

6	What were the results of any review or assessment of the effectiveness of CITES legislation, with regard to the following items?				Tick all applicable
	Item	Adequate	Partially Inadequate	Inadequate	No information
	Powers of CITES authorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Clarity of legal obligations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Control over CITES trade	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Consistency with existing policy on wildlife management and use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Coverage of law for all types of offences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Coverage of law for all types of penalties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Implementing regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Coherence within legislation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Please provide details if available:					
7	If no review or assessment has taken place, is one planned for the next reporting period?			Yes	<input checked="" type="checkbox"/>
				No	<input type="checkbox"/>
				No information	<input type="checkbox"/>
Please provide details if available:					
8	Has there been any review of legislation on the following subjects in relation to implementation of the Convention?			Tick all applicable	
	Subject	Yes	No	No information	
	Access to or ownership of natural resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Harvesting	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Transporting of live specimens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Handling and housing of live specimens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Please provide details if available:					
9	Please provide details of any additional measures taken:				

C. Compliance and enforcement measures

		Yes	No	No information
1	Have any of the following compliance monitoring operations been undertaken?			
	Review of reports and other information provided by traders and producers:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Inspections of traders, producers, markets	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Border controls	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Have any administrative measures (e.g. fines, bans, suspensions) been imposed for CITES-related violations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	If Yes, please indicate how many and for what types of violations? If available, please attach details.			
4	Have any significant seizures, confiscations and forfeitures of CITES specimens been made?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	If information available: <input type="checkbox"/> Significant seizures/confiscations <input type="checkbox"/> Total seizures/confiscations If possible, please specify per group of species or attach details.	Number		
6	Have there been any criminal prosecutions of significant CITES-related violations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	If Yes, how many and for what types of violations? If available, please attach details as Annex.			
8	Have there been any other court actions of CITES-related violations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	If Yes, what were the violations involved and what were the results? Please attach details as Annex.			
10	How were the confiscated specimens usually disposed of?	Tick if applicable		
	– Return to country of export			<input type="checkbox"/>
	– Public zoos or botanical gardens			<input type="checkbox"/>
	– Designated rescue centres			<input type="checkbox"/>
	– Approved, private facilities			<input checked="" type="checkbox"/>
	– Euthanasia			<input type="checkbox"/>
	– Other (specify)			<input type="checkbox"/>
Comments:				

11	Has detailed information been provided to the Secretariat on significant cases of illegal trade (e.g. through an ECOMESSAGE or other means), or information on convicted illegal traders and persistent offenders?	Yes	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
		Not applicable	<input type="checkbox"/>
		No information	<input type="checkbox"/>
Comments: It was only one case of illegal trade so far registered in Montenegro. It was case of smuggling of two Siberian tigers in 2005.			
12	Have there been any cooperative enforcement activities with other countries (e.g. exchange of intelligence, technical support, investigative assistance, joint operation, etc.)?	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		No information	<input type="checkbox"/>
13	If Yes, please give a brief description:		
14	Have any incentives been offered to local communities to assist in the enforcement of CITES legislation, e.g. leading to the arrest and conviction of offenders?	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		No information	<input type="checkbox"/>
15	If Yes, please describe:		
16	Has there been any review or assessment of CITES-related enforcement?	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		Not applicable	<input type="checkbox"/>
		No information	<input type="checkbox"/>
Comments:			
17	Please provide details of any additional measures taken:		

D. Administrative measures

D1 Management Authority (MA)

1	Have there been any changes in the designation of or contact information for the MA(s) which are not yet reflected in the CITES Directory?	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
		information	<input type="checkbox"/>
2	If Yes, please use the opportunity to provide those changes here.		
3	If there is more than one MA in your country, has a lead MA been designated?	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		No information	<input type="checkbox"/>
4	If Yes, please name that MA and indicate whether it is identified as the lead MA in the CITES Directory.		

5	How many staff work in each MA? In Montenegro, there are one MA with one person constantly employed		
6	Can you estimate the percentage of time they spend on CITES-related matters? If yes, please give estimation About 70 %	Yes No No information	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
7	What are the skills/expertise of staff within the MA(s)?	Tick if applicable	
	- Administration		<input checked="" type="checkbox"/>
	- Biology		<input checked="" type="checkbox"/>
	- Economics/trade		<input type="checkbox"/>
	- Law/policy		<input type="checkbox"/>
	- Other (specify)		<input type="checkbox"/>
	- No information		<input type="checkbox"/>
8	Have the MA(s) undertaken or supported any research activities in relation to CITES species or technical issues (e.g. labelling, tagging, species identification) not covered in D2(8) and D2(9)?	Yes No No information	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
9	If Yes, please give the species name and provide details of the kind of research involved.		
10	Please provide details of any additional measures taken:		

D2 Scientific Authority (SA)

1	Have there been any changes in the designation of or contact information for the SA(s) which are not yet reflected in the CITES Directory?	Yes No No information	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2	If Yes, please use the opportunity to provide those changes here.		
3	Is the designated Scientific Authority independent from the Management Authority?	Yes No No information	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
4	What is the structure of the SA(s)?	Tick if applicable	
	- Government institution		<input type="checkbox"/>
	- Academic or research institution		<input checked="" type="checkbox"/>
	- Permanent committee		<input type="checkbox"/>
	- Pool of individuals with certain expertise		<input type="checkbox"/>
	- Other (specify)		<input type="checkbox"/>
5	How many staff work in each SA on CITES issues? No fully employed staff in jobs related to CITES implementation. There are a number of people of different professions that are engaged when it comes to any work related to implementation of the Convention.		

6	Can you estimate the percentage of time they spend on CITES-related matters If yes, please give estimation 5 %	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>					
7	What are the skills/expertise of staff within the SA(s)? – Botany – Ecology – Fisheries – Forestry – Welfare – Zoology – Other (specify) – No information	Tick if applicable <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
8	Have any research activities been undertaken by the SA(s) in relation to CITES species?	Yes <input type="checkbox"/> No <input type="checkbox"/> No information <input checked="" type="checkbox"/>					
9	If Yes, please give the species name and provide details of the kind of research involved.						
	Species name	Populations	Distribution	Off take	Legal trade	Illegal trade	Other (specify)
	[Please continue on separate sheet, as necessary.]					No information	<input type="checkbox"/>
10	Have any project proposals for scientific research been submitted to the Secretariat under Resolution Conf. 12.2?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No information <input type="checkbox"/>					
11	Please provide details of any additional measures taken:						

D3 Enforcement Authorities

1	Has the Secretariat been informed of any enforcement authorities that have been designated for the receipt of confidential enforcement information related to CITES?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>
2	If No, please designate them here (with address, phone, fax and email).	
3	Is there a specialized unit responsible for CITES-related enforcement (e.g. within the wildlife department, Customs, the police, public prosecutor's office)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Under consideration <input type="checkbox"/> No information <input type="checkbox"/>
4	If Yes, please state which is the lead agency for enforcement:	
5	Please provide details of any additional measures taken:	

D4 Communication, information management and exchange

1	To what extent is CITES information computerized? Tick if applicable						
	– Monitoring and reporting of data on legal trade <input type="checkbox"/>						
	– Monitoring and reporting of data on illegal trade <input type="checkbox"/>						
	– Permit issuance <input checked="" type="checkbox"/>						
	– Not at all <input type="checkbox"/>						
– Other (specify) <input type="checkbox"/>							
2	Do the following authorities have access to the Internet? Tick if applicable						
	Authority	Yes, continuous and unrestricted	Yes, but only through a dial-up connection	Yes, but only through a different office	Some offices only	Not at all	Please provide details where appropriate
	Management Authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Scientific Authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Enforcement Authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Is there an electronic information system providing information on CITES species?					Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>	

4	If Yes, does it provide information on: <ul style="list-style-type: none"> - Legislation (national, regional or international)? - Conservation status (national, regional, international)? - Other (please specify)? 	Tick if applicable <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>																				
5	Is it available through the Internet: Please provide URL:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> No information <input type="checkbox"/>																				
6	Do the authorities indicated have access to the following publications? <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Publication</th> <th style="width: 16.6%;">Management Authority</th> <th style="width: 16.6%;">Scientific Authority</th> <th style="width: 16.6%;">Enforcement Authority</th> </tr> </thead> <tbody> <tr> <td><i>2003 Checklist of CITES Species</i> (book)</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td><i>2003 Checklist of CITES Species and Annotated Appendices</i> (CD-ROM)</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td><i>Identification Manual</i></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td><i>CITES Handbook</i></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	Publication	Management Authority	Scientific Authority	Enforcement Authority	<i>2003 Checklist of CITES Species</i> (book)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>2003 Checklist of CITES Species and Annotated Appendices</i> (CD-ROM)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Identification Manual</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>CITES Handbook</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Tick if applicable
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<i>CITES Handbook</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																			
7	If not, what problems have been encountered to access this information?																					
8	Have enforcement authorities reported to the Management Authority on: <ul style="list-style-type: none"> - Mortality in transport? - Seizures and confiscations? - Discrepancies in number of items in permits and number of items actually traded? Comments:	Tick if applicable <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>																				
9	Is there a government website with information on CITES and its requirements? If Yes, please give the URL:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No information <input type="checkbox"/>																				
10	Have CITES authorities been involved in any of the following activities to bring about better accessibility to and understanding of the Convention's requirements to the wider public? <ul style="list-style-type: none"> - Press releases/conferences - Newspaper articles, radio/television appearances - Brochures, leaflets 	Tick if applicable <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>																				

	<ul style="list-style-type: none"> - Presentations <input type="checkbox"/> - Displays <input type="checkbox"/> - Information at border crossing points <input type="checkbox"/> - Telephone hotline <input type="checkbox"/> - Other (specify) <input type="checkbox"/>
	Please attach copies of any items.
11	Please provide details of any additional measures taken:

D5 Permitting and registration procedures

1	Have any changes in permit format or the designation and signatures of officials empowered to sign CITES permits/certificates been reported previously to the Secretariat?	Yes	<input checked="" type="checkbox"/>	
		No	<input type="checkbox"/>	
		Not applicable	<input type="checkbox"/>	
	If no, please provide details of any:	No information	<input type="checkbox"/>	
	Changes in permit format:			
	Changes in designation or signatures of relevant officials:			
2	To date, has your country developed written permit procedures for any of the following?	Tick if applicable		
		Yes	No	No information
	Permit issuance/acceptance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Registration of traders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Registration of producers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3	Please indicate how many CITES documents were issued and denied in the two year period? (Note that actual trade is reported in the Annual Report by some Parties. This question refers to issued documents).						
	Year 1	Import or introduction from the sea	Export	Re-export	Other	Comments	
	How many documents were issued?	-	-	-		In 2007, Montenegro became a Party of the Convention through a process of succession.	
	How many applications were denied because of serious omissions or misinformation?						
	Year 2						
	How many documents were issued?	4	2	2			
	How many applications were denied because of serious omissions or misinformation?						
4	Were any CITES documents that were issued later cancelled and replaced because of serious omissions or misinformation?				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	No information <input type="checkbox"/>
5	If Yes, please give the reasons for this.						
6	Please give the reasons for rejection of CITES documents from other countries.					Tick if applicable	
	Reason			Yes	No	No information	
	Technical violations			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Suspected fraud			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Insufficient basis for finding of non-detriment			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Insufficient basis for finding of legal acquisition			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Other (specify)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7	Are harvest and/or export quotas as a management tool in the procedure for issuance of permits?				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	No information <input type="checkbox"/>
	Comments						
8	How many times has the Scientific Authority been requested to provide opinions? Two times						

9	Has the MA charged fees for permit issuance, registration or related CITES activities? – Issuance of CITES documents: – Licensing or registration of operations that produce CITES species: – Harvesting of CITES-listed species : – Use of CITES-listed species: – Assignment of quotas for CITES-listed species: – Importing of CITES-listed species: – Other (specify):	Tick if applicable <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
10	If Yes, please provide the amounts of such fees. The fees that is charged for the issuance of CITES permits is 50 euros	
11	Have revenues from fees been used for the implementation of CITES or wildlife conservation? – Entirely: – Partly: – Not at all: – Not relevant: Comments:	Tick if applicable <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
12	Please provide details of any additional measures taken:	

D6 Capacity building

1	Have any of the following activities been undertaken to enhance effectiveness of CITES implementation at the national level?		Tick if applicable	
Increased budget for activities		<input type="checkbox"/>	Improvement of national networks	<input checked="" type="checkbox"/>
Hiring of more staff		<input type="checkbox"/>	Purchase of technical equipment for monitoring/enforcement	<input type="checkbox"/>
Development of implementation tools		<input type="checkbox"/>	Computerization	<input checked="" type="checkbox"/>
– Other (specify)		<input type="checkbox"/>	<input type="checkbox"/>	

<p>2</p>	<p>Have the CITES authorities received or benefited from any of the following capacity building activities provided by external sources?</p> <p>Please tick boxes to indicate which target group and which activity.</p> <table border="1"> <thead> <tr> <th data-bbox="242 383 730 645">Target group</th> <th data-bbox="730 383 831 645">Oral or written advice/guidance</th> <th data-bbox="831 383 911 645">Technical assistance</th> <th data-bbox="911 383 1002 645">Financial assistance</th> <th data-bbox="1002 383 1070 645">Training</th> <th data-bbox="1070 383 1129 645">Other (specify)</th> <th data-bbox="1129 383 1447 645">What were the external sources?</th> </tr> </thead> <tbody> <tr> <td data-bbox="242 645 730 696">Staff of Management Authority</td> <td data-bbox="730 645 831 696"><input checked="" type="checkbox"/></td> <td data-bbox="831 645 911 696"><input type="checkbox"/></td> <td data-bbox="911 645 1002 696"><input type="checkbox"/></td> <td data-bbox="1002 645 1070 696"><input checked="" type="checkbox"/></td> <td data-bbox="1070 645 1129 696"><input type="checkbox"/></td> <td data-bbox="1129 645 1447 696"></td> </tr> <tr> <td data-bbox="242 696 730 748">Staff of Scientific Authority</td> <td data-bbox="730 696 831 748"><input checked="" type="checkbox"/></td> <td data-bbox="831 696 911 748"><input type="checkbox"/></td> <td data-bbox="911 696 1002 748"><input type="checkbox"/></td> <td data-bbox="1002 696 1070 748"><input checked="" type="checkbox"/></td> <td data-bbox="1070 696 1129 748"><input type="checkbox"/></td> <td data-bbox="1129 696 1447 748"></td> </tr> <tr> <td data-bbox="242 748 730 799">Staff of enforcement authorities</td> <td data-bbox="730 748 831 799"><input checked="" type="checkbox"/></td> <td data-bbox="831 748 911 799"><input type="checkbox"/></td> <td data-bbox="911 748 1002 799"><input type="checkbox"/></td> <td data-bbox="1002 748 1070 799"><input checked="" type="checkbox"/></td> <td data-bbox="1070 748 1129 799"><input type="checkbox"/></td> <td data-bbox="1129 748 1447 799"></td> </tr> <tr> <td data-bbox="242 799 730 851">Traders</td> <td data-bbox="730 799 831 851"><input type="checkbox"/></td> <td data-bbox="831 799 911 851"><input type="checkbox"/></td> <td data-bbox="911 799 1002 851"><input type="checkbox"/></td> <td data-bbox="1002 799 1070 851"><input type="checkbox"/></td> <td data-bbox="1070 799 1129 851"><input type="checkbox"/></td> <td data-bbox="1129 799 1447 851"></td> </tr> <tr> <td data-bbox="242 851 730 902">NGOs</td> <td data-bbox="730 851 831 902"><input type="checkbox"/></td> <td data-bbox="831 851 911 902"><input type="checkbox"/></td> <td data-bbox="911 851 1002 902"><input type="checkbox"/></td> <td data-bbox="1002 851 1070 902"><input type="checkbox"/></td> <td data-bbox="1070 851 1129 902"><input type="checkbox"/></td> <td data-bbox="1129 851 1447 902"></td> </tr> <tr> <td data-bbox="242 902 730 954">Public</td> <td data-bbox="730 902 831 954"><input type="checkbox"/></td> <td data-bbox="831 902 911 954"><input type="checkbox"/></td> <td data-bbox="911 902 1002 954"><input type="checkbox"/></td> <td data-bbox="1002 902 1070 954"><input type="checkbox"/></td> <td data-bbox="1070 902 1129 954"><input type="checkbox"/></td> <td data-bbox="1129 902 1447 954"></td> </tr> <tr> <td data-bbox="242 954 730 987">Other (specify)</td> <td data-bbox="730 954 831 987"><input type="checkbox"/></td> <td data-bbox="831 954 911 987"><input type="checkbox"/></td> <td data-bbox="911 954 1002 987"><input type="checkbox"/></td> <td data-bbox="1002 954 1070 987"><input type="checkbox"/></td> <td data-bbox="1070 954 1129 987"><input type="checkbox"/></td> <td data-bbox="1129 954 1447 987"></td> </tr> </tbody> </table>	Target group	Oral or written advice/guidance	Technical assistance	Financial assistance	Training	Other (specify)	What were the external sources?	Staff of Management Authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Staff of Scientific Authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Staff of enforcement authorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Traders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		NGOs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
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<p>3</p>	<p>Have the CITES authorities been the <i>providers</i> of any of the following capacity building activities?</p> <p>Please tick boxes to indicate which target group and which activity.</p> <table border="1"> <thead> <tr> <th data-bbox="242 1070 730 1332">Target group</th> <th data-bbox="730 1070 831 1332">Oral or written advice/guidance</th> <th data-bbox="831 1070 911 1332">Technical assistance</th> <th data-bbox="911 1070 1002 1332">Financial assistance</th> <th data-bbox="1002 1070 1070 1332">Training</th> <th data-bbox="1070 1070 1129 1332">Other (specify)</th> <th data-bbox="1129 1070 1447 1332">Details</th> </tr> </thead> <tbody> <tr> <td data-bbox="242 1332 730 1384">Staff of Management Authority</td> <td data-bbox="730 1332 831 1384"><input checked="" type="checkbox"/></td> <td data-bbox="831 1332 911 1384"><input type="checkbox"/></td> <td data-bbox="911 1332 1002 1384"><input type="checkbox"/></td> <td data-bbox="1002 1332 1070 1384"><input type="checkbox"/></td> 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<p>4</p>	<p>Please provide details of any additional measures taken:</p>																																																															

D7 Collaboration/co-operative initiatives

1	Is there an inter-agency or inter-sectoral committee on CITES? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No information <input type="checkbox"/>																								
2	If Yes, which agencies are represented and how often does it meet?																								
3	<p>If No, please indicated the frequency of meetings or consultancies used by the Management Authority to ensure co-ordination among CITES authorities (e.g. other MAs, SAs, Customs, police, others):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Daily</th> <th style="text-align: center;">Weekly</th> <th style="text-align: center;">Monthly</th> <th style="text-align: center;">Annually</th> <th style="text-align: center;">None</th> <th style="text-align: center;">No information</th> <th style="text-align: center;">Other (specify)</th> </tr> </thead> <tbody> <tr> <td>Meetings</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Consultations</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> </tbody> </table>		Daily	Weekly	Monthly	Annually	None	No information	Other (specify)	Meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Consultations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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4	<p>At the national level have there been any efforts to collaborate with:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Tick if applicable</th> <th style="text-align: center;">Details if available</th> </tr> </thead> <tbody> <tr> <td>Agencies for development and trade</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Provincial, state or territorial authorities</td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Local authorities or communities</td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Indigenous peoples</td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Trade or other private sector associations</td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>NGOs</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Other (specify)</td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> </tbody> </table>		Tick if applicable	Details if available	Agencies for development and trade	<input checked="" type="checkbox"/>		Provincial, state or territorial authorities	<input type="checkbox"/>		Local authorities or communities	<input type="checkbox"/>		Indigenous peoples	<input type="checkbox"/>		Trade or other private sector associations	<input type="checkbox"/>		NGOs	<input checked="" type="checkbox"/>		Other (specify)	<input type="checkbox"/>	
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5	<p>To date, have any Memoranda of Understanding or other formal arrangements for institutional cooperation related to CITES been agreed between the Management Authority and the following agencies? Tick if applicable</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td>Scientific Authority</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Customs</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Police</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other border authorities (specify)</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other government agencies</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Private sector bodies</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>NGOs</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other (specify)</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>	Scientific Authority	<input type="checkbox"/>	Customs	<input type="checkbox"/>	Police	<input type="checkbox"/>	Other border authorities (specify)	<input type="checkbox"/>	Other government agencies	<input type="checkbox"/>	Private sector bodies	<input type="checkbox"/>	NGOs	<input type="checkbox"/>	Other (specify)	<input type="checkbox"/>								
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6	Have Government staff participated in any regional activities related to CITES?	Tick if applicable	
	Workshops		<input checked="" type="checkbox"/>
	Meetings		<input checked="" type="checkbox"/>
	Other (specify)		<input type="checkbox"/>
7	Has there been any effort to encourage any non-Party to accede to the Convention?	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		No information	<input type="checkbox"/>
8	If Yes, which one(s) and in what way?		
9	Has technical or financial assistance been provided to another country in relation to CITES?	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		No information	<input type="checkbox"/>
10	If Yes, which country(ies) and what kind of assistance was provided?		
11	Has any data been provided for inclusion in the CITES Identification Manual?	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		No information	<input type="checkbox"/>
12	If Yes, please give a brief description.		
13	Have measures been taken to achieve co-ordination and reduce duplication of activities between the national authorities for CITES and other multilateral environmental agreements (e.g. the biodiversity-related Conventions)?	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		No information	<input type="checkbox"/>
14	If Yes, please give a brief description.		
15	Please provide details of any additional measures taken:		

D8 Areas for future work

1	Are any of the following activities needed to enhance effectiveness of CITES implementation at the national level and what is the respective level of priority?			
	Activity	High	Medium	Low
	Increased budget for activities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hiring of more staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Development of implementation tools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Improvement of national networks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Purchase of new technical equipment for monitoring and enforcement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Computerization	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2	Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by the Conference of the Parties?	Yes	<input checked="" type="checkbox"/>	
		No	<input type="checkbox"/>	
		No information	<input type="checkbox"/>	

3	<p>If Yes, which one(s) and what is the main difficulty? Res Conf. 12.8 (Rev CoP 13) Montenegro recognized that in order to address the stipulated requiremants, substantial capacity building and other forms of assistance are very important.</p> <p>The Montenegrin Managment authority is developing a project proposal regarding adequate implementation of CITES Convention. Funding support will be required and an adequate time frame allowed for Montenegro to work on various aspects, such as trade controls and user education.</p>									
4	<table border="0"> <tr> <td>Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?</td> <td>Yes</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td></td> <td>No</td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td>No information</td> <td><input type="checkbox"/></td> </tr> </table>	Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?	Yes	<input checked="" type="checkbox"/>		No	<input type="checkbox"/>		No information	<input type="checkbox"/>
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	No	<input type="checkbox"/>								
	No information	<input type="checkbox"/>								
5	<p>If Yes, please describe the constraint and the type of attention or assistance that is required.</p> <p>- Low awareness of CITES requiremants among Customs Officers at Border controls;</p> <p>-Lack of enough staff dedicated for CITES, particulary in Scientific Authority area.</p> <p>-Funding assistance would be required expecially regarding tehcnical education on CITES listed species, identification, trade requirements, etc.</p>									
6	<table border="0"> <tr> <td>Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification?</td> <td>Yes</td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td>No</td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td>No information</td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification?	Yes	<input type="checkbox"/>		No	<input type="checkbox"/>		No information	<input checked="" type="checkbox"/>
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	No	<input type="checkbox"/>								
	No information	<input checked="" type="checkbox"/>								
7	<p>If Yes, please give a brief description.</p>									
8	<p>Please provide details of any additional measures taken:</p>									

E. General feedback

Please provide any additional comments you would like to make, including comments on this format.

Thank you for completing the form. Please remember to include relevant attachments, referred to in the report. For convenience these are listed again below:

Question	Item	Enclosed	<input checked="" type="checkbox"/>
B4	Copy of full text of CITES-relevant legislation	Not available	<input type="checkbox"/>
C3	Details of violations and administrative measures imposed	Enclosed	<input type="checkbox"/>
C5	Details of specimens seized, confiscated or forfeited	Not available	<input type="checkbox"/>
C7	Details of violations and results of prosecutions	Enclosed	<input type="checkbox"/>
C9	Details of violations and results of court actions	Not available	<input type="checkbox"/>
D4(10)	Details of nationally produced brochures or leaflets on CITES produced for educational or public awareness purposes	Enclosed	<input checked="" type="checkbox"/>
	<p data-bbox="312 1406 459 1440">Comments</p> <p data-bbox="312 1473 1157 1720">In 2007. Institute for Nature Protection of Montenegro in cooperation with the Ministry of Tourism and Environmental Protection, the Customs Administration and the U.S. Embassy in Montenegro, has published a Guide for Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The Guide is printed on 136 pages in Montenegrin and English language.</p> <p data-bbox="312 1753 715 1787">Guide contains several parts:</p> <ul data-bbox="312 1821 1157 2033" style="list-style-type: none"> - International Trade in Endangered Species (In general) - Convention on International Trade in Endangered Species of Wild Flora and Fauna - EU and CITES 	Not available	<input type="checkbox"/>
		Not relevant	<input type="checkbox"/>

	<p>- Montenegro and CITES</p> <p>- Annexes (Translation of the Convention, form of permits, List of Parties, Animal and plant species in the CITES and EU Annexes represented in Montenegro)</p> <p>General comments:</p> <p>After regaining independence on 21st of May 2006, Montenegro has undertaken steps to accede to CITES regulations and on 3rd June 2007 it managed officially to enter the commune together with the CITES Convention Member- States.</p> <p>Relevant national legislation regarding CITES accession has already been sent to the CITES secretariat.</p> <p>It should be noted that Montenegro has adopted in 2008. the new Environment Law , and by the end of 2009 planning to adopt Regulation on the Transboundary Trade in Endangered plant and animal species.</p>
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29.

In accordance with Article 95, paragraph 3 of the Constitution of Montenegro I hereby pass the

ENACTMENT

ON PROCLAIMING THE LAW ON NATURE PROTECTION

("Official Gazette of Montenegro", No. 51/08 from the 22nd of August 2008)

I hereby proclaim the Law on Nature Protection, passed by the Montenegrin Parliament at the second sitting of the first regular session in 2008, on the 29th of July 2008.

Number: 01-1569/2
Podgorica, 11th of August 2008

President of Montenegro,
Filip Vujanović, s.r.

THE LAW ON NATURE PROTECTION

I. GENERAL PROVISIONS

Subject Matter

Article 1

This Law shall regulate nature protection and conservation.

Nature, in sense of this Law, shall represent the unity of geosphere and biosphere including also natural resources with their biological, geological, geomorphologic and landscape diversity.

Nature is of interest for Montenegro and shall enjoy special protection in accordance with the law.

A certain number of exceptionally valuable natural assets distinguished by their biological, geological, ecosystem and landscape diversity shall be put under protection (hereinafter: protected natural resources).

Implementation of Nature Protection

Article 2

Nature protection shall be conducted for the purpose of:

- Conservation and enhancement of biological (genetic, species, ecosystem), geological and landscape diversity;
- Determining and monitoring the state of nature;
- Adjustment of human activities with economic and social development plans, programmes, basis and projects with sustainable use of renewable and rational use of non renewable natural values and resources for the purpose of their permanent conservation;
- Prevention of environmentally damaging activities, which are the consequence of technological development and performing activities;
- Restoration and enhancement of damaged nature and restoration of natural balance and harmonized relations with human actions;

- Conservation of natural features of land and conservation of quality, quantity and water availability, including also sea water quality.

Principles of Nature Protection and Enhancement

Article 3

Basic principles of nature protection and enhancement are as follows:

- 1) Principle of a high level of nature protection –all legal and natural persons are obliged in undertaking actions or performing activities to contribute to protection and enhancement of nature, conservation of biological and landscape diversity and general beneficial functions of nature and natural balance.
- 2) Principle of sustainability – the use of natural resources may be exercised solely up to the extent, which does not threaten biological and landscape diversity and functioning of basic natural systems and processes.
- 3) Principle of the application of nature protection measures and conditions – in using natural resources and natural assets, spatial planning and development it is obligatory to apply prescribed nature protection measures.
- 4) Principle of integrated protection – nature protection and enhancement shall be embedded in sustainable development strategy, special planning documentation and other plans, programs and basis.
- 5) Prevention principle – it is the right and obligation of legal and natural persons to undertake all the measures and actions aimed at protecting nature before any harmful consequences arise;
- 6) The “user pays” principle – the user of protected natural assets is obliged to pay the fee for utilisation thereof and bear the costs for space recovery and re-cultivation.
- 7) Principle of openness – shall encompass the right to free access to information on the state of nature, the right to timely information on damages to nature and measures undertaken for their removal, and the right to the possibility of participation in decision-making on issues of importance for nature.

Basic environmental protection principles, in accordance with a specific law, shall also apply to nature protection and enhancement.

Nature Protection

Article 4

Nature protection shall be conducted in particular by:

- establishing and assessing the state of phenomena and processes in nature;
- establishing and determining protected natural assets and systems and systems to monitor their protection;
- conducting nature protection measures;
- determining measures and conditions of nature protection in spatial and urban plans, project documents, bases and programmes for natural resources management (mining, energy, transport, water, agriculture, forestry, hunting, fishery, tourism and other sectors whose activities have impact on nature);
- drafting reports on the state of nature, adoption and implementation of strategies, programs, action and recovery plans and management plans;
- establishing natural asset management systems;

- linking and harmonising domestic system with the international system of nature protection;
- fostering scientific and professional endeavours in nature protection;
- informing the public of the state of nature and public participation in nature protection decision-making;
- encouraging and promoting nature protection by raising awareness on the need for nature protection in the education system.

Exemptions

Article 5

This Law shall not be applied in cases of suppressing or preventing direct threats to human life and health or property, or saving peoples' lives or property, respectively.

The Law shall not apply only for the duration of circumstances stipulated in paragraph 1 of this Article, which shall be determined by an act of a respective authority.

Definition of Terms

Article 6

Certain terms used in the Law shall have the following meaning:

- **Autochthonous species** shall mean a species of wild plants, animals or fungi, which naturally occurs in ecosystems within the territory of Montenegro;
- **Allochthonous species** shall mean an alien species of wild plants, animals or fungi which entered the ecosystems within the territory of Montenegro by intentional or unintentional introduction;
- **Activity affecting nature** shall mean any temporary or permanent human activity affecting nature, which is not undertaken with the aim of nature protection and which may disturb natural balance;
- **Gene bank** shall mean a highly specialised collection of live plant and animal material and fungi which is collected, stored and reproduced under strictly controlled and specific conditions;
- **Biological diversity (biodiversity)** shall mean the diversity of living organisms from all sources, including, *inter alia*, land, sea and other water ecosystems and environmental complexes as well as the diversity within a species, between species and between ecosystems
- **Red List** shall mean an inventory of endangered wild species of plants, animals or fungi classified according to the level of threat;
- **Derivative** shall mean an organic or inorganic product of living organisms (deer horns, wild boar tusks, turtle shells, etc.);
- **Wild plants, animals or fungi species** shall mean a species not created as a consequence of cross-breeding or selection or breeding activities undertaken by humans;
- **Ecosystem** shall mean a complex structural and functional unity of non-living and living nature, i.e. biotope and biocenosis;
- **Ecological network** shall mean a set of interrelated or spatially close ecologically significant areas which, by balanced bio-geographic disposition, significantly contributes to the conservation of natural balance and biological diversity

- **Ecological corridor** shall mean an ecological link or a set of links enabling the movement of populations of living organisms from one site to another and thus make a part of an ecological network;
- **Ecologically important area** shall mean an area contributing significantly to the conservation of biological diversity in Montenegro;
- **Endemic species** shall mean a species of wild plants, animals or fungi restricted to a particular region;
- **Ex situ conservation** shall mean the conservation of components of biological diversity outside their natural sites (habitats) in zoos, aquariums, terrariums, botanical gardens, as well as the conservation of evidence of geological diversity (rocks, ores, minerals, crystals and fossils) in museums or private collections;
- **Genetic diversity** shall mean the total number and overall gene diversity, or genetic information contained in all individual wild plants, animals, fungi and micro-organism species;
- **Geological heritage** shall mean all geologic, geomorphologic, pedologic and special archaeological values created during the formation of lithosphere, its morphological shaping and interrelations of nature and human cultures;
- **Indicator species** shall mean a species of wild plants, animals or fungi, whose ecological status indicates the status of other species and the general state of the ecosystem, and which is susceptible to changes in environmental conditions and thus may be used for an assessment of the general state;
- **Extinct species** shall mean a species of wild plants, animals or fungi for which there is a grounded doubt that the last specimen of the species is dead;
- **Invasive species** shall mean an alien species of wild plants, animals or fungi whose population or spreading endangers biological diversity in Montenegro;
- **In situ conservation** shall mean the conservation of natural ecosystems and habitats, preservation and revitalisation of wild plants, animals or fungi species, which is capable of survival in their natural environment, conservation of cultivated plants and domestic animals in the environment in which they developed their specific features, as well as the preservation of geodiversity phenomena in the place of occurrence or deposits of rocks, ores, minerals, crystals and fossils;
- **Introduction** shall mean an intentional or unintentional bringing of a particular species of plants, animals or fungi into a territory and ecosystems, which it has never occupied naturally;
- **Critically endangered species** shall mean a species of plants, animals and fungi with the highest probability of disappearance in nature in immediate future;
- **Karst** shall mean a type of relief with particular hydro-geologic and geomorphologic features in which the ground waters flow is much more pronounced than the surface one, and as a result there are special forms such as caves and ditches unlike the surface forms (karst valleys, sinkholes, depressions, karst fields);
- **Umbrella species** shall mean a species of wild plants, animals or fungi whose protection indirectly leads to protection of a great number of other species in the same habitat, and which are less known or it could prove difficult to protect them otherwise;
- **User of a protected area** shall mean a legal person, entrepreneur, physical person or other entity who was not given the right to manage the protected area, and who performs activities in the protected areas, i.e. uses the protected natural asset or its resources;
- **Site** shall mean a geographically specified area with explicitly delimited boundaries;
- **Mineral** shall mean an autochthonous homogenous chemical element or compound in the form of crystallized or amorphous matter, of certain structure, form and composition, except for mineral ores;

- **Disturbed natural balance** shall mean the state when the quantitative or qualitative structure of living communities is disturbed; when a habitat is damaged or destroyed and the ability of an ecological composition to act is destroyed or changed, when inter-connections between certain ecological compositions are broken, or considerable isolation of certain populations is caused;
- **Designed landscape** shall mean a part of nature, which has been modified by human actions for the purpose of cultivation, education, landscaping, and which is significant for the conservation of biological and landscape diversity (e.g. tree-line roads, parks, botanical gardens, arboretums and others);
- **Nature restoration** shall mean a set of expert measures and actions by which a deteriorated condition of biological, (geo)morphological and landscape diversity is restored to the condition close to the original one;
- **Nature conservation** shall mean any action taken to preserve and improve the state of biological, geological and landscape diversity;
- **Conservation** shall mean a set of measures required for the preservation or restoration of natural habitats and populations of wild plants, animals and fungi species in the favourable status;
- **Sustainable use of natural resources** shall mean the use of biodiversity or geodiversity components in the manner and to the extent which does not lead to long-term reduction of biodiversity, or geodiversity;
- **Degradation of nature** shall mean the state of nature when, owing to human activity, natural process have been changed to such an extent that natural balance is disturbed or valuable natural features destroyed;
- **Domesticated species** shall mean a species of plants, animals and fungi that has been separated from the natural selection process and has undergone the artificial selection process;
- **Protected area management plan** shall mean a program document by which protection and conservation measures and actions have been planned;
- **Reintroduction** shall mean a resettlement of an organic species of wild plants, animals or fungi in an ecosystem where it used to live and whose ecological conditions still enable the survival of variable populations of plants, animals and fungi;
- **Population** shall mean a group of specimens of the same species of plants, animals and fungi integrated in space and time disposing of the common set of inherited factors, settling within a certain area, belonging to a certain ecosystem, and within which the specimens are interlinked primarily by reproduction relations;
- **Favourable status of a species or type of habitat** shall mean a status which ensures the survival of the species of plants, animals and fungi or habitat type in foreseeable future;
- **Monitoring** shall mean a planned, systematic and continuous monitoring of the state of environment, or parts of biological, geo(morph)logical and landscape diversity, as a part of the overall system of monitoring the state of environment elements in space and time;
- **Natural resources** shall mean all parts of nature used by humans for economic purposes and they may be non-renewable (mineral ores) or renewable (water, gases, renewable soil, biological assets);
- **Natural balance** shall mean the state of inter-balanced relations and impacts of living beings among themselves and with their habitats.
- **Landscape diversity** shall mean a special composition formed in interaction of natural and created landscape elements of certain biological, climate, geologic, geomorphologic, pedologic, hydrologic, cultural and historic, and sociological peculiarities;
- **Landscape** shall mean an area of a certain visual experience, whose structure and character are a result of interaction of natural and anthropogenic elements

- **Trade in wild species** shall mean the introduction, taking away, import, export, re-export and introduction of wild species from the sea, its recognisable parts or derivatives in and out of Montenegro;
- **Semi-natural conditions** shall mean the conditions in an ecosystem or landscape whose development was influenced by humans to an insignificant extent, and in which natural processes occur and which may survive without direct human actions;
- **Priority habitat type** shall mean the type of natural habitat in danger of disappearance to the extent of its natural range;
- **Priority species** shall mean a species of wild plants, animals and fungi for whose conservation Montenegro has particular responsibility in view of the proportion of their natural range;
- **Specimen** shall mean any animal or plant, whether living or dead of a species of wild plants, animals or fungi, any part or derivative thereof, as well as any other good for which appear, based on the accompanying documents (packaging, mark or label) or from some other circumstances, to be parts or derivatives of animals or plants of those species;
- **Cave decorations** shall mean various decorations formed by depositing of calcium carbonate in speleological objects (stalactites, straws, baths, salives, helictites and others);
- **Natural habitat** shall mean any land or water area, i.e. terrestrial or marine area characterised by geographic, abiotic and biotopic features, fully natural or semi-natural;
- **Vulnerable species** shall mean a species of wild animals, plants and fungi, which is neither critically endangered nor endangered, but is likely to be endangered to extinction in natural conditions in some medium-term future;
- **Rare species** shall mean a species of wild animals, plants or fungi with small populations, which are neither endangered nor vulnerable at present, but are at risk. In addition, it encompasses the species, which are located within restricted geographic areas or are thinly scattered over a more extensive range and endemic species requiring particular attention due to the specific nature of their habitat or potential impact of their exploitation on their habitat or status of conservation.
- **Relict species** shall mean a species of wild animals, plants and fungi that used to be widely dispersed, but whose today's range has been reduced to spatially small parts (relicts) of previous area;
- **Risk in nature** shall mean a possibility for an activity to cause direct or indirect damages to nature;
- **Conservation status of a species** shall mean a sum of the influences acting on the species concerned, which could affect their long-term natural distribution and abundance of its population;
- **Speleological object** shall mean a naturally formed underground cavity in carbonate rocks of more than five meters in length which may be entered by a person, with the entrance size being smaller than its depth or length (caves, ditches, chasms and others);
- **Speleological cadastre** shall mean a database of speleological object;
- **Habitat** shall mean a unique functional unit of an ecological system, defined by geographic and abiotic features;
- **Conservation status of a natural habitat** shall mean a set of impacts affecting a natural habitat and its keystone species, which could affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species;
- **Habitat type** shall mean an area distinguished by its specific geographic, abiotic and biotic features determined on the basis of recognised international criteria, which encompass all habitats of one species;

- **Species habitat** shall mean an environment defined by specific abiotic and biotic factors in which a species lives at any stage of its biological cycle;
- **Special area of conservation** shall mean a site of importance for Montenegro, where required conservation measures are applied for the purpose of maintenance or restoration, at a favourable conservation status, of natural habitats or populations of species;
- **Keystone species** shall mean a species of wild plants, animals and fungi whose presence (or absence) is of importance for the rest of biocenosis of an ecosystem.
- **Endangered species** shall mean a species of wild plants, animals or fungi whose existence is threatened with extinction in natural conditions in near future;
- **Introduction from the sea** shall mean the transportation into Montenegro of specimens of certain wild species of flora and fauna, which were taken in the marine environment and directly introduced from the marine environment not under the jurisdiction of any state, including the air space above the sea, sea bottom and ground area below the sea;
- **Animal refuge** shall mean a facility intended for temporary care or treatment of sick or wounded animals, abandoned young animals which are incapable of surviving in the wild on their own, as well as animals which have been seized from a natural or legal person due to unlawful captivity, illicit trade, export, import or other reasons laid down by the law;
- **Species** shall mean a group of natural populations within which individual specimens breed freely and produce fertile descendants, and are reproductively isolated from other species;
- **Fossil** shall mean a preserved whole, remains or imprints of extinct organisms and their life activities;
- **Trap** shall mean a device intended for holding or catching animals and preventing their free movement;
- **Buffer zone** shall mean the area outside the borders of a protected natural asset preventing negative impact to the protected area;

II. ENFORCEMENT OF NATURE PROTECTION AND CONSERVATION

General Measures for Nature Protection and Conservation

Article 7

General measures for nature protection and conservation shall be the following:

- Nature protection and conservation;
- Protection of natural assets;
- Sustainable use of natural resources and natural assets and control over their use;
- Preservation of ecological networks and corridors;
- Implementation of strategies, plans, programmes, basis and other documentation;
- Alleviation of damaging consequences caused by activities affecting nature, use of natural assets or natural catastrophes;
- Incentive measures for protection and conservation of natural assets.

Planning for Sustainable Use

Article 8

Planning, development and use of space and natural resources or natural assets shall be conducted in accordance with the existing spatial and urban plans and project documents, bases and natural resources or assets management and use programs in accordance with nature protection measures and conditions designated for the purpose of natural values conservation.

It is prohibited to use the space and natural resources and assets in the manner causing permanent damage to biological, geologic, hydrologic, climate, pedologic and landscape diversity.

Nature Protection Measured Laid Down in Plans, Bases and Programmes

Article 9

Spatial planning and project documents, bases and programs laid down in Article 8 shall contain nature protection conditions and measures stipulated by this Law, and go as follows:

- measures for conservation of biological, geologic and landscape diversity;
- review of protected and registered natural assets;
- measures for protection and enhancement of protected and registered natural assets.

Before the development of spatial planning and project documents, bases and programmes, plan drafters, or users of natural resources, assets and protected natural assets are obliged to acquire from the management authority in charge of environmental protection (hereinafter: the management authority) the nature protection requirements.

Ministry in charge of environmental protection (hereinafter: the Ministry) shall give its opinion on the documents referred to in paragraph 1 of this article.

Activities, Actions and Operations Affecting Nature

Article 10

Activities, actions and operations affecting nature shall be planned in such a manner to avoid or minimize threats and damages to nature.

A legal or natural person using natural resources or assets is obliged to perform activities, actions and operations in a manner to provide for least damages to nature.

Upon the completion of activities, actions or operations affecting nature, a legal or natural person referred to in paragraph 2 of the Article is obliged to establish or restore the state in nature equal to the one that existed before the implementation of activities, actions or operations in accordance with this Law.

Request for Getting Approval

Article 11

Activities, actions or operations affecting a protected natural asset may be carried out on the bases of an approval issued by the management authority.

The approval from paragraph 1 of this Article shall be issued on the basis of a request containing the following:

- description of a protected natural asset area where the activities, actions or operations are planned to be carried out;
- purpose of planned activities and actions;
- duration of activities, actions or operations;
- other details necessary for getting the approval.

The management authority shall submit the request from paragraph 2 of this Article to a legal person in charge of specific matters within the nature protection area (hereinafter: the Legal Person) for the purpose of feasibility assessment of activities, actions and operations planned to be carried out within the protected natural asset.

Feasibility Assessment

Article 12

For intended projects, activities and actions for which it is required by the law to undertake an environmental impact assessment, a feasibility assessment is an integral part of the environmental impact assessment.

For intended projects, activities and actions for which it is not required by the law to undertake an environmental impact assessment, a feasibility assessment for performing afore – mentioned activities, actions or operations in protected natural asset shall be prepared.

Feasibility assessment referred to in paragraphs 1 and 2 of this Article shall contain in particular the following: conditions and measures for prevention, reduction and removal of possible harmful effects to nature, compensatory conditions and measures.

More detailed instructions referring to the content and processes of drafting the feasibility assessment for planned projects, activities and actions, types of actions and activities that require feasibility assessment, and more detailed content of the request for issuance of approval from article 11 of this Law shall be prescribed by the Ministry.

Issuance of Approval

Article 13

If the feasibility assessment referred to in Article 12 proves that intended projects, actions and activities are acceptable, then the management authority shall issue an approval for the implementation of the afore mentioned projects and activities in the protected natural asset.

Nature protection conditions and measures shall be established by the approval referred to in paragraph 1 of this Article.

Alleviation of Harmful Effects to Nature Caused by Implementation of Intended Projects, Activities and Operations in Protected Natural Asset

Article 14

A legal or natural person causing harmful effects on the protected natural asset by implementation of projects, actions and activities referred to in article 12 of this Law, shall be obliged to carry out compensatory measures.

Compensatory measures from paragraph 1 of this article shall be established depending on the anticipated or caused damages to nature by the following:

- establishment of a new site having the same or similar features as the damaged one;
- establishment of another site important for the conservation of biological and landscape diversity, or protection of natural asset.
- compensation fee equalling the amount of damage caused to the site in case it is not possible to conduct compensation or recovery measures.

Compensatory measures referred to in paragraph 1 of this article shall be determined by the management authority.

When selecting compensatory measure, precedence shall be given to the compensation by a new site with the same or similar features to the damaged one.

The pecuniary amount for compensation shall be paid to the budget of Montenegro.

Removal of Harmful Effects

Article 15

If projects, activities and operations affecting nature or the use of natural assets is undertaken without determined nature protection conditions or contrary to the given conditions for nature protection, and thus cause damages to nature, the user of a protected natural asset is obliged to immediately remove harmful effects of own actions at own expense.

Biological Diversity Protection

Article 16

Protection of biological diversity shall be performed by undertaking measures for conservation of biological diversity in using natural assets and spatial development, as well as by protection of habitat types.

Ecosystem Protection

Article 17

Ecosystem protection shall be undertaken by conservation of its composition, structure and function, as well as its biotic and abiotic components.

A Legal person shall be in charge of monitoring the status of special and endangered ecosystems or habitat types; in addition, the legal person shall keep register of ecosystems.

More detailed manner of keeping register referred to in paragraph 2 of this article shall be prescribed by the Ministry.

Forest Ecosystem Protection

Article 18

Conservation of biological diversity of forest ecosystems shall be carried out in accordance with the law and for the purpose of strengthening general beneficial functions of the forest

Forest management must be based on the principles of sustainable development, biodiversity conservation, conservation of natural composition, structure and function of forest ecosystems, and providing for a stabile percentage of ripe, old, dry and cut trees, particularly trees with cavities, in accordance with nature preservation requirements which are an integral part of forestry basis.

In order to enrich biological and landscape diversity, forest management shall to the greatest extent possible enable protection of forest openings (meadows, grazing grounds and others) and forest edges.

Afforestation shall be conducted with autochthonous tree species of the composition which reflects natural composition, using methods adapted to nature and in accordance with the habitat requirements.

Afforestation of non-forest areas shall be conducted only if it does not threaten endangered non-forest and rare habitat types.

Certain sites shall be established as endangered and rare habitat types by forest management plans and based on the habitat type map referred to in article 30 of this Law.

Wetland and Water Habitats

Article 19

Wetland and water habitats, in sense of this law, shall be constituted of natural lakes and swamps, pools in the littoral area exceeding 0,01 ha, marshes exceeding 0,25 ha, cretovi, springs influent streams and creeks with bank area of 2 meters.

Conditions for Protection of Wetlands and Water Habitats

Article 20

In wetland and water habitats it shall be forbidden to perform actions, activities or operations which endanger hydrologic system or survival and conservation of biological diversity.

The amount of water in wetland and water habitats, which is necessary for conservation of hydrologic system and survival of biological diversity, shall be determined by the ministry in charge of agriculture, forestry and waters, with a previous opinion of the Ministry.

Protection of the Sea and Sea bottom

Article 21

It shall be forbidden to perform actions, activities or undertake operations that can destroy marine habitats.

The conservation of biological diversity of the sea shall be enabled by undertaking protection measures in accordance with this Law.

Protection of Habitats within Agro-Ecosystems and Other Non-Autonomous and Semi-Autonomous Ecosystems

Article 22

Conservation of biological and landscape diversity of habitats within agro-ecosystems and other non-autonomous and semi-autonomous ecosystems shall be undertaken primarily through conservation and protection of edge habitats, hedges, stone walls, individual trees, groups of trees, ponds and meadow belts as well as other ecosystems with preserved or partially altered tree-land, shrub-land, grassland or swampland vegetation.

When planning and undertaking agricultural land aggregation, it is necessary to ensure preservation of the existing or establishment of new edge habitats in order to ensure biological and landscape diversity of habitats.

Use of Biological, Biotechnical and Chemical Agents in Protected Natural Assets

Article 23

Biological and biotechnological agents for flora protection may be used in protected natural assets for the purpose of biological diversity conservation in accordance with the law.

Preservation of Genetic Diversity

Article 24

A gene bank shall be established for the purpose of preserving genetic diversity of wild species of plants, animals and fungi.

The taking of samples of biological material for gene banks from the nature must not endanger the survival of ecosystems or populations of wild species of plants, animals or fungi in their habitats.

Access to Sources of Genetic Materials

Article 25

Genetic material from nature may be used in accordance with this Law.
No one may become the owner of genetic material, which is obtained from genetic material of wild species of plants, animals and fungi.

Gene Bank

Article 26

Gene banks shall store biological information (material) of controlled or cultured populations or parts of plants, animals, fungi or, seeds, spores, sex cells (gametes) and other biological material which are managed for the purpose of preservation of species, i.e. their genetic fund and genetic potentials.

A gene bank referred to in paragraph 1 of this article may be established by a legal or natural person who meets requirements in terms of personnel, equipment and facility, on the basis of an approval issued by the management authority.

The management authority shall determine whether the requirements referred to in paragraph 2 of this article have been met.

The approval referred to in paragraph 2 of this article shall be issued at the request of a legal or natural person.

The request referred to in paragraph 4 of this article shall contain the following:

- data on the submitter of the request (name, headquarters, register number, i.e. name, address and unique personal number);
- data on the amount of collected material;
- the name of the site where the research was conducted or where the data were collected.

Along with the request, the following documents shall be attached:

- an approval for a scientific-research project referred to in article 76 of this law;
- an evidence on fulfilment of requirements referred to paragraph 2 of this article;
- other proofs of evidence important for getting the approval.

More detailed requirements referred to in paragraph 2 of this Article shall be determined by the Ministry, with prior approval of the ministry in charge of agriculture, forestry and water management.

Landscape Protection

Article 27

In accordance with their significance and characteristic features, landscapes shall be categorised into natural landscapes and cultural heritage landscapes.

Landscape protection shall be undertaken by planning and implementation of comprehensive measures which prevent natural landscapes, those close to nature and created landscapes from unnecessary alterations and degradation for the purpose of preserving significant

features and characteristics of landscapes, diversity, uniqueness and aesthetic value and enabling everlasting use of natural assets.

Spatial planning and project documents and protected natural asset management plans shall ensure conservation of significant and characteristic features of landscape, as well as preservation of biological, geological and cultural values which determines its significance and aesthetical experience.

In the sense of this Law, significant and characteristic features of landscape shall imply parts of nature characteristic for certain landscape types or artificial parts of landscapes having the natural, historic, cultural, scientific or aesthetical value.

Speleological Objects

Article 28

Speleological objects, in sense of this law, shall refer to caves, cave decorations and other parts of caves as assets in general use in Montenegro.

In order to register speleological objects, the cadastre of speleological objects shall be established as a digital geographic information system (hereinafter: the Cadastre).

The Cadastre shall contain the data on location, features, values, ownership, research and use of speleological objects.

The Cadastre referred to in paragraph 2 of this Article shall appoint and manage the management authority.

More detailed contents, method of establishment and keeping the cadastre shall be prescribed by the Ministry.

Protection and Use of Speleological Objects

Article 29

It shall be forbidden to destroy or collect the living world of speleological objects as well as to alter the habitat conditions in the speleological object, its aboveground and in its immediate vicinity.

The following activities and actions shall be carried out in the speleological site:

- organised visits, use or arrangement of a speleological object or a part thereof;
- opening or closing entrances to or exits from the speleological object;
- construction, reconstruction or recovery of each underground object;
- performing scientific and expert researches;
- diving in a speleological site;
- film shooting or taking photographs in a speleological object;
- actions and activities affecting fundamental features, conditions and natural flora or fauna in a speleological site or in its aboveground part.

Actions and activities referred to in paragraph 2 of this article shall be carried out only upon obtaining a permit from respective management authority, with a prior opinion given by the ministry in charge of agriculture, forestry and water management.

The permit referred to in paragraph 3 of this article shall be issued at the request of the user of speleological site.

The request referred to in paragraph 3 of this article shall contain the following information:

- information on the person who submitted the request (name, headquarters, register number, i.e. name, address or unique personal number);
- area where the speleological site is situated;
- timeline of the implementation of actions and activities;
- and other information necessary for obtaining a permit.

Scientific and specialized institutions dealing with exploration of speleological sites as well as speleological organisations are obliged to regularly submit findings of the researches, within three months from the day of completion of the research.

III. ECOLOGICAL NETWORK (NATURA 2000)

Habitat Types

Article 30

The ecological network shall consist of habitat types and ecologically important areas.

Parts of an ecological network shall be interconnected by natural or artificial ecological corridors.

The ecological network and ecological corridors shall be determined by the Government.

Habitat types of interest for Montenegro are as follows:

- habitats in danger of disappearance in their natural range;
- habitats having a small natural range following their regression or by reason of their intrinsically restricted area;
- habitats representing outstanding examples of typical characteristics of one or more biogeographic areas (alpine, continental and Mediterranean).

A Legal person shall perform an assessment of the state and level of endangerment of habitat types.

Habitat types shall be registered in a habitat map developed by the management authority.

The Legal person shall submit the annual report on the state and level of endangerment of habitat types to the management authority.

It is forbidden to carry out actions, activities and perform operations within a protected natural asset with a habitat type or a habitat of protected wild species of plants, animals or fungi in accordance with the law and international agreements.

Exceptionally, actions, activities or operations referred to in paragraph 8 of this article shall be carried out and performed on the bases of an approval issued by the Ministry, under the condition that possible devastation or damage may be compensated by undertaking compensatory measures or in case the actions, activities or operations are of the public interest.

Habitat types, criteria for establishing habitat types, register of habitat types and ecologically significant areas referred to in Article 32 of this law, as well as habitat type conservation measures, manner of development of the habitat map and content of the annual report shall be prescribed by the Ministry.

Favourable Conservation Status of Habitat Types

Article 31

The establishment of the ecological network shall ensure collation and conservation of habitat types at a favourable state, or restoration of habitats with disturbed favourable state.

The conservation status of a natural habitat shall be considered favourable when:

- its natural range of distribution is preserved and the area it covers within that range is stable or increasing;

- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future;
- the conservation status of its typical species is favourable.

Article 32

Ecologically significant areas, in sense of this law, shall constitute areas of endangered and rare habitat types, and shall be represented as follows:

- conserved areas with outstanding biological diversity and of international importance;
- areas essentially contributing to the conservation of biological and landscape diversity;
- areas of habitat types which are considered to be endangered and rare in Montenegro, Europe and the World;
- habitats of wild species of plants, animals and fungi, which are endangered and rare in Montenegro, Europe and the World;
- habitats of Montenegrin endemic wild species of plants, animals and fungi;
- areas significantly contributing to the interconnections between populations of biological species of wild plants, animals and fungi (ecological corridors);
- migratory routes, resting-places of animals and natural breeding sites;
- conserved forest units.

A site of importance for Montenegro shall constitute a site contributing to the maintenance and restoration of favourable conservation status of a priority type of natural habitat threatened with extinction or a priority species within the ecological network.

For animal species dispersed over wide areas, the site referred to in paragraph 2 of this Article shall correspond to a site within the natural range of such species, which encompass physical and biological factors essential for its life and reproduction.

Protection of Ecologically Significant Areas

Article 33

The protection of ecologically significant areas shall be achieved by undertaking prescribed nature protection measures and requirements aimed at conserving biological and landscape diversity and protecting natural values, in accordance with the provisions of this Law.

All the actions or activities which may lead to the destruction or major damage to an ecologically significant area shall be forbidden.

Exceptionally, actions, activities or operations referred to in paragraph 2 of this Article may be conducted or performed on the bases of an approval issued by the Ministry, under condition that the devastation or damage to the ecologically significant area may be compensated by undertaking compensatory measures or if those actions, activities and operations are of public interest.

The permit referred to in paragraph 3 of this Article shall also determine protection and compensatory measures and requirements.

International Ecologically Significant Area

Article 34

An international ecologically significant area shall constitute an area considered significant for the protection of wild species of plants, animals or fungi and their habitats at international level.

Government shall determine an international ecologically significant area.

The international ecologically significant area shall be managed in accordance with the ratified international treaties.

It shall be forbidden to carry out actions or activities and perform operations that can lead to the devastation or significant damage to international ecologically significant area.

Exceptionally, actions, activities and operations from paragraph 4 of this Article shall be carried out or performed on the basis of an approval issued by the Ministry, under condition that the activities, actions or operations are of public interest.

IV. PROTECTED NATURAL ASSETS

Importance of Protected Natural Asset

Article 35

Protected natural assets, pursuant to this Law, may be of:

- international importance;
- national importance;
- local importance.

The classification of protected natural assets referred to in paragraph 1 of this Article shall be carried out on the basis of a Study on Nature Protection developed by a Legal person.

The classification of protected natural assets of international and national importance shall be performed by the Ministry, while classification of protected natural assets of local importance shall be performed by a local self-government unit, on the basis of the Study of Nature Protection from paragraph 2 of this Article.

Transboundary Protected Natural Assets

Article 36

A protected natural assets may be linked to protected natural assets of other state by an international agreement.

Protected Natural Assets

Article 37

Protected natural assets shall refer to the areas with distinguished biological, geological, ecosystem or landscape diversity.

Protected natural assets, pursuant to this Law, are as follows:

- 1) protected areas – strict and special nature reserves, natural park, monument of nature, protected habitat and landscape with outstanding features;
- 2) protected species of plants, animals and fungi – strictly protected wild species of and protected wild species;
- 3) protected geological and palaeontological sites.

1. Protected Areas

Strict and Special Nature Reserves

Article 38

A strict nature reserve shall constitute a terrestrial or marine locality, or terrestrial and marine one, with exceptional or representative ecosystems, unaltered or to a small degree altered nature, intended exclusively for monitoring purposes, preservation of genuine natural features and scientific research that shall neither change basic characteristics nor threaten free development of natural phenomena and processes.

A special nature reserve shall constitute a terrestrial or marine locality, or terrestrial and marine one, with unaltered or to a small degree altered nature, of special importance due to its uniqueness, rarity and representation, which encompasses habitats of threatened wild plant, animal and fungi species, without settlements or with sparse settlements in which people live in harmony with nature, and which is protected in order to preserve natural conditions.

The special nature reserve may be of floristic, mycological, forest and other vegetation, zoologic (ornithological, ichtiologic and others), geologic, palaeontological, hydro-geologic, hydrologic, marine reserve and others.

In strict and special nature reserve, it shall be forbidden to perform actions and activities or perform operations that may damage the features for which it was proclaimed protected natural asset (plant collection or destruction, disturbance, hunting and killing animals, introduction of new biological species, melioration works, different forms of agricultural or other use and others).

Visits to strict or special nature reserves for educational purposes may be organized on the basis of an approval issued by a legal or natural person who is in charge of protected natural asset management (hereinafter: the manager)

National Parks

Article 39

National parks shall be natural terrestrial or marine localities, or terrestrial and marine ones, designated to protect ecological integrity of one or more ecosystems for current and future generations, where inadequate use of natural resources or other detrimental actions and activities are prevented and conditions are provided for meeting spiritual, scientific, educational, recreational and visitors' needs that should be in harmony with environmental and cultural conservation.

It shall be forbidden to carry out actions and activities or perform operations in national parks that are damaging to natural genuine features.

Regional Park and Nature Park

Article 40

A regional park and nature park shall be a sizable natural or partly cultivated terrestrial or marine locality, or terrestrial and marine one, with ecological features of international and national significance and with landscape values.

In a regional park or nature park, it shall be forbidden to carry out actions and activities or perform operations that damage features, values and roles of parks.

The manners in which activities and actions are performed or natural resources used within regional and nature park shall be determined through the Act on Proclamation of protected area, in accordance with this Law.

Natural Monument

Article 41

A natural monument shall be a terrestrial or marine locality, or terrestrial and marine one, which encompasses one or more natural or natural-cultural forms that have ecological, scientific, aesthetic, cultural or educational value.

The natural monument may be as follows: geologic (palaeontological, mineral, hydro-geologic, structural-geologic, and sedimentologic), geomorphologic (cave, ditch, rocks and others), hydrologic (watercourse, lake and others), botanic (rare or by locality significant specimen of the flora world and others), spatially small botanic or zoologic locality and others.

On the natural monument and in its immediate vicinity, which constitutes an integral part of a protected natural asset, it shall be forbidden to carry out actions and activities or perform operations that are detrimental to its values.

Protected Habitat

Article 42

A protected habitat shall be a terrestrial or marine locality, or terrestrial and marine one, which is of importance for conservation of populations of certain rare and endangered species to which active protection measures are applied.

In a protected habitat, it shall be forbidden to carry out actions and activities or perform operations that are detrimental to its values.

Landscape with Outstanding Features

Article 43

A landscape with outstanding features shall be a terrestrial or marine locality, or terrestrial and marine one, where interaction between human activities and natural processes over time has formed specific feature of the locality with significant aesthetic, ecological and cultural values in parallel with high biological diversity.

In a landscape with outstanding features, it shall be forbidden to carry out actions and activities or perform operations that damage features for which it was proclaimed a landscape with outstanding features.

2. Protected Species

Strictly Protected and Protected Species of Plants, Animals or Fungi

Article 44

Wild species of plants, animals or fungi that are endangered or may become endangered, as well as rare, endemic species shall be protected as strictly protected wild species and protected wild species.

The following species shall be designated as strictly protected wild species of plants, animals and fungi:

- a wild species in threat of extinction in the area of Montenegro belonging to the category of utterly endangered and endangered species,
- a species that became extinct in Montenegro and that has been returned by a reintroduction programme,
- a narrowly spread endemic species,

- a wild species significant and protected pursuant to an international treaty, which represents a priority species for international protection.

The following species shall be designated as protected species:

- a wild species that is sensitive, or vulnerable, rare or endemic, but not in threat with extinction in the area of Montenegro,
- a wild species that is not endangered, but due to its appearance it is possible to mistake it for an endangered wild species,
- an indicator species,
- internationally or nationally significant and protected wild species, for which it is necessary to provide an adequate level of protection.

An autochthonous domesticated plant and animal variety of the same species, developed as a consequence of traditional breeding and making part of natural and ethno-cultural heritage may be designated as a protected wild species of plants, animals or fungi.

Protection measures for strictly protected and protected wild species of plants, animals and fungi as well as protection measures of their habitats shall be prescribed by the Ministry.

List of Strictly Protected and Protected Wild Species of Plants, Animals and Fungi

Article 45

List of strictly protected and protected wild species of plants, animals and fungi referred to in Article 44 shall be determined by the Ministry, with the prior opinion given by the ministry in charge of agriculture, forestry and water management.

List from paragraph 1 of this Article shall be published in the “Official Gazette of Montenegro”.

Species of Interest for Montenegro

Article 46

Wild species of plants, animals and fungi of interest for Montenegro shall be determined on the basis of national and international red lists or red books, expert analysis and scientific findings.

The species of interest for Montenegro are as follows:

- endangered, except for those whose natural range is marginal in the given;
- vulnerable, or the species likely to be moved in near future to the category of endangered species, if causal factors continue to act;
- rare or species with small populations currently not endangered or vulnerable, but might become species at risk, which are located within limited geographic areas or are in small numbers dispersed in a wider area;
- endemic species requiring special attention due to the specific nature of their habitats or possible impact of their use on their habitat or possible impact of their exploitation on their conservation status.

Red Book or List which contains endangered wild species of plants, animals and fungi, the area they occupy, number of population, type and level of threat shall be established by the Ministry, at the proposal of the Legal person.

Red Book, or Red List referred to in paragraph 1 of this Article shall be published in the “Official Gazette of Montenegro.”

3. Protected Geological and Palaeontological Objects

Article 47

Protected geologic and palaeontological objects (fossils, minerals, crystals and cave decorations, and others) shall represent parts geoheritage, which due to their rarity have outstanding scientific importance and may be as follows:

- Specimens of tintypes or genotypes of fossils, and keystone species of fossils, which due to its rarity and outstanding scientific significance represent natural value;
- Individual minerals or crystals, and cave decorations which due to its rarity and outstanding scientific significance represent natural value;
- Collections of tintypes and genotypes of fossils, keystone fossil species of individual minerals crystals, which due to its rarity and outstanding scientific significance represent natural value;

Protected geologic and palaeontological objects shall be determined and proclaimed protected natural assets by the Ministry, at the proposal of specialized and scientific institutions dealing with geologic and palaeontological researches.

Taking away and damaging of protected fossils, minerals, crystals and cave decorations and destroying of their finding sites shall be forbidden.

Fossils, minerals, crystals and cave decorations shall represent a property of Montenegro.

V. CATEGORIZATION AND PROTECTION REGIMES IN PROTECTED NATURAL ASSETS

Valuation of Protected Natural Assets

Article 48

Categorization of protected natural assets shall be performed on the bases of the following criteria:

- essential features of the protected natural assets are as follows: authenticity and autochthony, level of originality; being representative or to what extent they are relict, endemic, unique within its species, then rarity; diversity or richness of natural occurrences, phenomena and processes; integrity, or functional unity; landscape attractiveness; age; area conservation;
- function and importance of a protected natural asset: ecological; cultural and historic; educational; scientific and research; development and others;
- level of threats to a protected natural asset.

A protected natural asset shall have a greater value if it is unique, rare within its species or occurrence or if it covers a smaller geographic area, if it is a typical representative of its kind by its occurrence or form in a specific space and time, or conserved in its genuine form.

Categorization of Protected Natural Assets

Article 49

Protected natural assets shall be categorised as follows:

- category I – protected natural asset of exceptional importance;
- category II – protected natural asset of great importance;
- category III – important protected natural asset.

Category I

Article 50

Category I shall include protected natural assets having one or more of the following features of exceptional importance for Montenegro:

- 1) authenticity from the point of view of fundamental natural sciences;
- 2) being representative in the sense of being relict, endemic, unique within its species;
- 3) diversity of natural occurrences and phenomena, richness of types and ecological processes;
- 4) integrality of habitats, ecosystems, landscapes, biomes and ecological processes;
- 5) landscape values in the sense of its attractiveness with a specific disposition of ecosystems, communities and species, aesthetical, cultural, educational and historic value;
- 6) endangered in number of units, species or communities under the minimum for regeneration, rapid range decrease and disturbance in the ecosystem.

Category II

Article 51

Category II shall include protected natural assets having one or more of the following features of great importance for Montenegro:

- 1) authenticity from the point of view of fundamental sciences and applied biotechnical disciplines;
- 2) state of being endangered, decrease in range or reduced numbers of individuals or communities, ecosystem disturbance, and others;
- 3) natural phenomenon, biocenosis or habitat of species with representative features at the level of regional geographic units;
- 4) attractive landscape features and cultural and historic values;
- 5) an area of exceptional importance for the conservation quality of the environment as well as the climate conservation and regulation.

Category III

Article 52

Category III shall include important protected assets that were not classified into categories I and II.

Review of Established Categories

Article 53

Established categories of protected areas shall be changed and reviewed depending on their state and new scientific findings.

Protection Zones

Article 54

Zones with the following protection regimes shall be established within a protected natural asset:

- protection regime of I degree – special protection;
- protection regime of II degree – active protection;
- protection regime of III degree – sustainable use;
- buffer zone.

VI. PROCEDURE FOR PROCLAMATION OF PROTECTED NATURAL ASSETS

Proclamation of Protected Natural Assets

Article 55

A national park shall be proclaimed by the Parliament of Montenegro (hereinafter: the Parliament) by a special act.

Strict and special nature reserves, nature parks as well as strictly protected and protected species and habitats shall be proclaimed by the Government of Montenegro (hereinafter: the Government).

A regional park and nature park, natural monument and landscape with outstanding features which are located within the area of the local self-government unit shall be proclaimed by the decision of the assembly of the local self-government unit, with prior approval of the Ministry and the opinion of the ministry in charge of agriculture, forestry and water management.

The Decision on Proclamation of protection natural asset referred to in paragraph 3 of this Article, which is located within the territory of one or more local self-government units shall be passed by assemblies of local self-government unit on whose territory the natural asset is located.

Study on Nature Protection

Article 56

Procedure for proclamation of a protected natural asset shall be initiated with a request for development of an expert base – Study on Nature Protection.

The request referred to in paragraph 1 of this Article shall be submitted by the Ministry, or respective authority of local self-government unit to the Legal person.

Funds for drafting the Nature Protection Study shall be provided from the budget of Montenegro, or the budget of the local self-government unit.

The Nature Protection Study shall determine in particular: description of natural, created or landscape features of a natural asset; characteristics, or values of locality, the current data on the state of resources on the given area with their estimated valorisation; precise data on the state of resources with evaluation assessment of their valorisation; assessment of the state of the area; opinion referring to putting a certain natural asset under protection; proposal of categorization of a natural asset according to its degree of importance; proposed protection category and regime (protected zones); map outline with clearly proclaimed boundaries, or location signage based on the data from the property cadastre; the concept of protection, enhancement and sustainable development, the manner of managing the area; consequences deriving from the proclamation act, particularly concerning the ownership rights and the ongoing business activities, as well as possible sources of finances necessary for the implementation of act on proclamation of protected natural area and other elements of importance for putting the protected natural asset under protection.

Contents of the Protection Act

Article 57

An Act on Proclamation shall be passed for a natural asset which, based on the Nature Protection Study, is designated as the asset having features of a protected natural asset.

The Act on Proclamation of a protected asset shall be passed on the basis of the Nature Protection Study referred to in Article 56 of this law and shall contain the following:

- name, type and category of a protected natural asset;
- spatial boundaries of protected natural asset along with the protection regime;
- description of basic values;
- manner of protection and development of designated natural asset;
- actions and activities which may be performed within protection regime zones;
- protection measures;

- maps with explicitly proclaimed boundaries;
- manager entrusted with the management of the area
- other elements of importance for the protected natural asset.

In order to prevent the threat to the protected natural asset, the proclamation act may designate the buffer zone outside the targeted protected natural asset along with the measures for the protection thereof.

Publication of Proclamation Act

Article 58

The Act on Proclamation of protected natural asset referred to in Article 55, paragraph 2 of this law shall be published in the “Official Gazette of Montenegro – section devoted to municipal regulations.”

The entity who passed the Act referred to in Article 55 of this law, shall submit the map with explicitly proclaimed boundaries, or location signage of the protected natural asset to the management authority for entry into the register of protected natural assets, the Legal person and the management authority in charge of the cadastre related affaires, within 10 days from the day of the adoption of the Act on Proclamation.

Act on Cessation of Protection

Article 59

In case a protected natural asset loses the features for which it was proclaimed a protected natural asset, the Legal person shall propose the adoption of an Act on Cessation of Protection, according to the procedure established for the adoption of the Act on Protection Proclamation.

The Act on Cessation of Protection referred to in paragraph 1 of this Article shall be published in the “Official Gazette of Montenegro”, or “Official Gazette of Montenegro – municipal regulations.”

The management authority shall delete the protected natural asset from the register of protected natural assets within three months from the day of the adoption of the Act on Cessation of Protection.

Preventive Protection

Article 60

The Act on Preventive Protection shall be passed for the area for which the Legal person, based on the expert statement and analyses, estimates that it has the qualities of a protected natural asset or for which the designation procedure has been initiated.

The Act on Preventive Protection referred to in paragraph 1 of this Article shall be passed by the Legal person.

The Act on Preventive Protection shall designate a natural asset, protection measures and requirements, the time period for which preventive protection is determined, and which may not exceed three years from the day of the adoption of the Act referring to in paragraph 2 of this Article.

A natural asset, for which the Act on Preventive Protection has been passed or for which the designation procedure has been initiated, shall be considered protected in the sense of this Law.

The Legal person shall keep the records of natural assets under preventive procedure.

Register of Protected Natural Assets

Article 61

Protected natural assets and natural assets for which the Act on Preventive Protection has been passed shall be registered in the Register of Protected Natural Assets.

The Register of Protected Natural Assets referring to in paragraph 1 of this Article shall be maintained by the management authority.

The entry of protected natural assets in and deletion from the Register shall be performed pursuant to the Act on Proclamation of a protected natural asset, Act on Preventive Protection and Act on Cessation of Protection of a protected natural asset.

The data from the Register of Protected Natural Assets shall be public, except if it is determined that the data of the status of the protected natural asset are confidential for the purpose of their protection.

More detailed contents and methods for maintaining the Register of Protected Natural Assets shall be prescribed by the Ministry.

VII. MANAGEMENT AND USE OF PROTECTED NATURAL ASSET

Manager of Protected Natural Asset

Article 62

Protected natural assets shall be managed by a manager who meets requirements concerning his/her professional, personnel and organizational capabilities to perform the tasks related to protection, enhancement, promotion and sustainable development of a protected natural asset.

The Ministry or local government management authority shall determine whether or not the requirements referred to in paragraph 1 of this Article are met.

The Manager of a protected natural asset shall be appointed by the Act on Proclamation.

Protected natural assets referred to in Article 55 of this Law, which are located within the area of a national park, adjacent to it or being located in its immediate vicinity shall be managed by the manager of the national park.

Protected natural assets, which are located within forest areas (localities) or constitute a part of those areas, shall be managed by the forest management authority.

More detailed requirements from paragraph 1 of this Article shall be specified by the Ministry.

Manager's Liabilities

Article 63

The manager of a protected natural asset is be obliged to do the following:

- pass the annual management plan and act on internal order and to provide for the protection service;
- ensure the implementation of nature protection measures in line with protection regime;
- preserve, enhance and promote the protected natural asset;
- mark the protected area;
- ensure unobstructed natural processes and sustainable use of the protected natural asset;
- monitor conditions of the protected natural asset and submit the findings thereof to the management authority or the Legal person;
- perform other tasks determined by the law and foundation act (constitution).

Financial Resources for Manger's Operations

Article 64

Financial resources for the manager's operations shall be provided from:

- the budget of Montenegro, or the budget of the local self-government unit in line with the annual programs, plans, projects in the area of nature protection;
- fee for the use of a protected natural asset;
- donations;
- other sources in line with the law.

Management Plan

Article 65

A management plan shall be adopted for the period of five years.

The management plan referred to in paragraph 1 of this Article shall be implemented pursuant to the annual management programme.

A national park management plan shall be adopted by the Government.

Management plans for strict and special nature reserve and specially protected and protected species and habitats shall be adopted by the Ministry.

Management plans for a regional park and nature park, natural monument and landscape with outstanding features shall be adopted by a respective organ of local self-government unit, with prior approval of the Ministry.

The annual management program referred to in paragraph 2 of this Article shall be adopted by the manger, with prior approval of the Ministry, or respective authority of the local management.

The annual management program referred to in paragraph 6 of this Article shall be submitted to the Ministry or respective authority of the local management until 30th November of the current year for the following one.

The manager shall submit the annual management program progress report to the Ministry or respective authority of the local management until 1 March of the current year for the previous one.

Contents of Management Plan

The management plan referred to in Article 65 of this Law shall contain in particular:

- measures for the protection, conservation, enhancement and use of a protected natural asset;
- development guidelines, polices and priorities for protection and conservation of the protected natural asset with respect for the needs of local communities;
- manner of implementation of the protection as well as the use and management of the protected natural asset;
- long-term protection and sustainable development objectives;
- analysis and assessment of requirements for achieving these objectives;
- outline of natural resources and users of protected natural assets;
- priority activities on the preservation, maintenance and monitoring of natural and other environment values and components;
- assessment of the state of the protected natural asset;
- guidelines for scientific – research work;

- planned activities on sustainable use of natural resources, development and spatial planning;
- spatial identification of planned intentions and regimes of land use;
- activities directed to promotion and valorisation of the protected natural asset;
- forms of cooperation and partnership with the local population and owners and users of property;
- dynamics and subjects concerning the implementation of the management plan and the manner of its evaluation
- financial resources for the implementation of the management plan.
- other elements of importance for the management of the protected natural asset;

Legal and natural persons are obliged to perform activities, actions and operations in the protected natural asset in accordance with the management plan.

Before the expiry of the time period referred to in Article 65, paragraph 1, changes and amendments to the management plan shall be made in the manner and following the procedure envisaged for its adoption.

The Ministry shall submit the management plan progress report referred to in Article 65 of this law to the Government, on the basis of the annual management program until 1 March of the current year for the previous one.

Requirements for the Use of Natural Assets

Article 67

Protected natural assets shall be used in line with the special purpose spatial plan and management plan developed for the protected natural asset, taking into account the conservation of biological and landscape diversity.

It shall be forbidden to use protected natural assets in the manner causing:

- damages to soil and loss of its natural fertility;
- damages to surface or ground geologic, hydro-geologic and geomorphologic values;
- impoverishment of the natural stock of wild species of plants, animals and fungi;
- reduction of biological and landscape diversity;
- pollution or threat to ground and surface waters.

Fee for the Use of Protected Natural Asset

Article 68

A legal or natural person (hereinafter: the users) shall pay a fee for the use of a protected natural asset to the manager of the protected natural asset as follows:

- Entering the protected natural area
- Providing different services to visitors (guided tours, sightseeing of the natural collection, parking, camping);
- Use of name and logo of the protected natural asset;
- Bird-watching;
- Shooting feature and commercial films, video spots and advertisements;
- Rafting and renting boats and cruisers;
- Collecting, picking and buying forest products;
- Sport fishing;
- Hospitality, trade, accommodation and infrastructure services (restaurants, bungalows, temporary facilities, ads, transmission stations, and land use for organizing sport and other manifestations);
- Other actions, activities or operations in line with the law.

The amount, the method of calculation and payment of the fee referred to in paragraph 1 of this Article shall be determined by the manager of the protected natural asset.

The Ministry or respective authority of the local government shall give its consent to the act of the manager referred to in paragraphs 1 and 2 of this Article.

The Manager of the protected natural asset is obliged to use the funds from paragraphs 1 and 2 of this Article for the purpose of protection, development and enhancement of the protected natural asset.

Preferential Purchase Right

Article 69

A legal or natural person as the owner of a property within the boundaries of a protected natural asset (hereinafter: the owner of the property), who intends to sell the property is obliged to offer the property first to the Government, or local self – government unit.

If the Government, or respective local self – government unit authority does not accept the offer referred to in paragraph 1 of this Article within 60 days from the day of submission of the offer, the owner can not sell the property to other person under more favourable conditions compared to the ones given to the Government, or local self – government unit.

The agreement concluded against to what is referred to in paragraphs 2 and 3 of this Article shall be considered void.

Property Acquisition in the Protected Natural Asset

Article 70

Foreign legal and natural persons cannot acquire ownership rights in protected natural assets..

Expropriation and Restriction to Property Right

Article 71

Property rights concerning real estates in a protected natural asset may be restricted – expropriated when required in the public interest.

The procedure of expropriation of real estates shall be undertaken in accordance with the law.

Liabilities of the Owner of Property

Article 72

The owners of real estates located in a protected natural asset are obliged to allow the manager, management authority, Legal person or person with a permit to conduct researches to perform operations set forth by the law.

If the owner of the real estate from paragraph 1 of this Article, while performing action or activities, causes damage to the protected natural asset, he/she is obliged to compensate the for the damage.

The amount of compensation for the damage referred to in paragraph 2 of this Article shall be determined by the Commission for Damage Assessment referred to in Article 75 of this law.

Finances referred to in paragraph 3 of this Article shall constitute the income of the manager.

Compensation for Restrictions and Damages

Article 73

The owner of the property referred to in Article 72 of this law, to whom the right to use and manage the property has been restricted, shall have the right to compensate the damage proportionally to the reduction of his/her income.

The compensation amount referred to in paragraph 1 of this Article shall be determined by mutual agreement between the manager and the owner of the property.

If the parties referred to in paragraph 2 of this law do not agree within 30 days from the day of submission of the request in written form, the compensation amount shall be determined by the respective court.

Damage Prevention

Article 74

The owner of the property is obliged to undertake measures and activities for damage, which may be done by strictly protected and protected animal species.

Activities referred to in paragraph 1 of this Article shall be as follows: putting the fence around protected assets, conservation of assets and scattering of strictly protected or protected animal species.

Right to Compensation of Damages

Article 75

The owner of the property shall have the right to compensation for damage provided that he/she undertook measures and activities referred to in Article 74 of this law for the purpose of prevention of damage caused by strictly protected or protected wild species of animals.

The owner of the property referred to in paragraph 1 of this Article is obliged to report damages to the manager at least within eight days from the day when the damage was caused.

The assessment of the damage shall be determined by the Commission established by the manager (hereinafter: the Commission for Damage Assessment).

The amount of damage on the basis of the assessment of the Commission for Damage Assessment shall be determined by the manager by means of decision.

Research Permit

Article 76

The scientific-educational researches within the area of protected natural assets shall be conducted by legal or natural persons on the basis of a permit issued by the management authority.

The permit referred to in paragraph 1 of this Article shall be issued, with a previously obtained opinion of the ministry in charge of agriculture, forestry and water management, the Legal person, or the Institute of Marine Biology (hereinafter: the Institute) if the research is conducted within a marine protected asset.

A legal or natural person who conducted the research referred to in paragraph 1 of this Article is obliged to inform the management authority and the Legal person of the research findings within three months from the day of conclusion of the research.

Movable protected assets and their parts may be taken away from Montenegro for the purpose of scientific researches on the bases of the permit issued by the management authority.

Monitoring the Status of Nature Conservation

Article 77

The status of nature conservation shall be monitored on the basis of an annual monitoring programme (hereinafter: the monitoring program) adopted by the Government.

The monitoring program shall be adopted by the end of the current year for the next one. The monitoring program shall encompass in particular:

- monitoring and assessment of the status of wild species of plants, animals and fungi, their habitats, habitat types, ecologically significant areas, ecosystems, ecological network and landscape types as well;
- monitoring the changes of new geologic values (occurrence of landslides, rock falls, new springs and others), including also the development of special geological maps as base layers for further researches and monitoring;
- monitoring the status of protected natural assets;
- other elements of importance for monitoring the status of nature conservation.

Funds for the implementation of the monitoring program shall be provided from the budget of Montenegro and the budget of the local self-government units.

The monitoring may be conducted by legal persons who are meeting the requirements concerning the personnel and equipment.

A report on the implementation of the monitoring program referred to in paragraph 1 of this Article shall be submitted to the management authority until 31 March of the current year for the previous one.

On the basis of the submitted information referred to in paragraph 5 of this Article, the management organ shall prepare the statement of the status of nature conservation and submit it to the Ministry.

The Ministry shall submit the information referred to in paragraph 6 of this Article to the Government and respective international institutions.

More detailed contents of the monitoring program referred to in paragraph 3 of this Article and requirements referred to in paragraph 5 of this Article shall be set forth by the Ministry.

VIII. SPECIAL MEASURES FOR NATURE PROTECTION AND CONSERVATION

Implementation of Protection Measures in Protected Natural Assets

Article 78

Protection and enhancement of protected natural assets shall be conducted on the basis of the Act on Proclamation and the management plan.

In protected natural assets, it shall be forbidden to do military exercise or other military activities in peacetime that can endanger features for which a protected natural asset was proclaimed.

Planning

Article 79

Spatial planning, the manner of use, development and protection of the area of protected natural assets shall be conducted in accordance with the special planning documentation, and pursuant to the law concerning the special planning and development, environmental and nature

protection on the basis of the Act on Proclamation, management plan and Nature Protection Study.

Protection and Conservation of Protected Wild Species of Plants, Animals and Fungi

Article 80

Strictly protected and protected wild species of plants, animals and fungi shall include:

- specimens of wild plants, fungi and free-living animals, as well as the bred specimens thereof,
- their development forms (eggs, seeds, fruits, etc.),
- parts and derivatives thereof,
- and easily recognisable products obtained from them.

It shall be prohibited to exterminate autochthonous wild species of plants, animals and fungi.

It shall be prohibited to pick, collect, use, destroy protected wild species of plants, disturb, capture, hurt protected wild animals, reduce the numbers of population of protected wild species of plants, animals and fungi (removal, killing and others), destroy or deteriorate their habitats or change their living conditions.

Exceptions to paragraph 3 of this Article, within the area of a protected natural asset, protected wild species of animals, plants and fungi shall be picked, collected and used only to the extent to which the species would not become endangered, with an approval of management authority and previously obtained opinion of the Legal person.

Protection and Conservation of Non-protected Wild Species of Plants, Animals and Fungi

Article 81

It shall be forbidden to pick, collect or use non-protected plants and fungi, or capture and kill a non-protected animal species to the extent to which the number of population may be endangered.

Activities referred to in paragraph 1 of this Article may be performed only on the bases of an approval of the management authority, with prior opinion of the Legal Person, unless otherwise prescribed by the law.

Import or export of non-protected plant, animal or fungi species shall be conducted only with the approval of the management authority, with a prior opinion of the Legal Person.

More details on the manner and requirements related to collecting, using and trading, as well as the list of non-protected wild species of animals, plants or fungi, which are used in commercial purposes, shall be determined by the Ministry in cooperation with the ministry in charge of agriculture, forestry and water management.

Bans

Article 82

It shall be forbidden to pick, collect, destroy, cut, root out, keep and trade in strictly protected wild species of plants and fungi.

In respect of strictly protected animals, it shall be prohibited to:

- deliberately capture, keep and/or kill them,
- deliberately disturb, in particular during the time of their reproduction, raising their young, migrations and hibernation;
- deliberately breed and trade in, or in any other manner acquire and stuff them;

- deliberately destroy of, or damage to their development forms, nests or litters, as well as their reproduction or resting places,
- deliberately destroy or take eggs from the wild.

Exceptions to the paragraph 2 of this Article, certain strictly protected or protected wild species of animals may be imported or exported for the scientific purposes and for the purpose of exhibition, with prior approval of the management authority.

Wild plants and fungi, wild animals, as well as ground animals, which are not protected even if they are located within a protected natural asset, shall enjoy protection in accordance with the Act on Proclamation.

Exceptionally, the activities referred to in paragraph 2 of this Article may be performed on the bases of the permit issued by the Ministry in the following cases:

- protection of public health and safety and air safety;
- protection of plants, animals and fungi;
- prevention of serious damages to crops, livestock, forests, fisheries, and water and others types of property;
- researches and education, repopulation, re-introduction and artificial propagation.

The Ministry shall keep records of issued permits referred to in paragraph 5 of this Article, containing the following:

- animal species which were subject to these actions and activities;
- means, devices or methods authorized for the capture or killing of animal species and the reason for their use
- the supervisory measures used.

The Ministry may allow, on a selective basis and to a limited extent, the taking, keeping of certain specimens of strictly protected wild species of plants, animals or fungi in little numbers and under the supervision of the management authority.

Unauthorized Means for Capture and Killing of Wild Animals

Article 83

It shall be forbidden to use any means for the capture and killing of wild animal species, which disturb their populations and damage their habitats and which may cause their local disappearance.

The use of the following means shall be forbidden:

- traps;
- crossbows;
- electrical devices capable of killing or stunning;
- artificial light devices, except in fishing at sea;
- mirrors and other dazzling devices;
- sound emitters (tape recorders, cassette recorders and others) reproducing sounds of calling; pain or making known;
- devices for illuminating targets;
- sighting devices for night shooting comprising an electronic image magnifier or image converter;
- explosives;
- poisons and poisonous or anaesthetic bait;
- semi-automatic or automatic weapons;
- aircraft;
- moving motor vehicles;
- and other means determined by international agreements.

Exceptionally, certain means referred to in paragraph 2 of this Article may be used in a limited manner in order to implement the reintroduction programme, monitoring and protection and conservation programme, on the basis of the permit of the management authority.

Manner of Use of Protected Wild Species of Plants, Animals or Fungi

Article 84

Protected wild species of plants, animals and fungi shall be used in the manner, which shall not endanger the number of its population. for

The use of protected wild species of animals, plants or fungi referred to in paragraph 1 of this Article, may be used on the basis of the permit issued by the management authority and with prior opinion obtained from the Legal person.

The Ministry, in cooperation with the ministry in charge of agriculture, forestry and water management, shall set forth protection measures for protected wild species of plants, animals or fungi, which include the following:

- seasonal ban on the use and other restrictions in use of wild species of plants, animals or fungi;
- temporary or local ban on the use for the purpose of population restoration up to a certain more favourable level,
- manner of trade in and keeping of living and dead specimens.

The Management authority shall keep records of the manner and quantity of use of protected wild species of plants, animals or fungi in order to assess and monitor the status of populations and inform the Ministry thereof.

Protection Measures for Migratory Wild Species

Article 85

Public roads and other types of roads, as well as other facilities shall be constructed in such a manner to reduce their negative impact on the roads of migratory wild animal species and enable safe passing of wild animals at appropriate distances.

Measures referred to in paragraph 1 of this Article shall be ensured with the application of special construction and special technical-technological solutions on the facilities themselves and in their vicinity.

Special technological and engineering solutions (ecological bridges, constructed passes and crosses, tunnels, pass-through cylinders, ditches, safety and guiding facilities, fish paths and lifts etc.), which ensure unobstructed and safe passage of wild species, shall enjoy protection as protected natural assets.

Protection measures and the manner of maintaining passages referred to in paragraph 3 of this Article shall be set forth by the Ministry with the approval of the administrative authority in charge of transport and administrative authority in charge of spatial planning.

Measures for Bird Protection

Article 86

It shall be forbidden to deliberately kill or capture strictly protected birds, in particular migratory birds, to destroy their nests and eggs or remove nests even when empty, their disturbance particularly at the time of feeding nestlings and during reproduction, holding birds which are prohibited for hunting, as well as performing activities contrary to this law.

Poles and engineering components of medium and high voltage cables shall be constructed in such a manner to protect birds from electric shocks and mechanical injuries.

Provisions referred to paragraphs 1 and 2 of this Article shall not apply to upper railway cables.

For the purpose of preservation and protection of protected bird species, it is necessary to undertake research of the wild bird population size and status of wild birds in line with international agreements.

Monitoring of the wild bird population size and status referred to in paragraph 4 of this Article shall be conducted by the Legal person.

The manner of monitoring the wild bird population size and status referred to in paragraph 4 of this Article shall be prescribed by the Ministry.

Introduction of Alien Wild Species of Plants, Animals and Fungi

Article 87

It shall be forbidden to introduce alien wild species of plants, animals or fungi (hereinafter: allochthonous species) into the ecosystems they do not occur naturally.

Exception to the paragraph 1 of this Article, the introduction of allochthonous species of plants, animals or fungi shall be allowed if it is scientifically and professionally sound and acceptable from the point of view of nature protection on the basis of a permit issued by the management authority.

The management authority shall issue the permit referred to in paragraph 2 of this Article, based on the risk assessment for nature with prior approval of the ministry in charge of agriculture, forestry and water management.

The risk assessment of impacts on nature referred to in paragraph 3 shall be drafted by the Legal person.

The costs of the risk assessment development shall be borne by the legal or natural person who applied for the issuance of permit.

The request referred to in paragraph 5 of this Article shall contain the following:

- the information on the person who submitted the request (name, headquarters, register number, or name, address and unique personal number);
- the site in which the allochthonous species is planned to be introduced;
- description of intended activities;
- timeline for the implementation of activities;
- other information of importance for getting the permit.

The manner of development of the risk assessment referred to in paragraph 3 of this Article and Article 89 paragraph 2 shall be prescribed by the Ministry.

Non-deliberate Introduction of Allochthonous Species

Article 88

In case allochthonous species of plants, animals or fungi are unintentionally introduced within the territory of Montenegro or if there is a justified doubt of the occurrence of such introduction, the management authority shall undertake measures aimed at destroying or preventing of further spread of introduced allochthonous species.

Reintroduction of Disappeared Wild Species

Article 89

The reintroduction of disappeared wild species of animals, plants or fungi (hereinafter: autochthonous species) into the ecosystems may be performed with the approval of the management authority.

The management authority shall issue the approval referred to in paragraph 1 of this Article based on the risk assessment drafted by the Legal person.

The costs of the risk assessment of the reintroduction of autochthonous species on nature shall be borne by a legal or natural person who has submitted the request for the issuance of the approval

The request referred to in paragraph 3 of this Article shall contain the following:

- the information on the person who submitted the request (name, headquarters, register number, or name, address and unique personal number);
- the site in which the autochthonous species is planned to be introduced;
- description of intended activities;
- timeline for the implementation of activities;
- other information of importance for getting the permit.

Keeping Strictly Protected and Protected Wild Animal Species

Article 90

Certain specimens of strictly protected wild animal species may be held in captivity, be bred, sold and purchased only with the approval of the management authority, provided that:

- it refers to specimens legally introduced in Montenegro and having their owner;
- these are legally acquired specimens before this animal species became protected by law ;
- it concerns the specimens referred to in Article 82 paragraph 7 of this Law.

As an exception to paragraph 1 of this Article, the management authority may allow keeping in captivity, breeding or trading in strictly protected and protected animal species, if it refers to the seized or removed specimens even if it is in accordance with the laws and ratified international treaties.

All the specimens of strictly protected wild animal species referred to in paragraphs 1 and 2 of this Article must be marked in the prescribed manner.

A person encountering a dead, or sick or injured specimen of strictly protected wild species is obliged to immediately inform the management authority thereof:

The management authority may allow to the person referred to in paragraph 4 of this Article, if having satisfactory knowledge and requirements, to keep sick or injured animals in captivity for treatment and healing.

Trade in Protected Wild Species of Animals, Plants or Fungi

Article 91

The trade in certain wild species of plants, animals or fungi, its parts or derivatives which are protected pursuant to this Law and international regulations may be performed with the approval of the management authority, upon previously obtained opinion from the Legal person or the Institute.

The approval referred to in paragraph 1 of this Article shall be issued under the following conditions:

- that the right of disposal over a specimen of a wild animal, fungi or plant species was acquired in accordance with the law or that it is about a cultivated specimen;
- that the animals are marked properly;

- that in case of import, the import permit was obtained from the competent authority in the importing country.

The approval referred to in paragraph 1 of this Article shall be issued only if the management authority determines that the granted exchange does not endanger wild populations of animals, fungi or plants.

The transit of protected species across the territory of Montenegro shall be carried out pursuant to a valid export, or import permit issued by a competent authority of the exporting, or importing country.

During the transportation and transit of living animals, they must be transported and housed in the manner ensuring their safety against injury, damage to health or inhuman treatment.

The Ministry shall prescribe more detailed requirements concerning the trade and treatment of animals during their transportation, species that require the issuance of the approval referred to in paragraph 1 of this Article, manner of marking the animals or packages of fungi or plants as well as contents and manner of keeping the register of issued approvals.

Registration of Transboundary Trade

Article 92

The trade in protected wild species of plants, animals or fungi, its parts or derivatives shall be declared on the border crossing to the customs service in accordance with the law.

The transit referred to in Article 1 of this law must be carried out exclusively on the border crossing, which fulfil requirements determined by the law, and where there is an organized veterinary and phytosanitary inspection.

The Customs authority is obliged to inspect the declared shipment referred to in paragraph 1 of this Article and verify the permit referred to in Article 91 of this Law.

Obligations of the Customs Authority

Article 93

The Customs authority may temporarily confiscate plants, animals or fungi referred to in Articles 91 and 92 of this Law if it is unable to determine whether they belong to the species which is subject to restrictions or bans.

The Customs authority shall temporarily confiscate plant, animal or fungi species for which it determines that is being imported, exported or in transit without required permit or other documents, and keep it until the conclusion of the procedure.

A certificate shall be issued on the temporarily confiscated species referred to in paragraph 1 and 2 of this Article.

Temporarily confiscated species of plants, animals or fungi shall be given for safekeeping to an authorized legal or natural person, who fulfils the requirements concerning the space, devices and personnel for safekeeping the goods or to the customs payer (exporter or importer) with the ban of disposal.

The legal or natural person referred to in paragraph 4 of this Article shall be authorized by means of the decision by the management authority.

If the customs payer (importer or exporter) does not submit required documents referred to in paragraph 2 of this Article within 30 days from the day of temporary confiscation or within the extended deadline which may not exceed 60 days, the species of plants, animals or fungi referred to in paragraph 1 of this Article shall be confiscated.

In cases referred to in paragraph 1, 2 or 6 of this Article, the customs service is obliged to immediately inform the management organ thereof.

The customs payer (importer or exporter) shall bear the costs derived from the confiscation (food, accommodation, transport and other costs).

In case the customs payer (importer or exporter) has not been identified, the costs shall be born by the consigner or the ordering party.

More detailed requirements referred to in paragraph 4 of this Article shall be prescribed by the Ministry.

Keeping, Breeding and Trade in Wild Animal Species for Commercial Purposes

Article 94

It shall be forbidden to hold wild animal species in captivity in improper conditions and without proper care.

Natural or legal persons, who become the owners of protected animal species with the intention of their keeping in captivity, are obliged to inform the management authority thereof within 30 days from the acquisition of ownership over the animals.

The animals referred to in paragraph 2 of this Article shall be marked in the required manner.

More detailed requirements for keeping, breeding, the manner of marking and registration of animals referred to in paragraph 2 of this Article, as well as the manner of marking of strictly protected wild animal species referred to in Article 90 of this law shall be determined by the Ministry.

Holding Wild Animal Species

Article 95

A natural or a legal person may hold wild animal species in captivity for exhibition to the public in zoos, aquariums, terrariums and similar facilities, in accordance with the law and with an approval of the management authority.

The permit referred to in paragraph 1 of this Article shall be issued at the request of the legal or natural person.

Breeding Wild Animal Species

Article 96

A legal or natural person, who meets the requirements referred to in Article 94 paragraph 4 of this Law, may breed wild animal species in captivity on the basis of the approval of the management authority.

The permit referred to in paragraph 1 of this Article shall be issued at the request of the legal or natural person.

The owner of the wild animal species referred to in paragraph 1 of this Article is obliged to secure the animal from escaping into the wild and shall be liable for the damages caused by the animal in case of escape.

Trade in Wild Species of Plants, Animals or Fungi for Commercial Purposes

Article 97

A legal or natural person performing trade in autochthonous or allochthonous wild animal species for commercial purposes is obliged to provide for adequate conditions for holding animals and keeping records of trade in animals, in accordance with the law.

The trade for commercial purposes referred to in paragraph 1 of this Article shall include selling and buying, public exhibition for generating revenues, holding for sale, offering for sale, then lease and exchange of animals, plants or fungi.

The subject to trade for commercial purposes may only be an animal, plant or fungus bred on the basis of the permit referred to in Article 96 of this law.

The trade referred to in paragraph 1 of this Article may be carried out only on the basis of the permit of the management authority.

Protection of Geological and Palaeontological Objects

Article 98

Protected geologic and palaeontological objects (fossils, minerals, crystals and cave decorations, and others) shall be kept at the site where they were discovered, and the site shall enjoy the protection as a protected natural asset.

If certain protected geologic and palaeontological objects (fossils, minerals, crystals, etc) can not be protected at the site where they were discovered, they shall be entrusted for safekeeping to a public institution in charge of cultural affairs in order to ensure their professional protection and enable their use for education and scientific purposes.

Restrictions and Bans

Article 99

It shall be forbidden to take from nature protected geologic and palaeontological objects which have been proclaimed protected natural assets or which have been placed in the geoheritage site, protected finding site or mineral ores deposit.

It shall be forbidden to export geologic and palaeontological objects, which have been proclaimed as protected natural assets.

Exceptionally, activities referred to in paragraph 1 and 2 of this Article may be performed for the purpose of scientific and professional researches, education and public exhibitions, with an approval of the management authority.

IX. NATURE PROTECTION DOCUMENTS

Basic Documents on Nature Protection

Article 100

Basic documents on nature protection shall be as follows:

- The Biodiversity Strategy and the Action Plan (hereinafter: the Strategy);
- Plans and programmes of management of protected natural assets.

Plans and programmes referred to in paragraph 1 of this Article shall be aligned with the Strategy.

Contents of the Strategy

Article 101

The Strategy shall be adopted by the Government, at the proposal of the Ministry.

The Strategy referred to in paragraph 1 of this Article shall be adopted for the period of five years.

The Strategy shall define long term goals and guidelines for conservation of biological and landscape diversity.

The Strategy shall contain in particular:

- guidelines for conservation of protected natural assets,
- guidelines for protection of ecosystems, habitat types and wild species of animals, plants and fungi;
- guidelines for research and monitoring of the state of nature;
- guidelines for the introduction of nature protection into other sectors;
- guidelines for informing public and public participation in decision-making on nature protection;
- action plans for the implementation of the Strategy, setting priorities and possible sources of financing;
- guidelines for compliance with international commitments in the area of nature protection;
- maps with spatial outline of biological and landscape diversity preservation and protection of natural assets;
- other elements of importance for nature protection.

The Strategy may be changed and amended before the expiry of the period for which the Strategy was adopted, in the manner and according to the procedure prescribed for its adoption.

Report on Strategy Implementation

Article 102

The respective authority of the local self-government unit shall draft the report on the state of nature and submit it to the management authority until 31 March of the current year for the previous one.

The annual report referred to in paragraph 1 of this Article shall contain the following:

- review of achieved objectives of the Biodiversity Strategy and Action Plan within the area of a local self-government unit,
- data on the state of protected natural assets within the area of a local self-government unit;
- data on impacts of certain projects on nature;
- assessment of the state of nature;
- assessment of impacts of undertaken measures;
- data on the institutional composition in charge of nature management;
- data on the use of financial resources for nature protection;
- other data of importance for nature protection.

On the basis of the annual report of local management authority referred to in paragraph 1 of this Article and data on the implementation of the Strategy and other planning documents on nature protection, the management authority shall draft the Report.

The Report referred to in paragraph 3 of this Article shall contain the following:

- data on the state of biological and landscape diversity, protected habitat types and wild animal, plant and fungi species with the assessment of the level of endangerment, the reasons for them being endangered and protection issues,
- data on impacts of the use of natural resources on biological and landscape diversity;
- data on impacts of certain projects, activities and operations on nature and its values;
- assessment of measures undertaken to preserve biological and landscape diversity and protected natural assets;
- data on the use of financial resources for nature protection;
- assessment of the needs to change and amend the Strategy;
- other data significant for nature protection and conservation.

The Ministry shall submit the annual report referred to in paragraph 4 of this Article to the Government for adoption,

X. COMPETENCES

Competences of Mangement Authority

Article 103

The Management authority shall perform administrative and to them related specialized nature protection affairs aimed at:

- preparing the nature conservation status monitoring programme;
- taking care of conservation of biological diversity, wild species of plants, animals and fungi, their habitats, habitat types, ecologically significant protected natural assets, ecosystems, ecological network, as well as types of landscapes and geoheritage objects' status;
- keeping registers of protected natural assets and other data of importance for nature protection;
- establishing and managing cadastre of speleological objects;
- drafting reports in accordance with the law;
- maintaining database in the area of nature protection as an integral part of the unique information system of the management authority;
- issuing approvals and permits in accordance with the law;
- developing habitat maps;
- other activities established by this Law.

Foundation of Legal Person

Article 104

The Legal person referred to in Article 11 of this Law shall be established by the Government.

The Act on Establishment of the Legal Person shall more closely define its operations, organs and their composition and competences, as well as other issues of importance for its functioning.

The Ministry shall give its consent to the Constitution and Act on Internal Organization and Systematization of the Legal Person referred to in paragraph 1 of this Article.

Financing Legal Person

Article 105

The funds for operations of the Legal Person shall be provided from:

- the Budget of Montenegro, according to the nature protection programmes passed by the Government;
- revenues from performed operations;
- other sources in line with the law.

Supervision over the Legality of Work

Article 106

The Legal Person shall pass the annual workplan, with the consent of the Ministry.

The Legal Person shall submit the report on the implementation of nature protection programme to the Ministry until the 1st of March of the current year for the previous one.

The Ministry shall submit the report referred to in paragraph 2 of this Article the the Government for adoption.

XI. ACCESS TO INFORMATION AND PUBLIC PARTICIPATION

Access to Information

Article 107

The Ministry, management authority, Legal Person, competent authorities of the local government and managers are obliged to, at the request of interested legal and natural persons, submit the information on the state of nature protection, except for the data considered confidential in accordance with this Law.

Submission of Information

Article 108

Authorities referred to in Article 107 of this Law shall submit the information on the state of nature protection to the applicant in accordance with the law.

Informing the Public

Article 109

Authorities referred to in Article 55 of this Law are obliged to ensure participation of the public and interested parties in the procedure of preparation of acts on proclamation and management plans for protected natural assets.

Authorities referred to in paragraph 1 of this Law are obliged to inform the interested public of the beginning of preparation of acts on proclamation and management plan of protected natural assets, by the means of publishing the notification thereof in at least one printed daily media, which has been distributed in the territory of Montenegro.

The interested authorities and organizations shall be informed via mail, fax or e-mail.

The notification referred to in paragraph 1 of this Article shall contain the data on the manner, deadline and place of the public insight, as well as the manner and deadline of submission of objections and opinions.

XII. PROMOTION OF NATURE PROTECTION

Nature Protection Day

Article 110

The Nature Protection Day shall be celebrated each year on the International Biodiversity Day on the 22nd May.

The celebration of the Nature Protection Day shall include the organization of education, recreational, professional and other activities which will foster and enhance nature protection in a proper manner.

XIII. FINANCING NATURE PROTECTION

Provision of Funds for Nature Protection

Article 111

Funds for nature protection shall be provided from:

- 1) the budget of Montenegro for:
 - protection of natural assets of international and national importance;
 - protected natural assets proclaimed by the Parliament or Ministry;
 - preferential purchase right in protected natural assets;
 - implementation of nature protection measures
 - disbursement of compensation for damages made by protected animal species;
 - disbursement of compensation to the property owners due to restrictions to their property rights in protected natural assets;
 - other intentions designated by this Law.
- 2) from the budget unit of the local self-government unit for:
 - protection of natural assets proclaimed by the local self-government unit;
 - exercising of the preferential purchase right;
 - implementation of nature protection measure set forth by the law;
 - disbursement of compensation to the property owners due to restriction to their property rights in protected natural assets;
 - other intentions designated by this Law.

XIV. SAFEGUARDING OF PROTECTED NATURAL ASSETS

Protected Natural Asset Wardens

Article 112

The manager is obliged to organize the protection service in order to safeguard a protected natural asset.

The protection service shall be performed by wardens for protected natural asset (hereinafter: the warden).

The warden shall perform his/her own duties wearing the official attire, official ID and official logo and also might carry weapons, in accordance with the new law.

The official ID and logo referred to in paragraph 3 of this Article shall be issued by the manager.

Rights and Obligations of Wardens

Article 113

When the warden, while performing the service, establishes that an action contrary to the housekeeping rules along with violations of the protection regime has been taken or if there is grounded doubt of a wrongdoing or a criminal act being done, he/she shall have the power and is obliged to:

- perform the identification check of the persons found within the protected area;
- inspect all types of vehicles, watercrafts and consignments;
- temporarily confiscate items used for wrongdoing or commission of a criminal act and the items created or acquired through such an act, as well as to deliver such items without any delays to the manager of the protected natural asset for safekeeping;
- to take a person without identification document, who was caught in wrongdoing or while committing a criminal act, immediately to the competent police unit or inform them thereof;
- request for the restoration of the previous condition, or order measures for prevention and removal of damaging consequences;

- cooperate with owners and holders of property rights in the protected natural asset with the aim of nature protection;
- monitor the state of wild species of plants, animals or fungi, as well as other values of the protected natural asset;
- offer assistance to the visitors of the protected natural asset and the local population.

While performing his service, the warden is obliged to produce official ID.

The warden is obliged to issue a proper receipt to the person whom he fined or from whom he confiscated tools or other items.

The warden of the protected natural asset must hold at least secondary school degree, with one year of relevant work experience and have passed professional exam and meet the stipulated requirements for bearing weapons and other requirements as set forth by the manager's act.

XV. SUPERVISION

Administrative Supervision

Article 114

The supervision over the enforcement of this Law shall be exercised by the Ministry or municipality or other form of local self government, if not otherwise prescribed by the Law..

The Ministry shall exercise the supervision over the work of the Legal Person.

The supervision over the work of the manager shall be exercised by the Ministry, or other competent authority of the local government.

The inspection supervision within the competences of the Ministry shall be exercised by the environmental inspection in accordance with this Law and the law regulating the inspection supervision.

Roles and Responsibilities of Inspectors

Article 115

In exercising the inspection supervision, the environmental inspector shall control in particular:

- the utilisation and use of protected natural assets and other parts of nature;
- enforcement of nature protection requirements and measures;
- enforcement of compensatory measures;
- enforcement of management plans of protected natural assets concerning nature protection measures and requirements;
- enforcement of management plans and programmes for protection, conservation, utilisation and enhancement of protected natural assets;
- enforcement of management plan and other acts of the protected natural asset;
- undertaking immediate protection, conservation and utilisation of protected natural assets;
- undertaking protection measures and conditions for protected natural assets, protected wild species of plants, animals and fungi;
- the introduction, taking out, export, import and transit of protected wild species of plants, animals and fungi;
- the introduction and re-introduction of protected wild species of animals, plants or fungi into the wild;
- informing the public on the state of nature, management plans of protected area;

- whether the manager of the protected natural asset is performing the obligations set forth by the protection act;
- whether the manager of the protected natural asset is using the means for work and performing the activities on protection and enhancement of protected natural asset;
- the use of fossils, minerals, crystals or the research of their finding sites;
- management of speleological objects;
- collection and trade in the wild species of plants, animals and fungi and their development forms and parts thereof;
- artificial moving and resettlement of autochthonous species populations or parts thereof;
- whether holding, breeding and trade in wild animals is conducted followed by a permit;
- enforcement of other envisaged requirements and measures for protection of biological and landscape diversity set forth by the Law.

Powers of Inspectors

Article 116

In exercising the inspection supervision, when establishes that the law or other act was violated, the environmental inspector shall undertake the following administrative measures and actions in order to:

- forbid the utilisation and use of protected natural assets and other parts of nature without a permit or contrary to the permit requirements;
- order enforcement of nature protection conditions and measures;
- order enforcement of compensatory measures;
- order enforcement of management plans of protected natural assets concerning nature protection measures and conditions;
- order enforcement of management plans and programmes for protection, conservation, utilisation and enhancement of protected natural assets;
- ban activities which might cause changes or damages to protected natural assets;
- order enforcement of immediate protection, conservation and utilisation of protected natural assets;
- order enforcement of protection measures and conditions for protected natural assets of protected wild species of plants, animals and fungi;
- forbid the introduction, taking out, export, import and transit of protected wild species of plants, animals and fungi if the trade is carried out contrary to the Law and ratified international treaties;
- forbid the introduction and re-introduction of wild species of animals, plants and fungi if done contrary to the Law;
- order enforcement of other envisaged requirements and measures for protection of biological and landscape diversity set forth by this Law;
- order enforcement of monitoring of the state of nature protection;
- order keeping the register of protected natural assets and other necessary records;
- forbid the use of genetic materials if done contrary to the law;
- order the manager of the protected natural asset to perform obligations established by the Act on Proclamation;
- order the manager of the protected natural asset to use the means for work and perform the activities on protection and enhancement of the protected natural asset;
- forbid the use of fossils, minerals, crystals or the research of their finding sites if done contrary to the provisions of this law;

- forbid the use of speleological objects if done contrary to the Law;
- forbid the collection and trade in wild species of plants, animals and fungi and their development forms and parts thereof if done contrary to the Law;
- forbid artificial moving and resettlement of autochthonous species populations or parts thereof if done contrary to this Law;
- forbid holding, breeding and trade in wild animal species if done contrary to the prescribed requirements;
- order enforcement of other obligations in accordance with the Law.

Article 117

While exercising the inspection supervision, the environmental inspector shall have the right and obligation to temporarily confiscate:

- items, goods or devices the use of which is not allowed or which were created through, or with which unlawful actions were conducted;
- movable protected natural asset in case of unlawful possession;
- specimens of protected wild species of plants, animals or fungi in case of unlawful holding in captivity, breeding or performing illegal trade thereof.

The receipt shall be issued for undertaking activities referred to in paragraph 1 of this Law.

The confiscated items referred to in paragraph 1 of this Article shall be temporarily or permanently stored with authorized legal or natural persons referred to in Article 93 of this Law on the expense of the management authority.

The competent court shall decide on permanent confiscation of the protected natural asset and items referred to in paragraph 1 of this Law.

Protected wild species of plants, animals and fungi acquired by unlawful actions shall be sold if perishable or if may not be properly taken care of or if their keeping requires substantial costs.

As an exception, the confiscated natural asset referred to in paragraph 3 of this Article may be assigned to a zoo or other institution, with a receipt, for permanent housing and exhibition, but not for trade.

Article 118

While performing inspection supervision, the inspector shall have the right and the obligation to prohibit to legal and natural persons who do not hold the permit or other approvals issued by the management authority the following:

- picking protected plants, fungi and parts thereof;
- chasing away, capture, holding, killing and stuffing protected wild animal species and development forms thereof;
- removing nests or litter of protected wild animal species;
- damaging or destroying habitats of protected wild species of animals, plants or fungi;
- introduction and re-introduction of wild species of animals, plant or fungi into the nature;
- trade in movable protected natural assets;
- trade in specimens of wild species of plants, animals or fungi protected pursuant to ratified international treaties;
- trade in property within protected natural assets;
- research in a protected natural assets or research of specific protected wild species of plants, animals or fungi;
- and other actions and activities contrary to the Law.

The inspector may order urgent measures in order to protect human lives and mitigate damages caused by unlawful activities or actions.

XVI. PENALTY PROVISIONS

Article 119

A legal person or entrepreneur shall be fined for violations in the amount ranging from one hundred to three hundred times the minimum wage in Montenegro, if:

- 1) performs actions, activities or operations within a protected natural asset without an approval issued by the management authority (Article 11 paragraph 1);
- 2) does not carry out compensatory measures (Article 14);
- 3) without delay and at own expense do not remove harmful effects on nature and protected natural assets caused by projects, activities and operations undertaken without determined nature protection requirements or contrary to the given requirements for nature protection (Article 15);
- 4) neither keeps records of ecosystems, nor monitor the status of special and endangered ecosystems or habitat types (Article 17 paragraph 2);
- 5) performs actions, activities or operations which endanger hydrologic occurrence or the survival and conservation of biological diversity in the wetland sites (Article 20 paragraph 1);
- 6) destroys or collects the living units of speleological objects or alters the habitat conditions in the speleological object, its aboveground and in its immediate vicinity, without previously obtained permit issued by the management authority (Article 29 paragraph 3);
- 7) performs actions, activities or operations within a protected natural asset which hosts a habitat type or types of protected wild species of animals, plants or fungi without a permit issued by the Ministry (Article 30 paragraph 9);
- 8) performs actions, activities or operations which may lead to destruction or significant damage to ecologically significant area without a permit from the Ministry (Article 33 paragraph 3);
- 9) in strict or special nature reserve perform activities, actions or operations which could damage the features for which a natural asset was proclaimed as protected natural asset; (Article 38 paragraph 4);
- 10) in natural park, performs actions, activities or operations which damage nature originality (Article 39 paragraph 2);
- 11) in regional parks or nature parks perform actions, activities or operations which endanger their features, values and roles (Article 40 paragraph 2);
- 12) perform actions, activities or operations which endanger features, values and roles on nature monument and in its immediate vicinity which makes an integral part of protected natural asset (Article 41 paragraph 3);
- 13) performs actions, activities or operations within a protected natural area, which endanger its values (Article 42 paragraph 2);
- 14) in the landscape with outstanding features, he/she performs actions, activities or operations which harm its features (Article 43 paragraph 2);
- 15) collects and destroys protected fossils, minerals, crystals and cave decorations and damage their finding sites (Article 47 paragraph 3);
- 16) uses protected natural assets contrary to Article 67 of this Law;
- 17) does not submit the offer for the sale of property according to preferential purchase right in the manner prescribed by the Law (Article 69 paragraph 1);

- 18) sells property, which has been within boundaries of a protected natural asset, to other person under more favourable conditions offered to the Government, or local self-government unit (Article 69 paragraph 2);
- 19) performs scientific-education researches within protected natural asset without permit of the management authority (Article 76 paragraph 1);
- 20) performs actions, activities or operations without a permit of the management authority (Article 80 paragraph 4);
- 21) picks up, collect and use, capture or kill non-protected species of plants, animals or fungi, without a permit of the management authority (Article 81 paragraph 2);
- 22) exports and imports for the scientific purposes or for organizing exhibition of a certain strictly protected or protected wild species of animals, plants or fungi without the permit issued by the management authority. (Article 82 paragraph 3);
- 23) captures, holds, kills strictly protected animals or damages or destroys their development units, nests, litters, fields of reproduction and resting places, disturbs in the period of reproduction, raising young or hibernation, destroys or takes away eggs from the nature without prior permit issued by the Ministry (Article 82 paragraph 5);
- 24) uses forbidden tools for capture and killing of wild animal species without previous approval issued by the management authority (Article 83 paragraph 3);
- 25) uses protected wild species contrary to prescribed requirements (Article 84);
- 26) does not conduct protection measures and manner of maintenance of corridors that are disturbed to the least possible extent by the wild animal species in a proper manner (Article 85 paragraph 4);
- 27) builds poles and engineering components of medium and high voltage cables in improper manner.(Article 86 paragraph 2);
- 28) introduces the alien wild species of plants, animals or fungi into ecosystems in the territory of Montenegro, as well as ecosystems in which they do not occur naturally, without the permit of the management authority (Article 87 paragraph 2);
- 29) introduces extinct wild species of plants, animals and fungi into ecosystems in the territory of Montenegro, without the permit issued by the management authority (Article 89 paragraph 1);
- 30) keeps in captivity, breeds, sells or buys strictly protected or protected wild species of plants, animals or fungi, without permit issued by the management authority (Article 90 paragraph 1);
- 31) carries out taking out, introduction, export, import or introduction from the sea of wild species of plants, animals or fungi, its parts or derivatives without permit of the management authority (Article 91 paragraph 1);
- 32) takes from the nature protected geologic or palaeontological objects proclaimed protected natural assets or located on the object of geoheritage, protected finding site or mineral ores deposit, without the permit of the management authority (Article 99).

For violation referred to in paragraph 1 of this Article, a responsible person vested in a legal person shall be fined in the amount ranging from five to twenty times minimum wage in Montenegro.

For violation referred to in paragraph 1, apart from item 4, 26 and 27 of this Article, a natural person shall be fined in the amount ranging from five to twenty times minimum wage in Montenegro.

XVII. TRANSITIONAL AND FINAL PROVISIONS

Article 120

Protected natural assets which are protected until the day when this Law enters into force shall be enlisted in the Register of protected natural assets on the basis of the Act on Proclamation, within one year from the day of enforcement of this Law.

Protected natural assets which have been proclaimed until the enforcement of this Law, and for which the manager has not been determined on the basis of the Act on Proclamation, the managers shall be designated within a year from the day of entry into Register of protected natural assets.

The Government shall establish the Ecological network Natura 2000 within three years from the day of enforcement of this Law.

Article 121

The Cadastre of speleological objects referred to in Article 28 of this Law shall be passed within a year from the day of enforcement of this Law.

Article 122

Legal persons in charge of transmission and distribution of electric energy are obliged to install isolation on poles and engineering components of medium and high voltage cables in order to protect birds from electric shocks and mechanical injuries, within one year from the day of enforcement of this Law.

Article 123

Red Lists referred to in Article 46 of this Law shall be established within three years from the day of enforcement of this Law.

Until the establishment of the Lists referred to in paragraph 1 of this Article, the Decision on Putting Certain Plant and Animal Species under Protection shall be applied. ("Official Gazette of the Republic of Montenegro", No. 76/06).

Article 124

Until the establishment of the management authority in charge of environmental protection affairs, the affairs established by this Law in the area of environmental protection shall be exercised by the Ministry.

Article 125

The Legal Person referred to in paragraph 11 of this Article shall be established by the Government within six months from the day of enforcement of this Law.

Until the establishment of the Legal Person referred to in paragraph 1 of this Article, specialized activities in the area of environmental protection shall be performed by the Republic Institute for Nature Protection.

As of its first working day, the Legal Person shall take over from the Republic Institute for Nature Protection all the employees, assets, equipment, as well as rights and responsibilities.

Article 126

Bylaws for the enforcement of this Law shall be passed within a year from the day of entering into force of this Law.

Until the regulations referred to in paragraph 1 of this Article are adopted, the bylaws adopted pursuant to the Nature Protection Law ("Official Gazette the Socialist Republic of Montenegro", no. 36/77 and 2/89) and Nature Protection Law ("Official Gazette of the Republic of Montenegro", no. 12/96).

Procedures that have been initiated according to the Nature Protection Law (“Official Gazette the Socialist Republic of Montenegro”, no. 36/77 and 2/89) until the enforcement of this Law shall be finished according to that law.

Article 127

With the day of enforcement of this Law, the Nature Protection Law (“Official Gazette the Socialist Republic of Montenegro”, no. 36/77 and 2/89) shall cease to be valid.

Article 128

This Law shall enter into force on the eighth day upon its publication in the “Official Gazette of Montenegro”.

SU-SK Number 01-738/6
Podgorica, the 29th of July 2008

The Parliament of Montenegro
President,
Ranko Krivokapić, s.r.