

Pursuant to the second and third paragraph of Article 4 and in line with Article 13 of the Inland Waterways Navigation Act (Official Gazette of the Republic of Slovenia, No. 30/02), the eighth paragraph of Article 17 of the Minor Offences Act (Official Gazette of the Republic of Slovenia, No. 29/11 - Consolidated Version, 21/13, 111/13, 74/14 - Constitutional Court Decision; and 92/14 - Constitutional Court Decision), Article 21 of the Local Self-Government Act (Official Gazette of the Republic of Slovenia, No. 94/07 - Consolidated Version, 76/08, 79/09, 51/10, 40/12-ZUJF and 14/15 - ZUUJFO), and Article 16 of the Statute of the Municipality of Bovec (Official Gazette of the Republic of Slovenia, No. 72/06 and 89/10) the Municipal Council of the Municipality of Bovec, at its 3rd Extraordinary Session of 16 March 2016 adopted the following

DECREE

on the Navigation Rules for the Rivers Soča and Koritnica

1. article

(subject matter)

(1) The Decree sets out the jointly coordinated navigation rules between the municipalities of Bovec, Kobarid and Tolmin for the Soča River, between the Velika Korita launching spot and the Trnovo 2 landing spot, as well as between the Oton launching spot and the landing spot at the bridge near Volče, and for the Koritnica River, between the Kluže launching spot and the confluence with the Soča River in line with the provisions of the second and third paragraphs of Article 4, and pursuant to Article 13 of the Inland Waterways Navigation Act (hereinafter: IWNA).

(2) Pursuant to Item 9 of the first paragraph of Article 13 of the IWNA, the Decree lays down further requirements aimed at protecting human lives and the environment.

(3) The decree also provides the fees for using launching and landing spots for navigation.

(4) Hereby the Municipality of Bovec regulates and lays down the agreements between the municipalities of Bovec, Kobarid and Tolmin within its subject-matter and territorial jurisdiction.

2. Article

(meaning of terms)

(1) The terms used in this Decree shall have the same meaning as the terms in the IWNA.

(2) All the other terms herein shall have the following meaning:

1. 'Navigation' is a general term implying navigation for business, tourism, sports and recreation;

2. A 'bathing area' is a body of water with bathing waters where a larger number of people is already bathing or could be expected to bath and where bathing is not permanently forbidden or advised against, including the pertaining coastal land;

3. 'Bathing waters' are waters, in which a larger number of people is already bathing or could be expected to bath and where bathing is not permanently forbidden or advised against, and had been defined as such by a Government decree;

4. A 'payer' is any natural person or legal entity using a launching/landing spot for navigation;
5. A 'user' is any natural person or legal entity engaged in navigating the navigation area;
6. A 'permit' is a proof of payment of the fee;
7. A 'registered vessel' is a vessel entered in the boat register in line with the applicable regulations.

(3) The terms set out in the text in the male gender are intended as neutral terms both valid for men and women.

3. Article (navigation area of the Soča River)

(1) The navigation area of the Soča River shall comprise the Soča River between the Velika Korita launching spot and the Trnovo 2 landing spot, as well as between the Oton launching spot and the landing spot at the bridge near Volče.

(2) A map of the navigation area is a constitutive part of this Decree and is enclosed hereto.

4. Article (the navigation area of the Koritnica River)

(1) The navigation area of the Koritnica River shall encompass the Koritnica River between the Kluže launching spot and the confluence with the Soča River.

(2) A map of the navigation area is a constitutive part of this Decree and is enclosed hereto.

5. Article (bathing areas)

(1) A map of the bathing areas within the navigation areas of Article 3, paragraph one, and Article 4, paragraph one, defined at the time of adoption of this Decree, is a constitutive part of this Decree and is enclosed hereto.

(2) The users of the navigation areas shall carry out their activities in the bathing areas of the preceding paragraph in a way not to threaten the safety of navigation and of the visitors of the bathing areas.

6. Article (launching/landing spots)

(1) Access to the navigation areas of Article 3 and 4 (hereinafter: navigation areas) for the purpose of navigation is only allowed on the specially designated launching/landing spots. A map of the launching/landing spots is a constitutive part of this Decree and is enclosed hereto.

(2) The launching/landing spots of the preceding paragraph are also shown on the general map.

(3) The launching/landing spots for navigation are:

1. In the Municipality of Bovec:

- Velika Korita (for launching vessels and embarking people only);
- Bunkerji;
- Kršovec;
- Zmuklica;
- Kluže (for launching vessels and embarking people only);
- Sotočje - Vodenca;
- Čezsoča;
- Boka;
- Srpenica 1;

2. In the Municipality of Kobarid:

- Srpenica 2;
- Trnovo 1;
- Trnovo 2 (for landing and disembarking people only);
- Kluže (for launching vessels and embarking people only);
- Napoleon's Bridge;

3. In the Municipality of Tolmin:

- Kamno;
- Volarje;
- Gabrje;
- landing spot at the bridge near Volče (in line with this Decree only for landing and disembarking people).

(4) The municipalities shall finalise the ownership and/or tenancy arrangements for the launching/landing spots within their areas of jurisdiction and cover the costs thereof from their own budgets.

7. Article

(Types of vessels)

(1) Oar-powered sports vessels are allowed to navigate the navigation areas.

(2) Other types of equipment (such as hydrospeed boards, etc.) may also be used in the navigation areas.

(3) In line with the preceding two paragraphs, the following types of navigation are allowed in the navigation areas:

1. by vessels carrying more than three people:

- on the Soča River between the Velika Korita launching spot and the Trnovo 1 launching/landing spot, as well as between the Napoleon's Bridge launching/landing spot and the landing spot at the bridge near Volče;

2. by vessels carrying more than one and up to three people:

- on the Soča River between the Velika Korita launching spot and the Trnovo 2 landing spot, as well as between the Oton launching spot and the landing spot at the bridge near Volče;

- on the Koritnica River between the Kluže launching spot and the confluence with the Soča River;

3. by vessels carrying up to one person, and with other types of equipment:

- on the Soča River between the Velika Korita launching spot and the Trnovo 2 landing spot, as well as between the Oton launching spot and the landing spot at the bridge near Volče;

- on the Koritnica River between the Kluže launching spot and the confluence with the Soča River.

8. Article

(navigation periods)

Navigation in the navigation areas is allowed between 15 March and 31 October during daytime, where access is granted from 9 a.m. and landing shall take place:

- before 8 p.m. at the Srpenica 1, Srpenica 2, Trnovo 1 and Trnovo 2 landing spots;

- before 6 p.m. at other landing spots, including the landing spot at the bridge near Volče.

9. Article

(responsibilities of the navigation-area users)

(1) While using the navigation areas, the users shall comply with the provisions of the IWNA and the regulations based thereon, as well as with the provisions of other acts regulating the navigation in the navigation areas, in addition to the provisions of this Decree.

(2) Permits for using the launching/landing spots for navigation using vessels of Article 19, third paragraph, of this Decree (rafts) may only be bought by buyers, who have submitted to the sellers an official document, attesting that the buyer has passed an examination in white-water rescue in the Republic of Slovenia, or proof of adequate and recognised professional qualification. Sellers shall keep a copy of such documents in their files.

(3) Users may use the navigation areas in line with the navigation rules at their own responsibility.

(4) Users shall use the navigation areas with responsibility towards themselves and others in order not to threaten their own safety and the safety of others. Users shall take into account the natural features and the current conditions of the navigation areas, as well as their own mental and physical capabilities.

(5) The provisions of the preceding paragraph shall not affect the liability of natural persons and legal entities that engage in navigation as a business.

10. Article

(Banned activities)

(1) In the navigation areas it is prohibited to carry out any activity that:

- might threaten the safety of people and/or vessels;
- violates the regulations on the protection of the natural and cultural resources;
- results in pollution of and/or damage to waters, shorelines and coasts;
- violates the rules of individual launching/landing spots and other infrastructure.

(2) The banned activities are in particular:

- hindering navigation and/or access to launching/landing spots;
- accessing the navigation areas and/or landing from the navigation areas outside the designated launching/landing spots, except in case of emergency;
- navigation outside the designated time of navigation and/or in weather or other conditions that do not allow for safe navigation;
- using other types of vessels than those of Article 7;
- violating the provisions of Article 5, second paragraph, when navigating across bathing areas;
- disposing of solid and/or liquid waste and/or other objects into the water;
- transporting substances and/or objects that might result in water pollution;
- launching vessels that have not been properly cleaned beforehand;
- operating vessels under the influence of psychotropic substances or in a mental and/or physical condition that does not guarantee safe navigation.

11. Article

(exceptions)

The restrictions regarding the navigation areas, the launching/landing spots, the types of vessels and the navigation times shall not apply to vessels used for safety, maintenance, rescue and help operations, as well as vessels used by the police, inspectorates and public authorities for water management, as well as other public-administration vessels carrying out duties of their competence.

12. Article

(competent authority)

(1) The manager of the navigation areas set out in this Decree shall be the Inter-Municipal Administration of the Municipalities of Bovec, Kobarid, Tolmin and Kanal ob Soči (hereinafter: the Inter-Municipal Administration).

(2) The manager of the navigation areas shall carry out regular inspections of the navigation areas.

(3) If an obstacle hindering navigation is discovered, the manager of the navigation area shall arrange for its removal, if possible, or inform the competent public authority, in charge of the maintenance of water bodies and coastal land, as set out by the act regulating water management. If the obstacle threatens the safety of navigation, the manager of the navigation areas may restrict or ban navigation.

(4) The provisions of this article shall not affect the system of protection from natural disasters and other types of disaster. In the case of obstacles threatening the lives and health of people, the manager of the navigation areas may call upon the competent protection-and-rescue authorities.

13. Article

(Management of the launching/landing spots)

(1) The management of the launching/landing spots shall be considered an economic activity of public interest.

(2) The provider of the public service of the preceding paragraph shall be the Inter-Municipal Administration.

(3) The manager of the launching/landing spots shall ensure the conditions allowing for safe launching and landing of vessels and safe embarking and disembarking of passengers.

(4) The manager shall take care of waste collection and removal of objects that threaten or might threaten the safety of navigation in the areas of the launching/landing spots.

(5) The manager of the launching/landing spots shall set out the detailed rules for the launching/landing spots.

14. Article

(technical tasks)

The Inter-Municipal Administration shall outsource the technical tasks related to the maintenance of the navigation areas and the management of the launching/landing spots to an adequately specialised organisation.

15. Article

(regulation)

(1) The terms and conditions for the maintenance of the navigation areas and the management of the launching/landing spots shall be set out in detail in specific rules to be adopted with the same wording by the municipal councils of the Municipalities of Bovec, Kobarid and Tolmin.

(2) The rules of the preceding paragraph shall regulate the terms, conditions, scope, duration and financing, as well as other aspects of the assigning of technical duties in line with the previous article.

1. Article

(parking and waste collection)

(1) Parking cars in order to access the navigation areas with the aim of navigating is only allowed on designated parking areas at the launching/landing spots of Article 6 herein.

(2) Waste may only be disposed off in areas specifically prepared for that.

(3) Parking elsewhere and dumping are forbidden.

16. Article

(financing the maintenance of the navigation area and the management of the launching/landing spots)

(1) The maintenance of the navigation areas and the management of the launching/landing spots shall be financed from the permit application fees collected for the use of the launching/landing spots.

(2) The Inter-Municipal Administration, as provider of an economic service of public interest, shall prepare a report containing financial and operational data at the end of the navigation season and by the 30 November at the latest.

(3) The correct execution of the contract on the technical tasks related to the maintenance of the navigation areas and the management of the launching/landing spots of Article 13 herein shall be evaluated by a specific committee, composed of a representative of the Inter-Municipal Administration and two representatives of each municipality, all appointed by the mayors of the municipalities. Persons in charge of supervising the contract on the Soča and Koritnica Rivers cannot be members of the committee.

(4) The committee shall also have the power to decide about the share of the surplus funds to be allocated to the maintenance of the navigation system and the share to be divided between the three municipalities.

17. Article

(permit)

(1) Each applicant shall receive a permit as a proof of payment of the fee for using the launching/landing spots.

(2) The permit shall bear the following information:

- serial number;

- purpose of payment;

- validity;

- instructions for use.

(3) Applicants or other users shall use the permits in line with the instructions and show them upon a request made by authorised officers. The permit shall be stuck to the vessel or kept by the user from the moment of accessing the water from a launching spot until leaving the water at a landing spot. The launching/landing spots may not be used without a permit. Lost permits cannot be replaced free of charge and the responsibility for the loss shall rest with the user.

18. Article

(rates)

(1) The amount to be paid for the use of the launching/landing spots for the purpose of navigation shall be laid down in line with the number of points assigned on the basis of criteria of the third, fourth and fifth paragraphs of this article, while the value of a point shall be set by the municipal councils of the municipalities of Bovec, Kobarid and Tolmin.

(2) At the time of adoption of this Decree, a single point shall be worth €1.00. Any change to the value of a point shall be adopted by 31 October for the next calendar year. The decision changing the point value shall be published in the Official Gazette of the Republic of Slovenia.

(3) The fee for using the launching/landing spots of Article 6 herein for vessels carrying more than three people shall amount to the following number of points per vessel:

- 50 points per day;
- 500 points per season.

The permit shall be applied to a visible place on the vessel.

(4) The fee for using the launching/landing spots of Article 6 herein for vessels carrying up to three people and for other equipment shall amount to the following number of points per person:

- 3 points per day;
- 16 points per week;
- 30 points per season (personal).

The permit shall be kept by the payer or other user at all times while using the launching/landing spots and navigating.

(5) Natural persons and legal entities using the navigation areas for business purposes (hereinafter: economic subjects) may pay for the use of the launching/landing spots by paying a seasonal lump-sum fee, set at 2,500 points in line with the first and second paragraphs of this Article. The lump-sum fee shall cover the use of the launching/landing spots of Article 6 herein for navigation by own registered vessels of Article 7 herein, which need to be registered with the Inter-Municipal Administration by the business subject before paying the lump-sum fee. Should the vessel be exchanged, damaged or replaced by a new one etc., the user--referred to in this paragraph--shall register the new vessel with the Inter-Municipal Administration before starting to use it and/or de-register the previous vessel.

(6) The seasonal fee of the preceding paragraph shall only apply to the vessels owned by the economic subject. When registering the vessel and before paying the lump-sum fee, the economic subject shall produce the A and B sheets of the Main Inland Boat Register held by the administrative unit having territorial jurisdiction. The ownership of a boat is shown on the B sheet.

(7) The seasonal fee of the fifth paragraph of this article shall be paid before accessing the navigation areas and/or within the term of payment of the invoice for the seasonal lump-sum fee. The Inter-Municipal Administration may accept the seasonal fee of the fifth paragraph of this article to be paid in instalments on the basis of a substantiated application. If the invoice is not paid within the deadline, the proof of payment of the seasonal fee of the fifth paragraph of this Article is voided and the economic subject will be deemed as if using the navigation areas without having paid the fee.

19. Article

(special navigation rules)

(1) The provisions of Article 19 herein shall not apply to the registered members of kayak clubs. In such case a valid ID of the Kayak Union of Slovenia shall replace the proof of payment of the fee.

(2) Natural persons and legal entities participating in voluntary clean-up campaigns in the navigation areas and the launching/landing spots may be granted a discount on the fee for the use of the launching/landing spots for accessing the navigation areas. The discount rate shall be set by decree by the municipal councils of the municipalities of Bovec, Kobarid and Tolmin.

(3) Regardless of the provisions of Article 8 of this Decree, the Inter-Municipal Administration may exceptionally and on application grant an extension of the time, during which navigation is allowed within the navigation areas, in the case of kayak associations' training sessions. A 'training session' for the purposes of this paragraph is an organised sports activity engaged in by members of kayak associations with the purpose of upgrading, expanding and perfecting their skills in order to achieve better results at competitions.

(4) Regardless of the provisions of articles 6, 7 - third paragraph, 8, 10, 16 and 19 of this Decree, the Inter-Municipal Administration may--in the case of public events, provided they are organised in line with regulations on preventing drowning--exceptionally and on application:

1. set out additional launching/landing spots for accessing the navigation areas;
2. allow other types of vessels that may be used for navigation within the navigation areas;
3. extend the time of navigation within the navigation areas;
4. lay down exceptions to the navigation ban pursuant to this Decree;
5. set out additional parking spots for accessing the navigation areas and for waste removal;
and
6. lay down exemptions to and discounts on the fee for using the launching/landing spots for navigation.

(5) The decision regarding the third and fourth paragraphs of this Article shall be issued as an authorisation. The provisions of Article 18, third paragraph, of this Decree shall apply to such authorisations.

(6) The provisions of the IWNA and other relevant regulations, as well as the provisions of this Decree shall be taken into account when laying down special navigation rules in line with the third and fourth paragraphs of this Article.

20. Article

(supervision)

Compliance with the provisions of this Decree shall be monitored by the Inter-Municipal Administration.

21. Article

(sanctions)

(1) A €50.00 fine shall be levied on any individual for:

- parking a vehicle outside the specially designated areas (Article 16, third paragraph) with the exceptions of Article 20;
- leaving waste in places, where no dumping is allowed (Article 16, third paragraph) with the exceptions of Article 20;
- failing to produce a permit when asked by an authorised officer (Article 18, third paragraph);
- not having a valid permit for using the launching/landing spots (Article 19, fourth, fifth or seventh paragraph).

(2) A €200.00 fine shall be levied on any individual for:

- using a spot for accessing the navigation areas outside the designated spots (Article 6) with the exceptions of Article 20;
- engaging in navigation within the navigation areas in violation of any provision of Articles 7, 8 or 10, with the exceptions of Article 20;
- engaging in navigation within the navigation areas in violation of any provision of Article 5, second paragraph, or Article 9;
- not having a valid permit for using the launching/landing spots (Article 19, third, fifth or seventh paragraph).

(3) A €500.00 fine shall be imposed on any legal entity, sole entrepreneur or individual with an autonomous business for violations of the first paragraph of this Article, whether committed in person or by another individual in relation to the business activity.

(4) A €1,000.00 fine shall be imposed on any legal entity, sole entrepreneur or individual with an autonomous business for violations of the second paragraph of this Article, whether committed in person or by another individual in relation to the business activity.

(5) A €100.00 fine shall be levied on the authorised representative of the legal entity, the sole entrepreneur or the individual with an autonomous business for violations of the first or second paragraph of this Article.

22. Article

(transitory provision)

(1) The Decree on the Navigation Rules for the Rivers Soča and Koritnica (Official Gazette of the Republic of Slovenia, No. 71/14) shall cease to apply within the territory of the Municipality of Bovec once this Decree enters into force.

(2) The Rules on the Terms and Conditions for Maintaining the Navigation Areas and Managing the Launching/Landing Spots on the Soča and the Koritnica Rivers (Official Gazette of the Republic of Slovenia, No. 71/14) shall be harmonised with the provisions of this Decree within six months following the entry into force of this Decree.

(3) The Agreement on the Technical Tasks, i.e. the Agreement for the Execution of Public Services No. JN11614/2014 of 16 March 2015, signed pursuant to Article 14 of the Decree

on the Navigation Rules for the Rivers Soča and Koritnica (Official Gazette of the Republic of Slovenia, No. 71/14) shall remain in force until its term of validity.

23. Article

(Final provision)

(1) This Decree shall be adopted by the municipalities of Bovec, Kobarid and Tolmin with the same wording.

(2) This Decree shall enter into force on the eighth day upon its publication in the Official Gazette of the Republic of Slovenia.

Number: 007-01/2014-10

Date: 16 March 2016

Mayor of
the Municipality of Bovec