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FSC.EMI/145/22
18 May 2022

ENGLISH only



Permanent Mission of Montenegro to the UN, OSCE
and other International Organizations in Vienna

Address: Lothringerstrasse 16
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No. 152-1/2022

Date:

The Permanent Mission of Montenegro to the UN, OSCE and other International Organizations in Vienna presents its compliments to all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre, and has the honor to enclose herewith the reply of Montenegro on the OSCE Questionnaire on Anti-Personnel Mines for the year 2021.

The Permanent Mission of Montenegro to the UN, OSCE and other International Organizations in Vienna avails itself of this opportunity to renew to the all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre assurances of its highest consideration.



**To: All Permanent Missions/Delegations to the OSCE
Conflict Prevention Centre
Vienna**

MONTENEGRO

OSCE QUESTIONNAIRE ON ANTI-PERSONNEL MINES

MAY 2021

OSCE QUESTIONNAIRE ON ANTI-PERSONNEL MINES

Part I

1. Is it your country a State Party to the 1996 Amended Protocol II of 1996 on Prohibitions or Restrictions on the use of mines, Booby-Traps and other devices annexed to the 1980 Convention on Conventional Weapons (CCW)?

- **Yes.**

If yes:

2. Please attach the most recent annual report submitted by your country in accordance with Article 13 of the Amended Protocol or give the appropriate electronic address for the report.

- **In Annex.**

If no:

3. Is your country considering ratification / accession to the Amended Protocol II?

- **N/A.**

4. What measures have been taken to prevent the indiscriminate use of mines, booby-traps and other devices?

- **There is no production of mines on the territory of Montenegro. There are no anti-personnel mine fields and no treading nor tensile anti-personnel mines are part of equipment of the Armed Forces of Montenegro.**

5. Would your country be interested in receiving assistance related to the implementation of this Protocol? If so, please describe.

- **Not at the present time.**

6. Does your country have the capacity to assist others related to this Protocol? If so, please describe.

- **Not at the present time.**

Part II

7. Has your country ratified or acceded to the 1997 Convention on the prohibition of the use, stockpiling, production, and transfer of antipersonnel mines and on their destruction?

- **Yes.**

8.a) If yes, please attach the most recent report submitted by your country in accordance with Article 7 of the Convention or give the appropriate electronic address for the report.

- **In Annex.**

b) If no, is your country considering ratification/accession to the Convention?

- **N/A**

c) Has your country adopted legislation to address the humanitarian objectives of the convention, or taken any specific measures regarding the use, production, storage transfer and destruction of antipersonnel land mines? In case a moratorium has been introduced, what is its scope and duration and when was it introduced?

- **Montenegro Criminal Code ("Republic of Montenegro Official Gazette", no. 70/03, 13/04 and 47/06 and "Montenegro Official Gazette", no. 40/08, 25/10, 73/10, 32/11, 64/11, 40/13, 56/13, 14/15, 42/15, 58/15, 44/17, 49/18, 3/20 and 26/21), in articles 432 prescribes that whoever, during a war or armed conflict, orders the use of means of combat or a method of combat prohibited by the rules of international law or uses them by himself/herself, he/she shall be punished by imprisonment between two and ten years. If several persons were killed as a result of the above mentioned act, the perpetrator shall be punished by imprisonment for a term not less than five years or by long-term imprisonment (30-40 years). Whoever calls for the use or prepares the use of above mentioned combat means or methods of combat, shall be punished by imprisonment for a term between six months and five years.**

Article 433 of this Law stipulates that whoever, contrary to domestic law or international law, manufactures, buys, sells, imports, exports or otherwise procures or gives to another, holds or transports weapons whose production or use is prohibited or means for their production, shall be punished by imprisonment for a term between one and five years. The official or responsible person who orders or enables the legal entity to perform the above mentioned activities shall be punished by imprisonment for a term between one and eight years.

9. Does your country have any specific measures in place to provide assistance to victims?

- **There are no specific measures other than assistance to wounded persons through regular medical care in hospitals or rehabilitation centers.**

10. Does your country require assistance in mine clearance, stockpile destruction, mine awareness and /or victim assistance? If so, please describe.

- **Not at the present time.**

11. Does your country have the capacity to assist others in mine action? If so, please describe.

- **Not at the present time.**

Part III

OSCE QUESTIONNAIRE ON EXPLOSIVE REMNANTS OF WAR

To be submitted on a voluntary basis along with the OSCE Questionnaire on Anti-Personnel Mines no later than 31 May each year.

1. Have your country notified the Depositary of its consent to be bound by the 2003 CCW Protocol V on Explosive Remnants of War (ERW) once it enters into force? Is your country considering doing so?

- **Montenegro ratified Protocol V, CCW, on 22nd March 2016.**

2. If yes, at what stage is the process?

- **We are a State Party of CCW, Protocol V.**

3. Would your country be interested in receiving assistance in clearing or otherwise minimizing the risk and effects of ERW? If so, please describe.

4. Does your country have the capacity to assist others in clearing and minimizing the risks and effects of ERW? If so, please describe.

AMENDED PROTOCOL II

**PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF MINES,
BOOBY-TRAPS AND OTHER DEVICES, AS AMENDED ON 3 MAY 1996, ANNEXED
TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF
CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE
EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS
(Protocol II as amended on 3 May 1996)**

REPORTING FORMATS

for Article 13 paragraph 4 and Article 11 paragraph 2

NAME OF THE HIGH
CONTRACTING PARTY: MONTENEGRO

DATE OF SUBMISSION: 21th March 2022

NATIONAL POINT(S) OF
CONTACT: DIRECTORATE FOR DEFENCE
POLICY

e-mail: larisa.miranovic@mod.gov.me

tel: +382 20 483 341

(Organization, telephones, fax, e-mail)

This information can be available to other interested parties and relevant organizations:

YES

NO

Partially, only the following forms:

A

B

C

D

E

F

G

AMENDED PROTOCOL II

Form A Dissemination of information

Article 13,
paragraph 4 (a)

“The High Contracting Parties shall provide annual reports to the
Depositary [...] on [...]:

(a) dissemination of information on this Protocol to their armed forces and
to the civilian population;”

Remark: REPORT

High Contracting Party:

MONTENEGRO

Reporting for time period

from: 1st January 2021
dd/mm/yyyy

to: 31st December 2021
dd/mm/yyyy

INFORMATION TO THE ARMED FORCES:

The Armed Forces of Montenegro is familiar with the entry into force and the content of the Amended Protocol II.

Provisions of the Amended Protocol II are completely implemented within the units of the Armed Forces of Montenegro, through implementing measures from the Order of the General Staff. Topics covered by the Amended Protocol II are being incorporated into regular trainings of members of AF as well as predeployment trainings for peacekeeping missions and operations.

INFORMATION TO THE CIVILIAN POPULATION:

The Amended Protocol II has been ratified by the Parliament of Montenegro through the Law, and it has been published into the "Official Gazette of Montenegro" - international treaties, No. 14/11 from 11th November 2011. The amended Protocol II has been available to every citizen at the official site of the Official Gazette of Montenegro.

Montenegro`s accession to the Amended Protocol II with its basic content was also published in the monthly magazine "PARTNER" No. 47 in April 2012, by the Ministry of Defence and is available to the citizens as a free sample in the press at the official site of the Ministry of Defense.

AMENDED PROTOCOL II

Form B **Mine clearance and rehabilitation programmes**

Article 13,
paragraph 4 (b) “The High Contracting Parties shall provide annual reports to the
Depository [...] on [...]:

(b) mine clearance and rehabilitation programmes;”

Remark: REPORT

High Contracting Party:

MONTENEGRO

Reporting for time period

from: 1st January 2021

dd/mm/yyyy

to:

31st December 2021

dd/mm/yyyy

MINE CLEARANCE PROGRAMMES:

NIL

REHABILITATION PROGRAMMES:

NIL

AMENDED PROTOCOL II

Form C Technical requirements and relevant information

Article 13,
paragraph 4 (c)

“The High Contracting Parties shall provide annual reports to the
Depositary [...] on [...]:

(c) steps taken to meet technical requirements of this Protocol and any
other relevant information pertaining thereto;”

Remark: REPORT

High Contracting Party:

MONTENEGRO

Reporting for time period

from: 1st January
dd/mm/yyyy

to: 31st December 2021
dd/mm/yyyy

TECHNICAL REQUIREMENTS:

NIL

ANY OTHER RELEVANT INFORMATION:

NIL

AMENDED PROTOCOL II

Form D	Legislation
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Article 13, paragraph 4 (d)	“The High Contracting Parties shall provide annual reports to the Depositary [...] on [...]: (d) legislation related to this Protocol;”
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Remark: REPORT

High Contracting Party: MONTENEGRO

Reporting for time period
from: 1st January 2021 to: 31st December 2021
dd/mm/yyyy dd/mm/yyyy

LEGISLATION:

Within the legislative framework concerning the implementation of CCW Convention, the situation regarding the law is the following:

The Article 432 of the Criminal Code of Montenegro, adopted on 17th December 2003 and published in the "Official Gazette of the Republic of Montenegro" No. 70/03, 44/17 prescribes the following: (1) Any person who, during the state of war or armed conflict, orders the use of means and methods of warfare which are prohibited by the rules of the international law, or uses them by him/herself, shall be punished by an imprisonment ranging from 2 to 10 years. (2) If commitment of the offence referred to in paragraph 1 of the Article results in death of several persons, a perpetrator shall be punished by an imprisonment ranging from 5 years to long-term imprisonment (minimum 30 years/maximum 40 years).

Any person who calls for or prepares the use of the weapons referred to in paragraph 1 of the Article, shall be punished by the imprisonment ranging from 6 months to 5 years.

The Article 433 of the Criminal Code of Montenegro prescribes the following:

Any person who, against the Law, other regulation or international law regulations, manufactures, purchases, sells, imports, exports or in any other way obtains or provides others with weapons, keeps or transports weapons which manufacture or usage is prohibited as well as materials required for their manufacture, shall be punished by an imprisonment ranging from 1 to 5 years, as prescribed by the Article 433 of the Code.

An official or responsible person ordering or allowing a legal entity to perform the activities provided for in paragraph 1 of this Article shall be punished by an imprisonment sentence from 1 to 8 years.

Law on the Armed Forces ("Official Gazette of Montenegro" No. 051/17 and 34/19) stipulates that Montenegrin Armed Forces is a professional defense force that defend the independence, sovereignty and state territory of Montenegro and perform other assigned

AMENDED PROTOCOL II

missions and tasks in accordance with the Constitution of Montenegro, the law and international law (Article 2).

Law on Foreign Trade in Weapons and Military Equipment ("Official Gazette of Montenegro", No. 40/16) and Law on foreign trade of dual-use goods ("Official Gazette of Montenegro", No. 145/21) prescribes fines for offences regarding licenses and other documents necessary for trade of armaments, military equipment and dual-use goods.

According to the Law, the following by-laws (legislation) were adopted: Decision on Establishing the National Control List of Weapons and Military Equipment ("Official Gazette of Montenegro No. 58/21, Decision on Establishing the National Control List of Dual-Use Goods ("Official Gazette of Montenegro, No. 86/21).

Armament and military equipment are controlled in a regular customs procedure and are approved by the required customs procedure, with permission of the Ministry of Economic Development i.e. consent of another competent authority, depending on the type of transport.

The Customs Administration carries out control of arms and military equipment in accordance with the Law on Foreign Trade in Weapons and Military Equipment ("Official Gazette of Montenegro", No. 40/16), the Law on Control of Exports of Dual-Use Goods ("Official Gazette of Montenegro", No. 145/21), the Law on Weapons ("Official Gazette of Montenegro", No. 10/15) and the Rulebook on the manner in which the customs authorities act in customs procedures with weapons and military equipment ("Official Gazette of Montenegro", No. 82/16), and relevant control lists.

Having regard to the Amended Decision on control list for export and import of goods, published in the Official Gazette of Montenegro No. 71/21, the Ministry of Economy (current Ministry of Economic Development) developed a Rulebook for custom officials pertaining to implementation of the Decision, containing also a clarification for weapons and parts of weapons which are under control of the Ministry of Economic Development, which issues a licenses for these goods.

The new Law on Control of Exports of Dual-Use Goods ("Official Gazette of Montenegro", No. 145/21), from 31 December 2021, entered into force on 8 January 2022. This Law regulates the conditions and manner under which may be used for exports, transit of dual-use goods, provision of brokerage services and technical assistance related to dual-use goods, as well as other issues of importance for export, transit, provision of brokerage services and technical assistance for dual-use goods.

Also, the Decision on the control list for export and import of goods ("Official Gazette of Montenegro", No. 71/21) was amended in June 2021 and entered into force on 7 July 2021. Custom Administration has prepared a call for organizational units for the correct application of this regulation which has been implemented in the TARICG database (database of customs and foreign trade regulations), as well as in the Customs Information System of the Revenue and Customs Administration.

AMENDED PROTOCOL II

**Form E International technical information exchange, cooperation
on mine clearance, technical cooperation and assistance**

Article 13,
paragraph 4 (e)

“The High Contracting Parties shall provide annual reports to the
Depositary [...] on [...]:

(e) measures taken on international technical information exchange, on
international cooperation on mine clearance, and on technical cooperation
and assistance;”

Remark: REPORT

High Contracting Party:

MONTENEGRO

Reporting for time period

from: 1st January 2021
dd/mm/yyyy

to: 31st December 2021
dd/mm/yyyy

INTERNATIONAL TECHNICAL INFORMATION EXCHANGE:

NIL

INTERNATIONAL COOPERATION ON MINE CLEARANCE:

NIL

TECHNICAL COOPERATION AND ASSISTANCE:

NIL

AMENDED PROTOCOL II

Form F Other relevant matters

Article 13,
paragraph 4 (f) “The High Contracting Parties shall provide annual reports to the
Depositary [...] on [...]:

(f) other relevant matters.”

Remark: REPORT

High Contracting Party:

MONTENEGRO

Reporting for time period

from: 1st January 2021
dd/mm/yyyy

to: 31st December 2021
dd/mm/yyyy

OTHER RELEVANT MATTERS:

In Montenegro, in the period from the beginning of the civil war in Yugoslavia until today, seven civilians and two soldiers were killed, due to the consequences of antipersonnel mines, cluster munitions and other explosive ordnance, as well as of consequences of NATO intervention, according to data presented by the Ministry of Finance and Social Welfare.

Under the Law on War Veterans and Disability Insurance ("Official Gazette of the Republic of Montenegro", No. 69/03, "Official Gazette of Montenegro" No. 21/08, 1/15 and 52/16) families of fallen soldiers, exercised the right to family disability allowance on the basis of the fallen soldier.

As a result of NATO intervention in 1999 and the explosion of mines, nine civilians were injured, out of which seven persons were characterized as civil war invalids, as follows:
-one person is recognized as civil war invalid of the fourth group with 80% disability with the right to personal disability allowance in the monthly amount of 254,79 euros;
-one person is recognized as civil war invalid of the fifth group with 70% disability with the right to personal disability allowance in the monthly amount of 180,22 euros;
-three persons are recognized as civil war invalids of the sixth group with 60% disability with the right to personal disability allowance in the monthly amount of 111,86 euros;
-two persons are recognized as civil war invalids of the seventh group with 50% disability with the right to personal disability allowance in the monthly amount of 80,78 euros.

The injured persons, being characterized as civil war invalids, are entitled to disability allowance in the monthly amount of money depending on the degree of physical impairment. In addition to the right to disability allowance, civil war invalids can exercise the right to allowance for care and assistance by another person, and the right to an orthopedic allowance.

AMENDED PROTOCOL II

In addition to these rights, the right to financial compensation of material security, family allowance, health care, free and privileged drive and funeral expenses can be exercised.

The right to financial compensation of material security can be achieved by disabled civil war invalids who are materially unsafe and unfit for work and earning, under the conditions stipulated by this law.

The right to family benefits can be exercised by family members of the deceased civil war invalid who was a beneficiary of allowance for care and assistance, until the day of his/her death.

Civil war invalids who are not otherwise insured are entitled to health care and other rights related to health care by health regulations.

Civil war invalids are entitled to orthopedic and other devices, in accordance with health regulations.

Civil war invalids are entitled to a spa and climatic treatment in accordance with health regulations.

Victims or persons who suffered harm, injury or psychosomatic diseases related to military operations, the explosion of residual war materials as well as hostile terrorist activity, can exercise right to certain compensation, by submitting a request to the local administration authority, at which territory the claimant resides.

AMENDED PROTOCOL II

Form G **Information to the UN-database on mine clearance**

Article 11,
paragraph 2,

“2. Each High Contracting Party undertakes to provide information to the database on mine clearance established within the United Nations System, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.”

Remark: REPORT

High Contracting Party:

MONTENEGRO

Reporting for time period

from: 1st January 2021
dd/mm/yyyy

to: 31st December 2021
dd/mm/yyyy

MEANS AND TECHNOLOGIES OF MINE CLEARANCE:

NIL

LISTS OF EXPERTS AND EXPERT AGENCIES:

NIL

NATIONAL POINTS OF CONTACT ON MINE CLEARANCE:

NIL

COVER PAGE OF THE ANNUAL ARTICLE 7 REPORT

NAME OF STATE [PARTY]: **MONTENEGRO**

REPORTING PERIOD: **1st January 2021** to **31st December 2021**
 (dd/mm/yyyy) (dd/mm/yyyy)

<p>Form A: National implementation measures:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 20px;"></td><td>changed</td></tr> <tr><td style="text-align: center;">x</td><td>unchanged (last reporting: 2019)</td></tr> <tr><td></td><td>non applicable</td></tr> </tbody> </table>		changed	x	unchanged (last reporting: 2019)		non applicable	<p>Form F: Program of APM destruction:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 20px;"></td><td>changed</td></tr> <tr><td style="text-align: center;">x</td><td>unchanged (last reporting: 2019)</td></tr> <tr><td></td><td>non applicable</td></tr> </tbody> </table>		changed	x	unchanged (last reporting: 2019)		non applicable
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<p>Form B: Stockpiled anti-personnel mines:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 20px;"></td><td>changed</td></tr> <tr><td style="text-align: center;">x</td><td>unchanged (last reporting: 2019)</td></tr> <tr><td></td><td>non applicable</td></tr> </tbody> </table>		changed	x	unchanged (last reporting: 2019)		non applicable	<p>Form G: APM destroyed:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 20px;"></td><td>Changed</td></tr> <tr><td style="text-align: center;">x</td><td>unchanged (last reporting: 2020)</td></tr> <tr><td></td><td>non applicable</td></tr> </tbody> </table>		Changed	x	unchanged (last reporting: 2020)		non applicable
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<p>Form C: Location of mined areas:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 20px;"></td><td>changed</td></tr> <tr><td style="text-align: center;">x</td><td>unchanged (last reporting: 2019)</td></tr> <tr><td></td><td>non applicable</td></tr> </tbody> </table>		changed	x	unchanged (last reporting: 2019)		non applicable	<p>Form H: Technical characteristics:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 20px;"></td><td>changed</td></tr> <tr><td style="text-align: center;">x</td><td>unchanged (last reporting: 2019)</td></tr> <tr><td></td><td>non applicable</td></tr> </tbody> </table>		changed	x	unchanged (last reporting: 2019)		non applicable
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<p>Form D: APMs retained or transferred:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 20px;"></td><td>changed</td></tr> <tr><td style="text-align: center;">x</td><td>unchanged (last reporting: 2019)</td></tr> <tr><td></td><td>non applicable</td></tr> </tbody> </table>		changed	x	unchanged (last reporting: 2019)		non applicable	<p>Form I: Warning measures:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 20px;"></td><td>changed</td></tr> <tr><td style="text-align: center;">x</td><td>unchanged (last reporting: 2019)</td></tr> <tr><td></td><td>non applicable</td></tr> </tbody> </table>		changed	x	unchanged (last reporting: 2019)		non applicable
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<p>Form E: Status of conversion programs:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 20px;"></td><td>changed</td></tr> <tr><td style="text-align: center;">x</td><td>unchanged (last reporting: 2019)</td></tr> <tr><td></td><td>non applicable</td></tr> </tbody> </table>		changed	x	unchanged (last reporting: 2019)		non applicable	<p>Form J: Other Relevant Matters</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 20px;"></td><td>Changed</td></tr> <tr><td style="text-align: center;">x</td><td>unchanged (last reporting: 2020)</td></tr> <tr><td></td><td>non applicable</td></tr> </tbody> </table>		Changed	x	unchanged (last reporting: 2020)		non applicable
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Notes on using the cover page:

1. The cover page can be used as a **complement** to submitting detailed forms adopted at the First and Second Meetings of the States Parties in instances when the information to be provided in some of the forms in an annual report is the same as it would be in past reports. That is, when using the cover page, only forms within which there is new information needs to be submitted.
2. The cover page can be used as a **substitute** for submitting detailed forms adopted at the First and Second Meetings of the States Parties only if all of the information to be provided in an annual report is the same as in past reports.
3. If an indication is made on the cover sheet that the information to be provided with respect to a particular form is **unchanged** in relationship to a previous year's form, the **date of submission** of the previous form should be clearly indicated.

**CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF
ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION**

Reporting Formats for Article 7

STATE [PARTY]:

MONTENEGRO

POINT OF CONTACT:

MINISTRY OF DEFENCE, DIRECTORATE FOR DEFENCE POLICY
+382 20 483 341; larisa.miranovic@mod.gov.me

(Name, organization, telephone, fax, email)

(ONLY FOR THE PURPOSES OF CLARIFICATION)