THE REPUBLIC OF ITALY

70th year - Number 18



OF THE REGION OF SICILY

NORMALLY PUBLISHED ON FRIDAYS

Shippedat printed matter rate, para 20/c, art 2, Law No 662/96 - Palermo branch

PART ONE Palermo - Friday, 29 April 2016

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PRESIDENTIAL LAWS AND DECREES

LAW 21 April 2016, No 7.

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LAW 21 April 2016, No 7.

Regulations regarding training contents for industrial underwater activities.

REGION OF SICILY THE REGIONAL ASSEMBLY HAS APPROVED THE PRESIDENT OF THE REGION PROMULGATES

the following law:

Article 1.

General information and definitions

- 1. Pursuant to articles 14 and 17 of the Statute and in conformity with the current applicable principles of the European regulations, the Region regulates the contents of training courses for carrying out industrial underwater activities, as defined in this article.
- 2. With regard to this law, Divers and Underwater workers (Nomenclature and classification of the ISTAT 62160 Professional Units) are defined as those who carry out, under immersion, underwater work activities whether in a nonexclusive manner or in a non-continuative manner, operating in *inshore* and offshore *or internal maritime waters*.
 - 3. Excluded from this law are underwater activities aimed at:
- a) Amateur activities, sporting, recreational and novice activities in general, even if for gain;
- b) for reasons of research or scientific or cultural activities, unless such activities involve, in the opinion of the competent authority, the requirement for a complex organisation of works, or the use of support equipment and instruments requiring specific training, or these are carried out at depths greater than 30 meters;
- c) operators belonging to the State's Armed Forces, police units, organisations answering to the civil protection authorities and to public institutions, while undertaking operations directed or ordered by the body or organization to which they belong.
- 4. The application of state and EEC standards regarding the execution of the profession, of company activities in the sector, of assigning works and tasks, and of the related technical standards provisions, remain valid. For underwater activities carried out in port areas, the regulations contained in the 13 January 1979 Ministerial Decree as subsequently amended, are applicable.

Article 2.

Licences and training courses

- 1. The training activities as mentioned in this law are structured at three qualifying levels related to the activities contained in paragraph 2 article 1:
 - a) First level (inshore diver), or "diver";
- b) second level (*offshore air diver*), also referred to as the "TOP UP" category;
- c) third level (offshore sat diver), also referred to as the "saturation" category.
- 2. The qualification obtained by operators referred to in paragraph 1, sub-para a), is aimed at supplying training for operations in underwater environments up to maximum depth of 30 meters.

- 3. The qualification obtained by operators referred to in paragraph 1, sub-para b), is aimed at supplying training for operations in underwater environments up to maximum depth of 50 meters (Top-up).
- 4. The qualification obtained by operators referred to in paragraph 1, sub-para c), is aimed at supplying training for operations in underwater environments at depths greater than 50 meters (Saturation).
- 5. The individuals referred to in in paragraphs 3 and 4 are also required to have a suitable first aid qualification (*diver medic*), before the final award of the training qualification.
- 6. In order to carry out the training activities contained in paragraph 2, a surface station for air dives with control/distribution panels for air/communications, and a helmet, is required.
- 7. In order to carry out the training activities contained in paragraph 3, a station for compressed air dives with open diving bell or basket is required. Where required, a hyperbaric chamber must be an integral part of the support unit, suitably equipped and fitted out, accompanied by personnel qualified in its use in support of the diving activities (decompression chamber).
- 8. In order to carry out the training activities contained in paragraph 4, the use of equipment for saturation diving is obligatory, including a closed diving bell and decompression chamber. The equipment must be suitably certified and maintained according to the requirements of the competent PVHO classifications companies (presided over/occupied pressure resistant containers).

Article 3.

Training activities over the regional territory

- 1. In order to increase the levels of employability and the certification of labour, corresponding with the objectives of the labour market, the Region promotes training courses for carrying out industrial underwater activities.
- 2. With reference to immersion times and depths, and to activities in the water, the content of activities described in paragraph 1 must conform with internationally recognized standards of the International Diving Schools Association (IDSA), with the checks which must be carried out regarding general obligations and requirements on the subjects of health, safety and the environment (HSE), and also in conformity with the International Marine Contractors Association (IMCA) guide lines.
- 3. The activities referred to in this article may be activated even through the use of resources from outside the region as suitable for requirements (FSE), within the limits and in the manner indicated by the related programming documents.
- 4. The foregoing shall not prejudice the right of accredited centres to carry out courses and activities without burdens falling on the Region, notwithstanding compliance with the training standards required by this law.
- 5. The qualifications issued at the end of training activities are subject to the procedures and methods of registration and authentication required at a general level for professional training activities within the meaning of current applicable legislation and pursuant to directive 2005/36/CE of the

European Parliament and Council of 7 September 2005 covering the whole European Community territory.

Article 4.

Balancing demand and offer in the labour market. Electronic directory of trained personnel

- 1. In order to promote the marketability in the labour market of the training qualifications achieved and their international recognition (with reference to EQF and qualification No 6216 in connection with the International Classification of professions "ISCO-88" - equivalent qualification to number 7.5.4.1. "underwater divers"), the Regional Department of Labour, Employment and Orientation and of the services and training activities of the Regional Family Assessorate for social and work policies, promotes the publication and updating of an electronic directory on its own internet web-site, of trained persons in the sphere of the activity discussed in article 3, containing the details of the qualifications pursued according to the level of qualification as contained in article 2, as well as contact information.
- Registration and removal from the directory are subject to an application from the interested party, accompanied with the documentation relating to the training qualification and the authorization for the process and publication of personal data.
- 3. The management and maintenance of the directory is carried out at the offices of the Regional Department for Labour, Employment and Orientation and of the services and training activities within the sphere of ordinary institutional processes, without new or greater burdens on the regional finances.
- 4. Registration on the directory is carried out using progressive individual numbering and requires the issuing of a named card to the registered person containing the integral registration data.
- 5. Registration in the directory as related to this article is free and is extended to all who have obtained a suitable qualification issued by state or public institutes, or by professional training centres accredited by the Region pursuant to the current applicable legislation and subjected to the related supervision, or a qualification issued by another Region, or which is recognizable pursuant to directive 2005/36/CE of the European Parliament and Council of 7 September 2005. Qualifications issued by other Regions or recognizable pursuant to directive 2005/36/CE must nevertheless conform with the control and authorization criteria required by related legislation. All qualifications related to this paragraph must be obtained in conformity with the standards quoted in article 3, paragraph 2.
- 6. The decree specified in article 5, paragraph 1, governs the method of payment by interested parties of any costs for the issuing of the card specified in paragraph 4.

Article 5.

Implementation and final provisions Financial neutrality clause

- 1. The methods for activating this law are defined with a decree of the President of the Region, as proposed by the regional Council Member for learning and professional training, in agreement with the regional Council Member for the family, social policy and labour, to be issued within 90 days from the date of this law entering
- 2. The qualifications and titles acquired on the date of this law coming into effect at the professional training centres accredited by the Region within the meaning of current legislation and which conform with the standards proscribed in article 3, paragraph 2, are considered suitable qualifications for

registration on the electronic directory as in article 4 and are recognizable within the meaning of directive 2005/36/CE of the European Parliament and Council of 7 September 2005 covering the whole European Community territory.

3. From activation of this law, no new or greater burdens may derive against the Regional finances.

Article 6.

Final regulation

- 1. This law will be published in the Official Gazette of the Region of Sicily.
- 2. The addressees to this law are required to comply with and enforce it.

Palermo, 21 April 2016.

CROCETTA MICCICHÈ

Regional council member for the family, social policy and labour

MARZIANO

Regional council member for training and professional development

NOTES

Caution:

The text of the following published notes has been edited pursuant to article 10, paragraphs 2 and 3 of the unified text approved by Presidential Decree dated 28 December 1985, No 1092, with the sole aim of simplifying understanding of modified statutory provisions or of those which have been deferred. The value and effectiveness of the transcribed legislative deeds remain unvaried, according to the related sources. Amendments are highlighted in italics.

Note, in article 1, paragraph 1:

Articles 14 and 17 of legislative Royal Decree dated 15 may 1946, No 455, concerning "Approval of the Statute of the Region of Sicily". respectively proclaim:

- «Article 14 The General Meeting, in the sphere of the Region and within the limits of the state's constitutional laws, without prejudice to the agricultural and industrial reforms deliberated by the Constituent of the Italian people, may legislate exclusively on the following matters:
 - a) Agriculture and forests;
 - b) Reclamation;
 - c) Civic customs;
 - d) Industry and commerce, except for legislation on private relationships;
- e) increase in agricultural and industrial production: Increasing the value, distribution, defence of agricultural and industrial products and of commercial activities:
 - f) Urbanizing:
 - g) public works, excepting large public works of mainly national interest;
 - h) mines, quarries, peat bogs, salt pans;
 - i) public waters, in that they are not the subject of public works of national interest:
 - 1) fishing and shooting;
 - m) public charities and charitable work;
- n) tourism, hotel security and safeguarding the countryside; conservation of antiquities and art works;
 - o) Regimes of local bodies and related surroundings;
 - p) organization of the offices of regional bodies;
 - q) legal and economic status of employees and functionaries of the Region, in any case not inferior to that of state personnel;
 - r) elementary schooling, museums, libraries, academies;
 - s) expropriation for public use.

Article 17 - within the limits of the principles and general interests which state legislation imposes, the regional Council may, in order to satisfy particular conditions and the Region's own interests,

issue laws, even with regard to the organization of services, on the following matters concerning the Region:

- a) Regional communications and transport of any kind;
- b) public hygiene and health;
- c) health care;
- d) middle and university education;
- e) control over of credit, insurance and savings;

- f) social legislation: Labour relations, social security, observing the minima established by State law;
 - g) trading standards;
 - h) taking on of public services;
 - i) all other matters which are prevalently of regional interest.».

Note on article 1, paragraph 4:

Ministerial Decree dated 13 January 1979, regarding the "Institution of the category of divers in local service" is published in the *Official Gazette* of the Italian Republic of 16 February 1979, No 47.

Note on article 3, paragraph 5, on article 4, paragraph 5, and article 5, paragraph 2:

The European and Council directive 2005/36/CE dated 7 September 2005, on the "the Directive of the European Parliament and Council relating to the recognition of professional qualifications" is published on the *Official Gazette* of the European Union dated 30 September 2005, No L 255.

PREPARATORY WORK

LEGISLATIVE DECREE No 698

«Regulations on the recognition of the profession and regulation of the training content for carrying our industrial underwater activity».

Parliamentary initiative: Submitted by Deputies Lentini, Cascio S., Currenti, Leanza, Nicotra, Ruggirello, Sammartino, Sudano, on 4 February 2014. Transmitted to the Commission for 'Culture, Training and Labour' (V) on 11 February 2014.

Read by the Commission at sessions Nos 142 of 18 March 2014, 164 of 17 June 2014, 188 of 7 October 2014, 196 of 12 November 2014 and 260 of 28 July 2015.

The issue being approved by the 'Budgets' Commission (II) at session No 196 of 12 November 2014.

Opinion given by the 'Budgets' Commission (II) at session No 213 of 16 July 2015.

Released from the courtroom during session No 260 of 28 July 2015.

Discussed by the General Meeting at session No 279 on 30 September and No 282 of 13 October 2015.

Referred to the Commission at chamber session No 282 of 13 October 2015.

Read by the Commission at sessions Nos 289 of 15 December 2015, 290 of 16 December 2015 and 291 of 16 December 2015.

Speaker: Marcello Greco.

Discussed by the General Meeting at session No 325 of 5 April 2016, No 326 of 6 April 2016, and No 327 of 12 April 2016.

Approved by the general meeting at session No 327 of 12 April 2016.

(2016.17.1078)091

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