

24 Annex - Justice, freedom and security

182. INTEGRATED BORDER MANAGEMENT STRATEGY



REPUBLIC OF MONTENEGRO
GOVERNMENT OF THE REPUBLIC OF MONTENEGRO

**INTEGRATED BORDER MANAGEMENT
STRATEGY**

February 2006

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CONTENTS

1. Introduction.....	5
2. Geopolitical characteristics.....	6
2.1. Geo-strategic position and borders' features	6
2.2. Economic situation in border area.....	7
2.3. Strategic challenges.....	7
2.3.1. Conventional military attack.....	7
2.3.2. Crime and danger of infiltration of armed groups and individuals.....	7
3. Institutional framework.....	8
3.1. Border police.....	8
3.1.1. Current situation.....	8
3.1.2. Proposed activities in the field.....	9
3.1.2.1. Legal regulations.....	9
3.1.2.1.1. Current situation.....	9
3.1.2.1.2. Shortcomings.....	9
3.1.2.1.3. Strategic goal.....	9
3.1.2.2. Management and organization.....	9
3.1.2.2.1. Current situation.....	9
3.1.2.2.2. Shortcomings.....	10
3.1.2.2.3. Strategic goal.....	10
3.1.2.3. Procedures.....	11
3.1.2.3.1. Current situation.....	11
3.1.2.3.2. Shortcomings.....	11
3.1.2.3.3. Strategic goal.....	12
3.1.2.4. Human resources and training.....	12
3.1.2.4.1. Current situation.....	12
3.1.2.4.2. Shortcomings.....	13
3.1.2.4.3. Strategic goal.....	13
3.1.2.5. Communications and IT.....	14
3.1.2.5.1. Current situation.....	14
3.1.2.5.2. Shortcomings.....	14
3.1.2.5.3. Strategic goal.....	14
3.1.2.6. Infrastructure and equipment.....	15
3.1.2.6.1. Current situation.....	15
3.1.2.6.2. Shortcomings.....	15
3.1.2.6.3. Strategic goal.....	15
3.1.2.7. Budget and timetable.....	16
3.1.2.7.1. Current situation.....	16
3.1.2.7.2. Shortcomings.....	16
3.1.2.7.3. Strategic goal.....	16
3.2. Customs.....	16
3.2.1. Current situation.....	16
3.2.2. Proposed activities in the field.....	17

3.2.2.1.	Legal regulations.....	17
3.2.2.1.1.	Current situation.....	17
3.2.2.1.2.	Shortcomings.....	18
3.2.2.1.3.	Strategic goal.....	18
3.2.2.2.	Management and organization.....	18
3.2.2.2.1.	Current situation.....	18
3.2.2.2.2.	Shortcomings.....	19
3.2.2.2.3.	Strategic goal.....	20
3.2.2.3.	Procedures.....	20
3.2.2.3.1.	Current situation.....	20
3.2.2.3.2.	Shortcomings.....	21
3.2.2.3.3.	Strategic goal.....	21
3.2.2.4.	Human resources and training.....	22
3.2.2.4.1.	Current situation.....	22
3.2.2.4.2.	Shortcomings.....	22
3.2.2.4.3.	Strategic goal.....	23
3.2.2.5.	Communications and IT.....	24
3.2.2.5.1.	Current situation.....	24
3.2.2.5.2.	Shortcomings.....	24
3.2.2.5.3.	Strategic goal.....	25
3.2.2.6.	Infrastructure and equipment.....	25
3.2.2.6.1.	Current situation.....	25
3.2.2.6.2.	Shortcomings.....	26
3.2.2.6.3.	Strategic goals.....	26

182. INTEGRATED BORDER MANAGEMENT STRATEGY

3.2.2.7.	Budget and timetable.....	27
3.2.2.7.1.	Current situation.....	27
3.2.2.7.2.	Shortcomings.....	27
3.2.2.7.3.	Strategic goal.....	28
3.3.	Veterinary inspection service.....	28
3.3.1.	Current situation.....	28
3.3.2.	Proposed activities in the field.....	29
3.3.2.1.	Legal regulations.....	29
3.3.2.1.1.	Current situation.....	29
3.3.2.1.2.	Shortcomings.....	29
3.3.2.1.3.	Strategic goal.....	29
3.3.2.2.	Management and organization.....	29
3.3.2.2.1.	Current situation.....	29
3.3.2.2.2.	Shortcomings.....	30
3.3.2.2.3.	Strategic goal.....	30
3.3.2.3.	Procedures.....	30
3.3.2.3.1.	Current situation.....	30
3.3.2.3.2.	Shortcomings.....	30
3.3.2.3.3.	Strategic goal.....	30
3.3.2.4.	Human resources and training.....	31
3.3.2.4.1.	Current situation.....	31
3.3.2.4.2.	Shortcomings.....	31
3.3.2.4.3.	Strategic goal.....	31
3.3.2.5.	Communication and IT.....	31
3.3.2.5.1.	Current situation.....	31
3.3.2.5.2.	Shortcomings.....	31
3.3.2.5.3.	Strategic goal.....	31
3.3.2.6.	Infrastructure and equipment.....	31
3.3.2.6.1.	Current situation.....	31
3.3.2.6.2.	Shortcomings.....	32
3.3.2.6.3.	Strategic goal.....	32
3.3.2.7.	Budget and timetable.....	32
3.3.2.7.1.	Current situation.....	32
3.3.2.7.2.	Shortcomings.....	32
3.3.2.7.3.	Strategic goal.....	32
3.4.	Phyto-Sanitary inspection service.....	32
3.4.1.	Current situation.....	32
3.4.2.	Proposed activities in the field.....	33
3.4.2.1.	Legal regulations.....	33
3.4.2.1.1.	Current situation.....	33
3.4.2.1.2.	Shortcomings.....	33
3.4.2.1.3.	Strategic goal.....	33
3.4.2.2.	Management and organization.....	33
3.4.2.2.1.	Current situation.....	33
3.4.2.2.2.	Shortcomings.....	34

182. INTEGRATED BORDER MANAGEMENT STRATEGY

3.4.2.2.3.	Strategic goal.....	34
3.4.2.3.	Procedures.....	34
3.4.2.3.1.	Current situation.....	34
3.4.2.3.2.	Shortcomings.....	34
3.4.2.3.3.	Strategic goal.....	34
3.4.2.4.	Human resources and training.....	35
3.4.2.4.1.	Current situation.....	35
3.4.2.4.2.	Shortcomings.....	35
3.4.2.4.3.	Strategic goal.....	35
3.4.2.5.	Communication and IT.....	35
3.4.2.5.1.	Current situation.....	35
3.4.2.5.2.	Shortcomings.....	35
3.4.2.5.3.	Strategic goal.....	35
3.4.2.6.	Infrastructure and equipment.....	36
3.4.2.6.1.	Current situation.....	36
3.4.2.6.2.	Shortcomings.....	36
3.4.2.6.3.	Strategic goal.....	36
3.4.2.7.	Budget and timetable.....	36
3.4.2.7.1.	Current situation.....	36
3.4.2.7.2.	Shortcomings.....	36
3.4.2.7.3.	Strategic goals.....	36
4.	Coordinating mechanisms.....	36
5.	Cooperation.....	38
5.1.	Intra-service Co-operation.....	38
5.1.1.	Border police.....	38
5.1.1.1.	Current situation.....	38

182. INTEGRATED BORDER MANAGEMENT STRATEGY

5.1.1.2.	Shortcomings.....	39
5.1.1.3.	Strategic goal.....	39
5.1.2.	Customs.....	39
5.1.2.1.	Current situation.....	39
5.1.2.2.	Shortcomings.....	39
5.1.2.3.	Strategic goals.....	39
5.1.3.	Veterinary inspection service.....	39
5.1.3.1.	Current situation.....	39
5.1.3.2.	Shortcomings.....	40
5.1.3.3.	Strategic goal.....	40
5.1.4.	Phyto-sanitary inspection service.....	40
5.1.4.1.	Current situation.....	40
5.1.4.2.	Shortcomings.....	40
5.1.4.3.	Strategic goal.....	40
5.2.	Inter-agency cooperation.....	40
5.2.1.	Border police.....	41
5.2.1.1.	Current situation.....	41
5.2.1.2.	Shortcomings.....	43
5.2.1.3.	Strategic goal.....	43
5.2.2.	Customs.....	44
5.2.2.1.	Current situation.....	44
5.2.2.2.	Shortcomings.....	44
5.2.2.3.	Strategic goal.....	44
5.2.3.	Veterinary inspection service.....	45
5.2.3.1.	Current situation.....	45
5.2.3.2.	Shortcomings.....	45
5.2.3.3.	Strategic goal.....	45
5.2.4.	Phyto-sanitary inspection service.....	45
5.2.4.1.	Current situation.....	45
5.2.4.2.	Shortcomings.....	45
5.2.4.3.	Strategic goal.....	46
5.3.	International cooperation.....	46
5.3.1.	Border police.....	46
5.3.1.1.	Current situation.....	46
5.3.1.2.	Shortcomings.....	47
5.3.1.3.	Strategic goal.....	47
5.3.2.	Customs.....	48
5.3.2.1.	Current situation.....	48
5.3.2.2.	Shortcomings.....	48
5.3.2.3.	Strategic goal.....	48
5.3.3.	Veterinary inspection service.....	49
5.3.3.1.	Current situation.....	49
5.3.3.2.	Shortcomings.....	49
5.3.3.3.	Strategic goal.....	49
5.3.4.	Phyto-sanitary inspection service.....	49

182. INTEGRATED BORDER MANAGEMENT STRATEGY

5.3.4.1.	Current situation.....	49
5.3.4.2.	Shortcomings.....	49
5.3.4.3.	Strategic goal.....	49
6.	Integrated border management resources.....	49
7.	Timetables for implementation of the Strategy.....	50
8.	Proposed activities for development of a detailed national Action Plan.....	50
9.	Annexes	

1. INTRODUCTION

Montenegro has identified its interest and expressed its clear commitment to democratic, economic, political and institutional reforms in the process of transition, stabilization and accession to the European Union and Trans-Atlantic integrations.

The Government of the Republic of Montenegro, in the process of working out the Integrated Border Management Strategy (IBM), has taken into account specific social and political and legal system of the Republic, comparative experience of other countries that have recently undergone transformation in this field, took note of the European Commission guidelines for integrated border management in the Western Balkans, Criteria from the Copenhagen documents, requirements from the field of trade and other EU standards as well as the recommendations from the Schengen Catalogue of recommendations and best practices. The Strategy is intended to ensure the adjustment of procedures by the State authorities at borders with the prevailing regulations in the European Union with a view to undertaking thorough changes enabling Montenegro's smooth accession to the European Union.

The Republic of Montenegro has a defined border with the Republic of Albania, which is the border of the former SFRY in the portion towards Albania, while the borders with the former SFRY republics have been set and defined under the 1974 Federal Constitution, and as such recognized as State borders.

The reason for the introduction of the IBM concept was the need to enable a successful implementation of the Stabilization and Association Agreement and introduction of European Union standards in all areas and in all services covered by the Strategy which are committed to the strategic goal of Montenegro's EU membership.

The tasks performed at the border are related to passengers, means of transport and goods. The realization of the tasks includes necessary controls at border crossings, monitoring green and blue border and prevention of border crossing outside the border crossings. Various agencies and services are included in the performance of these tasks.

Integrated border management encompasses medium- and long-term goals for coordination and improvement of cooperation within and among those services and agencies included in the control and monitoring of the border as well as in promotion of their cooperation in order to create an efficient and effective integrated border management system, with a common goal of achieving truly open but controlled and safe borders for trade and movement of people, on the other hand totally closed borders for all criminal and any other activities that may threaten the security of the country and of the region.

This Strategy has to be flexible in terms of gradual introduction of the work processes, cooperation and coordination, but adjustable to occasional revisions in accordance with the situation on the ground, strategic interests of Montenegro and the changes of standards within the European Union.

Main services which exercise authority at the border of the Republic of Montenegro are as follows:

- Administration for State Border and Border Affairs of the Police Directorate;
- Customs Administration of Montenegro, and
- Veterinary Administration and Phyto-Sanitary Service of the Ministry of Agriculture, Forestry and Water Management.

At the same time, the concept of integrated border management encompasses the cooperation between the above services with the following State institutions that are not directly connected to the monitoring of the border and border control such as: Ministry of Foreign Affairs, Ministry of

International Economic Relations and European Integrations, Ministry of Defence, Ministry of Justice, Ministry of Health, Ministry of Maritime Traffic and Transport, Ministry for Environmental Protection and Urban Planning, Agency for National Security as well as other Government authorities.

Substantial support in the implementation of the Strategy is expected from the European Union as well, since the CARD resources are used also for the »promotion of regional, inter-state, cross-border and inter-regional cooperation between the beneficiary countries and between these countries and the European Union». Regional CARDS activities also envisage resources for the «promotion of integrated border management» which was elaborated in detail in multi-annual indicative programme.

The Strategy focused mostly on the aspect of cooperation between the services at the national and international level. It also proposes certain changes with a view to strengthening the capacities of services and attaining the standards and best practices of the European Union countries. In that connection, certain services adopted special strategies that may be considered as integral part in reaching an efficient and effective system of border management.

2. GEOPOLITICAL CHARACTERISTICS

2.1. Geo-strategic position and borders' features

The Republic of Montenegro is one of the two States comprising the State Union of Serbia and Montenegro and according to its regional position it is a European, Mediterranean and Balkan State reaching to the world through the Adriatic Sea.

The territory of Montenegro comprises land and sea. Land covers 13,812 sq km, populated by approximately 650,000 inhabitants. It borders the Republic of Albania, Republic of Croatia, Bosnia and Herzegovina and the Republic of Serbia (administrative border line). Montenegro possesses the waters of the Adriatic Sea, the Skadar and Bilecko Lake. In-land waters cover more than 346.7 sq km; territorial sea waters cover more than 2,047.2 sq km, while continental shelf covers more than 4,917.1 sq km. The size of sea waters will depend on the final demarcation with Croatia at sea. The Skadar Lake covers 229.8 sq. km.

Montenegro inherited a part of its border of the former SFRY with Albania, while the adequately demarcation with other neighbours has not been defined yet. The State border, i.e. 92 per cent extends over mountainous areas and crosses over mountain peaks, while 8 per cent extends over plains. Combined with adverse meteorological conditions it provides favourable conditions for illegal crossings. The border line reaches its highest peak on the border with Albania (2,524 meters above the sea level – mountain Maje e Rosit), while its lowest point is at sea border with Albania and Croatia. One portion of the border is hardly accessible due to bad roads and at winter time.

According to the Official data of the Real Estate Office, total length of the State border is 840.4 km

182. INTEGRATED BORDER MANAGEMENT STRATEGY

(land – 571.6; sea -137; lakes: Skadarsko and Bilecko – 50.5; rivers: Grncar, Cljevna, Bojana, Kravarski potok, Lim, Susanski potok, Sekularska rijeka, Pecka Bistrica, Piva, Tara, ehotina - 81,3) of which:

- With the Republic of Croatia 41.7 km (land – 19.7 and sea - 22).
- With the Republic of Bosnia and Herzegovina 254.4 km (land – 204.5; rivers: Piva, Tara and ehotina – 38.2; and Lake Bileca – 11.7).
- With the Republic of Albania 207.2 km (land – 113.3; sea - 22; Skadar Lake – 38.8; and rivers Grn0ar, Cljevna, Bojana and Kravarski potok – 33.1).

- With the Republic of Serbia - administrative border 244.1 km (land – 234.1 km; and rivers: Lim, Šekularska river, Pe0ka Bistrica and Sušanski potok - 10 km) of which 75.6 km towards Kosovo (land – 72.4; and rivers: Lim, Šekularska River and Pe0ka Bistrica – 3.2 km).
- At open sea - 93 km.

In the territory of the Republic of Montenegro there are currently 23 border Crossings which function: 2 for air traffic, 5 for naval traffic, 1 for railway and 15 for road traffic, of which 4 with Albania, 2 with Croatia and 8 with Bosnia and Herzegovina plus 7 customs-police check-points for road traffic with the Republic of Serbia.

Border police and customs officers are present at all border Crossings. The officers of the Phyto-sanitary inspection service are engaged on a permanent basis at 11 border Crossings (Božaj, railway border Crossing Tuzi, Airports Podgorica, Luka Bar, Debeli Brijeg, Ilijino Brdo, Metaljka, Ran0e, Dobrakovo, Dra0enovac and Kula). As may be necessary, they visit other border Crossings at request. Officers of the Veterinary Inspection Service are engaged on a permanent basis at three border Crossings (Luka Bar, Debeli Brijeg and Dobrakovo), and they visit seven border Crossings at request (Ilijino Brdo, Božaj, Airport Podgorica, Airport Tivat, Kula, Ran0e and Dra0enovac).

2.2. Economic situation in border area

The population living in the border area in the Republic of Montenegro is mostly tending the cattle, except in the area by the sea where they engage in tourism. Industry is poorly developed. Some residents living in the northern part of the Republic are employed in the Republic of Serbia with poor prospects of generating any significant income.

Large movements of people and goods affect security of transit countries, whether it is international security due to a growing number of refugees and displaced persons or whether it is domestic security threatened by irregular movement of people and goods, social issues and other suspicious and criminal cross-border activities arising from many legal or illegal border crossings.

According to the data of the International Organization for Migration (IOM) more than 15 million people in the world move from one country to another on a daily basis, some 20 per cent of them illegally.

The position of Montenegro, as South European, Mediterranean and tourist destination connecting by land Western European countries with Eastern Europe, Middle East and Asia, is on the path of a growing number of passengers travelling in the area and further beyond.

By political and economic crises of global proportions, the upward trend in illegal migrations and organized crime is likely to continue. However, the international community has not as of yet established sufficiently effective mechanisms to appropriately respond to this challenge.

2.3. Strategic challenges

2.3.1. Conventional military attack

There is no current threat of a military intervention against the Republic of Montenegro by neighbouring or other countries.

There is no need to train and prepare the border police to counter aggression, except in case it is called upon to extend assistance to other security forces whose task is to protect public order and security in the territory of Montenegro.

2.3.2. Crime and danger of infiltration of armed groups and individuals

Montenegro is located half-way between the South Eastern Europe connected to the Western Europe and Italy by way of the Adriatic Sea. Taking into account economic imbalances among the countries of the region and Western European countries it should not be expected that that illegal trade in narcotics, cigarettes, people, arms and excise goods in the territory of the Western Balkans will diminish any time soon.

A portion of illegal shipments transits the territory of Montenegro and before reaching a final destination, the goods exchange »several hands« making profit in all phases along the way. criminals or criminal groups forge strong connections among themselves and evidently have common goals to carry out specific, highly profitable criminal operations.

The events that recently took place in the neighbourhood of Montenegro have demonstrated that it is able to adequately respond to the infiltration of outside extremist armed groups or individuals with various intentions into its territory. Although such occurrences diminish every day, there is a constant danger of unanticipated challenges in the country itself as well as in the region. There is a danger of armed criminal groups or individuals who will stop at nothing to make illegal profits. The integrated border management system has to serve as a barrier preventing all forms of illegal activities.

Organized cross-border and international high-profit crime, well-organized and having the modern equipment, corrupting those who are supposed to prevent them and good international connections, pose a serious threat to national security and safety. Addressing these challenges has to be placed high on the priority list of activities of the Republic of Montenegro.

3. INSTITUTIONAL FRAMEWORK

In describing the current organization and tasks of each service with precisely defined competencies in border management in Montenegro (more details provided further in the text), it should be pointed out that in implementing this Strategy and working out the Action Plan, organizational changes and their impact on other services should be taken into account.

3.1. Border Police

3.1.1. Current situation

By implementing the Project of the border security system, Montenegro transferred the competencies of monitoring the State border from the Army of Serbia and Montenegro to the border police of the Ministry of the Interior of Montenegro. Therefore, both border control and monitoring of the State border from 31 December 2003 fall within the competency of the border police of the Ministry of the Interior, thereby recognizing generally accepted standards in this field that border safety should be placed under civilian control.

In view of the situation on the ground, negative practices and indications that the State border was porous, the need came to the fore to reorganize the entire system of securing the State border.

In accordance with the Readmission Agreement, Montenegro accepts and returns both our and foreign nationals with illegal residence status.

The following issues should be singled out:

- Extremely big support that we receive from international organizations and institutions to our efforts to establish an integrated system of border security in the territory of Montenegro.

- Following the establishment of the Administration for State Border and Border Affairs and the initial results it has achieved so far, there is enough time and space to conduct a comprehensive analysis to include in the national Integrated Border Management strategy and Action Plan for its implementation all experiences and practice in order to make them more efficient and effective.
- In current stable conditions, we have sufficient time to work out a system for recruiting personnel for border police, as well as to improve and promote the system of management focusing on professional motivation, permanent professional improvement and adequate distribution of tasks.
- Extremely positive reactions from the members of the border police concerning the improvement of working conditions, technical equipment and modernization as well as introduction of new principles in work
- Education through seminars, courses, work-shops dealing with new operative/technical and tactic/police methodologies and getting acquainted with the EU regulations and standards at all management levels in border police
- Control of border crossing and monitoring of the State border fully connected in practice with the issue of foreign nationals in the territory of Montenegro
- Constant control and assistance to immediate performers.

3.1.2. Proposed activities in the field

3.1.2.1. Legal regulations

3.1.2.1.1. Current situation

Legal basis for the activities of the border police of the Ministry of the Interior of the Republic of Montenegro which will be valid pending the adoption of relevant regulations in the Republic, are federal laws and other regulations that were within the exclusive jurisdiction of the former Federal Republic of Yugoslavia before the adoption of the Constitutional Charter. The overview of laws and regulations is listed in Annex 1.

3.1.2.1.2. Shortcomings

Significant portion of implemented legal regulations have been in force since the 1970ies and 1980ies. They have been elaborated under specific territorial, social, economic and ideological circumstances.

Some out- of- date legal acts, both internally and internationally, for most part cannot be implemented due to inadequacy and the fact that they are ill-fitted to the current needs.

3.1.2.1.3. Strategic goal

It is necessary to adopt as soon as possible by-laws and other legal regulations which will stipulate all activities and procedures at border crossings, i.e. appropriate conduct concerning the protection of the border, under regular or extraordinary circumstances, as well as define the activities of other services included in border control and monitoring, specifying in detail their activities, competencies and responsibilities.

Taking into account the EC Guidelines, with a view to undertaking joint operation activities among border services, it is necessary to adjust the existing legal framework to enable a faster flow, exchange and use of information and data, especially at the operative level, recognizing their classified nature, their protection and protection of persons who will use and manage them with a view to conducting more efficient control and making them less time-consuming.

The existing bilateral police agreements should be analyzed and new ones should be prepared and proposed for signature regulating in detail cross-border police cooperation.

We also deem it particularly important to follow the amendments in the legislation and practice of the European Union so that those could be incorporated in a timely manner into Montenegrin legislation.

3.1.2.2. Management and organization

3.1.2.2.1. Current situation

In order to enable faster and fuller implementation of projected strategic goals within the competencies of border police, good management/guidance of human and material/technical resources is of extreme importance. Management/guidance has to be based on full knowledge and respect of the legal norms in the field of monitoring and control of the State border, full respect of the principle of seniority, subordination and transparency in work, as well as professional guidance of organizational units and individuals in their work in the border police.

The State Border Directorate is managed by the Head of Directorate appointed based on the legislation.

Border police has the following organizational units:

1. State Border Directorate (Head of Directorate, Assistants to the Head, Analytics Department), and

2. Sectors of Border police:

- Sector for Border issues and Aliens (Head of Sector, main inspectors, Analytics Department), and
- State Border Sector (Head of Sector, Assistants to Heads of Sectors, Analytics Department).

Sector for Border issues and Aliens are comprised of the Department for Border Issues and the Department for Aliens. Department for Border issues has the following organizational units: Police Station for border issues Berane, Police Station for border issues Pljevlja, Police Station for border issues Bijelo Polje, Police Station for border issues Podgorica, Police Station for border issues Nikšić, Police Station for border issues Bar and Police Station for border issues Herceg Novi. Police Stations for border issues have police departments for border issues.

The State Border Sector has the following organizational units: Border Police Station Berane, Border Police Station Pljevlja, Border Police Station Bijelo Polje, Border Police Station Podgorica, Border Police Station Nikšić, Border Police Station Bar, Border Police Station Herceg Novi and Vessel Unit. Border Police Stations have Territorial and Mobile Units of border police which monitor green border and control the territory. Vessel Unit has Departments of the Vessel Units in Ulcinj, Budva, Bar, Kotor, Herceg Novi and Podgorica.

3.1.2.2.2. Shortcomings

The current organization of the Directorate has a local, regional and central level organized in two basic lines of work, surveillance of the green and blue border and control of crossings at the border crossing points. Organisation like this proves to be a huge problem in practice from the point of view of efficient and effective functioning.

Also, in the State Border Directorate, we do not have an organizational unit that would be directly dealing with cross-border crime in the form of criminal investigations. Organizational units designed for crime intelligence operations, risk analysis and operative analysis, have not been functioning as planned.

3.1.2.2.3. Strategic goal

The State Border Directorate should be organized at three levels: local, regional and central with unified activities (surveillance and control) at the central and regional level. Managers of regional centres should be directly linked to central management level – management of the State Border Directorate.

Within each regional centre mobile units should be made operational and professionally connected with the central level where an analytical unit should be organized and linked with other organizational police and customs units.

It is also necessary to establish such a system of organization whereby each officer will be made accountable in line with his competencies i.e. be authorized to make Decisions at his level of authority. In that connection, it is necessary to establish leadership at the lowest level – in territorial units and departments of border police.

As for management and organization, it is necessary to undertake an in-depth analysis of the quality of work regarding surveillance and control of crossing the border and take necessary measures based on this analysis. In addition, work load and length of border for each organizational unit should be analyzed, taking into account various parameters (terrain configuration, communications, overall traffic at the border crossing for a particular unit, number of personnel and their work load, number of violations and criminal acts, etc.). In line with the results of the analysis, a proposal should be submitted for a new organization of the Directorate.

It is also necessary to improve the existing system of patrols by taking into account the results of risk analysis and assessments. It is necessary to work out the appropriate plans of activities and procedures for regular and extraordinary situations economizing human and material resources.

The organizational concept of the Administration should be adjusted to the best practices and recommendations of the European Union and Schengen, with a view to establishing as efficient integrated border management as possible.

3.1.2.3. Procedures

3.1.3.3.1. Current situation

Border police within the IBM has competencies in:

- Establishing the identity and nationality of persons;
- Controlling validity of travel documents and visas (as may be necessary) used for crossing the border;
- Controlling whether necessary requirements for crossing the border are fulfilled;
- Exceptionally, and only at certain border crossings, issuing visas and at other border crossings when the necessary conditions are met, issuing tourist passes, licenses for import of hunting and sports weapons, as well as other appropriate licenses/permits related to crossing the border;

182. INTEGRATED BORDER MANAGEMENT STRATEGY

- Prohibiting the entry into the Republic of Montenegro at border crossings to all persons failing to fulfil necessary requirements;
- Monitoring movement of persons and means of transport along the State border;
- Preventing the crossing of border outside border crossings;
- Detecting persons who illegally enter the Republic of Montenegro and stay there;
- Preventing illegal migrations as well as other cross-border crimes;
- Implementing procedures in connection with asylum-seeking;
- Partial technical checks of vehicles and control and regulation of traffic at border crossings;
- Dealing with the State border violations;
- Assisting the Ministry of Foreign Affairs in resolving border incidents;

- Conducting investigations for all criminal acts related to the State border and foreign nationals, except criminal acts related to customs violations and criminal acts from customs affairs which once uncovered or detected by the border or criminal police will be transferred to the jurisdiction of the Customs Administration without delay.
- organizing and conducting search and rescue operations at sea;
- Participation in the prevention and detection of sea pollution;
- Risk-analysis and operative work;
- Implementation of international cross-border police cooperation; and
- Coordination in responding to emergency situations and accidents.

3.1.3.3.2. Shortcomings

The State Border Directorate has still not established a central data base that would be readily available to the all border crossings and organizational units of the Directorate. For that reason, police officers at border crossings unnecessarily waste their time to check even law-abiding citizens, i.e. regular legal and other entities.

Inappropriately functioning communication system in Montenegro causes additional waste of time for checks of persons and vehicles that are of no consequence to the police.

3.1.2.3.3. Strategic goal

With a view to enabling a free and unimpeded flow of persons and goods across the border, while efficiently preventing all forms of cross-border crime, it is necessary to work out precisely defined and clear procedures in order to reduce time for necessary action at border crossings. In organizational units it is necessary to evaluate the required time for each procedure and upon careful consideration to propose measures for improvement.

It is also necessary to specify procedures for all forms of inter-agency and international cooperation in order to avoid unnecessary delays and reduce time needed for border procedures.

Border procedures should be adjusted to the best practices of the European Union and the Manual should be issued to provide description of all procedures and operations of border police.

3.1.3.4. Human resources and training

3.1.3.4.1. Current situation

According to the current Rules of Procedure on internal organization and systematization, the State Border Directorate currently has 1,871 employee posts. As many as 1,460 are filled leaving 411 unfilled posts.

According to the systematisation the Head Quarters of the State Border Directorate has 11

182. INTEGRATED BORDER MANAGEMENT STRATEGY

employee posts (8 senior positions and 3 police officers). On 01 January 2006, in the Head Quarters, there are 10 filled posts or 91% (7 senior positions and 3 police officers).

In the Sector for the State Border, there are 1,263 work posts (138 for senior positions and 1,125 for police officers and other Officials). On 01 January 2006, in the Sector of the State Border, 887 employees i.e. 70.2 per cent employees have been engaged (118 senior positions and 769 police officers and other Officials). From the point of view of territorial distribution of units, there is a specific problem of police officers in border police stations in Bar, Bijelo Polje, Nikšić and Herceg Novi, whereas the problem is also posed by senior positions in border police stations in Bijelo Polje and Pljevlja.

In the Sector for Border Issues and Aliens, there are 597 employee positions (73 for senior positions and 524 for police officers), of which 552 (65 senior and 487 police officers) or 92.4 per cent are fulfilled.

The required number of persons for control and monitoring of the State border will be established by new Rules of Procedure on internal organization and job description of the Police Directorate of the Republic of Montenegro.

The members of the State Border Directorate in performing their tasks of ensuring the safety of the State border shall be obliged to honour the following criteria:

- Maximum respect of the Constitution of the Republic of Montenegro, the Law on Police, the Law on monitoring the State border and other laws and international agreements adopted, recognized and published in line with the Constitution and other generally accepted principles of international law;
- At work, a man and the protection of his rights and dignity shall be accorded highest priority;
- In performing their duties, they shall be highly professional and impartial, which is in full interest of the protection of human rights and democratic institutions of the Republic of Montenegro, with maximum respect of customs, religious and other cultural values of specific ethnic and other social groups;
- In performing his duties, a member of border police shall have to be politically neutral, shall not be a member of any political party nor shall he publicly express his political views;
- The composition of the Directorate shall reflect full ethnic and gender representation as well as high professional standards;
- Means of coercion shall be used only if necessary and to the extent necessary, always in line with the law;
- Torture and other cruel, inhumane or degrading treatment or punishment shall be prohibited;
- Full professional cooperation with citizens, their associations, Government and non-Government and other institutions that reside, work or are otherwise related to border safety, shall be ensured;
- Fight against corruption and other forms of abuse of Official position;
- The work has to be transparent, which implies full openness for cooperation with the media and providing information on the problems encountered in the work of all competent authorities and the principle of seniority and subordination as well as readiness to recognize the positions of democratic civilian overseeing authorities;
- The highest level of legal responsibility, responsibility to respect authority and adequate representation in public coupled with full professional responsibility;
- Efficient control at all levels in the Administration, which will make sure that in implementing monitoring and control of the State border, legal procedures are observed;
- Exchange of information and data with neighbouring and other border police authorities and services.

3.1.3.4.2. Shortcomings

The members of the State Border Directorate have not yet achieved the necessary level of knowledge of the activities related to the monitoring and control of the State border crossing. That primarily refers to the knowledge of legal regulations, use of modern technology and command of foreign languages. It should also be pointed out that almost 40 per cent of the police work force has not completed basic police or specialized training and that we have very modest teaching personnel to conduct specialized training of border police.

One of the shortcomings is also a poor motivation among employees, including among senior personnel due to low income and unresolved housing problems.

At the level of police, we have still not worked out an adequate system of filling police posts in a planned fashion.

3.1.3.4.3. Strategic goal

With a view to providing high-quality and efficient implementation of duties and procedures prescribed by the law, it is necessary to hire personnel in line with the approved systematization of job positions in the Directorate.

As a matter of priority, it is necessary to work out and establish an adequate system of filling the posts with highly motivated personnel for work in the border police. In order to eliminate corruption and create a positive image of the border police, it is necessary to respect the code of police ethics.

In view of frequent changes and amendments to legislation and by-laws within border services and other international police services and agencies, which the members of the border police have to be acquainted with in a timely fashion, as well as with conducting certain regulations and procedures, the police officers should be educated on a regular basis. We consider that it is important to »refresh« knowledge and police skills in line with modern police education, relying on the education institutions of the Ministry of Interior of the Republic of Montenegro and in cooperation with the international organizations. As a matter of priority, it is necessary to conduct basic and interim education of at least three groups with 60 police officers of border police.

3.1.3.5. Communications and IT

3.1.3.5.1. Current situation

Border police stations and stations of the police for border issues have a basic system of telecommunications. All communications and exchange of information are conducted through the Police Operative Centre.

The existing system of radio-communication satisfies less than 80 per cent of needs. That is why 60 fixed stations are currently being installed in border police facilities in order to ensure better quality and reliability of communications.

Border police stations are not equipped with the system of communications for the needs of territorial and mobile units, in the so called «dead zones» which is particularly pronounced in the zone of responsibility of Border police stations Bijelo Polje and Pljevlja, which have been inadequately covered by radio signals.

Border police stations and Naval Unit have basic computer equipment. With a view to ensuring an efficient protection of the State border, it is necessary to connect them with the single computer network of the Ministry of Interior, which has been stipulated under the program «Border» («Granica»), to make all data of interest available to border police from the single base. That would enable an efficient information analysis with a view to detecting and preventing illegal migrations, identifying the most vulnerable spots and providing adequate protection. In order to realize this project, it is necessary to provide appropriate computer equipment.

The State border Directorate maintains communication with the border police stations and stations of police for border affairs and other organizational units of police by sending telegrams or directly at working meetings.

3.1.3.5.2. Shortcomings

Due to the configuration of the terrain, a number of territorial and mobile units are not able to maintain regular radio communication.

Another shortcoming concerning border police in the field of communications is the fact that all border crossings and other organizational structure in the Administration are not networked in a single information and telecommunications system.

Only a small number of organizational units at local level are able use computer technology. Only the units located in major regional centres are linked to the police information system.

3.1.3.5.3. Strategic goal

It is necessary to establish a simpler and quicker flow of information though the introduction of modern technology for safe transmission, distribution and storing of information.

With a view to providing an efficient functioning of telecommunications, it is necessary to work out a system of communications that would enable communications in all zones of responsibility. TETRA digital UKT communications should be introduced as soon as possible.

We should take advantage of experience of EU States in order to maintain efficient communications within and outside the Service, and use computer equipment and technical know-how to monitor and control the crossing of the State border.

It is necessary to create a data base and provide technical capabilities for a free exchange of information with other border services included in the integrated border management.

3.1.3.6. Infrastructure and equipment

3.1.3.6.1. Current situation

In order to implement the above goals and achieve set tasks for the purposes of the Border police, some facilities were built and some were reconstructed, while essential basic technical equipment was acquired by the resources from the budget of Montenegro and EAR and USAID donations. We continue to improve the system of border safety of Montenegro on a daily basis and make it more efficient, effective and complete.

Recognizing the need for assistance in building and reconstructing border Crossings, US Government supported this activity through US Agency for International Development, which provided necessary resources for reconstruction of nine border Crossings and customs police check-points, through the project »Reconstruction of border Crossings« realized in two phases. EAR provided assistance for the construction of a modern border crossing »Debeli brijeg«. Construction of a new border crossing »Scepan Polje« is planned to begin soon.

Facilities and equipment that the border police obtained from the Army of Serbia and Montenegro are mostly in poor condition and unfit for use. Maintenance and repair of some material and technical means is not cost-effective being very expensive, while technical equipment is obsolete and uneconomical. A large number of facilities – border outposts, are in rather poor condition and additionally burden border police since they are obliged to guard them.

The available police equipment both at border Crossings and in territorial and mobile units is below

necessary requirements. We obtained some modern technical equipment from USAID and EAR in 2004 and 2005 but this falls short by far from the actual needs.

3.1.3.6.2. Shortcomings

To enable efficient functioning of police on the whole, it is extremely important to obtain electronic equipment for automated entering of identification data in the system during the control of border crossing. Airports Tivat and Golubovci, as well as several other border crossings have a capability enabling that identification data from travel documents are entered in computers. At others, this is done manually by entering data in records.

Consequently, it is difficult to detect wanted persons and it takes more time to conduct controls at border Crossings.

A large number of facilities at border Crossings, as well as facilities used for tasks related to monitoring the border, require adaptation and full reconstruction. Technologically obsolete equipment and the lack thereof require additional human personnel. Technical maintenance of the equipment is extremely expensive and increasingly difficult.

Monitoring of green and blue border (space between border Crossings) is inadequate due to configuration of the terrain, bad weather conditions and lack of personnel.

3.1.3.6.3. Strategic goal

By installing electronic equipment for entering identification data electronically in the system during checks-up of persons for all border Crossings in the Republic of Montenegro and making a single system would significantly improve the efficiency and effectiveness of personal and travel documents check-ups, and thereby accelerate procedures and reduce bottlenecks and waiting time at border Crossings.

Purchasing and installing technical equipment for monitoring the movement of persons and vehicles across border Crossings (video surveillance) would enable control of work of officers at border crossings as well as control of persons and vehicles in order to enable prevention of criminal acts and violations related to the crossing of the State border. This would mean equipping smaller operative centres for video monitoring enabling the possibility of fast reaction and video recording. The technical equipment could be used in analyzing the crossing of the State border.

Certain sections of the border of particular interest from the aspect of illegal migrations, smuggling of persons and goods have to be covered by technical equipment (video surveillance, detectors, radars, etc.) in order to prevent the above activities.

It is necessary to allocate resources to complete planned adaptations, improvements and construction of facilities for control at border Crossings and facilities used in monitoring the State border.

3.1.3.7. Budget and timetables

3.1.3.7.1. Current situation

The State Border Directorate does not have its own budget. Its needs are taken into account and planned from the budget of the Ministry of Interior of the Republic of Montenegro.

Through various lines of work, the State Border Directorate meets its budgetary needs through budget plans of other organizational units of the Ministry of the Interior that professionally engaged in other lines of work within the Ministry (Administration for Technical Affairs, Administration of

Food and Housing, Administration for Joint Affairs).

Through the implementation of its own project of border security so far, the Government of the Republic of Montenegro as well as EU countries through their office for development and reconstruction and the USA through USAID to a large extent provided assistance in equipment and infrastructure of border police.

3.1.3.7.2. Shortcomings

The budget of the Ministry of the Interior for this year did not anticipate specifically the resources for the purposes of the border police, for construction and equipment of border Crossings or reconstruction of infrastructure used by the border police.

In view of this fact, as well as that it is impossible to plan realistically the resources in the absence of own budget, the next years might see a significant slow-down in technical development of border police, as the most responsible service for the protection of the border.

3.1.3.7.3. Strategic goal

Respecting the existing legal procedure, it would be useful if the Administration for the State Border and Border Affairs could be given its share within the police budget and realize it in accordance with the approved plans for the current year.

It is also necessary to allocate the resources from the budget for the equipment and training of border police in the process of introducing integrated border control.

3.2. Customs

3.2.1. Current situation

The Customs Administration of Montenegro is committed to controlled and safe border in order to ensure the protection of the customs area, market and security of Citizens by preventing and detecting illegal infiltration of goods and preventing illegal export of cultural heritage, protected plants and animals.

The competencies and responsibilities of the Customs Administration and customs officers have been regulated by the Law on Customs Service (»Official Gazette of the Republic of Montenegro« No. 7/02, 29/05), the Law on Civil servants (»Official Gazette of the Republic of Montenegro« No.27/04), the Law on State Administration (»Official Gazette of the Republic of Montenegro« No. 38/03) and Regulation on the organization and functioning of the State Administration (»Official Gazette of the Republic of Montenegro« , No. 54/04).

The Law on Customs Service regulates the activities of the competent authorities in charge of customs affairs, rights, obligations and responsibilities of customs officers.

The basic tasks of the Customs Administration are as follows:

- Granting approvals for customs procedures, activities and use of goods in line with customs regulations;
- Customs surveillance;
- Customs and inspection controls;
- Prevention and detection of violations related to goods imported in, or exported from the customs area;
- Control of local and foreign currency taken in or out of the country (implementation of the Customs Law, the Law on the prevention of money-laundering, Law on current and capital affairs with foreign countries and the Decision on the amount of cash that may be taken in or out of the Republic of Montenegro without reporting);
- Control of taking in, taking out or transit of goods under special protection measure

- (radioactive, radio diffusion), that may affect health and life of people, plants and animals, ecological concerns, protection of national values, artistic, historical and archaeological heritage or protection of property (intellectual property);
- Controlling crossing of the State border by persons at border Crossings, determined by the Government;
 - Internal control;
 - Organizing and implementing intelligence-prevention activities in suppressing and detecting customs criminal acts and customs violations;
 - Cooperation with foreign customs administrations and international organizations;
 - Raising awareness among the public of the activities of customs service;

- Gathering, recording and processing data on import and export, the rates and structure of collected duties;
- Conducting customs infraction proceedings in the first instance;
- Determining, calculating and collecting import and export duties, special agricultural duties, duties, levies and excise payments for import of goods, as well as of taxes and other levies collected in case of import, export and transit of goods and other levies in accordance with special regulations.

The Customs Administration is an important factor in all activities related to intergraded border management of the Republic of Montenegro and an equal partner of all those involved in customs procedures and foreign trade.

3.2.2. Proposed activities in this field

3.2.2.1. Legal regulations

3.2.2.1.1. Current situation

The Customs Law and the Law on Customs Service, in force since April 2003, have been mostly harmonized with the EU regulations, the rules of the World Trade Organization as well as with the basic principles from the General Agreement on Trade and Tariffs (GATT). The Law on Customs Service specifies the competencies of those in charge of customs affairs, as well as rights, regulations and responsibilities of customs officers. By this Law, Customs Service has been organized as an independent administration within the Government with fiscal, protective and security functions.

The Customs Law which is enforced in the entire customs area of Montenegro, regulates customs procedures, rights and obligations of persons taking part in customs procedure, the rights, obligations and responsibilities of persons taking part in customs procedures, the rights, obligations and responsibilities of the authority in charge of customs procedures, customs surveillance, customs procedures and use of goods in line with customs regulations, duty free goods, customs duties and levies, penal regulations (criminal acts and customs violations).

By adopting these regulations, the customs service has been authorized not only to control goods and documents at the border, but also in the territory of the entire customs area. To that end, the activities aimed at strengthening the Sector of Customs Security have been intensified (Department for the prevention of smuggling, Department for customs investigations and Intelligence Department).

The Law on Customs Tariffs was adopted, based on the rules of combined tariffs applied in the European Union – the 2002 Rules of Harmonized System which will be implemented from 1 January 2006, has been adopted.

With a view to implementing the Customs Law, the Regulation for the Implementation of the Customs Law has been adopted as well as the Regulation on the right to be exempt from customs duties, the Regulation on conditions to conduct representation before the customs authorities service, the Regulation on procedure to be followed by customs authorities with goods in case of well-grounded suspicion that a violation of intellectual property rights and other by-laws may be

involved.

In addition to above regulations, the customs service implements in its work and procedures the Law on Foreign Trade, the Law on Value Added Tax, the Law on Excise, the Law on Administrative Procedure, the Law on Infractions and other legal acts and by-laws. Annex 2 contains the list of regulations that are directly or indirectly implemented by the customs authorities.

3.2.2.1.2. Shortcomings

The regulations related to the extent of compensation for the services of customs authorities, as well as those relating to the appeals proceedings need to be harmonized with the EU standards, the rules of the World Trade Organization (Article VIII and X of GATT) and the World Customs Organization.

The Customs Law regulates temporary import of goods on the basis of ATA carnet and international transport of goods on the basis of TIR Carnet. However, the Customs Convention on ATA Carnets on temporary import of goods – ATA Convention and Customs Convention on international transport of goods on the basis of TIR Carnets – TIR Convention, are not implemented. One of the problems is that a large number of bilateral agreements on customs cooperation were concluded before 1990 and therefore have to be technically revised and brought in line with the World Customs Organization and EU.

3.2.2.1.3. Strategic goal

In order to establish a stable, comprehensive and modern legal framework, and to fulfil the requirements to join the European Union, it is necessary that the customs regulations of Montenegro be fully brought in line with EU customs regulations and to be subsequently adjusted to any amendments of the EU regulations, as stipulated under the Customs Law. In adopting regulations, the best practices and standards of the European Union will be followed in order to create conditions for less time-consuming customs procedures, efficient collection of budgetary resources and prevention of smuggling and other customs frauds.

3.2.2.2. Management and organization

3.2.2.2.1. Current situation

The affairs of customs service are conducted by the Customs Administration which has been organized in line with the European and international standards. It conducts its affairs through 4 (four) sectors and 3 (three) departments: Sector for customs affairs, customs tariffs, value, origin of goods, international customs cooperation and European integrations; Sector for Informatics and Statistics; Sector for collection of payments, handling of customs goods, following and implementation of regulations; Sector of customs security; Department for development, coordination and public relations; Department for internal control and Department for customs revision.

Regional units of the Customs administration are: Custom House Podgorica, Custom House Bar in Custom House Kotor. Organizational units of custom houses are customs posts (CP) and within them there are subunits.

Border posts: subunit Pošta Podgorica, CP Božaj, subunit Railway station Tuzi, CP Airport Podgorica, CP Krstac, CP Vraćenovići, CP Šoepan Polje, CP Ilino Brdo, subunit Railway station Bijelo Polje, CP Metaljka, subunit Ranče, CP Rožaje- Kula, CP Grnčar, CP Draćenovac, CP Dobrakovo, CP Sukobin, CP Airport Tivat, CP Debeli Brijeg, CP Sitnica, CP Bar, subunit Konfin, CP Zelenika, subunit Budva (seasonal post) and CP Kotor.

Inland posts: CP Podgorica, CP Nikšić, CP Bijelo Polje, CP Cetinje, CP Pljevlja, CP Berane, subunit Bijela and CP Bar Free zone.

Posts for trade of goods: CP Airport Podgorica, CP Airport Tivat, subunit Railway station Tuzi, subunit Railway station Bijelo Polje, CP Bar, CP Kotor, CP Podgorica, CP Nikšić, CP Bijelo Polje, CP Cetinje, CP Pljevlja, CP Berane, CP Bar Free zone and CP Debeli Brijeg.

Posts for passenger traffic: CP Božaj, CP Krstac, CP Vraćenovići, CP Šoepan Polje, CP Ilino Brdo, CP Metaljka, subunit Ranče, CP Rožaje- Kula, CP Grnčar, CP Draćenovac, CP Dobrakovo, CP Sukobin, CP Zelenika, subunit Bijela, subunit Konfin, CP Sitnica and subunit Budva.

In view of the fact that control of goods has been transferred from the border to internal control, we are making efforts to strengthen substantially the Sector of customs security (departments for suppression of smuggling, customs investigations and intelligence) for the purposes of more efficient controls. Major advantage of undertaking controls of goods internally is reduced waiting at the borders, enabling a faster flow of goods and passengers. With the assistance of foreign donors, modern equipment for inspection of goods has been acquired enabling the preservation of integrity of goods and shipments (PASS equipment for detection of smuggled goods within shipments without their opening, SABRE 4000 detector for sampling and detecting drugs and explosives particles, etc.). Great attention has been devoted to training of officers to use this equipment for check-ups.

In order to improve the integrity of the customs service, prevention and detection of internal violations and corruption, the Department for internal control is in charge of conducting investigations in case of sloppy, negligent or illegal activities by customs officers. In order to improve the integrity, and on the basis of 12 factors of the 1993 Arusa Declaration, the Action plan has been worked out on the development of integrity of the customs service of Montenegro, defining duties and tasks of each sector on this issue. Some of measures undertaken by the customs service against corruption of customs officers include the system of »rotation of officers«, control of the work of officers, initiating disciplinary proceedings, rewarding officers for outstanding results, improving working conditions, etc.).

3.2.2.2.2. Shortcomings

Major shortcoming is a poor motivation of employees, not only among officers but among executives as well primarily due to low income and lack of proper housing.

Some organizational units have to be strengthened in terms of personnel and professional qualifications especially the Sector of customs security since the introduction of the risk management process requires establishment of commissions and teams that would manage the process which requires specialized training.

In order to strengthen integrity, diminish corruption and create a positive picture of the customs service, it is necessary to adopt a Code of Conduct for customs officers.

3.2.2.2.3. Strategic goal

Strategic goal of the customs service is to ensure a fast flow of legal goods and passengers,, protection and security of the customs area while efficiently collecting income in line with the regulations which will enable a faster development of economy of Montenegro.

The customs service has to be organized in a way to be able to completely fulfil its function of the protection of the customs area, market, domestic production and creating equal business opportunities.

Professional services that are dealing with customs values, origin of goods, risk analysis, intelligence analysis, suppression of smuggling, conducting customs investigations, protection of the intellectual property rights, education of personnel and internal control, have to be strengthened in terms of numbers while officers performing these tasks have to undergo continual

education in these areas. Management of the service has to be in line with EU standards, respecting the principle of subordination.

3.2.2.3. Procedures

3.2.2.3.1. Current situation

Customs activities and procedures related to goods are regulated by the Customs law and regulations adopted on the basis of this law, which have been brought in line with the EU standards and regulations of the WTO and WCO.

Under the Customs Law, the Customs Service of Montenegro in addition to fiscal functions also has the function of providing protection and security, as well as the authority to control customs goods in the entire customs area, during and after the completion of the customs procedure.

In order to create the conditions enabling that the inspection of goods regulated under the Law and Regulation for the implementation of the customs law, be conducted in line with standards of the European Union, the Customs Administration is developing risk analysis as a basis for targeted and selective inspection of goods. Within the loans of the World Bank for modernization of customs service, we are currently introducing a system of risk-analysis, with the assistance of experts from companies "Charles Cendal & Partners" and "Memex".

At seven pilot locations, project Local Risk Profile is currently being implemented in customs outposts. In order to work out the Local Risk Profile, data are collected, among other things, on traffic, geographical outlook of border Crossings and potentially dangerous spots, the number of officers at the border crossing and their regime of activities, other services at the border crossing, as well as most frequent participants in customs proceedings. On the basis of Local Risk Profile, and at the level of the Administration, working groups made up of professionals will work out a Global Risk Profile.

At airports in Podgorica and Tivat, a system of red and green pass is being introduced at passenger terminals, accepted in most countries in Europe and in the world. This was preceded by a specialized training of customs officers to detect and recognize the behaviour of high-risk passengers (London Heathrow Airport). In order to educate passengers of the system and procedures at red and green passes, public announcements and brochures for passengers have been circulated.

In order to complete customs procedure in a faster and more efficient manner, the customs service will enable that customs declaration be submitted electronically early in 2006.

By introducing a system of risk-analysis, the system of green and red passes, and electronic document submission, regulated by customs regulations, the customs service has fulfilled some of the standards set in the Revised Kyoto Customs Regulations. The Government of the Republic of Montenegro accepted the initiative for the accession of the Republic of Montenegro to the Protocol Amending the International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention).

3.2.2.3.2. Shortcomings

One of major impediments to fast procedures is inspection of goods without selectivity based on risk analysis. However, the system of risk-analysis is currently introduced which will upgrade the existing inadequate inspection system by new and more efficient criteria.

Inadequate technical equipment of customs laboratories as well as the lack of specialized laboratories for analysis of goods at the State level is one of the reasons that small number of

182. INTEGRATED BORDER MANAGEMENT STRATEGY

goods are sampled compared to the quantity of imported goods, which often prevents proper classification of goods and establishment of its customs value.

Most of the border crossings are not capable of conducting customs clearance procedures which places additional burden on the inland customs posts and more costs for importers.

Since no conditions are currently in place to apply electronic submission of declarations, the work of customs officers is more difficult as they spend more time in entering customs declarations in information systems than inspecting the validity of the declaration and submitted documents.

Currently, it is the customs officers that decide on the time of receipt of the declaration and choice of the submitter of the declaration which contributes to lack of transparency and unequal treatment of participants in the procedure. As electronic submission of declarations is scheduled to start in early 2006, the parties to the customs procedure will have to make necessary preparations.

The Customs Law stipulates simplified procedures enabling the goods to reach users as fast as possible. The Customs Administration will grant approvals for simplified procedures to those importers that do not violate regulations and keep appropriate records. Since so far we did not have many such requests, we assume that the importers do not have adequate knowledge of the possibility to take advantage of simplified procedures.

The lack of red and green passes at border Crossings for road transport produces unnecessary waiting time at border for persons that do not import goods subject to customs control.

There are plans to engage a Slovenian company to introduce a data module (active and passive) so that the customs information system could support both customs procedures.

There are problems concerning the determination of the customs value of goods since there is no data base according to tariff mark, there are problems establishing the origin particularly for goods declared to originate from Serbia.

3.2.2.3.3. Strategic goal

The purpose of our service is to facilitate procedures in order to make the procedures at the border faster and more efficient. To that end, it is necessary to enable border Crossings to determine the customs value of goods, with a possibility of 24-hour service, where possible. In this way, we shall honour the requests of customers that these customs procedures are not conducted only in inland customs posts.

In order to accelerate procedures to analyze sampled goods, it is necessary to provide adequate technical equipment to laboratories, or perhaps establish a laboratory at the State level that would be able to meet the needs of various services.

In order to uniform customs procedures, all procedures should be published in the form of manuals or guidelines for faster and more efficient practical purposes. In addition, it should work out an emergency plan in cases of threat to life or property.

On the basis of positive experience, an Instruction Manual for customs operatives and inspection teams has been prepared.

In order to conduct the procedure in a proper and legal manner, it is essential to continue to provide instructions on proper implementation of regulations, whereby each customs officer would be obliged to get acquainted with instructions before starting to work. Also, communication should be maintained among officers by holding regular meetings and joint training for various profiles of employees, which will promote cooperation and lead to better performance.

3.2.2.4. Human resources and training

3.2.2.4.1. Current situation

The Customs Service of Montenegro currently employs approximately 500 officers, most of whom started to work in the past 18 months. According to age, it is a young service with a large number of highly educated officers speaking foreign languages. Clear job description, set in the Rules of Procedure for the systemization of jobs enables officers to occupy positions adequate to their skills and qualifications. Professional knowledge in the area of customs administration they acquire in one month-long trainings organized by the Administration in line with the specific needs through Service for Personnel Affairs. We have some equipment for these purposes; we engaged teaching

personnel and provided classrooms. For the purposes of specialized training in the field of high-risk goods and its handling (drugs, arms, radio-active goods, etc.) professionals from these areas are engaged from the country and abroad.

Customs officers so far attended a large number of seminars and training sessions organized under the auspices of the World Customs Organization, World Trade Organization as well as under the auspices of foreign governments (CLDP- US Ministry of Trade, etc.) on topics such as origin of goods, value, classification of goods in nomenclature of customs tariff, protection of intellectual property rights, trade preferences, integrated border management, intelligence activities, customs investigations, suppression of smuggling of goods, etc. special programs were organized for customs officers conducting internal controls in the customs areas, i.e. commercial documents and data used in customs procedures.

With the assistance of CAFAO, a number of study trips were organized enabling customs officers to obtain knowledge from various areas.

Depending on the type and purpose of a particular training, the training was attended by the customs officers who needed professional qualification to perform their duties. Customs officers are motivated through the improvement of working conditions, adequate facilities and proper equipment. It has also been proven that officers demonstrated more interest in their work when their performance was assessed on the regular basis and appropriately rewarded.

3.2.2.4.2. Shortcomings

In view of the constant need to modernize customs service, it is necessary to continually raise general level of knowledge in the field of customs affairs, particularly relating to procedures, as well as to develop and improve special techniques and skills for the realization of set tasks. However, major problem in the realization of this goal is poor motivation of officers, which leads to sloppiness. Also, customs service strengthens management through education in the field of customs affairs and management.

It is necessary to continue education in the field of customs affairs, by providing education and professional improvement in various fields, and seek that the training be conducted through the established education centre. It is necessary to conduct education of customs officers in foreign language instructions, with special emphasis on professional terminology and enable participation and education within the international exchanges of officers of customs administration.

3.2.2.4.3. Strategic goal

As a precondition for the fulfilment of set tasks and goals, the customs service continues the activities towards the development of human potentials, in order to have motivated and well-trained officers. To that end, it is necessary to continue education and professional training, with special emphasis on language proficiency, which would, in line with achieved results, enable promotion according to objective and well-known criteria, and diminish corruption in the service.

Since it is the goal of the service to accelerate the flow of goods and passengers across the border, in view of infrastructure and human potential, it is important to ensure adequate resources, equipment and officers that will be able to use it. Full control at the border will be acquired by

182. INTEGRATED BORDER MANAGEMENT STRATEGY

precisely defined investments for the improvement of infrastructure, acquisition of equipment and adequate training of officers who will use it.

In order to protect customs area and economic and financial interests of the Republic, there are plans to organize several special mobile teams within the Department for Intelligence which will conduct controls in the entire customs areas, in line with the customs regulations.

Also, the structure of jobs in the customs service should be amended to increase the number of officers dealing with:

- Suppression of smuggling of goods;
- Revision that will control the legality of performed tasks;
- Internal control evaluating the performance of customs officers, detecting corruption (giving and accepting bribe and other gifts), with broad authority of pronouncing suspension measures and submitting disciplinary motions.

It is also necessary to establish functional links among organizational units horizontally and vertically by implementing modern information tools.

Activities have also been planned to create an optimal working environment to motivate officers to prove themselves not only individually but as a team. One of the ways to achieve this is by precisely defining job description for each officer, fair evaluation of officers' work and defining responsibility in line with objective criteria.

It is necessary to continue with the measures in the field of personnel policy in order to eliminate all negative phenomena and bring the service to the level of customs administrations in the EU countries by:

- Removing from the service those officers involved in corruption, whether directly or indirectly;
- Organizing training of newly-admitted customs officers in accordance with experience of customs administrations of EU countries by general courses to acquire general knowledge on customs affairs and by specialized courses depending on the capabilities and jobs that the officers will perform.

For these purposes, it is necessary to work out a Code of Conduct. In order to suppress corruption, and in view of available financial resources of the State, income of customs officers should be adjusted to price increases, those officers who excel and detect customs violations should be rewarded while officers' housing problems should be addressed by granting appropriate housing or loans.

3.2.2.5. Communication and IT

3.2.2.5.1. Current situation

Appropriate and timely management of information is a precondition for timely response in specific situations. One of the basic forms of communications within the customs administration is providing instructions on proper implementation of customs procedures. The exchange of information is taking place at meetings held both within and among organizational units of the customs service.

The central information system contains a message board where officers can obtain information and get acquainted with the instructions, various verification procedures, for example related to the value of goods, origin, etc. (including of plants and animals) whose import, export or transit is prohibited, etc.

A large number of officers have access to the internet, and customs service has its own web site

www.vlada.cg.yu/carine, containing useful information for broader public. The web site represents the beginning of the development of the future internet portal which will serve for interactive communications with citizens and other partners (shipping agents, international institutions and other persons interested in cooperation).

Special attention has been paid to providing timely information to officers at all levels on new regulations.

The Customs Administration has established a coordinating body – Operative Centre in charge of receiving, analyzing, distributing and making available the relevant information received by the

Centre from various sources as well as those data that are an integral part of projects of risk analysis. The Centre has its own data base which contains information sent by local intelligence customs officers as well as by local intelligence customs officers and those from border Crossings and other customs houses. The Operative Centre is authorized to exchange the information received from other national and foreign services and via the open line in the Intelligence Department, from citizens, companies and other entities, with other services performing tasks at the border.

Since modern business communications implies the use of modern information technologies, modern information network, as one of basic elements on which efficient customs service is based a lot of attention is devoted to this component of the customs service of Montenegro. The World Bank loans enabled the purchase of modern equipment and software which have been installed and a Slovenian company made software. The system currently supports a large number of customs procedures, and most of customs outposts have been networked in a single information system. Also, the Slovenian company is currently engaged in introducing a module «Monitoring payments and customs duties» and «Monitoring bank guarantees». The agreement which is expected to be signed soon will enable business deals to modify the existing solutions. In the first phase, a version of WEB transit will be included whereby necessary functional changes will be introduced. As of 1 December 2005, the Customs Administration introduced the Project of automatic tellers whereby customs declarations at outposts, for specific years and customs procedures, will be automatically assigned registration numbers by the information system. There is a Project of development and implementation of electronic submission of customs declarations and it is expected to become functional in early 2006, as well as the Project of development and implementation of risk selectivity and analysis whose implementation is also expected next year.

3.2.2.5.2. Shortcomings

In the customs service, there are problems in organizing the flow of information from the Administration to regional units and vice versa. However, the customs service makes efforts to transmit simple and efficient interpretations of legal regulations, explanations and instructions for proper implementation of customs procedures to regional units, as may be necessary so that they can implement specific measures and activities. Also, efforts are made in the opposite direction so that various information gathered by regional units may reach the Administration for onward transmission to be processed by relevant units.

In order to accelerate the procedures, by building risk-analysis in information system, conditions will be created for making Decisions regarding a selective inspection of goods, as well as for monitoring un-harmonized shipments and high-risk vehicles. They will be made available to customs outposts and totally integrated in organizational structure and operations.

This system will be able to combine various criteria in risk-profiling, to create the framework of acceptability for various parameters, to monitor export criteria for certain goods, to pinpoint the cases where the same importers/exports are importing the same final products, to indicate possibilities that certain goods be declared in a way to avoid established customs tariffs or regular tariffs, and to constantly upgrade data related to customs procedures and those established upon auditing the bills after customs procedures have been implemented. The exchange of data between the customs information centre and management risk system will be determined in line with certain operative needs and requirements of legislation, and defined in special instructions.

There are plans for a Slovenian company to introduce in the forthcoming period an active and passive module so that the customs information system could support both procedures.

One of the shortcomings is the lack of electronic records for goods stored in customs warehouses. The information system does not provide for a possibility to list statistical data on value of goods according to tariff numbers accepted by various outposts which slows down the procedure of determining the value of goods.

The Customs Service does not have access to RILO electronic data bases (Regional Intelligence Liaison Office) and CEN (Customs Enforcement Network), or data bases of other international institutions.

3.2.2.5.3. Strategic goal

One of the strategic goals of the Customs Service is the improvement of information system which should serve as a support to procedures from the Customs Law.

In that connection, it is necessary to:

- Introduce electronic submission of customs declaration;
- Introduce a system of monitoring payments of customs tariffs (automatic payments to the account of the Customs Administration);
- Set up a State portal for the exchange of data (exchange of data among Government services through single interface);
- Establish connection with information systems of other customs services;
- Introduce NCTS system, i.e. to prepare and connect to the transit system of EU whose implementation is mandatory for EU country candidates;
- Prepare and develop the tools to take over TARIC base used in EU, whose implementation is mandatory for EU country candidates.

3.2.2.6. Infrastructure and equipment

3.2.2.6.1. Current situation

In order to perform its functions, it is important for the customs service to have adequate infrastructure and equipment in line with the standards, conditions and recommendations of the European Union.

To that end, within the Project of the system of border security six border Crossings have been reconstructed (Border crossing Point Konfin towards the Republic of Croatia, BCI Sitnica, Ilino Brdo, Vra0enovi0i and Metaljka towards Bosnia and Herzegovina, BCP Sukobin towards Albania) and three customs-police check-points towards the Republic of Serbia (Dra0enovac, Dobrakovo and Ran0e). In the first phase of the reconstruction, the conditions of work of the customs service have been improved as well as for traffic control and faster flow of goods and services thereby enabling a better protection of the customs area. Within the assistance of the European Union i.e. European Agency for Reconstruction, the construction of border crossing point Debeli Brijeg has been completed. The preparations are under way to reconstruct border crossing point Š0epan Polje.

The reconstruction and modernization of Airport Tivat and Podgorica will help overcome the problems related to providing airplane supplies, catering and Official passageways for crew and airport personnel.

Port of Kotor and Zelenika are open for traffic 24 hours a day. However, they lack port facilities

where goods and passengers could undergo adequate inspections. Also, customs officers work in inadequate offices.

Due to limited resources provided by donors, reconstruction and construction of border Crossings have been undertaken to ensure minimum conditions for normal activities of the State authorities.

In the previous period, customs service distributed and assigned equipment from the donations of the Government of the United States, Great Britain and EU. From EXBS program donations were used to equip border Crossings (special equipment, gloves, boots, etc.). From CAFAO donations – Office for Serbia and Montenegro and the UK Government, equipment was distributed for the use of the Sector of Customs Security and Operative Centre within this sector, Department for

Customs Tariff, Value and Origin, Department for Personnel Affairs and Professional Training, etc. Also, within the Program "Montenegro Border Security Program", special equipment was purchased for the Sector of Customs Security and Border Crossings.

3.2.2.6.2. Shortcomings

At almost all road and railway border Crossings, traffic infrastructure is poor, while the equipment of the Customs Administration ensures only minimum technical conditions for work. At certain border Crossings there is no computer equipment which significantly slows down the work of customs officers, because they have to enter received customs declaration in closest customs houses. Customs officers are therefore not in a position to use message boards installed in information system, internet, etc.

At some border Crossings, there are no telephone lines, and most of them do not have scanners, radio-activity detection devices and other necessary equipment, that the customs service have to have in order to enable an unimpeded and fast flow of goods and passengers and prevent the transport of illegal goods. For example, customs officers do not have equipment and devices for sampling of goods. Some of the border crossings do not even have vehicles scales so that the goods have to be dispatched to other customs houses creating additional costs for importers.

3.2.2.6.3. Strategic goal

In order to accelerate the procedures, there are plans to further modernize the existing and build new border Crossings where border trade and border controls will be performed safely and efficiently.

In order to develop and promote cross-border infrastructure in the forthcoming period, the following priorities need to be addressed:

- Construction of border Crossings with necessary infrastructure;
- Construction of additional lanes at all border Crossings in order to ensure an unimpeded traffic of vehicles and reduce bottlenecks;
- Construction of facilities at border Crossings for detailed inspection of passengers and vehicles as well as facilities for temporary impounded goods;
- Electrification of border Crossings and low-voltage network at each of them;
- Ensuring efficient supply of potable sanitary water;
- Providing infrastructure for video surveillance of border Crossings;
- Construction of customs terminals in the vicinity of border Crossings in line with the requirements and standards of the European Union;
- Ensuring conditions and infrastructure at port border Crossings fit for naval traffic.

Within a customs area, surveillance points may be established at transit roads in order to conduct joint police and customs controls with the inclusion of other services, as may be necessary.

In order to eliminate irregularities in the work of the customs service, of extreme importance is technical/technological equipment of customs service. The improvement of technical/technological

equipment will achieve the following goals:

- Reducing delays of goods and transport vehicles at border Crossings and facilities under customs surveillance pending customs procedures;
- Reducing costs related to customs procedures;
- Coordination of the activities of State authorities at border Crossings and timely provision of data on goods and transport vehicles;
- More objective approach to customs procedure by implementing new principles and information tools (targeting, selectivity), thereby diminishing the possibility of unprofessional attitude on the part of customs Officials and other participants in the customs procedure;

- Possibility to assess work performance (time of arrival and departure from work, number of processed documents, actions undertaken during working hours, etc.) by using information systems.

Among other things, it is necessary to purchase additional computer/communication equipment for unconnected locations, for officers working in organizational units, office equipment for reconstructed border Crossings, telecommunications equipment, security equipment (mobile scanner for vehicle inspection, static metal detector, drug and explosives detection device, device for detection of materials with additional equipment, oil analysis device, etc.).

3.2.2.7. Budget and deadlines

3.2.2.7.1. Current situation

In the budget of the Republic of Montenegro, funds are allocated for the modernization of customs service i.e. for construction and reconstruction of border Crossings and facilities used by the customs service, housing facilities, means of transport, computer equipment, etc. Customs service income is also generated from funds derived from payments of customs service, payments for the use of customs terminals, etc.

The Project of the system of risk management is currently introduced. Its realization has been made possible by the funds from the World Bank loans approved for the implementation of the Project of Trade and Transport Benefits in South-eastern Europe.

3.2.2.7.2. Shortcomings

The funds allocated from the budget for the customs service are insufficient since the service has larger needs particularly in view of the current costs, payments for the purchase of necessary equipment, etc. Customs Service purchases goods for its needs in line with the Law on public expenditures which more often than not is a limiting factor to a fast and efficient purchase of necessary equipment, material and other items for the customs service.

3.2.2.7.3. Strategic goal

In order to achieve improvement of technical and technological equipment of the customs service and other day-to-day costs, it is necessary to plan more resources in the budget and analyze all procedures and activities under the Law on public expenditures and perhaps propose relevant amendments in order to simplify procedures related to purchases.

3.3. Veterinary Inspection Service

3.3.1. Current situation

The Veterinary Service of the Republic of Montenegro conducts management and professional tasks related to the management of the protection of public health, protection and well-fare of animals, health security and quality of food of animal origin and animal food, issues licenses for import of animals, food, products, raw materials and animal culls that may pose a risk to human

and animal health.

The duties of border inspection are carried out by 12 veterinary inspectors, in line with national regulations, international conventions, international agreements and signed agreements on veterinary cooperation. Legal basis for the work of the veterinary border inspection is Veterinary Law («Official Gazette of the Republic of Montenegro» No. 11/2004) and a large number of federal regulations which will remain in force pending the adoption of regulations at the level of the republic.

Veterinary border inspection has been organized at 8 border Crossings - Debeli Brijeg, Ilijino Brdo, Božaj, Luka Bar, Airport Podgorica, Airport Tivat, Kula as well as at three administrative check points - Dobrakovo, Ran0e and Dra0anovac.

Import, transit and export of shipments subject to veterinary inspection are conducted exclusively at border Crossings with veterinary inspection. At border Crossings Port Bar, Debeli Brijeg and Dobrakovo there is a constant veterinary border inspection while at others, inspection is conducted by request, either by importer or by his representative/shipper once the shipment arrives at the border crossing.

The control procedure of shipment at border crossing includes:

- Inspection of documents – import license, certificate and other accompanying documents;
- Establishment of the shipment's identity;
- Physical inspection of the shipment – organoleptic evaluation, and
- Dispatching the shipment to the warehouse specified in the import license for additional physical and lab check-ups, if so decided by the border veterinary inspectors.

Following the shipment's arrival in the warehouse, the importer shall submit a request for its inspection to the veterinary and sanitary inspection. After both inspections grant their approval, the shipment may undergo customs procedure and be sent onward. The main veterinary inspector coordinates the activities of the border veterinary inspectors and provides professional assistance in conducting their inspection. Communication with the head-office, among veterinary inspectors and relevant services of neighbouring countries, is conducted by phone/fax.

Except border crossing Debeli Brijeg that to a certain extent fulfils criteria (EC Directive 91/946, 97/78 EEC and Commission's Decision No. 2001/812/EC), border Crossings that have veterinary control do not meet EU standards.

3.3.2. Proposed activities in the field

3.3.2.1. Legal regulations

3.3.2.1.1. Current situation

Legal basis for the work of the veterinary border inspection is the Veterinary Law («Official Gazette of the Republic of Montenegro» No.11/2004) and a large number of federal regulations (former SFRJ) which will remain in force pending the adoption of regulations at the level of the Republic. Overview has been listed in Annex 3.

3.3.2.1.2. Shortcomings

Vague, outdated and unenforceable federal by-laws for newly-created social and economic circumstances slow down the work of veterinary border service.

The lack of harmonized regulations with EU requirements on conditions for border Crossings, on method and handling of veterinary inspection of animal shipments and products of animal origin at border Crossings (as well as for products of animal origin for personal use), lack of manuals or instructions on cooperation within the service and cooperation with other services, procedures, etc., slow down the tasks during border controls..

3.3.2.1.3. Strategic goal

The Ministry of agriculture, forestry and water management of the Republic of Montenegro will prepare rules of procedures harmonized with the EU legislation and bring it in line with the

Veterinary Law. The rules of procedure will specify conditions for work, procedures and proceedings concerning the inspections in foreign trade by border veterinary inspection. Veterinary administration will start the initiative to amend the existing national legislation in order to eliminate duplication and overlapping of competencies of veterinary, sanitary and market inspection. After the rules of procedure are made, it will be necessary to prepare written instructions, manuals and textbooks for border veterinary inspection in order to achieve uniform approach and efficient work of this service at the border.

Moreover, activities will be undertaken to revise and harmonize the signed international agreements on veterinary cooperation, from the period of SFRY and to sign the Veterinary Cooperation Agreement with neighbouring countries - (Bosnia and Herzegovina, Albania and Croatia).

3.3.2.2. Management and organization

3.3.2.2.1. Current situation

The Veterinary Administration of the Republic of Montenegro monitors, through the veterinary border inspection, international trade of shipments and animals, food, products, raw materials and animal cull that may pose a threat to human or animal health.

Veterinary border inspection has been organized at 8 border Crossings - Debeli Brijeg, Ilijino Brdo , Božaj , Luka Bar, Airport Podgorica, Airport Tivat, Kula as well as at three administrative check points - Dobrakovo, Ran0e and Dra0anovac. Import, transport and export of shipments subject to veterinary inspection are conducted exclusively at border Crossings with veterinary inspection.

By assuming the tasks of border veterinary inspection from the federal inspection in 1998, veterinary inspectors have been assigned to work at border Crossings according to regional units with experience in veterinary inspection used as a sole criterion.

3.3.2.2.2. Shortcomings

The lack of department of border veterinary inspection slows down the work and additionally burdens those officers from the Veterinary Administration. At border Crossings Port Bar, Debeli Brijeg and Dobrakovo veterinary border inspection has been organized continually, while at other Crossings inspections are conducted per requests i.e. upon arrival of shipments, which slows down the flow of goods.

3.3.2.2.3. Strategic goal

Under the amendments of the Rules of Procedure of internal organization and systematization of the Veterinary Administration of the Republic of Montenegro, it is anticipated to establish a Department for Border Veterinary Inspection.

It is necessary to establish working bodies, which will comprise the representatives of services and institutions included in the chain of an efficient, stable and safe system of control of health of animals and people in foreign trade, to prepare the plan of education of border veterinary inspectors and rotate inspectors on a three-month basis at border Crossings.

3.3.2.3. Procedures

3.3.2.3.1. Current situation

Procedure for inspection of shipments at the border includes:

- Inspection of documents – import license, certificate and other accompanying documents;
- Establishment of the identity of the shipment;
- Physical inspection of the shipment – organoleptic inspection; and

- Dispatching the shipment to the warehouse designated in the import license for additional physical and laboratory check-ups, in case veterinary inspectors deem it necessary.

Following the arrival of the shipment to the warehouse, the importer shall submit the request for inspection to veterinary and sanitary inspection. After both inspections give their approval, the customs procedure follow and the shipment is released.

3.3.2.3.2. Shortcomings

Since it is not possible to determine at the border crossing whether the shipment is acceptable and is hence sent for additional inspection to the warehouse, the shipment is unnecessarily delayed, several inspections duplicate their activities increasing the cost for the importer and slowing down the free flow of goods in international trade.

The lack of minimum infrastructure (offices, documentation office, bathrooms and wardrobe space, kitchenettes, offices for the inspection of samples to conduct quick tests and prepare samples to be sent for additional tests to laboratories, as the case may be – coolers for storing suspicious items pending the final Decision and relevant documents, when it is necessary to exchange a vehicle or in case a measure of temporary ban is pronounced) largely affects the efficiency and the quality of work of veterinary border inspection service.

3.3.2.3.3. Strategic goal

There should be simplified, uniform, clear and enforceable procedures following the inspection of the shipments at border Crossings, implementation of the system of control based on risk analysis and the shipments should be sent for additional physical and laboratory tests only when the risk has been established and recognized.

3.3.2.4. Human resources and training

3.3.2.4.1. Current situation

The tasks of border inspection are conducted by 12 veterinary inspectors in line with the national regulations, international conventions, international agreements and signed agreements on veterinary cooperation.

3.3.2.4.2. Shortcomings

Slow and inefficient performance at the border is partially due to the lack of professional and practical training of veterinary inspectors related to the inspection of accompanying documents because of the insufficient knowledge on English, inadequate knowledge of computers, work-load (some employees have been engaged for more than seven years without vacation, working even during weekends, etc.)

3.3.2.4.3. Strategic goal

It is necessary to analyze as soon as possible the work-load – number of shipments and increase the number of border inspectors at some border Crossings, conduct permanent training (seminars, work-shops, study visits) and foreign languages instruction (at work place with teachers).

3.3.2.5. Communications and IT

3.3.2.5.1. Current situation

The main veterinary inspector coordinates the work of border veterinary inspectors and extends necessary professional assistance by monitoring their work. Border veterinary inspectors communicate with the head-office and services of neighbouring countries by telephone/fax.

Since October 2005, the Veterinary Administration of the Republic of Montenegro has its own Web page <http://www.veterinarska.uprava.vlada.cg.yu.>, with important information related to the work of this service.

3.3.2.5.2. Shortcomings

Inability to communicate quickly with the head-office (a large number of border Crossings do not have telephones, faxes, computers and the inspectors have old vehicles or none at all).

3.3.2.5.3. Strategic goal

Modern information network should be installed as well as computer software to monitor shipments in foreign trade with a view to enabling a faster flow of information between border inspectors and head-office, among veterinary inspectors as well as to exchange information with veterinary border inspectors in neighbouring countries (with emphasis on transit shipments).

It is necessary to organize training for the use of IT equipment and acquire knowledge of modern electronic systems for monitoring shipments in international transport (TRACES, SHIFT, RASSF etc.) in view of relevance, safety, advantages of the use of these systems. Web pages should be updated on a daily basis.

3.3.2.6. Infrastructure and equipment

3.3.2.6.1. Current situation

Except for border crossing Debeli Brijeg, which only partially meets the EU Standards, on the basis of Directive 91/946, 97/78 EEC and the Commission's Decision No. 2001/812/EC, other border Crossings where veterinary control has been organized do not fulfil EU standards.

3.3.2.6.2. Shortcomings

Due to the lack of minimum infrastructure and lack of equipment at border Crossings, it is not possible to determine whether shipments are acceptable at border Crossings, which is why the goods are sent for additional tests to warehouses which causes unnecessary delays of shipments, duplication of work by several inspections and increasing the costs for importers. This prevents the free flow of goods in international trade.

3.3.2.6.3. Strategic goal

It is necessary to properly equip and build border Crossings in line with EU requirements (computers, printers, telephones, faxes, sampling equipment, vehicles for veterinary inspections, etc.).

3.3.2.7. Budget and timetable

3.3.2.7.1. Current situation

The budget of the Veterinary Administration for 2006 does not have a budget line that could be used for the implementation of concept of Integrated Border Management or to improve working conditions for veterinary inspection.

3.3.2.7.2. Shortcomings

The lack of budgetary funds which could be used for the implementation of the concept of Integrated Border Management.

3.3.2.7.3. Strategic goal

It is necessary to plan budgetary resources for the implementation of the concept of Integrated Border Management.

3.4. Phyto-sanitary Inspection Service

3.4.1. Current situation

The tasks of phyto-sanitary service are performed within the Ministry of Agriculture, Forestry and Water Management of the Government of the Republic of Montenegro. Phyto-sanitary inspection is a part of the Department of Agriculture within agricultural inspections. The situation will change once the standards and recommendations of EU and international conventions are adopted, when a focal point will be established to manage the jobs in phyto-sanitary system of the Republic of Montenegro. The Ministry performs professional tasks for phyto-sanitary system, such as: development of information system and system for early warning, issues licenses for import of plants, issues licenses for import of means for protection and nourishment of plants, evaluates the risk of import and spread of pests, issues certificates for import of plants, conducts health control and examines plants, means for protection and nourishment of plants at import, export and transit with overload, monitors the production and trade of seeds and monitors and harmonizes legal regulations with EU standards and recommendations.

The presence of inspectors depends on the number of shipments that are inspected at border Crossings and customs/police check-points, as well as on their technical equipment. Consequently, at certain border Crossings, inspectors are present all the time while at some they are engaged at request.

Phyto-sanitary inspection performs the following tasks:

- Phyto-sanitary control of plants and plant products crossing the State border (import, export, re-export, transit with overload);
- Control of means for plant protection at import;
- Issuance of phyto certificates on health situation of plant shipments and plant products at export and re-export;
- Sampling of plant shipments and plant products in order to determine plants' health situation;
- Undertaking phyto-sanitary measures (return, treatment, destruction, etc.);
- Control of implementation of set measures;
- Control of sorted plant reproduction material;
- Control of Genetically Modified Organisms within its competencies:

3.4.2. Proposed activities in the field

3.4.2.1. Legal regulations

3.4.2.1.1. Current situation

The competencies of the Phyto-sanitary inspection and method of health control and inspection of plants, means for protection and nourishments of plants, gathering of information and creation of

data base, have been defined by the Law on the Protection of Plants ("Official Gazette of the Federal Republic of Yugoslavia No. 24/98) and other legal regulations listed in Annexes.

3.4.2.1.2. Shortcomings

Vague, outdated and unenforceable federal by-laws in newly-created social and economic circumstances slow down the work of phyto-sanitary border service.

The lack of harmonized regulations with EU requirements on conditions for border Crossings, regulations on methods and organization of phyto-sanitary inspection of shipments of plants and plant products at border Crossings (as well as for products of plant origin for personal use),

manuals or instructions on cooperation within the services and cooperation with other services, procedures, etc., slow down border control procedures.

3.4.2.1.3. Strategic goal

Full harmonization of legal regulations with EU legislation and establishment of a focal point for management of phyto-sanitary system of the Republic of Montenegro. The Ministry of Agriculture, Forestry and Water Management and the Government of Montenegro adopted Drafts of new laws in the phyto-sanitary field (Law on Health Protection of Plants, Law on seed material of agricultural plants and the Law on seeds). These laws were harmonized with international conventions and regulations of the European Union and their adoption is expected in mid-2006. Until then, the existing laws will remain in force. Moreover, two more laws are under preparation (Law for the protection of plants and the Law on means for nourishment of plants) which will legally round up phyto-sanitary field. Once the laws are adopted, by-laws and rules of procedure will be worked out to specify in detail certain provisions and procedures. Since Montenegro has signed the International Convention on Plant Protection, it has an obligation to organize as best as it can through legislation the service for plant protection and control of shipments in international trade.

3.4.2.2. Management and organization

3.4.2.2.1. Current situation

Phyto-sanitary inspection, as part of agricultural inspection within the Ministry of Agriculture, Forestry and Water Management controls international trade in plants, plant products and facilities that may pose a risk to plant health.

Two inspectors in Podgorica have been granted competencies over border Crossings "Božaj", railway border crossing "Božaj", post office and airport "Podgorica", as well as for customs terminal Podgorica. In Bar, one inspector has been engaged whose competencies cover border CRossing Port Bar, in Herceg Novi one inspector has competency for border crossing "Debeli Brijeg", in Nikšić two inspectors have competencies for border Crossings "Ilino Brdo", in Pljevlja 3 inspectors have competencies for border crossing "Metaljka" and customs police check point "Ran0e", in Bijelo Polje 3 inspectors with competencies for police check point "Dobrakovo" and in Rožaje 2 inspectors with competencies for police check points "Dra0enovac" and "Kula".

3.4.2.2.2. Shortcomings

The organization of phyto-sanitary service has not been harmonized with standards of EU and international community.

3.4.2.2.3. Strategic goal

A new body within the Ministry of Agriculture, Forestry and Water Management of the Republic of Montenegro, which will have the competencies for phyto-sanitary service, will be established. New organizational model, harmonized with the EU directives, will enable a close cooperation and establish links between phyto-sanitary service and other services in order to create an integrated, efficient, rational, stable and internationally recognizable chain of health control of plants promoting

a principle of safe and open border (vertical and horizontal organization). The expansion of the area of activities and competencies of phyto-sanitary inspection imposes the need for professional training and education.

3.4.2.3. Procedures

3.4.2.3.1. Current situation

Phyto-sanitary control of shipments at border Crossings has been defined on the bases of the Law on Plant Protection ("Official Gazette of FRY" No. 24/98) and the Rules of Procedure adopted in line

with it. The Methodology has been prescribed for sampling with instructions, as well as quarantine and post-quarantine surveillance. In case of suspicious shipments, they will be returned or destroyed. Health inspection of plants encompasses:

- Inspection of documents accompanying the shipment
- Inspection of transport vehicle;
- Inspection of packaging;
- Identification of the shipment;
- Health inspection of plants and plant products.

The inspection of means for the protection and nourishment of plants encompasses, in addition to documents accompanying the shipment, identification and inspection.

3.4.2.3.2. Shortcomings

There is a lack of manuals depicting inspection procedures in detail in line with EU recommendations. There are no programs for regular training and education of inspectors.

3.4.2.3.3. Strategic goal

Procedures related to the activities of border phyto-sanitary inspectors shall be defined by new law according to standard ISPM No. 23 (method of submission of requests, conducting administrative procedures, submission of reports as signed forms at monthly, quarterly and annual basis and transmission of documents to clients and other services keeping the records of completed documentations following the relevant procedures and checks). It is necessary to prepare the manuals that will specify in detail these inspection procedures in line with EU recommendations. The use of the manuals will enable greater accuracy and uniformity of work of all phyto-sanitary inspectors.

3.4.2.4. Human resources and training

3.4.2.4.1. Current situation

Systematization of work posts in agricultural inspection envisages border and internal control with the following number of posts:

- One main agricultural inspector;
- 14 phyto-sanitary inspectors assigned to border Crossings and customs/police check points;
- 5 agricultural inspectors for internal control in the field of phyto-sanitary regulations;
- 6 inspectors who will conduct control over the implementation of other laws in the field of agriculture (Law on agricultural land, Law on measures to promote cattle-raising, Law on sea fishing, Law on in-land fishing, Law on olive-growing, Law on organic agriculture, Law on tobacco, etc.).

3.4.2.4.2. Shortcomings

The lack of a defined plan for training of inspectors as well as the rotating principle for inspectors at border Crossings due to financial constraints with a view to ensuring the best training of inspectors. It is evident that the current number is inappropriate for the obligations. The question of their professional qualifications is also a concern.

3.4.2.4.3. Strategic goal

It is necessary to work out a plan of training for phyto-sanitary inspectors, so that they may respond to requirements of the phyto-sanitary system. For that, we need professionals which can be achieved by implementing the system of regular, professional and general education. General

education implies mastering English and IT. Professional training refers to improvement of all activities of inspectors so that in the forthcoming period we develop educated trainers able to train other inspectors. A new administration body will contribute to the achievement of this goal as well as modernization of the service in general.

3.4.2.5. Communications and IT

3.4.2.5.1. Current situation

The current situation does not satisfy the minimum conditions for work in this area. Except for a few cellular phones and several fax machines, it is evident that there is no adequate modern IT network. This equipment is currently being purchased through the European Reconstruction Agency.

3.4.2.5.2. Shortcomings

The lack of modern information network and fast exchange of information is one of the key factors for better functioning of the service at border Crossings (insufficient number of fixed telephone lines, lack of internet access, lack of operative programs – software, etc.).

3.4.2.5.3. Strategic goal

It is necessary to create an internal and external IT network to which every phyto inspector will have access enabling central processing of data and thereby providing an efficient technological support to all procedures and situations.

3.4.2.6. Infrastructure and equipment

3.4.2.6.1. Current situation

Almost of all border Crossings, except "Debeli Brijeg" and "Luka Bar", fail to meet minimum technical requirements for phyto-sanitary inspection in line with EU Directive 98/22/EC. Despite that, phyto-sanitary inspection continues to perform duties from its competencies. In case it is not possible to inspect shipments at border Crossings, they send it to customs houses where sampling can be performed and Decision can be made on import and customs procedures of plant shipments after lab results are received.

3.4.2.6.2. Shortcomings

The offices for the work of phyto-sanitary inspectors at border Crossings and customs police points are rather poorly equipped due to minimum investments in previous years. It can be said that they are totally inappropriate with some exceptions (Bar and Debeli Brijeg). The border Crossings that were reconstructed with the assistance of USAID have small rooms lacking the basic equipment. At certain border Crossings there are no offices for these services and they use wooden barracks instead, not to mention the laboratories for quick tests. All this points to the fact that phyto-sanitary

inspection has modest and even very poor conditions for work.

3.4.2.6.3. Strategic goal

In the forthcoming period, it will be necessary to prepare a strategic plan to improve the existing infrastructure (construction and adaptation) in line with EU directives.

3.4.2.7. Budget and timetable

3.4.2.7.1. Current situation

Within the agricultural budget of the Ministry of Agriculture, Forestry and Water Supply Management there is a program related to the equipment of inspection services.

3.4.2.7.2. Shortcomings

The allocated resources are very modest in view of the fact that there are three inspections in the Ministry (agriculture, forest and water management) and hardly enough resources for any one, let alone three.

3.4.2.7.3. Strategic goal

Limited budget resources leave no choice but to resolve the existing problems from donations of various international organizations which do not follow the changes in the field. It is necessary to allocate resources in the Ministry of Finance for the implementation of IBM to be able to efficiently respond to EU requirements.

The current organization of phyto-sanitary sector in the Ministry of Agriculture, Forestry and Water Management of the Republic of Montenegro is not in line with EU recommendations. It is therefore necessary to provide a larger number of workers and resources for these purposes. As for deadlines, phyto-sanitary inspection is ready to respond to all requests in line with available resources and equipment.

4. COORDINATING MECHANISMS

The Integrated Border Management Strategy in the Republic of Montenegro will be implemented by Inter-Ministerial working group comprised of the representatives of services and ministries at appropriate level, authorized to make Decisions.

The Decisions related to financial investments and those related to inter-state and international relations will be made by the Government of the Republic of Montenegro after the opinion has been obtained and at the proposal of the Working Group.

The Working group shall establish standing or ad hoc professional/expert teams i.e. sub-groups to prepare the necessary materials or to perform specific tasks set in the Strategy or Action Plan for the Implementation of Strategy.

The main priority of the Inter-Ministerial Working Group is to ensure and improve cooperation and coordination of services included in border management. It would help avoid duplication of certain procedures related to border procedures, reduce or simplify certain procedures, eliminate delays, synchronize procedures for all services included in border procedures. All of this would contribute to improving the quality and efficiency of all border services individually, to harmonizing the procedures with EU standards, achieving the necessary level of security and openness of borders which would promote security situation in general and increase the flow of resources into the State budget.

The tasks of the Inter-Ministerial Working Group are as follows:

182. INTEGRATED BORDER MANAGEMENT STRATEGY

- Preparing the Action Plan for the Implementation of the Strategy;
- Monitoring the implementation of the Strategy for integrated border management and Action Plan as well as monitoring the implementation of measures and activities planned under the Strategy and Action Plan;
- Working out a detailed analysis of border procedures of certain services and initiate activities to amend them with a view to harmonizing them with other services and EU Standards;
- Making recommendations for amendment of certain procedures in order to ensure a faster crossing of the border;
- Efficiently solving all problems related to movement of persons, goods and transport vehicles across the border;

- Constant communication and cooperation with the State authorities, local self-government and other agencies and services related to border and border procedures;
- Identifying problems and proposing necessary organizational changes;
- Constructive participation and making recommendations in cases of dispute among the services included in border management or related to border procedures;
- Coordination of work in making legal regulations or amendments of the existing legal regulations concerning border procedures, i.e. coordinating activities in enforcing regulations stipulating procedures for members of a particular border service or coordination of activities among officers of various services included in border procedures;
- Initiating preparation and adoption of individual action plans for services included in border procedures,
- On the basis of analysis, initiating necessary training for officers performing border procedures;
- Organizing joint activities;
- Submission of regular reports every six months to the Government of the Republic of Montenegro on the activities of the Working Group and implementation of the Strategy of Integrated Border Management as well as other reports and opinions at the request of the Government of the Republic of Montenegro, as may be deemed necessary by the Working Group;
- Regular, constructive and comprehensive cooperation with the relevant international organizations in Montenegro and the region as well as with the Regional Centre for harmonization and implementation of strategies and action plans of integrated border management.

Inter-Ministerial Working Group is comprised of the members of services directly included in border procedures, as well as members of the State institutions whose activities have been connected to the border procedures: Ministry of Foreign Affairs, Ministry of International Economic Relations and European Integrations, Ministry of Defence, Ministry of Justice, Ministry of Health, Ministry of Agriculture, Forestry and Water Management, Ministry of Maritime Traffic, Ministry for the Protection of Environment and Spatial Planning and other security agencies and State authorities. The Decision on the establishment of the Inter-Departmental Working Group shall be made by the Government of the Republic of Montenegro.

5. COOPERATION

5.1. Intra-service Co-operation

Cooperation within a service should be seen as cooperation within ministries and authorities responsible for special tasks. Cooperation within the service has two aspects. Vertical cooperation within a service implies the cooperation at various administrative levels, from the ministry to units working at the border. Horizontal cooperation within a service is necessary among various border Crossings and check-points within the country. The basis for both forms of cooperation is clear distribution of responsibilities and active communication with well-organized flow of information.

It is necessary to ensure a flow of information from top to lower level (for example, providing information on new regulations), as well as the flow of information from lower level to the top within various services. Customs officers at border should closely cooperate with their colleagues that conduct controls in the country. Also, it is necessary to ensure cooperation between veterinaries at the border and veterinary services in the country to enable transport and transit of veterinary shipments. Communication and cooperation with police stations is necessary for example to detect stolen vehicles and in cases of various arrests. All authorities should ensure that the resources for

efficient internal management of information be available for a quick exchange among the officers.

5.1.1. Border police

5.1.1.1. Current situation

Police ensures an efficient and functional system of cooperation among its organizational units. The current by-laws and those that should be adopted in the forthcoming period shall define the forms and ways of cooperation at all organizational levels of police.

The legal framework for intra-service cooperation, the border police primarily have in the Law on Police, while competencies and specific tasks have been defined in the Law on monitoring of the State border.

At the local level, departments of border police and territorial units, depending on territorial jurisdiction, conduct cooperation with various organizational units and security centres in line with the competencies and according to various cases and events as they occur.

At the regional level, stations of border police for border affairs also at the local level, depending on territorial jurisdiction, conduct cooperation with various organizational units and security centres in line with the competencies and according to various cases and events as they occur.

The State Border Directorate realizes good cooperation and coordination with other organization police units on different issues related to monitoring and control of Crossings of the State border, fight against trade in human beings and illegal migrations, status issues and control of the movement and stay of foreigners.

In situations when the scope of work exceeds the competencies of one organizational police unit, on the basis of those in charge of the specific task, joint teams or headquarters are established to fulfil a certain task.

There is the exchange of information among organizational police units but it is insufficient and slow, and should be improved by defining mutual obligations and responsibilities. Slow flow of information is a consequence of poor information-telecommunication links or failure to recognize timely exchange of information.

5.1.1.2. Shortcomings

Obligations, responsibilities and procedures among various organizational police units are not precisely defined. The response is often slow due to time necessary to obtain approval for certain procedures.

There is also a problem of outdated communication technology and information which slows down the work and causes delays.

5.1.1.3. Strategic goal

To upgrade the level of co-operation within police among various organizational units in line with requirements and needs.

5.1.2. Customs

5.1.2.1. Current situation

By establishing communication among organizational units of the Administration as well as customs and the Ministry of Finance, as the body in charge of monitoring of legality and efficiency of the work of the Administration, cooperation has been achieved enabling the resolution of disputed issues not only concerning regulations but also activities undertaken in gathering the information and creating a data base.

By establishing cooperation in the customs service, areas of responsibilities have been clearly determined within and among the central (Administration), regional (custom houses) and local (posts) level from the Administration to regional units and vice versa. The Customs Administration

has set standards and procedures defining what information and in what form will be transmitted to regional units.

At the central level, there is access to information »in the field« enabling that that once they are analyzed proper operative measures will be planned.

Customs Administration established a coordinating body – Operative Centre for these purposes which receives analyses, distributes and transmits to the field offices the information it obtains.

5.1.2.2. Shortcomings

The Customs Service experiences difficulties in organizing the flow of information from the Administration to regional units and vice versa. However, the Customs Service is trying to enable that interpretation of laws, explanations and instructions for proper implementation of customs procedures are in a simple and efficient way made available to regional units. Also, efforts are made in an opposite direction, so that various information gathered by regional units is transmitted to the Administration, so that depending on the issue they may be sent for processing to the competent units.

5.1.2.3. Strategic goal

Strategic goals of the customs service is to ensure that the communication between the Administration and its regional units be conducted in a simple and efficient manner.

5.1.3. Veterinary inspection service

5.1.3.1. Current situation

Daily communications of border veterinary inspectors with the head office of the Veterinary Administration in Podgorica enable cooperation which results in swift resolution of problems related to flow of shipments across border Crossings in terms of interpretation and implementation of regulations as well as in gathering information on the flow of goods, irregularities, impounded and returned shipments, etc.

Veterinary Administration submits quarterly reports to the Ministry of Agriculture, Forestry and Water Management, as the competent authority that monitors legality and efficiency of the work of this organ on the activities, including proposals to eliminate the existing shortcomings and barriers on foreign trade of these goods.

Cooperation of veterinary inspection with border phyto-sanitary inspection is carried out directly among inspectors at the border who at most border Crossings share facilities, while main inspectors have meetings, conduct tightened joint controls for shipments of animal food, aquaculture products, etc.

5.1.3.2. Shortcomings

The lack of written instructions, manuals with clearly defined procedures and types of information that should be exchanged among services in the control chain, methods of using and giving equipment and means for work between phyto-sanitary and veterinary inspection at the border crossing, etc., slow down the activities and functioning of the service.

5.1.3.3. Strategic goal

Strategic goal of the veterinary service is to ensure that the communication between the veterinary inspections be conducted in a simple and efficient manner.

5.1.4. Phyto-sanitary inspection service

5.1.4.1. Current situation

The Ministry of Agriculture, Forestry and Water Management of the Republic of Montenegro is the body competent for phyto-sanitary inspection affairs and responsible for mutual relations among internal units, management, accountability of executive officers and cooperation with other organs and organizations including control at the border and in the country.

Border phyto-sanitary inspection is present at the border as the only authority competent for control of plants, plant products and controlled facilities which points to the necessity of cooperation with sectors within the Ministry. In its work, phyto-sanitary inspection service relies on the work of authorized laboratories in the field of health care of plants with constant cooperation and communication.

5.1.4.2. Shortcomings

Phyto-sanitary inspection service is poorly equipped which causes problems in organizing the flow of information. One of major shortcomings is the lack of plan of continued and adequate training for phyto-sanitary inspectors.

5.1.4.3. Strategic goal

Strategic goal is adequate technical equipment of phyto-sanitary inspection which will automatically eliminate other problems such as those in the flow of information, working out training plan and its continued implementation.

5.2. Interagency cooperation

In order to achieve an efficient system of border management, all organs and agencies included in IBM should cooperate closely not only at border and border Crossings, but at regional and national level. The goal is to improve efficiency and efficacy of the existing capacities and diminish overlapping of competencies and misunderstandings and make the border open, controlled and secure. The cooperation between the border police, customs, veterinary and phyto-sanitary inspection is important for the achievement of an effective and efficient border management.

However, there should be cooperation with other ministries and services that are directly or indirectly included in the activities at border Crossings (for example the Ministry of Transportation, Ministry of Economy, Ministry of Tourism, Ministry for the Protection of Environment, shippers, transporters and other relevant institutions).

The State of Montenegro should focus in particular on the development of integrated information systems for national service of border control. The systems should ensure a reliable exchange of information in order to protect internal needs of forces in charge of border control and enable the exchange of information with outside institutions. While new IT systems are being developed, analyses should be conducted in order to enable the new systems to be linked at a later stage with the existing ones in the EU (SIS; CIS, etc.).

5.2.1. Border police

5.2.1.1. Current situation

Current situation at border Crossings in most cases can be characterized by poor cooperation among bodies and institutions of the Republic of Montenegro in charge of controlling the crossing of the State border. Although personnel working at border Crossings feel that the cooperation and coordination is satisfactory, it is evident that the relations are informal and more of a personal nature and that there is no professional and procedural mechanism in place or a coordinating body between ministries and other organs and institutions whose representatives have been engaged at border Crossings.

One part of these problems is due to the lack of adequate facilities and technical means for work, while it is evident that the other part is due to inability or failure to control performance of personnel at border Crossings. In certain situations and cases there is competition whereby a ministry or a body seeks approval for their work. These problems directly affect the efficiency of border management and security and have to be urgently overcome and resolved.

Illegal immigration is a big problem for the Republic of Montenegro although it is neither the country of origin nor the final destination for illegal immigrants. It is mostly a transit country and this problem and its future escalation should be viewed at regional police level.

Trafficking in human beings is the worst form of crime with exploitative character. It is a special form of a criminal act based on violation of an individual and his dignity and merits greater attention and focus of border police. The perpetrators of this crime are mostly well-connected with other forms of crime, especially terrorism, trade in drugs and arms.

In Montenegro, police is responsible for the prevention and detection of drug-smuggling across the border and in that respect has an intelligence and investigative responsibility.

The Republic of Montenegro is not a great producer or consumer of radio-active material. However, there is a clear and present danger to its citizens, region and the humankind at large, from illegal possession and possible unprofessional handling of radio active materials which is why it is necessary that the State in its entire territory be ready to respond to this challenge and problem which necessitates precaution measures at the border.

Monitoring a portion of green border in south-eastern, northern and western part has been complicated due to controlled and uncontrolled wood-cutting. Wood-cutting in the border area often obscures illegal crossing of persons and goods, including of arms and drugs. Wood-cutting in the north-eastern part bordering Kosovo and western part bordering Bosnia and Herzegovina directly threaten and prevent total surveillance over border in these regions.

Although international airport border Crossings in Podgorica and Tivat and port border Crossings in Bar, Kotor, Zelenika, Risan and Budva (seasonal), fulfil basic international security standards, they have a large number of infrastructural and technical shortcomings to be modern.

Coordination and cooperation among airport-port services is based on the work of authorities in charge of airport security and safety of navigation at sea, and they are accountable for their work to the Ministry of Maritime Traffic and Transport and the Government of the Republic of Montenegro.

Due to expansion of global terrorism and large quantities of baggage arriving to airports and ports, there is a real danger from explosive devices and terrorist activities.

There are indications that some cross-border criminal and illegal activities are taking place at the Adriatic Sea during night in conditions of diminished visibility, including at the Skadar Lake and River Bojana. It is difficult to determine the scope of these criminal activities but in view of a relatively open border at sea and at the lake, there are a lot of opportunities for all forms of criminal activities. It should also be taken into account that tightening border control at the green border, probably leads to increase in illegal cross-border transit across the blue border and vice versa.

The current regional indicators suggest that criminal activities take place mostly from the East to

the West, across the Skadar Lake and the Bojana rivers from Albania to Montenegro, and from Montenegro to Italy, Croatia and Bosnia and Herzegovina. These indications point to the need of significantly greater and constant presence of the members of border police at the river, lake and at sea. The current practice is not enough to ensure reliable detection and prevention of illegal transit across the blue border. In order to ensure constant presence, there has to be enough of trained personnel and modern technical equipment for fast and efficient response and prevention. Electronic surveillance of the blue border, which will be implemented soon, will ensure continued and reliable surveillance of movements at the lakes and at sea, which will result in more efficient and rational use of human and material-technical potentials in identifying and responding at any

portion of the Skadar Lake and Montenegrin portion of the Adriatic Sea. To make this system functional, it has to be integrated in the overall IBM system, i.e. radars, vessels and coast guard have to be in constant communication with the customs.

Within its activities of monitoring the green and blue border outside border Crossings, border police is obliged in all cases it registers and establishes the violations of administrative, tax-customs violations as well as infractions and criminal acts from the field of customs affairs, within the competency of the customs affairs in rural areas, to report to the Customs Administration accordingly without any delay.

The coordination of activities between the Customs Administration and border police in the field is direct responsibility of Inter-departmental working group. To enable that this coordination unfold without problems and that the Administration will be able to respond in a fast and efficient manner, the officers of border police have to be acquainted with the procedures of reporting administrative, tax-customs violations or criminal acts in the field of customs affairs. The report of the border police will be transmitted by established procedures to the Inter-departmental working group. The Customs Administration should ensure the necessary mechanisms and procedure for fast and efficient response as well as readiness to clearly request possible assistance or support of border police or other authorities and institutions included in the IBM. Border police and other authorities and institutions included in the IBM have to be ready to fulfil the requests of the Customs Administration.

5.2.1.2. Shortcomings

The current lack of agreement-memorandum-treaty on mutual cooperation, obligations and responsibilities leads to frequent overlapping and unnecessary complication of certain procedures in monitoring the State border and control at border Crossings.

The lack of a joint body for coordination of activities related to IBM and joint data base often result in slow and inefficient performance of border services.

The existing facilities at airports and ports correspond to the minimum work requirements. Evidently, air and naval traffic is on the rise, which slows down and complicates the organization, while some activities are simplified which threatens the security of passengers. The State is strategically committed to more tourists and traffic, but the lack of necessary infrastructure and technical capabilities diminishes overall efforts.

5.2.1.3. Strategic goal

The signing of the agreement-memorandum-treaty on mutual cooperation, obligations and responsibilities will define the competencies, mutual obligations and responsibilities for border services which will help avoid duplication and ensure knowledge of procedures in particular cases, making their work at the border more efficient and qualified.

The communication among border services should become the priority in the future. Relevant information should be routinely exchanged among the services. The methods of exchange of information should be defined by the Cooperation Agreement. On the other hand, particularly at border Crossings, informal contacts should be most effective whereby relevant information on daily affairs would be exchanged among the officers. IBM is a necessary information system for a timely, protected and precise transmission of information which has to ensure all information to the

182. INTEGRATED BORDER MANAGEMENT STRATEGY

carriers of operative plans, analysis and executives of organizational units, that they need to conduct due analyses, coordination and efficient Decision-making within their activities related to border security.

It is necessary that border police be included in the strategy for fight against trafficking and smuggling of people since it has an important and major role in controlling and checking the people crossing the State border.

Personnel engaged in controlling passengers and goods at the state border has to be well trained and properly equipped to efficiently detect and act accordingly with hazardous radioactive materials.

It is necessary to work out as soon as possible joint plans at the regional level among services of the Ministry of Agriculture, Forestry and Water Management, border police and security centres police in order to detect illegal cutting of forests and separate this activity from other possible illegal criminal activities along the border and across. The plans should clearly define the obligations of border police and police from security centres regarding mutual assistance and joint coordinated operations.

Also, in order to eliminate this problem, it is very important to complete the activities as soon as possible regarding the demarcation and identification of the State border in places where it has not yet been determined and marked, which will help avoid at least partially illegal cutting of forests.

One of important issues that have to be addressed and resolve in the forthcoming period is the issue of opening an office and assigning one officer at airports in Podgorica and Tivat and in the Port of Bar to assist border police in resolving the immigrant problems. Airport and Port Authority should ensure one room at the entrance terminal to conduct interviews with suspected immigrants.

5.2.2. Customs

5.2.2.1. Current situation

The Customs Service cooperates with the police and inspection services at the border. The cooperation with the police primarily takes place through the exchange of information on goods, transport vehicles, persons in order to suppress and prevent smuggling of goods and illegal Crossings of the State border. To that end, in order to make the activities uniform, procedure is underway to sign a protocol with police administration on mutual cooperation, responsibilities and obligations in the field of surveillance and control of crossing the State border. The cooperation with inspection services at the border is taking place through working consultative meetings and implementation of joint controls.

To achieve better cooperation with other services in the country, the Customs Administration signed agreement on the exchange of information with the Central Bank, Monstat and Tax Administration, the Administration for the prevention of money-laundering implemented through a central information system also enabling that the customs service be connected to the Ministry of Finance, i.e. budget of the Republic of Montenegro. In addition, within the Project of trade and transport facilities in south-eastern Europe, the Customs Administration and the Chamber of the Economy of Montenegro signed a Memorandum on Understanding for permanent provision of information. Its purpose is to define the role and responsibility of all border authorities and competent ministries.

The operative centre is also authorized to exchange the information it receives from other outside services in the country and abroad, via the open line, from the citizens, companies and other entities, with other services present at the border.

5.2.2.2. Shortcomings

Although the existing regulations enable cooperation only up to a certain level, the cooperation with other State authorities is developed respecting legally prescribed competencies and authorities of each state organ individually, with a view to simplifying procedures, facilitating trade and transport as well as accelerating the flow of goods and passengers.

The major shortcoming is that the agreements on cooperation have been signed with a small number of entities of importance from the point of the customs service. In point of fact, there are no

agreements on cooperation with other services in the country such as shipping agencies, ferries, air and other companies.

5.2.2.3. Strategic goal

More precise definition of relations, competencies and responsibilities of certain services at the border will be achieved by concluding the agreement on clear control procedures, distribution of tasks and responsibilities (of particular importance for border Crossings where all services are not present) between the customs service and border police, customs service and veterinary and phyto-sanitary inspection and others.

The agreement on cooperation between the customs service and border police is of particular importance since those two services cooperate closely on a daily basis at border and because there is sometimes a need for joint action. This agreement will facilitate cooperation and specify activities that should be undertaken in situation when security of border area i.e. of citizens is threatened (weapons, nuclear material, etc.). For these needs, there is a plan to introduce a national crime-intelligence system.

The agreement on cooperation between the customs service and veterinary and phyto-sanitary inspection will enable clear procedures and competencies. Customs offices will know exactly what to do with goods within the competencies of these services, particularly when these services are not present.

The Customs Service has to maintain good cooperation with other services in the country and to that end sign cooperation agreements with shipping agents, ferry, air, telephone and postal companies, Employers' Union, etc. In order to exchange information between the customs service and ferry companies, there are plan to introduce MAPS system.

In line with the tasks of the Customs Service and with a view to strengthening credibility and integrity of the customs service in the fight against customs fraud, corruption and other negative phenomena, it is necessary to work out, in addition to the existing ones, new ways of cooperation with citizens and media.

5.2.3. Veterinary inspection service

5.2.3.1. Current situation

The existing regulations enable the cooperation between border services but define them only in a general form, without specifying procedures and rules. The existing regulations enable cooperation among border services. However, they are vague without specific procedures and regulations.

5.2.3.2. Shortcomings

The contacts among border services are informal and daily but almost unofficial. Extremely bad technical equipment and infrastructure slow down the exchange of information and quality of work.

5.2.3.3. Strategic goal

Priority in cooperation between border services should be given to improvement and acceleration of the exchange of information and communication, defining the flow of information among services at all levels, with a view to optimal performance by all services individually and jointly. Holding of periodic joint meetings at all levels will contribute to the daily exchange of experience as a basis for other activities which will contribute to the improvement of cooperation among border services.

It is necessary to take into account that it is necessary to establish communication with business entities in order to conduct timely exchange of information of importance for their operations. It is

necessary to define procedures for providing information, ways for quick exchange of information, establish a system of emergency information and type of data to be exchanged by inter-agency agreements.

5.2.4. Phyto-sanitary inspection service

5.2.4.1. Current situation

Phyto-sanitary inspection at border Crossings cooperates with customs and police as well as with other inspection services. The cooperation mostly covers the exchange of information on goods and vehicles with a view to enabling the best quality of the flow of plants, plant products and faculties under surveillance.

There are no protocols on cooperation with all services, but consultative meetings are held on a regular basis. Inter-agency cooperation is satisfactory and is conducted either in a written form or in direct contacts with relevant services. The promotion of this type of cooperation is strengthened by concluding relevant protocols.

5.2.4.2. Shortcomings

Shortcomings in inter-agency cooperation relate to the need to upgrade already signed protocols as well as to conclude the new ones and to work out the action plans with other services in the country.

5.2.4.3. Strategic goal

To acquire and install as soon as possible adequate equipment and develop information system at all levels that would significantly improve the conditions and facilitate communications and exchange of information among all interested parties. It is also necessary to harmonize cooperation procedures and clearly define the roles and tasks of border services.

5.3. International cooperation

International cooperation with neighbouring countries regarding border management is an extremely good means to perform the tasks efficiently. It can be achieved by the exchange of information, joint patrols, establishment of appropriate channels of communication and local contact persons, as well as procedures to be followed concerning incidents and emergency situations. International cooperation should be maintained at multilateral and bilateral level.

The cooperation between Montenegro and neighbouring countries is necessary for example to determine joint infrastructure and priorities in modernisation, in order to eliminate differences in the border crossings; to determine harmonization of control as well as joint actions.

Border control services of the Western Balkan countries should actively be included in the process of European multilateral cooperation. Further implementation of relevant recommendations of the

Budapest Groups of ministers in charge of migration should be ensured as well as their active participation in relevant working groups of the Budapest process.

The cooperation between border control services of States bordering seas is essential in view of the geographical position of some Western Balkan States. This cooperation should be developed at central, regional and local level. It is recommended to organize joint actions and establishment of bilateral and trilateral coordinating centres which will facilitate the exchange of information and coordination of activities in the border area.

5.3.1. Border police

5.3.1.1. Current situation

The police of the Republic of Montenegro have accepted and implement as a strategic base the policy of coordination and cooperation with neighbouring and regional partners in border management and fight against trans-national crime. Montenegrin police, independently or through the State Union actively participates in several international police institutions, like INTERPOL, EUROPOL and SECI centre. Montenegro has undertaken an obligation at the Ohrid Conference for regional border management and direct strengthening of all international mechanisms of coordination in the fight against organized cross-border crime and terrorism.

The measures to strengthen and improve direct cooperation with neighbours and within the region are undertaken, and it is planned to formalize the existing informal cooperation by signing agreement-memorandum on cross-border cooperation. The draft agreements-memorandums specify mutual obligations within a wide range for international cross-border cooperation (joint patrols, exchange of national liaison officers, joint risk analysis, exchange of experience and information, cooperation in the field of training, investigations, etc.).

Aware that is not possible to immediately establish joint liaison office, we have appointed contact persons to conduct exchanges of information.

We hold regular meetings at local, regional and central level. Commanders from the ranks of border and police, meet at least once a month with their colleagues from neighbouring states. It is necessary that these meetings be attended by customs representatives of both states. These meetings are held on the basis of local work plans and focus on the exchange of information related to border crossing and zone under the surveillance of the territorial unit.

5.3.1.2. Shortcomings

The lack of cooperation agreement with neighbouring border police defining mutual obligations.

Poor infrastructure at border Crossings in the field of IT system slows down the work and affects efficiency of border police.

Insufficient knowledge of English, Albanian and Italian hampers communication between members of border police as they conduct control at border Crossings, exchange information with neighbouring border police and contacts in bilateral and international cooperation.

5.3.1.3. Strategic goal

To formalize the existing cooperation by signing the agreement on police cross-border cooperation.

As a sign of trust within bilateral cooperation, it is necessary to prepare and sign protocols with neighbours on joint patrols at specific portions of Montenegrin border. The organization of these border patrols will enable a more rational use of human, material and technical resources and means in border protection. The activities will also be promoted by organizing joint patrols whereby members of one service may have a consulting role in the territory of another.

To work out joint action plans and system of communications in emergency and special situations

(for example, transport of weapons, nuclear material, hazardous chemicals, in emergency security situations, natural disasters, animal diseases epidemics, serious food-related risks, etc.).

Technical equipment and infrastructure of border Crossings in the territory of the Republic of Montenegro should be coordinated at the regional/bilateral level. Conditions should be created to enable through future development of cooperation possibilities to share infrastructure and build joint border Crossings. Such projects in the future should promote the trust and good cross-border cooperation with a joint goal of achieving a more efficient and faster border control.

In order to achieve future closer cooperation among border police of the regional countries and in view of the need for networking and faster exchange of information, it is hugely important to develop compatible national IT systems. It is also necessary to ensure the compatibility of that system of the Schengen information system (SIS).

To implement joint professional education and training with officers of neighbouring border police planned for joint patrols.

To establish Joint border commissions with the Republic of Albania, Croatia, Bosnia and Herzegovina and the Republic of Serbia.

For contacts in bilateral and international cooperation, knowledge of English is necessary. Although the members of border police of the Republic of Montenegro understand the language of Officials from border services of Croatia, Bosnia and Herzegovina and Serbia, for most part they do not understand the language of border patrols of Albania and Italy which may be one of the impediments in everyday contacts but could be relatively easily resolved by organizing language courses for police officers working at the border with these two neighbouring countries.

5.3.2. Customs

5.3.2.1. Current situation

International cooperation with neighbouring and other countries can facilitate trade and prevent, i.e. reduce crime through the exchange of information, appropriate channels of communications, local points of contact, procedures for emergency situations, etc.

In order to achieve these goals, the customs service of Montenegro in the previous period signed a large number of agreements on customs cooperation with foreign customs administrations. These agreements primarily regulate mutual assistance in preventing and investigation of customs and foreign trade regulations, assistance in suppression of smuggling, undertaking measures for cooperation in studying, working out and implementing customs procedures, training, exchanges of experts and harmonization of customs systems, upgrading of customs techniques, and resolution of problems arising from implementation of customs regulations.

5.3.2.2. Shortcomings

Major shortcoming of the customs service in the field of international cooperation is that the Republic of Montenegro has not yet acceded to the World Trade Organization having in mind the importance of this organization in the field of facilitating trade and efficiency of trade flows.

5.3.2.3. Strategic goal

Growing international trade requires simplification of procedures and acceleration of the flow of goods, which is why it is necessary to constantly develop customs procedures and checks, in line with the best practices of the European Union and other countries.

There are plans to fulfil the standards set in the Revised Kyoto Convention, so that even before deadline of three to five years, following the accession, the standards might be fulfilled creating at the same time conditions for fulfilment of possible new standards.

It is also planned to continue the activities towards the accession to the WCO and WTO.

The cooperation with the European Union and international organizations dealing with international trade and customs cooperation should be more intensive and aimed at efficient coordination of joint operations, with a view to preventing any form of illegal trade and cross-border crime and protection of financial interests and security of the Republic of Montenegro and outer borders of the European Union.

There are also plans to follow and participate in international activities organized by customs administrations, WCO and other organizations in order to be well-informed on customs violations and other aspects of illegal acts which would contribute to more efficient customs control. At the same time, it will improve cooperation i.e. contacts between the Customs Administration of the Republic of Montenegro and other customs administrations.

Direct contacts at border Crossings should be intensified with neighbouring customs administrations and other services thereby encouraging better exchange of information at local level enabling a faster flow of goods and passengers.

5.3.3. Veterinary inspection service

5.3.3.1. Current situation

International cooperation of the veterinary service of Montenegro with veterinary services of neighbouring countries is satisfactory and is conducted mostly through direct contacts of managers of veterinary administrations, border veterinary inspectors and main veterinary inspectors.

This cooperation should be strengthened by concluding necessary agreements with veterinary services of other countries. The Ministry of Agriculture, Forestry and Water Management signed a Cooperation Agreement with Croatia. In 2003, the Protocol on harmonization of acts and procedures was signed with the Ministry of Agriculture of the Republic of Serbia in foreign trade of goods subject to obligatory veterinary control at the State border of the State Union of Serbia and Montenegro.

5.3.3.2. Shortcomings

The lack of agreements between veterinary inspection services with veterinary services of all neighbouring countries.

5.3.3.3. Strategic Goal

Permanent and active following and participation in international events related to issues from the field of work of veterinary service and intensified direct contacts with veterinary services with a view to signing cooperation agreements.

5.3.4. Phyto-sanitary inspection service

5.3.4.1. Current situation

International cooperation on phyto-sanitary issues is satisfactory and is carried out in a written form or in direct contacts with relevant services.

The promotion of this type of cooperation is strengthened by concluding phyto-sanitary agreements with other countries. The Ministry of Agriculture, Forestry and Water Management signed an

agreement on phyto-sanitary cooperation with Croatia. Protocol was signed with the Ministry of Agriculture of the Republic of Serbia on harmonizing acts and procedures during foreign trade in goods that are subject to mandatory phyto-sanitary control at the state border of the State Union Serbia and Montenegro.

5.3.4.2. Shortcomings

The lack of phyto-sanitary agreements with all neighbouring countries which would largely facilitate the work of the service.

5.3.4.3. Strategic goal

Active monitoring and participation in international activities related to phyto-sanitary sector in order to gain knowledge and exchange experience related to health care protection of plants and intensification of direct contacts with phyto-sanitary services of neighbouring countries in order to achieve better and faster exchange of information.

6. RESOURCES FOR INTEGRATE BORDER MANAGEMENT

The goals set in the Strategy require elaboration in the Action Plan and resources for implementation of each of them should be clearly defined.

The modern system of border security requires high-quality and professional personnel and use of state-of-the-art technical resources. In that connection, it is necessary to allocate sources for education and acquisition of information equipment, radio–radar and laser techniques, telecommunications means, aircraft, naval vessels for control of sea border, motor vehicles and other necessary technical equipment and means.

The implementation of the Strategy will largely depend on available financial recourse which would be additionally allocated from the budget of the Republic of Montenegro for integrated border management. There is still not a joint budget plan for the implementation of the integrated border management for acquisitions and implementation of planned activities.

All border services in the Republic of Montenegro, except the State Border Directorate, have a separate portion of the budget which they use to finance their current needs, while border police finances its needs from the resources of the Ministry of Interior.

There is an interest among certain international organizations to invest in education of personnel and their technical modernization. Through CARDS program the European Commission provides assistance and announced new forms of donations. This strategy will enable all possible donors to get a clearer picture of the current situation regarding border management in the Republic of Montenegro, the level of technical equipment and professional qualifications of personnel engaged in these tasks, our views along the road of integrated border management with all advantages it carries.

7. TIMETABLE FOR STRATEGY IMPLEMENTATION

Set strategic goals may be classified as short-term, medium-term and long-term which primarily depends on the scope of the set goal and necessary resources for its achievement.

The Action Plan could work out short-term goals with effects to be achieved in this year and first half of the next, mostly related to legal and organizational framework, management and mutually linked procedures and proceedings. Thus, this would refer to the goals that are largely not dependent on significant financial and material resources.

The realization of other goals would be of medium- and long-term character (end of 2007) and they will require significant material resources either from the budget of Montenegro or from possible donations. Approximate needs related to the achievement of set goals and deadlines will be worked out in the Action Plan.

8. RECOMMENDATIONS FOR ACTIONS TO BE TAKEN TO DEVELOP DETAILED NATIONAL ACTION PLANS

The goals contained in the Strategy are extremely large and ambitious. However, in view of the time set in the document it seems that their achievement is highly necessary.

This document and the information it contains partly deals with the Action Plan which is a clear signal of Montenegro's commitment to the Stabilization and Association process i.e. fulfilment of set goals that all State institutions have to meet on the road to European integrations.

182. INTEGRATED BORDER MANAGEMENT STRATEGY

It is possible to make interventions in the Strategy either by proposing amendments depending on perceived problems, shortcomings and barriers in its implementation.

In order to implement and enforce this Strategy in a planned fashion, inter-departmental working group will prepare the Action Plan defining priority goals, concrete activities and deadlines for implementation, necessary financial resources and institutions in charge of financing of the Strategy.

Annex 1**Border police**

1. Law on coastal sea and continental shelf of the SFRJ ("Official Gazette of the SFRY", No. 49/87).

2. Law on stay and movement of aliens ("Official Gazette of the FRY", No. 56/80),
 - Rules on issuance of travel and other documents and visas to aliens and forms of these documents and visas ("Official Gazette of the SFRY", No. 44/81),
 - Instruction for the implementation of the Law on movement and stay of aliens ("Official Gazette of the SFRY", No. 13/90),
 - Instruction for the implementation of the Law on travel documents of the nationals of the SFRY ("Official Gazette of the SFRY", No. 13/90).

3. Law on conditions for employment of foreign nationals ("Official Gazette of the SFRY", No. 11/78).
 - Instruction on the implementation of the Law on crossing the State border and movement in the border area ("Official Gazette of the SFRY", No.13/90),
 - Rules on control of the crossing of the State border and movement, stay, taking residence, hunting and fishing in the border area ("Official Gazette of the SFRY", No.14/80),
 - Rules on method and conditions for registering radio stations and terms and conditions for aliens using and taking out radio stations across the territory of the SFRY ("Official Gazette of the SFRY", No. 70/86),
 - Decision on expansion of border area in certain portions of the State border ("Official Gazette of the FRY"),
 - Decision on the ban and limitation of movement and taking residence in certain parts of sea coast, island or parts of islands ("Official Gazette of the FRY", No. 12/80),
 - Rules on ways to determine and resolve border incidents and other violations of the State border ("Official Gazette of the SFRY", No. 12/80),
 - Rules on submarine activities in coastal sea of the SFRY ("Official Gazette of the SFRY", No. 12/80),
 - Rules on areas and facilities encompassed by the border Crossings for international traffic and border Crossings for border traffic ("Official Gazette of the SFRY", No. 8/80), and
 - Decree on arrival and stay of foreign yachts and foreign boats intended for entertainment or sports in coastal sea on rivers and lakes ("Official Gazette of the SFRY", No. 38/87).

Regulations adopted at the level of the State Union:

- Decision of the Council of Ministers on abolition of visas for travelling and staying in Serbia and Montenegro ("Official Gazette of Serbia and Montenegro", No. 23/2003 of 30.May 2003).

Regulations adopted at the level of the Republic of Montenegro:

- Law on monitoring of the State border ("Official Gazette of the Republic of Montenegro", No. 72/12-05).
- Decision of the Government of the Republic of Montenegro on conditions allowing foreign nationals to enter and stay in Montenegro without a visa for tourist reasons ("Official Gazette of the Republic of Montenegro", No. 21/2002).

Pending legal regulations:

Within overall social transformation, it is extremely important to create a safe environment in the territory of Montenegro where the citizens, business and social entities will be able to fulfil their rights and interests. This will have a positive effect on the strategic aspirations of Montenegro and contribute to its openness for a free and legal exchange of people, ideas, capital and goods.

The Ministry of Interior Affairs in cooperation with other competent ministries in the Government of the Republic of Montenegro, the representatives of the OSCE, Council of Europe and representatives of the IOM Office, prepared the following draft regulations in the field of border security,:

- Law on aliens and
- Law on asylum

By-laws of importance to the work of border police that should be adopted in the forthcoming period:

- Rules on monitoring and control of crossing the State border;
 - Rules on the work of border police at airports and ports;
 - Rules with job description for members of the border police;
 - Rules on systematization of jobs;
 - Rules-Decree on staying in the area of border crossing;
 - Rules on control of carrying fire arms across the State border;
 - Rules on the use of means of coercion in performing the tasks of monitoring and controlling the crossing of the State border;
 - Rules on disciplinary and material responsibility;
 - Rules-Decree on arms and equipment of border police;
 - Rules-Decree on uniform, marks and ranks of border police;
 - Rules on Official records in border police and its keeping;
 - Rules on the work of internal control;
 - Rules on the markings at the State border and border Crossings;
 - Rules on the resolution of border incidents and other border violations;
 - Agreement on cooperation with the Customs Administration of Montenegro with clearly defined mutual obligations and responsibilities
- **International agreements of importance for the work of border police:**
- Agreements on police cooperation with neighbouring border police-services (Protocol on joint patrols, Protocol on joint control at border Crossings, Protocol on the exchange of information-data, cooperation at national, regional and local level);
 - Agreements with third countries defining issues from the field of engagement of border police;
 - Multilateral agreements (EU – European border police).

Annex 2

Customs Administration

Customs regulations:

Laws:

- Customs Law ("Official Gazette of the Republic of Montenegro", No. 7/02, 38/02, 72/02, 21/03, 31/03, 29/05);
- Law on Customs Service ("Official Gazette of the Republic of Montenegro", No. 7/02, 29/05);
- Law on customs tariff ("Official Gazette of the Republic of Montenegro", No. 75//05).

Decree:

- Decree on procedures regarding goods and passengers at the border between Montenegro and Serbia ("Official Gazette of the Republic of Montenegro", No.26/03, 54/05);
- Decree on the procedure to fulfil the right to be exempt from payments of customs duties ("Official Gazette of the Republic of Montenegro ", No.22/03);
- Decree on terms and conditions of sale of customs goods and other procedures with customs goods ("Official Gazette of the Republic of Montenegro", No.22/03, 62/04);
- Decree on amount and method of payment for the customs services ("Official Gazette of the Republic of Montenegro, No.20/03, 62/04, 54/05);
- Decree on conditions for representation before the customs authorities ("Official Gazette of the Republic of Montenegro", No. 20/03, 62/04);
- Decree for the implementation of the Customs Law ("Official Gazette of the Republic of Montenegro", No. 15/03);
- Decree on procedures by the customs authorities with goods suspected of violating intellectual property rights ("Official Gazette of the Republic of Montenegro", No.25/05);
- Decree on the establishment of customs houses and organizational units – customs houses in the Customs Administration of Montenegro ("Official Gazette of the Republic of Montenegro", No. 31/04, 42/02);
- Decree on issuance of certificates accompanying goods at import, export or transit ("Official Gazette of the Republic of Montenegro", No.41/05);
- Decree on specific procedure and terms and conditions for opening of duty free shops ("Official Gazette of the Republic of Montenegro", No.43/05).

Rules of procedure:

- Rules of procedure related to terms and conditions for carrying arms and ammunition by authorized customs officers ("Official Gazette of the Republic of Montenegro", No. 48/04);
- Rules of procedure on the form, content, method of submission and completion of customs declaration and joint report ("Official Gazette of the Republic of Montenegro", No.16/03, 43/04, 2/05, 14/05);
- Rules of procedure on Official clothes of customs Officials ("Official Gazette of the Republic of Montenegro", No. 70/02);
- Rules of procedure on the form and procedure for the issuance of Official IDs and method of marking Official transport vehicles by customs service marks ("Official Gazette of the Republic of Montenegro", No. 72/02);
- Rules of procedure on the types and method of use of customs marks ("Official Gazette of the Republic of Montenegro, No. 49/05).

Instructions:

- Instruction on terms and conditions for third persons to pay customs duties ("Official Gazette of the Republic of Montenegro", No. 19/04);
- Instruction on special measures of customs surveillance upon placing the goods on market, i.e. on the occasion of import and transit of sugar ("Official Gazette of the Republic of Montenegro" No, 37/03).

List of tax regulations:

Laws:

- Law on value added tax ("Official Gazette of the Republic of Montenegro", No. 65/01,12/02,38/02,72/02,21/03, 76/05, 4/06);
- Law on sales tax of used motor vehicles, naval vessels, aircraft and airplanes ("Official Gazette of the Republic of Montenegro", No.55/03).

Rules of Procedure:

- Rules of procedure on realizing the right to be exempted from excise payment and value added tax for diplomatic and consular missions and international organizations ("Official Gazette of the of the Republic of Montenegro", No. 74/04);
- Rules of procedure on implementation of Law on value added tax ("Official Gazette of the Republic of Montenegro", No. 65/02,13/03, 59/04, 79/05);
- Rules of procedure on establishment of goods and services taxed according to lower VAT rate ("Official Gazette of the Republic of Montenegro", No.81/05, 3/06).

Instructions:

- Instruction on procedures related to exemption from VAT payment in cases envisaged under international agreements or treaties ("Official Gazette of the Republic of Montenegro, No. 34/03).

List of excise regulations:

Laws:

- Law on excise ("Official Gazette of the Republic of Montenegro", No. 65/01, 12/02, 76/05).

Decrees:

- Decree on amended payments of excise for tobacco products with the Republic of Serbia ("Official Gazette of the Republic of Montenegro", No. 82/05);
- Decree on marking tobacco products and alcoholic beverages by control excise stamps ("Official Gazette of the Republic of Montenegro", No.82/05).

Rules of Procedure:

- Rules of procedure on implementation of the Law on excise ("Official Gazette of the Republic of Montenegro", No.18/02, 31/02);
- Rules of procedure on colouring and marking mineral oils used for heating ("Official Gazette of the Republic of Montenegro", No.23/02).

List of foreign trade regulations:

Laws:

- Law on Foreign Trade ("Official Gazette of the Republic of Montenegro", No.28/04);
- Law on medical means ("Official Gazette of the Republic of Montenegro" No. 79/04);
- Law on medicines ("Official Gazette of the Republic of Montenegro", No. 80/04);
- Law on the protection from ionizing radiation ("Official Gazette of the Republic of Montenegro" No.24/98);
- Law on road transport ("Official Gazette of the Republic of Montenegro", No.45/05);
- Law on current and capital foreign trade ("Official Gazette of the Republic of Montenegro", No.45/05);
- Law on weapons ("Official Gazette of the Republic of Montenegro", No. 49/04);
- Law on foreign trade in weapons, military equipment and dual purpose goods ("Official Gazette of the Republic of Montenegro", No. 7/05);
- Law on the quality of agricultural and food products in foreign trade ("Official Gazette of the SFRY", No.12/95, 59/98);
- Law on standardization ("Official Gazette of Serbia and Montenegro", No.44/05);
- Law on standardization ("Official Gazette of FRY", No. 30/96, 59/98, 70/01, 8/03);
- Law on accreditation ("Official Gazette of Serbia and Montenegro", No.44/05);
- Law on metrology ("Official Gazette of Serbia and Montenegro", No.44/05);
- Law on technical requirements for products and assessment of the products harmonization of set requirements ("Official Gazette of Serbia and Montenegro", No.44/05);
- Law on control of items made of precious metals ("Official Gazette of FRY", No.80/94, 28/96);
- Law on tobacco ("Official Gazette of the Republic of Montenegro", No.80/04, 5/05);
- Veterinary law ("Official Gazette of the Republic of Montenegro" No. 11/04);
- Law on plant protection ("Official Gazette of FRY", No.24/98);
- Law on basic environmental protection ("Official Gazette of FRY", No.24/98);
- Law on health safety of food staples and items for general use ("Official Gazette of the Republic of FRY", No.24/94, 28/96, 37/02);
- Law on the prevention of money laundering and financing of terrorism ("Official Gazette of the Republic of Montenegro, No. 55/03, 58/03, 17/05);
- Law on transport of hazardous materials - ("Official Gazette of SFRY", No. 027/90. 045/90. 024/94. 028/96. 068/02);
- Law on production and trade in hazardous materials - ("Official Gazette of FRY" No. 015/95. 028/96. 037/02);
- Law on trade in explosive materials - ("Official Gazette of SFRY", No. 030/85. 006/89. 053/91. 024/94. 028/96. 068/02);
- Law on waste management ("Official Gazette of the Republic of Montenegro", No.82/05).

Decrees:

- Decree for the implementation of foreign trade law ("Official Gazette of the Republic of Montenegro", No.52/04);

- Decree on joint market, sanitary, veterinary and agricultural inspection control in foreign trade ("Official Gazette of the Republic of Montenegro", No. 33/00, 12/01);
- Decree on special duty for import of agricultural and food products ("Official Gazette of the Republic of Montenegro", No. 61/03).

Decisions:

- Decision on control list for import and export of goods ("Official Gazette of the Republic of Montenegro" No.44/03);
- Decision on terms for import of used motor vehicles ("Official Gazette of the Republic of Montenegro" No.33/04, 42/04);
- Decision on the establishment of the National control list of dual-use goods ("Official Gazette of Serbia and Montenegro", No. 11/05);
- Decision on the establishment of National control list of weapons and military equipment ("Official Gazette of Serbia and Montenegro", No. 11/05, 42/05)

- Decision on the determination of agricultural and food products and processed food thereof intended for import and export and are subject to quality control ("Official Gazette of FRY", No.13/96, 39/96);
- Decision on marking poisons in trade ("Official Gazette of FRY", No. 38/97);
- List of poisons sorted in groups ("Official Gazette of FRY", No. 12/00);
- List of poisons whose productions, trade and use are prohibited ("Official Gazette of the Republic of FRY", No. 12/00);
- Decision on the amount of cash that may be taken in or out of the Republic of Montenegro without reporting ("Official Gazette of the Republic of Montenegro", No.58/05).

Rules of procedure:

- Rules of procedure on control of homologation and ecological safety of used motor vehicles on import ("Official Gazette of the Republic of Montenegro", No. 42/04);
- Rules of procedure on terms and conditions for gathering and use of unprotected plant species ("Official Gazette of the Republic of Montenegro" No. 27/02 and 64/03);
- Rules of procedure on form for issuance of licenses, license form and other document forms for foreign trade in controlled goods ("Official Gazette of the Republic of Montenegro", No. 12/05);
- Rules of procedure on method of transport of dangerous materials in road transport ("Official Gazette of SFRY", No.82/90);
- Rules of procedure on transport of hazardous materials in railway transport ("Official Gazette of FRY", No.25/92);
- Rules of procedure on transport of hazardous materials in sea traffic and inland waterways ("Official Gazette of SFRY", No.17/87);
- Rules of procedure on health inspection of plant shipments in trade over the State border ("Official Gazette of FRY", No.69/99, 59/01);
- Rules of procedure on the quality and other requirements for tea, herbal tea and instant teas across the border ("Official Gazette of Serbia and Montenegro", No.51/05);
- Rules of procedure on technical and other requirements for oil liquid fuels ("Official Gazette of Serbia and Montenegro", No. 51/04).

Decisions:

- Decision on placing under protection rare, scarce, endemic and endangered plant and animal species ("Official Gazette of the Republic of Montenegro", No. 36/82).

Orders:

- Order on undertaking measures for the prevention of import of contagious disease - Bovine Spongiform Encephalopathy in the Republic of Montenegro ("Official Gazette of the Republic of Montenegro", No. 23/05);
- Order on ban of taking in and trade in live pigs originating from the Republic of Serbia to the

territory of the Republic of Montenegro ("Official Gazette of the Republic of Montenegro", No. 32/05, 43/05);

- Order on the ban of import in the Republic of Montenegro and across its territory of shipments of birds, raw materials and culls originating from birds with a view to preventing the spread of bird flu ("Official Gazette of the Republic of Montenegro", No. 54/05);
- Order on the ban of hunting of feathered game in the territory of the Republic of Montenegro with a view to preventing the spread of bird flu ("Official Gazette of the Republic of Montenegro", No.58/05, 74/05).

Protocols:

- Protocol on harmonizing procedures regarding cross-border trade in poisons, ionizing radiation, waste, substances depleting ozone layer and protected wild plant and animal species with a view to controlling the border of the State Union of Serbia and Montenegro;

- Cooperation agreement between the Customs Administration and Administration for the Prevention of Money Laundering.

List of other regulations (indirect):

Laws:

- Law on foreign investments ("Official Gazette of the Republic of Montenegro", No. 52/00);
- Law on business societies ("Official Gazette of the Republic of Montenegro", No. 6/02);
- Law on agreements on road transport ("Official Gazette of FRY", No.26/95);
- Law on administrative taxes ("Official Gazette of the Republic of Montenegro", No. 55/03, 46/04, 81/05, 3/06);
- Law on limiting the use of tobacco products ("Official Gazette of the Republic of Montenegro", No.52/04);
- Law on production and trade in psychotropic drugs ("Official Gazette of FRY", No.46/96, 37/02);
- Law on general administrative procedure ("Official Gazette of the Republic of Montenegro", No. 60/03);
- Law on administrative proceeding ("Official Gazette of the Republic of Montenegro", No. 60/03);
- Law on tax administration ("Official Gazette of the Republic of Montenegro", No. 65/01, 80/04);
- Law on monitoring the State border ("Official Gazette of the Republic of Montenegro", No. 72/05);
- Law on free zones ("Official Gazette of the Republic of Montenegro", No. 42/04);
- Law on copyrights and related rights ("Official Gazette of the Republic of Montenegro", No. 61/04);
- Law on seals ("Official Gazette of the Republic of Montenegro", No. 61/04, 7/05);
- Law on legal protection of design ("Official Gazette of the Republic of Montenegro", No. 61/04);
- Law on the protection of topography of integrated Circuits ("Official Gazette of Serbia and Montenegro", No. 61/04);
- Law on patents ("Official Gazette of Serbia and Montenegro", No. 32/04);
- Law on geographical marks of origin ("Official Gazette of FRY", No. 15/95, 35/95);
- Law on the protection of population from contagious diseases ("Official Gazette of the Republic of Montenegro", No.32/05);
- Law on postal services ("Official Gazette of the Republic of Montenegro", No. 46/05);
- Law on sea fishing ("Official Gazette of the Republic of Montenegro", No.55/03);
- Law on hunting ("Official Gazette of the Republic of Montenegro", No.47/99);
- Law on free access to information ("Official Gazette of the Republic of Montenegro", No.68/05);
- Law on accounting and auditing ("Official Gazette of the Republic of Montenegro", No.69/05);
- Law on securities ("Official Gazette of the Republic of Montenegro", No.59/00, 10/01);

182. INTEGRATED BORDER MANAGEMENT STRATEGY

- Law on waste management ("Official Gazette of the Republic of Montenegro", No.82/05);
- Law on science and research ("Official Gazette of the Republic of Montenegro", No.71/05);
- Ethical code of public servants and officers ("Official Gazette of the Republic of Montenegro", No.81/05).

Decrees:

- Decree on joint auditing ("Official Gazette of the Republic of Montenegro", No. 48/03);
- Decree on governance of border Crossings ("Official Gazette of the Republic of Montenegro", No. 46/05);
- Decree on compensation of costs in administrative procedure ("Official Gazette of the Republic of Montenegro", No.6/04);
- Decree on office administration for public servants ("Official Gazette of the Republic of Montenegro", No.61/92).

Rules of Procedure:

- Rules of Procedure on the quality of fruit juices, fruit juices made of concentrate, fruit nectars, granulated fruit juices and related products ("Official Gazette of FRY", No.33/95);
- Rules of Procedure on the quality and other requirements related to wines ("Official Gazette of FRY", No.54/99, 39/02);
- Rules of Procedure for acts used in administrative procedure ("Official Gazette of the Republic of Montenegro", No.6/04).

Orders:

- Order on the method of payment for public income ("Official Gazette of the Republic of Montenegro" No. 82/04, 10/05, 32/05, 49/05, 51/05);
- National plan for bird flu and flu pandemic.

International legal sources of the customs system of Montenegro are bilateral and multilateral agreements (conventions).

Multilateral activities are based on the participation in the work of the World Customs Organization. Customs Administration of Montenegro participates in the work of standing committees and sub-committees and follows the conventions adopted by the World Customs Organization.

Montenegro implements seven out of twelve WCO international conventions:

- Convention establishing the Customs Cooperation Council;
- Convention on the Harmonized Commodity Description and Coding System;
- Customs Convention on the Temporary Importation of Pickings;
- Customs Convention on the temporary importation of professional equipment;
- Customs Convention Concerning Facilities for the Importation of Goods for Display or Use at Exhibitions, Fairs, Meetings or Similar Events;
- Customs Convention concerning Welfare Material for Seafarers ;
- Kyoto Convention (initiative has been launched to accede to the revised Kyoto Convention – International convention on the simplification and harmonization of customs procedures).

Custom Administration also monitors the implementation of the following conventions :

- Convention on facilitating tourism;
- Customs convention on temporary importation of private road vehicles;
- Customs convention on temporary importation of commercial road vehicles ;
- International Convention on Harmonization of Frontier Controls of Goods (Geneva);
- European Convention on Customs Treatment of Pallets Used in International Transport

- Customs convention on the temporary importation for the private use of aircraft and pleasure boats;
- Convention on the contract for the international carriage of goods (CMR);
- Convention on the means of prohibiting and preventing illicit import, export and transfer of ownership of cultural property;
- UN Convention against illicit traffic in narcotic drugs and psychotropic substances;
- Single convention on narcotic drugs;
- Convention on psychotropic substances;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- Basel Convention on the control of trans-boundary movements of hazardous wastes and their disposal
- Convention on the prohibition of the development, production, use and stockpiling of chemical weapons and their destruction;
- Vienna Convention (Montreal Protocol) on the substances that deplete the ozone layer;
- Customs convention on temporary importation of pedagogic material;

- Customs convention on temporary importation of scientific equipment;
- Agreement on implementation of Article VII of GATT-a (customs values);
- Customs convention on the international transit of goods (ITI Convention);
- Vienna conventions on diplomatic and consular relations;
- Convention on the privileges and immunities of the United Nations and specialized agencies;
- Convention on special missions;
- Convention on the contract on international transport by road of passengers and goods (CVR);
- Convention concerning international carriage by rail (CIM);
- Agreement on transport in air traffic (AWB);
- Agreement on transport in naval traffic (B/L);
- Agreements on international transport of passenger and goods in road traffic have been concluded with: former USSR states, Austria, Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Great Britain and Northern Ireland, Denmark, Greece, Iran, Italy, Republic of Ireland, Cyprus, Luxembourg, Hungary, Macedonia, Germany, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Turkey Finland, France, Netherlands, Croatia, Czech Republic, Switzerland, Sweden and Spain;
- Agreement of trade aspects of the right of intellectual property (TRIPS Agreement);
- Agreement on import of items of educations, scientific and cultural character, with the Protocol – Overview 7/98, 1/00;
- European convention on the protection of animals in international transport;
- World postal convention;
- Agreement between Serbia and Montenegro and NATO on transit arrangements for support to peacekeeping operations ;
- Protocol against illegal production and trade in fire arms, its parts, and ammunition UN Convention against trans-national organized crime;
- Law on verifying the acts of the World Postal Alliance.

In international bilateral activities of the Customs Administration of Montenegro, central place is accorded to bilateral agreements on mutual administrative customs cooperation and assistance to interested countries.

The following agreements are currently being implemented:

- Macedonia (4 September 1996);
- Russia (6 November 1996);
- Bulgaria (4 June 1997);
- Romania (14 January 1998);
- Czech Republic (9 September 1998);
- Hungary (24 September 1998);

- Slovak Republic (28 March 2001);
- Bosnia and Herzegovina (18 December 2001);
- Turkey (6 February 2002);
- Italy (29 March 2002);
- France (28 April 1971);
- Austria (15 March 1978);
- Greece (4 October 1983);
- China (1989);
- Germany (2 April 1974);
- Poland (9 May 1967);
- USA (1990).

The agreement on customs cooperation and mutual assistance has been concluded with the customs service of Serbia (2003). The Memorandum on cooperation and mutual administrative assistance in the field of customs was signed with the UN Interim mission in Kosovo

With Croatia (9 December 2005), the Islamic Republic of Iran (1 June 2005) and the Republic of Albania (23 December 2000) the agreements were signed and their ratification is pending.

Two agreements were initialled:

- Slovenia;
- Ukraine.

The procedure has been completed to conclude the agreement with Moldova. The harmonization of the draft agreement with Belarus is in progress.

Free trade agreements were signed with:

- Moldova -1 September 2004
- Croatia -1 July 2004
- Macedonia – 7 October 1996
- Bosnia and Herzegovina - 5 September 2003
- Russian Federation – 28 August 2000
- Romania – 1 July 2004
- Bulgaria -1 June 2004.
- Albania -1 August 2004
- Regulation of the EU Council on special trade measures with FRY (not agreement but a one-sided EU Decision towards FRY).

Annex 3**Veterinary inspection service**

The Veterinary Law ("Official Gazette of the Republic of Montenegro No. 1/04) in Chapter International Transport specifies the following:

- Transport of animals, food, raw materials, products, veterinary medicines and medical equipment, animal food and animal cull in international transport has to be conducted exclusively through the border Crossings that have organized veterinary control and fulfil the fundamental hygienic, technical and working conditions.
- Animals, food, raw materials, products, veterinary medicines and medical equipment and animal food and animal cull are subject to obligatory veterinary control at border Crossings.
- Import, transit and storing of animals, food, raw materials, products, veterinary medicines and medical equipment, animal food and cull shall be approved following prior veterinary control (certificate claiming that there exist no obstacles of veterinary or sanitary nature for import, transit and storing of shipments subject to examination at border crossing, issued by the Veterinary Administration of the Republic of Montenegro) and after examination of each individual shipment at the border in line with prescribed conditions for their import, transit and storage.
- Exceptionally, import and transit of pets may be authorized without prior veterinary examination (license) in case the animal has an appropriate veterinary certificate.
- Import, transit and storage of other items that may carry contagious diseases (hunting and fishing trophies, serums, micro-organisms, etc.) shall be approved following prior veterinary control (license) and examination of each individual shipment at the border, in line with the conditions stipulated for their import, transit and storing.
- In case of import of foreign (allocutions) living animal species the importer has to obtain the approval of the competent Ministry for Environmental Protection, in line with the existing regulations
- For animals, food, raw materials, products, veterinary medicines and medical equipment, animal food and animal culls to be imported a certificate on health condition will be issued on an appropriate form for importing country, on the occasion of the shipment's loading whereby veterinary inspection shall authenticate it when the shipment is leaving the border crossing.
- Certificate on health condition of the shipment shall be issued on a printed form in line with the relevant model issued by international organizations, OIE and the European Union Commission or in line with the from prescribed by the importing country.

In addition to the above law, the following **federal regulations** form the legal basis for the work of the veterinary inspection which will remain in force pending the adoption of republican regulations:

- The Law on food safety and safety of items for general use (“Official Gazette of the FRY” No. 53/91).
- Rules on conditions to be fulfilled by stations and ports for loading, re-loading and unloading of animal shipments (“Official Gazette of the SFRY” No. 2/96).

- Rules on conditions to be fulfilled by facilities for storage of animals and products, raw materials and animal culls at border Crossings (“Official Gazette of the SFRY” No.6/88).
- Rules on conditions and duration of quarantine for imported animals (“Official Gazette of the FRY” No. 6/88).
- Rules on method of loading, re-loading and unloading of animal shipments, products and raw materials of animal origin, conditions to be fulfilled by transport vehicles, hygienic and technical conditions for shipments and form/certificate on health condition of the shipment (“Official Gazette of the SFRY” No. 69/90).
- Rules on minimum hygienic conditions to be fulfilled by ships used for sea fishing, methods of veterinary sanitary inspection and control and specific conditions related to the hygienic safety for fresh sea fish intended for export (“Official Gazette of the Republic of Montenegro No. 41/03).
- Rules on disinfection of vehicles used for transport of animal shipments, products and raw materials of animal origin (“Official Gazette of the FRY” No. 22/89).
- Rules of types of shipments of animal origin which do not require special Decision on veterinary/sanitary conditions for import and export (“Official Gazette of the FRY “No. 2/96).
- Decree designating border Crossings for import, export and transport of animal shipments, products and animal culls, seed for artificial insemination, fertilization of egg cells, fertilized egg cells and other items that may transmit contagious diseases. (“Official Gazette of the FRY” No. 4/92).

Republican regulations :

- Decree on the ban of shipments of animal food containing ingredients of animal origin (“Official Gazette of the Republic of Montenegro” No.3/01).
- Decree on undertaking measures for the prevention of import of contagious disease Bovine Spongiform Encephalopathy (BSE) in the Republic of Montenegro (“Official Gazette of the Republic of Montenegro”, No.23/05).
- Decree on the ban on import to the Republic of Montenegro and transit through its territory of shipments of birds, products, raw materials and cull originating from birds with a view to preventing import of bird flu (“Official Gazette of the Republic of Montenegro” No. 54/05).
- Decree on the ban of hunting feathered game in the territory of the Republic of Montenegro with a view to preventing bird flu and its spreading (“Official Gazette of the Republic of Montenegro”, No. 58/05).
- Decree on foreign trade (“Official Gazette of the Republic of Montenegro” No.33/00).

- Decree on obligatory control of health and quality control of products (“Official Gazette of the Republic of Montenegro” No.43/91).
- Decree on joint market, sanitary, veterinary, agricultural and ecological control in foreign trade (“Official Gazette of the Republic of Montenegro” No.33/00).
- Decision on compensation for veterinary/sanitary control of animals, products, raw materials and animal cull in production and trade (“Official Gazette of the Republic of Montenegro” No. 51/03).

182. INTEGRATED BORDER MANAGEMENT STRATEGY

- Decision on placing under protection rare, scarce, endemic and endangered plant and animal species (“Official Gazette of the Republic of Montenegro” No. 36/82).
- Protocol on the harmonization of procedures and proceedings in foreign trade of goods subject to obligatory veterinary/sanitary and phyto-sanitary control at the border of the State Union of Serbia and Montenegro (since 29 April 2003).
- European convention for the protection of animals during international transport.
- Convention on international trade in endangered species (CITES)

Annex No. 4**Phyto-sanitary inspection service**

- Law on plant protection – (“Official Gazette of the FRY”, No.24/98);
- Law on seed and reproductive material – (“Official Gazette of the FRY, No. 39/92, 59/92 and 27/94);
- Law on genetically modified organisms – (“Official Gazette of the FRY, No. 21/01);
- Rules on health inspection of Crops and facilities for production of seed, seedling plants and cutting material – (“Official Gazette of the FRY”, No. 66/99);
- Rules on method for pesticide inspection – (“Official Gazette of the FRY, No. 11/99);
- Rules on methods for fertilizer inspection – (“Official Gazette of the FRY, No. 11/99);
- Rules on production line, trade, import in sampling of pesticides and fertilizers – (“Official Gazette of the FRY, No. 12/99);
- Rules on types of packaging for pesticides and fertilizers and on destruction of pesticides and fertilizers – (“Official Gazette of the FRY, No. 35/99);
- Rules on health inspection of plant shipments in cross-State border trade – (“Official Gazette of the FRY, No. 69/99);
- Decree on types of imported seedling material and monitoring of health situation with the end user – (“Official Gazette of the FRY”, No. 8/99);
- Decree on the ban of import and transport of certain types of plants and designation of quarantine for certain types of plants imported for growing purposes – (“Official Gazette of the FRY”, No. 8/99);
- List of harmful organisms that require quarantine – (“Official Gazette of the FRY”, No. 8/99);
- List of economically harmful organisms – (“Official Gazette of the FRY”, No. 65/99 and 67/99);
- Instruction for issuance of information on emergence and spread of newly-discovered harmful organisms that require quarantine
- Rules on content and records-keeping on produced, acquired, sold or used for one’s own purpose of seedling material, as well as on origin of reproductive material – (“Official Gazette of the Republic of Montenegro, No.24/82);
- Rules on the form and record-keeping of producers and processors of seeds and register of producers of seeding material – (“Official Gazette of the Republic of Montenegro”, No.24/82);
- Rules on selection of stem trunks, species and layers, i.e. on selection of fruit, vine and hops and method of keeping books on stem trunks – (“Official Gazette of the Republic of Montenegro”, No.9/83);
- Rules on methods and procedures for selection and stemming of trunks, fruit seedlings, vine, hops and roses and content and record-keeping of stem trunks – (“Official Gazette of the Republic of Montenegro”, No.26/97);

- Rules on expert control of agricultural seed production – (“Official Gazette of the Republic of Montenegro”, No. 28/94 and 5/03);
- Rules on expert control of production of agricultural and forest seedlings – (“Official Gazette of the Republic of Montenegro”, No.28/94);
- Rules on methods of marking agricultural and food products from genetically modified organisms – (“Official Gazette of Serbia and Montenegro”, br.6/03);
- Rules on limited use of genetically modified organisms – (“Official Gazette of the FRY”, No.62/02);
- Decree on procedures for goods and passengers at the border between Montenegro and Serbia – (“Official Gazette of the Republic of Montenegro”, No.26/03);
- Protocol on harmonization of measures and procedures in foreign trade of goods subject to obligatory phyto-sanitary control at the State border of the State Union of Serbia and Montenegro – 29 April 2003.