

Government of Montenegro

Ministry of Agriculture, Forestry and Water Management

Questionnaire

Information requested by the European Commission to the Government of Montenegro for the preparation of the Opinion on the application of Montenegro for membership of the European Union

13 Fisheries

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Podgorica, December 2009

TABLE OF CONTENTS

CHAPTERS OF THE ACQUIS – ABILITY TO ASSUME THE OBLIGATIONS OF MEMBERSHIP..	5
Chapter 13: Fisheries.....	6
I. GENERAL.....	7
A. Fisheries legislation.....	7
B. Administrative structure.....	10
II. RESOURCE AND FLEET MANAGEMENT.....	18
A. Fishing fleet.....	18
B. Fleet register.....	20
C. Fishing licenses.....	23
D. Catches and landings.....	25
E. Other.....	26
III. INSPECTION AND CONTROL.....	28
A. Financial means.....	28
B. Human resources.....	28
C. Powers of control.....	29
D. Control equipment.....	31
E. Collection of data.....	32
F. Inspection activities.....	36
G. Legal Procedures for sanctioning infringements.....	38
IV. STRUCTURAL ACTIONS.....	42
V. MARKET POLICY.....	44
VI. STATE AID.....	45
VII. INTERNATIONAL AGREEMENTS.....	46

**CHAPTERS OF THE ACQUIS – ABILITY TO ASSUME THE
OBLIGATIONS OF MEMBERSHIP**

Chapter 13: Fisheries

I. GENERAL

A. Fisheries legislation

1. Please describe the main elements of your national legislation concerning fisheries.

The basic regulations that include biological resource management, i.e., fishing, farming and protection of fish and other organisms in sea and fresh water on the principles of sustainable development, are the Law on Marine Fishery and Mariculture (Official Gazette of Montenegro 56/09) ([Annex 49](#)) and the Law on Freshwater Fishery (Official Gazette of Montenegro 11/07).

The Law on Marine Fishery and Mariculture lays down the objectives and the principles for sustainable management of living marine resources and marine environment through implementation of measures for protection of biodiversity and the environmental conditions as well as by laying down the procedures for development and adoption of management plans in the fishery sector. This Law also governs the general fishery policy, that is, the support to development of the fishery sector and the respective responsibilities of the administration authorities as regards its implementation. Pending the establishing of an administration authority in charge of the fishery affairs (the Fishery Administration) the administrative and related technical affairs will be carried out by the Ministry of Agriculture, Forestry and Water Management. The Fishery Administration will be established within the period of two years following the entry into force of the Law on Marine Fishery and Mariculture (August 2011).

The Law on Marine Fishery and Mariculture also regulates the issues related to determination of conditions for fishing activities, which may be:

- commercial,
- sports-recreational and
- fishing for scientific-research purposes.

Based on the fishing capacity and the significance of the commercial fishing (the species and commercial value of fish and other marine organisms), the commercial fishing is classified into the following:

- large-scale commercial fishing, and
- small-scale commercial fishing

and may be carried out only with a fishing permit.

The Law on Marine Fishery and Mariculture also lays down the conditions for farming of fish and other marine organisms in locations planned in line with the Mariculture Development Plan, which has to be in accordance with the National Fishery Development Strategy. Mariculture activities are carried out in accordance with the principles of Good Manufacturing Practice in mariculture, while adherence to the principles will be taken into account in the procedure of issuing and cancelling the mariculture permits.

Producer organizations in the fishery are also the issue governed by this Law, in accordance with the European organizational forms, with the objective of supporting the joint presentation of interested parties at the market as well as common market organization management.

The Law lays down the obligation of keeping records and reporting by commercial fishing permit holders, recording and reporting on fishing activities and catch landing, establishing of a vessel monitoring system, designation of the place of first landing, the place of first sale, keeping of records on fish selling and buying, keeping the Register of Wholesalers of fish and other marine organisms at the place of first landing as well as on transshipment and landing of fish.

In accordance with the basic legal solutions, the inspection over the enforcement of the Law is laid down for the purpose of its consistent implementation and misdemeanours are defined for activities

carried out in contravention of the provision of the law, as well as the fines for the misdemeanour made.

The Law on Marine Fishery and Mariculture provides a basic legal framework, which is partly harmonized with the following secondary legal sources of the EU:

- Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (OJ L 358, 31.12.2002, p.59-80);
- Commission Regulation (EC) No 356/2005 of 1 March 2005 laying down detailed rules for the marking and identification of passive fishing gear and beam trawls (OJ L 56, 2.3.2005, p.8-11);
- Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p.1-14);
- Council Regulation (EC) No 27/2005 of 22 December 2004 fixing for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required;
- Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p.55-205);
- Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25-35) ;
- Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring System (OJ L 333, 20.12.2003, p.17-27);
- Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea (OJ L 160, 14.6.2006, p.1-11);
- Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund (OJ L 223, 15.8.2006, p. 1-44);
- Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11-85);
- Council Regulation (EC) No 1966/2006 of 21 December 2006 on electronic recording and reporting of fishing activities and on means of remote sensing (OJ L 409,30.12.2006, p.110);
- Council Regulation (EC) No 2369/2002 of 20 December 2002 amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector (OJ L 358, 31.12.2002, p.49-56) ;
- Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (OJ L 263, 3.10.2001, p. 1-8);
- Commission Regulation (EC) No 1639/2001 of 25 July 2001 establishing the minimum and extended Community programmes for the collection of data in the fisheries sector and laying down detailed rules for the application of Council Regulation (EC) No 1543/2000 (OJ L 222, 17.8.2001, p. 53-115);
- Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products (OJ L 17, 21.1.2000, p. 22-52) ;
- Council Regulation (EC) No 1447/1999 of 24 June 1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy (OJ L 167, 2.7.1999, p. 5-6).

The Law on Marine Fishery and Mariculture (Official Gazette of Montenegro 56/09) has also been harmonized with the following: 1982 United Nations Convention on the Law of the Sea, 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993 Compliance Agreement), 1995 Revised Convention on

protection of sea environment and coastal area of Mediterranean (Barcelona Convention)- 1995 Revised Convention on protection of sea environment and coastal area of Mediterranean (Barcelona Convention), 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks [1995 Fish Stocks Agreement];[EU 2003], 1995 FAO Code of Conduct for Responsible Fisheries, 1995 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1998 UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Århus Convention), 1999 International Convention on Arrest of Ships.

The Law on Marine Fishery and Mariculture will be upgraded by development of legal solutions through adoption of bylaws within the period of nine months from the day of entry into force of this Law, as well as through full harmonization with the abovementioned EU legislation. Pending the adoption of bylaws based on the authority from the Law on Marine Fishery and Mariculture (Official Gazette of Montenegro 56/09) the following bylaws, adopted pursuant to the Law on Marine Fishery (Official Gazette of Montenegro 55/03), will be applied:

- The Order on Prohibition of Fishing and Placing on the Market of Fish Fry, Undersized Fish and Other Undersized Marine Organisms (Official Gazette of the Republic of Montenegro 10/04 and 9/06) laying down the minimum size of fish and other marine organisms that must not be caught or placed on the market in the length below the one laid down by this Order. ([Annex 58](#))
- The Rulebook on the Form, the Content and the Method of Keeping the Log Book on Fishing or Farming (Official Gazette of the Republic of Montenegro 10/04) provides a legal framework for collecting the fishery-related data, as well as for monitoring of fishing activities, i.e., monitoring of fishing effort. The data that a fisherman must register in the logbook are the data on fishing effort (time of sailing out and sailing in, fishing zone, number of taws in fishing demersal fish species, characteristics of fishing tools, catch data classified by species, etc.). ([Annex 52](#))
- The Rulebook on construction-technical basis, mesh size, method of use and purpose of certain net types and other means for commercial and sports fishing (Official Gazette of Montenegro 10/04 and 9/06), which lays down the basic characteristics of fishing tools and gear that may be used for commercial fishing in the fishing sea of Montenegro as well as the season of the year in which these may be used. ([Annex 55](#))
- The Rulebook on requirements, restrictions and the order of fishing in certain fishing areas or zones (Official Gazette of the Republic of Montenegro 10/04 and 9/06), which includes a series of provisions on the order and requirements for commercial fishing. ([Annex 50](#))
- The Rulebook on the Method, Type and Quantity of Fishing Tools Allowed for Use in Sports-Recreational Fishing, as well as the form, number and contents of the sports fishing permit (Official Gazette of the Republic of Montenegro 10/04), laying down the fishing tools and gear that is allowed to be used in sports-recreational fishing, as well as the form of the permit for this type of fishing. It is prohibited to place on the market fish and other marine organisms caught in sports-recreational fishing. ([Annex 53](#))
- The Rulebook on Setting the Line Where the Water Ceases to be Stably Saline in Rivers Flowing into the Sea and Setting the Boundaries of Zones Where Fishing is Prohibited (Official Gazette of the Republic of Montenegro 10/04) ([Annex 51](#))
- The Rulebook on the Rates for Compensation of the Damage Caused by Illegal Fishing (Official Gazette of the Republic of Montenegro 10/04) lays down illegally caught or destroyed fish and other marine organisms as well as fish and other marine organisms caught, which were below the minimum size prescribed. ([Annex 57](#))
- The Rulebook on the Amount of the Fee for Commercial Fishing, Fishing and Farming, the Form and the Method of Keeping the Register of Permits Issued (Official Gazette of the Republic of Montenegro 10/04 and 9/06) laying down the amount of individual fees for commercial fishing by the type and the capacity of the fishing means and the significance of the fishing activity. ([Annex 56](#))

For the purpose of sustainable use of fish stocks, the Law on Freshwater Fishery (Official Gazette of Montenegro 11/07) lays down the conditions and methods for use of all activities in the field of freshwater fishery (commercial, sports-recreational fishing and aquaculture), as well as measures for protection, development and conservation of the fish stocks. The commercial fishing may be done in the designated fishing area and sports-recreational fishing in all fishing waters (rivers and lakes), including the fishing areas for commercial fishing. All users of the fish stocks have the obligation to observe the prescribed measures of conservation and protection of the fish stocks for the purpose of its sustainable use. The most important bylaw, adopted pursuant to the Law on Freshwater Fishery, is the Order on Zones Where Fishing is Prohibited, Restrictions and Measures for Protection of Fish Stocks (Official Gazette of the Republic of Montenegro 19/08, 35/09), which lays down the following: areas where fishing is prohibited over the specific period of time in certain rivers and lakes; minimum size below which certain fish species must not be caught; restrictions as regards fishing gear, tools and night fishing; restrictions with regard to baits and daily catch as well as measures for prevention of fish diseases.

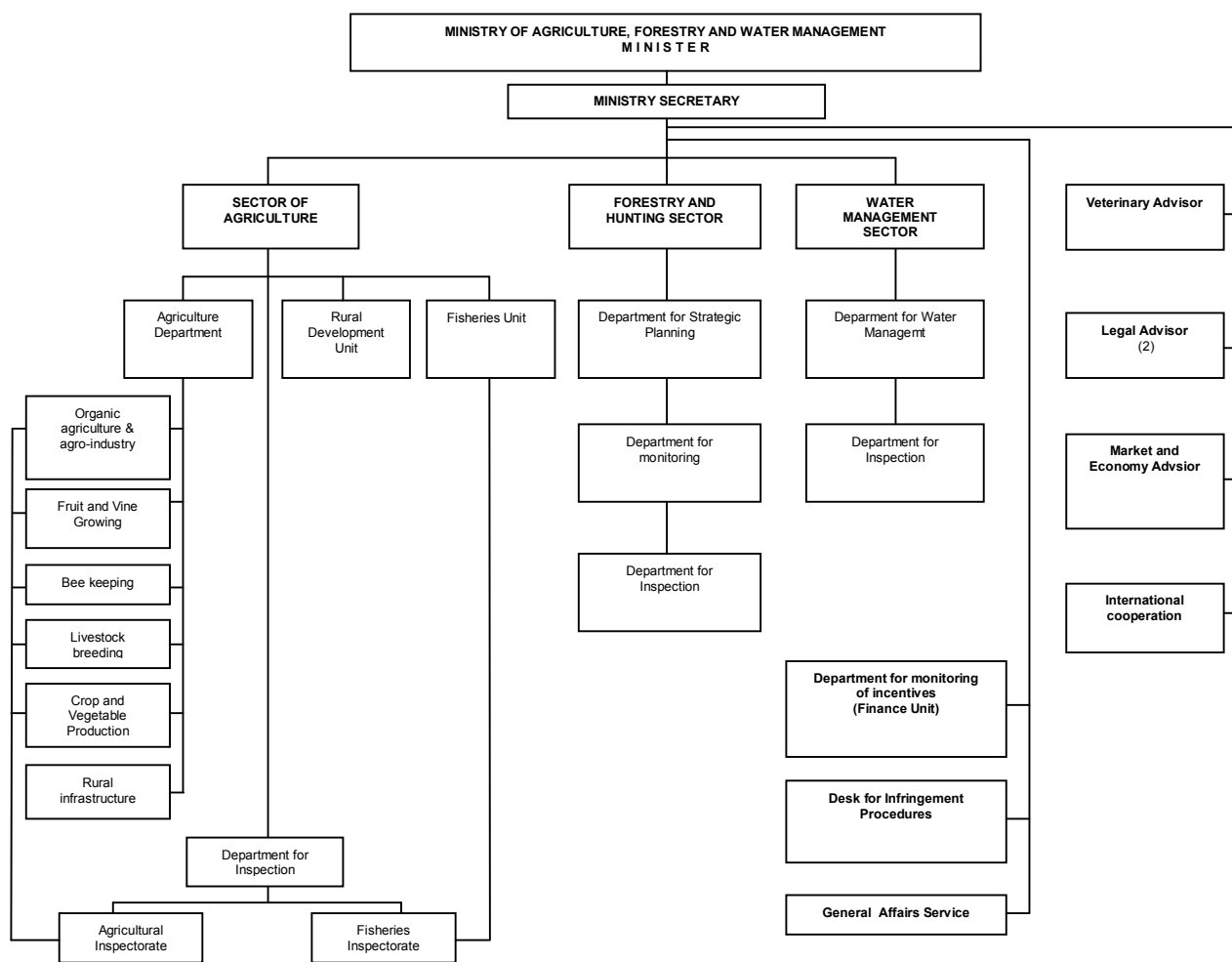
B. Administrative structure

2. Provide an organigramme describing the organisation of the fisheries administration and the fisheries inspection. Describe the relations between these bodies and the hierarchy in the system.

The Ministry of Agriculture, Forestry and Water Management is directly in charge of the fishery-related administrative and technical issues. The Ministry proposes, develops and implements laws and bylaws and carries out supervision and control over the enforcement of regulations governing the sector of fisheries and aquaculture. By September 2008, one advisor in the Ministry of Agriculture, Forestry and Water Management was in charge of the entire fisheries sector in Montenegro. As of January 2009 a Fisheries Unit was established in the Ministry, which currently has three employees: one senior adviser and two junior advisers, who passed the training under the CARDS project 2007/2008 "Support to Fishery Sector of Montenegro and Serbia". In addition to direct work with experts, the training of two junior advisers included, inter alia, the study trips to the EU countries (Italy, Spain and Poland), attendance at a series of training courses as well as participation in numerous workshops with the objective of getting acquainted with the implementation of the principles of the Common Fisheries Policy, new bivalves farming technologies, implementation of HACCP systems in fishery industry, establishing of producers organizations, etc. By taking over two trained project assistants and by establishing the Fisheries Unit, the Ministry of Agriculture, Forestry and Water Management has created an administrative basis in the fisheries sector which should, pending the establishment of the Administration for Fisheries, and thereby all the departments that would cover the entire CFP framework, respond in a satisfactory manner to the requests related to implementation of the responsible management principle.

The Ministry of Agriculture, Forestry and Water Management has its legal and other technical expert advisors.

13 Fisheries



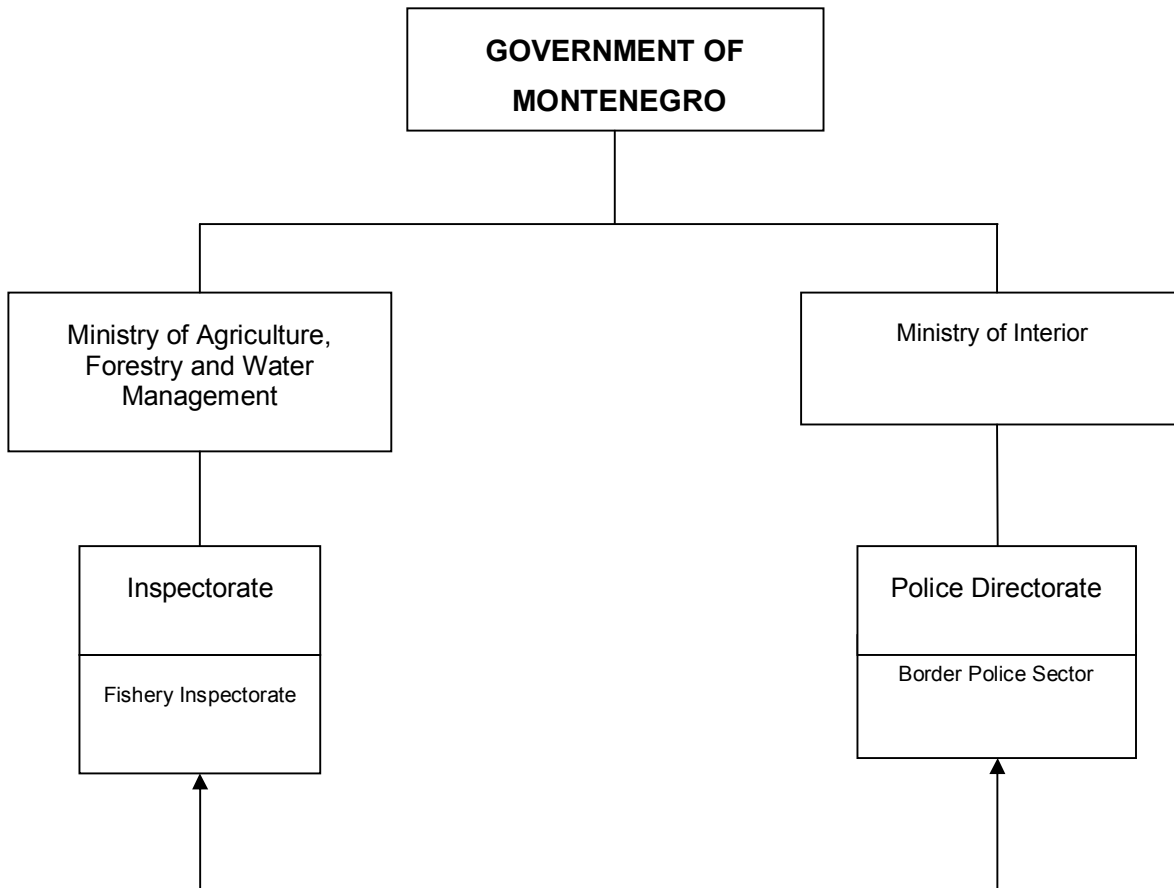
The inspectorate controlling fishing activities is a part of the agricultural inspectorate of the MAFWM and it consists of inspectors for marine fisheries, who work on full-time basis, and inspectors for agriculture, who spend about 20% of their working hours on activities related to freshwater fishery. The inspectors for marine fishery, during the inspection at sea, also cooperate with the Border Maritime Police (the Ministry of Interior and Public Administration – Police Directorate) using their vessels. Taking into account the fact that the officers of the Border Maritime Police are monitoring many activities at sea, the surveillance over the fishing activities, together with fishery inspectors, makes a small portion of their routine work.

Fishery inspectors carry out surveillance over the enforcement of laws and other regulations governing the following:

- Fishing, protection and farming of fish and other marine organisms,
- Fishing, protection and farming of fish and other aquatic organisms in fresh waters,
- Trade in fish and other marine and freshwater organisms.

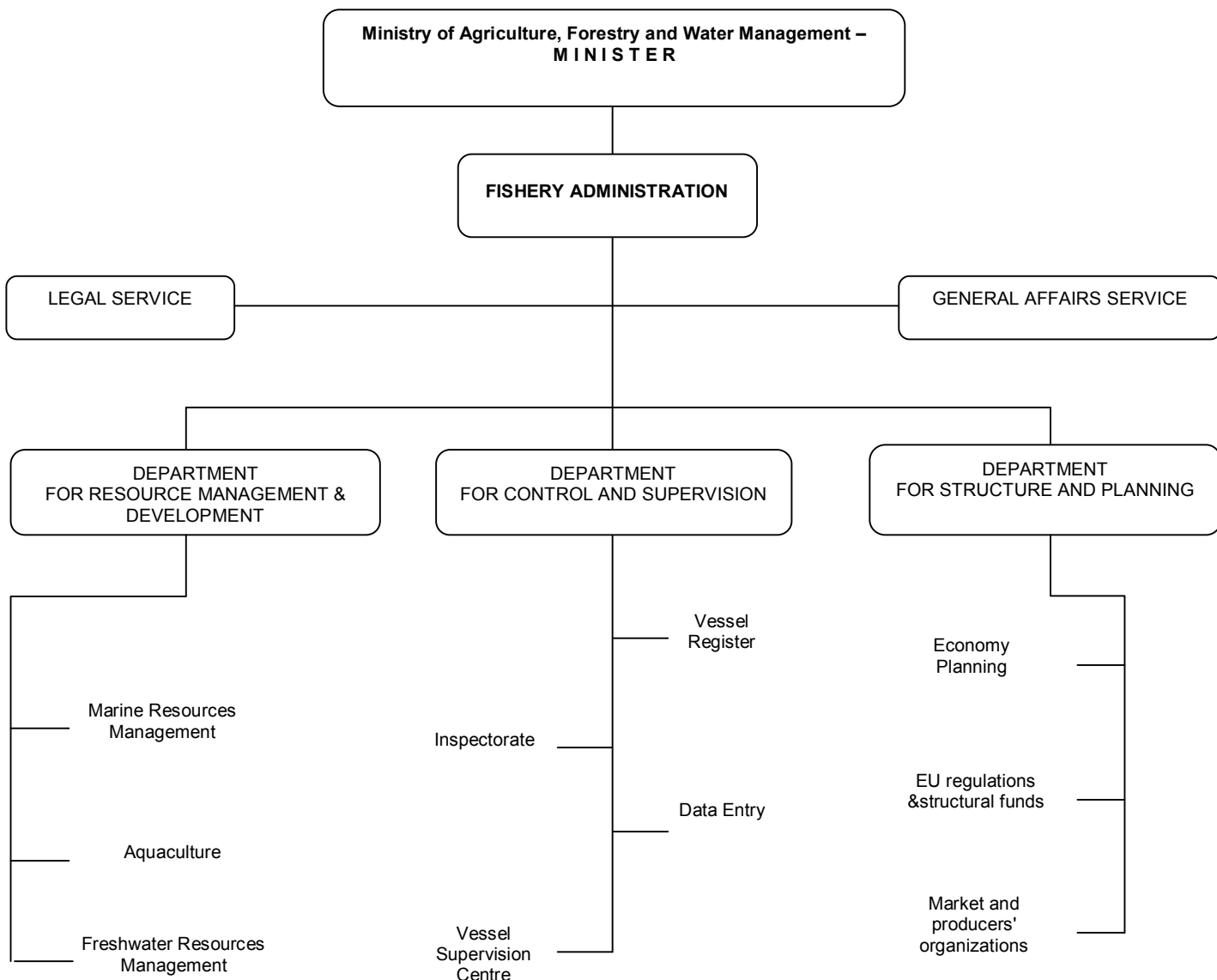
They present monthly reports to the Ministry of Agriculture, Forestry and Water Management, which include the detailed information on the control of the fishing operators.

The Ministry of Agriculture, Forestry and Water Management, as the authority in charge of administrative, technical and inspection affairs in the fisheries and the Ministry of Interior and Public Administration (Police Directorate-Border Maritime Police) as support in carrying out the inspection, are two different public administration bodies that are, for their respective activities, directly answerable to the Government of Montenegro. Their relations are based on the Law on Public Administration (Official Gazette of the Republic of Montenegro 38/03 and Official Gazette of Montenegro 22/08), that is, on the obligation to co-operate and to report on their work, to jointly carry out the tasks deriving from their prescribed obligations and to co-operate with each other in development and adoption of regulations.

The relations between the competent bodies:**3. Are there plans to introduce other bodies or otherwise change the organisational structure in the short or medium term?**

The Law on Marine Fishery and Mariculture (Official Gazette of Montenegro 56/09) lays down establishing of an administration authority in charge of fishery (the Fisheries Administration) within the period of two years from the day of entry into force of this Law (August 2011). Accordingly, the Ministry of Agriculture, Forestry and Water Management has requested € 1,000,000 from 2009 IPA fund with the specific objective of strengthening the administrative capacity through establishing of the Fisheries Administration in line with the structure of the corresponding bodies in the EU Member States, which will improve the capacity for efficient fisheries management. The CARDS project 2007/2008 Support to the Fisheries Sector in Montenegro and Serbia recommended the possible organizational structure of the future Fisheries Administration.

The recommendation of the CARDS project.



4. Describe the decision-making process and how competencies are delegated.

All the cases related to the fishery sector received by the Ministry of Agriculture, Forestry and Water Management, are assigned by the Minister to an advisor in the fisheries unit, who is accountable directly to the Minister. Within the fishery unit, the advisor delegates the tasks to other employees, according to their qualifications and work experience. In case processing of the cases received requires scientific opinions, or opinions of institutions directly in charge of certain issues presented in the particular case, the fishery unit forwards the request to the Institute of Marine Biology (for issues related to marine fisheries and mariculture), or to the Faculty of Science and Mathematics – Department of Biology (for issues related to freshwater fisheries) or to certain ministries, administrations, laboratories and other institutions that are, in some way, related to the fisheries sector. Following the completion of the procedure, the advisor in the fisheries unit gives the proposal of a solution for that particular case and the final decision is made by the Minister.

In the process of developing the laws and bylaws, the Minister sets up a commission which consults other relevant public administration bodies, the relevant scientific institutions and associations of fishermen and farmers. Following the completion of a draft law, and prior to

preparation of a proposal of a law, public discussions are organized where all stakeholders in the fisheries take place. The advisor in the fisheries unit coordinates the work of the commission and processing of all the remarks and suggestions to the draft law, received from the relevant stakeholders. Together with all stakeholders and based on justified suggestions and opinions, the final version of the proposal of the law is developed, which then has to pass the procedure in the Government and the Parliament.

Bylaws, that is, the secondary legislation (decree, order, decision, rulebook, etc.) adopted based on the authority as laid down by the laws governing the sector of fisheries are adopted by the Government, at proposal of the Ministry of Agriculture, Forestry and Water Management.

5. Describe the information flow between authorities. Are there cases where the information flow is not working properly? What is being done to counteract these deficiencies?

The MAFWM fisheries unit has a direct cooperation with the fisheries inspectorate and with other competent bodies and institutions that are in some form related to the fisheries sector (The Ministry of Interior – the Police Directorate – Marine Border Police, the Ministry of Physical Planning and Environmental Protection, Institute of Marine Biology, the Faculty of Sciences and Mathematics – Department of Biology, the Veterinary Diagnostic Laboratory, the Institute for Public Health, the Centre for Eco-toxicological Researches, the Statistics Office - MONSTAT, the Water Administration). The marine fisheries inspectors and the Marine Border Police are continuously in contact and these two different administration bodies are exchanging data at request and when necessary. The exchange of information is at a satisfactory level and even better coordination of administration in the fisheries sector is expected after establishing of a LAN under the activities of developing of Fisheries Information System.

The Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro 56/09) provides for establishing of a National Council for Marine Fishery and Mariculture with a view to continuous monitoring of the status and development of fisheries and mariculture and to providing technical assistance to the administration authority in charge of fisheries affairs in the decision-making process and in developing of regulations, as well as on other issues of relevance for implementation of this law. The Council members will be appointed by the Government of Montenegro for the period of four years, from scientists and professionals in the field of biology, veterinary science, ecology, and National Council members by duty will be: director of the administration authority in charge of fisheries activities, director of the Water Management Administration, director of the Institute of Marine Biology, presidents of associations of professional fishermen and fish farmers and directors of producer organisations in fisheries and mariculture.

6. Describe the administration in place for market policy (notably as regards control of the implementation of common marketing standards, in ports and on wholesale markets, and of consumer information; control of quantities that are withdrawn from the market; collection of market information in the NUTS regions; collection and transmission of data concerning the price reference regime; application of the recognition conditions for producer organisations).

In accordance with the Law on Food Safety (Official Gazette of Montenegro 14/07) the wholesale and retail sale of fresh meat, fish and other aquaculture products, as well as the control of withdrawal of these products from the market is done by the Veterinary Administration. Moreover, in accordance with the Law on Food Safety (Official Gazette of Montenegro 14/07) the control of wholesale and retail sale of packaged and individually labelled food of animal origin, i.e. fish and fish products, as well as control of its withdrawal from the market is carried out by the Ministry of Health.

Monitoring of prices of agricultural products and inputs in plant production and livestock breeding is done through the Agricultural Market Information System (AMIS), which provides the information on the prices and price trends for fruit and vegetables, livestock and agricultural inputs. For the time being, AMIS is not including the collecting and processing of data on prices of fish and fish products. However, upgrade of this information system is planned by mid-2010 in order to include the information on prices in the fisheries sector. More detailed information on the Agricultural Market Information System (AMIS) is given in the Chapter 11: Agriculture and Rural Development, 1. Horizontally, Answer to the question No.4.

The Law on Agriculture and Rural Development (Official Gazette of Montenegro 56/09) lays down the basic principles for organization of producers in agriculture and fisheries into the producer organizations, and more detailed conditions will be laid down by a separate bylaw by the Ministry of Agriculture, Forestry and Water Management. Moreover, this Law lays down that recognition of a producer organization as well as compliance with the conditions prescribed is done by a decision of the Ministry of Agriculture, Forestry and Water Management on the recognition the producer organization.

7. Is there any structural policy specifically for fisheries? If yes, information on the competent authority and a short description of the procedures should be provided.

A structural policy for the fisheries, as defined by the EU legislation, does not currently exist in Montenegro. The framework of the state support in the fisheries has so far been governed in the same manner as in agriculture in general, by the Law on Provision and Allocation of Funds for Support to Agriculture Development (Official Gazette of the Republic of Montenegro 11/90 and Official Gazette of the Republic of Montenegro 24/92). Namely, the Ministry of Agriculture, Forestry and Water Management is preparing the annual plan for the use of funds for support to agriculture and fisheries development (Agro-budget), which includes the programmes of support to development of the marine and freshwater fisheries sectors. In order to build an efficient and competitive sector, financial support is allocated to professional fishermen and farmers in order to improve the condition of their vessels, the farming conditions, the placing of their products on the market as well as for better health safety of fish and mariculture products. Moreover, the funds are allocated for research in the fisheries, that is, support is provided to the implementation of annual monitoring of demersal and pelagic resources, development of a fishery basis in freshwater fisheries as well as assistance to sports fishing clubs for restocking of rivers and lakes and for improved protection and keeping of fishing waters. The legal framework that would serve as a basis for the future allocation of support to the fisheries sector by the state shall be the Law on Marine Fishery and Mariculture (Official Gazette of Montenegro 56/09) and the Law on Agriculture and Rural Development (Official Gazette of Montenegro 56/09).

The tables below provide more details on how the programs of support to the fisheries sector in 2009 were developed, in accordance with the Plan for the use of funds for support to agriculture and fisheries development in 2009 (Agro-budget):

B – 1: SUPPORT TO DEVELOPMENT OF MARINE FISHERY AND MARICULTURE	
Reasons for support	Fishery plays a very important role in economic development of coastal countries, such as Montenegro, which has valuable but unutilised resources in this sector. However, utilisation of fishery resources should be done in accordance with the sustainable economic, environmental and social development, which is done through regular and rational fishing activities and implementation of the precautionary principle in implementation of measures for protection and preservation of live sea resources, along with maintenance of biodiversity. Surveys in fishery are needed to fill in the gaps in understanding the fishery, to achieve the objectives of responsible management and for identification of new fishing opportunities. Many segments of the sector of marine fishery and mariculture are not strong enough to compete with more efficient partners from Europe who can supply the market at prices lower than that paid at the domestic market. That is why building of an efficient and competitive sector needs to be continued through support to professional fishermen and fish farmers in order to upgrade their vessels, farming conditions and marketing of their products.
Objectives	<ul style="list-style-type: none"> • Reliable estimate of fishery resources available, for main groups (demersal, small pelagic fish, shellfish) with the capacity for identification of fishing quotas, • Increasing the competitiveness and efficiency of the marine fishery sector, • Modernisation of the professional fishing fleet, • Increasing the competitiveness and efficiency of the mariculture sector, • Improving the quality and health safety of fishery and mariculture products,

13 Fisheries

	<ul style="list-style-type: none"> Strengthening of fishermen and fish farmers' associations. 	
Measure description and eligibility criteria	<p>Support is given in the form of grants to associations of professional fishermen for supply of equipment for modernisation of vessels in order to reduce the repair and maintenance costs and for improving the hygiene and quality of products, work conditions and safety on board.</p> <p>Grant support is also provided to the Mariculture Association for completion of depuration centres as well as for better marketing of mariculture products.</p> <p>Support is provided to the activities of the Institute of Marine Biology, the scientific institution authorised for activities related to marine fishery and mariculture, which performs annual monitoring of demersal and pelagic resources, coastal fishing efforts in the Bay of Boka Kotorska, monitoring of quality of seawater for mariculture, experimental shellfish farming (new technology).</p>	
Beneficiaries	Associations of Professional Fishermen, Mariculture Association, Institute of Marine Biology.	
Payment method	Upon receipt of the invoice and report	
Implementation	Ministry of Agriculture, Forestry and Water Management Institute of Marine Biology	
Implementation procedure	<p>The condition for grant support is application, submitted to the Ministry by the Associations of Professional Fishermen and Mariculture Associations, asking for financial support and providing a detailed justification for the use of funds and specification of the equipment they plan to buy.</p> <p>Support to the Institute of Marine Biology is provided based on reports on monitoring of resources and monitoring of seawater quality, as well as on reports on progress made in use of new shellfish farming technology.</p>	
Surveillance and control	Ministry of Agriculture, Forestry and Water Management Agricultural Inspectorate	
Financial plan	Components	Amount, €
	A. Structural measures (in grant form) Support to Associations of Professional Fishermen (modernisation of vessels, improved hygiene and quality of products, improved work conditions and safety on board (100,000) Support to Mariculture Association (completion of the depuration centre, better marketing of mariculture products.(60,000)	160,000
	B. Protection and sustainable use of marine fishery (monitoring of demersal and pelagic resources, monitoring of coastal fishing, monitoring of the quality of water for mariculture with assessment of environmental impact of fish farming, experimental mussel farming (new technology)	55,000
	TOTAL	215,000

B – 2: SUPPORT TO DEVELOPMENT OF FRESHWATER FISHERY AND AQUACULTURE		
Reasons for support	<p>The capacity of freshwater fishery waters in Montenegro, their pure and oxygen-rich water is a large potential for farming fish and trout in particular, and development of sport-fishing tourism. Surveys on fishery waters and development of fishery basis are a platform for sustainable management of fishery resources and planning of restocking of fishery waters. As a result of old brood stock, inefficient farming methods with slow grow out rates, loss of water in farms, the sector of aquaculture – trout farming – is not strong enough to compete with more efficient partners from Europe. That is why building of an efficient and competitive sector needs to be continued through support to fish farmers in order to upgrade their farms, farming conditions and marketing of their products.</p>	
Objectives	<ul style="list-style-type: none"> Complete estimate of fishery resources in fishery waters, fishery basis development, Development of sport-fishing tourism, Increasing the competitiveness and efficiency of the aquaculture sector, Improving the quality and health safety of aquaculture products, Strengthening of activities of sports fishermen clubs in protection of fishery waters and resources. 	
Measure description and eligibility criteria	<p>Support to increase in competitiveness and efficiency of the aquaculture sector is given to farmers in the form of co-financing of supply of equipment for automation of the farming process, equipment for improving the hygiene in terms of food safety and for marketing aquaculture products.</p> <p>The maximum share of budgetary funds is up to 30 % of the equipment value.</p> <p>Eligible farmers are those who produce more than 20 t of fish.</p> <p>Support to sport-fishermen clubs is provided for supply of fish juvenile for restocking, and as short-term support to better protection of fishery waters and organisation of sport-fishing events.</p> <p>Support is given to activities of the Faculty of Science and Mathematics – Biology department for development of fishery basis and for research on endemic fish species in fishing waters and repopulation.</p>	
Beneficiaries	Trout farmers, sport-fishing clubs	
Payment method	Upon receipt of the invoice and the report	
Implementation	Ministry in co-operation with recreational fishing clubs Faculty of Science and Mathematics – Biology Department	
Implementation procedure	<p>The condition for use of funds is that trout farmers submit to the Ministry evidence on the equipment supplied as well as the main data on production capacity of their farms.</p> <p>Support to the Faculty of Science and Mathematics is provided based on developed fishery master plan and reports on research of endemic species and measures implemented in repopulation of endemic species.</p> <p>Support to sport-fishing clubs is provided based on reports submitted and inspectors' reports on repopulation efforts made, and based on plans of protection of fishery waters.</p>	
Surveillance and control	Ministry of Agriculture, Forestry and Water Management Agricultural Inspectorate	
Financial	Components	Amount, €

13 Fisheries

plan	A. Increasing the competitiveness and efficiency of the aquaculture sector (co-financing of costs for supply of equipment for automation of farming process, equipment for improving hygiene with regard to food safety and marketing of aquaculture products)	50,000
	B. Protection and sustainable use of freshwater fishery (development of fishery basis for the basin of the Pivsko Lake, research and repopulation of endemic fish species, restocking and improving the protection of fishery waters)	50,000
	TOTAL	100,000

8. How would your administration administer structural aid to the fisheries sector?

Establishing of the Fisheries Administration and the Unit for Structural Policy and Planning within it will provide conditions for the trained human resources to efficiently implement and monitor the program of the financial assistance from the EU and other forms of support.

II. RESOURCE AND FLEET MANAGEMENT

A. Fishing fleet

9. What are the principal fisheries in your country and what is their geographical distribution?

In Montenegro, there are three main types of fishing:

- 1, fishing by bottom trawls, for fishing of demersal (benthic) resources,
- 2, fishing by entangling nets and pelagic trawls for fishing pelagic resources (small pelagic fish) and
- 3, small-scale coastal fishing, performed by small tools.

1, Trawling, as the most significant fishing activity, is used for fishing the demersal species of fish, crustaceans and cephalopods. The target and commercially most significant species of this type of fishing are:

- hake, *Merluccius merluccius*,
- Red mullet, *Mullus barbatus*,
- rays, *Raja sp.*,
- musky octopus, *Eledone moscata*,
- cuttlefish, *Sepia officinalis*,
- Deep-water rose shrimp, *Parapaeneus longirostris*.

The researches done show that there are significant demersal resources of shrimps and hake on the continental slope of the South Adriatic basin, in territorial and international waters and that this fishing should be developed in that direction.

2, Fishing of pelagic resources by entangling nets and pelagic trawls is done in the open sea. Fishing by smaller entangling nets is also done in the entry of the Bay of Boka Kotorska (the bays of Herceg Novi and Tivat). The most significant species of this fishing are the following:

- European pilchard, *Sardina pilchardus*,
- European anchovy, *Engraulis encrasicolus*,
- Mackerel, *Scomber scombrus*.

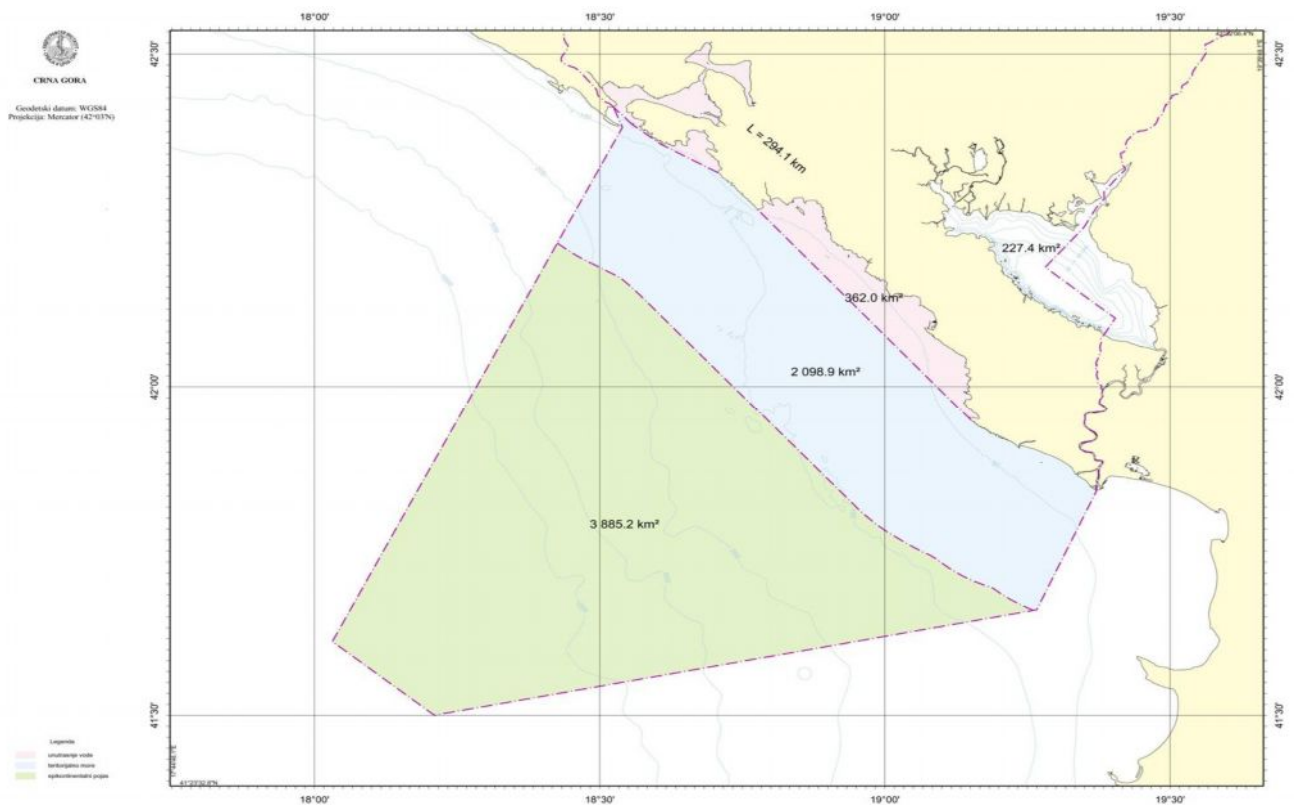
Based on scientific research, Montenegrin waters have significant resources of small pelagic fish, so this fishing type has a great opportunity for development.

3, Small-scale coastal fishing is done on the territory of the Bay of Boka Kotorska and in the coastal area of Montenegro's territorial sea. Small boats and a large number of various tools are used (nets, angles). Species from the following families are caught with this fishing type:

- *Sparidae*,
- *Scombridae*,
- *Triglidae*,
- *Clupeidae*,
- *Engraulidae*

10. Where are fishing vessels located and what are their areas of operation? What type of gear do they use?

Marine fishing in Montenegro is done within the GFCM Geographical Sub-Area GSA 18. The fishing fleet is distributed by administrative units, municipalities, based on the ship's passports issued by the harbourmaster's offices. There are three main fishing ports for large-scale commercial fishing Herceg Novi, Budva, Kotor and Bar, which are home ports for trawlers and seiners, as well as for boats of the small-scale coastal fishing. The ships for the large-scale commercial fishing, trawlers and seiners fish in territorial waters of Montenegro from the borderline with Croatia to the borderline with Albania. The area of the Bay of Boka Kotorska is prohibited for large-scale commercial fishing. The boats of the coastal fishing fish in the Bay of Boka Kotorska and the coastal sea of Montenegro's coast. Classification of the fishing fleet is done based on the FAO AdriaMed Operational Units in the Adriatic Sea and GFCM Scientific Advisory Committee, Sub-Committee on Statistics and Information (GFCM Task 1.), based on the vessel length and the tools they use.



The list of fishing tools used by the fishing fleet:

1. TRAWL NETS
 - 1.1. Bottom trawl
 - 1.2. Pelagic trawl

2. ENTANGLING NETS
 - 2.1. Entangling nets for small pelagic fish
 - 2.2. Entangling nets for Grey Mullet

3. BEACH SEINES

3.1. Beach seines for sardine

- 3.2. Beach seine for bottom dwelling or semi pelagic fish
- 3.3. Beach seine for bonito and tuna

4. GILLNETS

- 4.1. Gillnet for Atherinidae family
- 4.2. Gillnet for Bogues
- 4.3. Gillnet for pickarels
- 4.4. Gillnet
- 4.5. Gillnet for bonito
- 4.6. Gillnet for lobsters
- 4.7. Trammel net
- 4.8. Gillnet for Grey Mullet
- 4.9. Gillnet for *Squatina* spp.
- 4.10. Other gillnets

5. TRAPS

- 5.1. Traps for fish
- 5.2. Traps for crustaceans

6. ANGLING AND STABBING FISHING TOOLS

- 6.1. Floating (surface) long – line
- 6.2. Bottom long – line
- 6.3. Harpoons
- 6.4. Troll (*Pendula*)
- 6.5. Angle for squids (*Pusca*)
- 6.6. 'Visoka' tool

B. Fleet register**11. Does your country have a fleet register? If yes, describe the administrative structure for the fleet register and specify its status.**

In accordance with the Law on Maritime and Inland Sailing (Official Gazette of the Socialist Republic of Montenegro 19/78, 8/79, 19/87, 22/90 and 13/91), the fishing vessels, as well as all other vessels on the sea of Montenegro are registered in the Register of the local harbour master's office. Entry into the Register is done following the completion of examination of the vessel and establishing whether it complies with the conditions for sailing. Vessels cannot be entered into the Register for as long as they are registered with a register of another harbour master's office or with a register of a foreign country. The Register is a public record and the certificate issued from it has the power of a public document.

In addition to the Register kept by the competent harbour master's office, the Ministry of Agriculture, Forestry and Water Management is using the database of the Institute of Marine Biology, which is created based on the issued approvals on technical-technological characteristics of the fishing vessels and fishing tools, in accordance with the Law. Namely, at the beginning of every calendar year, a commission of the Institute of Marine Biology, after having an insight into the documents of the harbourmaster's office (sailing licence) and based on requests for engaging into commercial fishing received from interested parties, examines the technical-technological characteristics of the fishing vessels and fishing tools. Based on the examination done and after ascertaining that the vessel meets the requirements prescribed for the commercial fishing, the Institute of

Marine Biology produces an electronic version of the approval that becomes an integral part of the documentation necessary for issuing commercial fishing permits.

Annex: Approval of the Institute of Marine Biology:

Institute of Marine Biology

I Vessel characteristics: **approves** **does not approve**

BRT	NRT	Crew members		
14.59	-	2		
Construction material		Length over all (m)	Length between perpendiculars (m)	Breadth (m)
Steel		14.65		4.25
Height (m)	Freeboard height (m)	Draft (m)	Electricity	
1.4		1.8	12 24 V	

II Drive:

Motor	Power(kW)	No of cylinders	Producer	Fuel	Year of Production
FAMOS	160	6	FAMOS	D-2	1990

III Communication and navigation devices:

Radio station	Radio telephone	Radar	Radio-navigation	Satellite	Other	No equipment	Unknown
-	Skipper	Yes	-	GPS	-	-	-

IV Electronic fishing gear:

Echo sounder	Sonar	CTD probe	No gear	Unknown
FFC-1000	-	-		

V Equipment for keeping the catch:

Freezer m ³	Cold store m ³	Ice house m ³	Icemaker	Other	None	Unknown
	25					

VI Ship may use the following fishing tools:

Bottom trawl	2 pieces

VII Light generator:

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The Law on Marine Fishery and Mariculture (Official Gazette of Montenegro 56/09) lays down that the administration authority in charge of fishery make entries into the Fleet Register based on the previously obtained commercial fishing permit. Moreover, in accordance with this Law, the Ministry of Agriculture, Forestry and Water Management shall lay down the contents and method of keeping the Fleet Register.

Under the CARDS project 2007/2008 "Support to Fishery Sector in Montenegro and Serbia", the Fisheries Information System was developed i.e. within it two subsystems: the Fleet Register and the Catch Logbook with a landing declaration.

The very complex EU legislation was followed in development of this system.

The key regulations included in the system are as follows:

- Commission Regulation(EC) No 26/2004 of 30 December 2003.
- Commission Regulation(EC) No 1438/2003 of 12 August 2003.
- Council Regulation(EC) No 3259/94 of 22 December 1994.
- Commission Regulation(EC) No 1381/87 of 20 May 1987.
- Council Regulation(EC) No 2930/86 of 22 September 1986.
- Commission Regulation(EC) No 129/2003 of 24 January 2003.
- Council Regulation(EC) No 2847/93 of 12 October 1993.
- Commission Regulation(EC) No 2807/83 of 22 September 1983.
- Council Regulation(EC) No 2057/82 of 29 June 1982.

The following information will be entered into the Fleet Register:

- Main information on the vessel,
- Data on the vessel construction,
- Data on the vessel dead weight tonnage,
- Data on the vessel dimensions,
- Information on communication devices,
- Information on the vessel owner,
- Information on the commercial fishing permit,
- Data on segments,
- Data on additional gear,
- Data on the main and auxiliary engines and
- Historical data on all the changes made on the vessel.

Annex from the Fleet Register.

The screenshot displays a comprehensive data entry form for a vessel in the Fleet Register. The form is organized into several sections:

- General Information:** Includes fields for vessel ID, CFR number (MNE001000006), name (CRMNICA), home port (BAR), and registration details.
- Owner/Agent Information:** Lists the owner (Filip Grdnic) and agent (Veselin Maric), along with contact details like address, phone, and email.
- Construction Details:** Specifies the construction location (Bijela), year (1985), and material (Drvo).
- Weight and Capacity:** Provides data on gross tonnage (GT), net tonnage (NRT), and deadweight tonnage (DWT).
- Dimensions:** Details the vessel's length (LOA), width, and draft.
- Engines:** A table lists two engines: a Main engine (G) and an Auxiliary engine (P), both using diesel fuel.
- Equipment and Segments:** Lists fishing gear (e.g., Mreža koca za škampe) and other equipment like a VHF radio and radar.
- Administrative:** Includes a date selector (07.10.2008) and an operator field (Andrija Jovanovic).

A small image of the vessel is also visible in the center of the form.

At this moment, the Fleet Register, i.e. the Fisheries Information System is not in use pending the development of rulebooks as laid down by the Law on Marine Fishery and Mariculture (Official Gazette of Montenegro 56/09), which is nine months from the day of entry into force of the said Law.

Under one of the components of the IPA 2009 Project "Sustainable Marine Fishery Management" the team of consultants will prepare the program solutions for the three remaining subsystems of the Fisheries Information System

- Vessel Monitoring System
- Sales Notes
- EU reporting

Setting up of a Local Area Network (LAN) has also been planned as a part of completion of the Fisheries Information System, which is to cover all the stakeholders as well as the fisheries inspectorate on the sea of Montenegro.

C. Fishing licenses

12. How is the issuing of fishing licenses organised?

According to the Law on Marine Fishery and Mariculture (Official Gazette of Montenegro 56/09) fishing is classified into commercial, sport-recreational and fishing for scientific-research purposes. Based on the fishing capacity and the significance of the commercial fishing (species and economic value of the fish and other marine organisms), commercial fishing is classified into the large-scale and small-scale commercial fishing. Companies and entrepreneurs may engage in commercial fishing provided that they are registered for their business activity in the Central Register of the Commercial Court, registered in the Register of Professional Fishermen and have a permit for commercial fishing issued by the administration authority in charge of the fishery affairs. Exceptionally, certain employed or retired persons may engage in small-scale commercial fishing and conditions, fishing tools and gear, fishing period and the method of issuing permits for this type of fishing shall be laid down by the Ministry of Agriculture, Forestry and Water Management in a separate rulebook. The small-scale commercial fishing, that certain categories of employed and retired persons would engage in, is a social category of fishing, which shall be phased out, i.e. this type of fishing will exist three years from the day of entry into force of the Law on Marine Fishery and Mariculture (August 2012).

The commercial fishing permit must always be on board of a fishing vessel and commercial fishing may be carried out only in the fishing areas with the fishing vessel, tools and equipment stated in the commercial fishing permit. A fee, set by the Government, is paid for the commercial fishing, based on the fishing capacity and significance of the commercial fishing.

The Law on Marine Fishery and Mariculture lays down that the commercial fishing permit is issued by the administration authority in charge of the fishery affairs based on a public competition published in at least one printed medium distributed throughout Montenegro. The application for permit issuing contains: the name and the address of the head office of the company, or the first name and last name of the entrepreneur, and the type of the fishing for which the permit is sought; the name and the registration number of one or several vessels in case the commercial fishing type requires use of more than one vessel, as well as the type, technical characteristics and the number of fishing tools and gear for the commercial fishing it applies to. The following evidence is presented together with the application: on entry into the Fishermen's Register; approval from the Institute for technical-technological characteristics of the fishing tools and gear from the application for commercial fishing; the certificate from the register of boats, a copy of the certificate from the register of boats, a copy of the registration certificate for the fishing boat or a certificate of the status of entry in the register of fishing boats, that is, the licence for sailing for the fishing boat which is registered for commercial fishing. Compliance with the all abovementioned conditions is ascertained by a decision of the administration authority in charge of fishery affairs.

The commercial fishing permit is issued for the period of five years, separately for each fishing vessel.

The commercial fishing permit contains: the name of the company, or the first name and last name of the entrepreneur the commercial fishing permit is to be issued to; the name and the registration number of one or several vessels in case the commercial fishing type requires use of more than one vessel; the name of the fishing area where commercial fishing may be carried out; the purpose, the type, the technical characteristics and the number of fishing tools and gear used in commercial fishing; identification data of the fishing vessel and the engine power; the amount of the fee. The permit may also contain: the period of time within which commercial fishing is prohibited; the type and the quantity of fish that may be caught; the method of fishing and conditions for landing and transshipping and the place of first landing.

In case of change of a company, the owner or the charterer of the fishing vessel is to be issued with a new commercial fishing permit, in accordance with the conditions as laid down by the Law.

In addition to the provisions of the Law on Marine Fishery and Mariculture, the provisions of bylaws adopted based on the Law on Marine Fishery (Official Gazette of the Republic of Montenegro 55/03) shall apply to the process of issuing commercial fishing permits. These bylaws shall be in force pending the adoption of bylaws in accordance with the Law on Marine Fishery and Mariculture, within the period of nine months from the day of entry into force of this Law. (a detailed list of bylaws is provided in the reply to the question No 1.(I General; A. Fisheries legislation)

Fishing with fishing vessels sailing under a foreign flag is prohibited in the fishery sea of Montenegro. Foreign fishing vessels may fish in the fishery sea of Montenegro in accordance with the ratified international agreement, based on a permit that the administration authority issued in accordance with that agreement. In absence of a ratified international agreement on fishing, a foreign fishing vessel may engage in fishing only for scientific-research purposes in accordance with the approved scientific-research project of national interests, and with a permit issued by the administration authority in charge of the fishery affairs.

Natural persons with a permit for sports-recreational fishing may engage in the sports-recreational fishing. The form of the permit for sport-recreational fishing is distributed to the Sport Fishing Confederation for the fishing sea of Montenegro by the administration authority in charge of the fishery affairs and sport-recreational clubs that are members of the Confederation distribute them to the natural persons. The sports fishing club has the duty to organize guard service in the appropriate area of the fishery sea where sports-recreational fishing takes place. In municipalities where there are no sport-fishing clubs that are members of the Confederation, the permit is issued by the local governance authority in charge of sport and recreation affairs. At the end of six months during the validity of the permit the Sport Fishing Confederation for the fishery sea of Montenegro presents to the administration authority the report on the number of permits issued for this type of fishing. The permit may be used only by the person whose name has been entered into the permit and the permit holders have the duty to keep the permit by their side when carrying out the sports-recreational fishing. The permit for sports-recreational fishing may be either permanent or temporary. The permanent permit for sports-recreational fishing is issued for the current calendar year and the temporary one of the period of not more than 30 days. A fee, amount of which is set by the Ministry depending on the validity period of the permit, is paid for sports-recreational fishing. The method, type and number of fishing tools and gear that is allowed for use in sports-recreational fishing, as well as the quantity of fish that the permit holder may catch during the day shall be laid down by the Ministry in a separate bylaw. Pending the adoption of that legal document, the sports-recreational fishing shall be carried out in accordance with the Rulebook on the method, type and quantity of fishing tools that are allowed for use in sports-recreational fishing, as well as the form, number and contents of the sports fishing permit (Official Gazette of the Republic of Montenegro 10/04).

The mariculture permit is issued based on an application for each farm separately, and it must be kept at all times at the registered farm. The following is to be presented together with the application: the administration authority's approval of the project for technical-technological requirements of mariculture and the feasibility study for the investment, which includes the species of fish and other marine organisms farmed, description of the farming technology, annual production volume in tons, equipment to be installed at the site, the potential impact of the farming proposed on the environment and protective measures aimed at control or elimination of environmental and disease risks; certificate from the register of the Central Register of the Commercial Court; a draft of the location with the total farm area; water management approval; veterinary-sanitary approval as well as the environmental impact assessment for farming fish and other marine organisms. The mariculture permit must include: the name and the head office address of a company, or the name and address of an entrepreneur that the permit is issued to; the name of the location with spatial coordinates and the farm area; the date of commencement of the mariculture activities from the day when the permit was issued; the species and the quantity of fish or other marine organisms farmed at an approved farm an the permit validity period, as well as the amount of the fee for this activity. The amount of the fee is set by the Government at the proposal of the MAFWM. Locations for mariculture activities (farms) are designated by the administration authority in charge of the fishery affairs, at proposal of the Institute of Marine Biology, based on the species of fish and other marine organisms farmed, the cost effectiveness

forecasted and farming technology. The locations have to be designated within the mariculture zones determined by the Physical Plan for special purpose areas for coastal zone.

13. What is the mechanism to withdraw licenses when the conditions for these are not met?

The permit for commercial fishing is cancelled in case of: the death of the natural person; termination of the existence of the company; termination of engagement in commercial fishing; with failure to comply with the requirements for registration in the Register of Fishermen in accordance with the Law on Marine Fishery and Mariculture. Also, the permit is cancelled if the holder of the permit for commercial fishing fails to commence the commercial fishing within the period set by the permit; if the conditions of the permit are not complied with, that is, if fishing tools and gear by type and quantity as stated in the permit are not used; when commercial fishing is not done in accordance with the Law on Marine Fishery and Mariculture; in case of the failure to keep daily records of fishing activities into the logbook of the catch and failure to submit a declaration on the landing of the total catch to the administration authority, or a fishery inspector.

The permit for commercial fishing is cancelled also for the following reasons: when the ship certificate, or a sailing licence of a boat, as appropriate is no longer valid or is changed; when the fishing vessel is deleted from the register of ships, or the register of boats, as appropriate; when there are reasons for taking urgent measures for protection of a certain marine resource in accordance with the Management Plan.

The permit is cancelled by a decision of the administration authority in charge of the fisheries.

The administration authority in charge of the fisheries may issue a decision cancelling a mariculture permit to a permit holder in case: the holder no longer engages in mariculture activities; the holder has not commenced mariculture activities within the period of time set in the permit and he/she failed to observe the conditions from the permit or failed to remove the weaknesses within the period set. Also, the mariculture permit is cancelled in case it is in the interest of the environmental protection and conservation and in case the permit holder failed to notify to the administration authority of the presence of a disease or a harmful organism or has failed to take all possible measures to prevent the spread of a disease or of a harmful organism within the farm or beyond it, including the destruction of fish and other marine organisms or fish products, as well as disinfection of products.

D. Catches and landings

14. Provide statistics for catches and landings per type of fishery.

The data on catches and landings are given by the fish species because the Statistics Office of Montenegro - MONSTAT collects and processes the data by species of fish and other marine organisms.

(See the reply to the question no.30, III. Inspection and control, E. Data collecting).

Catch structure by species, in tons.

	2003	2004	2005	2006	2007	2008

13 Fisheries

Total	497	477	443	738	689	838
Pelagic fish	151	171	158	163	196	241
European pilchard	24	24	43	21	23	32
European sprat	14	57	35	30	49	48
Anchovy	11	9	2	23	15	15
Mackerel	13	11	8	10	11	12
Blue mackerel	1	1	4	6	12	21
Horse mackerel	16	11	12	20	13	17
Tuna	9	7	7	4	1	9
Other pelagic fish	63	51	47	49	72	87
Other fish	289	258	224	304	245	273
Hake	18	19	16	26	25	34
Red mullet	11	9	9	16	17	21
Common dentex	11	9	8	8	9	10
Gray mullet	26	26	26	22	30	39
Eel	4	2	2	2	2	1
Picarel	40	36	19	18	14	16
Bogue	37	35	28	28	23	27
Goldline	9	6	6	9	5	11
Dogfish	6	4	4	6	9	7
Catfish	2	1	1	2	4	10
Ray	9	8	10	13	6	13
Other fish species	116	103	95	154	101	84
Cephalopods	37	32	38	68	67	78
Squid	13	12	17	15	17	19
Cuttlefish	10	10	8	15	18	15
Octopus	10	7	9	20	19	23
Musky octopus	4	3	4	18	13	21
Bivalves	3	3	7	174	156	205
Crustaceans	17	13	16	29	25	41

Information source MONSTAT

E. Other

15. Are there any producer organisations?

One of issues governed by the Law on Marine Fishery and Mariculture (Official Gazette of Montenegro 56/09) is also organization of produces in fisheries. Namely, the said Law lays down that companies and entrepreneurs registered in the Fishermen's Register, the Farm Register and the Register of Processors of Fish and Other Marine Organisms may be organised into producer organisations in fisheries, with the objective of joint participation in the market and providing of the best marketing conditions for their products. The conditions and criteria that have to be met by producer organisations in the fisheries and agriculture in order to be recognized by the Ministry of Agriculture, Forestry and Water Management as well as the eligibility criteria for incentives and other forms of support in organization and building the capacity for implementation of the measures of the fishery policy and prioritization of the measures will be determined in accordance with the Law on Agriculture and Rural Development (Official Gazette of Montenegro 56/09).

Currently, there are no fishery producer organisations in Montenegro in line with the European organisational forms; commercial fishermen and farmers are organised into the Association of Professional Fishermen and the Association of Mussel Farmers in accordance with the Law on Nongovernmental Organisations (Official Gazette of the Republic of Montenegro 27/99, 71/99, 30/02 and 11/07) and into cooperatives in accordance with the Law on Cooperatives (Official Gazette of Federal Republic of Yugoslavia 41/96). The associations are non-profit organisations, organised by professional fishermen and farmers in order to reach their individual or mutual interests of for the purpose of reaching and affirming the public interest.

Under the CARDS project 2007/2008 "Support to Fishery Sector in Montenegro and Serbia" initial steps were taken with Associations of Professional Fishermen and Farmers (a series of seminars and workshops were organised in order to form a "transitional" producer organization (a pre-PO) in fishery)

Moreover, one of the components of the IPA 2009 Project "Sustainable Management of Marine Fishery" is support to setting up of a functional producer organisation, which will be a true represent of the fishery sector and which will fully be included in the fishery sector management.

16. Are there any specific provisions on consumer information?

The Law on Consumer Protection (Official Gazette of the Republic of Montenegro 26/07) lays down the elementary rights of consumers when buying goods and services, including the information for consumers on the conditions and methods of product sale (label, labelling, shelf life, product displaying, presentation of information, advertising, etc.). In accordance with this Law, the consumers have the right to be educated in order to acquire knowledge on rights, obligations and the method of exercising the rights necessary for a proper and reliable use of a product. Moreover, this Law lays down that, in order to protect their rights and interests, the consumers may establish consumer organisations which, among others, can provide information to consumers on the procedures for protection of their rights before the competent authorities and notably on out of court settlement of disputes as well as report to the competent inspection bodies and provide evidence on products at the market that do not meet the conditions laid down by the law, the applicable standards, technical and other regulations.

The Law on Marine Fishery and Mariculture lays down that the Ministry shall, in a separate bylaw, lay down the method of informing the consumers of fish, fish products and aquaculture products, such as commercial and local names of fish, fish products and aquaculture products, fishing method or method of farming of fish and other marine organisms, as well as on of other information of relevance for consumers.

In accordance with the Law on Food Safety (Official Gazette of Montenegro 14/07) the consumers are informed of the composition, characteristics and safe use and method of use of food by labelling and marking, provision of instructions for use and other documents accompanying food in order to prevent fraudulent and misleading information as regards the composition, change of composition, other characteristics and procedures that may be misleading for consumers.

17. Are there any marketing standards?

Marketing standards are laid down by the Rulebook on the Quality and Other Requirements for Fish, Crustaceans, Bivalves, Sea-urchins, Sea-cucumbers, Frogs, Turtles, Snails and Products Thereof (Official Gazette of the Federal Republic of Yugoslavia 6/03). ([Annex 54](#))

This Rulebook lays down the quality and other requirements for fish, crustaceans, bivalves, sea-urchins, sea-cucumbers, frogs, turtles, snails and products thereof, which have to be met in production and marketing.

III. INSPECTION AND CONTROL

A. Financial means

18. What budgetary means have been allocated for fisheries control (in €)? Are these means increasing or decreasing?

Inspectors in charge of control affairs as a part of agriculture inspection in the fisheries department receive funds for their activities from the budget of Montenegro through the Ministry of Agriculture, Forestry and Water Management. The amount of funds allocated from the Budget is not specifically established for certain areas of supervision and control of the agriculture inspection, therefore no specific data on financial funds referring to the inspection in the area of fisheries can be provided.

19. How have these means been allocated?

Fisheries inspectors participate in allocation of granted funds under same conditions as the inspectors in the area of agricultural inspection. Accordingly, the amount of allocated funds for control in fisheries depends on the number of inspectors engaged in supervision and control affairs. These funds represent total amount of salaries for inspectors, funds for fuel and repair of cars as well as funds which enable smooth supervision and control.

B. Human resources

20. How many personnel are involved in fisheries control? What is the distribution of personnel among the relevant authorities? Are resources increasing or decreasing?

Three inspectors for marine fisheries and four agricultural inspectors, who spend a part of their working hours working on control and supervision of freshwater fisheries, including one inspector whose competencies include control of fishing activities on Skadar Lake where commercial fishing is carried out, are authorized for performing fisheries inspection supervision. Inspector in charge of Skadar Lake undertakes control over fishing activities at sea as well, depending on the workload.

Inspectors for marine fisheries cooperate from time to time with the Marine Border Police using their vessels for inspection at sea. Although this cooperation is generally good, especially when irregularities which are supposed to be investigated are reported, there is no regular patrolling of the Marine Border Police with fisheries inspectors, nor have visits of inspectors to the sea been frequent enough in the past.

Establishing of a control sector within which administrative capacities will be defined depending on current needs is envisaged within the future administrative body competent for fisheries affairs (Fisheries Administration).

21. What is the working schedule of fisheries inspectors (full time/part time, hours etc.)? How many are directly involved in actual fisheries control (inspections)? How many are administrators? If officials have different tasks, what proportion of their time is spent on fisheries control?

Three inspectors for marine fisheries are involved in the actual fisheries control on full time basis. In addition, 4 agricultural inspectors spend around 20% of their working hours dealing with affairs connected to freshwater fisheries, including one fisheries inspector who covers activities at Skadar Lake and who assumes control at sea, depending on the current workload. All inspectors are directly accountable to the chief agricultural inspector who is responsible for agricultural and phyto-sanitary inspection in addition to fisheries.

22. What is the educational background of the control personnel? Is training provided, and what does it consist of?

Persons with university degrees – a graduate in Agriculture, a graduate in maritime affairs and a graduate in biology are appointed as fisheries inspectors.

Training of inspectors is carried out through organization of conferences and symposiums on fisheries as well as through departures and visits of inspectors to the relevant European Union institutions from time to time. Inspectors have gone through a series of workshops on the topic of the Common Fisheries Policy within the CARDS project in 2007/2008 - "Support to the Fisheries Sector in Montenegro and Serbia", and they went to a study trip to Italy (Pescara), Poland (Warsaw) where they got *in situ* acquainted with the inspection procedures of their respective Coast guard and fisheries inspectors.

Within the IPA 2009 project "Sustainable Marine Fisheries Management", the Ministry requested provision of technical assistance to inspectors with the aim of strengthening capacities for performing the tasks of monitoring, supervision and control as well as for carrying out standard operative procedures.

C. Powers of control

23. Where is inspection powers defined?

Powers of fisheries inspectors are defined under the Law on Inspection Supervision (Official Gazette of the Republic of Montenegro. 39/03), the Law on Marine Fisheries and Mariculture (Official Gazette of the Republic of Montenegro 56/09) and the Law on Freshwater Fisheries (Official Gazette of Montenegro 11/07), as well as in regulations adopted on the basis of these Laws.

24. Describe the powers of control available for each type of control personnel.

In performing the inspection supervision, the fisheries inspector has the powers to:

- monitor and control fishing and use of fishing gear and tools;
- check whether commercial, sports and recreational fishing and fishing for scientific and research purposes are carried out in permitted fishing areas, breeding sites, zones and protected fishing areas, with permitted tools, in permitted time and in a permitted manner;
- examine and control markets, storages, hospitality facilities i.e. restaurants, ports, quays and similar facilities important for trade in fish and other marine organisms, as well as fish products;
- establish identity of the supervision subjects and other persons;
- order undertaking of corresponding measures and actions for the purpose of ensuring performance of supervision;
- monitor and control implementation of the Strategy, Plan, Program of monitoring of the state of settlements of economically important fish and other marine organisms on the bottom and in sea water, the Annual Program of Monitoring, Control and Supervision over the fishing area of the Montenegrin sea.
- to embark on a fishing vessel and perform check of that vessel, fishing equipment, cargo, storage, catch, documents and other objects as well as to stop the fishing vessel;
- enter the premises, apart from the boat booth or a vehicle in which fish and other marine organisms or fishing gear are held or transported and perform check of the premises or the vehicle and stop the vehicle used for transportation of fish;
- stop vehicle for the purpose of checking whether there are fish and other sea animals;
- examine fishing gear or objects for which there is reasonable ground for doubt that they were used or aimed at use in gathering or processing fish;
- to pose questions to a person who, according to his/her opinion, might provide information necessary for his/her performing of inspection supervision;
- require the personnel on a fishing vessel to help him/her in examination of containers, fishing gear or documents in or on that vessel;
- require the captain of the boat to ensure adequate embarking on the boat;
- stop and perform check of a vehicle for which there is reasonable doubt that it contains fish which was illegally caught or caught by use of fishing gear that has not been permitted;
- examine the fishing vessel regardless whether it was fishing or any other activity related to fishing at the time;
- ensure carrying out of the ordered measures;
- undertake other prescribed measures by which performing of inspection supervision is ensured.

Powers of the fisheries inspector in performing inspection supervision cover the following as well:

- 1, fishing vessels which fly the Montenegrin flag within and outside the fishing sea area of Montenegro;
- 2, fishing vessels which fly a foreign flag in the fishing sea area of Montenegro and, within the powers determined by a ratified international agreement, outside the fishing sea area of Montenegro.

25. Do inspectors have a clear notion of the extent and the limits of their powers?

All inspectors working on fisheries affairs are workers with a year-long experience who are familiar with laws and regulations and act in accordance with the Law on Civil Servants and Public Employees (Official Gazette of the Republic of Montenegro 27/04).

D. Control equipment

26. What control equipment is available for control activities? How is the equipment distributed among the different authorities?

Fisheries inspectors have 7 vehicles for official use at their disposal, and they use vessels of the Marine Border Police for control at sea.

Marine Border Police disposes with 20 vessels, from which 14 patrol boats (8 patrol boats in the aquatorium of the Adriatic sea, 4 in the aquatorium of Skadar Lake and 2 in aquatorium of Bojana River) are at disposal of the fisheries inspection, as an assistance.

Cars are in possession of the Ministry of Agriculture, Forestry and Water Management and fisheries inspectors share use of cars with their colleagues from the agriculture and phytosanitary inspection as needed and depending on the workload.

Vessels belong to the Border Police Sector within the Police Directorate of Montenegro (Ministry of Interior and Public Administration).

27. What is the state of the control equipment? How old is it? Are there plans for renewal of the equipment?

Equipment in possession of the fisheries inspection (cars) is in a satisfactory condition. Four cars were acquired in 2007 within the CARDS project 2007/2008 "Support to Fisheries Sector in Montenegro and Serbia".

Current state of vessels of the Marine Border Police is good and they fully satisfy all marine and navigational needs of the mentioned inspection controls. Average age of vessels is 8 years.

Within the IPA 2009 project "Sustainable Marine Fishing Management", acquisition of a part of needed equipment and infrastructure for fisheries inspection is envisaged.

Within the IPA 2010 project, acquisition of two 12-15 m long patrol boats for intervention for needs of the Marine Border Police has been proposed.

28. Is the equipment adequate for the tasks to be carried out? Describe the needs.

The fisheries inspection does not dispose of adequate equipment for performing control at sea. Considering the limited use of vessels by the Marine Border Police in control of fishing activities, the fisheries inspectorate primarily needs a vessel which has to be equipped for inspection supervision at sea, with all the measuring instruments and devices for satellite and radar monitoring and locating of fishing boats.

It is necessary to complete basic protective and safety equipment for performing controls at water.

29. What is the level of computerisation?

All fisheries inspectors have desktop computers and possess solid knowledge of the Windows operating system, they also have access to the Internet, but direct communication in form of a LAN network has not been established yet, so communication is carried out via e-mail. It is planned that inspectors become networked in the future LAN network within the process of development of the Fisheries information system.

E. Collection of data

30. How is the collection of fishing data organised?

Rulebook on forms, contents and manner of keeping logbooks on fishing or farming (Official Gazette of the Republic of Montenegro 10/04) prescribes form, contents and manner of keeping logbooks for commercial fishing or farming at sea which must be kept by commercial fishing or farming permit holders. Logbooks of commercial fishing or farming are submitted by the MAFWM to users on the occasion of issuance of permits for commercial fishing or farming. Permit holders are obliged to submit the logbook data to the Ministry of Agriculture, Forestry and Water Management in the end of every half-year. There are four types of logbooks for commercial fishing:

- Logbook on catch of small scale fishery
- Logbook on catch of purse seiners
- Logbook on catch of demersal trawlers
- Logbook on catch of pelagic trawlers

Annex: the existing logbook of a trawler

LOGBOOK OF CATCH OF A TRAWLER	
Permit No. _____	
Permit holder data _____	
DATA ON THE TRAWLER BOAT OR SHIP	
Name of the ship or number of the boat _____	
Overall length (m) _____	
BRT _____	
Motor power _____ kW	
Surface of otter boards _____ m ²	
Length of the chains _____ m	
Distance between grooves of the pulley tackle _____ m	
Data on the net:	
Wings size _____ m	
Throat length _____ m	
Cod-end length _____ m	
Meshsize (mm):	
Wing size: _____	
Square size: _____	
Bottom size: _____	
Cod-end size: _____	

REPORT ON DAILY CATCH OF A TRAWLER

13 Fisheries

Haul	1		2		3		4	
A-beginning, B - ending	A	B	A	B	A	B	A	B
Date:								
Breadth (ϕ)								
Length (λ)								
Total catch (kg)								
Chondrichties								
Catfish								
Dogfish								
Rays								
Common eagle ray and Common stingray								
Fish								
Red mullet								
Bogue								
Greater weever								
Pcarel								
Angler fish								
Gurnard								
Hake								
Flounder								
Poor cod								
Cummon pandora								
John Dory								
Horse mackarel								
Largescaled scorpionfish								
Black scorpionfish								
Sole								
Conger								
Other fish								
Crustaceans								
Black shrimp								
Common lobsters								
Deep-water rose shrimp								
Norway lobster								
Other crustaceans								
Cephalopods								
Pink cuttlefish								
Octopus								
European Squid								
Shortfin squid								

13 Fisheries

Musky octopus				
Cuttlefish				
Other cephalopods				
Bycatch				

Due to lack of administrative capacities, the data on catch from the logbook could not be processed by the Ministry of Agriculture, Forestry and Water Management and thereby receive data which could be used for the official fishing statistics. Therefore, collecting data in the fisheries sector by the reporting method and assessment method is performed by the Statistics Office MONSTAT. Described in more detail in Chapter 18 (Module 4.06.01. Fisheries statistics).

Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro 56/09) prescribes that holder of the permit for commercial fishing with a fishing vessel of 10 and more meters of overall length shall enter daily records of fishing activities into the logbook and submit a statement on total quantity of catch landed in the designated port of landing, to the administrative body competent of fisheries affairs or to the fishing inspector in the course of 48 hours. Also, in accordance with the Law, the holder of the permit for commercial fishing with a fishing vessel of 10 and more meters of overall length shall submit a report to the administrative body on total quantity of catch and fish landed Form and contents of the logbook, statements on quantity of fish landed as well as reports on catch and the course of submission of reports will be prescribed by the Ministry by a special by-law.

One of the subsystems within the Fisheries information system (CARDS project 2007/2008) "Support to the fisheries sector in Montenegro and Serbia") is the logbook with a landing declaration which is harmonized with the EU logbook. The Ministry of Agriculture, Forestry and Water Management also reported on the necessity of training of professional fishers for filling in future logbooks as well as training of the fisheries inspection for control and implementation of this data collection system through the »IPA 2009« Sustainable Marine Fisheries Management project.

It is expected that results of these projects as well as successful implementation of the Law on Marine Fisheries and Mariculture will enable the administrative body competent for fisheries affairs to adequately process and keep records of fishing.

Annex logbook (CARDS project)

DNEVNIK ULOVA EVROPSKE ZAJEDNICE

№ MNE 00001

Naziv plovila i ako ima radio pozivni znak (1): DURMITORE3

Spoljna identifikacija(2) CFR, registrarska oznaka: MNE001000002 KO-562

Naziv vlasnika i adresa(e) (3): Petrovic Dragan Marka Miljanova 55 - Podgorica (MNE)

Polazak (4): 10 2 0 Iz Budva

Povratak (5): 10 2 6 u Valdanos

Iskrcaj (6): 10 2 9 u Luka Neum

Oprema (8): Veličina oka (9): Dimenzija (10): U slučaju pretovara (7): Naziv i radio pozivni znak (ako ima) BARSKI2 BR568

Lebdeca mreža koca za lo: 34 Dan: 16 Mjesec: 4 Spoljna oznaka: BR-121 Zastava prihvatnog plovila: Crna Gora

Datum (11)	Broj ribolovnih aktivnosti (12)	Vrijeme ribolova (13)	Statistički region	CES-NAPFC zonalna zona	Ribolovne zone zemalja nečlanica EU	Ulov po vrstama ribe koja se nalaze na plovilu u kilogramima ili broj jedinica (15)			Jedinice težine u živom stanju	Paraf
						ELE	MGR	AHH		
16/04	1	18	B			43	5	6		X
11/04		20	A			7	8	9		
15/04	7	29	A			10	11	12		
15/04	3	2	A			13	14	15		
15/04	2	7	A			16	17	55		
19/04	2	4	B			19	20	21		
15/04	1	27	A			22	23	24		
						23	36	39		

Ukupno procijenjeni otpad (16):

Prezentacija ulova (17): B

Količina ulova (19): 2 3 4

Prezentacija ulova (17): B

Količina ulova (19): 11 14 23

Prezentacija ulova (17): A

Količina ulova (19): 4 5 6

Prezentacija ulova (17): C

Količina ulova (19): 23 33 44

Deklaracija o iskrcaju/prekrcaju (*) u kilogramima ili definisanim jedinicama: 1 jedinica = kilograma (18): 12 13 44

Potpis vlasnika/agenta(*) (20):

Ime agenta i adresa ako postoji (21):

Komentar: ažuriranje strane OK

Status: Nije vraćen Ostavljen Netačan Unesen Provjeren Poništen

Datum unosa: 16.04.2008. 00:00 C

Zadnja promjena: 16.06.2008. 16:02 Z

31. What scientific data is collected and who utilises it? Is scientific data used for stock management?

National scientific institution in charge of marine fisheries monitoring in Montenegro is the Institute of Marine Biology in Kotor. Laboratory for Ichthyology and marine fisheries of this Institute has been collecting for more than a decade the data on the state of resources of marine fisheries, through national and international scientific projects, as well as through studies for needs of the Ministry of Agriculture, Forestry and Water Management.

Data on total catch, its quantity and quality are collected through the national monitoring of demersal resources which was initiated in 1997, by using commercial trawlers, by the swept area method. Economically important species of fish, cephalopods and crustaceans are studied in particular, as well as their parameters of population dynamics, assessment of their biomass and MSY (Maximum Sustainable Yield), the maximum biological level of use allowed. Catch per Unit Effort (CPUE) is calculated (kg/h). Data on targeted species are collected by international expeditions within the projects FAO AdriaMed and MEDITS, and according to the MEDITS protocol, these data are entered into the ATRIS basis (AdriaMed Trawl Survey Information System).

Also, during four summers, in 2002, 2004, 2007, 2008 biomass of small pelagic fish has been estimated within the AdriaMed project by the method of echosurvey and Daily eggs and larve production method (DEPM), in cooperation with the Institute of Marine Sciences, Marine Fisheries Section (CNR-ISMAR) from Ancona.

During 2008 and with continuation in 2009, the FAO AdriaMed Pilot study on Operational Units and Biological sampling in small scale fisheries in Montenegro was initiated, where data on small scale coastal fishing were collected for the first time.

Since cooperation of the Ministries and the Institute is exceptional and all national monitoring processes are carried out upon request of the Ministry of Agriculture, Forestry and Water Management, all these data are used for fish resources management on the principle of sustainable development, and thereby for implementation of the responsible fisheries policy in Montenegro.

32. Does your country have quotas and if yes, what data are collected for quota management and verification (logbooks, landing declarations, sales notes, auction data, transport data, buyers information)? How is this data used for control purposes?

Catch quotas per individual targeted species do not currently exist in Montenegro. However, it is important to emphasize that prior to issuing permits for professional fishing for the year in question, the Ministry of Agriculture, Forestry and Water management has to obtain proposal of the annual catch quota i.e. proposal for the number of permits which the Ministry can issue for all three types of fishing (trawler, small pelagic fish and coastal fishing) from the Institute of Marine Biology as the competent scientific institution for marine fisheries affairs. Namely, the Institute of Marine Biology, estimates total biomass of demersal resources (Alverson and Pereiro 1969 method) on the basis of collected data on catch from commercial trawlers and by standard fisheries and biological method (swept area method), based on which, it estimates the MSY - maximum sustainable yield, i.e. the annual catch quota (Gulland, Beverton and Holt method) which it proposes to the Ministry of Agriculture, Forestry and Water Management. Also, the catch quota for small pelagic fish is estimated based on the assessment of small pelagic fish biomass by method of echosurvey.

33. Are there any instruments or procedures for cross-checking of data?

Fisheries Inspectorate is entitled to control correctness of data entered into fish catch and farming logbooks by professional fishermen and farmers.

F. Inspection activities

34. Provide statistics for inspections carried out.

Marine fisheries.

	2005	2006	2007	2008	2009
Cheks performed	1138	1219	1082	1218	443
Complaints filed	49	14	3	0	0
Nets confiscated	4500m	1500m	0	0	0
Diving equipment	4	6	0	0	0

Source: Officer authorized for conducting misdemeanor procedure

* in 2009 data for six months have been provided.

Since the state and legal status of Montenegro was changed in 2006, the Marine Border Police was consequently assigned additional powers and obligations concerning border and territorial waters protection, which resulted in reduction of number of fisheries activities control at sea by fisheries inspectors. Accordingly, in the following few years, the number of filed complaints and quantity of confiscated tools and gear which were not permitted was reduced.

35. What officials are responsible for carrying out inspections?

Marine fisheries inspectors are stationed in Herceg Novi, Kotor and Bar, while agricultural inspectors who partly perform affairs of control in freshwater fisheries sector are in Nikšić, Plav, Pljevlja and Podgorica. The inspector in Podgorica performs affairs of marine fisheries control and supervision, depending on the workload.

36. Is there a strategy in place for inspection activities? How are the targets set?

Inspectors are independent in their work within rights and duties determined by law and they perform their work in accordance with laws and valid legal regulations depending on the fishing season and weather conditions. Goals are set based on an analysis of inspection activities in the past, upon an order of the body competent for fisheries affairs, as well as upon a report of irregularities by legal and physical persons.

37. Are there guidelines issued for how inspections are to be carried out?

Inspection control is performed in accordance with the Law on Inspection Supervision (Official Gazette of the Republic of Montenegro 39/03), the Law on General Administrative Procedure (Official Gazette of the Republic of Montenegro 60/03) and the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro 56/09), i.e. in accordance with the rights and powers in administrative actions mentioned in these Laws.

38. What does an inspection consist of? What is the methodology and the strategy as regards inspections?

Marine fisheries inspectors control persons who perform commercial and sports and recreational fisheries (on the sea and in the port) and fish farming. Supervision of carrying out fisheries activities consists of control of possession of the fishing permit, use of prescribed fishing tools and gear in permitted time and manner. Logbooks of catch as well as types, quantities and size of caught fish or fish placed on the market is also controlled.

39. Are inspections documented and, if so, how?

Fisheries inspectors have special notes-minutes and every control is entered in these minutes, in three copies. In addition to date and time of the inspection control, name of the control subject is entered as well as everything which has been perceived or controlled with the mentioned subject of control. The controlled subject, i.e. the one who is present during control confirms with his/her signature in a specified place all which has been controlled on which occasion he/she receives one copy of the minutes. In case of determination of some irregularities during control, in addition to the minutes, a decision on removal of irregularities is made, i.e. a decision on ordered measures. If a sanction is stipulated for such irregularities, a request for initiation of misdemeanor procedures is made or a criminal charge is raised.

Pursuant to the Rules on Manner of Keeping Records on Performed Checks (Official Gazette of the Republic of Montenegro 9/95), the records on the minutes are kept. The following are also recorded: a decision on ordered measures, requests for initiation of misdemeanor procedure, raising criminal charges, certificates on charged mandatory fines, reports of authorized laboratories on results of analysis and super analysis in the inspection procedure as well as other documentation which might provide an insight into implementation of laws and other regulations. Monthly and annual reports consist of text parts and tables on performed controls. Lately, photographs are submitted with records, as proofs in instances of a misdemeanor or an offence.

40. What is the level of practical inspection capability and skills? What is lacking?

Marine fisheries inspectors have the satisfactory level of experience and skills for performing supervision in accordance with the Law on Marine Fisheries and Mariculture and the Law on Inspection Supervision, but lack of their own vessel represents a limitation in practice.

It is expected that the IPA 2009 project "Sustainable Marine Fisheries Management" will aid in technical and practical part of training of inspectors for a high quality and efficient performing of monitoring, control and supervision, as well as in carrying out the standard operative procedures while performing inspection supervision.

G. Legal Procedures for sanctioning infringements

41. What is the legal framework for sanctioning infringements?

Legal framework for imposing sanctions for offences in marine fisheries is contained in the Law on Marine Fisheries and Mariculture, the Law on Inspection Supervision, Criminal Code of Montenegro (Official Gazette of Montenegro 70/03, 13/04, 47/06 and Official Gazette of Montenegro 40/08), as well as in the Rules on Rates for Compensation of Damages Resulting from Illegal Fishing (Official Gazette of the Republic of Montenegro 10/04).

42. Is sanctioning based on criminal or administrative procedure? What authorities have the powers to impose sanctions?

When it comes to catching fish or aquatic animals during the close season or in the waters with prohibited fishing or if the fish is caught with explosives, electricity, poison, stunning devices or in a way that causes mass destruction, punishment is based on the provisions of the Criminal Code (Official Gazette of Montenegro 70/03, 13/04, 47/06 and Official Gazette of Montenegro 40/08). In the abovementioned cases, fishing inspectors cooperate with the police where the police conducts proceedings to prove and criminally process the case.

Administrative procedures begin with inspection control and in case of determination of irregularities in work, measures for removal of irregularities in work are imposed on offenders. That is the first-instance procedure conducted by the inspector in charge of fisheries affairs. Person responsible for the established irregularity acts upon the inspector's order or complains against the adopted decision and that is the stage where the first-instance procedure is terminated. In case of a complaint against adopted decision, the second-instance procedure which is under competencies of the Ministry of Agriculture, Forestry and Water Management is continued. A complaint can not be raised against the second-instance decision; the party who is unsatisfied with the decision in the second-instance procedure may initiate an administrative procedure before the Administrative Court of Montenegro.

Administrative procedure is conducted by the Authorized officer for conducting administrative procedure (judge for misdemeanors), while criminal offences are decided upon through the basic prosecutor in the Basic Court by filing a criminal charge.

43. What administrative sanctions are available?

Inspector for marine fisheries may by a decision:

- prohibit fishing without a fishing permit or fishing by means and tools which are contrary to the permit, or order removal of any irregularity which is contrary to provisions of the Law on Marine Fisheries and Mariculture or some auxiliary regulation from the area of marine fisheries;
- seize a vessel, means of transportation, fishing gear, documents and other objects used in committing an offence;
- prohibit use of or attempt to use explosive, fire arms, poison or other harmful substances for the purpose of killing, stunning or incapacitating or catching fish and facilitation of catching fish;
- prohibit use of gear from the List of prohibited fishing gear and practices;
- prohibit fishing in marked areas in the fishing area on sea where there are telephone, telegraph or electric power cables, pipes or other devices, as well as archeological sites and objects or to use fishing tools and gear which might damage them;
- prohibit disembarking, display for sale, trade, transport and possession of fish and other marine organisms and fish products, as well as use of fish and other marine organisms and fish products in restaurants contrary to this law;
- order anchorage of a fishing vessel which has been seized, confiscated or kept for the purpose of prevention of its use until adoption of a decision on release;
- order turnover of objects for which there is reasonable doubt that they were used in a misdemeanor.

44. What are the levels of fines to be applied? What are the actual sanction levels?

In accordance with the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro 56/09), the amount of fees depends on the official lowest income in state, i.e. the type of misdemeanor, whether a physical or legal entity is in question, an entrepreneur or a ship commander. Accordingly, the amount of fees ranges from 5 lowest incomes to triple amount of the lowest income (the lowest income currently amounts € 55).

Lowest fines are envisaged for physical persons and range from € 275.00 to € 1,100.00, depending on the misdemeanor; legal entities or entrepreneurs may also, depending on the type of misdemeanor be fined in the amount ranging from € 2,750.00 to € 16,500.00, while the responsible person in a business organization may be imposed a fine ranging from € 275.00 to € 1,100.00.

Ship commander may be charged a fee ranging from € 550.00 to € 1,100.00, depending on the misdemeanor.

So far, real levels of sanctions ranged from an admonition, lowest sanction allowed for a misdemeanor up to € 5,000, depending on the committed offence, mitigating circumstances or financial status of the offender.

45. What are the possibilities to seize catches and gear? To what extent are catch and gear confiscated?

Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro 56/09) determines that protective measures are pronounced for certain types of misdemeanor – seizing of a vessel, fishing tools and gear, as well as catch. These protective measures are pronounced in cases when, inter alia, the subject of supervision:

- restocks, discharges into sea the allochthonous species of fish and other marine organisms, genetically modified species of fish or other species of organisms or performs submarine activities in the locations for which authorization of the body competent for fisheries affairs has not been obtained;
- fishes and collects and trades in protected fish species and other marine organisms;
- for the purpose of farming, restocking and exploring, catches juvenile fish, reproductively immature fish or other marine organisms in specified localities, at certain time using specific fishing tools, without permission of the administrative body competent for fisheries affairs;
- catches, takes, buys or sells, storages, transports or keeps on a fishing vessel fish or other marine organisms, which are smaller than the minimum size prescribed;
- fishes in parts of the fishing area at sea which are determined by a special law as areas for the needs of defense;
- holds fishing tools and gear for sports and recreational fishing without a permit for sports and recreational fishing;
- obstructs commercial fishing;
- performs commercial fishing without a permit and with a fishing tools and gear which have not been entered into the permit;
- does not keep records of every instance of purchase or sale of fish and other marine organisms in the place of the first sale and does not keep receipts on purchased fish and other marine organisms.

So far, protective measures have been rarely pronounced due to technical limitations in work of inspectors as well as due to lack of storages for storing and maintenance of seized tools, gear or vessels until termination of the misdemeanor procedure. In accordance with the Law on Inspection Supervision, implementation of the protective measure of seizing catch is followed by return of live catch into water or, upon the estimate of an inspector, with the aim of protection of health of physical persons, by chemical destruction of catch found in illegal trade.

46. What means of appeal exist?

In administrative procedure, there is the possibility of appeal upon the decision of a fisheries inspector concerning prohibition or order of removal of irregularities which is decided upon by the Ministry of Agriculture, Forestry and Water Management. Appeal on the decision of the Ministry of Agriculture, Forestry and Water Management is not allowed, but the unsatisfied party may initiate an administrative dispute before the Administrative Court of Montenegro.

As regards misdemeanor procedures, an appeal upon decision of the judge for misdemeanors may be filed to the Council for misdemeanors.

47. What are the requirements as regards evidence? Is it necessary to prove intent?

Law on General Administrative Procedure clearly specifies the principle of law and the principle of legality as well as the principle of truth. Knowing legal acts represents a basis of activities and

operation of every inspectorate including the fisheries inspectorate. In administrative procedure, the inspector determines and proves facts, and lack of knowledge of legal acts does not exclude responsibility of the control subject.

A proof of intention is established by the inspector by forming minutes which are used in pronouncing sentence and which influence the amount of fee.

48. Provide statistics on sanctions imposed for fisheries infringements.

Overview of information on undertaken misdemeanor procedures and outcome of initiated procedures is shown in the table below.

	2005	2006	2007	2008
Number of filed complaints	43	13	3	0
Settled by a fee	14 ^{*1}	4 ^{*2}	2 ^{*3}	0
Settled by an admonition	8	5	0	0
Settled by suspension	8	0	1	0
Statute of Limitations	13	4	0	0

Source: Authorized officer for conducting misdemeanor proceedings

^{*1} total amount of pronounced fees € 6,250.00

^{*2} total amount of pronounced fees € 1,700.00

^{*3} total amount of pronounced fees € 750.00

IV. STRUCTURAL ACTIONS

49. What is the administrative and legal capacity to prepare and manage a structural policy for the fisheries sector?

In the aim of exploitation of living marine resources in accordance with sustainable economic, ecological and social development, the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro 56/09), determines fisheries policy measures which comprise: promotion of the fishing fleet; development of aquaculture, processing, placement of fish and fish products and aquaculture products; joint actions; sustainable development of fishing areas as well as technical support measures. Requirements, manner and dynamics of implementation of fisheries policy measures will be prescribed in more detail by a Government regulation ("Agro-budget") in accordance with the Law on Agriculture and Rural Development (Official Gazette of Montenegro 56/09). Annual report on budget implementation which, inter alia, contains the assessment of fisheries policy effects for the respective year, will be prepared by the Ministry of Agriculture, Forestry and Water Management and submitted to the Government for adoption until 31 March of the current year, for the previous year.

Implementation of all agriculture and fisheries sector support programs in accordance with the Plan of use of funds for stimulation of agriculture and fisheries development (Agro-budget) is currently monitored within the Ministry of Agriculture, Forestry and Water Management by the Department for monitoring incentive measures, market and prices (financial sector within the Ministry), State Treasury to the Ministry of Finance as well as certain officials from the Ministry of Agriculture, Forestry and Water Management in charge of certain support programs. Department for monitoring incentive measures, market and prices (financial sector within the Ministry) employs 3 graduated economists trained for financial management and 3 officers with high school qualifications for accounting affairs. Described in more detail in Chapter 11: Agriculture and Rural Development, 1. Horizontally.

50. How will the fisheries administration prepare for establishing the programming documents and the management and control system required in the EFF Regulation?

Within the CARDS project 2005 "Support to Fisheries Sector in Montenegro and Serbia" the document "Strategy of Development of Fisheries in Montenegro and Strengthening of Capacities for Implementation of the EU Common Fisheries Policy" was prepared and adopted by the Government of Montenegro in 2006. One of the eight central fields in focus of the Strategy is protection and sustainable use of marine and freshwater fisheries by harmonization and promotion of legislation, improvement of the vessel monitoring system and collecting data in a manner which fulfils international standards. The Strategy is primarily referred to the state as a platform for further reforms and basis for further fisheries policy; an important goal of this project was the creation of a favorable investment environment for renewal of the national fishing fleet, improvement of its equipment as well as promotion of exploration, i.e. scientific assessment of fish stocks, which will ensure their further sustainable exploitation, and assist the state in defining and implementation of the best management mechanisms.

CARDS project 2007/2008 experts assisted in preparation of the document "National program of Fisheries Development (NFP) from 2009 to 2013" as an elaboration of the strategy "Support to Fisheries Sector in Montenegro and Serbia". This document was adopted by the Government of Montenegro in February 2009. Project approach in preparation of the NFP followed the example of the European Fisheries Fund EFF because it should prove useful for the fisheries sector of Montenegro which will soon be able to use any financial assistance program prior to the EU accession and after it.

Implementation of the Strategy and NFP requires, inter alia, corresponding administrative capacities. Therefore, strengthening of administrative capacities in the fisheries sector is planned

within the IPA 2009 project “Sustainable Marine Fisheries Management”, with respect to preparation of program documents and structural policy management for the fisheries sector as well as the EFF regulation required control.

V. MARKET POLICY

51. Please provide information on market policy and operational structure in place regarding the sustainable management of fish resources, marketing standards (freshness, size, packaging, presentation and labelling), consumer information, producer organisations, trade with third countries, inter-branch organisations, intervention.

Market policy in the fisheries sector does not have an independent legislative framework; it is incorporated in legal acts regulating the general market policy. Rulebook on Quality and Other Requirements for Fish, Crustaceans, Bivalves, Sea-urchins, Sea Cucumber, Frogs, Turtles, Snails and Their Products (Official Gazette of the Federal Republic of Yugoslavia 6/03) prescribes quality, declaration, packaging, storage, labeling as well as transportation of fish, crustaceans, bivalves, sea-urchins, sea cucumbers, frogs, turtles, snails and their products.

Law on Consumer Protection (Official Gazette of the Republic of Montenegro 26/07), Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro 56/09) and Law on Food Safety (Official Gazette of Montenegro 14/07) determine basic rules of consumer informing on requirements for and manner of sale of fish and fish products. Described in more detail in the answer to question 16 (II. Resource and Fleet Management, E. Other).

In accordance with the Law on Agriculture and Rural Development (Official Gazette of Montenegro 56/09) producers in the agriculture and fisheries sector may form producer organizations on the basis of one or a group of products if they fulfill requirements prescribed by this law. Current state of producer organizations in fisheries is described in the answer to question 15 (II. Resource and fleet management, E. Other)

As regards fish and fish products (including other agricultural foodstuff, as well) trade with third countries, Montenegro has the CEFTA and bilateral agreements signed with Turkey and Russian Federation. Within the CEFTA Agreement, Montenegro has a fully liberalized trade with Serbia, Macedonia, Bosnia and Herzegovina, Croatia, Moldavia and UNMIK Kosovo concerning fish and fish products trade. Currently, fish and fish products trade with Albania is performed according to the MFN tax rates. In accordance with the Free Trade Agreement with the Russian Federation, fish and fish products trade is fully liberalized. For other third countries, trade in these products is performed according to the MFN customs rates.

In accordance with the Law on Agriculture and Rural Development (Official Gazette of Montenegro 56/09), producer organizations dealing with production, processing and sale of certain agricultural products, fish and fish products may organize themselves into inter-branch organizations. Requirements for recognition of these organizations will be prescribed by the Ministry of Agriculture, Forestry and Water Management by a special by-law. Currently there are not any inter-branch organizations in the fisheries sector in Montenegro.

There are no subsidies or other forms of incentives for placement of fish and fish products into market.

VI. STATE AID

52. Please provide information on state aid given to the fisheries sector over the last three years.

Framework of state fisheries assistance has so far been regulated by the Law on Provision and Allocation of Funds for Stimulation of Agriculture Development (Official Gazette of the Republic of Montenegro 11/90 and Official Gazette of the Republic of Montenegro 24/92). In recent years, the state has been providing assistance through the Ministry of Agriculture, Forestry and Water Management to Associations of professional fishermen with the aim of development of an efficient and competitive fisheries sector and aquaculture, in the form of grants for acquisition of equipment for modernization of boats and in order to reduce costs of repairs and maintenance as well as for improvement of hygiene and quality of fish and other marine organisms, conditions for work and safety on boats. Assistance is provided in form of grants to fish and mussel farmers for completion of the purification center as well as for acquisition of equipment for automation of the farming i process, acquisition of equipment for improving hygiene regarding food safety and placement of aquaculture products into the market. The condition for use of grant funds is that the Association submits to the MAFWM the application for financial assistance with detailed elaboration of costs and specification of equipment they plan to acquire. After an assessment of justifiability of the application by the officer authorized for implementation of the program, the Ministry signs a Contract on manner and rules of spending the allocated funds with representatives of the Associations.

Aiming at sustainable development and use of states' fish resources and based on the reports on performed monitoring of demersal, pelagic resources and coastal fishing resources, the state offers its assistance to the Institute of Marine Biology as the competent scientific institution for marine fisheries and mariculture affairs. Also, the assistance is allocated for development of fishery basis in freshwater fisheries, for restocking rivers and lakes as well as for support to sports fishing clubs in relation to preservation and protection of rivers and lakes.

Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro 56/09) and the Law on Agriculture and Rural Development (Official Gazette of Montenegro 56/09) will represent the legal framework based on which state will further allocate assistance to the fisheries sector.

Allocated funds (€)

Program	2006	2007	2008
Support to strengthening the fisheries sector	47,000	210,000	215,000
Protection and sustainable use of the fish fund	49,300	66,800	99,000
TOTAL	96,300	276,800	314,000

Source: the Ministry of Agriculture, Forestry and Water Management

VII. INTERNATIONAL AGREEMENTS

53. Is your country a contracting party to any international fisheries agreements? If yes, please indicate the number of vessels and the volume of fish concerned by these agreements.

Montenegro is not a signatory to any international fisheries agreement referring to exploitation of fish resources in certain quantities with a certain number of boats. The Protocol on Interim Regime on the South Border between the Republic of Croatia and Montenegro from 2002 determines that sports and recreational fishing are allowed in the demarcation zone to persons who possess a license for this type of fishing which was issued by the Sports Fishing Club with a seat in the border area of Montenegro and Croatia. States may issue a maximum of 100 annual fishing licenses to their nationals and 10 daily fishing licenses each to nationals from third countries.

List of Annexes:

Annex 49 - LAW ON MARINE FISHERIES AND MARICULTURE, 7

Annex 50 - RULEBOOK ON TERMS, RESTRICTIONS AND ORDER IN FISHING OPERATIONS IN SPECIFIC FISHING AREAS OR ZONES, 9

Annex 51 - RULEBOOK ON SETTING OF THE LINE WHERE WATER CEASES TO BE STABLY SALT IN RIVERS THAT FLOW INTO THE SEA AND SETTING OF BOUNDARIES OF FISHERY RESERVES, 10

Annex 52 - RULEBOOK ON FORM, CONTENTS AND KEEPING OF LOGBOOKS ON FISHING OR CULTIVATION ACTIVITIES, 9

Annex 53 - RULEBOOK ON METHOD, TYPE AND QUANTITY OF FISHING GEAR AND EQUIPMENT PERMITTED FOR USE IN SPORT-RECREATIONAL FISHING AND THE FORM, NUMBER AND CONTENTS OF THE SPORT FISHING PERMIT, 9

Annex 54 - R U L E B O O K ON QUALITY AND OTHER REQUIREMENTS FOR FISH, CRUSTACEANS, SHELLFISH, SEA

URCHINS, SEA CUCUMBERS, FROGS, TURTLES, SNAILS AND PRODUCTS THEREOF, 27

Annex 55 - RULEBOOK ON CONSTRUCTION AND TECHNICAL BASIS, MESH SIZE, METHOD OF USE AND PURPOSE OF SOME TYPES OF NET AND OTHER TOOLS FOR COMMERCIAL AND SPORT-RECREATIONAL FISHING, TAKING OF SHELLFISH, CORALS, SPONGES AND MARINE VEGETATION, 9

Annex 56 - RULEBOOK ON AMOUNT OF FEE FOR COMMERCIAL FISHING (CATCH AND FARMING), PERMIT FORM AND METHOD OF KEEPING REGISTERS OF PERMITS ISSUED, 10

Annex 57 - RULEBOOK ON PRICELIST FOR COMPENSATION OF DAMAGE CAUSED BY UNLAWFUL FISHING, 10

Annex 58 - ORDER ON PROHIBITION OF CATCH AND TRADE IN FISH JUVENILES, UNDERSIZED FISH AND OTHER MARINE ORGANISMS, 9