

Republic of Latvia

Cabinet

Regulation No. 133

Adopted 1 March 2016

Regulation on Marine Diving in Restricted Areas

*Issued pursuant to
Section 19¹, Paragraph six, Clauses 2, 3 and 4 of
the Marine Environment Protection and Management Law*

I. General Provisions

1. This Regulation prescribes:
 - 1.1. the provisions for issuing a diving permit;
 - 1.2. the procedures for the issuance, refusal and cancellation of a permit for diving in a restricted area (hereinafter – a permit);
 - 1.3. the procedures for maintaining the register of issued permits;
 - 1.4. terms and conditions for using the issued permits;
 - 1.5. the amount and procedures for paying the State fee for the issuance of a permit for diving at ship wreck or sunken objects sites that are or may be hazardous to marine environment or cultural and historical values (hereinafter – the State fee).
2. Natural person (hereinafter – a person) is entitled to dive in a restricted area other than bordering on the sea coastline, from a duly registered watercraft (hereinafter – watercraft) that is equipped with an automatic identification system.

II. Provisions for Issuing a Permit

3. A person shall be issued a permit provided that the person complies with the following requirements:
 - 3.1. is at least 18 years old;
 - 3.2. has not been found guilty, with a court adjudication that has taken effect or a prosecutor's writ, in a crime related to destroying or damaging cultural monuments, performing illegal acts with weapons, explosives or detonation devices;
 - 3.3. has not been imposed administrative sanctions for any violations related to breach of restrictions and prohibitions for marine diving;
 - 3.4. his or her permit has not been cancelled within the past two years.
4. The compliance of an alien with the security requirements referred to in Clauses 3.2 and 3.3 of this Regulation shall be attested with a certificate issued by competent authorities of the person's last permanent place of residence, with a notarial translation in the official language. The compliance of a stateless person with the security requirements referred to in Clauses 3.2 and 3.3 of this Regulation shall be attested with a certificate issued by competent authorities of the person's last citizenship, with a notarial translation in the official language.

5. The permit shall not be issued if a person fails to satisfy the requirements laid down in Clauses 3 and 4 of this Regulation, or is unable to satisfy the requirement laid down in Clause 2 of this Regulation in respect of the equipment of the watercraft.

6. A person is entitled to do the diving in the restricted area only during daylight, and shall be responsible for own skills, state of health, the safety of the equipment, the watercraft used and the choice of appropriate weather condition.

III. The Procedures for the Issuance, Refusal and Cancellation of a Permit

7. The permit is issued by the Coast Guard Service of the Flotilla of Coast Guard Ships, National Armed Forces (hereinafter – the Coast Guard).

8. In order to receive a permit, a person shall submit an application requesting a permit to the Coast Guard (Annex 1). The application shall contain the following information:

8.1. given name and surname, personal identity number or date of birth (day, month, year);

8.2. contact information: declared, registered place of residence, or that indicated by the person, phone number and e-mail address;

8.3. information about the personal identification document;

8.4. number of the restricted area selected for diving (in accordance with the laws and regulations related to the procedures for the use of waters in Latvia and the navigation regime therein);

8.5. the time period selected for diving: from (day, month, year) until (day, month, year);

8.6. the purpose of diving (for example, leisure, underwater hunting, tourism, sports);

8.7. the watercraft in accordance with Clause 2 of this Regulation, specifying the registration number of the watercraft, name, the radio station identification number (MMSI number);

8.8. other information if required (for example, auxiliary equipment in addition to the diver's standard equipment (a sonar, scanner, video camera), information about the job or service contract of the natural person);

8.9. a certificate with a notarial translation in the official language (if required in accordance with Clause 4 of this Regulation) or other document, if required (the said certificate or other document shall be attached as attachment).

9. After having received the application requesting a permit, the Coast Guard shall promptly send an inquiry to:

9.1. the Information Centre of the Ministry of the Interior, in order to obtain the information referred to in Sub-clauses 3.2 and 3.3 of this Regulation;

9.2. State Joint Stock Company "Latvijas Jūras administrācija", in order to obtain an approval from the maritime safety aspect.

10. The information referred to in Clause 9 of this Regulation shall be provided to the Coast Guard within 20 days after the receipt of the inquiry.

11. The Coast Guard shall, taking into consideration the information provided by the competent authorities referred to in Clause 9 of this Regulation and the information at the disposal of the Coast Guard, within 30 days after the receipt of the application requesting a permit or after the rectification of the deficiencies detected therein, adopt a decision on the issuance of a permit to the person (Annex 2) or on a refusal on the issuance thereof.

12. On the basis of the information provided by the competent authorities referred to in Clause 9 of this Regulation and the information at the disposal of the Coast Guard, additional terms and conditions for the use of the permit concerned may be stipulated in relation to:

12.1. restrictions due to the execution of marine missions assigned to the National Armed Forces by the laws and regulations;

12.2. restrictions from the maritime safety aspect.

13. The decision of the Coast Guard may be appealed to the National Armed Forces. The decision of the National Armed Forces may be appealed to the court in accordance with the procedures laid down in the Administrative Procedure Law.

14. The Coast Guard may cancel the issued permit if it has been detected that the person is violating the provisions for using the issued permit.

IV. The Amount and Procedures for Paying the State Fee

15. The State fee for the issuance of the permit shall be 30 euros.

16. Prior to the receipt of the permit, the State fee shall be paid through a payment service provider which has the right to provide payment services in the meaning of the Law on Payment Services and Electronic Money.

17. The State fee collected for the issuance of the permit shall be credited to the State basic budget.

V. Terms and Conditions for Using the Permit

18. The permit is valid in the restricted areas and within the time period specified in the permit.

19. Only the person who has been issued the permit is entitled to use it.

20. The person who has received the permit shall, one day before the diving, provide the following information to the Coast Guard (to the e-mail address, phone number or by marine communication means):

20.1. the given name and surname of the person;

20.2. the permit number;

20.3. the numbers of restricted areas where the diving is planned to take place;

20.4. the duration of diving (within one day) in each of the restricted areas specified in the permit.

21. The person who is using a watercraft in accordance with Clause 2 of this Regulation, shall ensure an uninterrupted functioning of its automatic identification system in the transmission mode.

22. A person performing any diving-related activities in a restricted area shall present a permit and a personal identification document upon a request by the Coast Guard or a State Border Guard officer.

23. In the case when state institutions need to execute urgent marine missions prescribed by laws and regulations, the person diving in the restricted area has an obligation to promptly stop the diving when requested so by the Coast Guard or a State Boarder Guard officer.

VI. The Procedures for Maintaining the Register of Permits

24. The Coast Guard shall create a register of permits in the information system. The register shall contain information about:

- 24.1. the received applications requesting a permit;
- 24.2. the information provided by the authorities referred to in Clause 9 of this Regulation;
- 24.3. the issued permits and the terms and conditions of use thereof;
- 24.4. the refused permits;
- 24.5. the cancelled permits;
- 24.6. the State fee paid in accordance with Chapter IV of this Regulation;
- 24.7. The course of proceedings in respect of contested actual actions taken by the Coast Guard or an appealed decision in relation to the issuance of permits and use thereof.

25. The information contained by the register shall be used by the Coast Guard according to their competence, as well as by other competent State authorities following a relevant request.

Prime Minister

Māris Kučinskis

Minister for Defence

Raimonds Bergmanis

Application Specimen for Requesting a Permit for Diving in a Restricted Area

Coast Guard Service of the
Flotilla of Coast Guard Ships,
National Armed Forces

(given name and surname of the natural person, personal identity number or date of birth (day, month, year))
(contact information: declared, registered or indicated place of residence, telephone number and e-mail address)
(information about the personal identification document)

Application

I hereby request a permit for diving in the following restricted areas:

Number of the restricted area (in accordance with the laws and regulations related to the procedures for the use of waters in Latvia and the navigation regime therein)	Period		The purpose of diving (for example, leisure, underwater hunting, tourism, sports)	Watercraft (registration number of the watercraft, name, the watercraft radio station identification number (MMSI number))
	from (dd.mm.yyyy)	until (dd.mm.yyyy)		

Other information as required _____

(for example, auxiliary equipment in addition to the diver's standard equipment (a sonar, scanner, video camera), information about the job or services contract of the natural person)

Attachments:

- 1) a certificate with a notarial translation in the official language (if required);
- 2) other document (if required).

(given name and surname)	(signature)	(date)
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Note. The document properties “date” and “signature” shall not be filled out if the electronic document has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents.

Minister for Defence

Raimonds Bergmanis

(the small enhanced coat of arms of the Republic of Latvia)

Coast Guard Service of the Flotilla of Coast Guard Ships, National Armed Forces
(address, phone number, e-mail address)

Permit No. _____ for Diving in a Restricted Area

1. In accordance with Section 19¹, Paragraph two and Paragraph six, Clauses 2 and 3 of the Marine Environment Protection and Management Law the permit is issued to

(given name and surname of the natural person, personal identity number or date of birth (day, month, year))

for diving in the following restricted areas:

Number of the restricted area (in accordance with the laws and regulations related to the procedures for the use of waters in Latvia and the navigation regime therein)	Period		The purpose of diving	Watercraft to be used (if any) (registration number of the watercraft, name, the watercraft radio station identification number (MMSI number))	Additional provisions*
	from (dd.mm.yyyy)	until (dd.mm.yyyy)			

* In accordance with Clause 12 of Cabinet Regulation No. 133 of 1 March 2016 Regulation on Marine Diving in Restricted Areas (hereinafter – the Regulation).

2. Permit issuance date _____ (date)

Chief of the Coast Guard Service _____ (given name and surname)	_____ (signature)
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place for seal

The permit may be contested in accordance with the procedure prescribed in Clause 13 of the Regulation.

The person's obligations while using the permit are laid down in Chapter V of the Regulation.

The recipient of the permit shall be responsible for own skills, state of health, the safety of the equipment, the watercraft used and the choice of appropriate weather condition.

Note. *Document properties “date” and “signature” shall not be filled out if the electronic document has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents.

Minister for Defence

Raimonds Bergmanis