

Ministerial Decree of 13 April 1999, number 293.

Regulation containing rules on the discipline of fishing tourism, in implementation of article 27-bis of the law of 17 February 1982, numbered 41, and subsequent amendments.

(G.U.R.I. 23-08-1999, n. 197).

THE MINISTER FOR AGRICULTURAL POLICIES

in concert with

The Minister of Transportation and Navigation

Having regard to the law of 17 February 1982, numbered 41, amended by the law of 10 February 1992, numbered 165, by making a plan for the development of sea fishing, and in particular article 27-bis, as amended by article 1, paragraph 2, letter g), of the law of 21 May 1998, numbered 164;

Having regard to the law of 23 August 1988, numbered 400, article 17, paragraph 3;

Having regard to the law of 14 July 1965, numbered 963, concerning the discipline of sea fishing;

Having regard to the ministerial decree of 19 June 1992, published in the Official Gazette numbered 150 of 27 June 1992, containing rules for the implementation of article 27-bis of the law of 17 February 1982, numbered 41, regarding the exercise of fishing tourism;

Having regard to the ministerial decree of 1 April 1998, published in the Official Gazette numbered 131 of 8 June 1998, which amends the aforementioned ministerial decree of 19 June 1992;

Having regard to the ministerial decree of 22 June 1982, published in the Official Gazette numbered 200 of 22 July 1982, concerning the safety regulations for vessels used for inshore fishing;

Having regard to the resolution of 23 April 1997 of the Interministerial Committee for Economic Planning, concerning the approval of the plan for the rationalization and conversion of swords for the period 1997/1999;

Considering that it is necessary to establish the methods of implementation of the aforementioned article 27-bis of the law of 17 February 1982, numbered 41;

Having regard to the unanimous favorable opinion expressed in the session of November 3, 1998 by the National Committee for the management and conservation of the biological resources of the sea and by the Central Advisory Commission of Sea Fisheries, referred to respectively in Article 3 and Article 29 of law numbered 41 of 1992;

Having heard the opinion of the Council of State expressed by the advisory section for regulatory acts in the meeting of 21 December 1998;

Having regard to the communication to the Presidency of the Council of Ministers referred to in article 17, paragraphs 3 and 4, of the law of 23 August 1988, numbered 400, made with note numbered 5538 of 22 February 1999;

Adopt the following regulation:

Article 1.

For fishing tourism, pursuant to article 27-bis of the law of 17 February 1982, numbered 41, as amended by article 1, paragraph 1, letter g), of the law of 21 May 1998, numbered 164, the activities undertaken by the owner - individual, company or cooperative - of a local or close coastal fishing vessel, who embark on his unit people other than the crew for the performance of tourist-recreational activities.

1. Fishing tourism initiatives include:

- a) the carrying out of practical sport fishing activities using the sport fishing gear provided for in the following article 3, paragraph 2;
- b) the performance of tourist-recreational activities with a view to disseminating the culture of the sea and fishing, such as, in particular, short excursions along the coasts, observation of professional fishing activities, catering on board or ashore;
- c) carrying out activities aimed at the knowledge and enhancement of the coastal environment, coastal lagoons and, where authorized by the competent region, inland waters, as well as bringing the general public closer to the world of professional fishing.

Article 2.

1. The initiatives referred to in the previous article 1 can also be carried out on holidays, during the day and if the arrangements provided for by article 5, first paragraph, letter c) of the ministerial decree of 22 June 1982 exist, even at night, no more than six miles for vessels authorized to engage in local inshore fishing and no more than twenty miles for vessels authorized for close-range inshore fishing, throughout the year, within the registration compartment and in the neighboring ones, with favorable weather and sea conditions.

2. The units used for the exercise of fishing tourism are obliged to bring the people on board back to the port of departure, or, if necessary, to another port of the compartment.

3. The boarding of minors under the age of 14 is authorized if accompanied by an adult.

4. The units referred to in the first paragraph, to be authorized between the dates 1 November-30 April, and must be equipped with accommodation, also removable, for the covered shelter of people on board

Article 3.

1. The fishing tourism activity can be carried out with the fishing systems provided for in the prescribed fishing license, in compliance with the rules of conduct referred to in Article 96 of the Decree of the President of the Republic dated 2 October 1968, numbered 1639.

2. Owners of units fitted with bearing trawling license systems, after renouncing them, may exercise the activity of fishing tourism with all the systems permitted by article 19 of the ministerial decree dated 26 July 1995 and published in the Official Gazette numbered 203 dated 31 August 1995, by issuing a provisional certificate by the head of the Maritime Department of the place of registration of the fishing unit concerned.

3. When the fishing tourism activity is carried out using sport fishing gear, the owner takes care of the arrangement so that they do not hinder the normal performance of on-board activities during navigation.

Article 4.

1. In addition to the first paragraph of article 2, fishing cooperatives and fishing enterprises, in relation to the need for the conversion of fishing activities and in consideration of the related employment and social problems, may be authorized to carry out the activity of fishing tourism,

through the use of vessels not exceeding 10 gross tonnage purchased for this exclusive purpose, with the systems provided for in article 19 of the ministerial decree dated 26 July 1995, with the exception of long lines. For these units, which will be able to carry out the activity within the limit of 6 miles, the safety rules in force concerning the local coastal fishing activity will be applied.

2. The scheme referred to in the first paragraph does not apply to new ships that have not been cleared for the registration as a fishing vessel in the relevant register.

3. Cooperatives and concessionary companies of stretches of water for mussel farming, breeding in the sea and traps can undertake fishing tourism activities within the area granted under concession with boats registered in the fifth category.

Article 5.

1. In order to obtain the authorization to exercise the fishing tourism activity an application is submitted to the head of the maritime department of the place of registration of the ship. The application must be accompanied by the following documentation:

a) copy of the safety records of the unit;

b) copy of the stability test and / or copy of the occasional stability test;

c) copy of the safety records, aimed exclusively to the exercise of fishing tourism.

2. The authorization to carry out fishing tourism, is issued by the head of the maritime district of the place of registration of the ship, taking into account the safety checks carried out also through the dependent maritime offices and the practical stability test carried out by the Italian Naval Registry.

3. The head of the compartment, when issuing the authorization, sets the maximum number of people on board, up to a maximum of 12, also following the indications of the Italian naval register.

4. The authorization to carry out fishing tourism should be issued by the Head of the Maritime within sixty days from submission of the application.

5. The operator of fishing tourism is required to update the documentation relating to safety and, in the event of modifications to the technical characteristics of the unit, it is required to submit a new application for authorization.

Article 6.

1. Ships intended for the exercise of fishing tourism must be equipped with the medical equipment indicated in the instructions attached to the decree dated 25 May 1988, numbered 279 of the Ministry of Health, published in the Official Gazette numbered 170 dated 25 May 1998.

2. The lifesaving means to be placed on board the fishing vessels, authorized to carry out tourism fishing, are those indicated in articles 12, 13, 14, and 15 of the ministerial decree dated 22 June 1982; they must be sufficient for all people on board; for boarding of minors under the age of 14, the units must be equipped with individual rescue equipment for children.

3. The units must in any case be in possession of the safety annotation certificate in regular course of validity.

4. For the needs of the persons on board, where not provided for by the relevant provisions of the safety regulation for fishing, the units authorized to fishing tourism must be equipped with VHF radiotelephone apparatus, also of the portable type.

Article 7.

1. Applications from ship owners who intend to carry out fishing tourism activities or to renew the authorization to exercise this activity they are addressed to the head of the maritime department of the place of registration of the ship with an indication also of the rates to be applied.
2. The authorization shall be withdrawn for one year in case of non-compliance with this decree forecasts.

Article 8.

1. The ministerial decrees of 19 June 1992 and 1 April 1998 referred to in the introduction are repealed.
2. The competences of the regions with a special statute regarding fisheries within the territorial sea are reserved.