**LAW ON THE PREVENTION OF SEA POLLUTION FROM VESSELS**

I GENERAL PROVISIONS

**Article 1**

This Law regulates the protection of the sea against pollution from vessels navigating or staying in inland sea waters and territorial sea of Montenegro (hereinafter referred to as the ‘waters of Montenegro), reception and management of waste in ports as well as liability and compensation for damage in case of pollution.

**Article 2**

The vessels flying the flag of Montenegro and vessels flying a foreign flag are allowed to navigate in the waters of Montenegro in compliance with the provisions of this Law and other laws which regulate the safety of navigation, if their construction and navigational qualities, engines, installations and equipment which serve to maintain vessel’s safety of navigation, by its technical qualities, quantities, types and arrangements on board are in conformity with the technical requirements of the International Maritime Organization (IMO).

Control of compliance with the requirements referred to in paragraph 1 of this Article for domestic vessels is conducted by the competent authority for the safety affairs (hereinafter referred to as the ‘competent authority’) or an organization recognized by the European Commission to conduct technical survey and statutory certification of seagoing vessels (hereinafter referred to as the ‘recognized organization’), in accordance with the law dealing with the safety of navigation.

On the basis of survey performed and compliance with the requirements set in paragraph 1 of this Article, competent authority or recognized organization shall issue appropriate certificates (ship’s papers, certificates, books, records, etc.).

**Article 3**

Terms used in this Law shall have the following meanings:

1. address means the name or term and the communication link whereby contact may be made with the owner, agent and authorized organization in possession of detailed information regarding the vessel;
2. ballast water means the water taken on board a ship from sea, river or lake to control longitudinal and traverse trim, draught, stability and stresses of the ship, and which is not transported as cargo;
3. tonnage measurement of a ship means establishing the tonnage of a ship;
4. ship means a vessel intended for sea navigation including hydrofoils, hydroplanes and floating vessels, other than warships and ships used by competent authorities;
5. clean ballast is the ballast in a tank which, since oil was last carried therein, has been so cleaned that effluent therefrom if it were discharged from a ship into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines and does not exceed 15 ppm;
6. double hull means a presence of two hulls between the cargo transported on a ship and the sea in order to prevent the leakage of cargo into the sea in case of the damage in the ship’s outer hull;
7. emission is a release of harmful gases into the atmosphere or the sea, generated by combustion of waste in ship’s incinerators, combustion of fuel oil as well as gases from ship’s systems and equipment;
8. sewage is drainage from ship’s toilets, medical premises (pharmacy, dispensary, etc.), drainage via wash basins, wash tubs, scuppers located in such premises, drainage from spaces containing living animals as well as other waste waters when mixed with emissions;
9. Floating Production Storage Object (FPSO) means a floating object with a system of tanks which is intended for production, refinement, storage and transfer of oil;
10. Floating Storage Object (FSO) is a floating object intended exclusively for storage of oil;
11. discharge means any discharge from a vessel, including: release, disposal, spilling, leaking, pumping, emitting or emptying;
12. IMO number is the international identification number which is assigned to all vessels carrying more than 12 passengers and of 100 GT or less;
13. bilge water is oily water collected in machinery spaces as well as water from bilge water holding tanks and generated from cargo residues and atmospheric precipitations;
14. garbage means food waste, other than fresh fish and parts thereof, domestic waste from ship’s spaces (paper, rags, glass, metal, bottles, crockery, etc.), other than sewage, and any waste generated during normal maintenance of a ship (waster from regular maintenance or operation of a ship, waste material resulted from cargo fastening or handling, cleaning agents and additives), all types of plastic, cargo residues in accordance with MARPOL Annex V, other than cargo dust which remained on a deck after sweeping or dust on a ship’s outer surfaces, cooking oil, fishing gear (equipment or part thereof or a combination of parts which can be placed on or in water or on the sea bed with the intent to catch or control for subsequent catching or breeding of sea or fresh water organisms), generated during the normal operation of a ship and which are disposed of regularly or periodically, including animal carcasses;
15. port beneficiary means the competent body, or legal entity which manages a port or part thereof or legal entity or natural person who is awarded the right to use a port or part thereof (concession);
16. shipper means a person who, on the basis of a contract, delivers the cargo to the operator for transport;
17. list or manifest means a ship’s document setting forth a list and details of cargo including: markings and numbers, types of packaging, port of loading and unloading, name and IMO number, ship master’s name, as well as information on the shipper;
18. port means the sea or with sea immediately connected land area with developed or undeveloped coasts, piers, jetties, buildings, equipment and facilities intended to provide port services and provision of other activities which have economic, transportation and technological connection;
19. Maritime Mobile Service Identity (MMSI) number is the International Maritime Telecommunication Identification Number;
20. billing control unit means a special drawing right as defined by the International Monetary Fund;
21. segregated ballast is the ballast water introduced into a tank which is used exclusively for the carriage of ballast and which is separated from the liquid cargo and fuel system;

21a) hazardous material means material as defined in accordance with the International Maritime Dangerous Goods Code (IMDG Code), Article 17 of the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code), Article 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) and Annex B of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code);

1. operator means the person which has concluded a contract with a shipper, and it can be the owner, charterer, manager or agent of the ship;
2. waste is unnecessary, unwanted or superfluous material left over upon completion of a process on the vessel;
3. waste oil means oil unfit for use, produced or generated on the vessel;
4. P&A Manual is the manual on procedures and measures related to cargo, cargo residues and ballast waters for vessels carrying noxious liquid substances in bulk;
5. cargo load plan means a plan for the distribution of loaded cargo into ship’s cargo holds or tanks, meaning that it shows the ship’s holds or tanks in horizontal, vertical or other appropriate cross-section with plotted positions of individual lots;
6. vessel means a ship, technical vessel, floating facility, boat and all objects in the marine environment including: hydrofoil vessels, hovercrafts, submarines, floating objects and fixed and floating platforms;
7. special area means a marine area which for its justified natural reasons in regard to its oceanic and ecological condition as well as for the special character of maritime traffic which takes place within it requires the application of special mandatory methods against pollution;
8. extensive condition assessment scheme means the method of survey with the purpose of establishing constructional weaknesses of the hull on single hull oil tankers of 15 years and over;
9. dumping is every deliberate disposal of waste or other substances from the ship into the sea;
10. ppm (ml/m3) means a millionth part of oil or a chemical per million parts of liquid by volume;
11. call sign means a number which is used for maritime identification of ships;

32a) recreational craft means a ship intended for sport and recreation, regardless of propulsion;

1. anchorage means a regulated and marked part of the sea intended for berthing of ships;
2. pollution incident means an occurrence or series of occurrences having the same origin, which results or may result in a pollution;
3. shipboard incineration means any deliberate incineration of waste with the purpose of its thermic destruction;
4. crude oil means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation and includes crude oil from which certain distillate fractions may have been removed and crude oil to which certain distillate fractions may have been added;
5. damage to the marine environment is the consequence of an occurrence which causes pollution damage or poses an immediate threat of such damage;
6. noxious substance means any hazardous and harmful substances other than oil which, if introduced into the marine environment, are likely to cause pollution of the marine environment and hazard to human health;
7. slop tank means a tank on an oil tanker which is used for collecting oil and oily mixtures from cargo tanks generated during their washing and cleaning;
8. tank means an enclosed space in the ship’s structure and designed for the carriage of liquid in bulk;
9. category 1 tanker means an oil tanker of 20.000 GT and above without protected segregated ballast tanks carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and an oil tanker of 30,000 GT and above carrying oil other than the above;
10. category 2 tanker means an oil tanker of 20.000 GT and above with protected segregated ballast tanks carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and an oil tanker of 30.000 GT and above carrying oil other than the above;
11. category 3 tanker means an oil tanker of 5.000 GT and above but less than specified for category 1 and 2 tankers;
12. oil tanker means a self-propelled ship constructed or adapted to carry oil in bulk in specially designated tanks;
13. heavy fractions of oil means:

* crude oil/petroleum with density greater than 900kg/m3 at the temperature of 15°C,
* fuel oil/petroleum with density greater than 900kg/m3 at the temperature of 15°C or kinematic viscosity greater than 180mm2/s at the temperature of 50°C,
* bitumen, tar or their emulsions;

1. heavy oil means an oil consisting of heavy distillates, crude oil residues or their mixture;
2. heavy oil residues means residues of oil generated by separation of heavy oil and lubricating oil, as well as oil extracted by a bilge separator from the bilge water;
3. oil means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products whether or not carried on board as cargo or used as bunker;
4. UN number means a four digits number (from 0001 to 3500) used in international commerce and transportation to identify hazardous substances or classes of hazardous substances and preceded by letters ‘UN’ in accordance with International Maritime Dangerous Goods Code (IMDG Code) which the International Maritime Organization (IMO) has allocated according to their characteristics;
5. packaged form means a form of containment specified for harmful substances;
6. register of ships means a book with a collection of documents where particulars on ship’s identity, technical characteristics, particulars on ship’s owner and law of real property are registered;
7. pollution means direct or indirect discharge, dumping or emitting of substances into the sea or air, including maritime incidents which result or are likely to result in harm to living resources and marine organisms, hazards to human health, hindrances to marine activities including fishing and other legitimate uses of the sea, impairment of the quality of sea water and reduction of amenities;
8. oily mixture means mixture of water and oil with more than 15 ppm (ml/m3) of oil in its composition;
9. oily waste is a waste containing oil or oily mixture;

II POLLUTION FROM VESSELS

**Article 4**

In the waters of Montenegro, the following is prohibited:

* discharge of oil, oily mixtures, bilge water and oily waste;
* discharge of harmful substances which are temporarily established as such, water from tank washing or other mixtures which contain such substances;
* discharge and disposal of harmful substances in packaged form on the sea bed;
* disposal of garbage;
* discharge of harmful substances into the air;
* discharge of ballast waters and sediments from ballast tanks if they contain harmful substances, pathogens and invasive species;
* application of anti-fouling systems if they contain biocide organotin compounds;
* intentional dumping, incineration and burying of waste and other material on the sea bed.

Discharge of substances referred to in paragraph 1 of this Article may be performed at the request made by the Master or owner of a vessel and upon authorization by the competent authority for the maritime affairs (hereinafter referred to ‘the Ministry’) and with the consent of the competent body responsible for the environmental protection affairs.

The authorization referred to in paragraph 2 of this Article shall contain the following: date, quantity and reasons for discharging of substances, anti-fouling systems if they contain biocide organotin compounds and intentional dumping, incineration and burying or waste and other material on the sea bed.

Prohibitions referred to in paragraph 1 of this Article shall not apply to measures and activities which are:

* conducted for the purpose of securing the safety of a ship or saving life at sea; or
* conducted as the consequence of the damage to the vessel or her equipment; or
* conducted for the purpose of preventing pollution and eliminating its consequences.

**Article 5**

Prior to loading harmful substances onboard a ship a shipper shall supply the master or owner of the vessel with a declaration containing technical names, IMO numbers, classes of hazardous substances, quantities of these substances, address and identification markings of portable tanks and containers.

Hazard classes referred to in paragraph 1 of this Article means the classes of hazardous materials as defined in the International Maritime Dangerous Goods Code (IMDG Code) which the International Maritime Organization has allocated according to the characteristics of those materials.

Prior to loading radioactive cargo a shipper shall supply the master or owner of the vessel, in addition to the declaration referred to in paragraph 1 of this Article, with information on the type of ship and the quantity of radioactive cargo.

Conditions for the transport of hazardous materials in the maritime trade shall be prescribed by the Ministry.

**Article 6**

Prior to leaving a port the operator of a ship carrying hazardous material shall notify the closest Harbourmaster’s Office (hereinafter referred to as ‘Harbourmaster’s’) the following:

* name, call sign, IMO number or MMSI number;
* port of destination, estimated time of departure from the port and arrival at the port of destination;
* information referred to in the Article 5 of this Law; and
* declaration that the list or manifest, stowage plan and location of hazardous materials are available on board.

Harbourmaster’s shall make available a copy of information referred to in paragraph 1 of this Article to the competent body responsible for ports (hereinafter referred to as ‘Port authority’).

Exceptionally from paragraph 1 of this Article the operator of a ship carrying hazardous materials may be exempted from the requirement to submit the information under the conditions provided by the Ministry.

**Article 7**

The operator of a ship carrying hazardous materials coming from a port in a country outside the European Union (hereinafter referred to as ‘EU’) and bound for a port or anchorage in Montenegro shall notify the information referred to in Article 5 and 6 of this Law to a Harbourmaster’s upon departure from the previous port of loading.

The operator of a ship carrying hazardous materials coming from a port in a EU country and arriving at a port or anchorage in Montenegro shall notify the following particulars to a Harbourmaster’s:

* particulars referred to in Article 6, paragraph 1, item 1 and 2 of this Law;
* total number of persons on board.

Information referred to in paragraph 2 of this Article shall be notified at least 24 hours prior to departure of the ship or at the latest at the moment of departure from the previous port of loading if the voyage time is less than 24 hours.

**Article 8**

A ship carrying hazardous materials shall use pilot services when entering and leaving a port in Montenegro.

**Article 9**

A ship’s master who notices the pollution by oil or hazardous materials on waterway shall notify the information on the pollution by communication means to the closest Harbourmaster’s and the competent body.

The master of a ship referred to in paragraph 1 of this Article shall immediately or at the latest 24 hours from the observed pollution make a note on the pollution in the ship’s log.

The master of a ship shall submit a report on the pollution accompanied with the abstract from the ship’s log to a Harbourmaster’s within 24 hours after the arrival at the port.

If the pollution referred to in paragraph 1 of this Article occurred during navigation in international waters, the master of a ship flying the flag of Montenegro, shall submit a report on the pollution accompanied with the abstract from the ship’s log to the diplomatic or consular office of Montenegro in the country of the first port of call within 24 hours from the arrival.

**Article 10**

If a ship is involved in an accident or if a failure is found which affects the ship’s integrity and seaworthiness or integrity of the ship’s equipment for pollution prevention from oil and hazardous and noxious substances, the master or operator of the ship shall communicate this information as soon as possible to the competent authority or recognized organization for the purpose of the ship’s survey.

If the ship referred to in paragraph 1 of this Article is in a port of a state party to the convention which regulates the issuance of ship’s statutory documents, the master or operator of the ship shall notify without delay the competent authority of that port state.

The master or operator shall without delay and using communication links inform the port authority of the nearest coastal state about events connected to discharge or possible discharge of oil or hazardous substances.

**Article 11**

During navigation, the master of a ship can undertake measures for the restriction of freedom against any person who endangers the safety of the ship, crew members and passengers and other persons and goods on board a ship or the environment by pollution from oil or hazardous substances.

Freedom of movement referred to in paragraph 1 of this Article may be restricted for a foreign citizen not later than until the arrival of the ship at the first port of call, and to a Montenegrin citizen not later than until the arrival of the ship at the first port in Montenegro.

On the measures referred to in paragraph 1 and 2 of this Article the master of a ship shall draft a report, with an explanation, which shall be entered into the ship’s log.

**Article 12**

In case of the sea pollution from a ship the sampling and analysis will be performed with the purpose to establish the type of pollution and adequate measures to eliminate the pollution and identify the perpetrator.

Activities referred to in paragraph 1 of this Article shall be performed by the authorized competent body.

Sampling and analysis referred to in paragraph 1 of this Article shall be performed by an authorized legal person which complies with the following conditions:

* it is registered for activities in the field of environmental protection (sample taking and analysis);
* it has necessary professional expertise; and
* it has adequate equipment and installations.

Authorization of legal person referred to in paragraph 2 of this Article shall be performed by a decision issued by a competent authority responsible for environmental protection affairs.

The list of authorized legal persons referred to in paragraph 2 of this Article shall be published on the web page of the competent authority responsible for environmental protection activities.

Detailed conditions which have to be complied with by the authorized legal person referred to in paragraph 2 of this Article and the procedure for the authorization shall be prescribed by the competent authority responsible for environmental protection affairs, and talking into consideration the opinion of the competent authority responsible for the health affairs.

**Article 13**

The authorized legal person referred to in Article 12 of this Law shall perform sampling and analysis in accordance with the mandate issued by a safety of navigation inspector (hereinafter referred to as ‘the inspector’).

Sampling referred to in paragraph 1 of this Article shall be performed in a manner which will not cause undue delay to the vessel.

The costs of sampling and analysis shall be borne by the owner of the vessel which caused the pollution, and in the case when the offender is not known the costs shall be borne by the Ministry.

**Article 14**

In case of the sea pollution from a vessel the competent authority shall take all necessary measures to prevent, minimize and eliminate the effects of pollution in accordance with the contingency plan.

The plan referred to in paragraph 1 of this Article establishes the principles of actions, tasks and responsibilities of the competent officials as well as the manner of deployment of resources for emergency interventions.

The plan referred to in paragraph 1 of this Article is adopted by the Government of Montenegro (hereinafter referred to as ‘the Government’.

**Article 15**

Prevention, reduction and elimination of the effects of pollution from a vessel shall be performed solely by a legal persons registered for these activities if it complies with the requirements for professional and technical capacities.

Activities referred to in paragraph 1 of this Article shall be delegated to a legal person in accordance with the law regulating public procurements.

Mutual rights and responsibilities of the competent authority and the legal person referred to in paragraph 1 of this Article shall be regulated by a contract concluded for a five year period.

Conditions which have to be complied with by a legal person referred to in paragraph 1 of this Article shall be prescribed by a Ministry regulation and with the consent of the competent authority responsible for environmental protection affairs.

III SHIPS FOR THE TRANSPORT OF OIL AS CARGO OR BUNKER

**Article 16**

Oil tankers of 5.000 GT and above without double hull, category 1 tankers built in 1982 or earlier and category 2 and 3 tankers built in 1984 or earlier shall be prohibited to enter the waters of Montenegro.

**Article 17**

Oil tankers carrying heavy fractions of oil as cargo and without double hull shall be prohibited to enter the waters of Montenegro.

Provisions of paragraph 1 of this Article shall not apply to trade confined to a single port area.

**Article 18**

An oil tanker carrying heavy fractions of oil as cargo may be registered in the Montenegrin Register of Ships if provided with double hull and is in compliance with the law regulating the registration of ships.

**Article 19**

Harbourmaster’s may allow entering or leaving the waters of Montenegro to an oil tanker in distress and asking for a place of refuge or asking for the permission to enter or leave a shipyard.

**Article 20**

Fixed and floating platforms, including drilling platforms, floating facilities for production, storage and unloading of oil, and floating storage units as well as platforms for the production of gas shall, before their installation and use and the exploration and exploitation therein, comply with the technical requirements prescribed for the protection of the marine environment.

Conditions referred to in paragraph 1 of this Article shall be prescribed by the Ministry with the consent of the competent body responsible for environmental protection affairs.

**Article 21**

An oil tanker of 150 GT or above, as well as a ship of 400 GT or more, shall have the following:

* International Oil Pollution Prevention Certificate,
* Shipboard Oil Pollution Emergency Plan.

An oil tanker of 5.000 GT and above shall be fitted with the system for immediate access to computer programs related to damage stability and residual strength of a ship.

The form of international certificate referred to in paragraph1, item 1 of this Article shall be prescribed by the Ministry.

**Article 22**

An oil tanker of 150 GT or above shall be provided with an Oil Record Book.

The record book referred to in paragraph 1 of this Article shall have two separate parts:

* Part I: Machinery space operations, and
* Part II: Cargo/ballast operations.

Ships of 400 GT or above as well as other vessels with the propulsion machinery of 110 kW and above shall keep the Oil Record Book – Part I: Machinery space operations.

The record book referred to in paragraph 1 of this Article shall be kept both in Montenegrin and English language.

**Article 23**

A ship of 400 GT or above shall be equipped with one or more tanks for the disposal of heavy fractions of oil and oil residue of the capacity adequate for the type of propulsion machinery and the length of the voyage.

Inlet and outlet lines of tanks referred to in paragraph 1 of this Article shall be directly connected to the propulsion machinery through the standard discharge connection installed on the open deck.

A ship of 400 to 10.000 GT shall be equipped with the equipment for the treatment of bilge water with alarm in accordance with the regulations prescribing the allowed content of oil in bilge water and oily bilge.

A ship of 10.000 GT and above, beside the equipment referred to in paragraph 3 of this Article, shall be equipped with an automatic stopping device for bilge discharge.

**Article 24**

An oil tanker of 150 GT or above shall be equipped with the following:

* oil discharge control and management system;
* oil/water interface detector in slop tanks;
* slop tanks or cargo tanks constructed as slop tanks.

A new tanker for the carriage of crude oil of 20.000 GT and above and existing tanker for the carriage of crude oil of 40.000 GT and above shall be equipped with the following:

* separate ballast tanks adequate for the capacity and type of the tanker;
* washing systems for tanks used for carriage or storage of crude oil; and
* inert gas system.

A tanker for the carriage of crude oil products of 40.000 GT or above built on or before 31 July 1995 which did not undergo a major conversion shall use tanks dedicated for clean ballast.

**Article 25**

A ship for the transport of bulk cargo and an oil tanker of 5 years and above shall keep a file of reports on surveys performed with supporting documents, including a report on the Condition Assessment Scheme.

The report referred to in paragraph 1 of this Article shall be drafted and submitted by the recognized organization.

**Article 26**

The equipment referred to in paragraph 3 and 4 in Article 23 of this Law is not mandatory for ships navigating exclusively in a special area if the following conditions are satisfied:

1. they have tanks of adequate capacity for the storage of bilge water and oily mixtures until their discharge into port reception and treatment facilities;
2. the special area of navigation is stated on the ship’s International Oil Prevention Pollution Certificate; and
3. that the information on the quantity, time and port of delivery of bilge water and oily mixtures is recorded into the Oil Record Book – Part I: Machinery space operations.

**Article 27**

At least 24 hours after a ship’s arrival at a port in Montenegro, the master of the ship shall provide the closest Harbormaster’s office with a report on the quantity of heavy oil residues, waste oil, oily mixtures and bilge water with the date of their last discharge.

IV SHIPS FOR THE TRANSPORT OF NOXIOUS LIQUID SUBSTANCES IN BULK

**Article 28**

A ship intended for carriage of noxious liquid substances in bulk shall have:

1. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS Certificate);
2. Procedures and Arrangements Manual (P&A Manual) for the management of noxious liquid substances;
3. Cargo record book; and
4. Shipboard Marine Pollution Emergency Plan for Noxious Liquid Substances.

Cargo record book shall contain information on mandatory prewash of cargo tanks, loaded cargo, distribution of cargo per tanks, discharge of cargo, cargo tanks washing including crude oil prewashing of cargo tanks as well as other information relevant to the handling of cargo.

The record book referred to in paragraph 1, item 3 and 4 of this Article shall be kept both in Montenegrin and English language.

V SHIPS FOR THE TRANSPORT OF HARMFUL SUBSTANCES IN PACKAGED FORM

**Article 29**

Harmful substances carried as cargo have to be packed and labelled in a prescribed manner.

Packages containing a harmful substance referred to in paragraph 1 of this Article shall be marked with the correct technical name of the substance and also labelled to indicate that the substance is a marine pollutant.

The marking referred to in paragraph 2 of this Article shall be clearly visible and made of such water resistant material as will ensure that it will last at least three months from the date of its placing.

A ship built on or after 1 September 1984 and carrying harmful substances in packaged form shall have a Document of Compliance for ships carrying harmful substances in packaged form.

Detailed requirements concerning the manner and type of packaging, receptacles, containers and portable tanks and markings of harmful substances referred to in paragraph 1 of this Article shall be established by the Ministry’s regulation.

VI SEWAGE

**Article 30**

A ship of 400 GT or less carrying more than 15 passengers and crew members, and a ship of 400 GT and above shall have the International Sewage Pollution Prevention Certificate.

**Article 31**

Ships referred to in Article 30 of this Law shall have installed and functioning one of the following sewage systems:

1. a sewage treatment plant, or
2. a system to comminute and disinfect the sewage with the adequate storage space for the temporary retention of sewage when a ship is within three nautical miles from the nearest land, or
3. a storage tank the capacity of which is enough to retain the complete sewage until its discharge to a port reception and treatment facility, and the content of which shall be discharged through a standard discharge connection fitted on the open deck.

**Article 32**

The discharge of sewage into the sea is prohibited, except when:

1. a ship is discharging comminuted and disinfected sewage at a distance of more than 3 nautical miles from the nearest land or sewage, stored in holding tanks, which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land discharged at a moderate rate when the ship is en route and proceeding at not less than 4 knots;
2. a ship has in operation a sewage treatment plant referred to in Article 31, paragraph 1 item 1 of this Law;
3. when the discharge of sewage was performed for the purpose of saving life at sea or securing the safety of a ship,
4. when the discharge of sewage ensued as a result from damage to a ship or its equipment or other reasons which could not have been avoided and all reasonable precautions have been taken to prevent the discharge of sewage into the sea.

VII GARBAGE

**Article 33**

Not comminuted ship’s waste may be discharged into the sea outside a special area at a distance of more than 12 nautical miles from the nearest land or at a distance of more than three nautical miles from the nearest land in case of waste comminuted with grounding equipment with openings no greater than 25mm and if a ship is en route.

Exceptionally from paragraph 1 of this Article, food waste comminuted to a particle size able to pass through a screen with openings no greater than 25mm may be discharged into a special area at a distance of more than 12 nautical miles from the nearest land if the ship is en route.

Cargo residues that cannot be recovered from a boat using commonly available methods for cargo unloading, if they don’t contain harmful substances, may be discharged into the sea at a distance of more than 12 nautical miles from the nearest land, except in special areas.

Exceptionally from paragraph 3 of this Article, discharge of cargo material contained in cargo hold bilge water, if it doesn’t contain substances harmful to the marine environment, shall be permitted to be discharged into the sea at a distance of more than 12 nautical miles from the nearest land under conditions that the ship is on a voyage between two ports within the special area and that the ship will not transit outside this area and that no adequate reception facilities are available at these ports.

Carcasses of animals, cut into two, may be discharged into the sea at a distance of more than 100 nautical miles from the nearest land and at the maximum water depth, except when a ship is in a special area.

Water for cleaning of a ship’s deck and external surfaces and containing cleaning agents and additives may be discharged into the sea if it is safe for the marine environment.

**Article 33a**

Discharge of garbage from fixed or floating platforms, and all ships within 500 meters from such platforms, shall be prohibited.

Exceptionally from paragraph 1 of this Article, discharge of garbage into the sea shall be permitted if fixed or floating platforms are at a distance of more than 12 nautical miles from the nearest land and if the garbage was comminuted with a grounding equipment with screen openings no greater than 25mm.

**Article 34**

A ship of 12 meters in length or more and a fixed or a floating platform shall have visibly displayed Instructions for garbage management.

A ship of 100 GT or above shall have a Garbage Management Plan.

A ship of 400 GT and above, carrying 15 persons or more, and a fixed or a floating platform shall have:

* visibly displayed storage spaces for different types of garbage,
* a Garbage Management Plan, and
* a Garbage Record Book.

A Garbage Management Plan shall contain the description of procedures for collecting, storage, treatment and disposal of garbage.

VIII EMISSIONS OF HARMFUL SUBSTANCES INTO THE AIR

**Article 35**

The emission of harmful substances into the air from ships is prohibited, except in cases of exploration or exploitation of sea bed and laying of underwater cables, in cases when it is a matter of protection of safety of life and the environment and in accordance with an authorization granted by the competent body responsible for environmental protection affairs, provided that the attention was constantly paid to reduce the pollution to its minimum.

The authorization for the emission of harmful substances into the air shall be granted upon request by a legal or natural person performing activities referred to in paragraph 1 of this Article.

Detailed conditions under which the emission of harmful substances referred to in paragraph 1 of this Article may be permitted shall be prescribed by the competent body responsible for environmental protection affairs and with previous consent of the Ministry and the competent body responsible for carbohydrate affairs.

**Article 36**

Ships are prohibited the fitting of installations or systems which use or contain ozone-depleting substances.

Ships with already fitted installations and systems which use or contain ozone –depleting substances shall have visibly displayed instructions for the management and maintenance of those installations and systems.

Any ship of 400 GT and above and any platform shall have onboard a list of ozone-depleting substances and equipment and systems that contain those substances, as well as maintain an ozone-depleting substances record book.

The list referred to in paragraph 3 of this Article shall contain the following:

* type and mass of ozone-depleting substances, expressed in kilograms;
* markings and name of substances,
* description, quantity and location of equipment or systems that contain those substances.

The record book referred to in paragraph 3 of this Article shall contain information on the following:

* description and the location of the equipment,
* name and the quantity of substances expressed in mass units or kilograms respectively,
* actions taken during repair or maintenance of the equipment.

**Article 37**

Any ship of 400 GT and above shall be issued with an International Air Pollution Prevention Certificate, an International Energy Efficiency Certificate, and a Ship Energy Efficiency Management Plan.

Any fixed platform or a floating drilling platform shall be issued with an International Air pollution Prevention Certificate.

Beside the certificate referred to in paragraph 1 of this Article, a ship with a diesel engine of 130 kW or more shall be issued with an Engine International Air Pollution Prevention Certificate.

Vessels with installed diesel engines and installations and equipment used solely in cases of emergency shall not be required to have an Engine International Air Pollution Prevention Certificate.

A diesel engine with a power output of 130 kW or more installed on a ship whose keel is laid on or after January 1, 2000 shall be provided with a Technical File which contains particulars of the engine, coded parts of the engine, regulation of fuel injection timing, allowed tolerances, with a report on engine testing and the instructions on engine performance check, as well as the instructions for the engine operation.

**Article 38**

Any oil tanker carrying crude oil shall be issued with a Volatile Organic Compound Management Plan approved by a competent authority or a recognized organization.

**Article 39**

Any ship shall have onboard a bunker delivery note.

The note referred to in paragraph 1 of this Article shall be issued by the supplier with a sealed representative sample of the fuel oil delivered and those will be kept on board until full consumption of the fuel oil or up to 12 months from the date of the fuel oil delivery.

IX BALLAST WATER

**Article 40**

The master of a ship shall, insofar as it doesn’t endanger the safety of navigation and environmental protection, try to avoid or limit the uptake of ballast water in the areas where:

* the presence of harmful aquatic organisms is known,
* there are factory outfalls,
* underwater dredging is underway,
* there are extremely high differences between high and low tides,
* there are high levels of water turbidity,
* there are places of hatchery,
* sea currents collide.

**Article 41**

Before entering the waters of Montenegro the master of a ship which has loaded ballast water shall perform the following:

* ballast water exchange, or
* treatment of ballast water, or
* discharge of ballast water into a reception and treatment facility, or
* retain ballast water on board.

Ballast water exchange is allowed at a distance of at least 200 nautical miles from the nearest land and in water at least 200 meters in depth.

In cases when a ship is not in a position to conduct ballast water exchange in accordance with paragraph 2 of this Article, ballast water exchange shall be conducted at a distance of at least 50 nautical miles from the nearest land and in water at least 200 meters in depth.

The exchange referred to in paragraph 2 of this Article shall have an efficiency of at least 95% of the total volume of the ballast water on ship.

The treatment of ballast water referred to in paragraph 1 of this Article shall be established by the Ministry, with the consent of the competent body responsible for environmental protection affairs.

**Article 42**

The master of a ship is not required to comply with any of the actions referred to in Article 41 of this Law when those actions would threaten the safety of the ship, life at sea or threaten to pollute the sea with harmful substances.

**Article 43**

Erased. (“Official Journal of Montenegro”, No.27/14)

**Article 44**

A ship constructed for the carriage of ballast water and arriving at a port in Montenegro shall have a Ballast Water Management plan.

The Plan referred to in paragraph 1 of this Article shall comprise the following information:

* safety procedures for the ship and the crew associated with Ballast Water Management,
* the actions and measures to be taken to implement the Ballast Water Management requirements,
* the procedures for the disposal of sediments at sea and to shore,
* the procedures for coordination with the authorities of the State into whose waters such discharge takes place,
* reporting procedure,
* designated officer on board in charge of the implementation of the plan,
* other information relevant for the ballast water management.

The plan referred to in paragraph 1 of this Article shall be written in Montenegrin and English language.

**Article 45**

A tanker of 150 GT and above and a ship of 300 GT and above shall keep a ballast water record book.

Ballast water record book shall have entries of the following:

* name of tanker or ship,
* IMO number,
* gross tonnage,
* flag,
* total capacity of ballast water tanks.

Ballast water record book shall be kept in Montenegrin and English language.

A vessel referred to in paragraph 1 of this Article shall report the quantity and the origin of ballast water to a Harbourmaster’s at least 48 hours prior to its arrival at a port in Montenegro.

**Article 46**

It is prohibited to discharge into waters of Montenegro ballast water which contains microorganisms, invasive species or other harmful substances.

If the inspector suspects that ballast water may contain microorganisms, invasive species or other harmful substances, he/she shall order the sampling and analysis of ballast water being discharged.

Costs of sampling and analysis of ship’s ballast water referred to in paragraph 2 of this Article shall be borne by the owner of a ship.

If it is established that ballast water does not contain microorganisms, invasive species or other harmful substances the costs of sampling and analysis shall be borne by the Ministry.

Types of microorganisms, invasive species or other harmful substances referred to in paragraph 1 of this Article shall be established by the competent body responsible for environmental protection affairs with the previously received opinion on the matter by the competent body responsible for health affairs.

**Article 47**

The master of a ship shall collect the sediments which remain after ballast water discharge solely by mechanical means and dispose of them into reception and treatment facilities on shore.

**Article 48**

A port beneficiary shall conduct analysis of the sea condition once every three months in relation to ballast water pollution in the port area and draft the related report.

The report referred to in paragraph 1 of this Article shall be submitted to the Ministry and the competent body responsible for environmental protection affairs within 2 days of the date of its final draft.

X ANTI-FOULING SYSTEMS ON SHIPS

**Article 49**

Vessels of 400 GT and above, other than fixed or floating platforms, FPSOs and FSOs, shall be issued with an International Anti-fouling System Certificate.

Ships of 24 m or more in length and less than 400 GT engaged in international voyages shall carry a Declaration on Anti-fouling System and a paint receipt or a contractor invoice for the purchase of anti-fouling system..

XI DUMPING

**Article 50**

Exceptionally from Article 4 paragraph 1 item 8 of this Law the prohibition of dumping, incineration and disposal on the sea-bed of wastes and other matter does not apply to:

* dredged material,
* fish waste or organic materials resulting from fish processing operations,
* platforms or other structures at sea,
* uncontaminated inert geological material of natural origin in solid form.

Deliberate disposal of waste referred to in paragraph 1 of this Article may only be allowed by a permit issued by the competent body responsible for environmental protection affairs with the consent of the Ministry and the competent body responsible for geological research affairs.

Conditions under which the deliberate disposal of waste referred to in paragraph 1 of this Article may be conducted, the manner and procedure for the issuance of the permit shall be established by the competent body responsible for environmental protection affairs with the consent of the Ministry and the competent body responsible for geological research affairs.

XII RECEPTION AND MANAGEMENT OF WASTE, WASTE OIL, CARGO RESIDUES AND SEDIMENTS FROM BALLAST TANKS IN PORTS

**Article 51**

Port beneficiary shall equip the port with facilities for the reception and handling of waste, waste oil, cargo residues and sediments from ballast tanks from vessels, in accordance with the international and domestic regulations dealing with the prevention of environmental pollution from ships, protection of marine environment and coastal area and civil liability for the damage caused by pollution.

**Article 52**

Port beneficiary shall develop a plan for the reception and handling of waste, waste oil and cargo residues from a vessel.

Approval and control of implementation of the plan referred to in paragraph 1 of this Article shall be performed by the Ministry at least every three years or after significant changes in the operation and functioning of the port.

**Article 53**

The master of a ship entering a port shall submit a report to the Harbourmaster’s on the quantities of waste, waste oil and cargo residues on board, as well as on the date and place of its last delivery:

* at least 24 hours prior to arrival, if the port of call is known; or
* as soon as the port of call is known, and at least 24 hours prior to arrival; or
* at the latest upon departure from the previous port, if the duration of the voyage is less than 24 hours.

The master of a ship shall keep the report referred to in paragraph 1 of this Article until the arrival at the next port of call.

The provisions set in paragraph 1 of this Article do not apply to a fishing boat or recreational craft intended to carry no more than 12 persons.

The report referred to in paragraph 1 of this Article shall be regulated by the Ministry.

**Article 54**

The master of a ship shall deliver the waste, waste oil and cargo residues to a port reception and management facility before leaving the port, unless there is a sufficient storage capacity on board for the storage of waste, waste oil and cargo residues generated during the ship’s stay in the port.

If the Harbourmaster’s learns that the port of destination is not equipped with adequate reception facilities or the port of destination is not known, it shall require the ship referred to in paragraph 1 of this Article to deliver its waste, waste oil or cargo residues.

XIII LIABILITY AND COMPENSATION FOR SEA POLLUTION FROM VESSELS

**Article 55**

The owner of the vessel shall be responsible for the damage caused by a vessel carrying oil in bulk, or a vessel carrying noxious substances in bulk, if there has been an escape or discharge of oil or noxious substances into the sea, unless the escape or discharge was wholly caused by:

* an act of war or force majeure;
* an act or omission done with intent to cause damage by a third party;
* an act or omission by the master or an competent body.

No or partial liability for pollution damage shall attach to the owner of a vessel if he proves that the damage was wholly or partially caused by the person who suffered the damage.

No claim for compensation for pollution damage may be made against:

* the servants or agents of the owner or the members of the crew,
* the pilot or any other person who, without being a member of the crew, performs services for the ship;
* any shipper, including a bareboat charterer, or
* any persons taking preventive and operative measures,

unless the damage resulted from their personal act or omission, committed with the intent to cause such damage and with knowledge that such damage would probably result.

No provisions of paragraph 3 of this Article shall prejudice any right of recourse of the owner against any person who caused the damage.

**Article 56**

If pollution damage results from an incident involving two or more ships, and if it is not possible to establish which ship caused which damage, the owners of the ships concerned shall be jointly liable for any such damage.

**Article 57**

A ship carrying more than 2,000 tons of oil in bulk shall be required to maintain insurance or other financial security, such as the guarantee of a bank or a certificate delivered by an international compensation fund.

A ship of 1000 GT or more shall be required to maintain insurance or other financial security (the guarantee of a bank or similar financial institution) to cover the liability for pollution damage caused by bunker oil in accordance with the International Convention for Civil Liability for Bunker Oil Pollution Damage, 2001.

The insurance or other financial security referred to in paragraph 1 and 2 of this Article shall be unconditional and irrevocable.

At the request by the owner of a ship as referred to in paragraph 1 and 2 of this Article and registered in the Register of Ships, the Harbourmaster’s shall issue a certificate attesting that insurance or other financial security is in force.

The certificate referred to in paragraph 4 of this Article shall be issued in Montenegrin and English language and shall contain the following particulars:

* name of ship, call sign and port of registration;
* name and address, or principal place of business of owner;
* IMO number for ship’s identification;
* type and the period validity of the insurance;
* name and principal place of business of insurer or other person giving financial security and, where appropriate, place of business where the insurance or security is established;
* period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

The certificate referred to in paragraph 4 of this Article shall be carried on board and a copy shall be deposited in the Register of Ships.

Validity of insurance or other financial security referred to in paragraph 1 and 2 of this Article shall not cease before three months have elapsed from the date on which the notice of its termination is given to the Harbourmaster’s unless a new insurance or security has been established within the said period.

The notice of termination referred to in paragraph 7 of this Article shall be submitted to the Harbourmaster’s office by the owner.

**Article 58**

A claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security.

An insurer or guarantee may avail himself of the defences against the claimant which the owner himself would have been entitled to invoke.

Exceptionally from paragraph 2 of this Article, the insurer or guarantee may avail himself of the defence that the pollution damage resulted from the willful misconduct of the owner himself.

The insurer or guarantee shall have the right to require the owner to be joined in the proceedings as the intervener.

XIV SUPERVISION

**Article 59**

The supervision of implementation of this Law and regulations adopted on the basis of it shall be conducted by the Ministry.

**Article 60**

Inspectional control affairs shall be performed by inspectors in accordance with the law.

**Article 61**

Beside the authorizations established by the Law on inspectional control, inspectors have the responsibility and authorization to:

* conduct inspection of ship’s papers and books as provided for by this Law and international conventions,
* conduct the inspection of equipment, appliances and installations on ship and in port which may cause marine pollution;
* order ballast water sampling;
* in case of a marine pollution from ships, order a competent institution to conduct sample taking and analysis and issue a mandate to a concessionaire to take all necessary measures to combat, minimize and eliminate the effects of marine pollution in a port area, or ,in cases when there is no concessionaire, to the competent body responsible for port affairs or competent body for the management of coastal zone or, outside a port area in the waters of Montenegro, to the competent body in accordance with the contingency plan referred to in Article 14 of this Law;
* prohibit a ship to leave the port if there is a danger that it may cause pollution, or order the detention of a ship which caused pollution in the waters of Montenegro until the ship compensates for any cost of cleanup and other damage which resulted from pollution or until it deposits an appropriate guarantee to cover these costs;
* limit or divert the movement of a ship involved in a maritime incident as a prevention against immediate threat of pollution and safety of other ships, crew and passengers;
* officially inform the master of a ship to remove the threat from environmental pollution or maritime safety ;
* conduct an inspection of ballast water management;
* order a ship to deliver its waste and cargo residues prior to leaving a port, and in the case of noncompliance the inspector may detain the ship;
* prohibit the discharge of ballast water in accordance with Article 46 of this Law until the completion of ballast water testing;
* inspect the plan referred to in Article 52 paragraph 1 of this Law;
* sample anti-fouling paint; and
* sample fuel oil for sulphur content.

XV PENALTY CLAUSES

**Article 62**

A legal person shall be fined with a pecuniary penalty ranging from 1.000 to 40.000 euros for the following:

1. discharge of oil, oily mixtures, bilge water or oily waste (Article 4, paragraph 1, item 1);
2. discharge of noxious liquid substances which are temporarily defined as such, water from tank washing or other mixtures which contain such substances (Article 4, paragraph 1, item 2);
3. discharge or disposal of harmful substances in packaged form on the sea bed (Article 4, paragraph 1, item 3);
4. disposal of garbage (Article 4, paragraph 1, item 4)
5. discharge of harmful substances into the air (Article 4, paragraph 1, item 5);
6. discharge of ballast water or sediments from ballast tanks if they contain harmful substances, pathogenic microorganisms and invasive species (Article 4, paragraph 1, item 6);
7. application of anti-fouling systems if they contain biocide organotin compounds (Article 4, paragraph 1, item 7);
8. intentional dumping, incineration or burying of waste and other material on the sea bed (Article 4, paragraph 1, item 8);
9. the operator of a ship carrying hazardous material fails to notify the Harbourmaster’s office of the name, call sign, IMO number or MMSI number, port of destination, estimated time of departure from the port and arrival at the port of destination, particulars referred to in Article 5 of this Law and a declaration that the list or manifest, stowage plan and location of hazardous materials are available on board (Article 6, paragraph 1, item 1, 2, 3 and 4);
10. the operator of a ship carrying hazardous materials arriving from a port in a non-EU country and bound for a port or an anchorage in Montenegro fails to notify the information referred to in Article 5 and 6 of this Law to the Harbourmaster’s upon departure from the previous port of loading (Article 7, paragraph 1);
11. the operator of a ship carrying hazardous substances arriving from a port in the EU and bound for a port or anchorage in Montenegro fails to notify the Harbourmaster’s at least 24 hours prior to departure or at the latest at the moment of departure from the previous port of loading if the voyage time is less than 24 hours, the following particulars: name, call sign, IMO number or MMSI number, port of destination, estimated time of departure from the port and arrival at the port of destination and particulars on the total number of persons on board (Article 7, paragraph 2, item 1 and 2, and paragraph 3);
12. a ship carrying hazardous substances when entering and leaving a port in Montenegro fails to use pilot services (Article 8);
13. the master of a ship which notices the pollution by oil or hazardous materials on the waterway fails to notify without delay the information on the pollution to the closest Harbourmaster’s and the competent body (Article 9, paragraph 1);
14. the master of a ship fails to submit a report on the pollution accompanied with the abstract from the ship’s log to the Harbourmaster’s within 24 hours from the arrival at the port (Article 9, paragraph 3);
15. the master or operator of a ship fails to notify the competent body or recognized organization as soon as possible of the need for the ship’s survey if the ship was involved in an accident or a failure was found which affects the integrity of the ship or its equipment for pollution prevention from oil, hazardous and noxious substances (Article 10, paragraph 1);
16. the master or operator of a ship fails to notify the competent authority of the port State or fails to notify the competent authority of the nearest coastal state of the events connected to discharge or possible discharge of oil or hazardous substances (Article 10, paragraph 2 and 3);
17. an oil tanker referred to in Article 16 of this Law enters the waters of Montenegro (Article 16);
18. an oil tanker carrying heavy fractions of oil as cargo and without double hull enters the waters of Montenegro (Article 17, paragraph 1);
19. fixed and floating and drilling platforms, floating facilities for production, storage and unloading of oil, and floating storage units as well as platforms for the production of gas don’t comply with the technical requirements prescribed for the protection of the marine environment (Article 20, paragraph 1);
20. an oil tanker of 150 GT or above, as well as a ship of 400 GT or above don’t have onboard an International Oil Pollution Prevention Certificate and a Shipboard Oil Pollution Emergency Plan (Article 21, paragraph 1, item 1 and 2);
21. an oil tanker of 5.000 GT and above doesn’t have the system for immediate access to computer programs related to damage stability and residual strength of a ship (Article 21, paragraph 2);
22. an oil tanker, a ship or other vessel referred to in Article 22 of this Law fails to keep the Oil Record Book (Article 22, paragraph 1 and 3);
23. a ship of 400 GT or above is not equipped with one or more tanks of adequate capacity for the disposal of heavy fractions of oil and oil residues appropriate for the type of propulsion machinery and the length of the voyage (Article 23, paragraph 1);
24. inlet and outlet lines of tanks referred to in Article 23, paragraph 1 of this Law are not directly connected to the propulsion machinery through the standard discharge connection installed on the open deck (Article 23, paragraph 2);
25. a ship of 400 to 10.000 GT doesn’t have the equipment for the treatment of bilge waters with an alarm system (Article 23, paragraph 3);
26. a ship of 10.000 GT or above doesn’t have the system for automatic shutdown of bilge water discharge (Article 23, paragraph 4);
27. an oil tanker of 150 GT or above isn’t equipped with an oil discharge control and management system, oil/water interface detector in slop tanks , slop tanks or cargo tanks constructed as slop tanks (Article 24, paragraph 1, item 1, 2 and 3);
28. a new tanker for the carriage of crude oil products of 20.000 GT or above and an existing tanker for the carriage of crude oil of 40.000 GT or above isn’t equipped with the separate ballast tanks adequate for the capacity and type of the tanker, washing system for tanks used for the carriage and storage of crude oil and inert gas system (Article 24, paragraph 2, item 1, 2 and 3);
29. a ship for the carriage of bulk cargo and an oil tanker of 5 years and above fail to keep a register of reports on surveys performed with supporting documents and a report on the Condition Assessment Scheme (Article 25, paragraph 1);
30. at least 24 hours after a ship’s arrival at a port in Montenegro, the master of the ship fails to provide the closest Harbormaster’s office with a report on the quantity of heavy oil residues, waste oil, oily mixtures and bilge water with the date of their last discharge (Article 27);
31. a ship intended for carriage of noxious liquid substances in bulk doesn’t have an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk, P&A Manual, Cargo record book and Shipboard Marine Pollution Emergency Plan for Noxious Liquid Substances (Article 28, paragraph 1, item 1, 2, 3 and 4);
32. harmful substances carried as cargo have not been packed and labelled in a prescribed manner (Article 29, paragraph 1);
33. a ship built on or after 1 September 1984 and carrying harmful substances in packaged form does not have a Document of Compliance for ships carrying harmful substances in packaged form (Article 29, paragraph 4);
34. a ship of 400 GT or less carrying more than 15 passengers and crew members, and a ship of 400 GT and above doesn’t have an International Sewage Pollution Prevention Certificate (Article 30);
35. a ship of 400 GT or less carrying more than 15 passengers and crew members, and a ship of 400 GT and above doesn’t have one of the sewage systems referred in Article 31 of this Law (article 31, paragraph 1, item 1, 2 and 3);
36. discharges sewage into the sea, except in cases given in Article 32, paragraph 1, item 1, 2, 3 and 4 (Article 32);
37. discharges garbage from a fixed or a floating platform, and if the fixed or floating platform is at a distance of less than 12 nautical miles from the nearest land and if the garbage was comminuted with a grounding equipment with openings not greater than 25 mm, as well as from any ship within 500 meters from such platforms (Article 33a);
38. a ship of 12 meters in length or more and a fixed or floating platform doesn’t have visibly displayed Instructions for garbage management (Article 34, paragraph 1);
39. a ship of 100 GT or above doesn’t have a Garbage Management Plan (Article 34, paragraph 2);
40. a ship of 400 GT and above, carrying 15 persons or more, and a fixed or a floating platform fails to have visibly displayed storage spaces for different types of garbage, a Garbage Management Plan, and doesn’t keep a Garbage Record Book (Article 34, paragraph 3, item 1, 2 and 3);
41. a ship has fitted installations or systems which use or contain ozone-depleting substances (Article 36, paragraph 1);
42. a ship with already fitted installations and systems which use or contain ozone –depleting substances doesn’t have visibly displayed instructions for the management and maintenance of those installations and systems (Article 36, paragraph 2);
43. a ship of 400 GT and above and a platform don’t have onboard a list of ozone-depleting substances and equipment and systems that contain those substances, as well as an ozone-depleting substances record book (Article 36, paragraph 3);
44. a ship of 400 GT and above doesn’t have an International Air Pollution Prevention Certificate (Article 37, paragraph 1);
45. a fixed platform or a floating drilling platform, doesn’t have an International Air Pollution Prevention Certificate (Article 37, paragraph 2);
46. a ship with a diesel engine of 130 kW or more doesn’t have an Engine International Air Pollution Prevention Certificate (Article 37, paragraph 3);
47. a diesel engine with a power output of 130 kW or more installed on a ship whose keel is laid on or after January 1, 2000 doesn’t have a Technical File (Article 37, paragraph 5);
48. an oil tanker carrying crude oil doesn’t have a Volatile Organic Compound Management Plan approved by a competent authority or a recognized organization (Article 38);
49. a ship doesn’t have a Bunker delivery note (Article 39, paragraph 1);
50. before entering the waters of Montenegro, the master of a ship which has loaded ballast water didn’t perform ballast water exchange or treatment of ballast water or discharged ballast water into a reception and treatment facility, or retained ballast water on board in a manner prescribed in the Article 41 of this Law (Article 41);
51. a ship constructed for the carriage of ballast water and arriving at a port in Montenegro doesn’t have a Ballast Water Management plan (Article 44, paragraph 1);
52. a tanker of 150 GT and above and a ship of 300 GT and above doesn’t have a Ballast Water Record book (Article 45, paragraph 1);
53. a vessel referred to in Article 45, paragraph 1 of this Law fails to report the quantity and the origin of ballast water to the Harbourmaster’s at least 48 hours prior to its arrival at a port in Montenegro (Article 45, paragraph 4);
54. discharges into waters of Montenegro ballast water which contains microorganisms, invasive species or other harmful substances (Article 46, paragraph 1);
55. the master of a ship doesn’t collect the sediments which remain after ballast water discharge in a manner prescribed in Article 47 of this Law;
56. a port beneficiary doesn’t conduct analysis of the sea condition once every three months in relation to ballast water pollution in the port area and doesn’t submit a report on it to the Ministry and the competent body responsible for environmental protection affairs within 2 days (Article 48, paragraph 1 and 2);
57. a vessel of 400 GT and above, other than a fixed or floating platform, FPSO and FSO, doesn’t have an International Anti-fouling System Certificate (Article 49, paragraph 1);
58. a ship of 24 m or more in length and less than 400 GT engaged in international trade doesn’t have a Declaration on Anti-fouling System and a paint receipt or a contractor invoice for the purchase of anti-fouling system (Article 49, paragraph 2);
59. deliberately disposes of waste without a permit referred to in Article 50, paragraph 2 and 3 of this Law (Article 50, paragraph 2 and 3);
60. a port beneficiary fails to equip the port with facilities for the reception and handling of waste, waste oil, cargo residues and sediments from ballast tanks from vessels (Article 51);
61. a port beneficiary doesn’t have a developed and approved plan for the reception and handling of waste, waste oil and cargo residues from a vessel (Article 52, paragraph 1);
62. the master of a ship, other than a fishing boat or a recreational craft intended for the carriage of no more than 12 persons, arriving at a port fails to submit a report to the Harbourmaster’s on the quantities of waste, waste oil and cargo residues on board, as well as on the date and place of its last delivery in a manner prescribed in Article 53 of this Law;
63. a ship carrying more than 2,000 tons of oil in bulk doesn’t have an insurance or other financial security, such as the guarantee of a bank or a certificate delivered by an international compensation fund (Article 57, paragraph 1);
64. a ship of 1000 GT or more doesn’t have an insurance or other financial security (the guarantee of a bank or similar financial institution) to cover the liability for pollution damage caused by bunker oil in accordance with the International Convention for Civil Liability for Bunker Oil Pollution Damage, 2001 (Article 57, paragraph 2).

For the penalty referred to in paragraph 1 of this Article the responsible person in a legal person shall be fined with a pecuniary penalty ranging from 500 to 4.000 euros.

For the penalty referred to in paragraph 1 of this Article a contractor shall be fined with a pecuniary penalty ranging from 1.000 to 6.000 euros.

For the penalty referred to in paragraph 1 of this Article a natural person shall be fined with a pecuniary penalty ranging from 500 to 2.000 euros.

XVI TRANSITIONAL AND FINAL PROVISIONS

**Article 63**

Category 2 and 3 tankers with single hull which in 2015, according to their date of delivery, are of 15 years and over, shall be prohibited to enter the waters of Montenegro unless their hull meets the conditions established in the International Convention for the Prevention of Pollution from Ships.

Navigation shall be prohibited to category 2 and 3 tankers with single hull flying the flag of Montenegro from January 1, 2015.

Navigation shall be prohibited to category 2 and 3 tankers with single hull and flying a foreign flag from January 1, 2015.

**Article 64**

A ship is permitted to install, or keep already fitted installations and systems, which use chlorofluorocarbon until January 1, 2020.

Any ship, passenger and cargo, other than category 2 and 3 tankers with single hull, flying the flag of Montenegro and engaged exclusively in trade within Montenegrin territorial waters and whose keel is laid on or before January 1 , 2000, shall be granted a period to comply with this Law which shall not be longer than January 1, 2020.

A diesel engine with a power output of 130 kW or more installed on a ship whose keel is laid on or before January 1, 2000 is not required to have the international certificate and the technical file referred to in Article 37, paragraph 2 and 5 of this Law.

**Article 65**

Category 2 and 3 tankers referred to in Article 16 of this Law with wing tanks or double bottom spaces not used for carriage of oil and covering the total length of cargo spaces or oil tankers with double plating not used for carriage of oil and covering the total length of cargo spaces and not complying with the requirements regarding the minimum distance or space which were in exploitation on July 1, 2001, shall be allowed to trade and carry cargo until they are 25 years old, or until 2015 at the latest.

**Article 66**

Provisions of Article 31 of this Law shall be applied as of June 1, 2012.

**Article 67**

Subordinate regulations for the implementation of this Law shall be adopted within 12 months from the date of entry into force of this Law.

**Article 67a**

Regulations referred to in Article 5 and 21 of this Law shall be adopted within one year from the date of entry into force of this Law.

**Article 68**

On the day of entry into force of this Law the application of the provisions set in Article 56, 102, 112, 113, 156, 157 and 161 shall cease in the part dealing with hazardous and noxious substances in the Law of maritime and inland navigation (“Official Journal of the Federal Republic of Yugoslavia”, No. 12/98, 44/99, 74/99 and 73/00).

**Article 69**

This law shall enter into force on the eight day of the date of its publication in the Official Journal of Montenegro.

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Podgorica, March 31, 2011

24th assembly of the Parliament of Montenegro

President

Ranko Krivokapic, signed