

**24 Annex - Justice, freedom and security**

**174. LAW ON STATE BORDER SUPERVISION**

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**LAW ON STATE BORDER SUPERVISION**

**I GENERAL PROVISIONS**

**Subject of the Law**

**Article 1**

This Law defines state border supervision, organization and method of controlling the crossing of state border of Montenegro (hereinafter referred to as: state border), inland control, international border police cooperation and cooperation of services at the state border.

**State border supervision**

**Article 2**

State border supervision, for the purpose of this Law, shall mean the control of crossing the state border (hereinafter referred as: the border control) and border protection, which is conducted with the purpose to:

- 1) Secure the sanctity of the state border;
- 2) Protect lives and health of people;
- 3) Prevent and detect criminal acts and violations and find and capture perpetrators;
- 4) Prevent illegal migrations and
- 5) Prevent and detect other activities and actions that threaten public security.

**Definitions**

**Article 3**

Terms used in this Law are defined as follows:

- 1) State border is an imaginary vertical level passing through border line and dividing land, air and water (sea, lake and river) and underground of Montenegro from neighboring states, as well as the state border at border crossing points at international airports and harbors;
- 2) Border line is a line at land and at sea that divides the territory of Montenegro from the neighboring states;
- 3) Border crossing point is a point established for crossing the state border;
- 4) Temporary border crossing point is a point established temporarily for crossing the state border;
- 5) Border check are actions and measures undertaken during intended crossing or immediately after crossing the state border.
- 6) International customs are general rules and accepted standards relating to matters defined in this Law;
- 7) Border incidents are activities of foreign state bodies on the territory of Montenegro that are not in accordance with international agreements or regulations of Montenegro, as well as any other breach of sanctity of the state border by state body employees or local bodies of neighboring states, and

8) Officials for the purpose of this Law are civil servants and employees of a competent authority, body of the public administration competent for customs and other public administration bodies performing tasks at border crossing points.

## **II BODIES AND AUTHORIZATIONS FOR STATE BORDER SUPERVISION**

### **Competent authority**

#### **Article 4**

State border supervision is performed by a body of public administration competent for the matters of state border supervision (hereinafter referred to as: the competent authority), unless otherwise defined by this Law.

While performing tasks referred to in the paragraph 1 of this Article, competent authority establishes cooperation with other state bodies.

The Government of Republic of Montenegro (hereinafter referred to as: the Government) may, at a proposal of the competent authority, for the reason of being cost-efficient, identify at which border crossing points, border checks could be conducted by public administration bodies competent for customs provided that such arrangement is possible for security reasons.

Where the border check is conducted by officers of bodies of public administration competent for customs, officers of the competent authority shall instruct and offer professional assistance in performing the check.

### **Authorizations of competent authority**

#### **Article 5**

When performing tasks of supervision of the state border, officers of the competent authority shall exercise authorities defined in this and other laws.

When performing tasks of supervision of the state border, officers of the competent authority shall exercise authority that will ensure achieving the goal with least negative effects.

Competent authority shall be authorized to install and use technical equipment and service dogs to supervise the state border, and to put up obstacles that prevent illegal crossing.

Owners or users of the land shall enable free passage and movement for the purpose of tasks of supervision of the state border and make possible putting up and maintaining signs of the border crossing area and other signs along the border.

Officers of the competent authority may move on the land, when necessary for a successful performance of tasks of border supervision notwithstanding the will of the land owner or user and use any type of means of transport to that end.

## **III CROSSING THE STATE BORDER AND BORDER CROSSING POINT**

### **Crossing the state border**

#### **Article 6**

Crossing the state border shall be any movement of people across the state border.

State border may be crossed only at established border crossing points with a valid travel document, i.e., documents prescribed for crossing the state border at time and in method in accordance with the purpose of border crossing.

### **Crossing the state border outside the border crossing point**

#### **Article 7**

As an exception to the provision of the Article 6 paragraph 2 of this Law, border may be crossed outside a border crossing area based on an international agreement and in a case of a vis major.

Under the agreement referred to in the paragraph 1 of this Article, the government may approve crossing the state border at a particular spot outside border crossing area and define duration and method of conducting the border check.

In a case of vis major, state border may be crossed at any time and at any place. Persons that have crossed the state border shall notify the competent authority urgently on the matter or when the reasons that generated crossing of the state border ceased to exist.

### **Border crossing point and types of border crossing points**

#### **Article 8**

Border crossing point is a point established for crossing the state border in road, railway, air, maritime, lake and river traffic.

Border crossing points referred to in the paragraph 1 of this Article may be permanent, seasonal and temporary.

Border crossing points may be open for international and border-area traffic.

Border crossing point open for international traffic is a place for crossing of the state border for citizens of Montenegro and Serbia and foreign citizens.

Border crossing point open for border-area traffic is a place for crossing the state border for the stay in a particular zone of a neighboring state, or the stay of a citizen of a neighboring state in a particular zone of Montenegro, in accordance with international agreements.

Border crossing points are established by the Government in accordance with international agreements.

### **Establishing of a temporary border crossing point**

#### **Article 9**

A temporary border crossing point may be established by the competent authority under the Law based on an agreement with a competent authority of a neighboring country, having previously obtained approval from the Government for the following purposes:

- 1) To conduct exercises for prevention of natural disasters;
- 2) To organize cultural, religious, scientific, professional, sport and tourist activities;

- 3) To redirect traffic;
- 4) To perform activities under signed international treaties
- 5) Agricultural and economic activities.

A temporary border crossing point may be established in the period of up to three months during one calendar year, except in case, when a temporary border crossing point is established for the period of duration of activities referred to in paragraph 1 item 5 of this Article.

Agreement referred to in paragraph 1 of this Article, shall define the time, method and other conditions of crossing of the state border.

The cost of opening and functioning of a temporary border crossing point shall be defined by the Law on establishment of a temporary border crossing point.

### **Arrangement at and of border crossing points**

#### **Article 10**

Border crossing points shall be equipped and arranged in a way they enable safe border control in accordance with international standards and conditions defined by the Government.

At international airports, a space for separating international flight travelers from home flight travelers shall be created, as well as space for accommodation of foreigners who do not fulfill conditions for entry into Montenegro, in accordance with the Law.

An enterprise operating at the airport shall bear the cost of establishing and equipping the facility and space referred to in paragraph 2 of this Article.

### **Border crossing area**

#### **Article 11**

A space needed for border crossing control with facilities necessary for an unhindered and secure transport shall belong to border crossing area.

The border crossing area shall be regulated by the Government.

### **Marking of border crossing point**

#### **Article 12**

A border crossing point and its area shall be marked with appropriate signs and other signalization.

Signs and other signalizations referred to in the paragraph 1 of this Article, at the proposal of a competent authority, shall be established and maintained by a body competent for public roads.

### **Approval for construction and installation of facilities**

#### **Article 13**

Body of the public administration competent for the physical planning shall issue approval for construction and installation of facilities, fittings and equipment at the area of the border crossing point, with the consent of the competent authority and public administration body competent for the customs.

The approval referred to in the paragraph 1 of this Article shall not be issued where its issuance obstructs the border control.

### **Movement and staying in the area of border crossing point**

#### **Article 14**

Persons that may move and stay at the area of border crossing point shall be: service personnel, persons with approval for movement and staying at the area of border crossing point as well as persons who intend to cross the state border.

Approval referred to in the paragraph 1 of this Article shall be issued by the competent authority to persons who permanently or temporarily perform duties at the area of border crossing point, and in other justified cases,.

### **Issuance of approval for performing duties at the area of border crossing point**

#### **Article 15**

The approval with a five year period of validity shall be issued to persons referred to in Article 14 of this Law, who permanently perform duties at the area of border crossing point.

Duration of the approval referred to in the paragraph 1 of this Article may be prolonged.

One year time limit approval shall be issued to persons who temporarily perform activities at border crossing point or as long as there is a need for that.

### **Reasons for cancellation of the approval for movement and staying in the area of border crossing point**

#### **Article 16**

The approval for movement and staying at the area of border crossing point shall not be issued or may be cancelled, for the purpose of conducting criminal proceedings or misdemeanor procedure, prevention of spreading contagious diseases or for security reasons.

The competent authority shall give the reasons for adoption of the decision referred to in the paragraph 1 of this Article.

Any complaint shall not postpone enforcement of this decision.

### **Liabilities of a shipmaster in international traffic**

#### **Article 17**

A ship or yacht master, or person in charge of a boat, in international traffic, sailing in the territorial waters of Montenegro, shall sail into the port in the shortest possible fairway where the marine border crossing point is for the purpose of the border check.

The shipmaster or person in charge of the boat, referred to in paragraph 1 of this Article, upon arrival from abroad, or prior to the departure to abroad, shall give a competent authority a list of crew members and the list of passengers and shall lay their passports for inspection.

The shipmaster on a cruise voyage in international traffic, shall submit the list of crew members and the list of passengers to the competent body, no longer than 24 hours before the border check.

A provision of the paragraph 1 of this Article, shall be applied accordingly to international traffic in river and lake waters of Montenegro, if the vessel puts to shore.

Putting to shore of the ship or yacht, or boat in international traffic beyond marine, river or lake border crossing point, except in a case of *vis major*, shall be approved by the competent authority, with the consent of a body of governing authority that has authorization for marine security and with the consent of the body of the state administration body authorized for customs.

### **Duties of ship master when ship sails into harbor**

#### **Article 18**

Upon sailing into a harbor, a ship or yacht master, or a person in charge of the boat in international traffic shall report to the competent authority a person onboard without documents required to cross the state border or without a travel card or a person who has embarked without the approval of a ship master or person managing the boat.

A ship or yacht master or person in charge of the boat in international traffic shall not allow the person referred to in the paragraph 1 of this Article or a person to whom entry to Montenegro has been refused, to disembark in a harbor without the approval of the competent authority.

Where persons referred to in paragraph 1 and 2 of this Article, disembark in a harbor without the approval of the competent authority, ship master or person in charge of the boat shall compensate for the expenses of their stay and expulsion from Montenegro.

### **Refuse of embark or disembark outside border crossing point**

#### **Article 19**

A ship or yacht master or person in charge of the boat in international traffic shall not embark or disembark persons outside a border crossing point, except in case of rescue.

A ship master or person in charge of the boat shall report to the competent authority the case referred to in paragraph 1 of this Article without any delay.

### **Issuance of approval for movement to a crew member without a visa**

#### **Article 20**

The approval for moving in the harbor may be issued to a crew member of foreign passenger or trade ship without a visa during time of the stay of ship in the area of a border crossing point or harbor.

The approval referred to in paragraph 1 of this Article, at the request of a master of a foreign ship, shall be issued by the competent authority, during the time of a stay of the ship, not exceeding 30 days.

Provisions of the paragraphs 1 and 2 of this Article shall be applied to the air traffic accordingly.

### **Duties of engine driver in international traffic**

#### **Article 21**

An engine-driver in international traffic shall not stop a train on a part of railway between the state border and border crossing point, unless it is required by the signal devices that regulate railway traffic or in case of vis major.

Where the engine-driver stops the train, that has crossed the state border, out at the open railway outside an area of a border crossing point, he shall take necessary measures as regards preventing the entry or exit of persons from the train and notify the competent authority about the stopping.

### **Prescribing of approval form**

#### **Article 22**

The approval form for moving and staying at the area of the border crossing point is prescribed by the competent authority.

## **IV BORDER CHECK**

### **Conducting the border check**

#### **Article 23**

Border check shall be conducted in the area of the border crossing point.

Border check may be conducted outside the area of the border crossing point in trains, on aircrafts and vessels.

### **Obligations when crossing the state border**

#### **Article 24**

A person who intends to cross or has already crossed the border line, shall :

- 1) Lay for inspection the papers valid for crossing the state border;
- 2) Be subjected to border check;
- 3) Not abandon the area of border crossing point until completion of the border check, and
- 4) Not avoid and not to try to avoid border check.

The person referred to in the paragraph 1 of this Article, shall clarify any circumstance about fulfillment of conditions for crossing the state border upon request of the competent authority officer who conducts the border check and shall act under his warnings and orders.

The person in charge of a vehicle crossing the state border shall stop the vehicle at a defined area of the border crossing point where the check shall be conducted.

Upon completion of the control, the driver of the vehicle shall leave the area of border crossing point with his vehicle.

Crossing the state border shall be verified in the passport by a stamp of the competent authority for citizens of Montenegro and for citizens of Serbia when exiting Montenegro, and for foreign citizens entering Montenegro, unless defined otherwise by international agreement.

The stamp referred to in the paragraph 5 of this Article shall have the name of the border crossing point and the date of crossing.



## **Taking over of a citizen of Montenegro and Serbia from a foreign body**

### **Article 25**

A competent authority shall take over persons from a foreign body confirmed to be the citizens of Montenegro and Serbia, as well as persons being extradited under international agreements.

## **Border check**

### **Article 26**

Tasks of border control shall be the following:

- 1) Control of persons;
- 2) Control of goods;
- 3) Control of means of transport;

## **Authorizations of officers in control of persons**

### **Article 27**

An officer of the competent authority, while controlling persons shall be authorized to:

- 1) Ask for documents prescribed for crossing of the state border;
- 2) Check whether the conditions needed for a stay in Montenegro have been fulfilled, especially if the person has sufficient amount of funds
- 3) Register in documents required for crossing the state border any information on entry to and exit from the country, information on refuse of entry into the country and any other relevant information;
- 4) Take fingerprints and palm prints and other biometric data if there are grounds to suspect validity of the document required for crossing of the state border;
- 5) Keep a person as long as it is necessary to conduct an efficient border check;
- 6) Warn and give orders for a regular, undisturbed and quick conducting of the border check;
- 7) Search in the data base;
- 8) Inspect and search of the person, where it is not possible to conduct the control otherwise.

## **Control of goods and means of transport**

### **Article 28**

Control of goods, for the purpose of this Law implies control of objects the person has with him in the means of transport.

If there are fears about possession of forbidden things or objects, an officer of the competent authority shall be authorized to request from the person to show things and objects in his possession.

Control of the means of transport is a control that involves inside and outside visual view of the means of transport, search and check against data bases.

An officer of the competent authority, shall do the search of the means of transport in the case when there are grounds to fear that a person in the means of transport transports hidden persons, forbidden objects or things that point his identity or identity of hidden passengers, to prevent illegal crossing of the state border and in a case when urgent inspection of all its parts is needed, which involves, if necessary dismantling certain parts of the means of transport.

In the procedure of conducting control of things, the officer of the competent authority may make possible for a person to report things and objects to the customs officer, prior to the check.

### **Control and search of goods and means of transport**

#### **Article 29**

An owner of a means of transport, or user and owner of things, or a person in possession of these things may be present during control or during the search.

The officer of the competent authority shall make a report about the conducted control or search of the means of transport referred to in the paragraph 1 of this Article, at a request of a person behind the wheel of the means of transport.

### **Applying other laws accordingly**

#### **Article 30**

When the officer of the competent authority finds objects to be taken away or objects that may serve as an evidence in a criminal or a violation procedure while performing inspection or searching the person, things or a means of transport, he shall conduct the a procedure based on regulations defined in a criminal or violation procedure code.

When the officer of a supervisory body while inspecting or searching a person, things or a means of transport finds objects that do not require the procedure referred to in the paragraph 1 of this Article, any further procedure shall be laid on hands bodies of customs administration or other state bodies are competent for that matter.

### **Procedures in case of halt at border crossing point**

#### **Article 31**

When it is not possible to conduct complete border check due to special circumstances despite having used every organizational possibility and when an unjustifiable halt of crossing the state border or other halts in the traffic at the border crossing point occur, an officer of a competent authority may make a temporary decision to miss out some activities when carrying out a border check.

An officer of the competent authority referred to in the paragraph 1 of this Article shall define priorities of the border check which must be adapted to special conditions so as to have a successful border check.

When defining priorities of the border check, entry check has priority to exiting check.

### **Procedure of checking travelers in international air traffic**

### **Article 32**

The border check shall not be conducted in international air traffic, after landing of a plane, if passengers do not leave the plane or stay in the transit area of the border crossing point.

When there are fears of abuse of regulations on transit visa in international air traffic, measures of border control may be undertaken for security reasons on some flights.

Captain or person in charge of the aircraft in international traffic who, due to vis major, lands a plane or helicopter outside the airport area, shall inform the competent authority about landing of the plane or a helicopter without any delay.

Provisions of paragraphs 1 and 2 of this Article shall apply to international traffic in harbors accordingly.

## **Carrying in and out weapons and ammunition**

### **Article 33**

Persons crossing the state border may carry in or out weapons or ammunition that may be procured, kept and carried on in accordance with a Law on Weapons under a condition that weapons and ammunition are reported to the officer of the competent authority when crossing the state border.

## **Procedure with unreported weapons and ammunition**

### **Article 34**

An employee of the competent authority shall confiscate and store any unreported weapons or ammunition at a border crossing point, until the procedure is terminated, and issue the certificate on the matter.

A procedure referred to in the paragraph 1 of this Article shall be conducted by the competent authority in accordance with the Law on Weapons.

Manner of storage of weapons that have been confiscated shall be defined by the competent authority.

## **Procedure of issuance of approvals to members of foreign security services**

### **Article 35**

Entry to Montenegro may be approved to a uniformed member of a foreign security service holding a short-barrel weapon and in a vehicle marked with their signs.

The approval for entry to persons referred to in the paragraph 1 of this Article shall be issued by the competent authority provided that this does not contradict interests of Montenegro.

Special terms of the entry may be defined in the approval.

The members of foreign security agencies referred to in paragraph 1 of this Article, who are also members of delegations in an official visit, may enter Montenegro without a special approval, may wear a uniform and personal weapons, where the latter is the integral part of the uniform, with a previous consent of the competent authority.

The members of foreign security agencies who guard the representatives of foreign states or representatives of international organizations during their visits to Montenegro, may carry short-barrel weapon and ammunition, with previous consent of the competent authority.

Exceptionally, the approval, i.e. the consent referred to in paragraphs 2 and 5 of this Article, may be issued to persons in transit through the territory of Montenegro.

## **V BORDER LINE AND PROTECTION OF STATE BORDER**

### **Demarcation and establishment of state border**

#### **Article 36**

The government shall nominate a commission that, together with the competent authorities from the neighbouring state, conducts the affairs of demarcation and establishing the state border and conducts preparations for conclusion of international agreements on state border.

State administration body competent for foreign affairs shall offer professional assistance to the commission referred to in the paragraph 1 of this Article.

Measuring marking, maintenance and reconstruction of border markings on border line as well as preparation of documents on state border shall be conducted by the competent authority competent for property affairs.

### **Marks and traffic signals**

#### **Article 37**

Special traffic marks and signals warning about the approach to border line may be set up along the roads on the border line which is not visible enough.

Traffic marks and signals referred to in the paragraph 1 of this Article, shall be set up by the authority competent for public roads, following the suggestion of the competent authority.

Placing any marks on signs or signals referred to in paragraph 1 of this Article, that reduces the visibility or disturbs their understanging shall be prohibited.

### **Security on border line**

#### **Article 38**

For security reasons the government may prohibit shipping, hunting, fishing, flight over the territory by planes or helicopters, movement, staying and settling along the border line.

A prohibition referred to in paragraph 1 of this Article shall last as long as there are security reasons for that.

The body competent for real estate shall be responsible for maintenance of the border line, which, according to international agreement, must be free of trees and other vegetation that reduces the visibility of border marks or border line.

The competent authority must be notified in writing about individual or group fishing or hunting on the territory of Montenegro of up to 300 meters from the border line, no later than 24 hours before the hunt or fishing.

For the purpose of visibility of the border line the competent authority may prohibit planting or sowing of some kinds of field crops, trees or other vegetation along the border line.

### **Physical planning along the state border**

### **Article 39**

In the procedure of adopting the general and detailed physical plans of municipalities, that plans space of up to 100 meters from border line, the consent of governing body competent for the affairs of physical plannings shall be required, having been previously reviewed by the competent authority.

Public administration body competent for physical plannings shall not consent to the procedure of adopting the plans referred to in the paragraph 1 of this Article, if that may endanger security and visibility of state border.

### **Protection of state border**

### **Article 40**

The protection of state border shall involve the control of movement of persons and means of transport along the state border for the purpose of integrity of the border.

The protection of state border on seas, lakes and rivers shall be conducted by the control of vessels and other crafts.

Following recommendation of the competent authority, the government shall enact the provisions on conducting underwater activities in the waters referred to in paragraph 2 of this Article.

An officer of the competent body may stop and search the vessel, check documents and the flag under which the vessels sails.

In the case of non compliance with the rules of Montenegro, international agreements, international law and international conventions, the competent authority may deport, confiscate the vessel or assume other legal measures.

Any vessel that does not stop on the sign of the officer of competent authority after previous warning, may be prevented from escape by using other powers of the competent authority.

### **Violation of the state border**

### **Article 41**

Violation of the state border are border incidents and other violations of the state border.

Public administration body competent for foreign affairs shall identify and resolve any border incidents in cooperation with competent authority.

The competent authority shall identify and resolve any other violation of the state border and inform the public administration body competent for foreign affairs about the matter.

### **AFFAIRS OF COMPETENT AUTHORITY IN INLAND**

### **Authorizations of officers of competent authority in the inland**

### **Article 42**

The officers of competent authority shall be authorized to conduct the control of persons, means of transport, and objects on roads and facilities of interest for cross – border traffic, in order to prevent illegal entry and stay in Montenegro, as well as to prevent cross-border crime, where the security reasons require.

## **VII INTERNATIONAL BORDER COOPERATION**

### **Cooperation**

#### **Article 43**

International border cooperation implies activities of foreign police agencies at the territory of Montenegro, or competent authority on foreign territory, cooperation with foreign security agencies and exchange of liaison officers.

International border police cooperation shall be accomplished under the Agreement that the government closes with other countries.

Signatories to the agreement referred to in paragraph 2 of this Article, agree that police border agencies cooperate shall mutually cooperate in accordance with national legislation, for the purpose of preventing, suppression and identifying criminal acts and their offenders.

### **International border cooperation of agencies**

#### **Article 44**

Police officers and customs officers of other countries may enter the territory of Montenegro and conduct particular measures of state border surveillance and other matters of international police cooperation in accordance with international agreements.

Officers of the competent authority may conduct particular activities and affairs referred to in paragraph 1 of this Article in accordance with international agreement.

The members of foreign agencies referred to in the paragraph 1 of this Article may in the territory of Montenegro, under conditions of reciprocity, without any special approval, use technical equipment and vehicles with their signs, wear uniform, short – barrel weapon and other coercive means, if that is the structural part of their official uniform.

### **Liaison officers**

#### **Article 45**

The government may in accordance with international agreement send abroad liaison officer of competent authority, and define their tasks and powers.

## **VIII RECORDS**

### **Data collecting**

#### **Article 46**

In the procedure of conducting the supervision of state border and other matters in accordance with this Law, the competent authority is authorized to collect personal data which shall be entered and processed in records prescribed by this Law from the persons subjected to the border check, directly or by using technical equipment.

## **Use of technical equipment**

### **Article 47**

Aiming at detection and establishing identity and location of the offender of criminal act or misdemeanor, the competent authority is authorized to take photographs, conduct recording and video surveillance and implement other technical methods while conducting supervision of the state border.

Persons in that area must be warned by clearly posted signs about installation of the devices referred to in the paragraph 1 of this Article.

Should recording referred to in the paragraph 2 of this Article be conducted by using devices and other technical equipment, the recordings must be destroyed within one year, unless they are required for prosecuting the offender of criminal act or misdemeanor.

## **Keeping of Records**

### **Article 48**

A competent authority has the authority in accordance with the Article 46 of this Law to keep the records about:

- 1) Persons subjected to border check;
- 2) Persons subjected to procedure of establishing of identity;
- 3) Persons to whom the approval referred to in the Articles 15, 16, 20, and 35 of this Law has been issued;
- 4) Persons who violate the state border, and
- 5) Persons who have announced hunting or fishing activities along a border line.

## **Records format**

### **Article 49**

A competent authority shall prescribe formats and manner of keeping records referred to in the Article 48 of this Law.

## **IX SUPERVISION**

### **Supervision of enforcement of this Law**

### **Article 50**

Supervision over enforcement of this Law and regulations adopted based on this Law shall be done by the Ministry of Interior.

## **X PUNITIVE PROVISIONS**

### **Violations by legal and physical persons and competent persons**

**Article 51**

Legal person shall be fined by the amount of 20 to 100 minimum earnings in Montenegro if:

1. The person does not enable the free pass and movement for performance of tasks of supervision of the state border and for putting up and maintenance of prescribed signs for the area of a border crossing point and other signs along the border (Article 5, paragraph 4 and 5);
2. The person does not provide the space for separating travelers on international flights from other travelers on international airports and a space for accommodation of foreigners not fulfilling the conditions for entering Montenegro (Article 10, paragraph 2);
3. The person constructs or installs objects, fittings and equipment on the border crossing point area without the approval from the local authorities for physical planning and approval of the competent authority and authority of a customs service (Article 13, paragraph 1);
4. A ship master or yacht master or person in charge of a boat, in international traffic when coming into territorial waters of Montenegro, does not use the shortest way to come into a harbor that has a border crossing point for a border check (Article 17, paragraph 1 and 4);
5. A master or a person in charge of a boat when coming from abroad or before going abroad do not submit a list of crew members and passengers onboard a vessel to the competent authority and do not submit their travel documents (Article 17, paragraph 2);
6. A master of a passenger ship on a cruise voyage in international traffic does not submit a list of crew members and passengers to a competent authority at least 24 hours before a border check (Article 17, paragraph 3);
7. A ship master or a yacht master or a person in charge of a boat, in international traffic land outside of a maritime, river or a lake border crossing point without the approval of the competent authority, with the approval of local authority body in charge of maritime security and bodies of customs service, except in a case of vis major (Article 17, paragraph 5);
8. A ship master or yacht master or person in charge of the boat, in international traffic acts in contradiction to Article 18;
9. A ship master or yacht master or person in charge of the boat, in international traffic embark or disembarks persons outside a border crossing point except in a rescue case (Article 19, paragraph 1);
10. A master or person in charge of the boat in international traffic embarks or disembarks persons outside a border crossing point and does not report that immediately to a competent authority (Article 19, paragraph 2);
11. A crew member of a foreign traveler's or a trading ship, does not have the required visa for the time a ship stays in the area of a border crossing point or a harbor and he moves in the harbor area without the approval for movement in the harbor area (Article 20, paragraphs 1 and 3)
12. An engine-driver in international traffic stops a train at the part of a railway between state border and a border crossing point, except if it has to be done for signal devices regulating railway traffic or in a case of vis major (Article 21, paragraph 1),
13. An engine-driver stops a train, that has crossed the state border, at the open railway outside a border crossing point area and does not undertake necessary measures with the aim of preventing the entry, that is, the exit of persons from the train and on stopping of the train does not notify a competent authority (Article 21, paragraph 2);
14. A ship master yacht master or person in charge of the boat, or pilot of an airplane or a helicopter, sails, or flies along the state border when that is forbidden (Article 38, paragraph 1).

A fine in amount of five to ten minimal earning in Montenegro shall be imposed for a violation on a person responsible within the legal entity for violations referred to in the paragraph 1 of this Article.

A fine in amount of one to five minimal earning in Montenegro shall be imposed for a violation on a competent person within a legal entity for violations referred to in the paragraph 1, items 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of this Article.



## **Misdemeanor for natural persons**

### **Article 52**

A 20 days sentence of imprisonment or a fine in amount of two or twenty minimal earnings in Montenegro shall be imposed on natural person committing an offence by:

1. Crossing the state border outside the defined border crossing point or crossing or attempting to cross the border crossing point without a valid passport or out of the operating hours of the border crossing point or in contravention of the purpose of border crossing point (Article 6 Paragraph 2)
2. Failing to lay passports for inspection or failing to permit border check or leaving the area of border crossing point until the border check completes or avoiding or attempting to avoid border check (Article 24 paragraph 1).

### **Article 53**

A fine in amount of one to five minimal earnings in Montenegro shall be imposed on natural person committing an offence by:

1. Crossing the state border in case of vis major if natural person fails to inform the competent authority about that matter without any delay or upon the termination of conditions (Article 7 paragraph 3);
3. Failing to explain circumstances of fulfillment of the conditions for crossing the state border on demand of competent authority's officer and failing to observe his warnings and orders (Article 24, paragraph 2);
4. Failing to stop the vehicle used to cross the state border at defined area of border crossing point where the border check is conducted (Article 24 Paragraph 3);
5. Failing to leave the area of border crossing point with the vehicle after termination of border check (Article 24 Paragraph 4);
6. Putting other signs on traffic signs and signalization, by which their visibility is reduced and their meaning is disturbed (Article 37 paragraph 3);
7. Moving, staying and settling in the area along the border line and hunting, fishing, when that is prohibited from security reasons (Article 38 paragraph 1);
8. Taking part in individual or team hunting or fishing in the depth of territory up to 300 meter from the border line, without a notice in writing to the competent authority no later than 24 hours before starting hunting or fishing (Article 38 paragraph 4);
9. Planting or sowing particular kinds of agricultural crops, trees or vegetation along the border line when it is prohibited because of the visibility of the border line (Article 38 paragraph 5).

## **XI TRANSITIONAL AND FINAL PROVISIONS**

### **Adoption of by-laws**

#### **Article 54**

The regulations for enforcement of this Law shall be adopted within one year from the day of entry into force of this Law.

Until regulations referred to in the paragraph 1 of this Article have been adopted, regulations that were valid until the day of entry into force of this Law shall be applied.

**Cessation of validity of this Law**

**Article 55**

From the day of entry into force of this Law, Law on crossing the state border and movement in border zone, cease to be valid (Official Gazette of the Socialist Federal Republic of Yugoslavia 34/79, 56/80 and 53/85).

**Entry into force of the Law**

**Article 56**

This Law shall enter into force on the eighth day following its publication in the Official Gazette of the Republic of Montenegro.

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