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decrees and ministerial orders

PRIME MINISTRY

Order of the Prime Minister dated 8 July 2008, fixing the organizing methods of the internal competitive examination on the basis of tests for the promotion to the grade of administrative attaché belonging to the common administrative staff of public administrations.

(Published only in Arabic and French)

MINISTRY OF FINANCE

Decree n° 2008-2552 dated 7 July 2008, amending decree n° 2008-574 dated 4 March 2008, suspending the customs duties due on the soya seeds and the soya crabs.

The President of the Republic,

On a proposal from the Minister of Finance,

Having regard to the new tariff of the import customs duties promulgated by law n° 89-113 dated 30 December 1989, as amended and completed by the subsequent texts and notably law n° 2007-70 dated 27 December 2007, relating to the finance law for the year 2008,

Having regard to law n° 91-64 dated 29 July 1991, relating to competition and prices, as amended and completed by the subsequent texts, and notably law n° 2005-60 dated 18 July 2005, and notably article 24 bis,

Having regard to law n° 2007-70 dated 27 December 2007, relating to the finance law for the year 2008, and notably article 63,

Having regard to decree n° 75-316 dated 30 May 1975, fixing the duties of the Ministry of Finance,

Having regard to decree n° 2008-574 dated 4 March 2008, suspending the customs duties due on the soya seeds and the soya crabs,

Having regard to the opinion of the Minister of Trade and Handicrafts,

Having regard to the opinion of the Minister of Industry, Energy and Small and Medium sized Enterprises,

Having regard to the opinion of the Minister of Agriculture and Water Resources,

Having regard to the opinion of the Administrative Court.

Decreases the following :

Article one - The provisions of article 3 of decree n° 2008-574 dated 4 March 2008 mentioned above are repealed and superseded as follows :

Article 3 (new) - The provisions of the decree herein apply till 31 December 2008.

Art. 2 - The Minister of Finance, the Minister of Trade and Handicrafts, the Minister of Industry, Energy and Small and Medium-Sized Enterprises and the Minister of

Agriculture and Water Resources, each in his respective capacity, shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 7 July 2008.

Zine El Abidine Ben Ali

Decree n° 2008-2553 dated 7 July 2008, fixing the rates of fees resulting to the general insurance committee and laid down in article 198 of the insurance code, their amounts and the terms and conditions of their collection.

The President of the Republic,

On a proposal from the Minister of Finance,

Having regard to the insurance code promulgated by law n° 92-24 dated 9 March 1992, as amended and completed by law n° 2008-8 dated 13 February 2008, and notably article 198,

Having regard to the opinion of the Administrative Court.

Decreases the following :

Article one - The rate of the annual fees collected by the general insurance committee on the insurance and reinsurance enterprises as for their participation in the committee resources is set as follows :

- for insurance enterprises: 0.3% of the total amount of insurance exempted from cancellations and taxes and submitted during the previous financial year,

-for reinsurance enterprises: 0.3% of the total amounts of premiums accepted during the previous financial year and exempted from cancellations,

The amount of the annual fees is fixed and deposited at the current account of the general insurance committee at the latest the last working day of the quarter following the closing of each financial year on the basis of a declaration up to a model made by the committee.

Art. 2 - The amounts of fees collected by the general insurance committee as for the grant of approvals to the insurance enterprises and to the insurance intermediates are fixed as follows :

- for insurance enterprises: 1000 dinars as for each insurance branch,

- for insurance brokers: 1000 dinars,

- for insurance agents and producers of life insurance: 100 dinars.

For the insurance enterprises and the intermediates seeking consent shall acquit these fees at the time of requiring the rest of the files of consent. They will be deposited at the current account of the committee within a period of one month maximum as of the date of the request.

Art. 3 - Exceptionally, the annual fee mentioned in article one of the decree herein collected as for the year 2008 is calculated in proportion to the remaining period of this year as of the enforcement of decree herein, it will be deposited at the current account of the committee by the insurance and reinsurance enterprises within a maximum period of one month as of this date.

Art.4 - The Minister of Finance shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 7 July 2008.

Zine El Abidine Ben Ali

MINISTRY OF AGRICULTURE AND WATER RESOURCES

Decree n° 2008-2554 dated 7 July 2008, establishing a management unit by objectives to carry out the project of adjusting and asphaltting the agricultural tracks in the public irrigated perimeters, and fixing its organization and operating methods.

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Decrees n° 2008-2555 and n°2008-2556 dated 7 July 2008, changing the vocation of parcels of land classified in other agricultural areas in the governorates of Mahdia and Gabes.

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Decrees from n° 2008-2557 to n°2008-2564 dated 7 July 2008, establishing public irrigated perimeters in certain delegations of the governorates of Tozeur and Tataouine.

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Orders of the Minister of Agriculture and Water Resources dated 8 July 2008, opening the redevelopment land procedure in certain public irrigated perimeters of certain delegations of the governorate of Nabeul.

(Published only in Arabic and French)

MINISTRY OF ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

Decree n° 2008-2565 dated 7 July 2008, amending and completing decree n° 2002-693 dated 1st April 2002, relating to the conditions and methods of recovery of lubricant oils and the used oil filters and their management.

The President of the Republic,

On a proposal from the Minister of Environment and Sustainable Development,

Having regard to the customs code annexed to the decree dated 29 December 1955, reviewing and codifying the customs legislation as amended and completed by subsequent texts and notably law n° 2001-92 dated 7 August 2001,

Having regard to the code of waters promulgated by law n° 75-16 dated 31 March 1975, as amended and completed by subsequent texts and notably law n° 116-2001 dated 26 November 2001 especially articles 108, 110, 115, and 156 to 160,

Having regard to law n° 94-41 dated 7 March 1994, relating to foreign trade,

Having regard to law n° 96-41 dated 10 June 1996, relating to the wastes and their management and elimination, as amended and completed by law n° 2001-14 dated 30 January 2001 and notably articles 4, 9, 24, 31 and 31 bis,

Having regard to decree n° 94-1743 dated 29 August 1994, fixing the methods of realization of the operations of foreign trade and all amending and completing texts notably decree n° 2006-2619 dated 2 October 2006,

Having regard to decree n° 2000-2339 dated 10 October 2000, fixing the list of the dangerous wastes,

Having regard to decree n° 2002-693 dated 1st April 2002, relating to the conditions and methods of recovery of lubricant oils and the used oil filters and of their management,

Having regard to decree n° 2005-2317 dated 22 August 2005, establishing a national agency of management of wastes and fixing its mission, administrative and financial organization, as well as the methods of its operation,

Having regard to the opinion of the Ministers of Finance, of Industry, Energy and Small and Medium-Sized Enterprises and of Trade and Handicrafts,

Having regard to the opinion of the Administrative Court,

Having regard to the opinion of the Competition Council.

Decreases the following:

Article one - A paragraph 2 new shall be added to article 2 of the decree mentioned above n° 2002-693 dated 1st April 2002, worded as follows:

Article 2 (paragraph 2 new) - Shall be fixed by joint order of the Ministers of Environment, Finance, Industry and Trade, a list of lubricant oils and imported oil filters, submitted to the provisions of the decree herein.

Art 2 - Shall be added to article 11 of the decree mentioned above n° 2002-693 dated 1st April 2002, a paragraph 2 new worded as follows:

Article 11 (paragraph 2 new) - For the imported oils and oil filters, the customs clearance shall be operated only on the basis of commercial invoice carrying visa of the National Agency of Management of Wastes.

Art. 3 - The article 13 of the decree herein mentioned above n° 2002-693 dated 1st April 2002 is repealed and substituted by the following provisions:

Article 13 (new) - The contributions of members to the public system of recovery and regeneration of used lubricant oils shall be fixed on the basis of quantity of new lubricant oils which they produce or distribute on the local market and according to an adequacy which takes into account the quantities of regenerated oils produced per annum.

Importers and distributors of new lubricant oils, who import and put on the local market, quantities of new lubricant oils not exceeding 500 tons per annum, must discharge their contributions relating to the collection, transport and with the storage of used lubricant oils in return of the non recovery of their regenerated basic oil quota.

And in the event of a request for recovery of their regenerated oil quota, they must discharge the cost of regeneration in addition to the cost of the collection, transport and storage of used lubricant oils.

The other producing and distributing companies and of new lubricant oils, are bound to retake their regenerated

lubricant oil quota according to the adequacy mentioned in the first paragraph of this article.

Art. 4 - The Minister of Environment and Sustainable Development, the Minister of Finance, the Minister of Industry, Energy and Small and Medium-Sized Enterprises and the Minister of Trade and Handicrafts, each in his respective capacity, shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 7 July 2008.

Zine El Abidine Ben Ali

**MINISTRY OF INDUSTRY, ENERGY
AND SMALL AND MEDIUM-SIZED
ENTERPRISES**

Decree n° 2008-2566 dated 7 July 2008, approving the particular status of the officials of the national agency for energy management.

(Published only in Arabic and French)

**MINISTRY OF CULTURE AND
HERITAGE PRESERVATION**

NATIONAL ORDER OF MERIT

Grant of the national order of merit in the cultural sector.

(Published only in Arabic and French)

**MINISTRY OF YOUTH, SPORTS AND
PHYSICAL EDUCATION**

Decree n° 2008-2568 dated 7 July 2008, fixing the conditions of technical and medical aptitude and the methods of exercising diving activities.

The President of the Republic,

On a proposal from the Minister of Youth, Sports and Physical Education,

Having regard to organic law n° 95-11 dated 6 February 1995, relating to the sport structures, all amending and completing texts and notably organic law n° 2006-79 dated 18 December 2006,

Having regard to the beylical decree dated 12 July 1956, relating to a regulation for the apparatus of gas pressure,

Having regard to the labor code promulgated by law n° 66-27 dated 30 April 1966, all amending and completing texts and notably law n° 2006-18 dated 2 May 2006,

Having regard to law n° 94-104 dated 3 August 1994, organizing and developing the physical education and the sport activities, as amended by law n° 2005-64 dated 27 July 2005,

Having regard to law n° 2005-89 dated 3 October 2005, organizing the diving activity, notably article 4,

Having regard to decree n° 68-83 dated 23 March 1968, fixing the nature of works requiring a special medical supervision,

Having regard to decree n° 2000-1985 dated 12 September 2000, relating to the organization and functioning of the labor medicine departments,

Having regard to decree n° 2005-1842 dated 27 June 2005, fixing the attributions of the Ministry of Youth, Sports and Physical Education,

Having regard to decree n° 2006-1017 dated 13 April 2006, fixing the prerogatives, the composition and the rules of functioning of the diving national committee,

Having regard to the opinion of the Minister of National Defence, the Minister of the Interior and Local Development, the Minister of Transport, the Minister of Social Affairs, Solidarity and Tunisians Abroad, the Minister of Education and Training, the Minister of Agriculture and Water Resources, the Minister of Public Health, the Minister of Tourism, the Minister of Culture and Heritage Preservation, the Minister of Industry, Energy and Small and Medium-Sized Enterprises, the Minister of Environment and Sustainable Development, the Minister of Employment and Professional Integration of Youth, the Minister of Higher Education, Scientific Research and Technology,

Having regard to the opinion of the Administrative Court,

Having regard to the opinion of the diving national committee.

Decreases the following :

Article one - The decree herein fixes the conditions of technical and medical ability and the methods of exercising the activities of professional and amateur diving.

Art. 2 - In the sense of the decree herein, it is meant by:

- Diver : every person exercising diving activities, as defined in article 3 of the abovementioned law n°2005-89 dated 3 October 2005,

- Pressure of intervention: the absolute pressure at the level of the respiratory tracts of the diver whenever it reaches its maximum value during the diving duration,

- Relative pressure of intervention: the intervention pressure retrenched from the local atmospheric pressure,

-Hyperbaric background: every background of activity and stay where the absolute pressure is superior to the atmospheric pressure.

TITLE ONE

General provisions

Chapter one

General technical conditions of diving

Art. 3 - During the exercising of diving, the breathing of the compressed air is authorized to a depth of 50meters for the amateur divers and to a relative pressure of 6000hectopascals (6 bars) for the professional divers. Beyond this limit, specific respiratory blends shall be used in accordance with the provisions applicable to the professional diving whatever the target of the diving is.

The use of pure oxygen in hyperbaric background is authorized only for the periods of decompression or the oxygen therapy operations and only by respiratory means through individual respiratory apparatus.

Any other use of pure oxygen, notably for the pressing of hyperbaric backgrounds, is forbidden.

The composition of different blends breathed in hyperbaric backgrounds and the conditions within which shall meet the air or the blends breathed in the hyperbaric backgrounds are fixed by order of the Minister charged of Industry.

Art. 4 - The occupied pressurized backgrounds shall be provided with prevention means and with struggle against fire inside and outside.

The internal extinguishment means shall be adequate in pressurized atmosphere. The external extinguishment means shall take into account the particular situation of the staff intervening or staying under pressure, the presence of compressed gases and eventually the presence of oxygen.

Survival means in smoky atmosphere shall be available for the staff of manipulation and conduct of these backgrounds.

Art. 5 - The construction norms, the implementation rules and the safety rules applicable to the occupied pressurized backgrounds, notably the recompression and the saturation boxes, the hyperbaric oxygen therapy chambers, the diving turrets, the airlocks specific to the staff of tunnellers and the boxes submerged by works in compressed air, are fixed by order of the Minister charged of Industry.

Art. 6 - The use of the single-seater boxes without airlocks specific to the staff, is forbidden.

Chapter II

The exercising methods of the diving activities

Art. 7 - The practice of diving is placed under the responsibility of a diving director present on the site who fixes the features of diving and organizes the activity. He makes sure of the implementation of the safety rules in force.

The required qualifications to assure the post of director of diving are fixed by order of the Minister of National Defense after opinion of the Ministers interested by the diving sector as for the professional diving, and by order of the Minister charged of Sports as for the amateur diving.

Art. 8 - Every employer or every head of establishment authorized to exercise diving activities shall provide to the divers on the diving sites the following collective means :

- means of supervision and alert of the divers,
- means of communication with the first-aid departments,
- means of medical assistance including at least one oxygen inhaler and one first-aid kit,
- means of stocking, and eventually of production, transfer and control of these gases.

If the diving takes place in the sea, he shall provide to the divers, nautilus transport means meeting the norms of the transport of the staff, preservation means of the navigation security, and visual means signaling the presence of divers in immersion.

These collective means shall be adapted according to the nature of the practiced diving activities. Their list shall be fixed by the employer or by the head of the establishment and shall be enclosed to the security manual provided for in article 10 of the abovementioned law n° 2005-89 dated 3 October 2005.

Art. 9 - The security manual shall be drawn up according to the type of diving, and a copy shall be available on the site. It shall comprise:

- the list of the required equipments according to the used type of diving and the verifications which shall be carried out before their implementation,
- the procedures fixed for the different types of diving notably in regard to the choice of gases, the tables of compression and decompression, the first-aid operational procedures, the conduct to executed in case of fire and diving accidents,

- The safety rules to be observed during the different types of diving,

- The available external first-aid means, the procedures of alert.

In addition, the diving measures, the operational procedures of first-aid, the conduct to be executed in case of fire and diving accidents shall be posted in the place of diving and accessible to every diver.

Art. 10 - Every diver shall be supervised from a check point located in a place submitted to the local atmospheric pressure gathering the means of communication with the first-aid departments, the means of alert and first-aid of divers, the information about the depth or the determined pressure of diving, the nature of breathed gases and the volumes of the stocks.

The one who provides the control shall be a diver who has a level of qualification equal or superior to that of the divers who are under his supervision and he shall be able to intervene at any moment in order to give assistance to the divers and to the workers under pressure. He can be, if the nature of diving allows it, the director of diving.

Art. 11 - On each diving site, at least one member of the staff shall be specially trained to give first-aid in case of emergency and to provide the means provided for in article 8 of the decree herein.

Art. 12 - The limitations of the duration and frequency of the stays under pressure, the methods and procedures of compression, of decompression in normal conditions or in case of accident, the duration of exposure to the heavy pressures of oxygen are fixed by order of the Minister charged of Public Health and the Minister charged of the labor medicine and of the labor security.

TITLE II

Conditions of medical and technical aptitude and the methods of exercise of the activities of professional diving

Chapter one

Conditions of medical aptitude of the professional diving

Art. 13 - It is required for the exercise of professional diving being a psychologically constraining activity especially on cardiovascular, pulmonary, otolaryngology and neurological level, the following general conditions of medical aptitude :

- the lack of any cardiovascular and pulmonary disease,
- the lack of any affection which may alter the ability to balance the pressure at the level of the lungs, the average ear and the sinus,
- the lack of any disease which may involve unexpected faints.

A medical examination of professional diving aptitude shall be periodically compulsory and this after any diving accident or any intercurrent disease. Any professional diver shall be submitted to a special medical supervision.

The aptitude of professional diving shall be declared by an labor doctor after opinion of a doctor having recognized competences in the diving medicines.

The methods of the unfolding of the abovementioned medical examinations, the medical tests and the criteria of aptitude of the professional diving, shall be fixed by a joint order of the Minister charged of Public health and the Minister charged of labor Medicine and Labor Safety.

Art. 14 - The minimum age for the apprenticeship or the exercise of professional diving is fixed at eighteen (18) years.

Art. 15 - Every authorized institution or establishment, to practice the diving, shall report any diving accident to the territorially competent labor doctor inspector.

Chapter II

Technical conditions of professional diving

Art. 16 - For the professional diving, it shall be fixed four defined levels of qualification of divers according to the maximum authorized value of the relative pressure. The divers are classified in one or other of these levels according to the obtained qualifications at the end of their training.

The definition of the different levels of qualification is fixed by order of the Minister charged of Vocational Training.

In addition to the qualification degree, it shall be attributed to each diver at the end of his training, a mention which defines the nature of the diving activity for which he is intended. These mentions are defined as follows:

- mention A : it concerns the persons whose main activity consist in intervening in sub-aquatic environment,
- mention B: it concerns the persons who may be driven to practise their trade in sub-aquatic environment,
- mention C: it concerns the persons assigned to the achievement of hyperbaric medical installations (without immersion),
- mention D: it concerns the persons who intervene in a hyperbaric environment without immersion.

The conditions of delivery of the diving aptitude diplomas for each level and each mention are fixed by decree in accordance with the provisions of article 5 of the above mentioned law n° 2005-89 dated 3 October 2005.

Art. 17 - Each professional diver shall have a book called "the diver's book". This book is delivered by the concerned structures, charged of professional diving within the meaning of article 3 of the abovementioned law n° 2005-89 dated 3 October 2005.

The regime, the form and the mentions to be contained in this book are fixed by order of the Minister charged of sports.

Chapter III

The methods of exercise of the activities of professional diving

Art. 18 - In case of practice of diving at relative pressures superior to 5000 hectopascals (5 bars) a decompression box corresponding to the number of persons intervening simultaneously shall be available on the site with the qualified personnel to use it in case of accident.

In case of practice of diving at relative pressures inferior to 5000 hectopascals (5 bars) requiring degrees of decompression, the employer or the head of establishment shall ensure that there is a recompression box available in case of accident, corresponding to the number of persons intervening simultaneously under pressure as well as the qualified staff to use it. The access time-limit shall under no circumstances exceed two hours.

In case of practice of diving not requiring degrees of decompression, the employer of the head of establishment

shall ensure that there is a medical reanimation center accessible in case of accident and able to treat the persons intervening simultaneously under pressure.

TITLE III

Conditions of medical and technical aptitude and the methods of exercise of the activities of amateur diving

Chapter one

Conditions of medical aptitude of the amateur diving

Art. 19 - It is required for the exercise of the amateur diving being a psychologically constraining activity especially on the cardiovascular, pulmonary, otolaryngology and neurological level, the following general conditions of medical aptitude:

- the lack of any cardiovascular and pulmonary disease,
- the lack of any affection which may alter the ability to balance the pressure in the level of the lungs, the average ear and the sinus,
- the lack of any disease which may involve unexpected faints.

For the first dive, not exceeding the depth of two meters, it is not required a medical certificate of aptitude of diving.

For the amateur divers of first level in article 22 of the decree herein, it is required to periodically obtain a medical certificate mentioning the lack of contra- indications to diving, except for those who are among those who underwent a diving accident where it is required to obtain a medical certificate of aptitude of diving.

For the amateurs divers of second, third and fourth levels mentioned in article 22 of the decree herein, it is periodically required and this, and after each diving accident to obtain a medical certificate of aptitude of diving.

The conditions of medical aptitude required for the exercise of amateur diving, the list of medical tests and examinations and the criteria of aptitude of amateur diving are fixed by a joint order of the Minister charged of Public Health and the Minister charged of Sports.

The monitors of amateur diving of all levels shall meet the same criteria of medical aptitude applicable to the professional divers.

Art. 20 - For the amateur diving, the minimum age for the apprenticeship or the exercise of diving is fixed at fourteen (14) years.

Art. 21 - Any institution or establishment authorized to practice the diving shall report any diving accident to the doctor inspector of health.

Chapter II

Technical conditions of the amateur diving

Art. 22 - For the amateur diving, four levels of divers defined in regard to the maximum authorized depth shall be fixed and three levels of monitors as well. The divers and monitors are classified respectively in either these levels in accordance with the qualifications obtained during their training.

The definition of the different levels of amateur divers shall be fixed by order of the Minister charged of Sports.

Art. 23 - Any amateur diver, out of the period of initial training, shall have a book called "the diver's book". This book is delivered by the concerned structures, charged of amateur diving within the meaning of article 3 of the

abovementioned law n° 2005-89 dated 3 October 2005. The regime, form and mentions which it shall contain are fixed by order of the Minister charged of Sports.

Chapter III

The methods of exercise of the activities of amateur diving

Art. 24 - The provisions of articles 7, 8, 9, 10 and 11 here-above shall not apply to the amateur divers practicing a non-controlled dive at sea. This derogation will be no longer applicable if the dive is carried out within initiation, apprenticeship, service provision or promotion.

The practice of such type of diving shall, however, be submitted to the following duties :

- the divers shall be affiliated to a organized structure,
- the diving can only be carried out by day with the limit of maximum depth of fifteen meters and with the exclusive use of compressed air as a respiratory gas,
- if all the divers do not have the same level, it shall not be exceeded the authorized maximum depth for the less qualified of them,
- each diver shall be equipped with a double access to the air reserve and the two relief valves,
- medical assistance means comprising, at least, an oxygen inhaler and emergency kit shall be available on the dive site,
- the presence of divers in immersion shall be duly signaled by "Alpha" flag of the international code of signals,
- one person, at least, having a communication mean shall be present on surface in order to be able to alert the first-aid departments in case of accident.

TITLE IV

Punishments

Art. 25 - The infringements to the provisions of the decree herein, shall be punished in accordance with article 16 of law n° 2005-89 dated 3 October 2005 abovementioned.

Art. 26 - The Minister of National Defence, the Minister of the Interior and Local Development, the Minister of Transport, the Minister of Social Affairs, Solidarity and Tunisians Abroad, the Minister of Youth, Sports and Physical Education, the Minister of Education and Training, the Minister of Agriculture and Water Resources, the Minister of Public Health, the Minister of Tourism, the Minister of Culture and Heritage Preservation, the Minister of Industry, Energy and Small and Medium-Sized Enterprises, the Minister of Environment and Sustainable Development, the Minister of Employment and Professional Integration of Youth and the Minister of Higher Education, Scientific Research and Technology, each in his respective capacity, shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 7 July 2008.

Zine El Abidine Ben Ali

END OF DUTIES

End of duties of a sub- director.

(Published only in Arabic and French)

MINISTRY OF PUBLIC HEALTH

APPOINTMENTS

Appointment of a director of district hospitals.

(Published only in Arabic and French)

Appointment of a member to the technical committee of Djebel Oust health complex.

(Published only in Arabic and French)

MINISTRY OF EDUCATION AND TRAINING

Order of the Minister of Education and Training dated 11 July 2008, fixing the regulations and the program of the training cycle for the integration in the staff of educational inspection of vocational training in the Ministry of Education and Training.

(Published only in Arabic and French)

Order of the Minister of Education and Training dated 11 July 2008, opening a training cycle for the integration in the staff of educational inspection of vocational training in the Ministry of Education and Training.

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MINISTRY OF HIGHER EDUCATION, SCIENTIFIC RESEARCH AND TECHNOLOGY

END OF DUTIES

End of duties of a vocational training director.

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End of duties of a senior secretary of higher education and research establishment.

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