

Maritime Navigation Safety Law

(consolidated text)

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I. BASIC PROVISIONS

Subject-matter

Article 1

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.

Maritime navigation, maritime facility and vessel

Article 2

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.

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.

A vessel is a ship, technical vessel, warship, yacht and boat.

Ships flying Montenegrin flag

Article 3

Ships which are flying the Montenegrin flag are under sovereignty of Montenegro even when sailing in international navigation.

Scope of the Law

Article 4

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



Common practices in maritime navigation

Article 5

Issues which are not regulated by this law, other laws or ratified international treaties shall be governed by common practices in maritime navigation

Definitions

Article 6

Terms used in this Law shall have the following meaning:

- 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) 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) 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) 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) 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: $3.7 \sqrt{0.1667V}$, 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) 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: $3.7 \sqrt{0.1667V}$, 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) GT refers to the gross tonnage of a vessel or a floating facility;
- 7) seaplane refers to an airplane with built-in aerodynamic floats that can land and take off from water surfaces;
- 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) 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) 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) 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) public vessel refers to a vessel used by state administration bodies and serves exclusively for non-commercial purposes, except for a military vessel;

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) 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) 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 convention refers to the Maritime Labour Convention, with amendments;

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) scientific research ship refers to a ship intended for scientific research or exploitation of the sea, seabed or its submarine environment;

19) nuclear ship refers to a nuclear-powered ship;

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 refers to the Paris Memorandum of Understanding on Port State Control, with amendments;

22) Paris MoU region refers to the geographic area in which the signatories of the Paris MoU are conducting inspection supervision;



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) pilot vessel refers to a vessel intended for the transport of a sea pilot from a port to a vessel for piloting;

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) 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) 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) maritime accident refers to an event or a sequence of events which result in:

a) death or serious injury of persons, which is caused by or is related to the construction or use of a vessel, or

b) a disappearance of a person from a vessel, which is caused by or is related to its exploitation or operations, or

c) a loss or a presumed loss of a vessel or its evacuation, or

d) serious damage to a vessel, or

e) stranding or disabling of a vessel, or its participation in a collision, or

f) damage to a maritime infrastructure facility which is caused by or is related to the use of a vessel;

g) damage inflicted to maritime environment induced by a damage of a vessel which is caused by or is related to its use;

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) 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) existing ship refers to a ship which is not under construction;



- 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) 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) mooring refers to a facility on the shore or anchor buoy intended for the reception and safe mooring of vessels;
- 35) passenger ship refers to a ship transporting more than 12 passengers;
- 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) warship refers to a Montenegrin warship or a foreign warship;
- 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) 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 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) the anchorage refers to an arranged and marked part of the sea intended for anchoring vessels;
- 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) foreign boat refers to a boat flying a foreign flag;
- 44) foreign vessel refers to a maritime facility, except for a warship or a boat, which is flying a foreign flag;
- 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) foreign fishing boat refers to a machine-powered foreign vessel intended and equipped to catch fish and other marine organisms;
- 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) tugboat or pusher refers to a ship intended for towing or pushing other vessels;



49) technical vessel refers to a ship with or without mechanical propulsion intended for the performance of works (excavator, crane, backhoe, etc.);

50) cargo ship refers to a ship intended for the transport of cargo with or without mechanical propulsion;

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) merchant navy includes ships and other vessels, except for warships;

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) 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. NAVIGATION SAFETY

Waterway

Article 7

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.

Anchoring and keeping of vessels in prohibited anchorage zones is prohibited.

It is forbidden to anchor and keep ships in places that are not arranged and marked for that purpose.

Anchorage 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.

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).

Regulation and maintenance of waterways

Article 8

Waterways must be regulated, navigability must be maintained on them and navigation safety facilities must be installed and their functioning ensured.

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.



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.

Installation of navigation safety facilities and their functioning, regulation and maintenance of navigability of waterways and their marking shall be performed by AMSPM.

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.

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.

Navigation Safety Facilities Usage Fees

Article 9

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.

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.

The rates for the fee referred to in paragraph 1 of this Article shall be determined by the Government of Montenegro (hereinafter: the Government).

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).

Maximum allowed navigation speed

Article 10

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.

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) 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.

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.

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.

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.

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.

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.

Navigation in narrow channels

Article 10a

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.

Public transport

Article 11

Public transport at sea can be performed as transport in liner or tramp service.

Duties of a ship operator in public transport

Article 12

A ship operator who performs public transport is obliged to accept persons or goods for the transport within the limits of allowed deadweight.

Public liner service

Article 13

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.

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.

The sailing schedule is published in printed or electronic media, at least 15 days before the entry into force of the sailing schedule.

The ship operator must adhere to the established and published sailing schedule.

Public tramp service



Article 14

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.

Transportation for own needs

Article 15

Own-account transport is transport performed for non-commercial purposes by legal and natural persons for the purpose of performing their own activity.

A space intended for sports, recreation and leisure

Article 16

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.

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.

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.

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.

Removal of tags, devices and objects after the event

Article 17

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.

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.

Performing of underwater activities

Article 18



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.

Training on water jets vessels

Article 19

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.

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.

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.

Ban of sailing, berthing and anchoring

Article 20

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.

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.

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.

Approaching the shore

Article 21

When sailing in Montenegrin internal and territorial water, vessels may not approach the coast in accordance with the following rules:

- 1) ships, yachts and seaplanes at a distance of less than 300 m;
- 2) motor boats and fishing boats at a distance of less than 150 m.



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.

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.

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.

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.

It is forbidden to glide by speedboat at a distance of less than 200 m from the shore.

Swimming ban

Article 22

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.

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.

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.).

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.).

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.

Issuing of approval

Article 23

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.

Obstacle marking and light maintenance

Article 24



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.

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.

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.

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.

Damaged, stranded or sunken vessels

Article 25

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.

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.

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.

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.

It is forbidden to throw objects on the waterway, wharf and in the port that may interfere with or endanger the safety of navigation.

Abandoned ship and shipwreck

Article 26

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.



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.

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.

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.

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.

The provisions of paragraph 1-5 of this Article shall also apply to shipwrecks.

The provisions of this Article shall also apply to other vessels.

Radio service

Article 27

The radio service for the protection of human lives and safety of navigation at sea is performed by AMSPM.

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.

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.

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.

Free pratique and departure

Article 28

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).

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.

A ship may leave the port or anchorage only with the approval for departure given by the Harbour Master Office.



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.

A ship arriving in and out of port must announce its arrival and departure from port.

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.

The amount of compensation referred to in paragraph 6 of this Article shall be prescribed by the Government.

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.

Approaching a vessel that has not been granted free pratique

Article 29

If a vessel has not been granted free pratique, only the following vessels may approach it:

- 1) a public vessel;
- 2) a vessel for the purpose of providing assistance or rescue;
- 3) a tug or pusher for the purpose of towing or pushing;
- 4) a pilot vessel, for the purpose of pilot access to that vessel.

Port arrival and departure

Article 30

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) general declaration (name of the ship, call sign, fuel stocks, etc.);
- 2) health declaration;
- 3) crew manifest;
- 4) passengers manifest, if carrying passengers;
- 5) cargo manifest;
- 6) dangerous cargo manifest, in case of transport of dangerous cargo.

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.



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.

Foreign nuclear ship

Article 31

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.

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.

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.

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.

The administrative body referred to in paragraph 4 of this Article may re-inspect the nuclear ship during its stay in the port.

Laid-up vessel

Article 32

Safeguarding and maintaining of a laid-up vessel shall be conducted by its crew.

Laid-up vessel may stay in the internal and territorial waters of Montenegro in accordance with the regulations of the Ministry.

Proof of mandatory insurance

Article 33

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.

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).

The certificate referred to in paragraph 1 of this Article shall contain the following information:



- 1) name of the ship, its IMO number and port of registry;
- 2) the name of the ship operator or other person responsible for the management of the ship;
- 3) type and duration of insurance;
- 4) name and address of the person who performed the insurance, as well as the place where the insurance was obtained.

The certificate referred to in paragraph 3 of this Article must be issued or translated into English or French or Spanish.

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.

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.

Place of refuge

Article 34

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.

Disposal of the ship in the place of shelter is performed according to the ship disposal plan of AMSPM.

The place of shelter referred to in paragraph 1 of this Article shall be determined by the Ministry.

III. PILOTAGE

Types of pilotage

Article 35

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.

Pilotage refers to port pilotage as well as coastal pilotage.

Port pilotage is the pilotage of a vessel in the port area and the pilotage of a vessel in the Bay of Kotor.

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.



Pilotage services

Article 36

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) it is registered in the Central Register of Business Entities as a company performing pilotage activities;
- 2) has at least one pilot vessel;
- 3) has at least one fixed EHF radio station;
- 4) has at least four employed pilots with pilot ID;
- 5) has at least four portable VHF radio stations;
- 6) has entered into an insurance contract against pilot's liability during pilotage of a vessel in accordance with Article 42 of this Law.

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.

The pilot vessel must be marked and use pilot call signs.

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.

Mandatory pilotage

Article 37

Port pilotage is mandatory.

Notwithstanding paragraph 1 of this Article, port pilotage is not mandatory for:

- 1) Montenegrin warships and Montenegrin public vessels;
- 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) ships up to 500 GT regardless of nationality;
- 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.



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.

The shipmaster is obliged to request port pilotage, no later than two hours before arrival, departure, transferal or moving alongside.

The Shipmaster of the vessel may request pilotage in the cases referred to in paragraph 2 of this Article.

The boundaries of port and coastal pilotage, time and place of embarkation and disembarkation of pilots are prescribed by the Ministry.

Use of pilotage services

Article 38

Pilotage shall be provided to every vessel under equal conditions.

Performance of pilotage

Article 39

Pilotage can be performed by a pilot who has a pilot's license, issued by the Harbour Master Office.

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.

The pilot ID card referred to in paragraph 1 of this Article shall be issued for a period of two years.

The pilot ID card can be extended at the request of the pilot, if he meets the conditions for issuing the pilot ID card.

The pilot's ID card shall be revoked if the pilot ceases to meet the conditions referred to in paragraph 2 of this Article.

The Port Authority keeps records of issued and revoked pilot IDs.

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.

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.

The legal entity referred to in Article 36 of this Law shall confirm the completed pilot training by certifying the pilot logbook.

The pilot trainee is responsible for his / her own safety during the pilot training.



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.

A fee, which is the revenue of the Budget, is paid for the issuance of the pilot ID card.

The amount of compensation referred to in paragraph 12 of this Article shall be determined by the Government.

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.

Duties of the pilot

Article 40

During the pilotage, the pilot is obliged to wear an official suit and to have a pilot's ID.

During the pilotage, the pilot must not leave the command bridge of the piloted ship before the completion of the pilotage.

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.

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.

The pilot is obliged to inform the Harbour Master Office via VHF radio about the started and completed piloting.

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) observed malfunctions of navigation safety facilities on the waterway;
- 2) observed violations of regulations and rules related to safety of navigation;
- 3) the damages incurred during the pilotage on the vessel that uses the pilotage and the damages caused by that vessel.

The notification referred to in paragraph 6 of this Article must contain at least the following information:

- about the ship (name, IMO identification number, call sign and flag);
- on navigation (last port of call, port of destination);



- a description of the obvious irregularities found on board.

The official suit referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

Responsibility for commanding the vessel

Article 41

Pilotage of a vessel does not release the vessel master from the duties of navigating and manoeuvring the vessel and from liabilities resulting therefrom.

Liability and damages

Article 42

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.

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.

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.

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.

Liability of the pilot

Article 43

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.

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.

Use of tugboats and pushers

Article 44



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.

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.

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.

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. MONITORING, INFORMATION AND MANAGEMENT OF MARITIME TRAFFIC

Conducting of monitoring, information and management of maritime traffic

Article 45

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.

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.

Implementation of supervision, information and management of maritime traffic includes:

- 1) collection of data on vessels in maritime traffic;
- 2) providing data to vessels (weather forecast, warnings, medical advice, etc.);
- 3) providing navigation advice and support to vessels in navigation;
- 4) organization of maritime traffic.

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.

Vessels are obliged to act on the order of the maritime operations centre.

By conducting supervision and management of maritime traffic to a certain vessel or group of vessels, it is possible to:

- 1) prohibit the passage or navigation in a certain area;



- 2) prohibit overtaking or determine the area of overtaking;
- 3) prohibit departure from the port or from the anchorage or entry into a certain part of the waterway;
- 4) prohibit entry into port or berthing or exit from a certain part of the waterway;
- 5) restrict movement or change of speed;
- 6) determine movement in a certain direction or determine a travel plan;
- 7) determine the area of movement at a certain time; and or
- 8) prohibit anchoring or determine the anchoring area.

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.

The manner of performing supervision, information and management of maritime traffic shall be prescribed by the Ministry.

National board of relief

Article 45a

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).

Relief Committee shall conduct the following:

- 1) implements the National Maritime Transport Relief Program (hereinafter: the Relief Program);
- 2) implement measures and activities to facilitate the performance of international maritime traffic and the flow of passengers, luggage, cargo and / or mail;
- 3) take measures for the implementation of the single national maritime window;
- 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) performs other tasks in accordance with the relief program.

The Relief Committee has five members.



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.

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.

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.

The act on the establishment of the Relief Committee shall be published in the "Official Gazette of Montenegro".

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.

Relief program

Article 45b

The relief program is adopted by the Government, on the proposal of the Relief Committee.

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.

Notice of arrival of a ship

Article 46

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) the ship:

- ship identification (name, call sign, IMO, identification number or MMSI);
- port of destination (UN locode);
- estimated time of arrival at the port of destination, pilot station and time of departure from the port;
- total number of persons on board;

2) tanker:

- construction (single hull, single hull with SBT, double hull);
- condition of cargo and ballast tanks (full, empty, inerted);



- volume and nature of cargo;

3) planned operations in the port or anchorage (loading, unloading);

4) planned statutory survey inspections and significant maintenance and repair works that will be carried out during ship's call in Montenegrin port;

5) the date of the last expanded inspection of a foreign vessel in the Paris MoU region.

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) 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) 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) address where more detailed cargo information can be obtained.

Data from paragraph 1 and 2 of this Article shall be submitted, if possible, by electronic means.

Data from paragraph 1 and 2 of this Article, AMSPM shall submit to the Ministry and the Harbour Master Office.

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.

Duty to provide information

Article 47

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) no later than 72 and 24 hours before the ship enters a Montenegrin port;

2) no later than when the ship leaves the previous port, if the voyage time is shorter than 24 hours;

3) if the port of call is not known or has been changed during the voyage, as soon as this information is known;

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

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.

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) ship:

- name of the ship, length and type of ship, call sign, nationality, IMO identification number and MMSI;
- navigation data (draught, position, course and speed of the ship);
- port of departure and port of destination (UN locode);
- estimated time of arrival at the port of destination;

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) total number of persons on board;

4) name of the person authorized by the ship operator.

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.

Compliance with rules of navigation

Article 48

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.

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.

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.

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.

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.

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. SHIP

Seaworthiness

Article 49

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) safety of human lives, ships and property;
- 2) company and ship safety management system;
- 3) prevention of environmental pollution with oil, harmful substances, wastewater and waste;
- 4) prevention of air pollution;
- 5) protection of the environment from bioinvasive species in ballast waters;
- 6) protection of the environment from the harmful effects of the system against carcass fouling;
- 7) protection and health at work, accommodation of the crew and other persons employed on the ship;
- 8) conditions for passenger transport;
- 9) safety of cargo handling devices.

Conditions from paragraph 1 point. 1, 3, 4, 6, 7 and 9 apply to hydrocarbon production installations.

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.

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).

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.

The technical rules shall be published on the website of the Ministry.

Conventions, codes, protocols and resolutions of the International Maritime Organization (IMO) shall also be published on the website of the Ministry.

The categories of ship navigation are prescribed by the Ministry.

The ship should have adequate supplies of medicines and adequate medical facilities to provide medical assistance on board ships.

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.

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.

A ship carrying dangerous goods must have antidotes in its pharmacy on board.

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.

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.

Safety management system

Article 50



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) navigation safety and environmental protection policy;
- 2) instructions and procedures for safe navigation of the ship and protection of the environment;
- 3) determining the level of authority and the manner of communication between the shore and the ship's crew;
- 4) procedures for reporting accidents and non-compliance of the established system with the ISM Code;
- 5) procedures for emergency situations;
- 6) procedures for internal control and reviews of the functioning of the established ISM Code;
- 7) system for registration of passenger data.

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.

The safety management system is applied and maintained in accordance with the technical rules.

Determining the seaworthiness of a ship

Article 51

The seaworthiness of the ship and the safety of the hydrocarbon production installation shall be determined by technical supervision.

Technical supervision referred to in paragraph 1 of this Article shall be performed by an official of AMSPM who meets the following conditions:

- 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) 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) 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.

After the technical supervision, the appropriate ship documents and books shall be issued.



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.

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.

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.

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:

- Certificate of registry;
- permanent record of the ship;
- Minimum safe manning document;
- licenses for the ship's radio communication;
- declarations of maritime labour compliance; and
- documents which, in accordance with international agreements, cannot be transferred to the Recognized organization.

Ship's documents referred to in paragraph 7 paragraph 1 and 2 of this Article are issued by the Port Authority.

The ship's document referred to in paragraph 7, indent 3 of this Article shall be issued by AMSPM.

The license for the ship's radio communication is issued by the legal entity in charge of electronic communications.

Ship documents that cannot be transferred to a recognized organization in accordance with international agreements are issued by the Ministry.

The control of the work of the Recognized organization is performed by AMSPM.

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.



Liability of a recognized organization for damage caused

Article 51a

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) 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) 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) 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.

Technical supervision

Article 52

Technical supervision of the ship includes:

- 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) supervision over ship construction and conversion done in the course of construction or conversion works;
- 3) supervision over the making of materials, machines, devices and gear referred to in item 1 of this paragraph done in the course of their making and certification;
- 4) supervision over the installation and placement of machines, devices and equipment in the ship;
- 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) issuing approvals to the manufacturer and service company;



- 7) review of the safety management system of the company or ship operator and the ship;
- 8) survey of the safety protection of the ship in accordance with a special law.

A fee is paid for the technical supervision, by the company or the ship operator.

The amount of the fee for technical supervision performed by AMSPM shall be determined by the Government.

The fee referred to in paragraph 2 of this Article is the revenue of the State Budget.

Technical supervision of ships is performed in the manner and within the deadlines in accordance with the technical rules.

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.

Survey of existing ships

Article 53

Survey of existing ships can be basic, regular and extraordinary.

A fee shall be paid for performing the survey referred to in paragraph 1 of this Article.

The amount of the survey fee referred to in paragraph 1 of this Article performed by AMSPM shall be determined by the Government.

The fee referred to in paragraph 3 of this Article is the revenue of the State Budget.

Basic survey

Article 54

The basic survey is mandatory for the existing ship, as follows:

- 1) before its entry in the register of ships, if the supervision over its construction was not performed by AMSPM;
- 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) when the purpose of the ship is permanently changed before its use.

Regular survey

Article 55

Regular survey is an inspection of an existing ship at prescribed intervals.



Regular survey can be annual, interim, periodic and renewed.

Extraordinary survey

Article 56

Extraordinary inspection of the ship shall be performed:

- 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) when major repairs or renovations of the ship are being carried out;
- 3) during a temporary change of purpose or category of navigation of the ship;
- 4) for a ship that has not performed a regular survey within the prescribed period;
- 5) before and after the ship in has been laid-up;
- 6) for a tug and a towed vessel before a towing operation;
- 7) for an abandoned ship, which does not have a valid ship's documents and book;
- 8) for the purpose of doing a ship inventory at the request of the court;
- 9) for a ship or shipwrecks for the purpose of rescuing, i.e. retrieving a ship and assessing the risk it poses;
- 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.

Sea trial

Article 57

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.

Sea trial is performed after the survey of the ship and the issuance of a trial voyage certificate.

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.

Sea trial is performed on the basis of the approval of the competent Harbour Master Office.



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.

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.

Condition of the ship and its equipment

Article 58

The ship operator is obliged to maintain the ship and equipment in a condition that ensures the ship's seaworthiness.

Alterations or conversion to the construction of the ship

Article 59

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.

Exemption from obligations

Article 60

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.

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.

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.

A ship which sails within certain limits

Article 61



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.

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.

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.

Carriage of passengers on board ships other than passenger ships

Article 62

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, if it has been determined according to this Law that it is seaworthy and if it determined by the survey that the ship meets conditions for such carriage of passengers.

Carriage of transport

Article 63

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.

Allowed number of passengers and their accommodation on board is determined by technical rules.

Tallying passengers

Article 64

Before a passenger ship departs from a port, the company or ship operator is obliged to determine the number of persons on board.

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.

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.

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.



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.

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.

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.

Access for persons with disability

Article 65

Passenger, Ro-Ro passenger and high-speed passenger ships must have adequate access for the entry of persons with disabilities.

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.

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.

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.

Cargo on board

Article 66

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.

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.

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.

Calibration of the ship



Article 67

Calibration of the ship is conducted in order to determine the tonnage of the ship.

The ship is calibrated before its entry in the ship register.

Calibration of the ship, at the request of the ship operator, is performed by AMSPM.

Notwithstanding paragraph 3 of this Article, the calibration of a ship in international navigation may be performed by a recognized organization.

A fee is paid for calibrating the ship.

The amount of fee referred to in paragraph 5 of this Article for calibration performed by AMSPM shall be determined by the Government.

The fee referred to in paragraph 6 of this Article is the revenue of the State Budget.

The manner of calibration of ships and other vessels is determined by technical rules.

Foreign vessels subject to calibration

Article 68

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.

Re-calibration

Article 69

Re-calibration of the ship is performed if:

- 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) doubts are raised as to the regularity of the performed calibration;
- 3) when a coastal ship is entered in the register of ships.

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.

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.



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.

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.

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. SHIP DOCUMENT, RECORDS AND BOOKS

Documents, records and books

Article 70

Ship documents, records and books prescribed by this law must be kept on board and always be available for verification purposes.

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.

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.

Ship's documents, records and books are kept in a manner with validity periods determined by technical rules.

Ship documents, records and books may be suspended and withdrawn under the conditions established by the technical rules.

Process of keeping ship documents, records and books

Article 70a

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.

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.

Ship documents, records and books prescribed by this law may be kept in written or electronic form.

The form of ship documents, records and books is prescribed by the Ministry.

Certificate of Registry

Article 71



A certificate of registry shall be issued to a ship entered in the register of ships in accordance with the law.

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.

The certificate contains all the data from the register of ships in which the ship is registered.

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.

Certificate of registry is issued by the Harbour Master Office, which registered the ship in the register of ships.

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.

The amount of fee referred to in paragraph 6 of this Article shall be determined by the Government.

Replacement of Certificate of Registry

Article 72

The Harbour Master Office that issued the registration form is obliged to enter, ex officio, required information in the Certificate of Registration.

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

Temporary certificate of registration

Article 73

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.

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

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

Temporary certificate of registration shall be issued by the diplomatic-consular mission of Montenegro.

The registration form or temporary registration certificate is proof of the ship's identity.

The manner of issuance and the format of the temporary certificate of registration shall be set by the Ministry.



Manner of keeping shipping documents and books

Article 74

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VII. FLOATING MARITIME FACILITY

Establishing floating facility's fitness for operation

Article 75

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

- 1) security of human lives, facilities and property;
- 2) prevention of marine pollution in accordance with the law;
- 3) occupational health and safety, accommodation of crew and other persons on the facility;
- 4) safety of cargo handling gear;
- 5) performing dedicated activities;
- 6) the prescribed minimum number of crew members with the appropriate authorization on the competence that the facility must have for safe use;
- 7) accommodation and number of other persons on the facility in accordance with certificates, books and approved technical documentation of the facility;
- 8) cargo on board in accordance with documents, books and approved technical documentation of the facility;
- 9) safety of mooring, anchoring and positioning on the seabed, partially or completely buried in the seabed.

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.

Determination of fitness for use

Article 76

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.



Calibration of the floating facility

Article 77

Calibration of floating marine facility shall be conducted according to the provisions of Article 67-69, according to the purpose and location.

Documents and books of the floating maritime facility

Article 78

A floating maritime facility must have documents and books in accordance with Article 70-73 of this law, according to the purpose and location.

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.

The amount of fee referred to in paragraph 2 of this Article shall be determined by the Government.

Siting and use of a floating facility

Article 79

Floating maritime facilities are set up in the internal and territorial waters of Montenegro with the consent of the Harbour Master Office.

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.

Entry into register of floating maritime facilities

Article 80

- not in effect -

Documents needed for registration

Article 81

- not in effect -

Marking of the floating maritime facility



Article 82

- not in effect -

VIII. BOAT

Establishing boat seaworthiness

Article 83

Boat seaworthiness shall be established by the Administration body, at the request of the boat owner.

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.

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.

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.

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.

Boat survey

Article 84

Boat seaworthiness shall be established by way of a survey

Boat survey may be basic, regular and extraordinary.

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.

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

The fee for boat survey referred to in paragraph 3 of this Article shall not be paid for state-owned boats.

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.



Basic boat survey

Article 85

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.

The basic survey of a boat is done on land and while afloat.

Regular boat survey

Article 86

Regular boat survey aims to determine the condition of the hull, propulsion and other gear and equipment of the boat.

Regular survey of boats for commercial and public purposes is performed by AMSPM, once every two years.

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.

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.

Regular survey of scooters or ski jets for personal use is performed by the Ministry, every three years.

Extraordinary boat survey

Article 87

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.

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.

The application form referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

Boat construction

Article 88

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.



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

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.

Technical supervision over the construction of a boat is performed by AMSPM.

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.

The amount of fee referred to in paragraph 5 of this Article shall be determined by the Government.

AMSPM, upon completion of construction, issues a certificate of construction of a boat.

The format of the certificate referred to in paragraph 7 of this Article shall be prescribed by the Ministry.

Boat sea-kindliness, number of persons and equipment

Article 89

Boat sea-kindliness, the number of persons allowed on board, and mandatory equipment shall be set by AMSPM, in accordance with the technical rules.

Transporting more persons on board a boat than allowed shall be prohibited.

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

The sign referred to in paragraph 3 of this Article shall be written in Montenegrin and English.

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

Certificate of seaworthiness

Article 90

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.

The format of the certificate referred to in paragraph 1 of this Article shall be prescribed by the Ministry.



Boat calibration

Article 91

Calibration of the boat is done to determine the tonnage of the boat.

Calibration of the boat is performed by AMSPM before the entry of the boat in the register of boats.

Calibration is performed in accordance with technical rules.

A fee shall be paid for performing the calibration referred to in paragraph 1 of this Article, which is the revenue of the Budget.

The amount of compensation referred to in paragraph 4 of this Article shall be determined by the Government.

If alterations change boat tonnage, calibration shall be repeated.

After the calibration, AMSPM issues a certificate of calibration of the boat.

The format of the certificate referred to in paragraph 7 of this Article shall be prescribed by the Ministry.

Boat navigation

Article 92

Boat navigation categories are prescribed by the Ministry.

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.

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.

Boat crew and boatmaster's exam

Article 93

A boat for personal needs can be operated by a person with at least 16 years of age who has a boatmaster's license.



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.

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.

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.

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.

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.

The boatmaster's certificate is issued after passing the exam.

A fee is paid for taking the boatmaster's exam, which is the revenue of the State Budget revenue.

The amount of compensation referred to in paragraph 8 of this Article shall be determined by the Government.

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.

Boat usage

Article 94

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.

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.

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.

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.

Boat registration

Article 95



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.

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

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

Boat registry

Article 96

The register of boats is a public register, and an excerpt from the register of boats is a public document.

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.

Boat register contents

Article 97

The boat register consists of sheets.

Each boat is inscribed in a separate sheet.

The format of the boat register is prescribed by the Ministry.

Collection of documents

Article 98

The collection of documents contains documents on the basis of which the boat was entered in the boat register.

Owner directory

Article 99

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.

Types of applications

Article 100



The application for entering a boat into boat register, for entering changes or deregistering a boat shall be filed by the boat owner to the competent Harbour Master Office.

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

The entry of the boat in the register is done on the basis of the decision of the Harbour Master Office.

The decision referred to in paragraph 3 of this Article shall be final.

Procedure for registering boats

Article 101

The request for the first registration of the boat shall be accompanied by:

- 1) proof of ownership (sale agreement, receipt, customs declaration, construction certificate, deed of gift, etc.);
- 2) proof of seaworthiness (boat seaworthiness certificate);
- 3) proof of tonnage (boat calibration certificate);
- 4) stability book for boats for commercial purposes, certified by AMSPM;
- 5) a copy of third party insurance policy of the boat owner or operator, and a copy of passenger insurance policy for boats used for commercial purposes – passenger transportation;
- 6) proof of deregistration for boats previously registered in foreign boat registers.

The documentation referred to in paragraph 1 of this Article shall be attached in the original or a certified photocopy.

Along with the documentation in a foreign language, a certified translation into Montenegrin shall be attached.

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.

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.

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.



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.

Boat deregistration

Article 102

Boat shall be deregistered:

- 1) if it is missing or is destroyed;
- 2) if he permanently withdraws from navigation;
- 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) at the request of the owner.

A boat shall be designated as missing if more than three months have passed since receiving the last information about the boat.

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.

Boat deregistration is done by the decision of the Harbour Master Office, which entered the boat in the register.

A boat shall be deregistered ex officio, after 30 days from the date of expiration of the boat's license.

Boat licence

Article 103

Boat licence shall be issued following registration.

Boat licence shall include:

- 1) the name of the body that issued the license;
- 2) number, date and place of issuance of the license;
- 3) boat's registration mark and name, if named, port of registry, place and year of make;
- 4) boat features (construction material, size, gross tonnage, etc.);



- 5) owner's name, surname and address or business name and address;
- 6) term of validity of the navigation license.

A fee, which is the revenue of the State Budget, is paid for the issuance of a navigation license.

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

The format of a boat license is prescribed by the Ministry.

Boat registration mark and name

Article 104

The boat must have a mark, and it can also have a name, which is determined by the owner of the boat.

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.

The procedure of marking the boat and the marking of the boat shall be prescribed by the Ministry.

Documents held on board a boat

Article 105

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. SHIP CREW

Members of the crew

Article 106

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

Minimum safe manning

Article 107

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

The minimum crew number shall be defined by the Ministry in reference to navigation category, ship size and purpose, engine power, level of automation and duration of navigation.

Certificates of competency and proficiency



Article 108

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

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

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

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

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

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

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

The types of seafaring ranks, the types of certificates of competency and proficiency, more detailed conditions regarding professional qualifications and sea service as requirements for specific rank titles, training 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.

Revalidation of certificates of competency and proficiency

Article 108a

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

- has at least one year of sea service over the past five years on tasks within the scope of that certificate or at least one year of work service over the last five years on the tasks equal to the ones within the scope of the give certificate; or
- has completed training and passed relevant examination for revalidation of certificates of competency and proficiency.



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

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

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

The regulation referred to in paragraph 4 of this article shall identify the tasks to be deemed equal to the ones covered by certificates of competency and proficiency

Certificates of competency on fishing boats

Article 108b

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.

Recognition of certificates of competency and proficiency

Article 109

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

The recognition referred to in paragraph 1 of this article shall be done by the Ministry by endorsement

A fee, which shall constitute a revenue of the State Budget, is charged for the recognition of certificates referred to in paragraph 2.

The amount of the fee referred to in paragraph 3 of this article shall be set by the Government.

Training towards obtaining ranks and certificates of competency

Article 110

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

Licence for maritime training providers

Article 111



Licence for maritime training providers shall be issued, upon application, to a Training Centre meeting the requirements regarding the space, staff and quality standards set by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention).

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

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

More detailed requirements referred to in paragraph 1 of this article shall be set by the Ministry.

Termination of license for maritime training providers

Article 112

Licence for maritime training providers shall terminate:

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

Revocation of licence for maritime training providers

Article 113

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.

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.

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.

Maritime education

Article 114

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).



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.

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.

Exams towards acquiring certificates

Article 115

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.

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.

A fee, which shall constitute a revenue of the State Budget, is charged for the exam referred to in para 2

The amount of the fee referred to in paragraph 3 of this article shall be set by the Government

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

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.

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

Panel

Article 116

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

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

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

The amount of the fee referred to in paragraph 3 of this article shall be set by the Government.

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



Issuance of certificates of competency and proficiency

Article 117

Harbour Master Office shall issue certificates of competency and proficiency based on the Panel's confirmation of the exam passed.

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

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

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

The amount of the fee referred to in paragraph 3 of this article shall be set by the Government.

Register of certificates of competency and proficiency

Article 117a

Register of certificates of competency and proficiency (hereinafter: the register) shall be kept Harbour Master Office, in a form of an electronic database.

Following data shall be entered into the register:

- first and last name of a seafarer;
- date of birth of a seafarer;
- nationality of a seafarer;
- place of residence of a seafarer;
- serial number of seamen's book;
- serial number of ID document;
- unique personal number of a seafarer;



- sea service of a seafarer;
- types of acquired competencies and proficiencies.

Harbour Master Office shall be headed by harbour master holding a shipmaster's certificate of 3000 GT or greater.

Persons employed at Harbour Master Office as well as the Harbour Master shall conduct their official duties while wearing their uniform.

Design, manner of wearing and use of the official uniform shall be set by the Ministry.

Establishing medical fitness

Article 118

Medical fitness of seafarers shall be established by means of medical examinations conducted in a healthcare establishment meeting the requirements regarding space, staff and equipment to provide healthcare services in line with the law.

A healthcare establishment referred to in 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).

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

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

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

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

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

Notwithstanding paragraph 1 of this article, a colour vision certificate shall be valid for six years.

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

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

- 1) such period does not exceed three months;



2) the seafarer holds a recently expired medical certificate.

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

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

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

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

Discharge of duties in compliance with the rules of navigation

Article 119

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

Shipboard watches

Article 120

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

Watchkeeping

Article 121

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

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

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

While at anchorage, watchkeeping at the machine room must not be maintained at all times, if the ship is equipped with the UMS certificate.

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

At least one deck officer and one engineer officer shall be on board ship referred to in paragraph 4 of this article, and at night also ship security guards.



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

If ships referred to in 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.

The watchkeeping procedure shall be set by the Ministry.

Steering of the ship

Article 122

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.

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

Seaman' book, embarkation permit and identity document

Article 123

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.

Seaman's book must be held by the citizen of Montenegro who is embarked as:

- shipmaster or another crew member of a Ship flying Montenegrin Flag;
- crew member of a foreign ship;
- crew member of a floating facility or hydrocarbon production installation of Montenegrin or foreign nationality;
- crew member of a Montenegrin or foreign yacht.

Embarkation permit shall be issued to a foreign national who joined a vessel flying Montenegrin flag as a crew member

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

Issuing of the seaman' book, embarkation permit and identity document

Article 124

Seamen's book shall be issued to a person who:

- has reached the age of 16 and
- is medically fit to perform certain tasks on the vessel in accordance with a special regulation.



The seaman's book, embarkation permit and identity document are issued by the Harbour Master Office for a period of ten years.

The seaman's book shall be issued on the basis of the submitted request.

The request referred to in paragraph 3 of this Article shall be accompanied by the following documentation:

- birth certificate or ID card;
- certificate of medical fitness;
- certificates of competency and proficiency;
- two photographs measuring 6 x 4.5 cm.

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.

The amount of compensation referred to in paragraph 5 of this Article shall be determined by the Government.

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.

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.

Alcohol and drug abuse

Article 125

Shipmaster and crewmembers shall not be under the influence of alcohol, narcotics or other substances that alter the state of consciousness.

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.

Paragraphs 1 and 2 of this article shall also apply to shipmasters and crewmembers of other vessels.

Repatriation

Article 126



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

Should the ship operator fail to provide the repatriation referred to in 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

Repatriation costs

Article 127

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

Ship operator shall not charge the crewmember any repatriation costs referred to in 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.

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

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

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

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

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

The regulations referred to in paragraph 7 of this article shall be in Montenegrin and in English.

Appropriate duty on board

Article 128

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



In the event referred to in paragraph 1 of this article, the crewmember is entitled to remuneration for the tasks performed.

Repatriation costs for foreigners

Article 129

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

Crewmember's duties

Article 130

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

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

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

Ship operator's duties

Article 131

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

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

In the event referred to in 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.

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.

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



Ship operator's liability

Article 132

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

Ship operator shall be held liable for damages referred to in 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.

Ship operator, shipping company and manager shall be jointly and severally liable for damages referred to in paragraphs 1 and 2 of this article.

Shipmaster

Article 133

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

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

Shipmaster shall be designated by ship operator or shipping company.

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

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

Article 134

When a ship intends a port call to disembark a sick or injured crewmember, passenger or other person for urgent medical assistance, 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.

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

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.



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.

Shipmaster's responsibility

Article 135

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

Shipmaster duties

Article 136

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.

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.

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

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.

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.

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.

Ship management

Article 137

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



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.

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

Life-saving measures and removal of danger to safety

Article 138

In case of events which cause danger to a ship or a towed or pushed ship or to persons on board, 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.

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.

Ship abandonment

Article 139

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

In the event referred to in 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.

Shipmaster may only abandon ship after having taken, within reason, all necessary measures referred to in paragraph 1 and 2 of this article.

Events endangering the safety of ship or its operation

Article 140

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

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

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.

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

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.

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

Immediate danger for safety of navigation

Article 141

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.

Shipmaster shall enter the notification referred to in paragraph 1 of this article in the ship's logbook.

Notification of endangered safety

Article 142

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.

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.

Imminent danger of war

Article 143

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.



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.

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.

Entering into salvage and ship operation contracts

Article 144

As ship operator's representative, acting on its behalf and for its account at a location outside of ship operator's place of business, 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.

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.

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.

Maintaining order and safety

Article 145

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.

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.

Restriction of freedom of movement

Article 146

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.

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



Reasoned measures referred to in paragraph 1 and 2 of this article shall be entered in the logbook.

Crewmember endangering navigation safety

Article 147

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.

Food and water rationing

Article 148

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.

Reasoned measures referred to in paragraph 1 of this article shall be entered in the logbook.

Absence without leave

Article 149

If a crewmember who is Montenegrin national leaves the ship without permission while in port, 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.

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.

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.

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.

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

Crewmember unable to return on board

Article 150



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

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

Failure to attempt saving a ship

Article 151

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

- 1) such attempts would put the ship and the persons under his command in grave danger or if he deems, given the circumstances of the case, any attempt to save persons in distress is bound to fail;
- 2) he learns of other ship being chosen to proceed to assistance and that the chosen ship has accepted to do so;
- 3) he learns from the 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.

Pertinent entry into the logbook

Article 152

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. LIVING AND WORKING CONDITIONS ON BOARD

Employment contract

Article 153

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.

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

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



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.

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

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.

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

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

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

Provisions of paragraph 1 to 8 of this article shall apply to crewmembers of floating facilities, as appropriate.

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

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

- 1) ship detention for longer than 30 days due to the faults in accordance with the SOLAS Convention or International Convention on Load Lines;
- 2) ship engaged on a voyage in a war zone, provided that the seafarer does not consent to go to such war zone.

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

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

Contents of the employment agreement referred to in paragraph 1 of this article shall be set by administration authority in charge of employment affairs.

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

Article 153a



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

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

- the shipping operator does not wish to cover the repatriation costs; or
- the shipping operator abandoned a seafarer without providing for his bare essentials, including: proper food, accommodation, fresh water supplies, necessary fuel for sustenance on board, required medical assistance; or
- the ship operator has otherwise unilaterally severed links with a seafarer, including failure to pay the contracted wages over a period of at least two months.

Insurance coverage or other financial security referred to in paragraph 1 of this article shall be procured to cover for:

- unpaid wages and other remuneration under the employment contract and the collective bargaining agreement for at least four months; and
- justified costs incurred by a seafarer, including return air flight, food and lodging from the moment of disembarkation until the return to his place of residence, required medical assistance, transportation of seafarer's personal effects and other incidental costs incurred from the moment of abandonment.

Insurance coverage or other financial security referred to in paragraph 1 of this article shall be held on board and available to seafarers on board and shall be made in English.

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.

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

Article 153b

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

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

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.



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.

Hours of work and night work

Article 154

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

Seafarers' maximum hours of work shall not exceed:

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

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

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

Hours of rest

Article 155

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

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

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

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

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



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

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

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

Annual leave

Article 156

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

Young seafarers

Article 157

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

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

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

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

Exceptionally, the provisions of paragraph 2 to 4 of this article shall not be applied if:

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

The circumstances referred to in paragraph 5 of this article shall be recorded, with reasons, and signed by the shipmaster.

Health and safety protection and accident prevention



Article 158

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

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

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

Medical care on board

Article 159

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

Accommodation and recreational facilities

Article 160

Ships should appropriate decent accommodation and recreational facilities.

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

The expert basis for drafting regulations referred to in 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.

Food and catering

Article 161

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

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

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

The 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.



Protection of seafarers' labour rights

Article 162

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

Crewing

Article 163

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

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

The approval referred to in 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:

- has at least one employee with at least two years of work experience in shipping business, with at least 12 months of sea service;
- be certified against ISO standards directly relevant for employment of seafarers, or certificate of management system in accordance with the MLC convention issued by a recognized organization, relating to mediation in the employment of seafarers
- have appropriate office space and equipment.

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

- ensure that a seafarer, before joining a ship, holds an employment agreement with a ship operator or a shipping company which is compliant with the law, collective bargaining agreement and international treaties;
- verify before signing the agreement referred to in 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;
- verify whether the seafarer meets the requirements for joining a ship in a certain capacity;



- keep records of seafarers seeking employment and employers reporting vacancies;
- keep records of seafarers who were employed through the crewing services provided by the legal person referred to in paragraph 2 of this article;
- upon the Ministry and NAO request, provide data referred to in indents 4 and 5 of this paragraph.

The legal person referred to in paragraph 2 of this article shall not be allowed to charge seafarers for the crewing services provided.

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

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.

Maritime labour certificate and declaration of maritime labour compliance

Article 164

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.

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

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

Documents referred to in paragraph 1 of this article shall be issued by AMSPM.

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.

Seafarer's wages

Article 165

Seafarers on board ship shall be paid monthly wages in accordance with the employment agreement.

Seafarer shall be entitled to increased wage on the account of overtime work in accordance with the law and collective agreement.

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

The records referred to in paragraph 3 of this article shall be verified by the seafarer once a month.



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

Transmission of all or part of earnings

Article 166

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

On-board complaint procedures

Article 167

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

If the complaint referred to in paragraph 1 of this article is lodged on board ship, it shall be recorded in the ship's logbook.

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

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

XI. SEARCH AND RESCUE

Rendering assistance and rescue

Article 168

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

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

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

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



Search and rescue duty

Article 169

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

Search and rescue operations

Article 170

Search and rescue of endangered persons, ships and items shall be conducted by AMSPM.

National plan for search and rescue at sea

Article 171

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

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

Search and rescue of yachts

Article 172

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

XII. SHIP NATIONALITY AND IDENTIFICATION

Montenegrin nationality of a ship

Article 173

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

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

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

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

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

A ship with no crew on board shall not have the right and duty to fly the flag referred to in paragraph 4 of this article.



Boats registered in the Boat Register shall fly the flag of Montenegro when outside Montenegrin inland and territorial waters.

The rules for flying the flag and the age of ships according to the type of ships which may be registered in the Ship Register of Montenegro shall be set by the Ministry.

Marking of ship's Montenegrin nationality

Article 174

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

Name and registration marking

Article 175

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

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

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

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

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

Call sign and MMSI number

Article 176

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

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

Port of registry

Article 177



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

The port of registry is the port where the seat of the Harbour Master Office maintaining the register of ships is situated.

XIII. INVESTIGATION OF MARITIME ACCIDENTS

Investigating maritime accidents

Article 178

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.

Any serious or very serious maritime accident must be thoroughly examined and analysed, independently of the investigation conducted by the competent state authorities.

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.

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.

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.

Investigation Commission

Article 179

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.

The initiation and conduct of maritime accident investigations shall not be prohibited or restricted in any way.



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.

Investigation Commission shall:

- 1) investigate maritime accidents of vessels;
- 2) make safety recommendations in order to improve safety in maritime traffic;
- 3) maintain a database on maritime accident investigations;
- 4) submit data from the database to the International Maritime Organization and other international organizations, in accordance with international agreements;
- 5) cooperate with other investigative bodies for the investigation of maritime accidents of members of the International Maritime Organization;
- 6) publish results of investigations in compliance with the principle of confidentiality;
- 7) propose and update the roster of independent experts for maritime incident and accident investigation (hereinafter: Roster of Experts);
- 8) submit to the Government its annual activity report not later than 31 March of the current year for the previous year; and
- 9) perform other tasks relevant for maritime incident and accident investigation.

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.

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.

Composition of the Investigation Commission

Article 180

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.

The Investigation Commission shall be represented and its work managed by the chief investigator.

If necessary, experts from the Roster of Experts may also participate in the work of the Research Commission.



The chief investigator may form a team of expert from the Roster of Experts in order to investigate accidents.

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.

Members of the Investigation Commission are entitled to remuneration for their work.

Funds for the work of the Research Commission are provided from the State Budget.

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.

Databases

Article 181

- not in effect -

Investigation of maritime accidents and incidents of yachts

Article 182

- not in effect -

XIIIa. TRANSPORT OF PASSENGERS AND / OR GOODS IN INTERNAL MARITIME TRAFFIC

Transport of passengers and / or goods

Article 182a

Transport of passengers and / or goods in internal maritime traffic shall be performed as:

- scheduled year-round transport;
- seasonal transport;
- tramp service; and
- ferry transport.

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.

Scheduled year-round transport of passengers and / or cargo

Article 182b



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.

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).

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.

Transportation referred to in paragraph 1 of this Article shall be performed according to the schedule of navigation (hereinafter: navigation schedule).

Seasonal transport of passengers and/or goods

Article 182c

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.

Transportation referred to in paragraph 1 of this Article may be performed by legal or natural persons registered in the CRPS.

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.

The transportation referred to in paragraph 1 of this Article shall be performed according to the navigation schedule.

Tramp service transport of passengers and / or goods

Article 182d

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.

The transport referred to in paragraph 1 of this Article may be performed as an excursion tour or taxi transport.

Transportation referred to in paragraph 1 of this Article may be performed by legal or natural persons registered in the CRPS.



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.

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.

The appearance of the mark referred to in paragraph 5 of this Article shall be prescribed by the Ministry.

Navigation schedule

Article 182e

The navigation schedule is prepared by AMSPM with the consent of the Ministry.

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.

The navigation schedule shall be published on the website of AMSPM.

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.

The carrier is obliged to perform transportation and dock at the docks in accordance with the published sailing schedule.

Transport license

Article 182f

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.

The public call for licences referred to in paragraph 1 of this Article shall be announced and the procedure shall be conducted by AMSPM.

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.

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.



License from paragraph 1 and 4 of this article shall contain:

- 1) name and address of the carrier;
- 2) type of transport;
- 3) conditions, manner and duration of the transport license;
- 4) amount, deadlines, conditions and manner of payment of the fee for the transport license fee;
- 5) mark, i.e. name of the vessel with which the transport will be performed.

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.

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.

The fee referred to in paragraph 7 of this Article for year-round transportation shall be paid annually.

The fee referred to in paragraph 7 of this Article is the revenue of the State Budget.

The amount of compensation referred to in paragraph 7 of this Article shall be determined by the Government.

License revocation

Article 182g

License referred to in Articles 182b, 182c and 182d of this law, shall be revoked if:

- 1) the carrier does not perform the transport in accordance with the license;
- 2) the carrier does not start the transport within the period determined by the license;
- 3) the carrier did not pay due license fees;
- 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) the carrier does not perform transport in accordance with approved ticket prices;
- 6) the carrier does not adhere to the harmonized and published sailing schedule.

Priority of docking

Article 182h



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.

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.

Price list of services in internal maritime transport

Article 182i

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.

The carrier is obliged to sell tickets for internal maritime transport through intermediaries, in the carrier's offices or on vessels.

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.

Ferry transport between wharfs

Article 182j

Transport by ferry can be performed by legal entities registered in the CRPS for passenger transport.

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.

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.

The concession referred to in paragraph 3 of this Article shall be granted for a period of up to 30 years.

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.

The award of a concession is made in accordance with the law governing concessions.

Concession procedure

Article 182k

The procedure for granting a concession referred to in Article 182j of this Law shall be initiated by AMSPM, by issuing a concession act.



The concession act, in addition to the elements determined by the law governing concessions, shall also contain:

- 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) analysis of the environmental impact assessment;
- 3) mandatory minimum frequency of line maintenance traffic;
- 4) analysis, assessment and balancing of risks between the grantor and the concessionaire;
- 5) rights, obligations and responsibilities related to occupational health and safety in accordance with the law.

The concession contract shall be entered with the selected bidder, after the procedure has been carried out in accordance with the law governing concessions.

Concessionaire's sailing schedule

Article 182I

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.

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.

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.

The concessionaire is obliged to transport passengers at prices agreed upon by AMSPM.

XIV. SUPERVISION

Article 183

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

Inspection supervision shall be conducted by Port State Control Officers (hereinafter: PSC Officer) and by maritime safety inspectors.

Supervision over the crewing, in accordance with this Law, is performed by the administrative body responsible for inspection affairs, through labour inspectors.

Article 183a



The PSC officer, in addition to the conditions set by legislation governing civil servants, must also meet the following conditions:

- 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) have at least five years of seagoing service as a deck officer or engine officer;
- 3) to have completed higher education VII level of education qualification (240 or 300 CSPK credits) of nautical or ship engineering profession;
- 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) 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) 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) 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.

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.

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.

Training and periodic assessment referred to in paragraph 1, item 7 of this Article shall be provided by the Ministry.

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.

The PSC officer and the maritime safety inspector independently perform inspection supervision, reach decisions in administrative proceedings and implement other measures within their competence.

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.



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.

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.

Scope of inspection conducted by PSC officers

Article 184

The PSC officer supervises foreign vessels and their crews in internal and territorial sea, including ports and anchorages of Montenegro.

In order to perform the tasks within their competence, the PSC officer has free access to the shore and a foreign vessel.

The PSC officer supervises:

- 1) safety of navigation and seaworthiness of a foreign vessel, protection of human lives and protection of the environment;
- 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) performing international public transport of persons or goods by sea;
- 4) crew members of a foreign vessel;
- 5) implementation of occupational health and safety;
- 6) by performing of pilotage;
- 7) floating facilities intended for international maritime transport for the purpose of their safe use and navigability;
- 8) towing or pushing of foreign vessels.

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.

Determining priority of inspection supervision

Article 184a

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.



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.

The categories of inspection supervision are:

- 1) periodic inspection supervision and
- 2) additional inspection supervision, which may require the performance of an inspection in the period between periodic inspections.

Periodic inspections of a foreign vessel shall be carried out at the following intervals for foreign vessels:

- high risk (HRS) - between five and six months after the last inspection in the Paris MoU region.
- Medium risk (SRS) - between ten and 12 months after the last inspection in the Paris MoU region.
- low risk (LRS) - between 24 and 36 months after the last inspection in the Paris MoU region.

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.

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) Priority I: foreign vessels must be inspected because the time interval has expired or because there is a deciding factor;
- 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.

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.

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.

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.

Types of inspections of foreign vessels

Article 184b

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.



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).

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.

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.

Initial inspection of foreign vessels

Article 184c

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.

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.

During the Initial inspection of a foreign vessel, the PSC officer checks:

- ship's documents, records and books, appropriate certificates and their validity period and other necessary ship's documentation;
- 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 forecabin, cargo holds/area and machinery space meet generally accepted international rules and standards;
- 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.

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.

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.



More detailed inspection of foreign vessels

Article 184d

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.

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.

More detailed inspection includes a thorough inspection of:

- areas where obvious reasons for further detailed inspection of the foreign vessel after the inspection referred to in Article 184c have been identified;
- areas affected by Overriding and Unexpected Factors;
- 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.

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.

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.

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.

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.

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.

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.



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.

Expanded inspection of foreign vessels

Article 184e

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.

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.

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.

Article 185

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.

Determining deficiencies

Article 185a

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 deficiencies cause prohibition of cargo operations of a foreign vessel, in accordance with PSCO Manual.

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.

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.

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) 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) 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) appropriate actions are taken on board vessel to correct deficiencies, in accordance with the requirements of the PSC officer; and
- 4) PSC officer, after receiving the notification on the eliminated deficiencies which endangered the safety, human health or the environment, confirmed their elimination.

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.

Official record of conducted inspection

Article 185b

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.

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.

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.

Appearance and content of the blank form of records from paragraph 1 and 2 of this Article shall be prescribed by the Ministry.

Foreign vessel banning after multiple detentions

Article 186

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:

- 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



- 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.

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.

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.

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.

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.

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.

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.

Prohibition of entry of a foreign vessel after another prohibited entry

Article 186a

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.

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.

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:

- 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;
- 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;



- 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;
- the requirements of the PSCO Manual are fulfilled.

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.

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.

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.

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.

Foreign vessel banning on the basis of other events

Article 186b

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.

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.

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.

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 Office may order the administrative body responsible for internal affairs to remove the foreign vessel from the internal sea waters and territorial sea of Montenegro.

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.

Detention of a foreign vessel

Article 187

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.

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.

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.

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.

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.

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

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.

Detention order and ban on cargo operations of a foreign vessel in accordance with provisions of the MLC Convention

Article 187a

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.

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.

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.

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.

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

Prohibition of cargo operations on foreign vessels

Article 187b

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.

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.

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.

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.

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.

Crew on a foreign vessel

Article 187c



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.

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.

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.

Article 187d

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.

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.

Conditional exemption of a foreign vessel from a detention order

Article 188

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 a shipyard, which decision shall be issued by filling out a form prescribed by the Ministry

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

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.

Right to appeal

Article 188a

An appeal may be lodged with the Ministry against the decision of the PSC officer.



The appeal does not delay enforcement of the decision.

The procedure and deadlines for filing an appeal are prescribed by the Law on Administrative Procedure.

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.

Powers of maritime safety inspectors

Article 188b

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.

The maritime safety inspector supervises:

- 1) the capabilities of the maritime facility for navigation, protection of human lives and protection of the environment;
- 2) documents, records and books, appropriate certificates and their validity period and other necessary documentation of the maritime facility;
- 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) 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) maintenance and marking of waterways in the territorial sea and internal waters and facilities for safety of navigation on those waterways;
- 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) transportation of persons and things in terms of protection of human lives and property;
- 8) transportation of passengers and / or items in internal maritime traffic;



9) navigation and pilotage;

10) safety of installations for the production of hydrocarbons.

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.

Inspection activities from paragraph 2 item 1, 2, 6, 7, 8 and 9 of this Article, shall also be performed by AMSPM.

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.

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.

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.

Article 189

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) whether the maritime facility has valid prescribed ship documents and ship books;
- 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) whether the maritime facility meets the conditions specified in Article 52, 75 and 83 of this law;
- 4) whether the prescribed mark of the cargo line, i.e. freeboard is marked on the sides of the vessel;
- 5) training of the crew in handling boats and other rescue equipment and devices for detecting, preventing and extinguishing fires.

Inspection supervision also includes checking whether the maritime facility has a valid cargo register and whether the condition of the loading, unloading or transshipment device corresponds to the data from the cargo register.

Article 190



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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

The provisions of Article 189 and 190 of this Law shall apply accordingly to other navigable and floating offshore facilities.

Article 191



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.

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) 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) 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 transshipment or if there is a danger of polluting the environment due to a faulty device;
- 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.

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.

The provisions of this Article shall apply *mutatis mutandis* to ports open to inland traffic.

Article 192

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) 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) temporarily prohibit navigation on that waterway if measures for safe navigation have not been undertaken.

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.

Article 193

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.

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.

Article 194

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.

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.

Article 195

- not in effect -

Article 196

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) whether the legal entity performing the activity of crewing of seafarers has a permit;
- 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.

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.

Article 197

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.

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.

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.



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.

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.

Article 198

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.

An appeal against the decision referred to in paragraph 1 of this Article shall not delay enforcement of the decision.

XV. PENAL PROVISIONS

Article 199

A legal entity is punishable by a fine ranging from EUR 1,500 to EUR 20,000 if:

- 1) a vessel is anchored or kept in prohibited anchorage zones (article 7 paragraph 2);
- 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) 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) sailing speed of the vessel exceeds prescribes speeds (article 10 paragraph 2);
- 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) 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) 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) 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) 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) 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) a vessel overtakes in a narrow channel a ship that only sails safely inside a narrow channel (article 10a paragraph 6);
- 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) it anchors a vessel in a narrow channel (article 10a paragraph 8);
- 14) during public transportation activities accepts for transport persons or goods above the limits of allowed deadweight (article 12);
- 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) a ship operator does not adhere to the established and published sailing schedule (article 13 paragraph 4);
- 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) it does not remove the ship from the waterway and place it in the port for safekeeping (article 26 paragraph 2);
- 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) 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) a ship arriving in and out of port does not announce its arrival and departure from port (article 28 paragraph 5);
- 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) 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) 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) it conducts pilotage activities without the approval of the Ministry (article 36 paragraph 1);
- 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) a pilot vessel is not marked and is not using pilot call signs (article 36 paragraph 4);
- 37) it does not provide for and perform pilot training (article 39 paragraph 8);
- 38) during pilotage, the pilot leaves the command bridge of the piloted ship before the completion of the pilotage (article 40 paragraph 1);



39) during pilotage, pilot abandons the command bridge of a piloted ship before pilotage is completed (article 40 paragraph 2);

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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) a ship carrying dangerous goods must have antidotes in its pharmacy on board (article 49 paragraph 12);
- 52) it does not provide stocks of medicines and medical devices on the ship (article 49 paragraph 13);
- 53) it does not conduct a basic survey of a ship in a time and manner prescribed by article 54 of this law;
- 54) it does not conduct regular surveys in prescribed intervals (article 55);
- 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) it does not maintain the ship and equipment in a condition that ensures the ship's seaworthiness (article 58);
- 57) without prior notification to AMSPM conducts alterations of the ship's construction, machines, devices, equipment or other parts (article 59);
- 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) 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) 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) 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) 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) ships referred to in article 65 paragraph 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) 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) 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) 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) 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) foreign ship that pays a fee in the Montenegrin port for calibration does not conduct calibration (article 68);

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) 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) 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) 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) 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) 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) 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) 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) 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) it does not perform regular boat survey in prescribed deadlines (article 86);



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) 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) it transports on board a boat more persons than allowed (article 89 paragraph 2);

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) 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) calibration was not repeated after alterations of the boat (article 91 paragraph 6);

85) a boat for personal use is operated by a person with age of less than 16 years (article 93 paragraph 1);

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) 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) 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) 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) 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) 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) it rents a boat and does not check whether the charterer has a certificate for the boat operator (article 94 paragraph 3);

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) 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) 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) 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) a boat does not have a mark (article 104);

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) 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) crewmembers performing tasks for ensuring ship operation do not hold pertinent certificates of proficiency (article 108 paragraph 1 and 3);

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) 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) 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) 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) an officer, while on watch duty, leaves the watch post (article 121 paragraph 2);

106) at port, at least 1/3 of minimum ship complement is not on board (article 121 paragraph 5);

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) a fishing vessel while in port does not have at least one deck and engine crewmember each on board (article 121 paragraph 7);



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) in areas of heavy traffic, in conditions of restricted visibility and in other situations when under automatic steering, it is not possible to assume manual helm control by the watch duty officer (article 122);

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) 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) 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) it does not obtain insurance coverage or other financial security to cover repatriation costs for crewmembers (article 127 paragraph 6);

115) it does not make available to crewmembers the regulations concerning their right to repatriation (article 127 paragraph 7);

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) 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) 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) 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) 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) 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) a crewmember is not compensated for damages sustained to their personal belongings which have been destroyed or damaged during shipwreck or other accident (article 131 paragraph 1);

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) 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) 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) 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) 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) 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) 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) 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) a seafarer younger than 18 years old is working at night (article 154 paragraph 4);

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) 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) it does not maintain records of seafarers' daily hours of work and of their daily hours of rest (article 155 paragraph 6);

135) a person younger than 16 years of age is working on the ship (article 157 paragraph 1);



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) 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) guidelines about health and safety protection and accident prevention procedures are not carried on board (article 158 paragraph 2);

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) a seafarer is not provided with free of charge visit to a physician or dentist in ports of call, where possible (article 159);

141) the ship does not provide appropriate accommodation and recreational facilities (article 160 paragraph 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) persons employed in the catering department are not trained or qualified for their positions (article 161 paragraph 2);

144) on a ship with 10 or more crewmembers there is not qualified ship cook (article 161 paragraph 3);

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) 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) 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) 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) 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) 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) seafarers on board ship are not paid monthly wages in accordance with the employment agreement (article 165 paragraph 1);

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) does not enable the seafarers to transmit all or part of their earnings to their families or other dependants (article 166 paragraph 1);

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) a ship that has acquired Montenegrin nationality does not fly the Flag of Montenegro (article 173 paragraph 4);

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) 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) 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) a ship does not bear the name of its port of registry (article 177);

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) 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) 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) 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) 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) 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) 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) 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) 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) 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) does not perform transportation and dock at the docks in accordance with the published sailing schedule (article 182e paragraph 5);

171) does not sell tickets for internal maritime transport through intermediaries, in the carrier's offices or on vessels (article 182i paragraph 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) 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) does not transport passengers at prices agreed upon by AMSPM (article 182l paragraph 4).

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.

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

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.

Article 200

- not in effect -



Article 201

- not in effect -

Article 202

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) 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) 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) 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) 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) vessels while sailing in Montenegrin internal and territorial waters approach the coasts at a closer distance than allowed (article 21 paragraph 1);
- 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) 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) glides by speedboat at a distance of less than 200 m from the shore (article 21 paragraph 6);
- 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) 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) 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) a ship leaves the port or anchorage without the approval for departure given by the Harbour Master Office (article 28 paragraph 3);



- 13) if a vessel not granted free pratique was approached by vessels not listed in article 29 of this law;
- 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) 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) safeguarding and maintaining of a laid-up vessel is not conducted by its crew (article 32 paragraph 1);
- 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) shipmaster does not request port pilotage, no later than two hours before arrival, departure, transferal or moving alongside (article 37 paragraph 4);
- 19) a pilot is conducting pilotage without holding a pilot's license, issued by the Harbour Master Office (article 39 paragraph 1);
- 20) during the pilotage, the pilot is not wearing wear an official suit a pilot's ID (article 40 paragraph 1);
- 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) 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) 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) a pilot does not inform the Harbour Master Office via VHF radio about the started and completed piloting (article 40 paragraph 5);
- 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) pilot caused the damage intentionally (article 43 paragraph 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) 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) 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) 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) shipmaster does not take care of performing all duties related to ship operations (article 136 paragraph 1);

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) shipmaster is not present at all times on board during voyage (article 136 paragraph 3);

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) 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) 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) 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) shipmaster does not personally manage the ship whenever ship safety requires so (article 137 paragraph 2);

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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) shipmaster does not dismiss from duty the crewmember endangering the safety of voyage (article 147);
- 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) 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) 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) 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) 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) he or she does not keep records on overtime work (article 165 paragraph 3);
- 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) a vessel does not comply with sailing schedule and does not leave the port (article 182h paragraph 1).

XVI. TRANSITIONAL AND FINAL PROVISIONS

Adopting of secondary legislation

Article 203

Secondary legislation for implementing this law shall be adopted within two years from the day this law becomes effective.

Until the implementing legislation referred to in 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.

Article 203a

Secondary legislation for implementing this Law shall be adopted within one year from the day this Law becomes effective.

Until the implementing legislation referred to in 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.

Article 203b

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.

Establishment of the Investigation Commission

Article 204

The Investigation Commission shall be established within 180 days from this Law entering into force.

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.

Validity of documents

Article 205

Authorisations, permissions, approvals, certificates and other documents issued before this Law became effective shall be valid until their expiry.

Validity of certificates of competency and proficiency of seafarers and of ship documents

Article 205a

Certificates of competency and proficiency of seafarers and ship documents issued until this law enter into force shall remain valid until their date of expiration.

Application of the law

Article 206

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.

Article 206a

Provisions contained in articles 45a and 45b of this law shall be applied as of 01 January 2021.

Article 206b

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.

Article 206c

Provision contained in article 114 paragraph 2 of this law shall be applied as of 01 June 2022.

Article 206d

Provision contained in article 101 paragraph 7 of this law shall be applied one year after the day of this law entering into force.

Article 207

State administration authority responsible for maritime affairs is mandated to adopt, by 31 December 2014, the plan, measures and actions to maintain waterways, place navigation safety facilities in line with Articles 2, 7 and 8 above, particularly at Bojana River and its mouth.

Article 207a

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.

Repeal of legislation

Article 208

The provisions of the Law on Maritime and Internal Navigation (Official Gazette of the Federal Republic of Yugoslavia 12/98, 44/99 and 73/00) referring to safety of navigation at sea, with the exception of articles 42, 164, 167, 169, 170, 172, 174, and 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.



Entry into force

Article 209

This Law shall enter into force on the eight day upon its publication in the Official Gazette of Montenegro.

