

**Republic of Montenegro**

**Law On Weapons**

## **Law On Weapons**

### **1. Basic Provisions**

#### **Article 1**

This law shall define acquisition, possession, carrying, repair and alternation of the weapons, weapon components and ammunition.

The provisions of this Law shall also apply to the foreigners who have approved permanent residence or temporary residence longer than one year if not otherwise defined by the international agreement.

#### **Article 2**

Provisions of this Law shall not be applied to:

- 1) weapons, weapons components and ammunition for the need of the Army of Yugoslavia and Ministry of Interior elements;
- 2) weapons used as museum exhibits.

#### **Article 3**

For the purpose of this Law the weapons shall be:

- 1) firearms;
- 2) fragmentation and gas weapons;
- 3) special weapons;
- 4) weapons with string and
- 5) cold steel.

#### **Article 4**

Firearms shall be any item which manufactured or adapted as weapon throws bullet, round

or other projectile or harmful gas, liquid or other substance by means of explosive, gas or air pressure or other propellant mean.

### **Article 5**

Fragmentation and gas weapons shall be any object (hand grenade, shall, projectile or other device) containing fragmenting or gas materials.

### **Article 6**

Special weapons shall be any object (rifle, pistol, etc) which, by means of explosive or gas material throws anaesthetic material or sound or light signal.

### **Article 7**

Weapons with string shall be bows and cross bows and other objects which under the string pressure throw arrows or other devices.

### **Article 8**

Cold steel shall be items whose basic purpose is attack against one's life and body (brass knuckles, daggers, knives, sabres, bayonets, etc)

### **Article 9**

For the purpose of this Law the following items shall be considered as weapon components:

- 1) barrels for rifles, pistols and revolvers;
- 2) inserts (adapters) with rifled barrels for smooth bored hunting rifles,
- 3) weapon breeches and firing mechanisms and
- 4) optic sights.

For the purpose of this Law bullets, cartridges, cartridges with caps, caps, rounds, pellets, gunpowder, signal, anaesthetic and gas charges shall be considered as ammunition.

## **Article 10**

For the purpose of this Law and as to their use and particular types the weapons shall be classified as follows:

- 1) hunting weapons – rifled and smooth bored hunting rifles of diverse calibre;
- 2) sporting weapons - rifles, pistols and revolvers of large calibre, accommodated for sporting purposes, small calibre rifles and small calibre pistols 5.6 mm with rim ignition, rifled or smooth bored, air rifles, air pistols and revolvers and string weapons;
- 3) trophy weapons - firearms and cold steel, preserved from the times of uprisings and liberation wars or which represents holder's personal or family trophy;
- 4) ancient weapons - rifles, revolvers, sabres, swords and other weapons not in use but of historical or artistic value or represent part of national costume;
- 5) combined arms - arms with two or more rifled or smooth barrels of same or different calibre.

## **Article 11**

Acquisition, possession, carrying, repair and alternating of firearms with the devices for silencing the sound, silencers, telescope sights with light rays or with electronic light intensifier or infra red device, fragmentation and gas weapons, cold steel and items not made and adapted as firearms are banned.

It is also prohibited to the physical persons, apart from the weapons from the paragraph 1 of this Article, to acquire, possess and carry semi automatic and combined long firearms save for the hunting ones, as well as to acquire, possess and carry long automatic firearms, short automatic and combined firearms and special weapons if not otherwise stipulated by this Law.

## **II Acquisition, Possessing and Carrying of the Weapons and Ammunition**

### **Article 12**

Permit to acquire weapons, weapon components and ammunition, given to the physical or legal persons under the conditions stipulated by this Law, shall be issued by the Ministry of Interior – organisational unit in the municipality in which the applicant resides or has its seat (hereinafter referred to as relevant authority).

Relevant authority shall issue permit from the paragraph 1 of this Article for the following types of firearms:

- pistols and revolvers;
- rifled and smooth bored hunting rifles of different calibre;
- rifles, pistols and revolvers of large calibre, accommodated for sporting purposes;
- small calibre rifles;
- small calibre pistols, 5.6 mm with rim ignition, rifled or smooth bored and
- air rifles and air pistols.

Weapon components for the weapons and ammunition shall be acquired only on the grounds of permit for the type of weapons for which the applicant possesses weapon permit.

Ammunition for smooth bored arms shall be acquired without limitation based on weapon permit issued for such arm.

Permit from paragraph 1 of this Article shall be valid six months from the issuance date.

Permit to acquire ammunition from the paragraph 1 of this Article shall be issued once in the course of calendar year for the quantity contained in one factory package, and 50 pieces at the most.

An individual who has been issued permit from the paragraph 1 of this Article and who has not completed acquisition in the given time limit, shall return the permit to the relevant authority 8 days from the expiry date.

Pursuant to the application of the individual from paragraph 6 of this Article, relevant authority shall, presuming justified reason or impediment have occurred, extend validity of permit to acquire weapons for another six months.

## **Article 13**

Permit to acquire firearms shall be issued only to state organs, companies, institutions and other legal entities which carry out physical protection and protection of objects and the shooters' organisation to perform their operations.

Permit to acquire hunting weapons shall be issued only to an individual who is, as a member of hunting organisation, actively involved in hunting or who wishes to do it.

Not falling under the competence of paragraph 2 of this Article, is permit to acquire hunting rifles - shotguns that may be issued for self-protection:

- 1) to organs, companies, institutions and other legal persons having organised service for the protection of objects;
- 2) to an individual for whom possessing and carrying of such weapons is necessary for protecting their private property (herds, crops, etc).

Permit to acquire shooters' weapons shall be issued only to shooters' organisations and their members actively involved in rifle shooting sport.

Ancient weapons shall be acquired without relevant authority's permit.

Collectors and other holders of ancient weapons shall notify relevant authority on type and quantity of those weapons. Relevant authority shall provide the holder with the adequate certificate.

## **Article 14**

Permit to acquire special weapons shall be issued only to state organ, company, institution or other legal person who need such weapon for carrying out adequate work.

State organ, company, institution and other legal person from paragraph 1 of this Article shall entrust special weapons only to a person who has been trained in handling special weapons and when no impediment from Article 16, paragraphs 1 and 2 of this Law applies to such person.

State organ, company, institution and other legal person shall issue to a person from paragraph 2 of this Article license to carry special weapons.

## **Article 15**

Company, institution and other legal person and individual who have acquired optic sight shall report on such acquisition to the relevant authority in place of their seat or residence.

Company, institution and other legal person and individual shall report to the relevant authority on theft, disappearance or loss of optic sight within ten days of occurrence of theft, disappearance or loss i.e. from the day they have found out about theft or loss.

## Article 16

Permit to acquire firearms shall not be issued in the following cases:

- 1) to underage person;
  - 2) to mentally sick or mentally retarded person;
  - 3) to a person sentenced for criminal offences: attack against constitutional order, endangering territorial integrity, undermining military and defence strength, armed rebellion, terrorism, destruction of important economic installations, violation of territorial sovereignty, hijacking, threatening flight safety, murder, grave body injury, kidnapping, raping, sex and unnatural lechery with minors, grave theft, robbery, grave robbery, provoking general danger, attack against official person in performing public security duties, manufacturing and acquiring weapons and means for committing criminal offence, being a member of a group which has committed criminal offence, light body injury inflicted by weapons, endangering safety, for taking part in fights, endangering one with dangerous means in fight or row, exposure to danger, abandonment of disabled person, illegal arrest, illegal hunt, hold-up, extortion, blackmail, preventing official person in performing his/her duty, for bullying behaviour and illegal possession of the weapons and explosive materials, until sentence is erased from penalty register;
  - 4) to a person against whom criminal procedure is instituted in accordance with the service requirements for committing criminal offence while the procedure is conducted;
  - 5) to a person who has been sentenced for violating public peace and order by using firearms or who has committed offence defined by this Law in the period of three years prior to the day of applying for permit to acquire weapons and
  - 6) to a person against whom a proceeding is instituted for violating public peace and order by using firearms or for the offence defined by this Law while the proceeding is conducted;
- Permit to acquire weapons shall not be issued if it is in the interest of public peace and order or security.

In decision rejecting an application for permit to acquire weapons, pursuant to the paragraph 2 of this Article, relevant authority shall not be obliged to give reasons for such refusal.

Enclosed to application for permit to acquire weapons shall also be medical certificate on applicant's fitness to carry and possess weapons as well as certificate that no criminal or other proceeding has been instituted against him for the offences proscribed by this Law.

An appeal against the decision rejecting the permit to acquire weapons from the paragraphs 898.

1 and 2 of this Article or ammunition from the Article 12 of this Law shall be forwarded to the Ministry of Interior.

### **Article 17**

Not falling under competence of Article 16 paragraph 1 point 1) of this Law shall be an individual 16 years of age if being member of a shooters' organization who may be issued permit to acquire weapons for sporting purposes.

### **Article 18**

Bows and cross bows shall be acquired by major individual without approval from the relevant authority and shall be carried without weapon permit.

Weapon from paragraph 1 of this Article shall be use only in exercise range or uninhabited places where it cannot endanger one's life and property.

Under the conditions from paragraph 2 of this Article, bows and crossbows may be used by a minor as well but under supervision of adult.

### **Article 19**

Physical person may carry weapons on the ground of weapon permit and possess it on the basis of permit to carry it.

Organ, company, institution and other legal person carrying out physical protection or protection of objects and property or if being in charge of hunting ground shall possess weapons only pursuant to the permit to possess them.

### **Article 20**

Weapon permit shall be issued to:

1. an individual who, pursuant to the relevant authority's permit, acquire weapons or weapon components;
2. an individual who has got weapons as a present from the Army of Yugoslavia, Ministry of Defence or Ministry of Interior;



3. an individual who has got weapon as a present from organ, institution, company or other legal entity and who has carried weapons in performing his duties;

Application for weapon permit issuance shall be submitted:

1. in case from point 1, paragraph 1 of this Article, within eight days from the day of weapon acquisition;
2. in case from points 2 and 3 paragraph 1 of this Article within 30 days from the day the weapons have been given as present or award.

Provision from paragraph 1 of this Article shall not be applied to the foreigners who within 30 day from the day of acquisition will leave Yugoslavia.

## **Article 21**

An individual who has been issued permit to acquire hunting weapons shall be issued weapon permit only if he has been issued hunting organisation membership card or if passed hunting exam.

## **Article 22**

Weapon permit shall not be issued if upon issuance of permit to acquire weapons any of the impediments from Article 16 paragraphs 1 and 2 occur. In such a case the weapons shall be dispossessed.

## **Article 23**

Weapon permit shall not be issued for weapons imported or brought from abroad despite permit to possess weapons if customs duty has not been paid.

Weapon permit and permit to possess weapons shall not be issued for the weapons which have not been tested and stamped in a proscribed manner.

## **Article 24**

For one same hunting or sporting weapon, three weapon permits to three individuals may be issued.

An individual who, as a member of hunting organisation pursue hunt and has passed hunting exam or who, as a member of shooters' organisation, pursue shooting sport may be issued weapon permit for several types of hunting or sporting weapons.

## **Article 25**

Weapon permit and permit to possess weapons shall be issued for the period of ten years.

Validity of weapon permit and permit to possess weapons is defined by the relevant authority with the time limit of up to ten years.

Validity of weapon permit and permit to possess weapons may be extended for each next ten years.

Application for extending weapon permit or permit to possess weapons shall be submitted within 30 days from the day they expire.

In the procedure for extending weapon permit or permit to possess weapons, relevant authority shall compare type, calibre, stamp and factory number with the data from the weapon permit.

## **Article 26**

Trophy weapons shall be possessed pursuant to the permit of the relevant authority.

Permit from paragraph 1 of this Article shall be issued for unlimited period of time.

Permit from paragraph 1 of this Article shall not be issued if any impediment from Article 16, paragraph 1 and 2 of this Law has occurred.

Carrying and use of trophy weapon as well as manufacturing and acquiring ammunition for it shall be banned.

## **Article 27**

Ancient weapon which is part of national costume shall be acquired, possessed and carried with the prior notification of relevant authority.

Use of ancient weapon as well as manufacturing and acquiring ammunition for it shall be banned.

## **Article 28**

Minister of Interior shall define form of permit to acquire weapons, weapon components and ammunition, weapon permit, permit to possess weapons and permit to possess trophy weapons.

## **Article 29**

Organ, company, institution and other legal person carrying out protection operations and protection of objects and property shall entrust weapons and ammunition only to an individual directly performing such duties, who has been trained in handling weapons and to whom no impediment from Article 16, paragraphs 1 and 2 of this Law apply.

An individual performing protection and safeguarding duties shall carry weapons and ammunition entrusted to him only while being on duty and shall not take them outside object or area he protects or guards.

Not falling under the competence of paragraph 2 of this Article are foresters, keepers of crops, vineyards, hunting grounds and fishing waters and other persons professionally dealing with direct protection and safeguarding of objects and property but who do not live in the object or in the area under their protection, who can carry weapons outside such object or area and take it to their place of residence. Persons handling money or valuables can carry the weapons out when money or valuables are taken or handled outside official premises.

Organ, company, institution and other legal person from paragraph 1 of this Article shall issue certificate to an individual to whom weapon shall be entrusted and it shall notify relevant authority on such case so that it can issue permit to possess weapons.

Form of the certificate from paragraph 4 of this Article shall be defined by the Minister of Interior.

## **Article 30**

Shooting organisations shall entrust weapons and ammunition only to members of shooters' organisations while they practice shooting in the shooting range. For transfer of weapons and ammunition to the range they issue proscribed document to the individual in charge of weapons transport.

## **Article 31**

Shooters' organisation at whose shooting range exercises or competitions are performed shall undertake safety and other measures to prevent any endangering people's lives and property.

If the firearms shooting is performed outside specified shooting range, organ, company or institution and other legal person in charge of it shall inform on it relevant authority and undertake measures from paragraph 1 of this Article three days before shooting at the latest.

## **Article 32**

Company or other legal person in charge of hunting ground may lend hunting weapons and ammunition to the members of domestic and foreign hunting organisations having permit to hunt, for the purpose of hunting game and for a specified period of time in specified hunting ground.

An individual who has been lent the weapons, shall not take the weapons outside hunting ground managed by a company or legal person from the paragraph 1 of this Article.

## **Article 33**

For the purpose of this Law, weapon holder shall be physical person, organ, company institution and other legal person who has acquired weapons pursuant to the permit issued by relevant authority (hereinafter referred to as weapon holder).

Weapon holder and an individual entrusted weapons for carrying out protection and safeguarding of objects and property, as well as member of shooters' organisation participating in shooting exercise or competition shall keep weapons in working order, store and safeguard them so that they cannot get within reach of minor or other unauthorised person.

## **Article 34**

Weapons shall not be carried in public places in a way they disturb citizens and provoke their disapproval

Outside hunting ground, shooting range or other place designated for shooting exercise or competition, hunting or sporting weapon shall be carried only in special covers and unloaded.

## **Article 35**

Weapon holder shall not lend weapons to other persons.

Exceptionally from the paragraph 1 of this Article, hunting or sporting weapons holder may lend such weapons to an individual possessing weapon permit.

## **Article 36**

Exchange of weapons shall be performed only if weapon permits are for the same type of weapons.

An individual who has exchanged weapons shall inform on it relevant authority who has registered the weapons and apply for new weapon permit eight days from the day of exchange

## **Article 37**

Weapon holder shall not transfer right to possess weapons to other physical or legal person.

Exceptionally from paragraph 1 of this Article, in cases and under conditions proscribed by this Law, right to possess weapons shall be transferred to the member of holder's family.

Weapon holder who has transferred right to possess weapons shall deliver to the relevant authority the weapon permit i.e. permit to possess weapons and copy of permit to acquire weapons issued to new holder within eight days.

## **Article 38**

Weapon holder and an individual who has been entrusted weapons for carrying out protection duties, shooting exercises or hunting shall immediately, and at the latest within 24 hours, inform the relevant authority on disappearance of weapons, weapon components and ammunition.

Individual who has found weapons or ammunition shall deliver the found weapons, weapon components and ammunition within eight days.

## **Article 39**

Individual possessing or carrying weapons shall have weapon permit or permit to possess trophy weapons with him.

Provision from paragraph 1 of this Article shall apply to an individual who borrowed weapons pursuant to Article 35, paragraph 2 of this Law.

An individual who has been entrusted weapons to carry out protection and safeguarding of objects and property shall have with himself permit to possess such weapons.

An individual who has been given weapons for exercise or shooting competition outside shooting range or for hunting shall keep with himself certificate issued by his company or other legal person who has lent him the weapons.

An individual from paragraph 1, 3, and 4 of this Article shall show to the authorised individual of the relevant authority weapons and weapon permit i.e. certificate or approval if so requested.

## **Article 40**

Weapon holder who has lost weapon permit or permit to possess trophy weapons or who has been deprived of it in any other way shall, within eight days, inform on it relevant authority and apply for copy of weapon permit i.e. permit to possess trophy weapons.

An individual who has been entrusted weapons to carry out protection duties and who has lost weapon permit or who has been deprived of it in any other way shall inform on it the company, institution or other legal person within three days.

Company, institution or other legal person shall inform on it relevant authority and apply for copy of the permit to possess weapons, within eight days.

## **Article 41**

In case weapon permits for same weapon have been issued to two or three persons each of them can return weapon permit to the relevant authority. If weapon permits for the same weapon have been returned by all persons to whom they have been issued, than individual

who has been last in returning permit shall, at the same time, deliver to the relevant authority the weapon for which the permit has been issued.

### **Article 42**

Weapon holder who does not wish any more to possess and carry weapons, and who cannot find a buyer who has permit to acquire such kind of weapons shall deliver both weapon and weapon permit to relevant authority.

Holder of weapon which is so worn out that its use may endanger people's safety, and when there is no possibility to repair it shall deliver it to the relevant authority.

### **Article 43**

Weapons holder who due to old age, sickness or other reasons is not in a situation to possess and carry weapons may in agreement with the member of his family request an weapon permit be issued to that family member but he shall deliver his weapon permit to the relevant authority.

### **Article 44**

Weapon holder who due to his serving national service, temporary stay abroad, longer medical treatment in hospital and similar reasons is not in a position to carry weapons shall, during his absence secure that weapon cannot get within reach of unauthorised persons, minors or other individuals who may abuse it.

Weapon holder from paragraph 1 of this Article may deliver weapon and weapon permit to be safeguarded by relevant authority and may request such weapon be temporarily entrusted to some of major family members.

If weapon permit has been issued to another individual as well, weapon holder shall, in case circumstances from paragraph 1 of this Article occur, deliver weapons to an individual possessing weapon permit for the same weapon and shall inform on that relevant authority within eight days.

### **Article 45**

If weapon holder becomes mentally sick, major member of his family or guardian shall deliver

weapons to be safeguarded by relevant authority within eight days.

If weapon permit for that weapon has been issued to another person, member of his family or guardian shall, within the time limit from paragraph 1 of this Article, deliver the weapons to an individual possessing weapon permit for that same weapon and also deliver the permit to relevant authority.

In case weapon has not been delivered to an individual having permit for that weapon, major family member of mentally sick weapon holder shall, within 60 days, apply for permit to be temporarily entrusted with weapon.

### **Article 46**

Relevant authority may approve major family member of absent or mentally sick weapon holder to keep temporarily the weapon till holder's return or recovery if no impediment from Article 16, paragraph 1 and 2 of this Law occur.

For temporary possession of the weapons from paragraph 1 of this Article, relevant authority shall issue permit.

Carrying weapons for which permit to temporary possess weapons has been issued shall be banned.

When the weapon holder, who has been temporary absent or mentally sick, returns or recovers, an individual who has been issued temporary permit to possess weapons shall return it to the relevant authority.

### **Article 47**

When weapon holder dies, the oldest major family member or legal representative of a minor family member of the dead shall, within 90 days until official proving of will is completed, deliver weapon and weapon permit or permit to possess trophy weapon to the relevant authority.

The inheritor may, within 60 days from completion of official proving of will, apply for weapon permit i.e. permit to possess trophy weapon and can transfer right to own weapon to individual having permit to acquire such weapons.

Save from paragraphs 1 and 2 of this Article, if weapon permit for same weapon has been issued to another person, major member or legal representative of minor family member of



the deceased weapon holder shall deliver, within 60 days, weapons to an individual who has weapon permit for same weapon and shall inform on it relevant authority and deliver to it the weapon permit.

### **Article 48**

In cases from Articles 43 and 47, paragraph 2 of this Law weapon permit shall not be issued to a family member if any impediment from Article 16, paragraphs 1 and 2 of this Law occur in regard to him.

## **III Dispossession of Weapons, Ammunition and Weapon Permit or Permit to Possess Weapons**

### **Article 49**

When relevant authority, in the course of procedure for extending time limit of weapon permit or permit to possess trophy weapons i.e. permit to possess weapons finds out by inspection that such weapon is worn out to such an extent that its use may endanger people's safety and when there is no possibility to repair it or, if by holder's assessment its repair will be economically unjustified, relevant authority shall bring a decision to dispossess weapon and weapon permit i.e. permit to possess weapons.

No reimbursement shall be paid to weapon holder whose weapons have been dispossessed pursuant to paragraph 1 of this Article.

### **Article 50**

Organ, company, institution and other legal person whose need to possess weapon has ceased shall inform on it relevant authority within 30 days.

In case from paragraph 1 of this Article, relevant authority shall bring decision to dispossess weapon, ammunition and permit to possess weapons.

### **Article 51**

Weapon and weapon permit may be temporary dispossessed from an individual with whom they

have been found on his arrest, detention or when being ousted from traffic for driving drunk.

Weapon and weapon permit, dispossessed pursuant to paragraph 1 of this Article, shall be returned to such a person immediately upon expiration of reasons due to which they were dispossessed if against such individual no criminal or other legal proceeding has been instituted for criminal or other offence which make him unsuitable for possessing and carrying weapons.

### **Article 52**

When against the weapon holder a proceeding has been instituted for committing criminal or other offence of violating public peace and order proscribed by Article 16, paragraph 1 and 2 of this Law and which has been committed without use of weapon, the relevant authority shall bring decision to temporarily dispossess weapon, weapon components, ammunition and weapon permit or permit to possess trophy weapons until proceeding is completed.

### **Article 53**

Weapons used for committing criminal or other offence shall be temporarily dispossessed until completion of court proceedings.

### **Article 54**

If weapon holder is found guilty for committing crime or offence from Article 16, paragraphs 1 and 2 of this Law, relevant authority shall decide to dispossess his weapons, weapon components, ammunition and weapon permit i.e. permit to possess trophy weapons.

### **Article 55**

If case two or three weapon permits have been issued for one and the same weapon and a proceeding has been instituted against one of them for committing crime or offence from Article 16, paragraphs 1 and 2 of this Law, a decision shall be made to take away temporarily the weapon permit only from that individual.

If such an individual has been found guilty for committing crime or offence from paragraph 1 of this Article, a decision shall be brought to take away only the weapon permit issued to him.

## **Article 56**

In case security interests require taking away weapons from the weapon holder, relevant authority shall bring a decision to dispossess weapon, weapon components, ammunition and weapon permit i.e. permit to possess trophy weapons.

If case weapon permit for one and the same weapon has been issued to other individuals, and reasons from paragraph 1 of this Article apply only to one of them, weapon permit shall be dispossessed only from that person.

An appeal against decision from paragraph 1 of this Article may be submitted to the Ministry of Interior within 15 days from the day of decision delivery.

## **Article 57**

Relevant authority shall decide to dispossess weapons and ammunition without reimbursement from citizens, companies, institution and other legal person who have acquired weapons and ammunition without having permit to acquire or possess weapons or who carry weapons without having weapon permit or possess weapons without having permit for it.

An appeal against decision from paragraph 1 of this Article may be submitted to the Ministry of Interior within 15 days from the day of decision delivery.

## **Article 58**

In case weapon holder has died and his inheritor does not apply for weapon permit or permit to possess trophy weapons within defined time limit, or does not transfer his right to own weapons to an individual having permit to acquire such weapon, or if the inheritor's application to acquire weapon permit has been rejected due to the impediments from Article 16, paragraphs 1 and 2 of this Law, relevant authority shall decide to dispossess, with reimbursement, weapons, weapon components, ammunition and weapon permit i.e. permit to possess trophy weapons.

## **Article 59**

If weapon holder has become mentally sick, and his family member does not apply, within

defined time limit, for permit to possess weapons temporary or if such an application has been rejected due to the impediments from Article 16, paragraphs 1 and 2 of this Law, relevant authority shall decide to dispossess, with reimbursement, weapons, weapon components, ammunition and weapon permit i.e. permit to possess trophy weapons.

### **Article 60**

An appeal against decision from Article 22 and Articles 49 to 59 of this Law shall not delay decision implementation.

### **Article 61**

Relevant authority shall issue certificate for weapons, weapon components and ammunition it has taken for safeguarding or dispossessed.

Relevant authority shall issue certificate for dispossessed weapon permit, permit to possess weapons and dispossessed weapons and ammunition.

Once decision on dispossession becomes effective, relevant authority shall require from the weapon holder to sell dispossessed weapons and ammunition within six months i.e. to find himself a buyer or to sell them by mediation of company authorised for trade with weapons and ammunition.

Upon expiration of time limit from paragraph 3 of this Article, dispossessed weapons and ammunition which have not been sold shall become property of the Republic without reimbursement.

### **Article 62**

Disappearance of weapons or found weapons shall be reported to the relevant authority within 48 hours.

If the owner of the weapon is not found within one year, relevant authority shall act pursuant to Article 61, paragraph 4 of this Law.

### **Article 63**

Weapons delivered pursuant to Article 42, paragraph 2 or dispossessed pursuant to Article 49, paragraph 1 of this Law shall be destroyed.

Weapons which have not been delivered in defined time limit or found weapons whose owner does not report within one year shall be delivered to the Ministry of Interior.

Weapons dispossessed in the course of criminal, offence or other proceeding shall be delivered to the Ministry of Interior within 30 days from the day verdict or decision becomes effective.

Weapons from paragraphs 2 and 3 of this Article, and ammunition may be used for the internal elements' operations or may be given to the museum or may be destroyed.

## **Article 64**

Policemen and other authorised employees of the Ministry of Interior, when in conducting their operations learn about an offence, shall temporarily dispossess weapons, weapon components and ammunition which have been used for committing an offence or acquired by offence or appear by committing an offence on which they shall issue certificate.

## **IV Weapons Repair and Alternations**

### **Article 65**

Repair and alternation of weapons shall be performed only by the companies, institutions and other legal persons and shops which are issued permit from the relevant authority and which have been registered for such operations with the relevant court.

Permit from paragraph 1 of this Article shall be issued by relevant authority in the following cases:

- if space and technical prerequisites for storing and safeguarding of weapons are met so that weapons and weapon components cannot come within reach of unauthorised persons and endanger safety of people and property;
- if responsible individual from the company, i.e. owner of company or shop and individual directly handling weapons, weapon components and ammunition meets conditions from Article 16, paragraphs 1 and 2 of this Law.

Companies and shops for repair and alternation of weapons shall take only those weapons for which the relevant authority has issued approval or weapon permit.

## **V Records**

### **Article 66**

Organs, companies, institutions and other legal persons and shops shall keep the records as follows:

- 1) organs, companies, institutions and other legal persons directly performing physical protection or objects' protection – records on weapons and ammunition for physical protection;
- 2) companies and other organisations in charge of hunting grounds – records on hunting weapons and ammunition;
- 3) shooters' organisations – records on sporting weapons and ammunition;
- 4) organs, companies, institutions and other legal persons who in performing their operations use special weapons – records on special weapons;
- 5) companies and shops for repair and alternation of the weapons – records on repaired and alternated weapons;

### **Article 67**

Relevant authority shall keep the following records:

- 1) records on issued permits to acquire weapons, weapon components and ammunition, on weapon permits, permits to possess weapons, permits to possess trophy weapons and on reported ancient weapons;
- 2) on found weapons and weapons whose disappearance has been reported and
- 3) on dispossessed weapons.

Ministry of Interior shall keep records on weapons delivered to it pursuant to Article 63, paragraphs 2 and 3 of this Law.

### **Article 68**

Minister of Interior shall make regulations on conditions and ways of storing and safeguarding weapons and ammunition as well as on ways of keeping records proscribed by this Law.

## **Article 69**

If an individual who has been issued weapon permit i.e. permit to possess trophy weapons or who possesses ancient weapons move to a new residence which is outside jurisdiction of the authority keeping records on the weapons, such an individual shall address the authority keeping such records before moving to new place of residence.

An individual from paragraph 1 of this Article shall address relevant authority in new place of residence 15 days upon his arrival for the purpose of registering the weapons.

## **VI Supervision**

### **Article 70**

Supervision of implementation of this Law and other regulations defining rights and obligations of the organs, companies, institutions and other legal persons and shops shall be done by the Ministry of Interior.

## **VII Penalties**

### **Article 71**

Any company or shop shall be punished by a fine in the amount of \_\_\_\_\_ if repairs and alternates weapons contrary to the Article 65, paragraphs 1 and 3 of this Law.

Responsible individual from the company or shop shall be punished by a fine in the amount of \_\_\_\_\_ for an offence from paragraph 1 of this Article.

Apart from the punishment from paragraph 1 of this Article a precaution measure of ban to work in the period from three months to three years shall be instituted for offence from Article 65, paragraph 3 of this Law.

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\*) Note: fines have not been accommodated to 27/94  
See Intermex remark

## Article 72

Anyone committing any of the following offences shall be punished by a fine in the amount of \_\_\_\_\_:

- 1) a company, institution or other legal person in possession of weapons contrary to Article 19, paragraph 2 of this Law;
- 2) a company, institution or other legal person or shooters' organisation acting contrary to Article 29, paragraphs 1 and 4 and Article 30 of this Law;
- 3) shooters' organisation or company, institution or other legal person if it carries out shooting contrary Article 31, paragraphs 1 and 2 of this Law;
- 4) a company, institution or other legal person which does not safeguard weapons, weapon components and ammunition in proscribed manner (Article 33, paragraph 1);
- 5) a company, institution or other legal person, shop, hunting and shooters' organisation who lend the weapons contrary to Article 35 of this Law;
- 6) a company, institution or other legal person which does not report to the relevant authority, within the proscribed time limit, on disappearance of weapons, weapon components and ammunition (Article 38, paragraph 1);
- 7) a company, institution, other legal person and shop which does not keep properly or at all proscribed records (Article 66);

Responsible individual from the company, institution, other legal person or shop shall be punished by a fine in the amount of \_\_\_\_\_ for an offence from paragraph 1 of this Article.

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\*) Note: fines have not been accommodated to 27/94

See Intermex remark

## Article 73

A company, institution, other legal person or shop shall be punished by a fine amounting to \_\_\_\_\_ if:

- 1) acts contrary to Article 14, paragraphs 1 and 3 of this Law;
- 2) acts contrary to Article 15 of this Law;



3) does not apply for extension of permit to possess weapons (Article 25, paragraph 3) within proscribed time limit and

4) acts contrary to Article 37, paragraphs 1 and 3 of this Law.

Responsible individual from the company, institution, other legal person or shop shall be punished by a fine in the amount of \_\_\_\_\_ for the offence from paragraph 1 of this Article.

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\*) Note: fines have not been accommodated to 27/94

See Intermex remark

## **Article 74**

A company, institution or other legal person and shop shall be punished by a fine amounting to \_\_\_\_\_ if acquires, possesses, repairs or alternates weapons or weapon components contrary to Article 11, paragraph 1 of this Law.

A precaution measure of dispossession of weapons and weapon components shall be also instituted for the offence from paragraph 1 of this Article.

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\*) Note: fines have not been accommodated to 27/94

See Intermex remark

## **Article 75**

Physical person shall be punished by a fine in the amount of \_\_\_\_\_ or by imprisonment of 30 days if:

1) acts contrary to Article 18, paragraph 2 and Article 31 of this Law;

2) uses trophy or ancient weapons or manufactures, acquires and possesses ammunition for trophy or ancient weapons (Article 26, paragraph 4 and Article 27, paragraph 2).

A precaution measure of dispossession of weapons shall be also instituted for the offence from paragraph 1 of this Article and in case from point 2) precaution measure of dispossession of

permit to possess trophy weapons shall be applied.

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\*) Note: fines have not been accommodated to 27/94  
See Intermex remark

## **Article 76**

Physical person shall be punished by a fine in the amount of \_\_\_\_\_ or by imprisonment of 30 to 60 days if:

- 1) lends weapons to other individual contrary to Article 35, paragraph 1 of this Law or if borrows it;
- 2) sell or give weapons, weapon components or ammunition to an individual not having permit to acquire such weapons, weapon components or ammunition (Article 37, paragraph 1) and
- 3) acts contrary to Article 37, paragraphs 1 and 3 of this Law.

A precaution measure of dispossession of weapons, weapon components and ammunition shall be also instituted for the offence from paragraph 1 of this Article and in case from point 2) precaution measure of dispossession of weapon permit or permit to possess weapons shall be applied.

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\*) Note: fines have not been accommodated to 27/94  
See Intermex remark

## **Article 76a**

Physical person shall be sentenced from 30 to 60 days of imprisonment if:

- 1) possesses and carries weapon contrary to Article 19, paragraph 1 of this Law;
- 2) uses weapon contrary to Article 33, paragraph 2 of this Law;
- 3) acquires, possesses, carries, repairs or alternates weapon contrary to Article 11, of this Law;

A precaution measure of dispossession of weapons, weapon components and ammunition shall be also instituted for the offence from paragraph 1 of this Article and in case from point 2) precaution measure of dispossession of weapon permit or permit to possess weapons shall be applied.

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\*) Note: fines have not been accommodated to 27/94

See Intermex remark

## **Article 77**

Physical person shall be punished by a fine in the amount of \_\_\_\_\_ or by imprisonment of up to 30 days if:

- 1) does not return permit to acquire weapon within eight days (Article 12, paragraph 6);
- 2) does not report on ancient weapons (Article 13, paragraph 6)
- 3) acts contrary to Article 15 of this Law;
- 4) does not apply for weapon permit within proscribed time limit (Article 20, paragraph 2);
- 5) does not apply for extension of weapon permit within proscribed time limit (Article 25, paragraph 3);
- 6) possesses trophy weapons without permit (Article 26, paragraph 1);
- 7) takes weapons out from the protected object (Article 29, paragraph 2);
- 8) does not safeguard weapons in proscribed manner (Article 33, paragraph 1);
- 9) carries weapons contrary to Article 34 of this Law;
- 10) does not report to the relevant authority on exchange of weapons or does not apply for new weapon permit within the proscribed time limit (Article 36, paragraph 2);
- 11) does not deliver to the relevant authority weapon permit or approval (Article 37, paragraph 3);
- 12) does not report to the relevant authority on disappearance of weapons or weapon permit, i.e. permit to possess trophy weapons (Articles 38 and 40):
- 13) acts contrary to Article 39 of this Law;
- 14) does not deliver weapons to the relevant authority within proscribed time limit (Article 45, paragraphs 1 and 2, Article 47, paragraphs 1 and 3) and
- 15) does not address relevant authority with whom the weapon has been registered in case of residence change (Article 69).

A precaution measure of dispossession of weapon and weapon permit i.e. permit to possess shall be also instituted for the offence from points 2) to 11) of this Article.

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\*) Note: fines have not been accommodated to 27/94  
See Intermex remark

## **VIII Transitional and Final Provisions**

### **Article 78**

Individuals who possess weapons or weapon components without weapon permit or permit to possess weapon shall apply for them within 90 days of this Law enactment.

Individuals from paragraph 1 of this Article shall not have to prove origin of weapons.

If relevant authority rejects an application for weapon permit or approval, the weapons shall be treated pursuant to Article 61 of this Law.

### **Article 78a**

Manufacturing, trade and transport of weapons, weapon components and ammunition shall be done with the Ministry of Interior approval.

Company, institution or other legal person shall be punished by a fine amounting to \_\_\_\_\_ if it manufactures, trades or transports weapons without approval from the paragraph 1 of this Article.

Physical person shall be sentenced from 30 to 60 days of imprisonment if committing offence from paragraph 2 of this Article.

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\*) Note: fines have not been accommodated to 27/94  
See Intermex remark

## **Article 79**

With the day of this Law enactment, Law on Weapons (Official Gazette of SR Montenegro, No. 44/76, 18/78, 23/80, 20/83, 22/87, 29/89 and 39/90) shall expire.

## **Article 80**

This Law enters into force on the eighth day from the day of its announcement in the Official Gazette of Montenegro.

**Republic of Montenegro**

**Customs Law**

# **Customs Law**

## **Part One - General Provisions**

### **Chapter I**

#### **Application And Definition Of Terms**

##### **Article 1**

This law and all regulations adopted in line with it shall regulate rights and duties of individuals and powers of the customs of the Republic of Montenegro in connection with goods in the passenger traffic and goods exchange between the customs territory of the Republic of Montenegro and customs territories of other countries.

##### **Article 2**

The customs territory of the Republic of Montenegro (hereinafter referred to as the Customs Territory) covers the territory of the Republic of Montenegro (hereinafter referred to as the Republic) with its territorial waters, bays and airspace.

The customs territory shall be defined by a borderline that is identical to that of the state border of the Republic of Montenegro.

## **Part VIII**

### **Punitive Provisions**

#### **Chapter 1**

##### **Criminal Offense**

##### **Article 235**

Any entity involved in carrying the goods across the border line, avoiding thereat the measures of customs supervision, and any entity carrying the goods over the border line while armed and

doing that in a group, avoiding thereat the measures of customs supervision, shall be punished for committing an offense with one to five year imprisonment and a fine equaling five times the value of any such goods.

Any entity committing the offense from paragraph 1 hereof by using force shall be punished by imprisonment for a period of two to eight years and a fine equaling five times the value of any such goods.

Any entity organizing a group or network for committing the offense from paragraph 1 hereof shall be subject to imprisonment in the period of two to eight years and a fine equaling five times the value of any such goods.

Any member of the group from paragraph 3 hereof shall be punished by imprisonment in a period of one to five years and a fine of EUR 2,500.

The subject goods from paragraph 1 hereof shall be seized.

If the subject of the offense from this article may be narcotics, arms, nuclear material and dangerous waste materials, the offenders shall be punished by imprisonment in the period of two to ten years and a fine equaling five times the value of any such goods.

### **Article 236**

Any entity organizing the network of sales or dealers in un-cleared goods, or the goods without respective customs denomination or use, shall be punished by imprisonment in the period of two to eight years and the fine ranging from EUR 2,500 to EUR 10,000.

### **Article 237**

The goods, being the subject of the offense from Art. 235 hereof, and transport, or carrying vehicles used to carry the subject goods, shall be seized.

If the goods and transport, or carrying vehicles are not found, or may not be seized on any other grounds, their value shall be collected from offenders.



## **Chapter 2**

### **Violations of Customs Regulations**

#### **1. General Provisions**

##### **Article 238**

All actions and omissions which are conflicting with provisions of this law and by-laws deriving there from shall be treated as offense against customs regulations and as such shall be subject to a punishment.

Payment of penalty prescribed for breaches of customs regulations shall never relieve the offender from paying the customs duty and taxes as prescribed by the law for the goods being the subject of such offenses.

##### **Article 239**

The proceeding to be conducted in line with this law for the purpose of establishing the exact type of offense shall not preclude the proceeding launched to establish the exact type of the offense.

In cases when one person may commit more than one offense against customs regulations, each offense shall be subject to a specific punishment.

Accomplices shall be considered as offenders. If an offender or an accomplice is a civil servant, the punishment shall be two times higher than the one prescribed by a corresponding article of this law.

Accomplices may also be the persons to receive the goods subject of the offense for which they know or might have known to be the subject of the offense.

Any accomplice in the offense shall answer in person and be subject to a punishment depending on the extent of his/her involvement in the offense.

Any attempt to make offense shall be punished as an offense committed in line with this law.

The punishments prescribed by this law shall be equally applied to legal and physical persons.

The Customs Law passed by the National Assembly of the Republic of Montenegro, at the

January 30, 2002 sitting of the first extraordinary session of the National Assembly of the Republic of Montenegro.

No. 01-264/2

Podgorica, January 31, 2002

President of the Republic of Montenegro

Milo Djukanovic

**Republic of Montenegro**

**Law on Hunting**

“Official Gazette of the Republic of Montenegro,” No. 47/99

## **Law on Hunting**

### **I Basic Provisions**

#### **Article 1**

Hunting hereof encompasses the raising, protection, hunting and use of game animals, as a commodity of general interest, which is specifically protected and used under conditions and in the manner stipulated by this Law.

Game animals hereof are mammals and fowl living freely in the wild.

#### **Article 2**

Hunting may be conducted as a commercial, sportive-recreational and special activity.

#### **Article 3**

Protecting and raising game animals is a business of general interest and has a role in the protection and development of the environment.

#### **Article 4**

Hunting may be engaged by legal entities whose fundamental activity is hunting, legal entities engaged in forestry and agriculture, hunting organizations and individuals, under conditions and in the manner determined by this Law.

#### **Article 5**

Hunting of protected game animals may be conducted within the limits of the natural and artificial population growth, in accordance with this Law.

## **Article 6**

Hunting of protected game is limited by undertaking measures provided by this Law, as required by interests of protection and raising game animals.

## **Article 7**

Legal entities entrusted with managing hunting grounds (hereinafter hunting ground trustees) shall provide part of the funds obtained through exploitation of the hunting ground for protecting and raising game animals, under the conditions, in the manner and extend determined by this Law.

The state shall financially aid the protection and breeding of game animals, and development of hunting.

## **Article 8**

Hunting grounds shall be established, hunting bases and other documents are adopted, aimed at providing the implementation of proper measures for protecting, raising and rational exploitation of game animals in a certain area, which comprises a natural, geographical and ecological body.

## **Article 9**

The stipulations of this Law shall be implemented in national parks, unless stipulated otherwise in other legislation with the purpose of protecting national parks.

## **Article 10**

Management supervision of the implementation of the stipulations of this law and regulations adopted based on it shall be carried out by the ministry in charge of hunting.

## **Article 11**

Certain terms used in this law have the following meanings:

1) Game protection shall hereof mean measures that provide conditions for the survival and

development of the population of a certain game species as well as its protection from illegal exploitation;

2) Protected game shall hereof mean game whose hunting is permanently prohibited or prohibited during a certain period;

3) Game animal husbandry shall hereof mean the application of measures aimed at replenishing, maintaining and increasing the number and quality of game animals according to natural and other capabilities of the hunting ground;

4) Artificial growth shall hereof mean the introduction of artificially raised game animals to hunting grounds;

5) Reservation shall hereof mean part of the hunting ground where special husbandry and protection measures are applied aimed at replenishing (reproduction) of game animals;

6) Hunting sanctuary shall hereof mean the allocated area within the hunting ground where hunting is prohibited;

7) Closed season shall hereof mean the period of time when hunting, persecution or harassment of game animals is prohibited;

8) Management shall hereof mean:

- a. The raising of game animals and encouraging natural reproduction and quality;
- b. Protection of game animals from illness, pests, natural disasters, harmful human influence (poaching), etc.;
- c. Protection of the game habitat and nesting grounds;
- d. Hunting, capture and use of game animals;
- e. Development and maintenance of breeding and technical facilities (feeders, watering places, shooting stands, nurseries, sanctuaries, shelters, aviaries, hunting paths, hunting huts) etc.;
- f. Marketing game animals, game animal parts and other game products, in line with this Law;
- g. Determining the population of game animals, adopting hunting bases, drafting plans and other documents.

## **II Protecting and Raising Game Animals**

### **Article 12**

Protection of game animals is implemented through permanent hunting prohibition, hunting prohibition during certain periods (closed season), shortening the hunting season or reducing the number of hunting days, guarding hunting grounds, suppressing illegal hunting, reducing

the number of unprotected game, salvation from natural disasters, additional feeding and other measures provided by this Law and hunting bases.

### **Article 13**

The following species shall be permanently protected from hunting:

1) Furred game: lynx (*Lynx lynx*), ermine (*Mustela erminea*), bear cubs (*Ursus arctos*) up to two years of age, roe does (*Capreolus*) and her fawn, chamois (*Rupicapra*) and her kid, elk doe (*Cervus*) and her calf, and otter (*Lutra lutra*),

2) Feathered game: western capercaillie (*Tetrao urogallus*), black grouse (*Lyrurus tetrix*), hazel grouse (*Tetrastes bonasia*), pelicans (*Pelecanidae*), herons (*Ardeidae*), gray partridge (*Perdix perdix*), spoonbills (*Spatula*), ibises (*Pelegadis*), storks (*Ciconiidae*), swans (*Cygninae*), shell-drake (*Tadorna ferruginea*), common shelduck (*Tadorna tadorna*), all birds of prey (*Falconidae*: eagles, vultures, hawks except the chicken hawk, buzzards, kites, harriers and falcons), gray crane (*Grus grus*), bustards (*Otididae*), gulls and terns (*Laridae*), owls (*Strigidae*), cormorants (*Phalacrocoracidae*), jay (*Nucifraga*), bittern (*Botaurus*), lapwing (*Vanellus*), curlew (*Numenius*), mergansers (*Mergus*), grebe (*Podiceps*), coots and rails (*Rallus*), sandpiper (*Calidris*), sandpiper (*Tringa*), chough (*Pyrrhocorax*).

The following species shall be protected from hunting during certain periods (hereinafter closed season):

1) Furred game: elk (*Cervus*), fallow deer (*Dama dama*), roe deer (*Capreolus capreolus*), chamois (*Rupicapra rupicapra*), moufflon (*Ovis musimon*), mountain goat (*Capra ibex*), hare (*Lepus europeus*), red squirrel (*Sciurus vulgaris*), dormouse (*Glis glis*) and brown bear (*Ursus arctos*);

2) Feathered game: pheasant (*Phasianus colchicus*), common quail (*Coturnix coturnix*), rock partridge (*Alectoris graeca*), geese (*Anser*), ducks (*Anas*), sandpiper (*Scolopax*, *Cappela*), coot (*Fulica* sp.) and doves (*Columbia* sp.).

Closed season may be declared for other species should their survival in a certain area be endangered (unprotected game):

1) Furred game: wolf (*Canis lupus*), jackal (*Canis aureus*), fox (*Vulpes vulpes*), wildcat (*Felis silvestris*), badger (*Meles meles*), polecat (*Putorius putorius*), small ferret (*Mustela nivalis*), marten (*Martes* sp.), and wild boar (*Sus scrofa*);

2) Feathered game: rook (*Corvus ap.*), magpie (*Pica pica*) and jay (*Garrulus glandarius*).

The hunting season may be shortened, or number of hunting days reduced if there is a drop in the number of a certain game species below its natural volume.

Regulations on the game population and shortening the hunting season, or hunting days, shall be passed by the ministry in charge of hunting affairs.

### **Article 14**

Should a greater drop in the population of a game species protected by close season occur, the hunting ground trustee shall prohibit the hunting of this game, as well as carry out measures (releasing game, etc.) aimed at replenishing the number of game determined in the hunting basis.

The introduction of new game species or foreign game species to the hunting ground shall take place following veterinary examination and by approval of the ministry in charge of hunting affairs.

### **Article 15**

Game outside the hunting ground shall be cared for by the owner, or user of the land, forest or water that the game is located on.

Caring for, as referred to in paragraph 1 of this article, means protection from hunting, persecution or harassment.

### **Article 16**

The destruction, capture, appropriation of offspring, damaging and destruction of nests, litter and eggs of protected game species is prohibited

The hunting ground trustee may capture and appropriation of offspring, litters and eggs of protected game species with the approval of the ministry in charge of hunting affairs, for the needs of science, education, zoological gardens and museums.

### **Article 17**

Poisoning game animals is prohibited.



## **Article 18**

Persons carrying hunting guns, hunting dogs and other hunting instruments are prohibited from passing through the hunting ground, as well as taking routes other than public roads, without the permission of the hunting ground trustee, with the exception of police and military officials with service weapons.

## **Article 19**

A reward may be issued for culling certain game species that are causing damage to the hunting ground, property of legal entities and individuals.

The decree establishing the reward shall particularly determine: the game species for which the reward is being issued, conditions, extent and manner in which the reward is given.

## **Article 20**

The hunting ground trustee shall limit the population of unprotected game, stray dogs and cats and other vermin in the hunting ground to numbers that do not threaten protected game and domestic animals.

## **Article 21**

The right to manage the hunting ground may be transferred only to hunting ground trustees that provide for raising, protection and game hunting jobs to be carried out by persons that have at least completed secondary education in forestry, veterinary, biological or agriculture (cattle raising).

## **Article 22**

The hunting ground trustee shall provide and organize a service for guarding the hunting ground, in accordance with regulations adopted by the ministry in charge of hunting affairs.

The game warden may be a person that has completed secondary education, has passed the hunting test and meets conditions for carrying a weapon.

The game warden shall perform his duties in an official uniform, bearing arms and with official identification.

Detailed regulations regarding the official uniform, service weapon and identification for the game warden shall be passed by the ministry in charge of hunting affairs.

### **Article 23**

The game warden shall be authorized to:

- 1) Ask a person found bearing hunting instruments or hunting dogs in the hunting ground to show documents and hunting permit determining their identity;
- 2) Inspect vehicles suspected of transporting killed game animals and parts of game animals, as well as carry out controls aimed at discovering instruments used to carry out offences or crimes related to hunting;
- 3) Demand identification documents from persons discovered in perpetrating an offence or crime related to hunting and from persons suspected of having committed an offence or crime;
- 4) Inspect killed animals and hunting instruments as well as determined whether the hunt was carried out in accordance with regulations;
- 5) Temporarily confiscate the catch, hunting instruments, as well as vehicles and other articles if there is a founded suspicion that they have been used or are intended for perpetrating an offence or crime related to hunting or that have been created or acquired in the perpetration of such an offence or crime;
- 6) Immediately inform the proper authority of such established irregularities;
- 7) Take other measures and actions as authorized by law and by other regulations.

When confiscating hunting instruments and other articles the game warden shall issue a receipt.

In cases referred to in paragraph 1 of this Article, the person found to be bearing hunting guns in the hunting ground shall show the game warden the hunting permit, gun license and personal document establishing the person's identity, as well as allow inspection of the catch, hunting instruments, vehicle and other means of transportation.

## **III Hunting Ground Management**

### **1. The hunting ground Article 24**

Hunting grounds shall be established on land, waters or forests regardless of property, which represent a natural and rounded hunting body and where there are natural and other conditions for the successful development of hunting.

Hunting grounds may be: special, commercial and recreational.

Hunting grounds shall not include: settlements, cemeteries, public roads, urban parks, treatment and recreation facilities, airports, yards of rural households, residential buildings, factories and industrial facilities, areas used for military, scientific and educational purposes, enclosed areas where game animals are artificially raised, as well as sea and fishery areas.

### **Article 25**

Hunting grounds shall be established by the Government of the Republic of Montenegro (hereinafter Government), at the recommendation of the ministry in charge of hunting affairs.

The ministry shall consult the association that brings together hunting organizations, in accordance with regulations on civic associations (hereinafter Hunting Alliance) prior to drafting the decree referred to in paragraph 1 of this Article.

The decree on establishing hunting grounds shall determine: the category of the hunting ground, name, boundaries and area of the hunting ground, reservations and sanctuaries, type and number of game animals and hunting facilities in the hunting ground.

### **2. The transfer management rights**

### **Article 26**

The management of the hunting ground shall be assigned to legal entities referred to in Article 4 of this Law, which meet conditions referred to in Articles 21 and 22 of this Law, for a period of 10 years.

## **Article 27**

The procedure of assigning the hunting ground management is launched based no a public competition called by the Government.

The competition referred to in paragraph 1 of this Article shall contain detailed conditions on assigning management of the hunting ground.

## **Article 28**

The application for hunting ground management shall be filed with the ministry in charge of hunting affairs.

The application referred to in paragraph 1 of this Article shall include an attachment showing that conditions required by law and the competitions have been met.

## **Article 29**

The decree on assigning management of the hunting ground shall be passed by the Government, at the recommendation of the ministry in charge of hunting affairs.

## **Article 30**

If no interested party applies in the public competition, i.e. if none of the applicants meet the stipulated conditions, the Government shall temporarily assign management of the hunting ground to the corporation authorized to manage hunting grounds in the region where the hunting ground is located, with compensation.

## **Article 31**

Terms of management shall be settled by contract, concluded between the Government and hunting ground trustee.

The contract referred to in paragraph 1 of this Article shall contain: terms of use of the hunting ground, measures that the hunting ground trustee is required to carry out in developing the hunting ground, estimate of the game species populations, conditions for termination of the contract.

## **Article 32**

An annual fee may be included for management of certain hunting grounds. Compensation funds referred to in paragraph 1 of this Article shall constitute Republic budget revenues.

The extent and mode of payment of compensation referred to in paragraph 1 of this Article shall be determined in the contract referred to in Article 31 of this Law.

## **Article 33**

The hunting ground trustee may not transfer the right to manage the hunting ground to other legal entities or lease it.

## **Article 34**

The hunting ground trustee shall visibly mark the hunting ground, sanctuary and reservation boundaries within three months of concluding the contract referred to in Article 31 of this Law, and continuously maintain the markings.

## **Article 35**

The right to manage the hunting ground may be revoked in the event that the hunting ground does not:

- 1) Manage it in line with this Law and the contract assigning management rights;
- 2) Implement measures specified in the hunting basis;
- 3) Use funds gained through management of the hunting ground for purposes specified by this Law.

In the event that the right to manage is revoked the hunting ground trustee is required to pay compensation for incurred damages.

### **3. The hunting development plan**

#### **Article 36**

The Government shall adopt a plan for developing hunting for a period of at least 10 years, aimed at planning the management, development and promotion of hunting in Montenegro.

The development program shall include: a report on the present state of affairs related to hunting natural and other conditions for the development of hunting, the game population, management goals and measures for achieving these goals, game protection measures, measures for preventing damages caused by game animals, game hunting, economic and financial management basis, etc.

### **4. The hunting basis**

#### **Article 37**

A hunting basis shall be adopted for every hunting ground for a period of 10 years.

The hunting basis shall be adopted by the hunting ground trustee, with the approval of the ministry in charge of hunting affairs.

The hunting basis shall be adopted at least three months prior to the expiration of the previous hunting basis for management of the hunting ground.

The hunting basis shall particularly contain: a report on the condition of the hunting ground and game, hunting ground management goals and measures for achieving these goals, a plan for replenishing and increasing the game population, a plan for organizing and maintaining the hunting ground, a plan for feeding and protecting game, a plan for using the game animals and economic and financial basis for management.

#### **Article 38**

The hunting basis shall establish at least one quarter of the hunting ground's productive area as a sanctuary with the intention of creating favorable conditions for game reproduction.

A hunting ban for protected game, lasting at least three consecutive hunting seasons, shall exist in the allocated area referred to in paragraph 1 of this Article.

### **Article 39**

The owners, or users of land and waters that are included in the hunting ground shall allow the implementation of measures included in the hunting basis of the given hunting ground.

### **Article 40**

The Hunting Alliance shall submit its findings and evaluations of the implemented measures established in the hunting basis to the ministry in charge of hunting affairs, at least once a year.

### **Article 41**

Detailed regulations on the contents and manner in which the hunting basis is adopted shall be passed by the ministry in charge of hunting affairs.

## **5. The hunting plan**

### **Article 42**

The hunting ground trustee shall adopt an annual hunting plan that shall include all types of works and measures and their extent, location and timing, for implementing the hunting basis.

The hunting ground trustee shall keep records on the work completed and measures implemented in line with the hunting plan, and shall submit a report to the ministry in charge of hunting affairs by April 15, for the previous one-year period.

The annual hunting plan must correspond to the hunting basis.

## **6. Hunting ground cadastre**

### **Article 43**

Every hunting ground shall keep a hunting ground cadastre.

The hunting ground cadastre shall be set up and kept by the hunting ground trustee, and information submitted to the ministry in charge of hunting affairs.

Detailed regulations regarding the creation, manner of keeping and submitting the cadastre shall be passed by the ministry in charge of hunting affairs.

## **IV Hunting and Game Use**

### **Article 44**

Game hunting includes: shooting, capture and collection of killed game animals.

Game animals protected by closed season may be hunted only in hunting grounds.

Unprotected game may be hunted outside the hunting grounds, provided that there is no hunting prohibition.

### **Article 45**

The hunting ground trustee shall determine in a general act: conditions for hunting and open season, right of hunters to use killed game and its parts, game hunting control, compensation for killed game, conditions and manner of issuing and revoking hunting licenses, compensation for caused damages and safety measures in the hunting ground, associations with hunting organizations, etc.

The ministry in charge of hunting affairs shall approve the act referred to in paragraph 1 of this Article.

### **Article 46**

Game animals may be hunted by persons that hold a hunting permit issued by the hunting



ground trustee and hunting card issued by the Hunting Alliance.

The hunting permit and hunting card are issued to a person that has passed the hunting test and has approval for carrying a hunting gun.

The ministry in charge of hunting affairs shall adopt detailed regulation on the conditions and manner in which the hunting card is issued.

### **Article 47**

The hunting test shall be passed before an expert committee numbering at least three members, established by the Hunting Alliance, with the approval of the ministry in charge of hunting affairs.

The program, manner and condition for passing the hunting test shall be determined by the ministry in charge of hunting affairs.

The candidate shall bear the expenses of the hunting test.

### **Article 48**

The hunting ground trustee may allow foreign citizens to hunt raised game, unprotected game, and certain species of protected game whose population provides a natural balance in the hunting ground, in accordance with the general act and with the prior approval of the ministry in charge of hunting affairs.

Prior to granting the approval referred to in paragraph 1 of this Article, the ministry in charge of hunting affairs shall consult the ministry in charge of environmental protection.

### **Article 49**

At the recommendation of the hunting ground trustee the ministry in charge of hunting affairs shall prohibit hunting on agricultural land that has been planted, during periods when this could damage crops.

### **Article 50**

Game animals shall be hunted with hunting guns: shotgun and hunting carbine.

## **Article 51**

Game hunting is prohibited:

- 1) If it is under threat of fire, flooding, snow, ice and other elements;
- 2) Using floodlights (headlights), torches and other artificial lighting (with the exception of the wild boar), aeronautical machines, mirrors, record and tape players, artificial and live bait, as well as food with intoxicating substances;
- 3) Using wolfhounds, semi-wolfhounds, non-pedigree and untrained dogs;
- 4) By shooting from motor vehicles, motorboats and other motor means, as well as by running it down using motor vehicles;
- 5) Using semiautomatic hunting guns with more than two bullets, semiautomatic hunting carbine, military weapons and military ammunition;
- 6) Poison, nooses, traps, snares, nets, electric devices and other means for mass capture or destruction;
- 7) Hoofed game using shotguns, dogs and collective hunting;
- 8) During non-hunting days and closed season;
- 9) At distances less than 200 meters from settlements and residential buildings

As an exception to stipulations of paragraph 1 of this Article, the ministry in charge of hunting affairs may allow the hunting of a certain number of game animals using nets, traps and stunning instruments, but solely for uses in science, artificial husbandry, and transportation to other hunting grounds, zoological gardens and exporting.

## **Article 52**

Game animals may be culled if they, or their population reduced, regardless of whether it is closed season, provided that they present an immediate threat to human lives and property.

The approval for culling referred to in paragraph 1 of this Article shall be issued by the ministry in charge of hunting affairs, at the request of the hunting ground trustee.

## **Article 53**

Killed game animals and trophies may be removed from the hunting ground and marketed only if a declaration or trophy certificate has been issued.

Trophies hereof means: antlers of all elk and deer; moufflon and chamois horns; wild boar teeth (fangs); elk eyeteeth; bear, wolf, lynx and wildcat skull and skin; fox and badger skull; stuffed game and stuffed parts of game animals.

The declaration, or trophy certificate shall be issued in prescribed form by the hunting ground trustee.

The ministry in charge of hunting affairs shall adopt regulations on forms for declarations and trophy certificates, their contents, procedure for issuing and registration.

### **Article 54**

Trophies may not be shipped abroad if the game animals exceed point values by International Council for Game and Wildlife Conservation standards, exceeding:

1) Elk	248 points
2) Roe deer	185 points
3) Chamois	120 points
4) Moufflon	242 points
5) Bear	582 points
6) Wild boar	142 points
7) Bear skull	65 points

Feathered game and its stuffed parts (as trophies) may be shipped abroad only with the approval of the ministry in charge of hunting affairs, which is the focus of special records.

Stuffed game animal parts (head with horns, antlers or wild boar teeth) whose trophies exceed the number of points stipulated in paragraph 1 of this Act may not be shipped abroad.

## **V Damage Prevention And Compensation**

### **Article 55**

The hunting ground trustee shall carry out measures for preventing damages that game animals may cause to people and their property.

Owners of cattle and land included in the hunting ground shall carry out all measures for pre-

venting damages incurred by game animals.

Detailed regulations regarding paragraphs 1 and 2 of this Article, and the manner and procedure for receiving compensation for damages incurred by game animals shall be adopted by the ministry in charge of hunting affairs.

### **Article 56**

The hunting ground trustee is responsible for damages incurred by game animals protected by closed season.

The owner, or user of the land has the right to compensation only if measures for preventing damages by game animals have been implemented.

### **Article 57**

Individuals and legal entities that cause damages to hunting grounds through illegal hunting or in any other illegal manner shall pay compensation to the hunting ground trustee.

Compensation referred to in paragraph 1 of this Article shall be determined based on a pricelist adopted by the ministry in charge of hunting affairs.

## **VI Funds for Game Protection and Husbandry and Developing Hunting**

### **Article 58**

Funds for game protecting and husbandry and developing hunting are provided through:

- 1) Revenues of the hunting ground trustees attained through management of the hunting ground, amounting to at least 30% of these revenues;
- 2) Funds received by the hunting ground trustee as damage compensation;
- 3) Funds from the Republic budget for promoting hunting development;
- 4) Other sources.

### **Article 59**

Funds referred to in paragraph 1 items 1 and 2 of Article 58 shall be set by the hunting ground trustee and recorder expressly.

The hunting ground trustee shall inform the ministry in charge of hunting affairs of the allocation and spending of funds referred to in paragraph 1 of this Article, at least once a year.

## **Article 60**

Funds referred to in paragraph 1 item 3 of Article 58 of this Law shall be applied for: acquisition and introduction of game animals to the hunting ground, enclosing the hunting ground, intensive game animal husbandry, building technical facilities at the hunting ground, drafting the hunting basis, professional training of game wardens and other hunting ground employees, scientific research, winter feed, etc, in line with the program of stimulating measures for development of the protection and husbandry of game animals, which is adopted by the ministry in charge of hunting affairs, with the Government's approval.

The allocation of funding for realization of the program referred to in paragraph 1 of this Article shall be performed by the ministry in charge of hunting affairs, based on a public announcements, unless stipulated otherwise by this Law.

These funds are the right of hunting ground trustees that promote hunting, if they provide at least a 50% share of the estimated project costs.

The ministry in charge of hunting affairs shall enter a contract with the beneficiary on the application of the stimulation funds.

## **VII Inspectoral Supervision**

### **Article 61**

Inspectoral supervision in the domain of hunting shall be performed by the ministry in charge of hunting affairs.

Duties referred to in paragraph 1 of this Article shall be performed by hunting inspectors.

Hunting inspectors are required and authorized to inspect:

- 1) Prescribed conditions that the hunting ground trustee is required to fulfill in managing the hunting ground;
- 2) Implementation of the hunting basis and annual plan;
- 3) Business records and other legal documents when reviewing application of funds, imple-

- mentation of regulations and measures related to game animals and hunting grounds;
- 4) Game hunting, game hunting permits, declarations and trophy certificates for killed animals;
  - 5) Facilities at the hunting grounds and work carried out at the hunting grounds;
  - 6) The issuing, accounting, registration and use of funds referred to in Article 58 of this Law;
  - 7) Measures for preventing damages by game animals.

## **Article 62**

In performing duties referred to in Article 61 of this Law, the hunting inspector shall in addition to stipulations of the Law on Inspectoral Control:

- 1) Temporarily prohibit hunting and other acts in violation of this Law and regulations passed based on this Law;
- 2) Temporarily seize illegally caught or illegally appropriated deceased game animals or its parts, or illegally marketed game animals or its parts, as well as instruments and items used in these acts;
- 3) Order appropriate measures and actions aimed at eliminating the ascertained irregularities;
- 4) Prohibit hunting activities or specific activities for a set period of time, if these activities are conducted in violation of this Law and regulations passed based on it;
- 5) Inform property authorities on the noted irregularities whose elimination falls under the competency of another body.

## **VIII Penal Provisions**

### **Article 63**

A legal entity shall be fined between fifty and two hundred and fifty times the amount of the minimal salary in the Republic for:

- 1) Allowing the hunting of protected game or unprotected game during closed season, prohibited hunting or shortened hunting season (Art. 13 para. 1-13);
- 2) Does not prohibit hunting of game species protected by closed season in the event that there has been a significant reduction of the population of the given game species in the hunting ground, or does not take all measures (introducing game animals, etc.), aimed at replenishing the game population (Art. 14 para. 1);
- 3) Poisons game animals (Art. 17);

- 4) Does not provide properly trained professionals for breeding, protection and organizing game hunting (Art. 21) or does not provide and organize the guard service as prescribed (Art. 22 para. 1);
- 5) Cedes the hunting ground placed in its care to another legal entity or leases it (Art. 33);
- 6) Manages the hunting ground without a hunting basis (Art. 37 para. 1) or does not adopt the hunting basis by the deadline stipulated in Article 37 paragraph 3 or Article 70 paragraph 2 of this Law;
- 7) Does not allocate a sanctuary amounting to at least one quarter of the productive area of the hunting ground, aimed at creating favorable conditions for game reproduction (Art. 38 para. 1) or allows protected game hunting in the allocated area of the productive area of the hunting area during the period referred to in Article 38 paragraph 2 of this Law;
- 8) Carries out hunting activities without having adopted the annual hunting plan (Art. 42 para. 1) or if the annual hunting plan is no in line with the hunting basis (Art. 42 para. 3);
- 9) Allows foreign citizens to hunt in violation of Article 48 of this Law;
- 10) Allows for game trophies to be shipped abroad, whose point value exceeds that stipulated in Article 54 of this Law;
- 11) Does not determine or record measures for the protection, game husbandry and hunting promotion (Art. 59) or uses stimulating funds from the Republic budget in violation of Article 60 paragraph 1 of this Law;
- 12) Does not pass the temporary annual management plan by the deadline stipulated in Article 71 of this Law.

Responsible individuals found to have committed violations referred to in paragraph 1 of this Article shall be fined between five and twenty times the value of the minimal salary in the Republic.

## **Article 64**

A legal entity shall be fined between twenty and two hundred times the amount of the minimal salary in the Republic for:

- 1) Introducing new foreign game species to the hunting ground without previous veterinary examination or prior approval of the ministry in charge of hunting affairs (Art. 14 para. 2);
- 2) Violation of the prohibition referred to in Article 16 paragraph 1 of this law or allows the capture or appropriation of offspring, litters, or eggs of protected game species without prior

approval of the ministry in charge of hunting affairs (Art. 16 para. 2)

3) Not reducing the population of unprotected game, stray dogs and cats and other vermin, which would not endanger protected game and domestic animals (Art. 20);

4) Hiring a person that does not meet conditions stipulated in Article 22 paragraph 2 of this law to perform game warden duties or not providing uniform, service gun and identification, in line with the regulations of the ministry in charge of hunting affairs referred to in Article 22 paragraph 4 of this Law;

5) Managing the hunting ground without meeting conditions referred to in Article 26 of this law;

6) Not visibly marking the boundaries of the hunting ground, sanctuary or reserve within the set period following the conclusion of the contract with on managing the hunting ground, or does not maintain them (Article 34);

7) Not drafting the annual hunting plan in accordance with Article 42 paragraph 1 of this Law or without keeping records of completed work and implemented measures laid down in the annual hunting plan, or without reporting these works and measures to the ministry in charge of hunting affairs within the period stipulated in Article 42 paragraph 2 of this Law;

8) Not creating and keeping a hunting ground cadastre (Art. 43 para. 1) or not submitting the cadastre information to the ministry in charge of hunting affairs before the prescribed deadline (Art. 43 para. 2);

9) Allowing the hunting or hunting protected game animals outside the hunting ground (Art. 44 para. 2), or allowing the hunting or hunting unprotected game animals outside the hunting grounds if hunting is prohibited (Art. 44 para. 3);

10) Not establishing the rights, conditions and other issues related to hunting in the general act (Art. 45 para. 1);

11) Allowing game hunting in violation of Article 46 paragraph 1 of this Law or issues a hunting permit and hunting card in violation of paragraph 2 of this Article;

12) Allows game hunting in violation of Article 51 of this Law;

13) Allows the culling of animals in violation of Article 52 of this Law;

14) Allows removal from the hunting ground or marketing of game trophies without issued declarations or trophy certificates (Art. 53 para. 1) or not issuing a declaration or trophy certificate on the proper form (Art. 53 para. 3);

15) Not carrying out prescribed measures for preventing damages caused by game animals (Art. 55);



Responsible individuals found to have committed violations referred to in paragraph 1 of this Article shall be fined between three and fifteen times the value of the minimal salary in the Republic.

## **Article 65**

Individuals shall be fined between three and fifteen times the amount of the minimal salary in the Republic for:

- 1) Hunting, persecuting or intentionally harassing a protected or unprotected game during hunting prohibition, closed season, shortened hunting season or hunting days or bans on hunting certain game species (Art 13 and 14 para. 1);
- 2) As owner or user of land, water or forests inhabited by game animals not caring for game animals outside the hunting ground (Art. 15);
- 3) Violating the prohibition in Article 16 of this Law;
- 4) Poisoning game animals (Art. 17);
- 5) Passing through the hunting ground or outside public roads carrying a gun, hunting dog or other hunting instruments without permission of the hunting ground trustee (Art. 18);
- 6) Violating Article 23 paragraph 3 of this Law following the game warden's demand;
- 7) Hunting protected game when hunting is banned in the allocated part of the hunting ground productive area (Art. 38 para. 2);
- 8) Not allowing work and measures prescribed in the hunting basis to be implemented, as owner or user of land or water located within the hunting ground (Art. 39);
- 9) Hunting protected game animals outside the hunting ground (Art. 44 para. 2) or hunting protected game animals in violation of Article 44 paragraph 3 of this Law;
- 10) Hunting game animals in violation of Article 46 paragraph 1 of this Law;
- 11) As a foreign citizen hunting in violation of Article 48 paragraph 1 of this Law;
- 12) Hunting on agricultural land that has been planted, during periods when it would threaten the crop (Art. 49);
- 13) Hunting game animals in violation of Articles 50 and 51 of this Law;
- 14) Removes from the hunting ground and markets game trophies without the declaration or trophy certificate (Art. 53 para. 1).

## **Article 66**

The official person shall collect a fine on the spot amounting to twice the minimal salary in the Republic for violations referred to in Article 65 paragraphs 5, 6, 8, and 12 of this Law.

## **Article 67**

The official person shall seize instruments and items used or intended for use in committing the violations or attained through the violation for violations referred to in Article 65 paragraphs 1, 3, 5, 6, 7, 9, 13, and 14 of this Law, in addition to collecting a fine on the spot.

The official person shall also confiscate the hunting permit for persons found to be violating Article 65 paragraphs 1, 3, 5, 6, 7, 9, 13, and 14.

The person whose hunting permit is confiscated shall be prohibited from hunting for a period of one year.

The hunting ban shall start on the date written on the hunting license. The person issuing the measure shall write it into the hunting license.

## **Article 68**

The temporary confiscation of instruments, items and products referred to in Article 67 of this Law shall be carried out by game wardens, hunting inspectors or police officers.

Officials referred to in paragraph 1 of this Article shall issue a receipt for the temporarily confiscated instruments, items and products, precisely stating the instruments, items and products and order for their confiscation.

Officials referred to in paragraph 1 of this Article shall immediately inform the proper authorities empowered to launch procedures regarding the given violation of the temporary confiscation of instruments, items and products.

## **IX Transitional and Concluding Provisions**

### **Article 69**

Hunting grounds shall be established within six months of the day that this Law comes into effect.

### **Article 70**

The hunting promotion program shall be adopted within six months of the day that the hunting grounds have been established in line with Article 69 of this Law.

Hunting bases shall be adopted within six months of the day that the program referred to in paragraph 1 of this Article is adopted.

### **Article 71**

Pending the adoption of the hunting basis referred to in Article 70 paragraph 2 of this Law, the hunting ground shall be managed based on a temporary annual management plan, drafted and adopted by the hunting ground trustee, within one month of the day that the hunting ground has been assigned, and is approved by the ministry in charge of hunting affairs.

### **Article 72**

The organization that has managed the hunting ground prior to the adoption of this Law shall manage the hunting ground pending the establishment and assignment of the hunting ground in line with this Law.

### **Article 73**

Detailed regulations based on this Law shall be adopted within one year of the day that this Law comes into effect.

Regulations passed based on the authorization granted by the Law on Hunting (Official Gazette of the Socialist Republic of Montenegro no. 15/80, 36/83, 39/89, and Official Gazette of the Republic of Montenegro no. 46/91 and 59/92) pending the adoption of regulations based on this

authority granted by this Law, unless found to be in violation of the stipulations of this Law.

#### **Article 74**

The Law on Hunting (Official Gazette of the Socialist Republic of Montenegro no. 15/80, 36/83, 39/89, and Official Gazette of the Republic of Montenegro no. 46/91 and 59/92) shall be abolished with the coming into effect of this Law.

#### **Article 75**

This Law shall come into effect on the eight day of the day that it is published in the Official Gazette of the Republic of Montenegro.