadležni organ o bolesti, povredi, stanju i identitetu bolesnog, odnosno povrijeđenog lica (član 134 stav 1); | 30) shipmaster does not, without delay, notify the Harbour Master Office or other relevant authority about the illness, injury, medical condition and identity of the sick, or injured person (article 134 paragraph 1); |
| 31) se zapovjednik broda ne brine o izvršavanju svih zadataka na brodu (član 136 stav 1); | 31) shipmaster does not take care of performing al duties related to ship operations (article 136 paragraph 1); |
| 32) zapovjednik broda u propisanim rokovima ne vrši vježbe sa čamcima i ostalim sredstvima za spašavanje, uređajima za otkrivanje, sprečavanje i gašenje požara i druge vježbe propisane potvrđenim i obavezujućim međunarodnim ugovorima (član 136 stav 2); | 32) shipmaster does not ensure, within specified time limits, performance of drills including lifeboats and other life-saving appliances, devices for fire detection, prevention and firefighting and other drills specified in ratified and binding international treaties (article 136 paragraph 2); |
| 33) zapovjednik broda za vrijeme plovidbe ne bude na brodu (član 136 stav 3); | 33) shipmaster is not present at all times on board during voyage (article 136 paragraph 3); |
| 34) zapovjednik prije isplovljavanja broda ne provjeri ispravnost broda i količinu zaliha koje su dovoljne za putovanje i ažurira potrebna dokumenta, a pri prevozu putnika ne preduzme sve mjere za sigurnost putnika (član 136 stav 4); | 34) before leaving port, a shipmaster does not check ship’s proper working order and verify the state of supplies that should suffice for the intended voyage, and ensure that all prescribed documents and logbooks are on board, and in case of passenger carriage does not take all precautions for passenger safety (article 136 paragraph 4); |
| 35) za vrijeme boravka broda u luci ili na sidrištu ne bude na komandnom mostu broda spremnog za manevar, u uslovima vjetra snage pet ili više bofora po Beaufortovoj skali, a za koje uslove je primio upozorenje (član 136 stav 5); | 35) he or she is not on the command bridge of the ship that is ready for manoeuvring, during the ship's stay in the port or at anchor, in wind conditions of five or more on Beaufort scales, when he received a warning of such conditions (article 136 paragraph 5); |
| 36) brod koji boravi u luci ili na sidrištu ne bude spreman za manevar, u uslovima vjetra snage pet ili više bofora po Beaufortovoj skali, a za koje uslove je zapovjednik primio upozorenje (član 136 stav 6); | 36) a ship staying in port or at anchor is not ready to manoeuvre, in conditions of wind strength of five or more on the Beaufort scale, when ship master received a warning of such conditions (article 136 paragraph 6); |
| 37) zapovjednik broda, odnosno oficir palube u smjeni koji upravlja vođenjem broda ne preduzme sve mjere potrebne za sigurnost broda i plovidbe (član 137 stav 1); | 37) shipmaster, or deck officer of the watch do not undertake all measures required for the safety of ship and its operations (article 137 paragraph 1); |
| 38) zapovjednik broda lično ne rukovodi brodom kad god to zahtijeva sigurnost broda (član 137 stav 2); | 38) shipmaster does not personally manage the ship whenever ship safety requires so (article 137 paragraph 2); |
| 39) zapovjednik broda ne preduzme sve mjere za spašavanje lica i otklanjanje opasnosti za brod i stvari na brodu, kao i zaštitu životne sredine (član 138 stav 1); | 39) shipmaster does not 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 paragraph 1); |
| 40) zapovjednik broda ne preduzme mjere potrebne za spašavanje putnika i drugih lica na brodu, brodskog dnevnika, drugih isprava, knjiga i gotovog novca brodske blagajne, kao i da naredi da se brod napusti (član 139 st. 1 i 2); | 40) shipmaster does not undertake measures to save the lives of passengers and other persons on board, ship’s logbook, other ship logs and documents, maritime charts and ship’s petty cash, as well as to issue an order to abandon the ship (article 139 paragraph 1 and 2); |
| 41) zapovjednik broda napusti brod prije nego je u granicama stvarne mogućnosti preduzeo sve potrebne mjere vezane za spašavanje iz člana 139 st. 1 i 2 ovog zakona (član 139 stav 3); | 41) shipmaster abandons the ship without having taken, within reason, all necessary measures referred to in paragraph article 139 paragraph 1 and 2 of this law (article 139 paragraph 3); |
| 42) na brodu nastupi događaj koji ugrožava sigurnost broda ili plovidbe ili ako nastupi vanredni događaj, brodu, putnicima, drugim licima, teretu ili stvarima na brodu, a zapovjednik opis tog događaja odmah ne unese u brodski dnevnik, a najkasnije u roku od 24 sata od nastanka događaja (član 140 stav 1); | 42) in case of an event on board which endangers the safety of ship or its operation, or in case of an emergency, and the shipmaster does not enter the description of such event in the ship’s logbook without delay, and not later than 24 hours from such occurrence (article 140 paragraph 1); |
| 43) zapovjednik broda o događaju koji je nastupio za vrijeme plovidbe i ugrožava sigurnost broda, plovidbu, putnike, druga lica, teret ili stvari na brodu odmah po dolasku, a najkasnije za 24 sata, ne podnese izvještaj zajedno s izvodom iz brodskog dnevnika Lučkoj kapetaniji u luci u koju brod najprije uplovi, odnosno diplomatskom ili konzularnom predstavništvu Crne Gore i pomorskoj upravi najbliže obalne države, ako se brod nalazi u inostranstvu (član 140 st. 2 i 3); | 43) shipmaster does not make a report to the Harbour Master Office or diplomatic or consular office of Montenegro and the maritime administration of the nearest coastal state if the ship is abroad, article immediately upon arrival and not later than 24 hours upon arrival, on the event on board which endangers the safety of the ship, its navigation, passengers, other persons, cargo or items on board (article 140 paragraph 2 and 3). |
| 44) zapovjednik broda ne unese u brodski dnevnik rođenje i smrt lica na brodu, naznačujući mjesto ili geografsku poziciju broda i vrijeme rođenja, odnosno smrti, kao i ne primi izjavu poslednje volje ili to primanje ne unese u brodski dnevnik ili ne navede vrijeme kada je poslednju izjavu volje primio (član 140 stav 4); | 44) shipmaster does not 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 does not accept the deposition of any last will and make records thereof in the ship’s logbook and does not state the time of accepting such deposition (article 140 paragraph 4); |
| 45) za činjenicu o rođenju i smrti i o primanju izjave poslednje volje ne sačini zapisnik na propisani način i ne dostavi ga Lučkoj kapetaniji, a u inostranstvu najbližem diplomatskom, odnosno konzularnom predstavništvu Crne Gore (član 140 stav 5); | 45) if a report of birth and death and deposition of last will is not taken and submitted it to the Harbour Master Office, and if abroad to the nearest diplomatic or consular office of Montenegro (article 140 paragraph 5); |
| 46) zapovjednik broda preko radio telekomunikacione opreme ne pošalje obavještenje o bilo kojoj neposrednoj opasnosti za sigurnost plovidbe, posebno ako primijeti promjenu na plovnom putu ili naiđe na zagađivanje uljem, opasnim hemikalijama, štetnim materijama, opasni led ili opasnu oluju i drugu opasnost za plovidbu ili u brodski dnevnik ne unese naprijed pomenute podatke (član 141); | 46) shipmaster does not notify Harbour Master Office, 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, or has encountered pollution by oil, hazardous chemicals and harmful substances, ice, storm or other immediate danger for safe navigation, or does not enter the notification on said data in ship’s logbook (article 141); |
| 47) zapovjednik broda što je prije moguće ne obavijesti Organ uprave ili priznatu organizaciju o potrebi pregleda broda na kojem se otkrije nedostatak ili nezgoda koja utiče na sigurnost, bezbjednosnu zaštitu broda i ispravnost sredstava za spašavanje ili druge opreme (član 142); | 47) shipmaster does not, without delay, notify AMSPM or Recognized Organisation of the need to survey the ship on which a deficiency has been found or which has withstood an incident affecting its security, safety protection and orderly functioning of rescue and other equipment (article 142); |
| 48) zapovjednik broda u slučaju neposredne opasnosti od rata ili ako nastupi ratno stanje ne preduzme sve mjere opreznosti da bi sačuvao brod, posadu, putnike, teret i ostalu imovinu, kao i brodske isprave i knjige (član 143 st. 1 i 2); | 48) in the event of immediate danger of war, shipmaster does not 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 paragraph 1 and 2); |
| 49) zapovjednik broda u slučaju nastupanja ratnog stanja između drugih država u kojem je Crna Gora neutralna ne zatraži uputstvo od brodara ili organa državne uprave nadležnog za vanjske poslove (član 143 stav 3); | 49) in the event of war outbreak between other states where Montenegro is neutral, shipmaster does not ask for instructions from the ship operator, and if that is not possible, from the administration authority in charge of foreign affairs (article 143 paragraph 3); |
| 50) zapovjednik broda, kao zastupnik brodara, u njegovo ime i za njegov račun u mjestu van sjedišta brodara ne zaključi ugovore o spašavanju i pravnim poslovima za izvršenje putovanja, a u mjestu van sjedišta brodara u kojem nema ovlašćenog predstavnika ne zaključuje ugovore o pomorskim plovidbenim poslovima, osim brodarskog ugovora na vrijeme za cijeli brod (član 144 stav 1); | 50) as ship operator’s representative, acting on its behalf and for its account at a location outside of ship operator’s place of business, shipmaster does not enter into 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, does not enter into ship operation contracts, except for time charter (article 144 paragraph 1); |
| 51) zapovjednik broda, kao zastupnik brodara, ne pokreće pred stranim sudskim i upravnim organima postupak radi zaštite brodarevih prava ili interesa ili u tim postupcima ne preduzima procesne radnje (član 144 stav 2); | 51) as ship operator’s representative, shipmaster does not instigate procedures before foreign judicial and administrative authorities with a view to protecting the rights and interests of the ship operator and does not undertake procedural actions in these procedures (article 144 paragraph 2); |
| 52) zapovjednik na brodu ne izdaje naređenja kojima se obezbjeđuje brod i plovidba i održavanje reda na brodu, kao i ne nadzire izvršenje izdatih naređenja (član 145 stav 1); | 52) shipmaster does not issue orders to all persons on board to ensure the safety of ship and its operation, and keep order on board, and does not oversee the performance of such orders (article 145 paragraph 1); |
| 53) zapovjednik broda za vrijeme plovidbe ne ograniči slobodu kretanja na brodu svakom licu koje teže ugrozi sigurnost broda, članova posade, putnika i drugih lica, stvari na brodu i životne sredine (član 146 stav 1); | 53) shipmaster does not 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 paragraph 1); |
| 54) zapovjednik broda ne udalji člana posade sa radnog mjesta ili ga ne iskrca sa broda ako narušava sigurnost plovidbe (član 147); | 54) shipmaster does not dismiss from duty the crewmember endangering the safety of voyage (article 147); |
| 55) zapovjednik broda u slučaju smanjenja hrane i vode članovima posade kada je nužda i dok ona traje, to sa obrazloženjem ne unese u brodski dnevnik (član 148 st. 1 i 2); | 55) shipmaster, in the event of food and water rationing, when such measure is needed and while is in effect, does not enter such reasoned measure in the (article 148 paragraph 1 and 2); |
| 56) zapovjednik broda ne prijavi člana posade broda koji je državljanin Crne Gore i samovoljno napusti brod u luci, Lučkoj kapetaniji, odnosno diplomatskom ili konzularnom predstavništvu Crne Gore u odnosnoj državi, a ako nema diplomatskog ili konzularnog predstavništva Crne Gore u toj državi, diplomatskom ili konzularnom predstavništvu države ovlašćene da zastupa interese Crne Gore, odnosno lučkim vlastima luke te države (član 149 stav 1); | 56) shipmaster does not report a crewmember who is Montenegrin national leaves the ship without permission while in port to the Harbour Master Office, 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 paragraph 1); |
| 57) zapovjednik broda ne sastavi zapisnik i utvrdi koje su stvari i isprave člana posade koji je samovoljno napustio brod ostale na brodu (član 149 stav 2); | 57) shipmaster does not prepare a report and establish which personal effects and documents of the crewmember who left the ship without permission were left on board (article 149 paragraph 2); |
| 58) zapovjednik broda zapisnik o napuštanju broda i o stvarima člana posade koje su ostale na brod i njihovoj predaji nadležnom organu ne unese u brodski dnevnik (član 149 stav 4); | 58) shipmaster does not 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 paragraph 4); |
| 59) zapovjednik broda u brodski dnevnik ne unese razloge zbog kojih nije krenuo u pomoć licima i stvarima u opasnosti i preduzeo njihovo spašavanje (član 152); | 59) shipmaster does not enter into the logbook the reasons for not providing assistance to persons in distress and attempting to save them (article 152); |
| 60) ne vodi evidenciju prekovremenog rada pomoraca (član 165 stav 3); | 60) he or she does not keep records on overtime work (article 165 paragraph 3); |
| 61) ne obavlja prevoz i ne pristaje na pristaništa u skladu sa objavljenim redom plovidbe (član 182e stav 5); | 61) he or she does not perform transportation and does not dock at the docks in accordance with the published sailing schedule (article 182e paragraph 5); |
| 62) plovni objekti ne poštuju red plovidbe i ne sklone se sa pristaništa (član 182h stav 1). | 62) a vessel does not comply with sailing schedule and does not leave the port (article 182h paragraph 1). |
| XVI. PRELAZNE I ZAVRŠNE ODREDBE | XVI. TRANSITIONAL AND FINAL PROVISIONS |
| Donošenje propisa | Adopting of secondary legislation |
| Član 203 | Article 203 |
| Podzakonski akti za sprovođenje ovog zakona donijeće se u roku od dvije godine od dana stupanja na snagu ovog zakona. | Secondary legislation for implementing this law shall be adopted within two years from the day this law becomes effective. |
| Do donošenja propisa iz stava 1 ovog člana primjenjivaće se propisi donešeni na osnovu Zakona o pomorskoj i unutrašnjoj plovidbi ("Službeni listi SRJ", br. 12/98, 44/99 i 73/00) i Zakona o pomorskoj i unutrašnjoj plovidbi ("Službeni list SRCG", br. 19/78, 8/79, 19/97, 39/89, 22/90, 13/91), ukoliko nijesu u suprotnosti sa ovim zakonom. | Until the implementing legislation referred to in paragraph 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. |
| Član 203a | Article 203a |
| Podzakonski akti za sprovođenje ovog zakona donijeće se u roku od godinu dana od dana stupanja na snagu ovog zakona. | Secondary legislation for implementing this Law shall be adopted within one year from the day this Law becomes effective. |
| Do donošenja propisa iz stava 1 primjenjivaće se propisi donešeni na osnovu Zakona o sigurnosti pomorske plovidbe ("Službeni list CG", br. 62/13, 6/14 i 47/15), ukoliko nijesu u suprotnosti sa ovim zakonom. | Until the implementing legislation referred to in paragraph 1 of this article is adopted, the secondary legislation adopted under the Law on Maritime Navigation Safety (Official Gazette of Montenegro 62/13, 6/14 and 47/15) shall be applied unless conflicting this Law. |
| Član 203b | Article 203b |
| Do objavljivanja tehničkih pravila u skladu sa članom 49 stav 6 ovog zakona primjenjivaće se podzakonski akti donijeti do stupanja na snagu ovog zakona. | Until publishing of technical rules pursuant to article 49 paragraph 6 of this law, secondary legislation adopted before this law came into effect shall apply. |
| Osnivanje Komisije za istraživanje | Establishment of the Investigation Commission |
| Član 204 | Article 204 |
| Komisija za istraživanje osnovaće se u roku od 180 dana od dana stupanja na snagu ovog zakona. | The Investigation Commission shall be established within 180 days from this Law entering into force. |
| Do osnivanja Komisije iz stava 1 ovog člana poslove Komisije za istraživanje obavljaće nadležna Lučka kapetanija. | Until the establishment of the Commission referred to in paragraph 1 of this article, the tasks of the Investigation Commission shall be carried out by the competent Harbour Master Office. |
| Važenje isprava | Validity of documents |
| Član 205 | Article 205 |
| Ovlašćenja, dozvole, odobrenja, uvjerenja i druge isprave izdate do dana stupanja na snagu ovog zakona važe do isteka roka na koji su izdate. | Authorisations, permissions, approvals, certificates and other documents issued before this Law became effective shall be valid until their expiry. |
| Važenje ovlašćenja o osposobljenosti i posebnoj osposobljenosti pomoraca i brodskih isprava | Validity of certificates of competency and proficiency of seafarers and of ship documents |
| Član 205a | Article 205a |
| Ovlašćenja o osposobljenosti i posebnoj osposobljenosti pomoraca i brodske isprave izdate do stupanja na snagu ovog zakona važe do isteka roka na koja su izdata. | Certificates of competency and proficiency of seafarers and shop documents issued until this law enter into force shall remain valid until their date of expiration. |
| Primjena | Application of the law |
| Član 206 | Article 206 |
| Odredbe čl. 46 do 48 ovog zakona primjenjivaće se od 1. januara 2015. godine.  Odredba člana 33 stava 6 u dijelu koji se odnosi na obavještavanje Evropske komisije i država članica Evropske unije, primjenjivaće se od dana pristupanja Crne Gore Evropskoj uniji. | Articles 46 to 48 of this law shall apply as of 01 January 2015.  Article 33 paragraph 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. |
| Član 206a | Article 206a |
| Odredbe čl. 45a i 45b ovog zakona primjenjivaće se od 1. januara 2021. godine. | Provisions contained in articles 45a and 45b of this law shall be applied as of 01 January 2021. |
| Član 206b | Article 206b |
| Odredbe člana 46 stav 5, čl. 186, 186a i 186b, člana 188 stav 3 i člana 188a stav 4 ovog zakona koje se odnose na strane plovne objekte nad kojima je izvršen nadzor u Paris MoU regionu, primjenjivaće se od dana punopravnog članstva Crne Gore u Paris MoU. | Provisions contained in article 46 paragraph 5, articles 186, 186a, 186b, 188 paragraph 3 and article 188a paragraph 4 of this law concerning foreign vessels subjected to supervision within Paris MoU region, shall be applied as on the day of full-time membership of Montenegro to the Paris MoU. |
| Član 206c | Article 206c |
| Odredba člana 114 stav 2 ovog zakona primjenjivaće se od 1. juna 2022. godine. | Provision contained in article 114 paragraph 2 of this law shall be applied as of 01 June 2022. |
| Član 206d | Article 206d |
| Odredba člana 101 stav 7 ovog zakona primjenjivaće se godinu dana od dana stupanja na snagu ovog zakona. | Provision contained in article 101 paragraph 7 of this law shall be applied one year after the day of this law entering into force. |
| Član 207 | Article 207 |
| Obavezuje se organ državne uprave nadležan za poslove pomorstva da do 31. decembra 2014. godine donese plan, mjere i aktivnosti na održavanju plovnosti, postavljanju objekata sigurnosti za plovne puteve u skladu sa čl. 2, 7 i 8 ovog zakona, posebno na rijeci Bojani i njenom ušću. | 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. |
| Član 207a | Article 207a |
| Obavezuje se organ uprave nadležan za poslove pomorstva da do 31. decembra 2021. godine donese plan, mjere i aktivnosti na održavanju plovnosti, postavljanju objekata sigurnosti za plovne puteve u skladu sa čl. 2, 7 i 8 ovog zakona, posebno na rijeci Bojani i njenom ušću. | State administration competent for maritime affairs shall be tasked to, no later than 31 December 2021, adopt a plan, measured and activities on maintaining seaworthiness, installation of safety facilities for waterways in accordance with articles 2, 7 and 8 of this law, especially on the Bojana River and its mouth. |
| Prestanak važenja propisa | Repeal of legislation |
| Član 208 | Article 208 |
| Danom stupanja na snagu ovog zakona prestaje primjena odredaba Zakona o pomorskoj i unutrašnjoj plovidbi ("Službeni listi SRJ", br. 12/98, 44/99 i 73/00), koje se odnose na bezbjednost plovidbe na moru, osim odredbi čl. 42, 164, 167, 169, 170 172, 174 i čl. 209 do 1056 i prestaju da važe odredbe Zakona o pomorskoj i unutrašnjoj plovidbi ("Službeni list SRCG", br. 19/78, 8/79, 19/97, 39/89, 22/90, 13/91), koje se odnose na plovidbu na moru, osim odredbi čl. 49, 57 do 60 i 86 stav 1 tačka 10 i stav 2. | 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 articles 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 paragraph 1 item 10 and article 86 paragraph 2 shall be repealed with effect from the date of entry into force of this law. |
| Stupanje na snagu | Entry into force |
| Član 209 | Article 209 |
| Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u "Službenom listu Crne Gore". | This Law shall enter into force on the eight day upon its publication in the Official Gazette of Montenegro. |