

A Legal Approach of Diving Tourism and the Protection of Marine Cultural Heritage. The Case of Greece



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Abstract In the perspective of utilizing the marine cultural wealth of the country, the Greek state formed an institutional framework for the development of diving tourism. The Greek legislator, influenced by the investment nature of tourism development, moved with a broad mind to shape leisure diving activity away from the strict framework of professional diving. The present study examines the new institutional framework by examining whether the new provisions for the development of diving tourism meet the needs of the protection of marine archaeological resources but also the need for sustainable tourism development.

Keywords Diving tourism · Recreational diving · Shipwrecks · Diving parks

JEL Classifications K00 · K11 · K15 · L83 · Z38

1 Introduction

Although the underwater world is a mysterious and unexplored world for man, the search for food, the inspection for the ship's reef and the observation of the marine world were among the main reasons that motivated man to dive. From antiquity, the Greek sponges were known to dive to great depths. In addition to the sponges' divers and the diver-fishermen, there were also the diver-inspectors who checked the condition of the seabed, the hull of the ship, the anchorage, etc. (Moira & Mylonopoulos, 2020a).

Insecurity and difficulty in accessing the underwater environment resulted in the reluctance of man to participate in recreational activities that brought him in contact with the seabed. But with the advent of technology combined with the influence of television, photography and books, the general public has become more aware of the

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marine environment and the organisms that live in it. In particular, the explorations of Frenchman Jacques-Yves Cousteau (Cousteau & Dugan, 1963, 1965; Cousteau & Dumas, 1953; The Cousteau Society, 2021) increased man's knowledge for the underwater world and sparked the desire to explore it. The result of this effect was an increase of the interest in diving and in general of the desire to explore and enjoy the underwater marine environment. Soon a new category of diving was created, the *recreational diving*, aimed at the general public.

2 Diving as a Recreational Activity

Today, diving can be divided to four categories, namely diving of scientific interest, diving that is part of military activities, professional diving and recreational diving (Moira & Mylonopoulos, 2020b).

Recreation diving creates an important area of economic activity, which could be described as a "diving tourism industry" (Mylonopoulos & Moira, 2019: 7). It includes companies selling diving equipment, diving training schools, transport services with specialized boats at diving sites, companies that advertise and promote diving areas, tourist resorts for diving, publishing companies of specialized press and electronic press, travel agencies dealing exclusively with diving, etc. Total diving equipment sales in the US are estimated at \$750 million annually (Kieran, 2019).

Many of the major diving destinations are located outside Europe (e.g., Maldives, the Red Sea, Mexico, Australia, Indonesia, Micronesia and Hawaii), resulting in a significant foreign exchange outflow. According to available data, there are more than 25 million certified divers worldwide, including 4 million Europeans, who spend more than 2 billion Euros per year (Yassirani, 2017).

According to a study conducted in 2017, recreational diving seems to be new and dynamic field of alternative leisure activity, with many opportunities for further development, as recreational divers are willing to travel to enjoy the marine environment, have a high disposable income and stay several days at the destination (Mylonopoulos & Moira, 2019). This study highlighted the inadequacy of the Greek institutional framework, which acts as a deterrent due to the restrictions and delays in demarcating the areas where diving is allowed. The new institutional framework of diving tourism removes the relevant shortcomings and creates positive conditions for the development of diving tourism.

Greece has 9,835 island territories, with a total coastline of 15,021 km, exceptional climatic conditions, historicity, world class cultural heritage and a rich marine fauna and flora. If used rationally, all the above can constitute the basis for the development of diving tourism, making Greece a diving destination throughout the year (Mylonopoulos & Moira, 2019).

3 The Administrative Framework of Diving Tourism in Greece

The diving activity in Greece was regulated by provisions of police nature, taking the form of the General Port Regulation (Mylonopoulos, 2012: 128). In this context, the General Port Regulation Number 10 (JMD Merchant Shipping 3131.1/20/1995, Government Gazette B'978) "on diving operations" came into force. Also, as the recreational dimension of diving was recognized, that is that diving offers physical and mental exercise as well as health and peace of mind at the same time, many people began to engage in this recreational activity. Thus, the state, though its competent administrative authority, the Ministry of Merchant Shipping, enacted the General Port Regulation (No 3131.1/9/94, Government Gazette B'858) regulating the underwater activities with an autonomous device, i.e., the recreational diving.

Many problems arose by the implementation of this regulation, since the object of recreational diving was not regulated entirely and especially the issue of underwater antiquities, a competency of the Ministry of Culture. In many cases, citizens who are engaged in diving as providers of services of recreational activities, have appealed to the administrative judiciary against decisions of the competent services that did not allow them to engage in such activities. The Hellenic Council of State (CoS) with its decision 531/1991 (Department D') rejected the application of an individual, who operated a swimming school in a coastal hotel, requesting the cancellation of a document of the Central Port Authority of Rhodes, notifying him/her that the exercise of diving in the sea by individuals (foreigners or not) for learning or entertainment purpose is governed by the General Regulation the Port of Rhodes (Government Gazette B'456 of 1978, articles 242–256) "on schools of underwater activity". According to the regulation, the exercise of underwater activity presupposes the permission of the Port Authority, for the issuance of which it is necessary to have a relevant license from the Ephorate of Underwater Antiquities of the Ministry of Culture. In addition, the CoS with the decision 1743/2002 (Department E') rejected an application of an individual requesting the cancellation of document of the Ministry of Merchant Shipping-Directorate of the Port Police, which notified him that the sea areas of Kamari and Armeni of Thira (Santorini) have not been released by the Ministry of Culture and, therefore, recreational diving is not allowed in these areas.

It should be noted that the protection of marine antiquities of the country was established by the first archeological law 10/22-5-1834 and was strengthened by the codified Law 5351/1932. Article 24 of the 1975 Constitution guarantees the protection of the natural and cultural environment. Law 3028/2002 "On the protection of antiquities and cultural heritage in general" (Government Gazette A'153), which replaced K.N. 5351/1932 is now the basic law. This law contains provisions that refer to the protection of underwater antiquities. In particular, Article 15, entitled "Underwater Archeological Sites", prohibits underwater activity with breathing apparatus, unless authorized by the Ministry of Culture. Moreover, for the exercise of underwater activity with breathing apparatus or with a submarine or with other means of

surveillance of the seabed in the sea areas that are not characterized as underwater archeological sites but there are important indications of underwater antiquities, it is required, for reasons of protection of the underwater cultural heritage, to get a permission from the archaeological service, which sets the terms and conditions on a case-by-case basis.

The state, recognizing the importance of diving tourism for the country and under the perspective of its development as a form of alternative tourism (Moirá & Mylonopoulos, 2020b), established a special legal framework for recreational diving, using as a pillar the Law 3409/2005 (Government Gazette A'273). This law was amended by the Law 4276/2014 (Government Gazette A'155), Law 4582/2018 (Government Gazette A'208) and Law 4688/2020 (Government Gazette A'101). These provisions create a multi-level administrative framework, regulating the joint competence of the Ministries of Maritime Affairs and Insular Policy, Culture and Sports, Environment and Energy and Tourism.

Law 4688/2020 (Government Gazette A'101) "Special forms of tourism, provisions for tourism development and other provisions" codifies the provisions referring to diving tourism. In particular, the law sets the regulatory framework that is necessary for the development and promotion of diving tourism in Greece. At the same time, this law aims to ensure the protection, preservation and utilization of the natural and cultural underwater environment of the country under the principles of sustainable development.

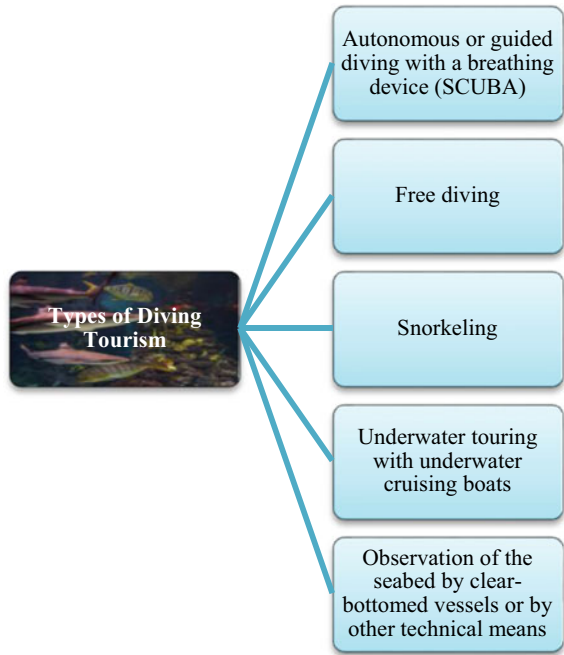
According to the law, "*recreational diving tourism*" is characterized as a special form of tourism, which refers to underwater touring in every water area of the Greek territory, including the sea, inland waters (lakes, rivers, caves), the protected underwater sites, diving parks, visited underwater, inland and inland lakeside archeological or historical sites, shipwrecks older or not of 50 years old from their sinking and free artificial underwater sites. The water areas are selected by the visitors-tourists, who combine their holidays with individual or organized diving with specific equipment and techniques, opting for learning or guided diving or seeing the surface with a mask and snorkel in order to explore the seabed and the underwater geomorphology for reasons of recreation, physical exercise and acquisition of knowledge and experience.

In particular, according to the law, the following "*types of diving tourism*" are indicatively mentioned: (a) autonomous or guided diving with a breathing device (self-contained underwater breathing apparatus/SCUBA diving), (b) free diving, (c) snorkeling, (d) underwater touring with underwater cruising boats and (e) observation of the seabed by clear-bottomed vessels or by other technical means (Fig. 1).

3.1 The Exercise of Underwater Activity

Recreational diving tourism refers to the exercise of underwater activity with breathing apparatus or other submarine means, in any water area of the Greek territory, for leisure purposes. The exercise of this kind of activity is allowed freely

Fig. 1 Types of diving tourism according to the Greek Law

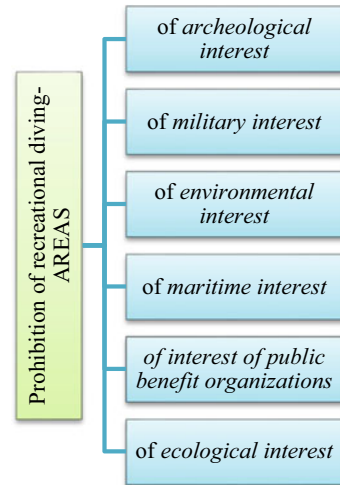


throughout the territory as well as in the sea areas adjacent to diving parks, regardless of the depth of the dive.

It is pointed out the law identifies the areas of the Greek territory within which recreation diving is prohibited. In particular, the prohibitions per sector of interested are defined as follows (Fig. 2):

- (a) In *sea areas of archeological interest*, i.e., in the marine areas of underwater archeological sites, as they are determined by the competent services of the Ministry of Culture and Sports.
- (b) In *maritime areas of military interest*, i.e., in maritime areas that are the exercise areas of the armed forces or areas where military operations and exercises are developed or in facilities designated as defense areas or as naval forts or areas where there are navy moors of the Navy or at anchorages supplying fuel pipelines or in watery parts of the lighthouses' safety zones.
- (c) In *marine areas of environmental interest*, i.e., for which there is an explicit relevant prohibition by the maritime special framework. A key parameter of Maritime Spatial Planning is sustainable development, referring to the actions of various agents at economic, social, environmental and cultural levels. Achieving sustainable development requires the rational management of all maritime economic activities (e.g., shipping, fishing, mining, recreation) with a view to preserving the biodiversity of the marine environment and the maritime cultural heritage.

Fig. 2 Prohibitions of recreational diving



- (d) *In maritime areas of maritime interest*, i.e., in the maritime areas of passage or mooring of ships, of trips with leased motorized marine recreational vessels and at a distance of 100 m on either side of their starting points or in maritime areas where prohibitions are imposed by the Navy, for the safety of ships or persons.
- (e) *In marine areas of interest of public benefit organizations*, i.e., in marine areas of submarine cables' laying or other installations.
- (f) *In marine areas of ecological interest*, i.e., in areas with ecologically sensitive marine ecosystems. However, it is possible to allow recreational diving under certain conditions, based on a joint ministerial decision of the relevant ministries.

3.2 Diving Tourism Council

For the first time, a permanent, inter-ministerial body is established—the Diving Tourism Council, in order to ensure the most effective action of the co-competent administrative bodies. The Diving Tourism Council is an advisory body, and it aims to constantly inform the Minister of Tourism on issues of sustainable tourism development of recreational diving and the promotion of recreational diving attractions of Greece in order to formulate a national strategy for the development of diving tourism as well as the creation of a national network of diving attractions. The Diving Tourism Council is established by decision of the Minister of Tourism, and it is staffed by members representing the public sector—the relevant ministries, the scientific field of diving, the amateur field of diving and the professional field of diving. Specifically, the council includes (a) two scientists with knowledge and experience in issues related to diving tourism, (b) an official of the Ministry of Environment and Energy, an official of the Ministry of Maritime Affairs and Insular Policy, an official of the Ministry of Rural Development and Food and an official of

the Ministry of Tourism, (c) a representative of amateur diving clubs and (d) a representative of diving leisure services' providers. In addition, in cases that fall within the competence of the Ministry of National Defense, a representative of the General Staff of the Navy (GEN) also participates.

The responsibilities of the Diving Tourism Council are divided into:

- (a) *Responsibilities of advisory nature.* It makes proposals for the formulation of a national development strategy for diving tourism.
- (b) *Responsibilities of coordination.* It cooperates with the services of the relevant co-competent ministries for the development of diving tourism.
- (c) *Cooperation* with (c1) public services at regional and local level proposals for the formulation of a national development strategy for diving tourism as well as the creation of the national network of diving attractions, (c2) professional diving associations, (c3) educational bodies for the creation and strengthening of environmental education and awareness in the field of maritime and especially diving tourism.
- (d) *International cooperation with European and international organizations* for the exchange of data and good practices on diving tourism issues.
- (e) *Promotion of the Greek diving tourism* in cooperation with the Greek National Tourism Organisation (GNTO).
- (f) *Collection of statistical data* regarding the operation, the condition and the visitors of the underwater archeological sites and the diving parks of the country.

3.3 Recreational Diving Services' Provider

The provider of diving leisure services, e.g., a diving center, an underwater swimming school, etc., is a natural or legal person certified by the Diving Certification Organization.

The cycle of diving leisure services includes (a) scuba diving training, (b) the provision of organized or guided diving services, (c) the diving equipment rental, (d) the provision of mask and snorkel swimming services and (e) the provision of equipment rental services for surface navigation with mask and snorkel.

As organized diving is characterized the service of transport, underwater escort, surveillance and support, in case of emergency, offered by the Recreational Diving Service Provider to divers, who have qualifications and experience at a level commensurate with the diving activity.

As guided diving is characterized the organized diving, during which scuba divers are accompanied by the Recreational Diving Service Provider.

In addition, the Law 4688/2020 adds as an activity the surface navigation with mask and snorkel. This is the provision of service of transport, escort, surveillance and support, in case of emergency, for swimming with the use of mask, snorkel and flippers, in which the participants stay afloat or have occasional diving just by holding their breath. During it, participants can use buoyancy adjustment devices or equipment to support themselves in the surface, depending on the prevailing

conditions and their capabilities. This service is offered by a diving leisure service provider, according to the certified training program of the organization from which she/he is authorized.

In order to provide these services, the provider must have obtained a license from the competent Port Authority. The Ministry of Maritime Affairs and Insular Policy maintains a Register of Licenses, in which the details of the recreational diving services' providers are registered.

4 The Attractions of Diving Tourism

The law clearly defines, for the first time, the poles of attractions of diving tourism, which are characterized as “attractions of diving tourism”. Thus, “diving tourism attractions are the underwater attractions that are located or constructed within the Greek territory and can be used as poles of attraction for tourist traveling in the context of diving tourism”. Attractions of this kind are (a) the underwater archeological sites open to visitors, (b) the shipwrecks, (c) the free artificial underwater sites, (d) the diving parks (Fig. 3).

The sitting, licensing, construction and operation of underwater archeological sites, diving parks and free artificial underwater sites, open to visitors, as considered as investments of developmental, tourist, cultural and environmental character. There is also the possibility of receiving subsidies for this kind of investments from national, European and international funding programs. Within this investment framework, sponsorships from natural or legal persons to natural or legal persons are encouraged, since no donation tax is imposed and any other exemption or favorable provision of the applicable legislation applies to them.

(1) *Underwater archeological sites open to visitors.* The seabed of the Greek seas is known for its richness of antiquities. The underwater cultural heritage is an

Fig. 3 Attractions of diving tourism



attractive factor for diving tourism and the underwater archeological sites to be visited offer a comparative advantage.

The Law 3409/2005 provided the possibility of guided diving, always accompanied by diving guardians of antiquities or diving archeologists in underwater archeological sites that were characterized as “underwater museums” (article 11, par.1). Based on this provision, sea areas of the Sporades islands, sea areas in the western Pagasitikos (Government Gazette B’19), sea areas of Lavreotiki Makronissos (Government Gazette B’2655), sea areas of Methoni and the declared archeological site of Navarino Bay, Municipality of Pylos-Nestora (Government Gazette B’2489) were declared as underwater archeological sites to be visited, by joint ministerial decisions and the permitted activities within these sites were regulated as well as the conditions of guided diving. Despite the issuance of ministerial decisions for the establishment of underwater archeological sites that functioned as underwater museums, the relevant provision of Law 3409/2005 proved to be unrealistic in its implementation, due to the small number of diving archeologists and guardians of antiquities and remained in practice inactive.

Realizing this weakness, the legislator, with Law 4688/2020 provides the possibility to the competent ministries—Ministry of Culture and Sports, Ministry of Maritime Affairs and Insular Policy—with a joint decision, to characterize the already declared underwater archeological sites as *Underwater Archeological Sites* to be visited, where diving is allowed, accompanied by recognized and legally licensed recreational diving services’ providers.

The management of Underwater Archeological Sites to be visited is entrusted to the competent ephorate of underwater antiquities or to a management body, which is appointed by a decision of the Ministry of Culture and Sports. Each Underwater Archeological Site or group of Underwater Archeological Sites to be visited operates on the basis of rules of operation issued by decision of the Minister of Culture and Sports. Diving leisure services’ providers and visitors must comply with the rules of operation, when visiting the terms of the Underwater Archeological Sites.

Guarding service in the Underwater Archeological Sites to be visited is provided by the personnel of the competent Archeological Service in cooperation with the personnel of the Port Authority. Due to the sensitive nature of Underwater Archeological Sites, it is possible to exercise physical control and control of the luggage of visitors and their companions by the staff of the competent archeological service. For the boats that are used in recreational diving, specific departure and return points are determined, which can be guarded also by the competent archeological service. For safety reasons, vessels are prohibited from approaching another part of land or other vessel during their stay in the Underwater Archeological Sites. Moreover, boats used for recreational diving can also be inspected. Both visitors and boats are prohibited from carrying metal detectors on the seabed and on the premises of the Underwater Archeological Sites.

In the Underwater Archeological Sites, it is only allowed to:

- (a) Guided diving or surface navigation with mask and snorkel, accompanied with a licensed diving leisure services’ provider.

- (b) The navigation and observation of the seabed with boats of transparent bottom or other means of observation of the seabed.
- (c) Archeological or other scientific research, during which the possibility of visiting the Underwater Archeological Site is interrupted.
- (d) *Shipwrecks*. In 2003, the Ministry of Culture, with its decision, characterized the wrecks of ships and aircrafts as cultural assets (Government gazette B'1701), because of their historical, technological, scientific and cultural interest. A basic condition for the designation is the lapse of at least 50 years from the date of the shipwreck. This concept also includes the moving parts of ships and aircrafts.

For the first time in the legislation, a provision is set for the utilization of wrecks of ships and aircrafts, which have sunk at least 50 years ago for the last with the Law 4688/2020. According to Article 7, the wrecks of ships and aircrafts sunk at least 50 years ago:

- (1) Guided or organized by recreational diving providers free or autonomous diving or surface tour with mask and snorkel, (b) seabed observation with transparent bottom vessels or other seabed observation devices, (c) private surface navigation with mask and snorkel are only and exclusively allowed.
- (2) It is not allowed for the divers, during the diving in the shipwrecks, to make any operation or alteration in the shipwrecks, as well as to collect, remove or even simply move any object from them.

The law provides for the possibility of issuing a joint ministerial decision by the Ministries of Culture and Sports, Shipping and Island Policy and, whenever there is responsibility from the Ministry of National Defense, to determine (a) the conditions of diving in shipwrecks, (b) the process of notifying diving in the competent ephorate of marine antiquities, (c) the obligations of the providers of diving leisure services, (d) the obligations of the diving visitors.

To mark the diving activity, it is permitted to attach a float to the wreck. The float is orange in color and bears a special mark or a red flag with a white diagonal line, which is internationally recognized as a flag indicating diving activity. In this case of the surface marking of the diving activity, the anchoring of any boat at a distance of 100 m is prohibited.

The competent Port Authority has the possibility to provide an administrative permit for the seasonal mooring of public shipwrecks near the wrecks for use from boats used in diving, in order to avoid anchoring, provided that there is no deterioration or risk of deterioration in the wrecks. The boats bear the appropriate marking, according to the instructions of the Hydrographic Service and the Lighthouse Service. In these moorings, it is forbidden to anchor any boat at a distance of 100 m.

- (C) *Free artificial underwater attractions*. The legislator innovates and introduces for the first time the possibility of creating free artificial underwater attractions. Law 4688/2020 provides the possibility to interested parties either of the public sector (e.g., municipalities) or of the private sector (e.g., coastal hotel companies) to create artificial underwater attractions at their own expense. This concept includes ships, traditional ships, shipwrecks, floating structures or other

artificial structures or works of art, which are installed on the seabed in order to improve the biodiversity and the diving attractiveness of the marine area. A necessary condition for the creation of a free artificial underwater attraction is the issuance of a relevant environmental license (N. 4014/2011). A free artificial underwater attraction may not be created within a radius of less than a thousand meters from the limits of a diving park.

It is pointed out that free artificial underwater attractions are created without having to pay any fee to the State and without having the right to collect a ticket for the recreational diving that takes place in them. That is to say that the free artificial underwater attractions remain public and free to visit for everyone. Ownership of the free artificial underwater attractions remains with the pre-dive owner or any successor, who has the right to withdraw them at any time. In this case, she/he has the obligation to immediately and completely restore the underwater environment, returning it to its previous state. This practice is common in well-known diving destinations in Europe and around the world. A typical example is the underwater museum, Atlántico in the Mediterranean, off the coast of the island of Lanzarote in the Canary Islands. The museum has more than 300 statues at a depth of about 12 m that have been designed to function as an artificial reef that will boost marine life (Museo Atlántico Lanzarote, 2021). The museum opened to the public in 2016, and the dives are controlled, always accompanied by professional divers. Guided glass-bottomed boat trips are also offered. In Cancun, Mexico, in a huge underwater space, more than 400 sculptural statues have been placed, which attract the interest of divers. The underwater museum can also be visited by glass-bottomed boats. The purpose of its creation was to attract visitors in order to reduce the pressure on the coral reef of Cancun National Marine Park, from the 750,000 recreational divers, who visit it annually (Moira & Mylonopoulos, 2020).

During the diving activity, it is forbidden to anchor any boat at a distance of 100 m from the surface marking of the dive. Also, any form of fishing within a radius of 50 m from the perimeter of the free artificial underwater attraction is prohibited. In the free artificial underwater attractions, seasonal or even permanent mooring for use from boats used for diving is allowed, to avoid anchorage, provided there is no deterioration or risk of deterioration of them. The mooring of boats is subject to permission of the Port Authority, after the submission of a relevant anchorage study and topographic diagram. The boats must be properly marked in accordance with the instructions of the Hydrographic Service and the Lighthouse Service.

In free artificial underwater attractions, where there are shipwrecks, it is forbidden to anchor any boat at a distance of 100 m from them.

(D) *Diving parks.* The legislation for the creation of diving parks refers to Laws 3409/2005 and Laws 4688/2020. A sea area with its corresponding bottom, is designated as a “diving park” after the issuance of a joint decision by the Ministries of Finance and Environment and Energy. A prerequisite for the designation of a diving park is the previous relevant suggestion of the Ministries of National Defense, Culture and Sports, Maritime Affairs and Insular Policy, Rural Development and Food, and Tourism. The total area of a diving park

cannot exceed 2 km². However, it can consist of one to three separate sections of marine space with a maximum distance between them of 150 m.

A diving park may include or refer to a maritime area, which is part of the Natura 2000 network or to a National Marine Park or to another protected marine area or parts of such areas. The formulation and operation of the Natura 2000 network is based on two EU Directives for nature, namely the Habitats Directive (92/43/EEC) and the Wild Birds Directive (2009/147/EC, ex 79/409/EC).

Moreover, the designation may include marine areas, where marine aquaculture is located and operates for the purpose of recreation, promoting, at the same time, the Greek aquaculture. Additionally, diving parks may include shipwrecks and Underwater Archeological Sites open to visitors. A decision of the Ministry of Culture and Sports is required for the location of a diving park in an area of a delimited Underwater Archeological Site. In the area designated as a diving park, exclusively guided diving activities are carried out as well as related underwater activities, such as underwater photography, underwater cinematography and environmental education. Moreover, scientific research is allowed in the diving park. Within the delimited sea area of the diving park, the prohibited and permitted activities are precisely identified.

- (1) It is allowed: (a) the navigation exclusively of boats, vessels and submarines of the management body and of boats that are used to serve the visitors, (b) the navigation of floating and submarine means of the competent authorities in order to control compliance of the conditions and obligations imposed by the provisions in force, (c) the immersion of ships, shipwrecks, floating shipyards or other man-made structures in order to improve the underwater flora and fauna or the attractiveness of the underwater landscape.
- (2) It is forbidden (a) anchoring. The mooring of boats and vessels is done exclusively on specific infrastructure that has appropriate marking, according to the instructions of the Hydrographic Service and the Lighthouse Service. The boats are immersed with the least possible disturbance to the underwater environment, (b) fishing of all forms and underwater fishing, (c) catching the fauna and collecting the flora of the area, (d) any sporting or other maritime activity that hinders the dives or the management operations of the park.

The management authority. The management of the diving park can be undertaken by either a natural person or a legal entity or their partnership. The management authority does not provide recreational diving services and exercises exclusively the management, organization, supervision, protection, guarding and exploitation of the park, as an underwater recreation area open to visitors. The management authority may produce and market informative, educational, informative and tourist material related to the park in printed, photographic, electronic or other form. It may also charge a fee for the granting of professional photography or filming rights within the park or for public use of the name, distinctive mark and general elements of the park inside and outside of it, in conjunction with the name and general characteristics of the recipients of this service. The management authority of the diving park can collect a fee from the visitors.

In case of repeated violation of the law, of the concession decision and/or of the operation and safety regulations of the park, the management authority may temporarily or permanently prohibit the entry into the park to a specific Recreational Diving Service Provider or Visitor.

5 Scuba Diving Certification Organization

The Scuba Diving Certification Organization (N. 3409/2005 and N. 4688/2020) becomes the central institution in the system of regulating recreational diving. This organization, which may take the form of a legal entity under public law or a legal entity under private law or of a federation, is recognized by the Ministry of Maritime Affairs and Insular Policy in accordance with the provisions in force.

The mandate of the organization is to (a) prepare the training programs for recreational diving and the training programs for surface touring with a mask and a snorkel, (b) control and authorize recreational diving service providers and (c) issue the training certificates of the trainers and amateur divers as well as of trainees taking part in a surface tour with a mask and a snorkel. Moreover, the organization is obliged, each January, to submit to the Ministry of Maritime Affairs and Insular Policy a list of the Diving Recreation Service Providers, authorized by it and a list with the details of the persons to whom training certificates were issued, either for scuba divers or amateurs.

6 Conclusion

The state, realizing the importance of diving as a maritime leisure activity, proceeded to formulate the necessary legal framework. It is observed, however, that the state has moved from the previous regime of complete prohibition of diving, strictly allowed only for professional reasons, to a regime of freedom, with restrictions and prohibitions, of course, both in terms of conducting the diving activity itself and in terms of conducting the diving activity against other maritime activities of an intense economic nature.

It could also be argued that the underwater environment is “directed” in order to attract tourists with a particular interest in recreational diving. In this way, however, especially through the free artificial underwater attractions, the authenticity of the underwater landscape is altered and consequently, the element of authenticity is removed from the reality, which is now directed. It is not considered necessary to “direct” the reality for the Greek underwater space, as we believe that the authentic-marine environment and landscape attracts mainly the interest of people involved in diving as a recreational activity.

The establishment of a legal framework for diving tourism in combination with the rational management of marine resources by the competent authorities will contribute

to the sustainable tourism development of the country. Due to the rich underwater archaeological heritage of Greece, the reinforcement and increase of the personnel of the control authorities as well as the training of the competent personnel for the provision of the appropriate escort services for the diving leisure activities are also considered as necessary.

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