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Pursuant to Article 95 item 3 of the Constitution of Montenegro, I hereby issue the

### **Decree on Promulgating the Law on Nature Protection**

I hereby promulgate the **Law on Nature Protection** passed by the 25<sup>th</sup> convocation of the Parliament of Montenegro at the sixth sitting of the first regular (spring) session in 2016 on 22 July 2016.

No: 01-790/2

Podgorica, 3 August 2016

The President of Montenegro,

**Filip Vujanovic** (m.p.)

Pursuant to Article 82 paragraph 1 item 2 of the Constitution of Montenegro and Amendment IV, paragraph 1 to the Constitution of Montenegro, the 25<sup>th</sup> convocation of the Parliament of Montenegro at the sixth sitting of the first regular (spring) session in 2016 on 22 July 2016 passed the

## **LAW ON NATURE PROTECTION**

### **I. BASIC PROVISIONS**

#### **Subject matter**

##### **Article 1**

This Law shall regulate the conditions and the manner of protection and conservation of nature.

#### **Concept of nature**

##### **Article 2**

Nature is the unity of geosphere and biosphere, including the species of wild plants, animals and fungi, and natural assets, which are characterized by biological, geological, geomorphological and areal diversity.

Nature is of interest to Montenegro and shall have the right to protection in compliance with this Law.

#### **Objectives of nature protection**

##### **Article 3**

The protection of nature shall be conducted with the purpose of:

- conservation and improvement of biological (related to genetics, species and ecosystems), geological and areal diversity;

- conservation and improvement of specific natural assets;
- determination and monitoring the state of nature;
- harmonization of human activities, economic and social development plans, programs and projects with sustainable use of renewable and the rational use of non-renewable natural values and resources, with the purpose of their permanent conservation;
- prevention of activities with harmful impact on the nature, which are the result of linear dependence of the economic growth and the use of natural resources;
- protection and conservation of transboundary valuable nature parts and protected natural assets;
- conservation of natural characteristics of land, conservation of water quality, quantity and availability, including the quality of sea water.

### **Implementation of nature protection**

#### Article 4

Nature protection shall encompass:

- protection of flora, fauna and geomorphological aspects;
- declaration of natural assets protected and their conservation and management, with the purpose of conservation or improvement of the objectives of protection;
- protection of all threatened, rare and autochthonous species; identification and assessment of the state of natural phenomena and processes;
- implementation of measures for the protection of nature;
- determining the guidelines and conditions for nature protection in spatial planning documentation, throughout all levels of development and regulatory plans, in concessional documentation, development programs and programs for management of natural resources (mining, energetics, transport, waterpower management, agriculture, forestry, hunting, fishing, tourism and other sectors that impact the nature);
- implementation of continuous monitoring of the cumulative impacts on protected natural assets due to realization of activities, which have a negative impact on nature, in a greater or lesser extent;
- implementation of nature protection measures aimed at eliminating and alleviating negative impacts on habitats and species;
- establishment of management system for protected natural assets;
- integration and harmonization of nature protection system with the international nature protection system;
- encouragement of scientific and expert researches in the field of nature protection;
- encouragement of sustainable valorization of ecosystem services;
- emphasizing the importance and necessity of nature protection through the education system, starting from pre-school education till university levels.

### **Application of the Law**

#### Article 5

This Law shall not apply in case of combating and preventing imminent danger to life and health of people or state of properties, i.e. rescuing of people and saving properties, only during the time of these circumstances, which shall be defined by an act of the competent authority.

## **Definitions**

### **Article 6**

The following terms shall have the following meaning under this Law:

- 1) autochthonous species is a species of wild plants, animals and fungi that is naturally widespread in the ecosystem of Montenegro;
- 2) allochthonous species is a non-native species of wild plants, animals and fungi, which reached the ecosystem of Montenegro in an intentional or unintentional manner of introduction;
- 3) range is a natural area on which wild species of plants, animals and fungi are present;
- 4) gene bank represents specialized collection of live plant and animal materials and fungi, which is collected, stored and propagated in strictly controlled and specific conditions;
- 5) biodiversity represents the diversity of living organisms; this includes diversity within species, between species and of ecosystems.
- 6) red book is a scientific study of threatened wild species of plants, animals and fungi, which classifies threatened species into different categories, in accordance with the categorization of the International Union for the Conservation of Nature (IUCN);
- 7) red list is a list of threatened wild species of plants, animals and fungi in a given territory according to categories of endangerment and factors of endangerments that are classified based on categories of endangerment in accordance with the categorization of the International Union for the Conservation of Nature (IUCN);
- 8) derivate is an organic or non-organic product of living organisms (skin, fur, antlers of all species of deer and roe bucks, antlers of mouflons, antlers of male and female wild goats, tusks of wild boars and turtle shells);
- 9) wild species of plants, animals and fungi are species and subspecies that are not created by man through the artificial selection process (selecting and breeding for the purpose of creating breeds of domesticated animals and varieties of cultivated plants), or as a result of genetic modifications of heritable material using techniques of modern biotechnology;
- 10) ecosystem (biogeocenosis) is structurally, functionally and dynamically complex and unique ecological system where impacts of biotope and biocenosis are interrelated (impacts of abiogenic and biogenic factors).
- 11) ecological network is a set of areas which are declared ecological with the aim to protect and conserve specific types of habitats and species that are of interest to Montenegro and the European Union, which are defined in accordance with this Law and ratified international treaties;
- 12) ecological corridor represents an ecological connection or multiple ecological connections that enable movement of populations of living organisms from one locality to another. The ecological corridors contribute to genetic integration of species populations;
- 13) ecosystem approach is the integrated management of human activities intended to maintain nature conservation and ecosystem integrity, and taking measures to reduce and prevent negative impacts on the ecosystem, with the aim of conservation and maintaining the sustainable use of ecosystem services.
- 14) ecological integrity of the ecological network area is conserved natural structure of the area, which assures ecological functions needed for the long-term survival of the targeted types of habitats and species found in this area;
- 15) endemic species is a species of wild plants, animals and fungi, which is very limited in regard to its distribution in nature;

16) ex situ conservation is a manner of conserving, growing and propagating the components of biological diversity outside of their natural sites (habitats) in zoos, aquariums, terrariums, laboratories, botanical gardens; and geological diversities (rocks, ores, minerals, crystals and fossils) in museums or private collections;

17) fossil is a conserved whole, parts or traces of extinct organisms or their living activities;

18) genetic diversity represents total diversity of genes that can be found in all individual species of wild plants, animals, fungi and microorganisms;

19) geological objects (minerals, crystals and rocks) are structures on the surface and below the surface designed by long-term natural processes (geotectonic processes, volcanic, magmatic, hydrogeological activities and movements of glaciers);

20) geoheritage encompasses all geological, geomorphological, pedologic and individual archaeological values incurred during the formation of lithosphere and its morphological shaping, as well as based on interrelated relation between the nature and human cultures;

21) holotype is an original specimen of a species of wild plants, animals or fungi, based on which description of the species and determination of its name is conducted;

22) indicator species is a species of wild plants, animals and fungi whose ecological status indicates the status of other species and the general condition in the ecosystem. Indicator species are sensitive to changes of conditions in environment and are used to define general condition;

23) invasive non-native species are non-native species of plants, animals and fungi which introduction and spreading changes and can threaten the ecosystems, habitats and species;

24) in situ conservation is the conservation of natural ecosystems and habitats, preservability and revitalization of wild species of plant, animals and fungi that are capable to survive in natural environment, conservation of cultivated plant varieties and domestic animals in environment where they have developed their distinctive features and conservation of geodiversity occurrences at the site of formation or at the deposit of rocks, ores, minerals, crystals and fossils.

25) introduction represents intentional or unintentional introduction of specific wild species of plants, animals and fungi into the territory of ecosystems that were not naturally inhabited by them prior to the introduction;

26) extinct species is a species of wild plants, animals and fungi for which there is reasonable doubt that the last individual of this type has died;

27) coherency of the ecological network is visible in interconnection of all ecological network areas based on criteria for the establishment of the ecological network;

28) crystal is a mineral that has a proper internal structure and proper external form and is reflected in geometrically straight, smooth and shiny surfaces;

29) mineral is an autochthonous homogenous chemical element or a compound in a form of a crystallized or amorphous matter, has a specific structure, form and composition, not counting mineral raw materials;

30) migratory species is the entire population or any geographically isolated part of population of wild animal species or subspecies, which significant part is known to cross over the national borders;

31) conservation and protection of wild species of plants, animals, fungi and habitats are measures applied for maintaining or regaining the favorable status of habitat types and populations of wild species of plants, animals and fungi;

32) sustainable use of natural resources represents the use of components of biological diversity in a way and to the extent that do not lead to long-term lessening of a biodiversity;

33) domesticated species is a species of wild plants, animals and fungi which had been separated from the process of natural selection and subjected to the regime of artificial selection;

34) paleontological object is a geological structure that has in its rock mass conserved remains of living beings that once used to inhabited the Earth (fossils), as well as traces of their environmental activities;

35) paleontological record represents each fossil individually or in a group, regardless of whether it is a part or a remnant of the entire organisms or their environmental activities;

36) subspecies is a group of individuals or populations of one species that is morphologically and geographically clearly separated from the other group of individuals or populations of the same species, with the fact that they are not mutually reproductively isolated;

37) area is geographically limited territory;

38) movable protected natural asset is a part of geological, paleontological and biological heritage of extraordinary scientific and educational significance;

39) reintroduction into the nature represents re-inhabiting the species of plants, animals and fungi into their natural habitat or into the area they once lived, and which ecological conditions still allow the survival of populations of wild species of plants, animals and fungi;

40) reintroduction represents introduction of an individual back to Montenegro, which was previously exported;

41) population is spatially and temporally integrated group of individuals of the same species of plants, animals or fungi, which have a common set of heredity factors, inhabits specific locality, belongs to a specific ecosystem, and in which individuals are primarily interconnected by the reproductive relations;

42) favorable conservation status of the species represents a state in which wild species of plants, animals and fungi are with a perspective of long-term survival as a viable part of their natural habitats, whereby the distribution area does not reduce over time, nor is likely that it will reduce in the foreseeable future, that will ensure the existence of sufficiently large habitat for maintaining its populations on a long-term basis;

43) favorable conservation status of habitat type represents a state of a type of habitat, which distribution area is stable or is increasing, both when the structure and functions needed for long-term conservation are maintained and are present, and when they will be present in the near future and when the conservation status of their typical species is favorable;

44) monitoring the state of the nature represent planned, systematic and continuous monitoring of the state of the nature i.e. parts of biological and areal diversity;

45) areal diversity represents structural diversity of areas formed as a result of the interaction among natural and/or artificially created areal elements of specific biological, climatic, geological, morphological, pedologic, hydrological, cultural, historical and social features;

46) area (landscape) is a locality of a specific visual impression, which structure and character are the result of the interaction between natural and anthropogenic elements;

47) natural resources are parts of nature used by man for economic purposes: nonrenewable (minerals) and renewable (water, gasses, renewable land, biological assets);

48) priority habitat type is a type of habitat of special interest for the protection in accordance with this Law and ratified international treaties;

49) priority species represents species of wild plants, animals and fungi that are threatened, which conservation, due to the size of their distribution in the nature, goes under responsibility of Montenegro and the European Union, in accordance with the ratified international treaties;

50) specimen (individual) represents a live or dead species of wild plants, animals or fungi, as well as their part or a derivate, for which based on the supporting documents (packaging, mark or label) or other specifications, may be determined to be parts or derivates of animals or plants;

51) sales represents trade, including renting, bartering and exchanging;

52) project represents technical documentation for the construction, reconstruction, installation, removal and dismantling of the objects, facilities or systems, rehabilitation, spatial management, exploitation of mineral resources, water and forest, as well as other natural resources;

53) cave formations are formations formed by sedimentation of calcium carbonate in speleological objects (stalactites, columns, basins, flowstones, helictites);

54) cave sediment is river or other type of material (sand, gravel, clay, and blocks of rocks) sedimented or deposited in some other way in speleological objects);

55) trade of wild species of plants, animals and fungi is buying and selling, introduction, import, export, re-export, and introduction by the sea of wild species of plants, animals and fungi, their distinctive parts or derivates in Montenegro and out of Montenegro;

56) transfer represents any form of physical change of the location of the individual performed within the territory of Montenegro;

57) shelter for animals is a space intended for temporary stay, i.e. treatment of sick or injured animals, rejected younglings that are not capable of surviving in nature, as well as the animals that are confiscated from the legal or natural persons due to keeping of animals in captivity, illegal trade, export and import or other reasons stipulated by this Law;

58) re-export represents export of individuals that were previously imported into Montenegro;

59) natural habitat is a mainland and/or marine locality, which is characterized by geographic, abiotic and biotic features, regardless of whether they are natural or semi-natural.

60) vulnerable species is a species of wild animals, plants and fungi which is not endangered or critically endangered, but is at risk of extinction in the natural habitat in the near future;

61) relict species is a species of wild animals, plants and fungi that was more widespread in the past, which today's range is reduced to small parts (remnants) in comparison to the original range;

62) protection regime represents set of measures and conditions that determine the manner and degree of protection, use, planning and improvement of protected natural asset;

63) rare species is a species of wild animals, plants and fungi that has small populations, which are not endangered or vulnerable, but are at risk of extinction and encompass species that can be found in limited geographical locations or are slightly dispersed on a broader locality; as well as endemic species that require special attention due to the specific nature of their habitats or possible impact of their use to the habitats and conservation status;

64) risk in nature represents the possibility that some activity will cause indirectly or directly damage in nature;

65) conservation status of the species is the total impact of the set of impacts on this species that could affect the long-term natural distribution and the abundance of population;

66) conservation status of natural habitat represents the total impact of the set of impacts that affect the habitat type and its typical species, and which could affect the long-term natural distribution, structure and functions of the habitat, as well as the long-term survival of typical species found in this habitat type;

67) speleological object is naturally formed underground cavity in the shape of canals, corridors and halls of different dimensions, tilts and appearances. Speleological objects are formed in natural processes primarily from limestone and dolomite and other rocks types;

- 68) speleological registry is a database that encompasses data on speleological objects;
- 69) species habitat is an environment characterized by specific abiotic and biotic factors that are present in the living environment of this species at any phase of its biological cycle;
- 70) habitat type represents all habitats with same characteristics;
- 71) transit represents transport of individuals across the territory of Montenegro, which are being delivered to a known recipient outside of Montenegrin borders;
- 72) typical species is species of wild plants, animals and fungi which presence (or absence) is of importance for the rest of biogeocenosis (ecosystem);
- 73) threatened species is a species of wild plants, animals and fungi which is at risk of extinction in natural conditions in the foreseeable future;
- 74) bred specimen is a specimen for which measures are taken to assure maintaining, renewing and increasing the number of individuals in natural or artificial conditions;
- 75) introduction by the sea of wild species of plants, animals and fungi represents introduction of individual wild species of plants, animals and fungi into Montenegro; the species shall be taken from the sea environment and introduced directly from the sea environment that is not under jurisdiction of any country, including air space above the sea level, sea bed and the submarine levels (underground beneath the water surface);
- 76) species is a group of natural populations within which individuals are free to intersect and reproduce, and are reproductively isolated from other species;
- 77) trap is a tool used for keeping and catching of animals, thus not allowing their free movement;
- 78) protection band (protection zone) is an area outside the boundaries of a protected area, ecologically significant area and/or ecological corridor that is determined during the declaration of these areas protected in order to prevent, i.e. alleviate external negative impacts on these areas.

## II. SUBJECTS OF NATURE PROTECTION

### **Subjects**

#### Article 7

The state administration bodies, local self-government and local government bodies, legal and natural persons, international organizations, non-governmental organizations and citizens (hereinafter referred to as the: subjects of protection), within their rights and obligations, shall ensure and implement the protection of nature.

### **Obligations of subjects of protection**

#### Article 8

The subjects of protection shall be obliged, within their rights and obligations, to ensure the protection of the nature by performing their activities:

- implementation of regulations on nature protection;
- compliance with the objectives of nature protection;
- implementation of the measures and conditions for nature protection;
- procurement of permits for the actions, activities and services within the protected areas;
- implementation of the procedure for the acceptability assessment of the ecological network areas;
- use of protected natural assets in accordance with this Law;

- control and prevention of degradation of natural resources i.e. reduction of degradation to a minimum;
- other measures in accordance with the Law.

The subjects of protection shall cooperate and establish mutual communication pursuant to special provisions.

### **Non-governmental organization**

#### Article 9

Non-governmental organizations shall participate in the conservation of nature protection in accordance with their programs.

The state shall encourage the participation of non-governmental organizations in the adoption and implementation of decisions and measures of importance for the protection of nature.

## III. DOCUMENTS FOR THE PROTECTION OF NATURE

### **Types of documents for nature protection**

#### Article 10

The documents for the protection of nature shall be:

- biodiversity strategy (hereinafter referred to as the: strategy);
- management plans of the protected natural assets and the annual management plans of the protected natural assets;
- local action plans for biodiversity;

The plans and programs of the second and third indents referred to in paragraph 1 hereof must be in compliance with the strategy.

### **Strategy**

#### Article 11

The strategy shall be adopted for a period of five years.

The strategy shall be adopted by the Government of Montenegro (hereinafter: the Government).

The strategy shall define long-term objectives and guidelines for the conservation of biological and areal diversity.

The strategy shall encompass:

- description of the state of nature and natural values;
- strategic objectives for the protection of nature with indicators of implementation;
- guidelines for conservation of protected natural assets;
- guidelines for the protection of the ecosystems, habitat types and wild species of animals, plants and fungi;
- guidelines for researching and monitoring the state of nature;
- guidelines for incorporating the protection of nature into other sectors;
- guidelines for notifying the public and guidelines for public participation in decision-making processes on nature protection;
- manner of fulfilling international obligations in the field of nature protection;
- cartographic (spatial) representation of the distribution of species and habitats, protected areas and ecological network areas;



- measures for conservation of areal diversity;
- measures for protection and sustainable management of protected areas;
- indicators of the success of the action plan implementation;
- other elements of importance to the protection of nature;
- action plan for the implementation of the strategy, with priorities and funding sources.

### **Report on the implementation of the strategy**

#### Article 12

The administration body competent for the protection of the environment (hereinafter referred to as the: administration body) shall prepare the report on the implementation of the strategy.

The report referred to in paragraph 1 hereof shall be prepared every two years on the basis of gathered data on implemented measures from the strategy and report on implementing the local action plans.

The report referred to in paragraph 1 hereof shall contain:

- data regarding implemented measures from the strategy;
- analysis on the successfulness of the implementation of the strategy based on indicators of success;
- assessment of the need for amendments to the strategy;
- data on financial funds that were invested in the protection of nature; and
- other data of importance to the protection and conservation of nature in regard to strategy implementation.

The body of the state administration competent for the protection of the environment (hereinafter referred to as the: Ministry) shall submit the report from paragraph 1 hereof to the Government of Montenegro.

### **Local action plan for biodiversity**

#### Article 13

The competent local self-government bodies shall adopt the local action plan for biodiversity, with the aim of implementing the strategy and conservation and protection of the nature on a local level.

The local action plan for biodiversity shall be adopted for a period of five years.

The local action plan for biodiversity shall contain the following: the description of natural values of the area of the local self-government unit, data on protected natural assets on that area, data on measures for the protection of the natural values of the area, negative impact on the protected natural assets, financial funds for the implementation of nature protection measures, difficulties of the protection and implementation of the protection measures, measures and activities for the implementation of the plan with defined priorities and other elements of importance for the protection of nature.

The competent local self-government body shall create every four years the report on the realization of the local action plan for biodiversity and shall submit it to the competent local government body.

## IV. PROTECTION AND CONSERVATION OF NATURE

### **Measures for protection and conservation of nature**

#### Article 14

The measures for the protection and conservation of nature are:

- protection of natural assets;

- sustainable use of natural resources, natural assets and the control of their use;
- conservation of the ecological network area;
- implementation of the documents referred to in Article 10 of this Law;
- alleviation of the harmful consequences of natural disasters and harmful consequences caused by activities in nature and by the use of natural assets;
- implementation of incentive measures for the protection and conservation of natural assets.

### **Planning and use of space and natural resources and assets**

#### Article 15

Spatial planning and the use of space and natural resources and assets may be conducted solely on the basis of spatial planning documentation and technical documentation, plans and programs for management and use of natural resources in the field of mining, energetics, transport, maritime transport, waterpower management, agriculture, forestry, hunting, fishing, tourism and other sectors that impact the nature.

The documents referred to in paragraph 1 hereof shall contain guidelines and conditions for the protection of nature with the aim of conservation of natural values.

It shall be prohibited to use the space and natural resources and assets in a manner which can cause permanent distortion of biological diversity.

The spatial plans, development plans, management plans and/or management plans for protected areas and ecological network areas shall be harmonized.

### **Actions, activities and services in nature**

#### Article 16

The actions, activities and services in nature shall be planned in a way to avoid or minimize endangerment and damage to nature.

The legal or natural person that uses natural resources and assets shall be obliged to perform the actions, activities and services in a way that avoids the damage to nature or minimizes it.

### **Damage caused to protected species of plants, animals and fungi and natural habitats**

#### Article 17

The legal or natural person that causes damage to protected species of plants, animals and fungi and natural habitats by performing its activities shall be obliged to implement measures of remediation in compliance with the law, which defines the liability for damage in environment.

### **Guidelines and conditions for the protection of nature**

#### Article 18

The strategies, spatial plans, plans for the installation of temporary facilities, plans and programs for management and use of natural resources (mining, energetics, transport, maritime transport, waterpower management, agriculture, forestry, hunting, fishing, tourism and sectors that impact the nature), strategic development plans and programs shall contain guidelines and conditions for the protection of nature.

Prior to the beginning of the documents preparation process referred to in paragraph 1 hereof, the holder of the preparatory works on the development and/or adoption of the documents shall be obliged to obtain the act on guidelines and conditions for protection of nature from the competent administration body.

The act referred to in paragraph 2 hereof shall be issued on the basis of the filed request that shall contain:

- data on the location and spatial coverage alongside with the appropriate cartographic and graphic presentations in written form and electronic form;
- a brief description of the objectives of the document development process and of the planned activities;
- time period for which the document shall be adopted.

If the documents referred to in paragraph 1 hereof are related to the sea, the administration body shall file the request to the Institute of Marine Biology (hereinafter: the Institute), in order to obtain the opinion on guidelines and conditions for the protection of nature.

The act on guidelines and conditions for the protection of nature shall be issued on the basis of: protection study, management plans for protected areas, database on ecological network and database on biodiversity.

If the administration body in issuing the conditions and guidelines for the protection of nature determines that there are no data or documentation based on which guidelines and conditions for the protection of the corresponding area can be issued, the administration body shall provide the data and documentation on the basis of conducted research field works at the expense of the applicant.

The act on guidelines and conditions for the protection of nature shall contain:

1) data on: natural values of the location, target species of plants, animals and fungi, geoheritage objects and areas inside the boundaries of spatial coverage of the documents referred to in paragraph 1 hereof alongside with the spatial distribution;

2) data on protected areas together with the spatial distribution, including areas intended for protection, i.e. areas that are in the procedure of being put under protection, and data on ecological network areas and habitat types;

3) data on established regimes, zones and measures for the protection and use of natural resources and assets;

4) conditions for the realization of actions, activities and services;

5) measures for the protection of nature that shall be implemented.

If the document referred to in paragraph 1 hereof is not adopted, the act on guidelines and conditions for the protection of nature shall cease to have effect within two years from the date of the submission of the act.

## **Protection of the sea and undersea environment**

### Article 19

It is prohibited to perform actions, activities and services at sea and undersea area that destroy sea habitats that are significant for the survival of threatened species, species that are at risk of extinction or endemic species i.e. protected species of plants and animals.

The conservation of the biological diversity of the sea shall be ensured by:

- implementing the measures aimed at eliminating or alleviating anthropogenic negative impacts from the land and the sea and the impacts of accidents on sea biodiversity,
- establishing the protected sea areas and implementing the measures for conservation and protection of species and habitats in compliance with this Law,
- ecosystem approach in managing activities that negatively impact the natural balance of the sea ecosystem and by monitoring and reporting on the state of the sea ecosystem.

Sea areas that are protected and sea habitats, which are significant for the survival of threatened species, species that are at risk of extinction or endemic species i.e. protected species of plants and animals, shall be determined in accordance with this Law and ratified international treaties.

## V. PROTECTED NATURAL ASSETS

### **Types of protected natural assets**

#### Article 20

The parts of nature of exceptional values characterized by biological, geological, ecosystemic and areal diversity, may be declared as protected natural assets.

The protected natural assets shall be the following:

1) protected areas:

- strict nature reserve,
- national parks,
- special nature reserve,
- nature parks;
- monument of nature,
- region of outstanding features.

2) ecological network areas.

### **Strict nature reserves**

#### Article 21

Strict nature reserve shall be a mainland and/or a marine area with exceptional or representative ecosystems, unmodified or slightly modified overall nature, and is intended solely for monitoring the state and for conservation of the authentic nature and used for scientific researches, which do not modify the basic characteristics of the reserve and do not endanger the natural development of phenomena and processes in nature.

It is prohibited to perform actions or activities in the strict natural reserve. Visits with educational purposes, research work and monitoring of the state of nature shall be allowed.

Visiting the strict nature reserve for educational purposes, for doing scientific research and for monitoring the state of nature shall only be possible with the consent from the legal person that manages the protected natural area (hereinafter referred to as: the manager), with previously obtained opinion from the competent administration body.

### **National park**

#### Article 22

National park shall be a mainland and/or a marine area, determined to protect ecologic integrity of one or more ecosystems for present and generations to come, in order to disable inadequate use of natural assets or other activities that could cause damage and to meet the spiritual, scientific, educational and recreational needs and needs of visitors that are in compliance with the conservation of environment and culture.

It is prohibited to perform actions, activities and services that could endanger the authenticity of nature within the boundaries of a national park.

## **Special nature reserve**

### **Article 23**

Special nature reserve shall be a mainland and/or a marine area, of outstanding importance due to its uniqueness, rarity or representativeness of natural values, which encompasses a habitat of threatened wild species of plants, animals and fungi, where people coexist with nature and which is protected with the aim of conserving natural conditions and values.

Special nature reserve may be established on natural, half-natural or anthropogenic area.

It is prohibited to perform actions, activities and services in the special nature reserve that could negatively impact the characteristics based on which special nature reserve was declared protected. The actions, activities and services are the following:

- melioration,
- drainage of the land that could lead to changes in structure and functions of the ecosystem, i.e. can cause irreversible damage of the surface of the land, the change in the water regime and the change of the relief of the area;
- construction of objects and road infrastructure;
- extraction of minerals;
- movement of persons and driving out of the marked trails intended for moving on them. This shall not apply to guards, forest guards and gamekeepers, army and police persons, inspections, firefighters, medical personnel in conducting their duties;
- intentional introduction and spreading of species of plants and animals that are not autochthonous;
- mountaineering, use of kites, paragliding and parachuting;
- breeding of wild animals;
- disturbing, catching and killing of animals;
- commercial fishing;
- mariculture;
- moorage;
- construction of infrastructure in the sea;
- fruit picking and collecting;
- making campfires at the places not intended for that purpose;
- modification of the natural values of the area.

In the special nature reserve it shall be allowed to perform actions, activities and services with the issued permit that is in compliance with the management plan.

In the special nature reserve visits may be allowed in order to monitor the state of nature, for educational purposes and for meeting the touristic needs based on the consent of the manager, providing that populations of wild species of animals are not disturbed and that habitats of wild species of plants, animals and fungi are not negatively impacted.

## **Nature park**

### **Article 24**

Nature park shall be a spacious natural or partly cultivated mainland and/or a marine area, which is characterized by a high level of biological diversity and/or geological values with significant areal, cultural and historical values and ecological features of national and international importance.

It is prohibited to perform actions, activities and services in the nature park that could endanger features, values and the very role of the park.

### **Monument of nature**

#### Article 25

Monument of nature shall be a mainland and/or a marine area, with one or more natural or natural-historical forms, which have ecological, scientific, aesthetic, cultural or educational value.

Monument of nature may be established on natural, half-natural or anthropogenic area.

It is prohibited to perform in the area of the monument of nature or in its imminent environment, which is the integral part of the protected natural asset, activities or actions that could endanger features, values and the role of the very monument of nature.

### **Region of outstanding features**

#### Article 26

Region of outstanding features shall be a mainland and/or a marine locality, in which the interrelated actions of people and nature have shaped over time distinctive features of the locality with significant aesthetic, ecological and cultural values, followed by high biodiversity.

It is prohibited to perform in the region of outstanding features activities, actions and services that may negatively impact the features based on which this region was declared protected.

### **Transboundary protected areas**

#### Article 27

The protected areas of one country may be connected with the protected areas of the other country in compliance with the international treaty.

### **Procedure for declaring protected areas**

#### Article 28

The procedure for declaring protected areas shall be initiated with a request for developing the expert study (hereinafter referred to as the: protection study).

The request referred to in paragraph 1 hereof shall be submitted by the Ministry, i.e. the competent body of the local self-government unit.

The protection study shall be developed by the administration body.

The financial funds for developing the protection study shall be provided from the Budget of Montenegro, the European Union funds, donations from the international organizations and other sources in accordance with this Law.

The protection study shall contain: the description of natural, artificial and areal features of the protected asset, characteristics or values of the locality, the existing state of the resources with the assessment of their valorization, spatial and cartographic presentation of the distribution of most significant habitats and species (objectives of protection), the assessment of the state of nature, the central coordinate of the protected area, the opinion regarding the putting of natural asset under protection, the proposal for classification of natural asset by the importance, the proposal for category and zone of protection (protection regimes), the proposal for the areal border of the protected area with the borders of zones and protection regimes, the cartographic presentation with marked borders of the protected area, i.e. with marked location based on the cadastral records of the Real Estates Authority, the concept of protection, improvement and

sustainable development, the manners of managing this area, the proposal for protection measures and conditions, the proposal for actions, activities and services that can be performed in specific zones and regimes of protection, the proposal for actions, activities and services that cannot be performed in specific zones and regimes of protection, the consequences that will appear with the adoption of the act of declaration, particularly in regard to the ownership rights and economic activities, as well as the orientation financial funds for implementing the act of declaration of the protected natural asset and other elements of importance for the putting the natural asset under protection.

The state administration bodies, the bodies of the local government and other legal persons shall be obliged to submit the available data necessary for the development of the protection study in analog and digital form at the request of the administration bodies.

### **Assessment of the protected areas**

#### Article 29

The assessment of the protected areas shall be conducted based on the following criteria:

- characteristics of the protected area: authenticity and autohtonity, i.e. degree of originality, representativeness, i.e. the relic degree, endemicity, uniqueness in its type, rarity; diversity, i.e. the richness in natural phenomena and processes, integrity, i.e. the functional unity, the attractiveness of the landscape, age, conservation of an area;
- function and importance of protected natural asset: ecological, historical, cultural, educational, scientific and developmental;
- endangerment of the protected natural asset.

The value of the protected natural area shall be greater if that area is unique, rare in its type or appearance, i.e. has smaller geographic distribution, if it is typical representative of its type in regard to appearance or form in a given space and time, i.e. if it is conserved in its authentic form.

The assessment of the protected natural area shall be done based on the protection study or the revision study of the protected area (hereinafter: revision study) or based on other expert documentation.

### **Categorization of protected areas**

#### Article 30

The protected areas and/or their parts shall be classified in the following categories:

- protected area of category Ia which includes strictly protected areas set aside to protect biodiversity and also possible geological/geomorphological features, where visitation, use of space and impacts are strictly controlled and limited to ensure protection of the conservation values of the area;
- protected area of category Ib which includes protected areas that are large unmodified or slightly modified protected areas, which retained their natural character and influence, without permanent or significant human habitation, which are protected and managed so as to preserve their authentic state;
- protected area of category II which includes large natural areas set aside with the aim of protecting large-scale ecological processes, alongside with the complement of wild species of plants, animals and fungi and ecosystems that are characteristics of the area, which also provide a foundation for ecologically and culturally compatible spiritual, scientific, educational and recreational activities and visitor opportunities;

- protected area of category III which includes monuments of nature and parts of nature, which can be a relief landform, sea mount or a cave, a beach, geological feature such as a speleological object or a living feature such as an ancient grove;
- protected area of category IV which includes areas in which wild species of plants, animals and fungi are protected, as well as their habitats and which are managed to provide their protection;
- protected area of category V which includes areas where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and aesthetic value: and where the conservation of the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values;
- protected area of category VI includes areas that conserve ecosystems and habitats, together with associated cultural values and traditional natural resource management systems, where management and use of natural resources is in a sustainable way.

### **Zones and regimes of protection**

#### Article 31

The zones of protections shall be defined within the protected area, where the following protection regimes shall be implemented:

- protection zone I – strict protection regime;
- protection zone II – active protection regime;
- protection zone III – sustainable use regime;

The protection zone I – strict protection regime shall be implemented on a protected area or on its part with slightly modified characteristics of a habitat of exceptional ecological importance. This protection enables natural biological processes, preserving the integrity of habitats and living communities, including exceptionally valuable cultural assets.

Within the protection zone I with the strict protection regime:

- use of natural resources and construction of facilities shall be prohibited;
- scientific researches, as well as monitoring of natural processes shall be restricted;
- visits for educational purposes shall be allowed in a restricted extent;
- in case of fire, natural disasters and accidents, plant and animal diseases and pest overreproduction, protection, rehabilitation and other necessary measures shall be implemented.

The protection zone II – active protection regime shall be implemented on a protected area in which the characteristics of natural habitats are slightly modified, up to the level that does not threaten functional and ecological importance of the habitats. This protection shall cover the valuable landscapes and objects of geoheritage.

Within the protection zone II with the active protection regime, the following actions may be implemented:

- intervening with the aim of restauration, revitalization and total improvement of protected area;
- controlled use of natural resources in the protected natural resource, without consequences for primary values of their natural habitats, populations, ecosystems, features of landscapes and objects of geoheritage.

Within the protection zone III with the sustainable use protection regime, the following actions may be implemented:

- intervening with the aim of restauration, revitalization and improvement of protected area;
- developing of settlements and accompanying infrastructure in an extent that does not impact



negatively on the basic values of the area;

- refurbishing of the objects of cultural and historical heritage and traditional construction;
- preserving traditional activities of the local population;
- selective and limited use of natural resources.

The zone of a protection band may be established outside of the protected area, if needed.

The protection band referred to in paragraph 7 hereof may be established with the aim or preventing or alleviating external factors which can negatively impact the protected area, such as: waste waters, solid waste, invasive species, illegal construction, tourism, washing of pesticides, herbicides and other chemicals, fires, afforestation with species that are not autochthonous and other possible factors.

### **Act of declaration of protected area**

#### Article 32

For the natural asset that is determined to have characteristics of a protected area by the protection study, the act of declaration of protected area shall be adopted.

The act of declaration of protected area shall contain:

- name, type and the category of the protected area;
- borders of the protected area with zones and regimes of protection;
- description of basic values of the area;
- the manner of protection and development of the protected area;
- actions, activities and services that can and cannot be performed in the protected area;
- measures and conditions of the protection of the area;
- the cartographic presentation with marked borders of the protected area;
- the name of the manager.

With the aim of preventing negative impacts on the protected area, the act of declaration shall define the protection band with measures for its protection.

The act of declaration of protected area shall be published in the “Official Gazette of Montenegro”, i.e. in the “Official Gazette of Montenegro - Municipal Regulations”.

### **Public participation**

#### Article 33

On the proposal for an act of declaration of protected area, the proposer of the act shall notify the public.

The proposer of the act shall ensure public insight in the protection study and the proposal of the act of declaration of protected area and shall organize a public hearing.

The notification referred in paragraph 1 hereof shall be published in at least one printed media and shall contain the information regarding the time and place of public insight and public hearing.

The proposer of the act of declaration of protected area shall be obliged to notify in written owners of the real estates on the intention of putting the area under protection and shall enable insight in the protection study.

The public insight in the protection study and the act of declaration of protected area may last at least 20 days from the date of publishing the notification.

### **Declaration of protected areas**

#### Article 34

The Parliament of Montenegro (hereinafter referred to as: the Parliament) shall declare the national park by adopting a law.

The Government of Montenegro shall declare strict and special nature reserves.

The nature park, the monument of nature and the region of outstanding features, which are situated in the area of a local self-government unit, shall be declared by the municipal assembly of the local self-government unit, after receiving the consent from the Ministry and the opinion from the state administration bodies competent in the fields of agriculture, forestry, waterpower management and culture.

The nature park, the monument of nature and the region of outstanding features, which are not situated in the area of multiple local self-government units, shall be declared by the Government at the proposal of the local self-government units, after receiving the opinion from the Ministry and state administration bodies competent in the fields of agriculture, forestry, waterpower management and culture.

The protected sea areas with a territory that partly or fully enters the zone of the marine area shall be declared by the Government, excluding the national park.

### **Revision of the protected areas**

#### Article 35

The revision procedure shall be initiated in case when scientific data ensure that there has been a modification in regards to specific types of protected areas.

The procedure referred to in paragraph 1 hereof shall be initiated upon the request from the Ministry, the local government body or the manager.

The request referred to in paragraph 2 hereof shall be submitted to the administration body and shall consist of reasons for initiating the revision procedure.

In case the protected area entered in the registry of protected areas (hereinafter referred to as: the Registry) is determined not to have data on borders, target habitats and species for the protected area, the administration body shall be obliged to notify the authority competent for adopting the act of declaration of the protected area on the necessity to initiate the revision procedure for the protected area in question.

The revision of the protected area shall be initiated by developing the revision study.

The financial funds for developing the revision study shall be provided pursuant to paragraph 4 Article 28 of this Law.

### **Act of cessation of the protection**

#### Article 36

If the revision study leads to conclusions that the protected area had lost its characteristics based on which it was declared protected, the administration body shall propose adopting the act of cessation of the protection of the area to the administration body competent for declaring the area protected.

The act of cessation of the protection shall be published in the “Official Gazette of Montenegro”, i.e. in the “Official Gazette of Montenegro - Municipal Regulations”.

The protected area for which the act of cessation of the protection was adopted shall be deleted from the registry within one month from the date of publishing the act of cessation in the “Official Gazette of Montenegro”, i.e. in the “Official Gazette of Montenegro - Municipal Regulations”.

### **Preventive protection**

#### Article 37

The act of preventive protection of the area shall be adopted for the area for which the competent administration body concludes, based on the expert analyses, that it has characteristics of the protected area or the procedure for putting the area in question has been initiated.

The act referred to in paragraph 1 hereof shall be adopted by the authorities referred to in Article 34 of this Law, at the proposal of the administration body.

The manager of the area shall be appointed by the act of preventive protection, for which the act of prevention protection had been adopted, as well as measures and conditions of protection and the time limit of the preventive protection.

The time limit referred to in the paragraph 3 hereof shall not exceed three years from the date of the adoption of the act of preventive protection of the area.

The area for which the act of preventive protection was adopted or the procedure for putting under protection was initiated shall be considered protected within the meaning of this Law.

### **Registry**

#### **Article 38**

The protected areas and the areas under preventive protection shall be entered in the registry.

The registry shall be kept by the administration body.

The data from the registry shall be public, excluding data on the distribution of rare or vulnerable target species and habitat types and other significant natural values significant for their protection.

The cartographic presentation with marked borders and marked location of the protected area shall be submitted by the enacting authority of the act referred to in Article 34 of this Law to the administration body, with the aim of entering or deleting from the registry, as well as to the administration authority competent for the cadaster affairs. The enacting authority of the act referred to in Article 34 of this Law shall also submit to the abovementioned bodies the notification on the act of declaration i.e. cessation of protection published in the "Official Gazette of Montenegro", i.e. in the "Official Gazette of Montenegro - Municipal Regulations", within ten days from the date of publishing the act.

The following data shall be entered in the registry: the name and type of the protected area, the category, the surface of the protected area and the surface of the cadastral parcels.

The integral part of the registry shall be set of the following documents: protection study with the cartographic presentation and the act of declaring the protected area, revision study, act of cessation of protection of the area and act of preventive protection of the area.

The manner of keeping the registry shall be prescribed by the Ministry.

### **Use of protected areas**

#### **Article 39**

The protected areas may be used in accordance with the protection study i.e. the spatial plan for special purposes, the management plan of the protected area and based on permits pursuant to this Law.

It is prohibited to use protected areas in a way that could cause:

- degradation of the land and the loss of its natural fertility;
- degradation of the surface or the underground geological, hydrogeological and geomorphological values;
- degradation of the protected sea areas;
- decrease in the natural number of wild species of plants, animals and fungi;
- decrease in biological and areal diversity;

- pollution or endangerment of groundwater and surface waters.

### **Actions, activities and services in protected areas**

#### Article 40

The actions, activities and services that are not subjected to an environmental impact assessment in accordance with the special regulations, to the appropriate assessment and that are not defined by the management plan may be implemented based on the permit of the administration body.

The permit referred in the paragraph 1 hereof shall be issued based on the request, which shall be consisted of:

- description of the location in a protected area where actions, activities and services are planned to be performed;
- purpose of the planned actions, activities and services;
- time of duration of the actions, activities and services.

The permit referred in the paragraph 1 hereof shall be issued on the basis of the expert impact assessment of the planned actions, activities and services on the protected area.

The administration body may form an expert commission for the purpose of expert assessment whether allowed actions, activities and services can lead to the degradation of the protected area.

The commission referred to in paragraph 4 hereof shall be formed from among the employees of the administrative body, and if necessary services of other experts may be engaged.

Expenses of the commission referred to in paragraph 4 hereof, including reimbursement of travel costs, when necessary, shall be borne by the applicant.

The permit issued in accordance with the request referred to in paragraph 2 hereof shall be terminated if the applicant does not commence actions and activities for which a permit was issued within three years from the date of issuing the permit.

### **Ecological network area**

#### Article 41

The ecological network area shall be declared with the aim of protection and conservation of specific habitat types and species of interest to Montenegro and the European Union in accordance with this Law and ratified international treaties.

The ecological network area shall encompass also natural corridors used by specific wild species of animals.

The ecological network areas shall be the following:

- areas important for the conservation of bird habitats and bird species;
- areas important for the conservation of habitats and wild species of plants and animals.

The measures for protection regarding the conservation or regeneration of the state of the target habitats and target species of plants, birds and other animals shall be implemented in the ecological network areas, based on which these areas were declared as areas of ecological network.

Habitat types, primary habitat types, lists of the species of plants and animals with primary species, including species of birds and species based on which these areas were determined, referred in paragraph 3 hereof shall be prescribed by the Ministry.

### **Gathering of the data for the establishment of the ecological network area**

#### Article 42

The administration body in cooperation with the expert and scientific institutions in the field of nature protection shall gather the data, form the database and prepare documentation for the establishment of the ecological network area.

On the basis of gathered data referred to in paragraph 1 hereof, the administration body shall propose areas of ecological network with borders and with data regarding target species and habitats taking into account the following criteria: representativeness of the area for conservation of the habitat type, the surface of distribution of specific habitat type in relation to the total surface of that habitat type in Montenegro, the size and density of populations of target species in the ecological network areas in relation to the total surface of the population of the species in Montenegro.

The administration body shall notify the public regarding the proposal of the ecologic network area and shall organize a public hearing.

The administration body shall keep the database on ecological network areas with the presentation of borders of the ecological network area.

The gathering of the data for establishment of the ecological network area shall be financed from the Budget of Montenegro.

More detailed criteria referred in paragraph 2 hereof for defining the area of ecological network shall be prescribed by the Ministry.

### **Declaration and management of ecologic network areas**

#### Article 43

The Government shall declare the ecological network area.

The ecological network areas that are situated at the territory of protected areas, partly or fully or are bordering with them or are situated directly at the border thereof shall be managed by the manager of the protected area.

The ecological network areas that are situated, partly or fully, at the territory of marine area shall be managed by the legal person competent for managing the marine area.

The ecological network area that is situated outside of the areas referred to in paragraphs 2 and 3 hereof shall be managed by the manager, who meets the conditions referred to in Article 55 of this Law, defined by the act on declaring the ecological network area.

The act referred to in paragraph 1 hereof shall determine ecological network areas with the borders for each individual area, data on target species and habitats, name of the manager, as well as the measures for protection and conservation of the ecological network area.

The act on declaring the ecological network area shall be published in the "Official Gazette of Montenegro".

### **Cessation of protection of ecological network area**

#### Article 44

If concluded that a specific ecological network area had lost its characteristics based on which it was declared as the area of ecological network, the administration body shall propose the Ministry adopting of the act of cessation of the protection of the area.

The Ministry shall notify the European Commission and shall negotiate the cessation of the protection of the ecological network areas.

If the negotiations referred to in paragraph 2 hereof authorize the cessation of the protection of the ecological network area, the act of cessation of the protection of the ecological network area shall be adopted.

The Government shall adopt the act of cessation of the protection of the ecological network area. The act referred to in paragraph 4 hereof shall be published in the “Official Gazette of Montenegro”.

### **Implementation of the protection and conservation of the ecological network area**

#### Article 45

The protection and conservation of the ecological network area shall be conducted by:

- implementing measures for protection and conservation of the area;
- preventing the degradation of the status of target types of habitats and target types of plants, birds and other animals based on which this area was determined;
- preventing the disturbance of target species based on which this area was determined;
- implementing the procedure of appropriate assessment for the ecological network area.

### **Appropriate assessment for the ecologic network area**

#### Article 46

The appropriate assessment for the ecological network area (hereinafter referred to as: the appropriate assessment) shall be the procedure implemented for ecological network areas when there is a possibility that the plan, program, project, individually or combined with other plans, programs and projects may have a significant negative impact on the objectives of the conservation and the ecological integrity of the ecological network area.

The appropriate assessment procedure shall include:

- preliminary assessments and
- main assessments.

The appropriate assessment procedure shall not be implemented for plans or parts of plans, programs and projects, which are necessary for managing or indirectly connected with the ecological network area.

The appropriate assessment shall be implemented during the following procedures: the plans and programs for which the procedure of strategic impact assessment on environment is implemented and the projects for which the procedure of impact assessment on environment is implemented.

### **Preliminary assessment procedure**

#### Article 47

The authority competent for the preparation of the plan and program for which the procedure of strategic impact assessment is not carried out, i.e. the legal person or entrepreneur that files the request for granting the consent to the project (hereinafter referred to as: project holder) for which the procedure of impact assessment on the environment is not carried out, shall be obliged to file the request on the need for the implementation of the main assessment to the administration body.

For plans and programs for which the procedure of strategic impact assessment on the environment is carried out, the request referred to in paragraph 1 hereof shall be submitted to the administration body, i.e. to the local self-government body competent for the affairs of environment protection, prior to the date of adopting the decision on the development of strategic impact assessment on the environment.

For projects for which needs to be decided on the implementation of the procedure of impact assessment on the environment, the request referred to in paragraph 1 hereof shall be submitted to the administration body, i.e. to the local government body competent for the affairs of environment protection, together with the request for deciding if the implementation of the impact assessment on the environment is needed.

For projects for which the implementation of the procedure of impact assessment on the environment is mandatory, the request referred in paragraph 1 hereof shall be submitted prior to the initiation of the procedure of impact assessment.

The request referred in paragraph 1 hereof shall consist of the following:

- the description of the scope of the plan, program or project with the appropriate cartographic and graphic presentations;
- the description of objectives and intention for which the plans, programs and projects are implemented, as well as intended activities for their implementation;
- the time period required for the implementation of plans, programs or projects.

The administration body, i.e. the local government body competent for the affairs of environment protection, shall decide if main assessment procedure is needed, within 15 days from the date when the request referred to in paragraph 1 hereof was submitted.

If the administration body, i.e. the local administration body competent for the affairs of environment protection upon the receipt of the request determines with certainty that the plan, program or project cannot have significant negative impact on the objectives of conservation or negative impact on ecological integrity of the ecological network area, than the mentioned bodies shall adopt the decision stipulating that there is no need for implementing the main assessment procedure.

If the administration body, i.e. the local administration body competent for the affairs of environment protection upon the receipt of the request cannot determine with certainty that the plan, program or project will not have significant negative impact on the objectives of conservation or negative impact on ecological integrity of the ecological network area, than the mentioned bodies shall adopt the decision on implementing the main assessment procedure.

## **Main assessment**

### Article 48

The authority competent for the preparation of the plan and program for which the procedure of strategic impact assessment on the environment is not carried out, i.e. the holder of projects for which the procedure of impact assessment on the environment is not carried out, shall be obliged to submit the request for granting the consent to the study on appropriate assessment (hereinafter referred to as: the study).

For plans and programs for which the procedure of strategic impact assessment on the environment is carried out, i.e. for which the procedure of impact assessment on the environment is carried out, the study shall be submitted to the administration body, i.e. to the local government body competent for the affairs of environment protection, accompanied with the documentation that is submitted together with the report on the strategic impact assessment on environment i.e. the elaborate on the impact assessment of the project to the environment.

The request referred to in paragraph 1 hereof shall consist of data referred in paragraph 5 Article 47, of this Law.

The study shall be submitted as well, accompanying the request referred to in paragraph 1 hereof.

The study shall in particular consist of:

- data on the plan, program and/or project and location;
- description of the manners of developing the study (conducted field surveys, used expert and/or scientific assessment models);
- data on the ecological network area, description and the evaluation of possible impacts on ecological integrity of the ecological network area and the impact on target species and habitat types;
- proposal on measures for alleviating the negative impacts of the plan, program and/or project on target habitat types and species in the ecological network area;
- the monitoring manner of the state of target species and habitat types in regard to measures for alleviating negative impacts;
- concluding appropriate assessment of the impact of the plan, program and/or project on the ecological network area.

The study shall be submitted in written form in three copies and in electronic form.

The more detailed contents of the study shall be prescribed by the Ministry.

### **Authorization for the development of the study**

#### Article 49

The study may be developed by the legal person registered in the Central Registry of Business Entities for performing the development of the studies and expert analyses in the field of environment protection and that has at least one employee with a university degree in the field of biological sciences ( 7 -1 education qualification level).

### **Commission for the assessment of the study**

#### Article 50

The assessment of the study shall be performed by the commission for the assessment of the study (hereinafter referred to as: the commission), formed by the administration body i.e. local government body competent for the affairs of environment protection.

The commission shall be formed from among the employees and other experts.

The expenses of the development of the study and the work of commission members shall be borne by the authority competent for the preparation of plan or program, i.e. the project holder.

The members of the commission shall not be persons that participated in the study development process or persons that are employed by the authority competent for the preparation of the plan and program, i.e. by the project holder.

The public hearing for the study shall be conducted by the administration body, i.e. the local government body competent for the affairs of environment protection.

The administration body, i.e. the local government body competent for the affairs of environment protection shall notify the authorities, organizations and the public concerned regarding the manner and time limits of the insight in the study, delivery of the opinions, time and venue of the public hearing. These information shall be published on the web page of the administration body and/or shall be published in the printed media.

The public hearing from paragraph 5 hereof shall be held not earlier than ten days after notifying the authorities, organizations and the public.



The administration body, i.e. the local government body competent for the affairs of the environment protection shall be obliged to submit to the commission the study with remarks and opinions submitted during the public hearing, no later than five days from the date when the public hearing was held.

The commission shall be allowed only two times to request the authority competent for the preparation of the plan, program i.e. from the project holder to amend the study.

The authority competent for the preparation of the plan and/or program, i.e. the project holder shall be obliged to comply with the request referred to in paragraph 9 hereof, and shall submit to the commission the amended study in a timeframe prescribed by the commission.

If the authority competent for the preparation of the plan and program, i.e. the project holder, does not amend the study within a prescribed period referred to in paragraph 10 hereof, the commission shall continue its work on the basis of available documentation.

The commission shall be obliged to submit the report on the assessment of the study to the administration body, i.e. the local government body competent for the affairs of environment protection within 25 days from the date when the public hearing was held, i.e. from the date of submission of the renewed text of the study.

### **Granting or refusing the consent to the study**

#### Article 51

Based on the report of the commission, the administration body i.e. the local government body competent for the affairs of environment protection, taking into consideration remarks and opinions referred to during the public hearing, shall decide on granting or refusing the consent to the study.

If it is determined, based on the report of the commission, that the plan, program or projects cannot have significant negative impact on the objectives of conservation or negative impact on ecological integrity of the ecological network area, the administration body i.e. the local government body competent for the affairs of environment protection shall grant the consent to the study, which shall include measures for alleviating the negative impacts.

If it is determined, based on the report of the commission, that the plans, programs or projects can have significant negative impact on the objectives of conservation or negative impact on ecological integrity of the ecological network area, the administration body i.e. the local government body competent for the affairs of environment protection shall not grant the consent to the study.

Without the consent of the administration body i.e. the local government body competent for the affairs of the environment protection, the authority competent for the preparation of the plan and program, i.e. the project holder, shall not be allowed to access the adoption of the plan, program i.e. the realization of the project which refers to the ecological network area.

For plans and programs for which the procedure of strategic impact assessment on the environment is carried out and for projects for which the procedure of impact assessment on environment is carried out, the consent referred to in paragraph 2 hereof shall be granted simultaneously with granting the consent to the report on strategic impact assessment, i.e. the elaborate on the impact assessment.

In the case referred to in paragraph 3 hereof, the administration body i.e. the local government body competent for the affairs of environment protection shall be obliged to notify the authority competent for issuing the building permit regarding the refusal to grant a consent.

The administration body, i.e. the local government body competent for the affairs of environment protection shall be obliged to notify via electronic media the public regarding the consent referred to in paragraphs 2 and 3 hereof.

The consent to the study shall cease to have effect in case if the project holder does not start the realization of the project within two years from the date of submitting the consent to the study.

### **Determination of prevailing public interest and compensatory measures for the ecological network**

#### Article 52

In case of the refusal of the consent to the study, the developer of the plan and program or the project holder may submit to the administration body the request for defining the prevailing public interest, including the proposal for compensatory measures.

The request referred to in paragraph 1 hereof shall be submitted not later than 30 days from the date the consent to the study was refused.

The request referred to in paragraph 1 shall consist of the following:

- data on the plan, program and project;
- the reasons for the inability for finding alternative solutions;
- imperative reasons for the prevailing public interest in relation to the protection of the ecological network area;
- other reasons of importance to defining the prevailing public interest and their imperativeness;
- the proposal for compensatory measures with the aim of maintaining the general connection of the ecological network;

With the request referred to in paragraph 1 hereof, the act on the refusal of the consent to the study shall be submitted as well.

Based on the filed request, the administration body shall submit to the Ministry the opinion alongside with the proposed decision on the prevailing public interest i.e. regarding the refusal of the prevailing public interest.

The opinion referred to in paragraph 5 hereof shall in particular consist the following:

- the assessment of the possibility for finding alternative solutions;
- the assessment of feasibility, relevance and possibility of implementing the compensatory measures;
- the importance of conservation of the area in relation to the importance of the prevailing public interest for the plan, program or project;
- other or additional compensatory measures in relation to the proposed;
- the plan for monitoring the implementation and realization of compensatory measures.

The decision on declaring the prevailing public interest and the obligation on implementing compensatory measures shall be adopted in case if the administration body determines that the compensatory measures can be implemented and that there is no any other alternative solution without a significant impact on the ecological network area.

If the priority habitat type and/or priority species may be found on the ecological network area, the prevailing public interest may be declared only with the aim of public health protection and the protection of safety, as well as for establishing more favorable conditions of primary importance for the environment.

In case of other reason for the prevailing public interest for the ecological network area referred to in paragraph 7 hereof, the Ministry shall be obliged to obtain the opinion of the European Commission, which shall be binding.

The prevailing public interest shall be determined by the Government.

## **Compensatory measures for ecological network**

### **Article 53**

The authority competent for the preparation of the plan or program, i.e. the holder of the projects for which the prevailing public interest was determined shall be obliged to implement compensatory measures prior to the realization of the plan and program i.e. the project.

The compensatory measures may be the following:

- the establishment of the new area that has the same features as the damaged ecological network area;
- the establishment of the second ecological network area significant for the conservation of the same target habitat types and target species;
- the establishment of favorable conditions within the borders of the existing ecological network area for target habitat types and target species;

When defining compensatory measures, the new or the existing ecological network area of the habitat types and habitat species shall be the same or bigger in terms of surface in comparison to the part of the area for which compensatory measures are implemented.

The Ministry shall notify the European Commission regarding the compensatory measures that are applied to the ecological network area.

The expenses of implementing compensatory measures shall be borne by the authority competent for the preparation of the plan or program, i.e. the project holder.

## **Implementing the protection over protected natural assets**

### **Article 54**

It is prohibited to perform within the borders of protected natural assets any military exercises or any other military activities during the peaceful conditions that may endanger the features based on which this natural asset was declared protected.

## **VI. MANAGEMENT OF PROTECTED AREAS AND ECOLOGICAL NETWORK AREAS**

### **Manager of the protected areas and ecological network areas**

#### **Article 55**

The manager that manages the protected areas and ecological network areas shall meet the requirements in terms of expert, professional and organizational capacities for performing protection, improvement, promotion and sustainable development of protected areas and ecological network areas.

The fulfillment of conditions referred to in paragraph 1 hereof shall be determined by the Ministry, i.e. the local government body.

The strict nature reserve, special nature reserve, park of nature, monument of nature and region of outstanding features that are situated within the borders of a national park shall be managed by the manager of the national park.

The manager of the protected area shall be appointed with the act of declaration of the protected area.

The protected areas, not including national parks, which are situated at the territory of the marine area shall be managed by the legal person competent for managing the marine area.

The more detailed conditions referred to in paragraph 1 hereof shall be prescribed by the Ministry, with previously obtained opinion from the state administration body competent for forestry and hunting affairs.

### **The obligations of the manager**

#### Article 56

The manager of the protected area and/or ecological network area shall be obliged to:

- adopt the annual management program and the act on internal order;
- provide the protection service;
- adopt the financial plan for development and protection of the area;
- adopt the annual plan for development and training of the personnel;
- ensure the implementation of nature protection measures in accordance with the objectives of protection, zones and regimes;
- preserve, enhance and promote the protected area and/or ecological network area;
- mark the protected area and/or ecological network area;
- ensure the smooth functioning of natural processes and sustainable use of protected area and/or ecological network area;
- monitor the state in the protected area and/or ecological network area and submit the data to the administration body;
- submit the annual report to the Ministry, i.e. the competent local government body on the realization of the management plan for the protected areas and ecological network areas (hereinafter referred to as: the management plan) or submit the annual management program on implemented measures, financial funds spent for implementing the measures;
- perform other duties stipulated by the Law and the act of declaration

The provisions of the first, second, third, fourth and tenth indents referred to in paragraph 1 hereof shall not be applied to individual protected wild species of plants that had been declared as the natural asset.

### **Funds for the work of the manager**

#### Article 57

The funds for the work of the manager shall be provided from the:

- Budget of Montenegro, i.e. the budget of the local self-government unit in accordance with the annual program and management plan;
- compensations for using the protected area and/or ecological network area;
- donations;
- other sources in accordance with the Law.

### **Management plan**

#### Article 58

The management plan is a planning document used for planning the measures and activities for the protection and conservation of protected natural asset and it represents planning foundation for the management and use of natural asset in ecological, economic and social purposes.

The management plan shall be adopted for a period of five years.

The management plan shall be prepared by the manager.

The management plan shall be implemented through the adoption of annual management program.

The plan for management of national park shall be adopted by the Government.

The plan for management of strict and special nature reserve shall be adopted by the Ministry.

The plan for management of nature parks, monuments of nature and region of outstanding features shall be adopted by the competent local self-government body, with the consent from the Ministry.

The management plan for the nature park, monument of nature and region of outstanding features that are located in the territory of two or more units of local self-government shall be adopted by the Ministry.

The management plan for the protected areas and/or ecological network areas, not including national parks, which are situated in the zone of the marine area, shall be adopted by the Ministry.

The management plan for ecological network areas that are a part of the protected area shall be the integral part of the management plan for that area.

The management plan for ecological network areas that are not a part of the protected area shall be adopted by the Ministry.

The ecological network areas that are a part of forest areas or are situated within their borders shall be managed in accordance with plans and programs of forest management.

For the ecological network areas that are not situated at the territory of protected areas, or are partly situated, or are bordering with them or are situated directly at the border that are managed by the same manager of the protected area, one management plan may be developed that shall encompass the areas in question.

For the protected areas and ecological network areas that are situated in the zone of marine area, one management plan may be developed that will encompass the areas in question.

The administration body shall issue the opinion on the management plan for all protected areas and/or ecological network areas, prior to its adoption.

The annual management program shall be developed and adopted by the manager, with the consent from the Ministry, i.e. the competent local government body.

The annual management plan shall be submitted to the Ministry, i.e. the competent local government body by November 30<sup>th</sup> of the current year for the following year.

The report on realization of the annual management plan shall be submitted by the manager to the Ministry, i.e. the competent local government body by March 1<sup>st</sup> of the current year for the following year.

### **Content of the management plan**

#### Article 59

The management plan shall consist of the following:

- 1) presentation of natural resources and users of protected area;
- 2) assessment of the state of protected area;
- 3) long-term objectives of protection and sustainable development;
- 4) analysis and assessment of the conditions for achieving the objectives of protection;
- 5) measures of protection, conservation, management, improvement and use of protected natural resource;
- 6) manner of implementing the measures of protection, use and management of the protected natural resource;
- 7) priority activities on the conservation, maintenance and monitoring of natural and other values and environmental segments;
- 8) spatial identification of planned purposes and the regime of land use;

- 9) guidelines for the scientific researches;
- 10) development guidelines, guidelines and priorities for the protection and preservation of the protected natural resource, respecting the needs of the local population;
- 11) planned activities on the sustainable use of natural resources, development and spatial planning;
- 12) activities on the promotion and valorization of the protected natural area;
- 13) ways of cooperation with local population, owners and users of real estates;
- 14) dynamics and subjects of realization of the Management Plan and an assessment manner of the implementation;
- 15) financial funds needed for the implementation of protection measures and sources of financial funds;
- 16) indicators for monitoring the success of the plan realization;
- 17) other elements of importance for the management of the area.

The management plan for ecological network areas shall in particular consist of the following:

- analysis of the state of target species and habitat types,
- objectives of management and conservation,
- manners of achieving the objectives,
- management measures and
- other elements of importance for management of ecological network areas.

The provision from the items 10, 11 and 12 referred to in paragraph 1 hereof shall not apply on management plans for the strict reserve and monument of nature.

The report on realization of the management plan based on the annual management programs the Ministry shall submit to the Government, not later than March 1<sup>st</sup> of the current year for the following year.

The report referred to in paragraph 4 hereof shall in particular consist of the following:

- 1) realization of protection measures;
- 2) realization of the plan by indicators for monitoring the success of the plan realization;
- 3) visits to protected areas;
- 4) financial funds spent for the protection and generated revenues from fees for the use of protected areas and ecological networks areas.

### **Compensation for use of protected area and area of protected ecological network**

#### Article 60

For the use of protected area and/or ecological network area, legal or natural person (hereinafter referred to as: the user) shall pay compensation to the manager of the protected area or the area of environmental network for the following:

- entry into the protected area;
- services to visitors (use of guide, parking, informational-educational material and observing naturalist collection);
- host, sale, accommodation and infrastructure facilities (restaurants, bungalows, temporary facilities, commercials, power stations, use of land for sport and other events);
- renting and/or use of facilities and premises of the manager;
- use of the sign of the protected area;
- organized bird watching;

- making feature and commercial films, videos and commercials;
- use of mineral raw materials;
- renting sport and recreation equipment (boats, rowboats, kayaks and bicycles);
- collecting, harvesting and purchasing forest fruits;
- sport and commercial fishing;
- camping;
- rafting;
- making fire on specially designed areas;
- other actions, activities and services in accordance with the Law.

The amount, calculation method and payment of the fee referred to in paragraph 1 hereof shall be determined by the manager of the protected area i.e. ecological network area, with the prior consent of the Government.

The manager shall use the funds referred to in paragraph 1 hereof for protection, development and improvement of the protected area i.e. ecological network area.

### **Ecosystem services**

#### Article 61

Ecosystem services shall be values of a particular ecosystem that create direct or indirect economic benefit for users of these services.

Compensation or other kind of benefits may be paid based on the contract concluded between the manager of the protected natural asset and the user of ecosystem services.

The contract referred to in paragraph 2 hereof shall particularly contain:

- description of actions and activities that will benefit from ecosystem services;
- assessment of ecosystem service, the subject matter of the contract;
- technology that will be used during providing ecosystem services;
- the amount of funds or other kind of benefits made by using ecosystem services of the protected natural asset;
- time limit for the use of ecosystem services;
- obligation of the manager to direct funds received by the user of ecosystem services to the protection and improvement of the protected natural asset.

### **Pre-emption right**

#### Article 62

The legal or natural person that is the owner of real estate within the boundaries of protected area and/or ecological network area, (hereinafter referred to as: the property owner), that intends to sell real estate, shall be obliged to first offer it to the Government, or local self-government unit using the services of administrative authority in charge of the property.

The offer referred to in paragraph 1 hereof shall contain the price and terms of sale.

If the Government or local self-government unit does not accept the offer referred to in paragraph 1 hereof Article within 60 days from the date the offer was submitted, the owner shall not sell the real estate to another person under more favorable conditions than the conditions under which the owner offered it to the Government or the local self-government unit.

The contract concluded contrary to paragraphs 1 and 3 hereof shall be null and void.

## **Expropriation and limitation of property rights**

### Article 63

Ownership rights of real estate in a protected natural asset may be restricted - expropriated when the public interest so requires.

The procedure of expropriation on real estate shall be conducted in accordance with the Law.

## **Prevention of damage occurrence**

### Article 64

The property owner shall be obliged to undertake measures and actions to prevent occurrence of damage that may be caused by protected species of wild animals.

Actions referred to in paragraph 1 hereof shall be: fencing, protecting assets and chasing away protected animal species.

## **Right to compensation**

### Article 65

Property owner shall have the right to compensation within the boundaries of a protected natural resource, provided that the he/she has taken measures and actions referred to in Article 64 of this Law in order to prevent damage from protected wild animals.

The owner of real estate referred to in paragraph 1 hereof shall be obliged to report the damage to the manager not later than eight days from the date the damage occurred.

Damage assessment shall be determined by the commission formed by the manager (hereinafter referred to as: the damage assessment commission).

The amount of compensation shall be determined by the decision of the manager, on the basis of the assessment of the damage assessment commission.

## **Compensations for prohibitions and restrictions**

### Article 66

The owner of real estate whose right of use and disposition has been limited, shall be entitled to compensation in proportion to the reduction of revenues realized at the moment of declaring a protected area.

The owner of real estate shall file a request for compensation, which shall be accompanied by the evidence of reduction of revenues that could have been realized at the moment of declaring a protected area or reduction of revenues due to restrictions caused by declaring a protected area.

The amount of compensation referred to in paragraph 1 hereof shall be determined with the contract between the manager and the owner of real estate.

If within 30 days of the submitting of the written request, the property owner and the manager do not agree on the compensation, the amount of compensation shall be determined by the competent court.

## **Obligations of the owner of real estate and compensations**

### Article 67

Real estate owners shall be obliged to permit the manager, administration body and a person who has permit to conduct research, to perform activities as provided by the Law.



If the property owner, while performing actions and activities, causes damage on a protected natural asset, he/she shall be obliged to carry out remediation measures, in accordance with the Law governing liability for damage in environment.

If the manager of protected natural asset, administration body or a person who has permit to conduct research and perform activities as provided by the Law, causes damage to the owner of real estate while exercising actions and activities, he/she shall be obliged to compensate for the damage.

The owner of real estate referred to in paragraph 1 hereof Article shall be obliged to report the damage to the manager not later than eight days from the date the damage occurred.

The amount of compensation referred to in paragraph 2 here Article shall be determined by the damage assessment commission.

Compensation to the owner of the real estate shall be paid by a person who caused the damage in performing actions and activities.

## VII. SPELEOLOGICAL, GEOLOGICAL ANF PALEONTOLOGICAL OBJECTS

### **Speleological objects**

#### Article 68

Speleological objects: pits, caves, cave formations and other parts of cave shall be assets of general interest.

For speleological objects, the registry of speleological objects shall be created as the digital geographical information system (hereinafter referred to as: the registry).

Registry shall contain the data about: position, characteristics, values, ownership, research and use of caves.

The registry shall be established and managed by administration body.

The one who discovers speleological object shall be obliged to notify the administration body not later than eight days from the date the object was found.

Speleological objects located on the territory of protected area and ecological network area shall be managed by the manager of protected area and ecological network area.

If a speleological object is located on territory of ecological network and it represents targeted habitat type of that territory, actions and activities with that territory may be carried out on the basis of permit in accordance with this Law.

More detailed content, method of establishing and keeping the Registry shall be regulated by the Ministry.

### **Protection and use of speleological objects**

#### Article 69

In speleological objects and their surroundings it is prohibited to:

- contaminate watercourses and springs with toxic substances;
- dispose of dead animals;
- dispose of solid waste;
- destruct, damage or take away parts of the cave formations, cave sediments and fossil remnants;
- destruct and take away specimens of fauna and flora and negatively impact their habitat conditions;
- disturb fauna, particularly bats;

- execute construction works that may result in significant harmful and lasting changes of geomorphological and hydrological characteristics;
- dig and drill, except for the purpose of research and protection of objects;
- produce noise exceeding 45 Leq (dBA);
- make fire or use other substances which combustion causes smoke;
- carry out other activities that permanently threaten natural values and the importance of speleological objects.

In speleological objects the following actions and activities may be permitted:

- organized visits, use or arrangement of speleological object or its part;
- opening or closing entrances, i.e. exits in speleological object by setting the door with bars on entrance, whereby the distance between the bars shall be sufficient for smooth movement of bats and birds;
- construction, reconstruction and rehabilitation of the underground objects;
- conducting scientific and expert research;
- diving;
- making films or taking photos;
- perform activities that do not affect the primary characteristics, conditions and natural flora or fauna in speleological object or the ground surface above.

The actions and activities referred to in paragraph 2 hereof may be conducted in speleological object only on the basis of a license issued by the administration authority.

The permit referred to in paragraph 3 hereof shall be issued upon the request of the user of speleological object.

The request referred to in paragraph 4 hereof shall contain:

- information about the applicant (name, headquarters, identification number, i.e. name and address)
- area where speleological object is located;
- description of intended actions and activities in speleological object;
- the period of realization of actions and activities.

If there is no information about speleological object, on the basis of which the permit may be issued, legal or natural person requesting the permit to carry out actions and activities shall provide information by engaging scientific or expert institution and institution dealing with research of speleological objects.

Scientific and expert institutions and institutions dealing with research of speleological objects and speleological organizations shall submit data on research results to the administration authority within three months from the date of completion of research.

Scientific and expert institutions and institutions dealing with research of speleological objects and speleological organizations, in accordance with the permit referred to in paragraph 3 hereof, shall be obliged to provide information to the administration authority on the date of beginning the research.

The owner of land on which speleological object is located, shall allow access to and observing of that object in accordance with the permit of the administration body.

The owner of land on which speleological object is located shall not endanger or damage speleological object, fill in the entrance, nor prevent its use or carry out other actions and activities that are prohibited.

## **Protected geological and paleontological objects**

### Article 70

Protected geological and paleontological objects (fossils, minerals, crystals and cave formations) shall be parts of geoheritage, which, due to their rarity, have an extraordinary scientific importance and may include:

- syntypes specimens and genotypes of fossils, as well as the typical kinds of fossils, which, due to their rarity and extraordinary scientific importance, represent a natural value;
- individual minerals or crystals, cave formations, which, due to their rarity and extraordinary scientific importance, represent a natural value;
- collections of syntypes and genotypes of fossils, typical kinds of fossils of individual minerals and crystals, which, due to their rarity and extraordinary scientific importance, represent a natural value;

Protected geological and paleontological objects shall be defined and declared a protected natural asset by the ministry on a proposal of expert and scientific institutions dealing with geological and paleontological research.

It is prohibited to collect and destruct protected fossils, minerals, crystals and cave formations and to endanger their deposits.

If a specific protected geological and paleontological record (fossils, minerals, crystals, cave formation) cannot be protected on its deposit, it shall be entrusted to the legal person competent for the collection of nature material, which shall ensure its protection and allow its use in educational, scientific and cultural purposes.

Fossils, minerals, crystals and cave formations shall be the property of Montenegro.

### **Protection of geological and paleontological objects**

#### Article 71

Protected geological and paleontological objects (fossils, minerals, crystals and cave formations) shall be kept on the site of their discovery, i.e. on the deposit.

If specific protected geological and paleontological objects (fossils, minerals, crystals) cannot be protected on the deposit, they shall be entrusted to the public authority competent for cultural activities, which shall ensure expert protection and allow use in educational and scientific purposes of the objects.

Geological and paleontological objects that have the status of protected cultural resource or which are a part of museum material, documentation and /or locality, shall be protected in accordance with the Law governing the protection of cultural resources and museums.

### **Restrictions and prohibitions**

#### Article 72

It is prohibited to take from nature protected geological and paleontological objects that are declared protected or that are located on an object of geoheritage, protected deposit or site of mineral resources.

It is also prohibited to export geological and paleontological objects that are declared protected. Exceptionally, activities referred to in paragraph 1 and 2 hereof may be performed for the purpose of scientific and expert research, education and exhibition presentations, with permit obtained from the administration body.

A permit holder shall bring the geological and paleontological object back to Montenegro within six months of completion of the research. He/she shall submit the report on completed research with information on deposit condition, possible threats to the deposit, as well as on necessary additional research and additional protection measures, not later than 30 days from the date of completion of the research.

The report shall be submitted to the Ministry, the administration body, the administration body competent for inspection activities and to the legal person competent for collecting and keeping of natural material.

## VIII. WILD SPECIES PROTECTION

### **Protection of wild species of plants, animals and fungi**

#### Article 73

Wild species of plants, animals and fungi shall be:

- specimens of autochthonous plants, fungi and wild animals and their bred specimens;
- their development forms (eggs, seeds, fruits, mycelium);
- their parts and derivatives;
- easily identifiable products derived from them;

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

It is prohibited to pick, collect and use wild plants and fungi, or to catch and kill wild species of animals to the extent that could endanger number of their population and their favorable status of protection.

It is prohibited to deliberately disturb and kill wild species of animals, with the exception of hunting in accordance with the Law governing game and hunting.

Natural and legal persons can pick, collect and use wild plants and fungi, or catch and kill wild animals species referred to in paragraph 3 hereof for commercial purposes only on the basis of permit of the administration body.

Legal persons shall submit the request to pick, collect and use wild plants and fungi, or catch and kill wild species of animals, together with the list of natural persons who will conduct activities in the name of and for the profit of the legal person referred to in paragraph 5 hereof.

Import, export and transit of wild species of plants, animals and fungi may only be conducted with the permit issued by the administration body, and in accordance with ratified international treaties.

During transport and transit, live animals shall be transported and kept in a manner that ensures the safety of animals regarding injuries, damage of their health or inhumane treatment.

Transit of wild species of plants, animals and fungi through the territory of Montenegro shall be based on the permit for the export or import, issued by the competent authority of the exporting country, i.e. the country of import.

More detailed manner and terms of use and collection, with amounts that may be used and put on the market, the method of monitoring state of populations and the list of wild animals, plants and fungi that may be used for commercial purposes, shall be determined by the Ministry, in cooperation with the state administration body competent for forestry.

### **Permits for scientific and educational research**

#### Article 74

Legal or natural persons may conduct scientific and educational research in protected areas and areas of ecological network, as well as on protected species of plants, animals and fungi, on the basis of permit of the administration body.

Permit referred to in paragraph 1 hereof shall be issued after obtaining the opinion of the manager of protected area and/or ecological network area if the research is conducted in protected area and/or ecological network area, of the state administration body competent for forestry if the research is conducted

on forest localities, i.e. of the Institute, if the research is conducted in protected area and/or areal of ecological network at the sea.

Permit referred to in paragraph 1 hereof shall be issued for:

- 1) research of protection and conservation of natural habitats types or protected species;
- 2) trans boundary researches;
- 3) work and research that are necessary for protection, management and use of populations of all species threatened with extinction;
- 4) research of particularly threatened species, taking into account their geographical disposition;
- 5) research of protected areas and/or areas of ecological network that are particularly important for migratory species on their migratory routes, as well as for winter feeding and nesting places;
- 6) assessment of migratory species populations;
- 7) development or improvement of ecological methods for prevention of damages caused by birds;
- 8) determination of the role of specific species as indicators of pollution.

Permit referred to in paragraph 1 hereof shall be issued for a period of three years.

Natural or legal person that carries out research on the basis of the permit, shall inform administration body on the exact date of the beginning of the research.

Legal or natural person that carried out the research referred to in paragraph 1 hereof shall submit to the administration body data on the results of research, within one month from the date of obtaining the research results.

Mobile protected natural resources and their parts may be taken out of Montenegro for the purpose of scientific research, on the basis of permit of the administration body.

Mobile protected natural resources and parts referred to in paragraph 7 hereof shall be returned back to Montenegro, not later than three months after the completion of the research.

If during the research referred to in paragraph 5 hereof the existence of a new species is determined, the permit holder shall submit the holotype to the legal person competent for collection and keeping of natural material.

## **Prohibited means of catching and killing wild animals**

### Article 75

It is prohibited to use means of catching and killing wild species of animals that may disturb their populations and endanger their habitats and that may cause their local disappearance.

It is prohibited to use methods for wide and non-selective catching and killing wild species of animals.

Prohibited means of catching, killing and disturbing mammals and fish shall be:

- traps that are non-selective according to the principle or conditions of their use;
- crossbow;
- blind or mutilated animals used as live decoys;
- nets that are non-selective according to the principle or conditions of their use;
- using gas or smoke to force animals to leave their lairs;
- electrical, deadly or stunning devices;
- artificial light devices, except when it comes to sea fishing;
- mirrors and other blinding devices;
- sound transmitters (tape recorders) that emit sounds of animal calls;

- devices for illuminating targets;
- optical sights for night hunting with the possibility of electronic zoom or transformation of picture;
- explosives;
- poisons and poisonous or stunning decoys;
- semi-automatic or automatic weapons;
- flying objects;
- moving motor vehicles;
- other means provided by international treaties.

Prohibited means of catching, killing and disturbing birds are:

- glue;
- hooks;
- live birds that are blind or mutilated and that are used as decoy;
- tape recorders;
- electrical devices for cutting;
- artificial light sources, mirrors, devices for illuminating targets, sighting devices for night shooting which consist of electronic magnifier or converter;
- explosives;
- nets, traps, poisoned or anesthetic decoys;
- semi-automatic or automatic weapons with cartridge clip that can hold more than two lines of ammunition;
- flying objects;
- motor vehicles;
- boats which speed exceeds five kilometers per hour, other than motor boats on the open sea, which are used for security purposes with the maximum speed of 18 kilometers per hour.

### **Protection measures for migratory wild animals**

#### Article 76

Public roads, other roads and other facilities shall be constructed in a way to minimize the negative effect on the migratory routes of wild animals and to allow safe crossing of wild animals at specific interspaces.

The measures referred to in paragraph 1 hereof shall be provided by applying specific constructional and technical-technological solutions (ecological bridges, constructed passages and crossings, tunnels, drainage pipes, canals, safety and directing facilities, fish trails, elevators) on the facilities themselves and in their surroundings.

Protection measures and the manner of maintaining technical and technological solutions referred to in paragraph 2 hereof shall be prescribed by the Ministry, with the consent of the state administration body competent for transport.

### **Introducing non-native species of wild plants, animals and fungi**

#### Article 77

It is prohibited to introduce species of wild plants, animals and fungi and their bred specimens (hereinafter referred to as the: allochthonous species) to ecosystems in which they are not naturally inhabited.

Notwithstanding paragraph 1 hereof, introducing non-native species, provided that it is scientifically proven and acceptable in terms of nature protection, may be done on the basis of the permit of the administration body, and in accordance with ratified international treaties.

The permit referred to in paragraph 2 hereof shall be issued by the administrative body based on:

- assessment of risk to nature;
- evidence that animal species is taken care adequately in terms of stay;
- statements about the purpose of the introduction of individuals of specific species.

Prior to the issuance of the permit, the consent of the administration body competent for public veterinary and of the administration body responsible for phytosanitary matters shall be obtained.

Assessment of the risk to the nature of the first indent referred to in paragraph 3 hereof shall be drawn up by the risk assessment commission established by the administration body, i.e. by the Institute in case of maritime species.

Risk assessment commission shall be formed from employees of the administration body and other qualified persons.

Risk assessment commission, i.e. the Institute, shall make the report on risk assessment for nature and shall deliver it to the administration body for the purpose of issuing the permit.

The costs of developing the risk assessment shall be borne by the legal or natural person that requested the permit.

The request referred to in paragraph 8 hereof shall contain:

- information about the applicant (name, headquarters, identification number, i.e. name and address);
- locality on which introduction of allochthonous species is planned;
- the purpose of the planned introduction and the importance of introduction from the aspect of nature protection;
- national and scientific name of the species which is to be introduced to the ecosystem;
- the period of implementation of actions.

In case of re-export from any country, the applicant referred to in paragraph 8 hereof, shall submit the license to export, re-export certificate or a certificate of origin issued by the authority of export or re-export country in accordance with ratified international treaties.

Method of developing a risk assessment referred to in paragraph 3 hereof and paragraph 2 from the Article 79 of this Law shall be prescribed by the Ministry.

### **Unintentional introduction of allochthonous species of plants, animals and fungi**

#### Article 78

If unintentional introduction of allochthonous plant, animal and fungi species occurs in the area of Montenegro, or if there is reasonable doubt that such introduction will occur, the competent administration body shall take measures to destroy or to prevent further spreading of introduced allochthonous species.

### **Reintroduction of extinct wild species**

#### Article 79

Reintroduction of extinct autochthonous wild species of plants, animals and fungi and their bred specimens to ecosystems may be done with the permit issued by the administration body.

The permit referred to in paragraph 1 hereof shall be issued by the administration body, on the basis of previously developed risk assessment.

The costs of risk assessment of reintroduction autochthonous on nature shall be borne by the natural or legal person that requested the permit.

The request referred to in paragraph 3 hereof shall contain:

- information about the applicant (name, headquarters, identification number, i.e. name and address);
- the purpose of the planned introduction and the importance of introduction from the aspect of nature protection;
- locality on which introduction of allochthonous species is planned;
- description of actions intended to be performed;
- period of implementation of actions.

### **Transporting live specimens of wild species of animals**

#### Article 80

Live specimens of wild species of animals may be transported within Montenegro only on the basis of permit issued by the administration body.

The permit referred to in paragraph 1 hereof shall be issued on the basis of a request, which shall in particular contain:

- information about the applicant (name, headquarters, identification number, i.e. name and address);
- evidence of the origin of specimens;
- information about the means of transportation and about the place to which individuals will be transported and on which individuals will be kept;
- information about the purpose of transporting individuals;
- the period of transporting.

The permit referred to in paragraph 1 hereof shall not be issued in case of transporting live animals for the purpose of veterinary treatment.

### **Keeping wild animal species**

#### Article 81

Legal or natural person may keep wild animal species in captivity to be publicly displayed in zoos, aquariums, terrariums, pools or cages, in accordance with the law, with the permit issued by the administration body.

It is prohibited to keep wild animals species in captivity in unsuitable conditions and without proper care.

The permit referred to in paragraph 1 hereof shall be issued upon the request of legal or natural person that meets the requirements referred to in the Article 83 of this Law.

Natural or legal person referred to in paragraph 1 hereof that acquires an individual of wild animal species, with the intention of keeping it in captivity, shall submit the request for the permit and notify about it the administration body and the inspection competent for nature protection, as well as the veterinary inspection, within 30 days from the date of acquiring specimen of wild animal species.

If natural or legal person acquires an individual of wild animal species, and does not file the request within 30 days of acquiring the individual, the individual shall be confiscated and handed over for keeping to the authorized person referred to in Article 83 of this Law.

### **Marking wild species of animals**

#### Article 82



Wild species of animals that are kept in captivity and that are used for scientific research shall be marked.

The costs of marking wild species of animals shall be borne by natural or legal person that has the permit for keeping wild and protected species.

Marking wild species of animals, depending on the species, shall be performed by use of leg rings, microchips, wing markers and satellite transmitters.

Marking wild bird species shall be performed by use of leg rings, wing markers and satellite transmitters.

Marking referred to in paragraph 4 hereof shall be performed by legal persons on the basis of the permit issued by the administration body.

The permit referred to in paragraph 5 hereof shall be issued to the legal person that meets the requirements in respect of personnel and equipment.

The permit referred to in paragraph 5 hereof shall be issued on the basis of the request, which shall contain in particular:

- information about the applicant (name, headquarters and identification number);
- information about appropriate equipment and personnel.

Legal persons referred to in paragraph 5 hereof shall be obliged to submit information about marked wild species to the administration body.

Marking wild animal species by microchips shall be performed by veterinary clinics that meet the requirements as prescribed by the law governing veterinary medicine.

Veterinary clinic shall be obliged to inform the administration body in written form about performed marking, within 15 days of the day of marking the animal.

The administration body shall keep the record of marked animals.

Specimens of animals marked outside of Montenegro shall be considered as marked in accordance with this Law, if they are marked in accordance with international standards of marking.

More detailed requirements referred to in paragraph 6 hereof, the characteristics of means for marking wild animals (leg rings, microchips, wing markers and satellite transmitters), method of marking and keeping the record of marked wild animals shall be prescribed by the Ministry.

### **Seizure of animals kept in captivity**

#### Article 83

Specimens of wild species of animals kept in captivity without the permit and contrary to the conditions set out in the permit for keeping in captivity, shall be temporarily or permanently seized and be entrusted to the legal or natural person authorized by the administration body.

The authorization referred to in paragraph 1 hereof shall be issued to the legal and natural person that meets the requirements in respect of space, equipment and personnel.

In case that in Montenegro there is no legal and natural person that meets the requirements for keeping specific specimens of wild species of animals, those specimens may be delivered to a foreign legal person in another country that is authorized to keep and protect animals.

More detailed requirements referred to in paragraph 2 hereof shall be prescribed by the Ministry.

### **Notifying**

#### Article 84

Legal or natural person shall be obliged to, without delay, notify the administration body about any changes and new circumstances that affect or may affect the validity of the permit, especially in the case of:

- death of the specimen of animal species;
- destruction of the specimen of animal species;
- escape of the specimen of animal species;
- other circumstances that may affect the issued permit.

### **Wildlife breeding**

#### **Article 85**

Legal or natural person that meets the requirements referred to in paragraph 2 of Article 83 of this Law, may breed wild animal species in captivity based on the permit of the administration body.

Permit from paragraph 1 hereof shall be issued upon the request of legal or natural person.

Owner of wild animals species referred to in paragraph 1 hereof, shall be obliged not to let the animal escape and shall be liable for the damage the animals cause in the event of escape.

Notwithstanding paragraph 1 hereof, if wildlife breeding is performed for the purpose of agricultural activities, freshwater and marine fish breeding and hunting, permits shall be issued in accordance with special laws.

### **Putting on the market wild species of plants, animals and fungi for commercial purposes**

#### **Article 86**

Wild species of plants, animals and fungi autochthonous and allochthonous may be put on the market for commercial purposes.

Putting on the market referred to in paragraph 1 hereof may be performed by legal or natural persons that meets the requirements referred to in paragraph 2 of Article 83 hereof.

Legal and natural persons referred to in paragraph 2 hereof shall obtain the permit from the administration body for putting on the market referred to in Article 94 of this Law.

Putting on the market for commercial purposes referred to in paragraph 1 hereof shall be considered to be sale and purchase, display to the public for the purpose of making profit, use for the purpose of making profit, keeping for sale, offering for sale, and rental and exchange of plants, animals and fungi.

The subject of putting on the market for commercial purposes may be only a wild plant, animal and fungi that is bred on the basis of the purpose referred to in Article 85 of this Law.

List of wild species of plants, animals and fungi for which putting on market for commercial purposes is forbidden shall be determined by the Ministry.

### **Protection of wild species of birds**

#### **Article 87**

Wild birds living in the nature shall enjoy the protection in accordance with this Law.

Protection of wild birds shall be carried out by:

- implementation of measures for preservation, maintenance or restoration of a sufficient diversity and areas of habitats for all species of birds;
- establishment of the ecological network, which integral part represents important areas for conservation of bird habitats and species;

- implementation of measures for preservation, maintenance and management of bird habitats in accordance with the ecological needs within the ecological network area zones and outside them;
- renewal of destroyed biotopes;
- taking measures to avoid pollution or deterioration of habitats or any disturbance that affects birds within the ecological network.

Specific wild bird species may be offered for sale live or dead and transported and kept for sale, and any of the recognizable parts or derivatives may be sold if birds are killed, caught or acquired in accordance with this Law and the Law governing hunting.

List of wild species of birds referred to in paragraph 3 hereof shall be determined by the Ministry with the prior obtained opinion of the state administration body competent for hunting affairs.

It is prohibited to kill and capture birds, to transfer, destroy or remove their nests, even if they are empty, to transfer, destroy or remove their eggs and to disturb birds in general, especially in time of chicks feeding and during mating. It is prohibited to keep birds which are prohibited to hunt, as well as to perform other activities contrary to the Law.

Huntable bird species shall be protected during the closed season, and during reproduction, moulting and their return from wintering (spring migration) in accordance with the law governing game and hunting.

Poles and technical components of medium and high-voltage power lines shall be constructed in such a way as to protect birds from electric shocks and mechanical injuries.

The provision of paragraph 7 hereof shall not apply to upper railway wires.

Construction of high objects (wind turbines, columns, towers, bridges) shall be followed by technical and technological measures related to illuminating objects, in order to avoid negative impacts of these objects on birds.

For the purpose of conservation and protection of wild birds, monitoring of number and condition of population of wild birds species shall be performed in accordance with international obligations.

On the basis of the monitoring of the number and condition of populations of wild birds species, the following categories shall be determined:

- species threatened with extinction;
- species that are vulnerable to specific changes in their habitat;
- species considered rare due to their small population or due to restricted local distribution;
- other species that require special attention due to specific nature of their habitat.

On the basis of the results of monitoring, the administration body shall establish measures for protection migratory species of wild birds species in terms of their breeding, replacing feathers and changing feeding places during the winter and intermediate stops on their migratory routes, protecting wetlands and particularly wetlands of international importance, preventing pollution or deterioration of habitats or any disturbance that affects wild birds species.

Method of monitoring the number and condition of population of wild bird species shall be determined by the Ministry.

### **Exceptions (derogations) in relation to the protection of birds**

Article 88

Killing or catching, moving nests of birds, their disturbance, keeping birds that are prohibited to hunt, and performing other activities, may be permitted in case there is no other satisfactory solution, only on the basis of the permit issued by the administration body with the aim to:

- protect public health and safety;
- protect aviation safety;
- prevent damage of crops, livestock, forests, fish and water;
- protect flora and fauna;
- allow research and teaching, repopulation, re-introduction and breeding that is essential for this purpose;
- to allow catching, keeping or other forms of use of specific birds in small number of specimens, under strictly supervised conditions and on a selective basis.
- the permit referred to in paragraph 1 hereof shall be issued on the basis of a request that shall contain:
  - information about the applicant (name, headquarters, identification number, i.e. name and address);
  - manner, means or methods to be used;
  - species of birds;
  - purpose and reasons for performing actions;
  - duration of actions performance;
  - method and time limits for reporting on the permit implementation to the administration body.

The administration body shall make an annual report on realization of permits referred to in paragraph 1 hereof, means, methods, locations, reasons for implementing and issuing permits, as well as on manner of realization of permitted actions performed on wild birds, and shall submit it to the European Commission.

### **Protected wild species of plants, animals and fungi**

#### Article 89

Wild species of plants, animals and fungi which are endangered or may become endangered, rare and endemic and which have a special significance from the genetic, ecological, ecosystemic, scientific, health and economic aspects shall be protected species.

Protected species of plants, animals and fungi may be identified as follows:

- wild species that is threatened with extinction in the territory of Montenegro and that belongs to the category of extremely vulnerable and endangered species;
- extinct species in Montenegro, which has been restored through reintroduction program;
- narrowly distributed species (endemic and relict);
- wild species protected under the concluded international treaty;
- wild species that is sensitive, i.e. vulnerable, rare or endemic;
- wild species that is not endangered, but because of its appearance may be mixed up with endangered wild species.

Endangered autochthonous domesticated sort of plant and animal breed of specific kind, which has been developed as the consequence of traditional breeding and represents a part of natural and ethno-cultural heritage, may be also identified as protected wild species of plants, animals and fungi.

Protected wild species of plants, animals and fungi shall be protected in a manner that achieves or maintains their favorable conservation status.

Conservation status of protected species shall be considered to be favorable when:

- the number of population of the species is stable and sustainable in the long term;
- the natural habitat of the species is not reduced, nor it will decrease in the near future;
- there is and there will be in the future a sufficiently large habitat to maintain the population at the long-term basis.

The list of protected wild species of plants, animals and fungi shall be determined by the Ministry, on the basis of vulnerability assessment of individual species and obligations from ratified international treaties, as well as on the basis of national and international red lists and other expert documentation, on a proposal of the administration body and with the prior obtained opinion of the state administration body competent for agriculture, forestry and game.

The list referred to in paragraph 6 hereof shall be published in the “Official Gazette of Montenegro”.

### **Red lists of wild species of plants, animals and fungi**

#### Article 90

Red lists of wild species of plants, animals and fungi shall be determined by the administration body on the basis of international red lists and scientific data, according to the degree of endangerment, distribution, population number and other characteristics of individual species of wild plants, animals and fungi.

Based on the red lists referred to in paragraph 1 hereof, the administration body may create the red book containing protection measures and measures to improve the status of endangered species, the method of treatment and the area of distribution of protected wild species of plants, animals and fungi and protection measures of their habitats.

### **Protection and conservation of protected wild species of plants, animals and fungi**

#### Article 91

Protected wild species of plants, animals and fungi shall comprise:

- specimens of autochthonous plants, fungi and wild animals and their bred specimens;
- their development forms (eggs, seeds, fruits, mycelium);
- their parts and derivatives;
- easily identifiable products derived from them;

It is prohibited to exterminate protected autochthonous wild species of plants, animals and fungi.

It is prohibited to pick, collect, use and destruct protected wild species of plants, to disturb, catch, shoot and injure protected species of wild animals, to reduce number of population of protected wild species of plants, animals and fungi (removing and killing), to destruct or to endanger their habitats or to change their living conditions.

The following actions over wild species of animals shall be prohibited to perform:

- 1) catching, keeping, possessing, i.e. killing, disturbing, especially at a time of breeding, raising of younglings, hibernation and migration;
- 2) breeding and putting on the market, acquiring in other way and stuffing;
- 3) damaging or destroying their development forms, nests or broods, as well as areas of their breeding or resting;
- 4) destroying or taking eggs from nature;
- 5) keeping if their hunting and catching is prohibited;

- 6) buying, selling, transporting and keeping for sale and offering for sale live or dead specimens and any recognizable part or derivate of theirs;
- 7) using in the manner or by the methods that are used to comprehensively and non-selectively catch or kill the protected species, which could cause local disappearance of species.

The following actions over wild species of plants and fungi shall be prohibited:

- deliberately picking, collecting, possessing, cutting, eradicating and destroying in their natural surrounding in nature;
- purchasing, selling or exchanging, and offering for sale or exchange of specimens of such species taken from nature.

### **The exceptions (derogations) in respect of protected species**

#### Article 92

The actions referred to in paragraph 4 and 5 of Article 91 of this Law, may be performed in case there is no other satisfactory solution, and if these actions do not cause damage to maintenance of populations of protected species at the level of favorable protection status on their natural area, only on the basis of the permit issued by the administration body with the aim to:

- protect wild fauna and flora and natural habitats;
- prevent serious damages, in particular of crops, livestock, forests, fish, water and other types of assets;
- protect public health and safety or aiming at other imperative reasons of more important public interest, including those of a social or economic nature and reasons of primary importance for the environment;
- at research and education, repopulation for re-introduction into the nature of these species and for breeding that is necessary for these purposes, including also artificially propagation of plants;
- keep of specific specimens of protected species under strictly controlled conditions, on the selective basis and to a limited extent, or at taking in a limited number.

Permit from paragraph 1 hereof shall be issued on the basis of a request that shall contain:

- information about the applicant (name, headquarters, identification number, i.e. name and address);
- manner, means or methods to be used during performance of activity;
- information about location where the activity takes place;
- species which are the subject of the action;
- purposes and reasons for implementation of actions and duration of actions performance.

The administration body shall make a biannual report on realization of permits referred to in paragraph 1 hereof, means, methods, locations, reasons for implementing and issuing permits, as well as on the manner of realization of permitted actions performed on protected species, and shall submit it to the European Commission.

### **Keeping protected wild species of animals, plants and fungi**

#### Article 93

Some specimens of protected wild species of animals, plants and fungi may be kept in captivity, bred and put on the market, i.e. may be sold or purchased, only with the permit issued by the administration body, provided that these specimens:

- 1) are imported into Montenegro in accordance with the law and have the owner;
- 2) are bred on farms, plantations or propagating centers;

3) have the owner which has the evidence of lawful acquisition, i.e. of the origin of specimens.

Evidence of lawful acquisition or origin referred to in paragraph 1 hereof shall be considered to be a certificate, import or export permit and / or opinion of expert or scientific organization of the origin of species.

The permit referred to in paragraph 1 hereof shall be issued on the basis of a request which shall contain:

- information about the applicant (name, headquarters, identification number, i.e. name and address);
- locality on which introduction of species is planned
- national and scientific name of the species which is to be kept in captivity/put on the market;
- manner of keeping in captivity, i.e. manner of breeding or putting on the market.

Notwithstanding paragraph 1 hereof, the competent administration body may permit keeping in captivity, breeding and putting on the market protected wild animals in case of confiscated or seized specimens, and if it is not contrary to the law and ratified international treaties.

Specimens of protected wild animals referred to in paragraph 1 and 4 hereof shall be marked in accordance with Article 82 of this Law.

A person who finds dead, i.e. ill or injured specimen of protected wild animal, shall be obliged to immediately notify the administration body.

The administration body may permit the person referred to in paragraph 6 hereof to keep ill or injured animal in captivity with the aim of treatment and recovery of the animal, provided that the person possesses appropriate knowledge and conditions.

### **Trade of wild species of plants, animals and fungi**

#### Article 94

Trade of some protected wild species of plants, animals and fungi that are protected in accordance with this Law and ratified international treaties, and trade of their parts and derivatives, may be performed on the basis of the permit issued by the administration body, according to the prior opinion of the Institute, and in case of trade of sea wild species, in accordance with the law and ratified international treaties.

The permit referred to in paragraph 1 hereof shall be issued on the basis of the request, which shall in particular contain:

- information about the applicant (name, headquarters, identification number, i.e. name and address);
- trade purpose;
- period of implementation of actions.

The request referred to in paragraph 2 hereof shall be accompanied by the following documentation:

- evidence that the right of disposal of specimen of wild plant, animal and fungi species has been gained in accordance with the law or proof that animals, plants or fungi represent bred specimens;
- evidence of marking animals;
- permit for the export issued by the competent authority of the exporting country in case of import.

Permit referred to in paragraph 1 hereof shall be issued only if the competent authority establishes that the trade which is to be permitted does not endanger wild populations of plants, animals or fungi.

Issued permits shall be recorded in the registry kept by the administration body.

Transit of protected wild species of plants, animals or fungi through the territory of Montenegro may be made on the basis of export or import permit issued by the competent authority of the country of export, i.e. of the country of import.

During trade and transit animals shall be treated and kept in a manner that ensures their safety from injuries, damage of health or inhumane treatment.

More detailed requirements for trade, transit, breeding and way of treating animals during transport, species for which the permit is issued under paragraph 1 hereof, species for which the import or export is banned, suspended or restricted, permit forms, content and manner of submitting information about import and requirements for permit issuance, manner of taking care of confiscated species, way of marking wild species of animals and packages with fungi or plants, content and method of keeping the registry of issued permits, shall be prescribed by the Ministry.

### **Trade reporting**

#### Article 95

Trade of protected wild species of plants, animals and fungi, their parts and derivatives shall be reported at the border crossing to the administration body competent for custom affairs, in accordance with the custom law.

Trade referred to in paragraph 1 hereof shall be done through border crossings where there is organized veterinary and phytosanitary control.

The administration body competent for custom affairs shall be obliged to inspect the reported package referred to in paragraph 1 hereof and to certify the permit referred to in Article 94 of this Law and to deliver the certified copy of the permit to the administration body.

### **Obligations of administration body competent for custom affairs**

#### Article 96

If the administration body competent for custom affairs cannot determine whether plants, animals or fungi that are imported, exported or transited, belong to the species which import or export is subjected to prohibitions and limitations, it may temporarily seize such plants, animals and fungi and:

- 1) keep them or give them to somebody for keeping, until the status of species which import, export or transit is subjected to limitations is determined. The costs of this activity shall be borne by the custom payer, recipient/importer or sender/exporter of goods (hereinafter referred to as: the customs payer);
- 2) give them to the custom payer for keeping until the conclusion of the procedure, but with the prohibition of disposal.

The administration body competent for custom affairs may require from the custom payer to give a statement that the subject species is not protected.

The administration body competent for custom affairs shall temporarily seize specimen of plant, animal or fungi for which it is established during the custom control procedure that the specimen is imported, exported or transited without the permit or other documents until the completion of the procedure.

The administration body competent for custom affairs shall issue the certificate on temporary seized species referred to in paragraph 1 and 3 hereof.

Temporarily seized species of plants, animals or fungi shall be handed over to an authorized legal or natural person, which shall meet the requirements in terms of space, equipment and staff or to the custom payer with the prohibition of the right of disposal.

If the prescribed permit or other documents are not provided within one month after temporary keeping, or in extended time limit that may amount to no longer than two months, the administration body responsible for custom affairs shall issue a decision on taking care of the seized species.



In cases referred to in paragraphs 2 - 6 hereof, the administration body competent for custom affairs shall be obliged to immediately notify the administration body for the purpose of recording and deciding on taking care of seized species.

When species are confiscated or seized, the costs (costs of food, stay, transport, return, etc.) shall be borne by the custom payer.

More detailed requirements referred to in paragraph 5 hereof shall be prescribed by the Ministry.

## IX. PRESERVATION OF GENETIC DIVERSITY

### **Establishment of gene bank**

#### Article 97

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

Taking genetic material from nature shall not threaten existence of ecosystem or population of wild species of plants, animals and fungi in their habitats.

### **Access to sources of genetic material**

#### Article 98

Genetic material from nature may be used in accordance with this Law.

Right of property shall not be obtained when it comes to genetic material that is created from the genetic material of wild species of plants, animals and fungi.

### **Gene bank**

#### Article 99

Biological material of controlled or bred population or parts of plants, animals and fungi, seeds, spores, gametes and other biological materials that are used to preserve species and their genetic number and potential, shall be kept in gene banks.

Gene bank referred to in paragraph 1 hereof may be established by a legal or natural person that fulfills the requirements regarding space, equipment and staff, on the basis of the permit issued by the administration body.

Compliance with the conditions referred to in paragraph 2 hereof shall be determined by the administration body.

The permit referred to in paragraph 2 hereof shall be issued at the request of the legal or natural person.

The request referred to in paragraph 4 hereof shall contain:

- information about the applicant (name, headquarters, identification number, i.e. name and address);
- data on the amount of material to be collected;
- locality where research or collection will be carried out.

The request shall be accompanied by:

- permit for scientific and educational research referred to in Article 74 hereof;
- evidence of compliance with the conditions referred to in paragraph 2 hereof;
- other evidences of importance for obtaining the permit.

More detailed requirements referred to in paragraph 2 hereof shall be determined by the Ministry, with the prior consent of the state administration body competent for forestry.

## **Monitoring the state of conservation of nature**

### Article 100

State of conservation shall be monitored on the basis of the five-year monitoring plan (hereinafter referred to as: the monitoring plan) which shall be adopted by the Government.

The monitoring plan shall be implemented on the basis of the annual monitoring program, which shall be adopted by the Government by 31 December of the current year for the following year.

The monitoring plan and program referred to in paragraph 2 hereof shall in particular contain:

- method of monitoring and evaluating the status of wild species of plants, animals and fungi, including birds, their habitats and habitat types;
- method of monitoring the state of protected areas.

Monitoring shall be conducted by the administration body.

For specific tasks of a monitoring program, legal and natural persons that meet the requirements in terms of personnel and equipment, may be engaged by the administration body.

Local government can monitor the state of conservation of nature on its territory at its own expense.

Funds for the implementation of the monitoring plan and the annual monitoring program shall be provided from the Budget of Montenegro.

More detailed content of the monitoring plan and annual monitoring program and the requirements referred to in paragraph 5 hereof shall be prescribed by the Ministry.

## **Reporting**

### Article 101

Annual report on the implementation of the monitoring plan and the annual monitoring program shall be made by the administration body on the basis of data collected through implementation of the plan and program.

The annual report referred to in paragraph 1 hereof shall in particular contain information on the state of nature, results of monitoring of the state of species, habitat types and birds, the proposal of measures for conservation to be undertaken to maintain or restore a favorable status of species and habitats for all species that were subjected to monitoring.

The annual report referred to in paragraph 1 hereof shall be an integral part of the information on the state of environment.

Information on the state of nature may be provided by local administration bodies and managers of protected natural assets.

The information referred to in paragraph 4 hereof shall be submitted to the administration body.

The administration body shall, on the basis of data collected through implementation of the monitoring plan and the annual monitoring program, every six years develop a report on the state of nature, which shall include information on the state of conservation of species, habitat types and birds, as well as measures to preservation, maintenance or restoration of a favorable status of species and habitat areas for all species that have been subjected to the monitoring and submit it to the European Commission.

## **XI. ACCESS TO INFORMATION AND PROMOTION OF NATURE PROTECTION**

### **Providing information on the state of nature**

#### Article 102

The Ministry, the administration body, competent local administration bodies and managers shall be obliged to, upon the request of the interested legal and natural persons, provide information on the state and protection of nature, except for information that is considered confidential in accordance with the law.

Information referred to in paragraph 1 hereof shall be delivered to the applicant in accordance with the law.

### **Nature Protection Day**

#### Article 103

Nature Protection Day shall be commemorated each year on 22 May, on the International Day of Biodiversity.

The upbringing, educational, recreational, expert and other activities that encourage and improve nature protection in an adequate way, may be organized on the Nature Protection Day.

## XII. FUNDING OF NATURE PROTECTION

### **Providing funds for nature protection**

#### Article 104

Funds for nature protection shall be provided:

1) from the Budget of Montenegro for:

- protection of protected natural assets declared by the Parliament and the Government;
- implementation of the measures laid down in the management plan adopted by the Government and the Ministry;
- payment of compensation for damage caused by protected wild animal species;
- payment of compensation to property owners for restrictions of property rights in protected natural assets declared by the Parliament and the Government;
- other purposes defined by this Law;

2) from the budget of local self-government unit for:

- protection of natural assets declared by the local self-government unit;
- implementation of protection measures laid down by the management plan adopted by the competent local self-government body;
- payment of compensation to property owners for restrictions of property rights in protected natural assets declared by the local self-government unit;
- other purposes defined by this Law.

## XIII. PRESERVATION OF PROTECTED NATURAL ASSETS

### **Protection service**

#### Article 105

Manger shall be obliged to organize the protection service to preserve protected natural assets.

The protection service shall be performed by protectors of protected natural assets (hereinafter referred to as: the protectors), that fulfill the conditions laid down in the law governing the protection of persons and property.

Protector shall be obliged to perform official duty in the official uniform, to have an identification tag and may carry weapons, in accordance with the law.

Identification tag referred to in paragraph 3 hereof shall be issued by the administration body competent for police affairs, in accordance with the special law governing the protection of persons and property.

### **Rights and duties of protectors**

#### Article 106

When protector, during the performance of services, establishes violation of internal order and the regime of protection, he/she shall be obliged to:

- legitimate person who is found in a protected natural asset at the moment of violation;
- issue warnings or orders in accordance with the special law governing protection of persons and property;
- inspect people, all types of vehicles, vessels, goods and cargo;
- retain a person caught in the commission of the misdemeanor in accordance with the special law governing the protection of persons and property;
- secure the place of the event in accordance with the special law governing the protection of persons and property;
- temporarily seize the objects with which the misdemeanor or the criminal offence was committed and objects which incurred or are acquired by the commission of such offence, and to hand over the objects to the manager of protected natural assets for the purpose of keeping;
- immediately inform the administration body competent for inspection control;
- immediately hand over the person without personal documents found in committing a misdemeanor or a criminal offense to the authority competent for police affairs;
- requests the establishment of the prior state, i.e. to order measures to prevent and remove harmful consequences;
- cooperate with owners and users of property rights in a protected natural asset for the purpose of nature protection;
- provide assistance to visitors of protected natural asset and to the local population.

In the performance of services, the protector shall be obliged to expose the identification tag.

Protector shall be obliged to issue an adequate certificate to the person who paid a fine or whose assets and other objects were seized.

Protector shall meet the requirements and have a license to perform protection activities in accordance with the special law governing the protection of persons and property.

## XIV. SUPERVISION

### **Administrative supervision**

#### Article 107

Supervision on the implementation of this Law shall be conducted by the Ministry and the competent local government bodies, unless this Law stipulates otherwise.

Supervision on the manager work shall be performed by the Ministry, i.e. by the competent local government body.

Inspection control of the implementation of this Law and regulations adopted pursuant to this Law shall be conducted by the administration body competent for inspection activities through the environmental inspection, in accordance with this Law and the law governing the inspection control.

### **Rights and duties of the environmental inspector**

#### Article 108

In performing activities of the inspection control, the environmental inspector shall control in particular:

- exploitation and use of protected natural assets and other parts of nature;
- whether the guidelines and requirements for nature protection defined by strategical and planning documents and programs are implemented;
- whether protected areas are used in accordance with the protection study, i.e. with the spatial plan of the special purpose, management plan of protected area and on the basis of permits in accordance with this Law;
- whether the activities, actions and services in protected areas are performed in a proper manner;
- implementation of immediate protection, conservation and use of protected natural assets, i.e. protected areas and / or areas of ecological network;
- implementation of measures defined in the study for areas of the ecological network;
- whether the plan or program, i.e. implementation of the project, that refer to the area of the ecological network, have been initiated without the approval of the study;
- implementation of compensatory measures defined in the process of establishing dominant public interest;
- whether the manager of the protected area/or the ecological network area performs the duties defined by this Law and by the act on protection;
- whether the actions and activities in speleological objects are performed with the permit of the administration body and in accordance with the requirements set in the permit;
- whether the scientific and expert institutions and institutions that deal with research of speleological objects and speleological organizations have submitted information on the results of researches within the prescribed period;
- whether the use of protected geological and paleontological objects (fossils, minerals, crystals, cave formations etc.) is performed in accordance with the permit of the administration body;
- whether picking, collecting and using wild plants and fungi, or catching and killing wild species of animals is performed in accordance with the permit of the administration body;
- whether the scientific and educational research in protected areas and / or areas of ecological network and on protected species, is conducted with the permit of the administration body and in accordance with issued permit;
- whether the transfer of live specimens of wild species of animals within the territory of Montenegro is performed with permit issued by the administration body and in accordance with the requirements set in the permit;
- whether the keeping of wild animal species in captivity for the purpose of showing to public in zoos, aquariums, terrariums, pools or cages, is conducted with the permit issued by the administration body and in accordance with the requirements set in the permit;
- whether the marking of wild birds is done with the permit of the administration body and in accordance with issued permits;

- whether the seized species of plants, animals or fungi are kept in a proper manner;
- whether the holder of permit for keeping wild animal species in captivity informs the administration body on all changes and new circumstances that affect or may affect the validity of the permit;
- whether the breeding of wild species of animals is performed with the permit of the administration body and in accordance with the requirements set in the permit;
- whether trade for commercial purposes of wild species of plants, animals and fungi is performed with the permit of the administration body and in accordance with the requirements set in the permit;
- whether the treatment of birds is carried out in accordance with the law and on the basis of the permit issued by the administration body;
- whether the treatment of wild species of plants, animals or fungi is carried out in accordance with the law and on the basis of the permit issued by the administration body;
- whether protected species of animals, plants and fungi are kept in captivity, bred and put on the market, or bought and sold with the permit issued by the administration body.

#### Article 109

In performing inspection control, the environmental inspector shall be obliged to undertake administrative measures and actions when he/she establishes that the Law or other act has been violated.

The environmental inspector shall be obliged to:

- prohibit the use of protected natural assets and other parts of nature without permit or contrary to the requirements set out in the permit;
- prohibit the performance of actions, activities and services in protected areas without the permit of the administration body;
- order obtaining of approval of the study;
- order implementation of measures defined in the study for areas of ecological network;
- order implementation of compensatory measures defined in the process of establishing dominant public interest;
- order implementation of management plans for protected areas and/or areas of ecological network in the part relating to the measures and conditions for nature protection defined by management plans;
- order the manager of the protected area / or ecological network area to perform duties established by this Law and the act on protection;
- prohibit actions and activities in speleological object if they are performed without the permit of the administration body or contrary to the requirements set out in the permit;
- order scientific and expert institutions and organizations that deal with speleological objects research and speleological organizations to submit information on the results of the research to the administration body;
- order scientific and expert institutions and organizations that deal with speleological objects research and speleological organizations to submit notification of the exact research date before the start of the research;
- prohibit the use of protected geological and paleontological objects (fossils, minerals, crystals, cave formations etc.) without the permit issued by the administration body;

- order the permit holder to submit the report on the conducted research for geological and paleontological objects, with information on the state of deposit, possible endangerment of deposit and on necessary additional research and additional measures of protection;
- prohibit picking, collection and using of wild plants and fungi, or catching and killing wild animals without the permit issued by the administration body;
- prohibit scientific and educational researches in protected areas and / or areas of ecological networks and on protected species, if they are conducted without the permit issued by the administration body or contrary to the requirements set in the permit;
- order a legal or natural person that carries out scientific and educational researches to submit information on the research results to the competent authorities;
- prohibit of transfer of live specimens of species of wild animals within the territory of Montenegro if the transfer is performed without the permit of the administration body or contrary to the requirements set out in the permit;
- prohibit marking of wild birds if it is performed without the permit of the administration body or contrary to the requirements set in the permit;
- ordered keeping the confiscated species of plants, animals or fungi in a proper manner;
- order the confiscation of wild species of animals and handing over to authorized legal person for the purpose of keeping, if it is kept without the permit of the administration body;
- order the holder of permit for keeping wild animal species in captivity, to notify the administration body about all changes and new circumstances that affect or may affect the validity of the permit;
- prohibit breeding of species of wild animals if it is performed without the permit issued by the administration body;
- prohibit trade in commercial purposes of wild species of plants, animals and fungi if it is done without the permit issued by the administration body or contrary to the requirements set out in the permit;
- prohibit performance of actions contrary to the provisions of this Law, in order to protect wild species of birds, if these actions are performed out without the permit issued by the administration body or contrary to the requirements set out in the permit;
- prohibit performance of actions contrary to the provisions of this Law, in order to protect wild species of plants, animals and fungi, if these actions are performed out without the permit issued by the administration body or contrary to the requirements set out in the permit;
- prohibit keeping in captivity, breeding and putting on the market, i.e. selling and
- purchasing protected wild species of animals, plants and fungi without the permit of the administration body;
- prohibit trade of specific species of wild plants, animals and fungi, without the permit of the administration body;
- prohibit trade of protected wild species of plants, animals and fungi, their parts and derivatives;
- prohibit export of protected geological and paleontological objects, without the permit of the administration body;
- prohibit introduction and re-export of allochthonous species without the permit of the administration body;
- prohibit reintroduction of autochthonous species of plants, animals and fungi and their bred specimens in ecosystems, without the permit of the administration body.

## **Rights and duties of custom authority**

### Article 110

In performing its duties, the customs authority shall be obliged to control whether the permit of the administration body is accompanied by the following actions:

- trade of specific wild species of plants, animals and fungi and protected wild species of plants, animals and fungi, their parts and derivatives;
- export of protected geological and paleontological objects;
- introduction and re-export of allochthonous species;
- reintroduction of autochthonous species of plants, animals and fungi and their bred specimens in ecosystems.

## XV. PENAL PROVISIONS

### **Misdemeanor provisions**

#### Article 111

The fine in the amount of 2,000 euros to 40,000 euros shall be assigned to a legal person in case when that legal person:

- 1) fails to obtain the act on guidelines and conditions for protection of nature from the competent administration body before the begin of developing the documents referred to in paragraph 1 from Article 18 of this Law (Article 18, paragraph 2);
- 2) visits strict nature reserve for the purpose of education, research and monitoring the state of nature without the consent of the manager and the prior obtained opinion of the administration body (Article 21, paragraph 3);
- 3) performs actions, activities and services that are not subjected to an environmental impact assessment in accordance with the special regulations, that are not subjected to the appropriate assessment and that are not defined by the management plan, without the permit of the administration body (Article 40, paragraph 1);
- 4) fails to file a request for granting the consent to the study on appropriate assessment for plans and programs for which the procedure of strategic impact assessment on the environment is not carried out, i.e. for projects for which the procedure of impact assessment on the environment is not carried out (Article 48, paragraph 1);
- 5) starts adopting a plan or a program or a project that relates to ecological network area, without the consent on the study of the administration body or local administration body competent for environmental affairs (Article 51, paragraph 4);
- 6) fails to implement compensatory measures referred to in Article 53, paragraph 2 of this Law before the implementation of the plan and program or project for which the prevailing public interest was determined (Article 53, paragraph 1 and 2);
- 7) fails to adopt the annual management program and the act on internal order, except in the case of the manager of individual protected wild species of plants that have been declared a protected natural asset (Article 56, paragraph 1, indent 1 and paragraph 2);
- 8) fails to provide the protection service, except in case of the manager of individual protected wild species of plants that had been declared as the natural asset. (Article 56, paragraph 1, indent 2 and paragraph 2);



- 9) fails to adopt the financial plan for development and protection of the area, except in the case of the manager of individual protected wild species of plants that had been declared as the natural asset (Article 56, paragraph 1, indent 3 and paragraph 2);
- 10) fails to adopt the annual plan for development and training of personnel, except in the case of the manager of individual protected wild species of plants that had been declared as the natural asset (Article 56 paragraph 1, indent 4, paragraph 2);
- 11) fails to provide implementation of nature protection measures in accordance with the objectives of protection, zones and regimes (Article 56, paragraph 1, indent 5);
- 12) fails to keep, enhance and does not promote protected areas and/or areas of ecological network (Article 56, paragraph 1, indent 6);
- 13) fails to mark protected area and/or ecological network area (Article 56, paragraph 1, indent 7);
- 14) fails to ensure smooth functioning of natural processes and sustainable use of protected area and/or ecological network area (Article 56, paragraph 1, indent 8);
- 15) fails to monitor the state in the protected area and/or ecological network area and submit the data to the administration body (Article 56, paragraph 1, indent 9);
- 16) fails to submit the annual report to the Ministry, i.e. the competent local government body on the realization of the management plan for the protected areas and ecological network areas or submit the annual management program on implemented measures, financial funds spent for implementing the measures, except in the case of the manager of individual protected wild species of plants that had been declared as the natural asset (Article 56 paragraph 1, indent 10 and paragraph 2);
- 17) fails to undertake measures and actions to prevent occurrence of damage that may be caused by protected species of wild animals (Article 64, paragraph 1);
- 18) in speleological objects and their surrounding contaminates watercourses and springs with toxic substances and/or disposes of dead animals and/or disposes of solid waste and/or destructs, damages or takes away parts of the cave formations, cave sediments and fossil remains and/or destruct and takes away specimens of fauna and flora and disturbs their habitat conditions and/or disturbs fauna, particularly bats and/or executes construction works that could result in significant harmful and lasting changes of geomorphological and hydrological characteristics and/or digs and drills, except for the purpose of research and protection of object a and/or produces noise exceeding 45 Leq (dBA) and/or makes fire or use other substances which combustion causes smoke (Article 69, paragraph 1);
- 19) without the permit of the administration body performs the following activities in the speleological object: organized visits, use or arrangement of speleological object or its part, opening or closing entrances, i.e. exits in speleological object by setting the door with bars on entrance, whereby the distance between the bars shall be sufficient for smooth movement of bats and birds, and/or construction, reconstruction and rehabilitation of the underground objects, and/or conducting scientific and expert research, and/or diving, and/or making films or taking photos, and/or activities that do affect the primary characteristics, conditions and natural flora or fauna in speleological object or the ground surface above (Article 69, paragraph 2 and 3);
- 20) fails to submit data on research results to the administration authority within three months from the date of completion of research (Article 69, paragraph 7);
- 21) fails to provide information to the administration authority on the date of beginning the research (Article 69, paragraph 8 )

- 22) fails to allow access to and observing of the speleological object in accordance with the permit of the administration body (Article 69, paragraph 9);
- 23) endangers or damages speleological object, fills in the entrance, does not prevent its use or carries out other actions and activities that are prohibited (Article 69, paragraph 10);
- 24) fails to bring the geological and paleontological object back to Montenegro within six months of completion of the research and/or fails to submit the report on completed research with information on deposit condition, possible threats to the deposit, as well as on necessary additional research and additional protection measures to the Ministry, the administration body, the administration body competent for inspection affairs and to the legal person competent for collecting and keeping of natural material not later than 30 days from the date of completion of the research (Article 72, paragraph 4 and 5);
- 25) picks, collects and uses wild plants and fungi for commercial purposes without the permit issued by the administration body (Article 73, paragraph 5);
- 26) together with the request to pick, collect and use wild plants and fungi, or catch and kill wild species of animals fails to submit the list of natural persons that will in the name and for the profit of the legal person perform activities referred to in paragraph 5 Article 73 of this Law (paragraph 6, Article 73);
- 27) performs import, export and transit of wild species of plants, animals and fungi without the permit issued by the administration body (Article 73, paragraph 7);
- 28) conducts scientific and educational research in protected areas and areas of ecological network, as well as on protected species of plants, animals and fungi, without the permit issued by the administration body (Article 74, paragraph 1);
- 29) fails to inform administration body on the exact date of the beginning of the research conducted on the basis of permit for scientific and educational research (Article 74, paragraph 5);
- 30) fails to submit to the administration body data on the results of research, within one month from the date of obtaining the research results (Article 74, paragraph 6);
- 31) does not return back to Montenegro mobile protected natural resources and their parts not later than three months after the completion of the research (Article 74, paragraph 8);
- 32) fails to submit the holotype to the legal person competent for collection and conservation of natural material, if during the research referred to in paragraph 5 Article 74 of this Law existence of a new specie for the science is confirmed (Article 74, paragraph 9);
- 33) introduces allochthonous species to ecosystems in which they are not naturally inhabited, without the permit issued by the administration body (Article 77, paragraph 1 and 2);
- 34) reintroduces extinct autochthonous wild species of plants, animals and fungi and their bred specimens to ecosystems without the permit issued by the administration body (Article 79, paragraph 1);
- 35) transports live specimens of wild species of animals within Montenegro without the permit issued by the administration body (Article 80, paragraph 1);
- 36) keeps wild animal species in captivity to be publicly displayed in zoos, aquariums, terrariums, pools or cages, without the permit issued by the administration body (Article 81, paragraph 1);
- 37) acquires an individual of wild animal species, with the intention of keeping it in captivity, without submitting the request for the permit and notifying about it the administration body and the inspection competent for nature protection, as well as the veterinary inspection, within 30 days from the date of acquiring the specimen of wild animal species (Article 81, paragraph 4);

- 38) performs marking of wild bird species by use of leg rings, wing markers and satellite transmitters without the permit issued by the administration body (Article 82, paragraph 4 and 5);
- 39) does not, without delay, inform the administration body about any changes and new circumstances that affect or may affect the validity of the permit, especially in the case of death of the specimen of animal species and/or destruction of the specimen of animal species and/or escape of the specimen of animal species (Article 84);
- 40) breeds wild animal species in captivity without the permit issued by the administration body (Article 85, paragraph 1);
- 41) lets the animal escape from captivity contrary to the requirements set in the permit (Article 85, paragraph 1 and 3)
- 42) does not construct poles and technical components of medium and high-voltage power lines in such a way as to protect birds from electric shock and mechanical injuries (Article 87, paragraph 7);
- 43) performs actions referred to in paragraph 4 and 5 of Article 91 of this Law, contrary to the requirements referred to in paragraph 1 Article 92 of this Law and without the permit issued by the administration body (Article 92, paragraph 1);

For the misdemeanor referred to in paragraph 1 hereof a fine of 500 euros to 4,000 euros shall also be assigned to the responsible person in the legal entity.

For the misdemeanor referred to in Paragraph 1, Items 1, 5 and 6 of hereof a fine of 500 euros to 4,000 euros shall also be assigned to the responsible person in the state administration and local self-government body.

For the misdemeanor referred to in paragraph 1, item 2, items 17 to 19, items 22 to 25, items 27 to 37 items 39 to 41 and 43 hereof a fine of 250 euros to 2,000 euros shall also be assigned to a natural person.

For the misdemeanor referred to in paragraph 1, item 2, items 22 to 44 hereof a fine of 1.000 euro to 12,000 euros shall also be assigned to an entrepreneur.

## XVI. TRANSITIONAL AND FINAL PROVISIONS

### **Secondary legislation**

#### Article 112

Secondary legislation for implementation of this Law shall be adopted within two years from the date of the entry into force of this Law.

Until the adoption of implementing regulations referred to in paragraph 1 hereof, secondary legislation adopted on the basis of the Nature Protection Law ("Official Gazette of Montenegro", no. 51/08 and 62/13) shall apply.

### **Time limit for the establishment of the ecological network and the list of birds**

#### Article 113

Areas of the ecological network referred to in Article 43 of this Law and the list referred to in paragraph 4 Article 87, shall be established no later than the date of accession of Montenegro to the European Union.

### **Appointment of the manager of the protected area and the revision**

#### Article 114

For protected areas that have been declared as protected by the entry into force of this Law, and in which act on declaration does the manager was not foreseen, the competent authority referred to in Article 34 of this the Law, shall appoint the manager within two years from the date of entry into force of this Law.

The revision procedure of protected areas in accordance with paragraph 5 Article 35 of this Law, shall be initiated within two years from the date of entry into force of this Law.

### **Registration of protected areas**

#### Article 115

Protected areas that are prior to the entry into force of this Law registered in the registry as:

- regional park, shall be registered as a nature park;
- botanical-horticultural object, individual plant and animal species, reserve of natural area, horticultural object, historical monument shall be registered as a monument of nature;
- special ichthyological reserve and reserve of natural area shall be registered as a special reserve of nature;
- ornithological reserve shall be recorded as a strict nature reserve;
- special natural area will be recorded a region of outstanding features.

### **The establishment of the registry**

#### Article 116

Registry referred to in Article 68 of this Law shall be established within one year from the date of entry into force of this Law.

### **Technical measures for the protection of wild birds from electric shock**

#### Article 117

Legal persons performing activities of transmission and distribution of electricity shall be obliged to install protection on poles and technical components of medium-voltage and high-voltage power lines for the purpose of the protection of birds, within one year from the date of entry into force of this Law.

### **Initiated procedures**

#### Article 118

Procedures initiated before the entry into force of this Law, shall be decided pursuant to legislative acts that were valid until the entry into force of this Law.

### **Begin of application**

#### Article 119

Provisions of Article 44, paragraph 52, item 9, Article 53, paragraph 4, Article 88, paragraph 3, Article 92 paragraph 3 and Article 101 paragraph 6 of this Law shall be applied from the day of the accession of Montenegro to the European Union.

### **Termination of validity**

#### Article 120

Upon the entry into force of this Law, the Nature Protection Law ("Official Gazette of Montenegro", no. 51/08 and 62/13) shall be terminated.

**Coming into force**

Article 121

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

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Podgorica, 22 July 2016

**25<sup>th</sup> convocation of the Parliament of Montenegro**

Speaker of the Parliament

**Darko Pajovic, m.p.**