

**Ministry of Infrastructure and Transports  
Port Authority La Maddalena**

**Bathing security rules  
n.69 - 2018**

[...]

**Article 5  
Fishing regulations**

1. During the summer bathing season and during the opening hours to the public of the structures or the use of the free beaches, in the stretch of sea reserved for bathing, the exercise of any type of sport fishing is prohibited, subject to special provisions governing fishing within marine areas falling within the scope of the La Maddalena Archipelago National Park Authority and in compliance with the provisions on the matter by the relevant regulations issued by the Autonomous Region of Sardinia.

An exception to this general prohibition is only rod fishing, which can be exercised from piers and reefs (natural or artificial) in front of which there are no swimmers.

2. Underwater fishing is regulated by articles 128, 128 bis, 128 ter, 129, 130 and 131 of the fishing regulations, approved with Presidential Decree 02.10.1968, n. 1639 and subsequent amendments and additions which are attached in excerpt to this letter.

In the vicinity of sheer coasts, underwater sport fishing is allowed from sunrise to sunset over a distance of 50 meters from them, but only in the absence of swimmers.

In the presence of swimmers it is always forbidden to cross the areas reserved for bathing with a loaded underwater weapon.

3. Professional fishing, given the results of the meeting mentioned in the introduction, considering the particular morphology of the coastline of the area of competence which sees, especially in the steep coasts, a sudden increase in bathymetry in proportion to the distance from the coast, is allowed from dusk to dawn beyond a distance of 100 (one hundred) meters from the sheer coasts, excluding areas specifically prohibited by other measures.

[...]

**EXTRACT FROM D.P.R. 1639/68**

Decree of President of Italian Republic No. 1639 of 2 October 1968 containing

"Regulations for the execution of Law No. 963 of 14 July 1965, concerning the discipline of sea fishing"

**Section III: Underwater fishing**

**ARTICLE 128**

**Exercise of professional underwater fishing**

Professional underwater fishing is allowed only to those who have the specialization of spearfisher and can only practice freediving, without the use of breathing aids. The latter can only be used for purposes other than fishing or for the collection of coral and molluscs.

**ARTICLE 128 bis**

**Sport underwater fishing exercise**

Sport spearfishing is permitted only in apnea without the use of breathing aids. The latter may only be

used for purposes other than fishing. The underwater sport fisherman cannot collect corals, molluscs and crustaceans.

ARTICLE 128 ter  
(Art. 3 D.M. 1/6/1987, n. 249)

For the purposes of safety and protection of underwater fishermen, both professional and sporting, it is allowed to carry on the same nautical vessel spearfishing spearguns or similar means and breathing aids equipped, exclusively, and for each single nautical vessel, with a cylinder with a capacity not exceeding 10 liters, without prejudice to the prohibition to use it for underwater fishing. During the underwater fishing activity, the fisherman must be constantly followed by at least one person on board the boat ready to intervene in an emergency; in any case there must be a rope of sufficient length on board the vessel itself to retrieve the underwater fisherman.

ARTICLE 129  
Limitations

The exercise of underwater fishing is forbidden: a) at a distance of less than 500 meters from beaches frequented by bathers; b) at a distance of less than 100 meters from fixed fishing facilities and retida posta; c) at a distance of less than 100 meters from the ships anchored outside the ports; d) in sea areas of regular transit of ships for the exit and entry into ports and anchorages, determined by the head of the maritime compartment; e) from sunset to sunrise.

ARTICLE 130  
Reports

The scuba diver is obliged to signal himself with a float bearing a red flag with a white diagonal stripe, visible at a distance of no less than 300 meters; if the diver is accompanied by a support boat, the flag must be hoisted on the boat. The diver must operate within a radius of 50 meters from the vertical of the support boat or of the float carrying the signalling flag.

ARTICLE 131 23  
Restricted use of the speargun

It is forbidden to keep the speargun in the cocking position except when submerged. Section IV: Other peaches.

ARTICLE 132  
Fishing for crustaceans

Fishing for lobster (*Palinurus elephas*-P. *Valgaris*) is prohibited from January 1st to April 30th. Fishing for lobster (*Homarus gammarus*-H. *Valgaris*) is also prohibited from January 1st to April 30th.

ARTICLE 133  
Shellfish fishing

Fishing for bivalve molluscs is allowed without any season limit. The methods of fishing for molluscs and, in particular, for cuttlefish (*Sepia* sp.), Using pots, trammel nets and other fixed gears, can be regulated by the head of the maritime department, after consulting the local advisory commission for sea fishing.

[...]

ARTICLE 134  
Swordfish fishing

Fresh swordfish fishing and trading are prohibited during the months of September, October, November and December. Section V: Of the collection of marine vegetation.

ARTICLE 135  
Collection of sea grasses

The provisions for the collection of algae established by articles 51 of the navigation code and 54 of the relative regulation approved by decree of the President of the Republic February 15, 1952, n. 328.

ARTICLE 136  
Bench exploitation

The exploitation of the seaweed and seagrass beds must be carried out within the limits of its potential.

[...]

**CHAPTER IV - SPORT FISHING**

ARTICLE 137  
Discipline of sport fishing

Sport fishing is carried out under the conditions and in the manner established in this chapter; for anything not expressly provided for, the other provisions on fishing regulations are observed, as applicable.

ARTICLE 138  
Individual and non-individual gear allowed for sport fishing

The individual and non-individual gear allowed for sport fishing are: a) coppo or scale; b) ice or rezzaglio or sparrow hawk; c) fixed lines such as rods with no more than three hooks, dead lines, bolentini, battens with no more than six hooks, lines for cephalopods, rakes to be used on foot; d) surface and bottom trawl lines and filaccioni; e) rods for surface fishing, speargun, hand harpoon, rod for cephalopods; 24 f) fixed or deriving parangals; pots.

ARTICLE 139  
Norm of behaviour

Sport fishing at a distance of less than 500 meters from units in professional fishing activities is prohibited.

ARTICLE 140  
Limitations of use of tools

The use of sport fishing gear is subject to the following restrictions: a) scales with a side greater than 6 meters may not be used; b) it is forbidden to use ice, rezzaglio or sparrow hawk with a perimeter greater than 16 meters; c) no more than 5 rods can be used for each sport fisherman; d) the total number of hooks of the parangals lowered from each boat must not exceed 200 regardless of the number of people on board; e) no more than two pots may be lowered from each boat regardless of the number of people on board; f) the use of light sources is forbidden, with the exception of the torch used in underwater fishing. The use of a lamp is allowed in the practice of spear fishing.

[...]

#### ARTICLE 142 Capture limitations

The sport fisherman cannot daily catch fish, molluscs and crustaceans in quantities exceeding 5 kg overall, except in the case of single fish weighing more. No more than one specimen of grouper of whatever species it belongs to can be caught daily.

#### ARTICLE 143 Nautical vehicles for sport fishing

In the exercise of sport fishing, only pleasure craft can be used as defined by the laws 11 February 1971, n. 50 and 6 March 1976, n. 51, and subsequent amendments and additions.

#### ARTICLE 144 Sporting events

Sport fishing events and competitions without prejudice to the competences and powers of the public security authorities are subject to the approval of the head of the maritime department; to this end, a specific ordinance is issued, in which the program and the regulations of the events and competitions are approved and rules are established to ensure their regular development. The limitations provided for by art. 142 do not apply to participants in sporting events.

### **EXTRACT FROM ORDER NO. 34/2013 DATED 04/22/2013 UNDERWATER ACTIVITIES REGULATION**

#### Article 5 General rules of behaviour of the diver

In general, in addition to what is specifically regulated to follow in this provision - except for specific needs in the field of diving for scientific or documentary purposes, to be subjected case by case to an authorization procedure in derogation and except as provided for fishing on bacquea - anyone who intends to carry out underwater activities for tourist-sporting purposes is required to:

- a) obtain information in advance about the environmental characteristics of the dive site;
- a) not to damage or remove archaeological and geological finds;
- b) ensure maximum hygienic and ecological respect for the marine and coastal environment;
- c) comply with all the environmental protection and safeguard regulations issued by the La Maddalena Archipelago National Park Authority;

- d) do not anchor on bottoms hosting *Posidonia oceanica* meadows or other marine phanerogams or on the coralligenous;
- e) do not leave any type of material (star light, leads, nets, etc.) underwater or on the surface;
- f) report any irregularities and the presence of waste or hazardous materials to the Maritime Authority, without attempting to remove them;
- g) if during the underwater activities, objects of a suspected war and / or archaeological nature are found, the diving personnel are obliged to immediately stop the activities in place and promptly inform the Operations Room of this Harbor Master's Office at no. phone 0789736709 or via VHF on Channel 16;

## Article 6 Reporting of scuba divers

1. Each diver, whatever the purpose of the dive (organized, guided, didactic, individual), has the obligation to report when:
  - work with self-contained breathing apparatus;
  - is located outside the waters reserved for bathing, or within these if not specifically marked.
2. Each diver, or group of divers, whatever the purpose of the dive (organized, guided, didactic, individual), has the obligation to adopt the signals prescribed by art. 91 of the D.M. 29 July 2008, n. 146 as well as by art. 130 of the D.P.R. 2 October 1968, n. 1639, which must therefore be understood as fully referred to herein; in particular:
  - in daytime dives: float bearing a red flag with a white diagonal stripe, visible at a distance of not less than 300 meters; if the diver is accompanied by a support boat, the flag must be hoisted on the boat; in the case of several divers diving, only one signal is sufficient, but each diver is equipped with an inflatable surface balloon, of a clearly visible color and equipped with a line of at least five meters, to be used, before ascending surface, in case of separation from the group;
  - in night dives: on the surface: a visible yellow flashing light, around the horizon at a distance of not less than 300 meters, to be applied to the float; underwater: every scuba diver must also have a light signal to be applied to the upper back of the body (neck or taps).
3. Each diver, or group of divers, must operate within a radius of 50 meters from the vertical of the support boat or from the signals prescribed above; if a diver, or group of divers, operates outside this distance, he must have his own independent signaling.
4. If the scuba diver is accompanied by a support boat, a person able to provide assistance must be present on board, equipped with a suitable means of communication to call for help to be used in case of need.
5. The foregoing provisions also apply to those who practice snorkeling outside the waters reserved for bathing.

[...]

## Article 12 Final Provisions and Fees

1. The Officers and Officers of the Judicial Police are in charge of the execution of this Ordinance, which, starting from 13.06.2018, repeals and replaces the previous Bathing Safety Ordinance no. 44/2015 of this Port Authority.
2. Anyone who fails to observe the rules established in this Ordinance, unless the fact constitutes a violation of the regulations on protected areas or other more serious offense, and without prejudice to any greater responsibilities deriving from the unlawful conduct, is punished pursuant to articles 1161, 1164, 1174, 1231 and 1251 of the Navigation Code, article 650 of the Criminal Code and article 53 of Legislative Decree 18.07.2005, n. 171.  
Anyone responsible is obliged to respect and enforce this Ordinance.

La Maddalena, 12.06.2018

Original signed  
THE COMMANDER  
Tax Code (CP) Alessio LOFFREDO