

Government of Montenegro

Ministry of Agriculture, Forestry and Water Management

Questionnaire

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

– ADDITIONAL QUESTIONS –

13 Fisheries

Minister:

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

13: Fisheries

I. GENERAL

1. (Ref to Q.8): Please provide additional information on the planned administering of structural aid to the fisheries sector.

Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09) determines establishing of an administrative body in charge of the fisheries affairs (Fisheries Administration) which will, inter alia, consist of the sector for structural, market measures and planning in fisheries.

In order to ensure efficient management with structural support in the fisheries sector, it has been planned within the process for the Fisheries Administration to have the role of a managing authority which will prepare the National strategic plan, Operative programme, i.e., which will, with partnership of all stakeholders from the fisheries sector, determine priorities and objectives of fisheries development i.e. select the structural policy measures to be financed.

Montenegro is planning to form the Paying Agency for the purpose of implementation of support measures in agriculture, rural development and fisheries. Accordingly, it has been planned for the future Payment Agency to announce a tender, process application, perform control in the field and carry out payment to beneficiaries for the purpose of structural support in the fisheries sector. The body for auditing payments – the Audit Authority would be an independent body which would monitor and control spending of financial means of support from various sources of support.

An integral part of the structural support management process in the fisheries would also be the Committee for monitoring of the Operative programme implementation. This Committee would consist of the representatives of all the stakeholders in the fisheries sector.

II. RESOURCE AND FLEET MANAGEMENT

2. How does Montenegro intend to comply with the fundamental regional CFP legislation, Regulation 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea? More information would also be required about the implementation of these management measures.

Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09) is prepared so that it provides the basic framework from the Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11-85). Namely, in the Law on Marine Fisheries and Mariculture:

- Article 10 establishes the mechanism for setting up the living marine resources management regime for specific fisheries which can be defined according to the fish species or areas with the possibility of determining a body for management over it, i.e. with responsibility for its putting into effect, pursuant to the Management Plan.
- Article 11 determines the contents of the Fisheries Management Plan which includes, inter alia, the biological characteristics and status of preservation of the fish stocks, objectives to be achieved, technical measures to be undertaken including the fish and other marine organisms protection measures, control measures for the discard, issuing of special permits, etc.
- Article 13 prescribes that the Ministry of Agriculture, Forestry and Water Management shall, for the purpose of protection of fish and other marine organisms, establish the protected fishing areas which are suitable for natural reproduction of fish and feeding of fish fry and that of other marine organisms. Borders and marking of the protected fishing areas, as well as protective and developmental measures will be prescribed by a special piece of secondary legislation by the Ministry, based upon the opinion of the Institute of Marine Biology.
- Article 14 determines the activities which are prohibited in the protected fishing areas. Notwithstanding these activities for the purpose of reproduction, farming and restocking and migration of larger quantities of certain fish species and other marine organisms, fishing can be allowed with a special permit. The Ministry will prescribe the time, fishing means and special technical rules for performing special types of fishing in the protected fishing areas by a special piece of secondary legislation.
- Article 15 establishes the possibility of designating protected fish and other marine organisms species as well as the activities which must not be carried out concerning these species (prohibition of fishing, taking, accepting, trading, storage, transporting and keeping on a fishing vessel of any protected fish and other marine organisms species).
- Article 16 determines the obligation of prescribing the minimum size of fish and other marine organisms. Fishing, taking, purchase, sale, storage, transporting and keeping on a fishing vessel of fish and other marine organisms species smaller than the minimum size prescribed are prohibited. Notwithstanding this Article, an administrative body may, at the proposal of the Institute of Marine Biology, for the purpose of farming, restocking and research activities, allow fishing of fry, reproductively immature species of fish and other marine organisms, at certain localities, at specified time and using the specified fishing tools.
- Article 17 prescribes that the Ministry of Agriculture, Forestry and Water Management may, for the purpose of protection of fish and other marine organisms, prohibit fishing for a certain period of time as well as the areas prohibited for fishing. Prohibition is imposed

upon trade in fish and other marine organisms during prohibition of fishing and prohibition of fishing from the prohibited areas.

- Article 21 prescribes the prohibition of catching fish and other marine organisms with explosive, chemical agents or other agents which kill, stun or poison them, as well as collection and placement into market of fish and other marine organisms caught in such manner.
- Article 24 prescribes in the area of Boka Bay (small, closed system) prohibition of fishing by bottom trawls and surface trawls and entangling nets for large-scale fishing except for the scientific and research purposes necessary for implementing the research programmes authorized by the Ministry of Agriculture, Forestry and Water Management.
- Article 25 establishes that, for the purpose of protection of overall biodiversity in lower littoral zones, fishing by bottom and surface trawls is prohibited in the extent of three nautical miles following the configuration of the coast, i.e. at the depth of 50 m if the isobath of 50 m is located at less than three nautical miles.
- Article 26 prescribes, for the purpose of protection of the rocky coast as a special habitat in the fishing sea, prohibition of catching, placing on the market in the territory of Montenegro as well as export of the date-shell (*Litophaga litophaga*).

Also, provisions of Chapter V: Marine Fisheries of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09) regulate, inter alia, the issues referring to establishing the conditions for carrying out commercial and sports-recreational fishing as well as fishing for the scientific and research purposes, conditions for issuing permits for certain types of fishing. A special piece of secondary legislation will prescribe the purpose, types, technical characteristics of fishing tools (minimum mesh size, minimum hook size etc.), quantity of fishing tools and gear which may be used in commercial and sports-recreational fishing.

Within Chapter IX: Monitoring and supervision of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09), inter alia, the issues related to keeping records and submitting reports by the holders of permits for commercial fishing, keeping notes of and reporting on the fishing activities and the landing, determination of the place of the first landing, landing and loading of fish and other marine organisms.

More complete alignment with the Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11-85) will be achieved by adoption of the secondary legislation, the basis for which is given in the abovementioned Articles of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09). Secondary legislation is currently under implementation on the basis of the authorizations from the Law on Marine Fisheries (Official Gazette of the Republic of Montenegro, 55/03). (explained in detail in the answer to the question 1, A Legislation in the field of fisheries).

For the purpose of a more successful implementation of all the abovementioned measures of living marine resources management, additional training of the fisheries inspectors is planned as well as their detailed introduction into control, supervision and monitoring measures. Within the IPA 2009 "Sustainable marine fisheries management", the Ministry of Agriculture, Forestry and Water Management requested assistance for strengthening the administrative capacities of the fisheries inspectorate with the aim of improving the capacity of inspectors to perform monitoring, control and supervision.

Also, in accordance with Article 92 of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09), for the purpose of continuous monitoring of the status and development of fisheries and mariculture and provision of professional assistance in the procedure of adoption of decisions and preparation of regulations, as well as other issues regarding implementation of this law, the National Fisheries and Mariculture Council will be established. Council members will be appointed by the Government of Montenegro for a four-year period from lines of scientists and

professionals from the field of biology, environment, veterinary, and ex officio members of the Council will be: Director of the Fisheries Administration, Director of the Waters Administration, Director of the Institute of Marine Biology as well as the representatives of the Association of Fishermen and Mariculturists.

3. (Ref to Q.11): Could you please provide more information on the planned fleet register:

- How will you ensure that all commercial vessels are entered in the register?

Pursuant to Article 57 of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09), an administrative body performs entry of vessels into the Register of vessels according to the permit for commercial fishing. All fishing vessels for large-scale and small-scale fishing will be entered into the Register of vessels on the basis of the application for obtaining the permit. The Ministry of Agriculture, Forestry and Water Management will prescribe the contents and method of keeping the Register of vessels by a piece of secondary legislation.

- How will the register be maintained?

During the CARDS project „Support to the Fisheries Sector of Montenegro and Serbia 2007/2008“, along with the permanent consultant for development of the Fisheries Information System, two local experts were engaged. One of them is currently permanently employed in the Fisheries Unit, and the other one who developed two subsystems of the Fisheries Information System (Register of Vessels and the Logbook with the landing declaration) in the programme language VB.NET and SQL Server 2005, is bound by the contract with the Ministry of Agriculture, Forestry and Water Management to further cooperation regarding maintenance and upgrading of the Fisheries Information System.

For the purposes of maintaining the Fisheries Information System, the Ministry of Agriculture, Forestry and Water Management allocates the necessary financial funds, in accordance with the Plan for use of funds for stimulating agriculture and fisheries development.

- How will the fleet entry-exit system be managed?

Pursuant to the programme solution of the Fisheries Information System, which is not put into use until preparation of the secondary legislation, there are four ways to enter a fishing vessel into the Register of vessels:

1. Quota of a fishing vessel in the territorial waters of Montenegro,
2. as new construction of a vessel,
3. as a change in activity of a vessel,
4. as imports from the EU or third countries.

Also, there are three options for exit or change of status of the fishing vessel in the programme solution of the Fisheries Information System:

1. Destroyed vessel,
2. Vessel changed activity,
3. Vessel exported to the EU or third countries.

The envisaged piece of secondary legislation prescribing the contents and method of keeping the Register of vessels will prescribe, inter alia, the method of entry into and exit from the fleet register.

System for entry and exit of vessels from the Register will be harmonized with the EU practice. All the commercial fishing vessels will be entered into the Register of Vessels. By entry of a new fishing vessel into the Register of Vessels, the fishing effort will not be augmented, i.e. at the same time, the vessel which corresponds in terms of its fishing capacity to the capacity of a fishing vessel which is to be entered, will be deleted from the register.

4. (Ref to Q.14): Please provide more information as regards Montenegro's plans to ensure a systematic collection of reliable data on catches and landings in accordance with the CFP acquis.

Pursuant to Article 103 of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09), a holder of the permit for commercial fishing with a fishing vessel of 10 m or more overall length is obliged to keep the logbook and give a statement on landing the overall catch landed in the designated port of landing, in the course of 48 hours, submit it to the administrative body or fisheries inspector. It is envisaged for the holders of a permit for commercial fishing to keep the logbook as in the EU countries, which means that every page of the logbook will have the original and 2 copies, the original will be forwarded to the Fisheries inspectorate, the first copy to the place of first sale and the second copy remains with the owner for the personal archive.

Pursuant to the same Article of the Law, a holder of the permit for commercial fishing with a fishing vessel of up to 10 m overall length is obliged to submit the report to the administrative body or fisheries inspector. It is envisaged for the report to be submitted to the Fisheries inspectorate at the end of every month. Also, it is envisaged that the Ministry of Agriculture, Forestry and Water Management organizes assessments of catch for holders of the permits for fishing with a fishing vessel of up to 10 m overall length using the sampling method of catch assessment.

All the abovementioned will be prescribed in the secondary legislation by the Ministry of Agriculture, Forestry and Water Management. (See: answer to question 8, III Inspection and Control).

5. (Ref to Q.16): The reply states, that the Ministry, in a separate by-law to the Law on Marine Fishery and Aquaculture, shall lay down the method for informing consumers about fish and aquaculture products. Has this law already been adopted, and if not is there a time schedule for its adoption?

The Ministry is obliged to adopt in the course of nine months from the date of entry into force of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09) a piece of secondary legislation which will prescribe the method of informing consumers on fish, fish products and aquaculture products such as commercial and local name of fish, fish products and aquaculture products, method of catching and farming and area of catching of fish and other marine organisms as well as other information relevant to consumers,. Since the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09) was adopted in August 2009, the deadline for adoption of the piece of secondary legislation is June 2010.

6. (Ref to Q.17): Please provide more information with regard to the compatibility of Montenegro's marketing standards with Common Marketing Standards.

Pursuant to the Rulebook on Quality and other Requirements for fish, crustaceans, bivalve molluscs, sea urchins, sea cucumbers, frogs, turtles, snails and products thereof (Official Gazette of the Federal Republic of Yugoslavia, 6/03) fish is placed on the market according to the origin, species and size category. The size category is the number of fish per one kilogram or mass of fish expressed in kilograms. According to its origin, fish is placed onto the market as marine and freshwater. According to type, marine fish is placed onto the market under following names: small pelagic fish, large pelagic fish, demersal fish, sharks and rays, mixed marine fish and cephalopods. Marine fish and cephalopods are classified into the size category according to the mass expressed in kilograms or according to the number of fish per one kilogram. Crustaceans and bivalve molluscs are classified into the size category according to the number thereof per one kilogram or by length in centimetres. In accordance with this size categorization in Montenegro, fish are classified into three categories at most, cephalopods and crustaceans into two and bivalve molluscs into three categories.

Species of fish and other marine organisms given in the Rulebook on Quality and other Requirements for fish, crustaceans, bivalve molluscs, sea urchins, sea cucumbers, frogs, turtles, snails and products thereof (Official Gazette of the Federal Republic of Yugoslavia, 6/03) for which standards have been prescribed for placing on the market regarding the size categorization are not fully compatible with the fish and other marine organisms species prescribed in the Council Regulation EC No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products (in the Montenegrin Rulebook, standards have been prescribed for placing on the market of a larger number of fish and other marine organisms species than in the EU Regulation. At the same time, some fish and other marine organisms species for which sale standards are determined in relation to the size category in the EU have not been included in the domestic Rulebook). At the end of the answer, there is the comparative table of trade standards related to the size categorization of these fish and other marine organisms species which are prescribed both in the Council Regulation EC No 2406/96 and the Rulebook on Quality and other Requirements for fish, crustaceans, bivalve molluscs, sea urchins, sea cucumbers, frogs, turtles, snails and products thereof (Official Gazette of the Federal Republic of Yugoslavia, 6/03).

The Rulebook on Quality and other Requirements for fish, crustaceans, bivalve molluscs, sea urchins, sea cucumbers, frogs, turtles, snails and products thereof (Official Gazette of the Federal Republic of Yugoslavia, 6/03) does not prescribe the trading standards for fish and other marine organisms related to the category of freshness in the manner the standards are prescribed in the EU. This Rulebook prescribes which basic requirements fish and other marine organisms must meet in order to be traded without a detailed categorization concerning freshness. Thus, for example, cephalopods placed on the market must meet the following requirements:

- have smell characteristic of fresh cephalopods;
- that their skin is without slime, wet, of characteristic natural colour and pigmentation;
- that meat is tough and firm;
- that guts are without signs of decomposition.

The Rulebook on Quality and other Requirements for fish, crustaceans, bivalve molluscs, sea urchins, sea cucumbers, frogs, turtles, snails and products thereof (Official Gazette of the Federal Republic of Yugoslavia, 6/03) prescribes the requirements which fish and other marine organisms products traded in Montenegro must meet. Also, a list of additives allowed for fish and other marine organisms and products thereof makes an integral part of the Rulebook.

13 Fisheries

- Additional Questions -

Table of sale standards compatibility regarding the size categorization						
EU				MNE		
Species	Size	Kg/Fish	Number of fish / Kg	Size	Kg/Fish	Number of fish / Kg
Sardines <i>Sardina pilchardus</i>	1 2 3 4	0,067 and over 0,042 to 0,067 a 0,028 to 0,042 0,015 to 0,028 0,011 to 0,028	15 or less 16 to 24 25 to 35 36 to 67 36 to 91	1 2 3	- - -	36 a 37 to 45 over 45
Spotted dogfish <i>Scyliorhinus spp.</i>	1 2 3	2 and over 1 to 2 0,5 to 1	-	1 2 3	over 2 kg a 0,5 to 2kg to 0,5kg	-
Whiting <i>Merlangius merlangus</i>	1 2 3 4	0,5 and over 0,35 to 0,5 0,25 to 0,35 0,11 to 0,25	-	1 2	over 0,8 kg to 0,08kg	-
Mackerel <i>Scomber scombrus</i>	1 2 3	0,5 and over 0,2 to 0,5 0,1 to 0,2 0,08 to 0,2	50 or less 51 to 125 126 to 250 126 to 325	1 2 3	-	to 12 13 to 22 over 22
Blue mackerel <i>Scomber japonicus</i>	1 2 3 4	0,5 and over 0,25 to 0,5 0,14 to 0,25 0,05 to 0,14	-	1 2 3	-	to 12 13 to 22 over 22
Anchovy <i>Engraulis spp.</i>	1 2 3 4	0,033 and over 0,020 to 0,033 0,012 to 0,020 0,008 to 0,012	30 or less 31 to 50 51 to 83 84 to 125	1 2 3	-	to 45 46 to 60 over 60
Hake <i>Merluccius merluccius</i>	1 2 3 4 5	2,5 and over 1,2 to 2,5 0,6 to 1,2 0,28 to 0,6 0,2 to 0,28 0,15 to 0,28	-	1 2 3	over 0,25 kg 0,15 to 0,25 kg to 0,15 kg	-
Bogue <i>Boops boops</i>	1 2 3	-	5 or less 6 to 31 32 to 70	1 2 3	-	to 12 13 to 22 over 22
Conger eel <i>Conger conger</i>	1 2 3	7 and over 5 to 7 0,5 to 5	-	1 2	over 1 kg 0,5 to 1 kg	-
Gurnard <i>Trigla spp.</i>	1 2 3 4	1 and over 0,4 to 1 0,2 to 0,4 0,06 to 0,2	-	1 2 3	over 0,5 kg 0,15 to 0,5 kg to 0,15 kg	-
Horse mackerel <i>Trachurus spp.</i>	1 2 3 4	0,6 and over 0,4 to 0,6 0,2 to 0,4 0,08 to 0,2 0,02 to 0,08	-	1 2 3	-	to 12 13 to 22 over 22
Skate <i>Raja spp.</i>	1 2 3 4	5 and over 3 to 5 1 to 3 0,3 to 1	-	1 2	over 1 kg to 1 kg	-
Sole <i>Solea spp.</i>	1 2 3 4 5	0,5 and over 0,33 to 0,5 0,25 to 0,33 0,17 to 0,25 0,12 to 0,17	-	1 2 3	over 0,2 kg 0,1 to 0,2 kg to 0,1 kg	-
Norway lobster <i>Nephrops norvegicus</i>	1 2 3 4	-	20 and less 21 to 30 31 to 40 over 40	1 2	over 0,1 kg to 0,1 kg	-
Black sea bream <i>Spondyliosoma cantharus</i>	1 2 3 4	800 g and over 500g to 800 g excl 300g to 500g excl 180g to 300 g excl	-	1 2 3	over 0,20kg 0,10 to 0,20kg to 0,1kg	-

III. INSPECTION AND CONTROL

7. (Ref to Q.18-22): Please provide more information about the capacity of the marine inspectors to monitor and control technical rules such as minimum landing and mesh sizes, logbooks, landing declarations and sales notes. Please include clarifications on the budgetary means and human resources allocated to fisheries control and whether these allocations are planned to be increased.

Fisheries inspectors authorized to perform the inspection supervision in the marine fisheries within their regular activities performed on the land and at the sea, perform control of minimum fish and other marine organisms size in accordance with the Order on prohibition of fishing and placement on the market of fry fish, immature fish and other marine organisms (Official Gazette of the Republic of Montenegro, 10/04 and 9/06) prescribing minimum fish and other marine organisms size which must not be caught nor placed on the market below the length determined by this Order. An ichtyometer is used for measuring fish and other marine organisms.

Also, the inspectors check the mesh size prescribed by the Rulebook on construction-technical specifications, mesh size, method of use and purpose of certain types of nets and other means for commercial and sports fishing (Official Gazette of the Republic of Montenegro, 10/04 and 9/06) which prescribes the basic characteristics of fishing tools and gear which may be used for commercial fishing in the fishing sea of Montenegro as well as the period in year when they can be used. Mesh size is measured knot to knot, using the vernier caliper.

Inspectorate for marine fisheries does not possess its own vessel for control and supervision of fishing activities at sea, it is using occasional assistance of vessels of the Border Maritime Police. Since officers of the Border Maritime Police monitor a number of activities at sea, supervision over fishing activities along with the fisheries inspectors makes a small part of their regular work.

Inspectors check the accuracy of keeping logbooks and check matching of the data entered on type and quantity of caught fish with the real catch controlled during landing and in the marketplaces. A duty of an inspector is controlling of the sale note on the marketplaces and in the restaurants while every inspector is in charge of control of those sale premises which are located in the territory where they perform the inspection supervision.

Inspector for marine fisheries in Bar has an office which should be adapted and where he has a direct phone line and constant internet access. There is no permanent office space for the fisheries inspectors in Kotor and Herceg Novi. However, solution of this problem is under way and it is envisaged within the IPA 2009 „Sustainable Marine Fisheries Management“ project to perform adaptation and reconstruction of inspectors' offices in Bar, Kotor and Herceg Novi as well as to equip them with the IT equipment they lack and equipment for more efficient supervision and control.

All three marine fisheries inspectors have service cars, mobile phones, digital cameras and binoculars.

Four agricultural inspectors who spend 20% of their working hours at freshwater inspection affairs use offices of the agricultural inspectorate in Podgorica, Niksic, Pljevlja and Plav. Offices are equipped with direct phone and fax lines but IT equipment is obsolete and room capacity and office inventory do not meet the needs of the employees.

As stated in answer to questions 18 and 19, III Inspection and control, A. Financial funds, inspectors in fisheries receive funds for their activities through the Ministry of Agriculture, Forestry and Water Management from the Budget of Montenegro. The amount of funds allocated depends on the number of inspectors engaged at works of supervision and control. The amount of funds allocated is not separately recorded for the fisheries inspectorate. However, since these funds represent the total amount of salaries for inspectors, funds for fuel and car repair as well as funds which enable smooth supervision and control, the calculation is that around EUR 45,000 are allocated annually for the fisheries inspectorate.

Currently there are no plans to employ new staff for the needs of the inspection at sea, except for one person who would spend full working hours at affairs of a freshwater inspector.

8. (Ref to Q. 33): Please provide additional information on instruments and/or procedures for cross-checking of data.

Until setting up of the first landing and first sale places, it is envisaged for the permit holders upon landing or sale of fish and other marine organisms, to issue to the buyer an authorization for sale, i.e. a bill confirming that fish is purchased. The authorization shall contain information on permit holder and buyer as well as information from the logbook (logbook number, fishing zone, date of landing, fish name and quantities). Permit holder will be obliged to submit copy of this authorization to the fisheries inspectorate, as well. The fisheries inspectorate shall thus have a better insight into catch, sale and distribution of fish and other marine organisms. Comparison of logbooks, catch report and sale authorization will enable a better cross-checking of data in accordance with the EU practice.

9. (Ref to Q. 35): Please provide additional information to the question what officials are responsible for carrying out inspections.

Inspectorate performing control of fishing activities represents a part of agricultural inspectorate of the Ministry of Agriculture, Forestry and Water Management and it consists of three marine fisheries inspectors and 4 agricultural inspectors who spend around 20% of their working hours at affairs connected to freshwater fisheries including one inspector whose competences include control of fishing activities at Skadar Lake where commercial fishing is carried out, as well. Inspector in charge of Skadar Lake, undertakes, depending of the workload, control over fishing activities at sea.

Marine fisheries inspectors have been working for 15 years at affairs of control and inspection and they are stationed in Herceg Novi, Kotor and Bar. Inspectors in Herceg Novi and Kotor have completed specializations in ecology and environmental studies in addition to the Faculty of Maritime Affairs. The fisheries inspector in Bar completed the Faculty of Agriculture and has also been working for more than 15 years at affairs of maritime fisheries control and inspection. The agricultural inspector who works as a freshwater fisheries inspector is stationed in Podgorica and has more than 15 years of work experience at inspection affairs. The remaining three agricultural inspectors who partly perform the control affairs in the freshwater fisheries sector are in Niksic, Plav and Pljevlja and have 20 years of work experience at inspection supervision affairs each.

Marine fisheries inspectors occasionally cooperate with the Border Maritime Police (Ministry of Interior and Public Administration – Police Directorate) using their vessels for inspection at sea.

Within the IPA 2009 „Sustainable marine fisheries management“ project, the Ministry requested assistance for strengthening the administrative capacities of the fisheries inspectorate with the aim of improving inspectors' capacity to carry out monitoring, control and supervision.

10. (Ref to Q. 36, 38): Please clarify if there is a strategy in place for inspection activities and provide further details on the methodology and how the targets are set.

Currently, there is no special strategy for activities of the inspection control of fishing activities in Montenegro, so the objectives are determined on the basis of analysis of inspection activities in the past, upon an order of the competent fisheries body, as well as on the basis of notifications on

perceived irregularities by legal and natural persons. Inspection activities in the fisheries include control over implementation of measures, preservation of fish resources, i.e. check whether commercial, sports-recreational fishing and fishing for scientific and research purposes are carried out in permitted fishing areas, by allowed fishing tools and gear, at allowed time and in allowed manner. Also, the activities of the fisheries inspectorate include control of all other activities from landing to sale or storage of fish and other marine organisms.

It is planned to define the appropriate procedures for performing supervision and control in the course of the next year, in accordance with the EU practice in that field.

The method and procedure of inspection supervision is established by the Law on Inspection Supervision (Official Gazette of the Republic of Montenegro, 39/03 and 76/09), the Law on Administrative Procedure (Official Gazette of the Republic of Montenegro, 60/03) and the Law on Marine Fisheries and Mariculture (Official Gazette of the Republic of Montenegro, 66/09). The procedure of inspection supervision in the sense of the Law on Inspection Supervision includes performing of control, deciding on rights and obligations of the supervision subject to which he is entitled in the procedure and undertaking and execution of administrative measures and actions.

Control at the sea and land begins with introduction and legitimating of the inspector, notification and familiarizing the supervision subject on his rights and obligations, as well as the objective of the control. During the control of a vessel at sea, an inspector establishes firstly the identity of the person in charge and purpose of the vessel and then possession of the fishing permit. After that, he checks whether fishing is performed with allowed fishing tools entered into the permit and whether construction-technical specification of fishing tools and gear correspond to the requirements prescribed (mesh size, hook size, number of hooks, net length etc.). Also, the inspector controls accuracy of data entered into the logbook and performs control of the size of caught fish.

The inspector prepares minutes on performing the inspection supervision on the spot. The minutes must be prepared clearly and legibly. Exceptionally, when due to the extent and complexity of inspection supervision, its nature and circumstances it is not possible to make minutes during the inspection check, minutes must be prepared in the course of three days from the check performed. Minutes do not have to be prepared concerning inspection checks by which irregularities were perceived but removed during the check, but the inspector makes an official note thereof.

Following completion of inspection supervision, the inspector and inspection subject sign the minutes and if the supervision subject refuses to sign the minutes, the inspector states the reasons of his refusing. If the inspector establishes irregularities in the inspection check procedure, he points out to them to the inspection subject and makes a decision on measures, actions and deadlines for removal of irregularities. If the supervision subject does not remove the irregularities within the deadline prescribed, the inspector makes a decision on initiating a misdemeanour procedure.

Fisheries inspectors are authorized to check and control marketplaces, storages, hospitality facilities, i.e. restaurants, ports and other facilities significant for trade in fish and other marine organisms as well as fish products. Methodology of control of these facilities is the same as abovementioned. Namely, following introduction and legitimating, the inspector informs the supervision subject on rights and obligations as well as on the control objective. After that, identification of the person in charge of trade in fish is carried out and origin and size of fish or other marine organisms found are established. The rest of the further procedure is described in the first part of this answer.

11. What are Montenegro's plans for ensuring future compliance with VMS obligations (number of vessels concerned, cooperation with the fisheries monitoring centre in a neighbouring country)?

Pursuant to Article 105 of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09), the administrative body in charge of the fisheries affairs (Fisheries Administration) will establish the satellite monitoring system for fishing vessels performing commercial fishing with overall length exceeding 15 m.

Ministry of Agriculture, Forestry and Water Management will prescribe by a piece of secondary legislation the operative conditions for functioning of the system and responsibility for vessels with the automated location communicators (ALC) under way, as well as the amount of fee for inspection supervision and technical control of that system performed. It is envisaged to establish the satellite monitoring system of vessels in the course of three years from the day of entry into force of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09) (August 2012).

One of the components within the IPA 2009 „Sustainable marine fisheries management“ project envisages for the consulting team to prepare the programme solution for the satellite monitoring system for fishing vessels (Vessel Monitoring System) as one of the Fisheries information system subsystems.

IV. STRUCTURAL ACTIONS

12. (Ref to Q. 50): How does Montenegro intend to establish the necessary administrative structures required for a proper management and control system ensuring the sound and efficient management of the European Fisheries Fund (EFF), including the detection and handling of financial irregularities?

In order to ensure a good and efficient management of the European Fisheries Fund (EFF), Montenegro plans to establish the following necessary administrative structure:

- **Fisheries Administration – sector for structural, market measures and planning in the fisheries - Managing authority** – prepares the National strategic plan, Operative programme, establishes priorities and objectives of fisheries development, i.e. selects the structural policy measures to be financed.
- **Payment Agency in agriculture, rural development and fisheries** – announces tender, processes applications, performs controls in the field and payments to the beneficiaries.
- **Body for payment audit - Audit authority-** an independent body which would monitor and control spending of financial funds of support from various support sources.

It has been envisaged to establish by a special regulation the general requirements, measures and method of becoming eligible for support within the structural policy measures in fisheries, including control measures and acting in the case of financial irregularities. End-users of support will have to meet the requirements determined by that regulation. In case of detection of financial irregularities, the end-user will be obliged to return the funds allocated within the prescribed timeframe. The beneficiary will not be able to submit an application for any type of support until execution of the decision on return of funds.

Within the IPA 2009 „Sustainable marine fisheries management’ project, the Ministry of Agriculture, Forestry and Water Management requested provision of technical support for strengthening the administrative capacities necessary for adequate management and control system for use of structural support to the fisheries sector.

V. MARKET POLICY

13. (Ref to Q. 51): How will Montenegro establish adequate administrative arrangements for implementing the market policy, in particular regarding interventions and producer organisations (POs) and arrangements for the electronic transmission of relevant market data to the Commission?

Since there is no independent legislative framework in Montenegro which would regulate the market policy in the fisheries, it is envisaged to adopt a special regulation which will define measures of price policy and market interventions, after establishment of the Fisheries Administration and the department for structural and market measures within it.

Pursuant to Article 90 of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09), the Ministry of Agriculture, Forestry and Water Management is obliged to adopt a piece of secondary legislation which would prescribe the method of informing consumers on fish, fish products and aquaculture products such as commercial and local names of fish, fish products and aquaculture products, method of catching and farming and area where fish and other marine organisms were caught, as well as other information relevant to the consumers.

When it comes to the Producers' organizations, it is envisaged for the purpose of their establishment and operation in the first several years, to earmark certain funds from the allocated funds of the state support for the needs of the fisheries sector. The Ministry of Agriculture, Forestry and Water Management will recognize by a decision the Fisheries producers' organizations. Pursuant to Article 90 of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09) producers' organizations will be obliged to adopt the Plan of catch and production for the given year which will be approved by the Ministry of Agriculture, Forestry and Water Management. Requirements and criteria which the producers' organizations must meet in the fisheries and agriculture in order to be recognized, the method of approving the catch and production plans will be prescribed by a piece of secondary legislation by the Ministry of Agriculture, Forestry and Water Management.

One of the main components of the IPA 2009 „Sustainable marine fisheries management“ project represents strengthening of administrative capacities in the fisheries sector. It is expected that this project will help, inter alia, in planning and establishing and adequate administrative organization necessary for market policy implementation and meeting all the EU requirements concerning submitting of the relevant market data.

VII. INTERNATIONAL AGREEMENTS

14. (Ref to Q. 53): Please provide more information with regard to Montenegro's participation in regional fisheries organisations.

In January 2008, Montenegro became a full member of the FAO General Fisheries Commission for the Mediterranean, GFCM, and thereby it accepted all the obligations and decisions of this Commission. Scientists from the Institute of Marine Biology, as the scientific institution in charge of marine fisheries in Montenegro, as well as the staff of the fisheries unit in the Ministry of Agriculture, Fisheries and Water Management are involved in operation of various working groups and Subcommittees of the Scientific Advisory Committee (SAC) of the GFCM. Namely, the delegates from Montenegro actively participate in work of the Subcommittees: SAC Subcommittee of Stock Assessment (SCSA), SAC Subcommittee on Statistic and Information (SCSI) , SAC Subcommittee on Marine Environment and Ecosystems (SCMEE), SAC Subcommittee on Economic and Social Sciences (SCSS) as well as in the work of the Compliance Committee (COC).

It is especially important to emphasize the participation of Montenegro in the FAO regional project "Scientific Cooperation to Support Responsible Fisheries in the Adriatic Sea "- FAO AdriaMed, in which the Adriatic countries – Italy, Slovenia, Croatia, Montenegro and Albania – are partners. Project was initiated in 2000 and Montenegro was included in the project in 2003. The Ministry of Agriculture, Forestry and Water Management, the administrative focal point of this project and the Institute for Marine Biology, the scientific focal point of the project, fully cooperate with the FAO ADRIAMED project. Within this project, which is financed by the Government of the Republic of Italy, and which supports development of scientific and administrative cooperation in the Adriatic basin, a series of joint scientific expeditions of fish resources monitoring have been carried out. An especially important segment of this project is development of active and dynamic system of fisheries statistic data collection. During 2002, 2004, 2005 and 2008 in cooperation with the Institute for Maritime Fisheries Research from Ancona (CNR-ISMAR), estimates of small pelagic fish biomass (sardine and anchovy) were performed in Montenegrin and international waters by the echosurvey method.

Also, within the AdriaMed project, estimates of demersal resources - bottom trawl survey have been carried out, and in 2008, Montenegro participated for the first time in a trawlers' expedition within the EU MEDITS (Mediterranean bottom trawl survey) project.

During 2008, within the AdriaMed project, pilot project of collection of socioeconomic and biological data was carried out in Montenegro. Pilot project „Biological sampling“ has been continued in 2009-2010 and it includes collection of biological data in the whole fisheries sector in the Montenegrin coast, in order to identify the main fisheries activities in relation to the number of registered vessels and their technical characteristics.

Through the FAO AdriaMed project, a series of initiatives have been initiated, some of which involve cooperation at the administrative level of the Adriatic basin countries. Due to this and similar projects, a series of data on the state of fish communities has been gathered, and common and shared stocks at the level of the Adriatic basin have been determined.

15. Please provide more information concerning the access of Montenegrin vessels in waters of neighbouring countries and foreign vessels to Montenegrin waters.

Pursuant to Article 42 of the Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro, 56/09), fishing by fishing vessels flying a foreign flag in the fishing sea of Montenegro is prohibited. Notwithstanding this Article, pursuant to Article 95, a foreign vessel can perform fishing in the fishing sea of Montenegro in accordance with the ratified international treaties on the

basis of a permit issued in accordance with that treaty. When there are no ratified international treaties on fishing in the fishing sea of Montenegro, a foreign fishing vessel can perform fishing only for the scientific-research purposes in accordance with the approved scientific-research project of national interest.

Since Montenegro is not a signatory to any international fisheries agreement, including the neighbouring countries, which refer to use of fish resources, no fishing vessels perform fishing in waters of other countries. The same situation applies to foreign fishing vessels in the Montenegrin territorial waters. As stated in answer to question 53, VI. International treaties from the Questionnaire, Montenegro is not a signatory to any agreement in the field of fisheries referring to use of fish resources in a certain quantity and with a certain number of vessels. The Protocol on Interim regime to the south border between the Republic of Croatia and Montenegro from 2002 establishes that in the demarcation line sports-recreational fishing is allowed to persons who have permits for this type of fishing which is issued by the Sports-fishing club with a seat in the borderline area of Montenegro and Croatia. The states may issue up to 100 annual fishing permits to their citizens and 10 daily fishing permits to citizens of foreign countries, each.

16. Are there any border conflicts which might have an influence on the access to fishing of Montenegrin fishing vessels?

There are no borderline conflicts which could affect access of the Montenegrin vessels to fishing. Policy of Montenegro is directed towards the close cooperation and joint action with all the Adriatic Sea countries and joint participation of all in making decisions important for responsible fisheries and protection of a closed ecosystem such as that of the Adriatic Sea.

Annex

1. Law on marine fisheries and mariculture



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