

TRANSLATED FROM ITALIAN

Marine Protected Area "Capo Caccia – Isola Piana"

MINISTRY OF THE ENVIRONMENT AND ENERGY SECURITY

IMPLEMENTATION REGULATION

of the Ministerial Decree of September 20, 2002

Establishment of the Marine Protected Area

named "Capo Caccia - Isola Piana"

(Official Gazette of the Italian Republic No. 285 of 05-12-2002)

Year 2024

Approved by Resolution No. 20 of March 13, 2024, of the Board of Directors of the Special Agency Park of Porto Conte

Endorsed by the Ministry of the Environment and Energy Security, Protocol No. 46645 of March 11, 2024

Article 1 – Purpose

1. This Regulation establishes the modalities for conducting permitted activities within the Marine Protected Area "Capo Caccia – Isola Piana," pending approval of the Implementation and Organization Regulation. It also defines the specific regulations and conditions for carrying out permitted activities within the Marine Protected Area, as delimited under Article 2 of the Establishment Decree of September 20, 2002, while respecting the zoning and general regulations on permitted activities outlined in the Establishment Decree.
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Article 2 – Validity

1. This Regulation is valid for the year 2024, unless superseded by new higher regulations that contradict its provisions. It is adopted and updated annually in accordance with the methodological criterion of dynamic and adaptive management of Marine Protected Areas.
 2. The Regulation, including Fees and Sanctions contained therein, is subject to prior approval by the Ministry of the Environment and Energy Security - Directorate General for Natural Heritage and the Sea.
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Article 3 – Definitions

1. For the purposes of this Regulation, the following definitions apply:

a) "Access": The entry, from land and sea, into the Marine Protected Area by nautical units solely to reach ports, docks, designated mooring areas, or identified anchorage zones.

b) "Aquaculture": The set of practices aimed at producing animal and/or plant species in an aquatic environment through partial or total control of the development cycle of aquatic organisms.

c) "Bilge water": Oil-contaminated water from engine compartments where it comes into contact with fuel oils, lubricants, and fuels. The oil content ranges between 1% and 10%.

d) "Anchoring": The set of operations to secure a vessel to the seabed using an anchor.

e) "Bathing": A recreational activity that involves swimming or wading, including snorkeling with a mask, fins, and gloves, and may involve walking on seabeds or coastal areas up to the tidal limit.

f) "Mooring fields": Areas designated for nautical units to dock, equipped with buoys anchored to the seabed, arranged in orderly rows, and marked for navigational safety.

g) "Diving centers": Companies or associations operating in the recreational diving sector that offer diving services, guided underwater tours, and training with certified personnel.

h) "Diving education": Activities aimed at learning scuba diving techniques and equipment use, using autonomous breathing apparatus (SCUBA), for obtaining certifications in compliance with current safety regulations.

i) "Dive guide": A certified professional holding a minimum "Dive Master" qualification or an equivalent title from a national or international federation, who accompanies individuals or groups with a diving certification on recreational or touristic underwater excursions and assists instructors.

j) "Vessel": Any recreational boat as defined in Article 3, Paragraph 1, Letter f) of Legislative Decree No. 171, July 18, 2005.

k) "Scuba diving": Activities conducted using autonomous breathing apparatus (SCUBA), including those from recreational boats, carried out without the guidance of diving centers, for observing the marine environment.

l) "Diving instructor": A certified professional who, for recreational or touristic purposes, accompanies individuals or groups on scuba diving excursions and teaches diving techniques, issuing certifications in all specializations.

m) "Fishing tourism": Hospitality, dining, and service activities—both recreational and cultural—aimed at promoting sustainable enjoyment of aquatic ecosystems and fishery resources, enhancing the socio-cultural aspects of fishing communities. These activities are conducted by professional fishing enterprises, either individually or collectively, utilizing their own premises or facilities.

- n) "Black and grey water": Wastewater from onboard services (bathrooms, kitchens, etc.).
- o) "Ministry": The Ministry of the Environment and Energy Security.
- p) "Monitoring": Data collection and analysis activities to measure the effectiveness and efficiency of the measures established by the Marine Protected Area decree.
- q) "Boat": Any vessel as defined in Article 3, Paragraph 1, Letter g) of Legislative Decree No. 171, July 2005.
- r) "Yacht": Any vessel as defined in Article 3, Paragraph 1, Letters c), d), and e) of Legislative Decree No. 171, July 2005.
- s) "Navigation": The movement of any structure designed for transport on water.
- t) "Rental of recreational units": A contract by which one party, in exchange for a negotiated fee, makes a recreational unit available to another party for a specified period, under the conditions established by the contract. The rented unit remains under the control of the renting party, including its crew, as defined in Legislative Decree No. 171 of July 18, 2005, and its subsequent amendments.
- u) "Occasional rental of recreational units": A form of rental carried out by an individual, or a financial leaseholder, occasionally, for recreational boats and yachts. This type of rental does not constitute commercial use of the vessel. The operation and conduct of these recreational units may be undertaken by the owner, the financial leaseholder, or another individual holding a nautical license.
- v) "Mooring": The set of operations to secure vessels to a fixed port structure, such as a quay, pier, or dock, or to a floating structure such as a buoy in designated mooring areas.
- w) "Fishing tourism": Activities associated with small-scale coastal fishing, as regulated by the Ministerial Decree of December 7, 2016, and Legislative Decree No. 4 of January 9, 2012. These activities allow licensed operators to host non-crew members aboard their vessels for touristic and recreational purposes.
- x) "Professional fishing": A regulated economic activity conducted in marine, brackish, or freshwater environments, aimed at searching for, catching, and landing aquatic organisms, as defined in Legislative Decree No. 4 of January 9, 2012.
- y) "Recreational fishing": Non-commercial fishing conducted by individuals who are not members of a national sports organization or do not hold a national sports fishing license.
- z) "Sports fishing": Non-commercial fishing conducted by individuals who are members of a national sports organization or hold a national sports fishing license.

Article 4 – General Safeguard Rules

1. The provisions outlined in Articles 3, 4, and 5 of the Establishment Decree of September 20, 2002, which define the objectives, boundaries, and prohibited

activities within the Marine Protected Area "Capo Caccia – Isola Piana," remain applicable.

2. Any activity that may directly or indirectly harm the environment is prohibited, even if not explicitly mentioned in the individual articles of this Regulation.
 3. The improper use of public address systems and acoustic or sound signals onboard vessels supporting authorized activities in the Marine Protected Area is not allowed, except for providing information about the visited locations, with the sound level strictly limited to what is necessary for passenger perception.
 4. The discharge of untreated bilge water or any other pollutants from vessels operating within the Marine Protected Area is prohibited, as well as the release of solid or liquid waste into the sea.
 5. Waste disposal in ports and the management of waste produced by vessels must comply with the current "Waste Collection and Management Plan for Ships and Cargo Residues" for the Porto Conte and Tramariglio ports, as drafted by the Alghero Maritime Authority.
 6. To regulate tourist flow and ensure the environmental protection objectives of the Marine Protected Area, the managing authority will monitor activities and adjust the permitted activities accordingly, subject to approval by the Ministry.
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Article 5 – Regulation of Scientific Research Activities

1. Scientific research within the Marine Protected Area is permitted with prior authorization from the managing authority.
 2. Authorization requests must include a detailed report covering: a) The type and objectives of the research; b) Parameters being analyzed; c) The study area and sampling plan, including specific locations; d) Equipment and methods used for sample collection and analysis; e) Research timeline and involved personnel.
 3. The collection of marine organisms and samples is allowed solely for study purposes within authorized research activities and must use permitted fishing equipment or manual collection during dives.
 4. Authorized research activities require the applicant to provide a final scientific report detailing conducted activities and results, including any publications citing collaboration with the "Capo Caccia - Isola Piana" Marine Protected Area. The managing authority retains the right to use research data for institutional purposes while crediting the original source.
 5. Authorization requests must be submitted at least 30 days before the intended start of research activities.
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Article 6 – Regulation of Bathing Activities

1. Bathing is prohibited in Zone A.
2. In Zones B and C, bathing is freely allowed, subject to compliance with the relevant regulations issued by the competent Maritime Authority.

Article 7 – Regulation of Underwater Activities

1. **Scuba and Freediving:** a) In Zone A, scuba diving and freediving are prohibited. b) In Zones B and C, freediving is permitted with prior authorization from the managing authority under the following conditions:
 - Only during daylight hours;
 - Limited to designated dive sites;
 - Within a 50-meter radius of the mooring buoy, dive flag, or floating marker;
 - Maximum of 8 divers per site;
 - Solo diving is prohibited without first aid-trained personnel present. c) In Zones B and C, scuba diving is permitted with prior authorization from the managing authority under the following conditions:
 - Only during daylight hours;
 - Divers must hold a minimum second-level certification;
 - Maximum of 4 divers per group;
 - Within a 50-meter radius of the designated dive site or marker buoy;
 - Solo scuba diving is prohibited;
 - Specialized certification is required for cave diving in specified sites.
 2. **Guided and Educational Diving:** a) Guided diving and scuba education are permitted through authorized diving centers, following these conditions:
 - Conducted by a certified guide or instructor;
 - Limited to designated sites;
 - Maximum of 4 guided dives per site per day;
 - Maximum of 6 divers per guide (or 12 divers for two guides);
 - Training groups must comply with agency safety standards. b) Guided cave diving is restricted to designated underwater caves, with a maximum of 3 dives per cave per day.
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Article 8 – Regulation of Recreational Boating

1. The use of jet skis, water scooters, water skiing, and motorized surfboards is prohibited within the Marine Protected Area.
 2. Navigation is prohibited in Zone A.
 3. In Zones B and C:
 - Sailing, rowing, and pedal boats are freely allowed.
 - Motorized boats must adhere to the following speed limits:
 - Zone B: Maximum 5 knots.
 - Zone C: Maximum 5 knots within 300 meters of the coast and 10 knots beyond.
 4. Passenger boats and guided tour vessels must not exceed 8 knots and must maintain a distance of at least 100 meters from steep coastal cliffs.
 5. Anchoring is permitted only in designated sandy or rocky seabeds, excluding *Posidonia oceanica* meadows.
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Article 9 – Regulation of Professional and Recreational Fishing

1. Trawling, seine fishing, drift nets, purse seining, aquaculture, and active restocking are prohibited in the Marine Protected Area.
 2. Fishing for protected species such as tuna, swordfish, certain shark species, and coral is strictly prohibited.
 3. In Zone A, all types of fishing are prohibited.
 4. In Zones B and C, small-scale professional fishing is allowed only to registered fishermen from Alghero, using authorized equipment under controlled conditions.
 5. The use of monofilament nylon nets is prohibited.
 6. Professional fishing is suspended from January 1 to March 1 and again from September 1 to March 1 to allow resource recovery.
 7. The maximum number of fishing permits is limited to 22.
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Article 10 – Regulation of Tourism and Anchoring

1. Tourist activities such as boat rentals and guided marine tours require prior authorization.
 2. Guided tours must be conducted by certified personnel and comply with capacity limitations.
 3. Anchoring is prohibited in environmentally sensitive areas, including Posidonia oceanica beds and coral zones.
 4. Authorized mooring sites must be used where available.
 5. A limited number of tourist boat permits (maximum 6) and guided tour permits (maximum 10) are issued annually.
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Article 11 – Sanctions and Enforcement

1. Any violation of the regulations will result in penalties ranging from fines to suspension of permits.
 2. Environmental damage caused by unauthorized activities will result in liability for restoration costs.
 3. Repeat violations may lead to permanent exclusion from permitted activities within the Marine Protected Area.
 4. The managing authority, in coordination with maritime and environmental enforcement agencies, will conduct regular patrols and inspections.
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Final Provisions

1. This Regulation is subject to annual review and modification based on environmental assessments and management needs.
2. Any disputes arising from the application of these regulations will be resolved in accordance with national environmental laws.

This document serves as the official regulatory framework for the Marine Protected Area "Capo Caccia – Isola Piana" for the year 2024.