

FSC.EMI/124/12  
20 April 2012

ENGLISH only



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

*tel: 01/715 31 02, email: diplomat-mn@me-austria.eu*

No: 166 -2/2012

The Permanent Mission of Montenegro to the Organization for Security and Cooperation in Europe (OSCE) presents its compliments to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and, in accordance with the FSC Decision 2/09, has the honour to submit responses to the Questionnaire on the Code of Conduct on Politico/Military Aspects of Security, valid as of 15 April 2012.

The Permanent Mission of Montenegro to the Organization for Security and Cooperation in Europe (OSCE) avails itself of this opportunity to renew to all Permanent Missions/Delegations to the OSCE and to the Conflict Prevention Centre assurances of its highest consideration. *JK*

Vienna, 20 January 2012

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



FSC.DEC/2/09

1 April 2009

Annex

**QUESTIONNAIRE ON THE CODE OF CONDUCT ON  
POLITICO-MILITARY ASPECTS OF SECURITY\***

(\* Participating States are encouraged to highlight major changes or updates in their replies to the questionnaire, as appropriate)

**Section I: Inter-State elements****1. Account of measures to prevent and combat terrorism**

1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?

For international-legal instruments in the field of preventing and combating terrorism and cooperation in the fight against crime, Montenegro has deposited its instrument of succession to the following conventions:

- **Conventions whose designated depository is the Secretary General of the United Nations:**
  1. United Nations Convention against Transnational Organized Crime;
  2. International Convention for the Suppression of the Financing of Terrorism;
  3. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;
  4. International Convention for the Suppression of Terrorist Bombings;
  5. International Convention Against the Taking of Hostages;
  6. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
  7. International Convention for the Suppression of Acts of Nuclear Terrorism, **succession to the signature**;
  
- **Conventions whose designated depository is the Council of Europe:**
  1. [European Convention on the Suppression of Terrorism](#);
  2. Council of Europe Convention on the Prevention of Terrorism;
  3. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism.

- **Conventions whose designated depository is the International Maritime Organisation:**
  1. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA 1988);
  2. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (SUA PROT 1988);
- **Conventions whose designated depositories are individual states:**
  1. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970;
  2. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988,
  3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1970.<sup>1</sup>

Montenegro has assumed obligations arising from agreements signed between the SRY and the subsequent State Union of Serbia and Montenegro and:

1. the Republic of Greece on cooperation in the fight against organized crime, illegal trafficking in drugs and psychotropic substances, terrorism, and other severe criminal;
2. the Republic of Bulgaria on cooperation in the suppression of illegal trafficking in narcotic drugs and psychotropic substances, international terrorism and other forms of international criminal activities;
3. the Republic of Croatia on cooperation in the suppression of illegal trafficking in narcotic drugs and psychotropic substances, international terrorism and other forms of international criminal activities;
4. The Montenegrin Ministry of Interior and the Republic of Italy and the Republic of Albania Memorandum of Understanding that, inter alia, envisages cooperation in the fight against international terrorism.
5. acceptance and implementation of the Berlin Declaration as of 10 July 2002;
6. implementation of the necessary activities related to red notices, blue notices and other official actions of the INTERPOL with regard to

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<sup>1</sup> The depositories of these three international instruments are the United Kingdom, the Russian Federation and the United States of America. Montenegro deposited its instrument of succession with the Government of the United Kingdom, after which the Foreign Office informed the Montenegrin Ministry of Foreign Affairs that other members and depositories would be informed about the given legal transaction.

- persons for whom there is a reasonable doubt that they have incited, participated or committed terrorist activities; and
7. the Republic of Austria on police cooperation.

Administration for the Prevention of Money Laundering and Terrorism Financing, as Montenegro's Financial Intelligence Unit, signed agreements on cooperation in exchange of financial intelligence data with Financial Intelligence Units (FIU) of the following states:

- Agreement on Cooperation with FIU of Serbia (signed on 16 April 2004);
- Agreement on Cooperation with FIU of Albania (signed on 03 June 2004);
- Agreement on Cooperation with FIU of Bosnia and Hercegovina (signed on 19 April 2005);
- Agreement on Cooperation with FIU of Macedonia (signed on 29 October 2004);
- Agreement on cooperation with FIU of UNMIK Kosovo (signed on 07 December 2004);
- Agreement on Cooperation with FIU of Slovenia (signed on 28 December 2004);
- Agreement on Cooperation with FIU of Croatia (signed on 24 March 2005);
- Agreement on Cooperation with FIU of Bulgaria (signed on 11 April 2006);
- Agreement on Cooperation with FIU of Portugal (signed on 11 June 2007);
- Agreement on Cooperation with FIU of Russian Federation (signed on 07 September 2007);
- Agreement on Cooperation with FIU of Poland (signed on 15 November 2007);
- Agreement on Cooperation with FIU of Romania (signed on 10 October 2008);
- Agreement on Cooperation with FIU of the USA - Fin CEN (signed on 21 October 2008);
- Agreement on Cooperation with FIU of EULEX Mission in Kosovo (signed on 19 February 2009);
- Agreement on Cooperation with State Committee for Financial Monitoring of Ukraine (signed on 27 May 2009);
- Agreement on Cooperation with the Unit for Prevention of Money Laundering and Suspicious Cases of the United Arab Emirates (signed on 06 July 2009);
- Agreement on Cooperation with FIU of Bermuda (signed on 21 October 2009)
- Agreement on Cooperation with FIU of Moldova (signed on 12 December 2010)
- Agreement on Cooperation with FIU of San Marino (signed on 12 December 2010)
- Agreement on Cooperation with FIU of Israel (signed on 12 December 2010)
- Renewed Agreement on Cooperation with FIU of Russia (signed on 15 December 2010)
- Agreement on Cooperation with FIU of Aruba (signed on 14 March 2011)
- Agreement on Cooperation with FIU of Estonia (signed on 14 March 2011)

It is planned to sign the agreement with Japan, Cyprus, Canada, Hungary, Saudi Arabia and the British Virgin Islands.

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

- a) The Constitution of Montenegro ("Official Gazette of Montenegro" No. 01/07-1;
- b) Arms Act ("Official Gazette of Montenegro", no. 49/04, 49/0873/10, 20/11 and 40/11) and by-laws;
- c) Law on Internal Affairs ("Official Gazette of Montenegro");
- d) The Explosive Substances Act ("Official Gazette of Montenegro", no. 49/08, 58/08, 40/11);
- e) Law of Flammable Liquids and Gases ("Official Gazette of Montenegro Montenegro ", no. 26/10, 31/10, 40/11);
- f) Police Act ("Official Gazette of Montenegro", no. 28/05, 86/09; 88/09);
- g) Law on Defence ("Official Gazette of Montenegro", no. 47/07, 86/09, 88/09, 25/10, 73/10 40/11);
- h) Law on Army ("Official Gazette of Montenegro", no. 88/09, 75/10, 40/11);
- i) Decree on the Sale of Surplus Weapons and Military Equipment
- j) Customs Law ("Official Gazette of Montenegro")
- k) Law on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction ("Official Gazette of Montenegro", No. 44/05);
- l) Law on Wildlife and Hunting ("Official Gazette of Montenegro", no. 51/08;
- m) The Law on Protection of Persons and Property ("Official Gazette of Montenegro", No.29/05)
- n) Law on Border Control ("Official Gazette of Montenegro", no. 72/09, 40/11);
- o) Code of Criminal Procedure ("Official Gazette of Montenegro", no. 57/09, 49/10);
- p) Criminal Code ("Official Gazette of Montenegro", no. 70/03, 13/04, 47/06, 40/08, 25/10, 32/11);
- q) The Law on Public Order and Peace ("Official Gazette of Montenegro", No. 64/11);
- r) Law on Misdemeanors ("Official Gazette of Montenegro", no. 01/11, 06/11, 39/11);
- a) Law on Internal Trade ("Official Gazette of Montenegro", no. 49/08, 40/11);
- t) Law on Foreign Trade ("Official Gazette of Montenegro", no. 28/04, 37/07);
- u) Law on Foreign Trade in Weapons, Military Equipment and Dual-purpose Goods ("Official Gazette of Montenegro", no. 80/08, 40/11);
- c) Regulation of Foreign Trade funds for specific purposes ("Official Gazette of Montenegro ", No. 66/10).

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

Increased activities of the Security forces and Police will contribute to the improvement in this area. Being aware of the leadership role in providing internal security in accordance with European standards and the high standards of respect for human rights and freedom, the Police has adopted a strategy of development and functioning of the Police for the period 2011-2013.

The development of this strategic area include implementation of, *inter alia*, the following objectives: the fight against corruption and organized crime, fight against all forms of terrorism, a higher degree of effectiveness in preventing and combating cross-border crime, control and reduction of small arms and light weapons (reducing the number of abuse and weapons possessed, creating conditions for safe storage and storage of arms and equipment, as well as the destruction of surplus; unification of police weapons).

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

- Financing of terrorism;
- Border controls:

Law on Weapons, in one section prescribes the movement of weapons and ammunition across the border, which is related to Montenegrin nationals and foreigners, who have an obligation to report weapons and associated ammunition, which must have necessary documents.

In order to strengthen cooperation between various Border Services, Customs Administration of Montenegro signed Agreement on mutual cooperation in Integrated Border Management with the Ministry of Internal Affairs and Public Administration, Police Administration, Veterinary Administration and Phytosanitary Administration which provides for effective cooperation, division of duties and responsibilities, harmonization of procedures, joint risk analysis, exchange of information etc, in order to have correct implementation of customs and other legislation, i.e creating open but controlled and safe borders, simplified procedures and quickened traffic of goods and passengers.

In order to prevent and combat terrorism Customs Administration of Montenegro is due to, according to the Article 66 of the Law against money laundering and combating terrorism, deliver to Agency for preventing of money laundering and terrorism financing information about transfer across the border of cash, checks, securities, precious metals and precious stones, whose value exceed 10.000,00 EUR, no later then 3 days of the day of transfer.

Customs Administration, according to the Law of foreign trade weapons, military equipment and dual use goods, undertakes control during import, export and transit of those goods.

Also, in cooperation with Ecologic Inspection, Custom Administration undertakes control of radioactivity of goods during putting the goods in customs approved treatment or use.

— Travel document security:

New laws and bylaws prescribe manner and conditions of taking photographs, fingerprints and signatures of citizens in the process of issuing documents, using appropriate technical means and translate this information into electronic form. Taking photos is made with digital color cameras, a fingerprint left and right index finger with optical scanner, and taking a signature is made on electronic signature pad. New forms of identification documents, materials, size, content, security, and other elements, in accordance with relevant standards (ISO, ICAO). This method allows the acquisition of issuing biometric data on citizens applying for the issuance of identification documents and form databases of biometric data and issued identification documents, as well as greater security of documents and establish a firmer connection between identification document and its holder.

Application for issuance of documents, collection of alphanumeric and biometric data of the citizen, will be done in each municipality, one or more places; personalization forms will be done in one place, in Podgorica, and the delivery of documents is done in the municipality of the application.

The documents are in accordance with the relevant standards in terms of materials, a set of security elements, which enables document security. In late 2011 began its work program for the issuance of documents for the weapon, in the above manner, which will significantly contribute to the updating of the database and reduce the number of weapons and ammunition in the possession of individuals and legal entities.

— Container and supply chain security;

— Security of radioactive sources:

Pursuant to the Decree on the Organisation and Operation of the State Administration, the Ministry of Sustainable Development and Tourism, among other things, carries out administrative tasks related to policy making and legislation in the area of radiation protection and radiation safety, as well as radioactive waste management. In addition, it is in charge of international cooperation, conclusion of international agreements, monitoring of international standards, negotiations, coordination and implementation of international conventions and agreements, monitoring the EU accession process, harmonisation with international standards, regulations and recommendations, etc.

Radioactive sources in Montenegro are mainly used in medicine and industry. Several, sources are applied for non-destructive testing. Montenegro is mostly importing sources which are applying for non-destructive testing. From now on, all spent sources from medicine will be, in accordance to the new law, returned to the source manufacturers. Radioactive sources (spent or disused) are stored at various temporary radioactive waste storage facilities until central storage for management of radioactive waste became operational. The safety and security of the radioactive material is well covered by administrative and implementing measures in Montenegro.

**Legislative and regulatory framework (Laws and regulations)**

**The Law on Protection from Ionizing Radiation and Radiation Safety, promulgated by the Montenegro Parliament in August 2009 (Official Gazette of Montenegro No.**

56/09, 58/09 of 14.08.2009), contains provisions regarding both, the safety and security of radioactive sources, including the requirements for dealing with orphan sources, while Law on inspection supervision provided basis for inspection control. Additional details in regard with security aspects are given within existing secondary legislation-*Rulebook on the requirements for trading and use of radioactive materials, x-ray devices and other devices that generate ionising radiation* (“Official Gazette of the FRY”, No. 32/98); *Rulebook on application of the ionising radiation sources in medicine* (“Official Gazette of the FRY”, No. 32/98 and 33/98 - corr.). More updates, especially dealing with the Council Directive 2003/122/EURATOM on the safety and security of high-activity sealed radioactive sources are expected during the development of the secondary legislation, dealing with categorization of the sources. Some of provisions form this Directive 2003/122/EURATOM is transposed within newly established *Rulebook on method of collecting, keeping, treatment and storing of radioactive waste* (“OG MNE” No. 58/11 from 25.11.2011. from 6.12.2011).

Article 5 of the Law introduces a definition of security, and Article 7 makes provisions for establishing and maintaining the national database on sources of ionizing radiation and their users (already established within Environmental Protection Agency- RAIS data base), as well as other data of importance for the safety and security. Article 8 calls for the implementation of the security and quality control for protection. Article 22 states a licensing requirement for technical means of security. The Law covers also the import and export of radioactive sources. Furthermore, the Law addresses safety and security requirements regarding the transport of radioactive sources, radioactive waste management and measures against illicit trafficking of nuclear and radioactive material. In addition, this Law contains penal provisions aimed at prosecution of those violating the procedures governing the control of radioactive sources. Montenegro amended the Criminal Code in 2010 where in Articles 313, 314 and 327 there are clearly mentioned circumstances under which a person violating the Law on Protection from Ionizing Radiation and Radiation Safety can be imprisoned. These include unauthorized transport and handling of radioactive sources and radioactive waste. Also, transport of radioactive substances is dealt with in Law on the Transport of Dangerous Goods (2008), which provides for the application of the international standards for the safe transport of dangerous substances, including radioactive materials (class 7), by different modes of transport (e.g. European agreement on the international carriage of dangerous goods on road, International regulations concerning the international carriage of dangerous goods by rail and Regulations regarding the transportation of dangerous goods on ocean-going vessels issued by the International Maritime Organization). It is important to highlight that the Ministry of Internal Affairs, Sector for Emergency Situation and Civil Protection is enforcing compliance with permit requirements for transport of radioactive materials which are provided by Environmental Protection Agency. In particular, the Ministry of Internal Affairs and Directorate of Police are providing escorts of convoy. The Law on Protection from Ionizing Radiation and Radiation Safety explicitly prohibits construction of nuclear power plants, plants for production of nuclear fuel and plants for treatment



of used nuclear fuel. In addition, article 19 lists other activities which are not allowed in the country: *“Every research and activity with the aim of development, production and use of nuclear weapons, as well as use of radioactive or nuclear material for production of mass destruction weapons is banned. Import of radioactive waste, as well as processing, storing and disposal of radioactive waste of foreign origin at the territory of Montenegro is banned. Trade in nuclear material on the territory of Montenegro is banned. Installation of radioactive lightning rods at the territory of Montenegro is banned. Installation of ionizing smoke detectors having a source of ionizing radiation in the gaseous state or ionizing radiation source whose break-up products in gaseous state are banned. Adding radioactive substances in food, drinking water, medicines, tobacco and tobacco products, toys, jewelry, cosmetics, toiletries, construction material, animal fodder, ores, primary form metal products, mineral raw materials and consumer goods, as well as import, export and release of such products is banned.”*

This law assigned the Environmental Protection Agency (EPA), an administrative body under the supervision of the Ministry of Sustainable Development and Tourism (MSDT) to act as an executive national competent authority for implementing the Law on Protection against Ionizing Radiation and Radiation Safety, as well as to control radioactive sources and be responsible for the safety and security of these sources.

*The Law on Ionising Radiation Protection and Radiation Safety (Official Gazette of Montenegro 56/09, 58/09) and the provisions of the Law ratifying the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Official Gazette of Montenegro – International Treaties 03/10 of 19 March 2010) envisage the adoption of the Strategy for Ionizing Radiation Protection, Radiation Safety and Radioactive Waste Management. The Strategy for Ionising Radiation Protection, Radiation Safety and Radioactive Waste Management in Montenegro was adopted on Government session on 22<sup>nd</sup> September 2011. The Strategy assesses the current situation and radiation safety in the country, current state-of-play regarding the radioactive waste in the country, goals and timeframes for decision-making, technical, financial and human resources, as well as the assumptions for attaining goals. The responsibilities and objectives of individual participants, expected outcomes as well as the timeframe for their attainment are provided in great detail in the Strategy and the Action Plan for its implementation..*  
International instruments

As part of the Socialist Federal Republic of Yugoslavia, Montenegro became a member of the International Atomic Energy Agency (IAEA) back in 1957. However, after declaring the independence on 21 May 2006, Montenegro submitted a membership application to the International Atomic Energy Agency on 14 June 2006, and on 30 October 2006 it became a full member of this Organization.

Based on succession procedure, Montenegro acceded to international conventions on 21 March 2007, including:

1. Law ratifying the Vienna Convention on Civil Liability for Nuclear Damages (Official Gazette of FRY 005/77);
2. Law ratifying the Convention on Physical Protection of Nuclear Material

- (Official Gazette of FRY 009/85-309);
3. Decree ratifying the Convention on Early Notification of Nuclear Accidents (Official Gazette of FRY 015/89-3);
  4. Convention on Assistance in the Case of a Nuclear Incident or a Radiological Emergency, Vienna (Official Gazette of FRY 004/91-29)
  5. Law ratifying the Agreement on Non-proliferation of Nuclear Weapons (Official Gazette of SFRY 010/70-313)
  6. Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (Official Gazette of FRY 011/63-580)
  7. Decree ratifying the Treaty Banning the Emplacement of Nuclear and Other Mass Destruction Weapons on and in the Sea Bed and Ocean Floor (Official Gazette of FRY 033/73-957)
  8. Treaty on the Comprehensive Ban on Nuclear Tests with the Protocol (Official Gazette of Serbia and Montenegro 4/04-3)
  9. International Convention on Preventing Acts of Nuclear Terrorism (Official Gazette of Montenegro 02/06-3) – succession of signing done/Serbia and Montenegro still not deposited the ratification instruments
  10. Agreement on the Privileges and Immunities of the IAEA (in effect as of 30.10.2006, by succession on 21.03.2007)
  11. Statute of the International Atomic Energy Agency (Official Gazette of SFRY – International Treaties 001/58-64)

Recently, the Parliament of Montenegro adopted:

12. Law ratifying the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management was enacted by the Parliament of Montenegro on 2 March 2010 and publicised in the Official Gazette of Montenegro (Official Gazette of Montenegro – International Treaties 02/10 of 16.03.2010)
13. Law ratifying the Agreement between Montenegro and the International Atomic Energy Agency on the implementation of safeguard measures in relation to the Agreement on Non-proliferation of Nuclear Weapons, Additional Protocol to the Agreement between Montenegro and the International Atomic Energy Agency on the implementation of safeguard measures in relation to the Agreement on Non-proliferation of Nuclear Weapons and the Protocol to the Agreement between Montenegro and the International Atomic Energy Agency on the implementation of safeguard measures in relation to the Agreement on Non-proliferation of Nuclear Weapons (Official Gazette of Montenegro – International Treaties 16/10 of 28.12.2010).
14. Law ratifying the Protocol amending the Vienna Convention on Civil Liability for Nuclear Damages (Official Gazette of Montenegro – International Treaties 16/10 of 28.12.2010).
15. Law ratifying the Convention on Additional Compensation for Nuclear Damages (Official Gazette of Montenegro – International Treaties 3/11 of 16.03.2011).

At the same time, Montenegro still does not participate in some binding and non-binding instruments that belong to the nuclear safety and security regimes:

- Convention on Nuclear Safety (planned in 2014),
- Code of Conduct on the Safety and Security of Radioactive Sources,
- Supplementary Guidance on the Import and Export of Radioactive Sources.

While Montenegro is a party to the Convention on the Physical Protection of Nuclear Material (CPPNM), it has planned to accept or ratify the Amendment of CPPNM in a near future. The Criminal Code Law (2010) contains provisions regarding offences involving dangerous substances, some of them relate to radioactive materials. Those provisions, though, do not adequately reflect the criminalization requirements of the CPPNM and the International Convention for the Suppression of Acts of Nuclear Terrorism (Montenegro succeeded to the Former Republic of Yugoslavia's signature of the latter), and therefore the Criminal Code should be amended accordingly. After that Montenegro will have ratified the Amendment of CPPNM. Montenegro has not yet expressed its written commitment to the Code of Conduct for the Safety and Security of Radioactive Sources and to the Supplementary Guidance on the Import and Export of Radioactive Sources because different definition of categorization of the sources provided in Council Directive 2003/122/EURATOM and the Code of Conduct for the Safety and Security of Radioactive Sources. Some of the provisions of the Code of Conduct are reflected in the new Law and implemented in the practice.

*Reporting (Secretariat of conventions to whom Montenegro is Party)*

*The First National Report on the implementation of commitments stemming from the Joint Convention on Safety of Spent Fuel Management and Safety of Radioactive Waste Management* showing that Montenegro does meet all pertinent commitments from the Joint Convention was adopted on 22<sup>nd</sup> September 2011 by the Government and submitted to Secretariat of Joint Convention. It will be presented at the *Fourth Preparatory Meeting on the Joint Convention* from 14 to 23 May 2012 in IAEA headquarters in Vienna.

*The First national Report and declaration on nuclear materials* was adopted by Government on 22<sup>nd</sup> December 2011 and sent to Safeguard Department of IAEA.

Authorization process, inspections and enforcement (Security and safety of radioactive sources)

Environmental Protection Agency, pursuant to the Law on Protection against Ionizing Radiation and Radiation Safety, ("Official Gazette of Montenegro ", No. 56/09 from 14th August 2009) issues licenses for trade (supply, sale, import, export and transit of ionizing radiation sources and radioactive materials).

The Decision on the control list for export, import and transit of goods ("Official Gazette of Montenegro", No. 10/11 from 11th February 2011) in label D3 the goods for which transport is required to obtain a license issued by Environmental Protection Agency of Montenegro are marked.

Trade of the radioactive substances and ionizing radiation sources may be done by legal entities who obtain a license by Environmental Protection Agency of Montenegro which is issued on the fulfillment of the requirements for the trade of

previously mentioned goods. These conditions are described in Articles 41, 42 and 43 of the Law on Protection against Ionizing Radiation and Radiation Safety ("Official Gazette of Montenegro", No. 56/09 from 14th August 2009). For each and individual trade of the radioactive materials it is necessary to obtain the license from the Environmental Protection Agency. In the license issuance it is necessary to obtain compliance for the transport of radioactive materials. Compliance is issued by the Ministry of Interior Affairs - Sector for Emergency Situations and Civil Protection which takes measures in order to ensure safe and secure transportation (provides an escort, if necessary, etc.). Control of radioactive material trade is performed by the Environmental Inspection. In addition, the Environmental Inspection controls the fulfillment of the conditions under which the license was issued. In addition, the internal transport of radioactive material is regulated by Law on the Transport of Dangerous Goods (2008). While, the trade of radioactive material is defined within national legislation/regulation, the trade of nuclear materials in the territory of Montenegro is prohibited by the Law on Protection against Ionizing Radiation and Radiation Safety.

With the applicant request for the licence for trade of radioactive materials applicant has to submit:

1. Certificate of the registration and fulfillment of the requirements for conducting activity;
2. Evidence that buildings and premises in which trade of ionizing sources or radioactive material is performed comply with technical, safety and security, health and other necessary conditions which ensure the protection of human health and the environment against ionizing radiation –Project on Protection Measures against Ionizing Radiation (performed by an authorized legal entity);
3. In the process of ionizing radiation traffic it is necessary to obtain an opinion of an authorized legal entity on the fulfillment of measures for protection against ionizing radiation for the traffic of these sources;
4. The decision on the appointment of an employee - responsible person who is qualified to implement measures for protection against ionizing radiation;
5. For professionally exposed persons - persons working with ionizing radiation:
  - a) Proof of an employment, relation with the applicant;
  - b) Proof of qualification (diploma or certificate);
  - c) Certificate of competence for working with ionizing radiation and the implementation of measures for protection against ionizing radiation (valid for 5 or 10 years);
  - d) Certificate of health ability for persons working with ionizing radiation, which is valid for 1 year (category A) or 3 years (Category B)
  - e) Appropriate means of protection against ionizing radiation;
6. ADR certificates
7. Proof of the ownership on radiation monitor (category, type and serial number) that matches the type of ionizing radiation and which fulfill the metrological requirements for use in protection against ionizing radiation;
8. Action plan in the case of radiation accidents.

Radioactive substances can be used by legal entities who obtain a license from the Environmental Protection Agency which is issued on the basis of condition fulfillment for radiation activity - use of ionizing radiation sources.

With the request for the license issuance the following shall be submitted:

1. Evidence that buildings and premises where the source of ionizing radiation is used comply with technical, safety and security, health and other necessary conditions which ensure the protection of human health and the environment against ionizing radiation – Project on Protection Measures against Ionizing Radiation (performed by an authorized legal entity);
2. Report by an authorized legal entity on the dosimetry control of radiation sources with an opinion concerning the fulfillment of protection measures;
3. Certificate of health ability of persons working with ionizing radiation, which is valid for one year (category A) or three years (Category B);
4. Instruction for the use of ionizing radiation sources, protection measures against ionizing radiation and procedure in the case of radiation accidents;
5. Agreement with an authorized legal entity on the storing of radioactive waste if the same is generated in the process of the radiation source use.

The licensing process for the management of radioactive waste storage (low and medium activities) in Montenegro is in progress. The existence of the storage facility will play an important role in safe and secure management of spent radioactive sources, which will not be returned to supplier. The storage facility was equipped and the staff was trained within the national project MNE3002 “Strengthening Radioactive Waste Management”, supported by IAEA.

Currently the spent sources are, according to Law and Rulebook on the requirements for trading and use of radioactive materials, x-ray devices and other devices that generate ionising radiation, kept by their owners in temporary storage, until the storage facility became operational. No manufacturing or remanufacturing of sealed sources takes place in Montenegro. Pursuant to the Law on Ionising Radiation Protection and Radiation Safety (Official Gazette of Montenegro 56/09, 58/09) and the Law on Inspection Supervision, the Environmental Protection Agency carries out inspection supervision of all the facilities where the radioactive sources are used or stored in order to ensure that the use and storage of such sources is in compliance with the legislative framework and the conditions stipulated in the licence.

In addition, in case of detecting an orphan source, Article 37 of the *Law on Ionising Radiation Protection and Radiation Safety* (Official Gazette of Montenegro 56/09, 58/09) envisages that the costs associated with their storage will be provided from the Budget of Montenegro. In line with the current legislation, the EPA carries out inspection supervision, and assumes control over such a source until its safe storage, identifies the holder, if possible, and takes measures against the holder as envisaged by the law.

In the control of goods radioactivity and preventing illegal trafficking of radioactive and nuclear materials, apart from Environmental Inspection, an important role is played by the Customs Administration and Directorate of Police whose officers are equipped with appropriate devices for radiation measuring.

Import, export and trade of nuclear equipment, nuclear materials, new and irradiated nuclear fuel are prohibited under Article 17 of the Law on Ionising Radiation Protection and Radiation Safety (Official Gazette of Montenegro 56/09). Foreign Trade Law, Law on Foreign Trade in Arms, Military Equipment and Dual-purpose Goods are also in force, and National Control List of Dual-purpose Goods and Technologies is issued.

In addition, Article 44 defines that in order to uncover and prevent illicit trafficking of radioactive and nuclear materials across the borders of Montenegro, ionising radiation monitors are placed at border crossings, in accordance with the act of the body competent for home affairs and public administration.

The following authorities are responsible for controlling and/or monitoring of such trade: Environment Protection Agency (Inspection Control Department), Ministry of Internal Affairs (Department for Emergency Situations and Civil Protection), Ministry of Economy, Directorate of Police and Directorate of Customs Administration of Montenegro.

**Illicit trafficking and physical protection, including border control :**

On 18 May 2004, the International Atomic Energy Agency (IAEA) sent a note to inform Border Police Sector, the appointed representative of the Government of Montenegro, Ministry of Interior, that Serbia and Montenegro became members of Illicit Trafficking Database (IAEA illicit Trafficking Database Programme).

As an independent state, Montenegro became a member of the Illicit Trafficking Data Base (IDTB) managed by the Office of Nuclear Security of IAEA, on 3 June 2006, and the point of contact for these activities is Border Police (Directorate of Police under Ministry of Internal affairs).

Due to sensitivities in the Balkan region, particular importance is attached to the establishment of an effective safeguards system and a mechanism to prevent illicit trafficking in nuclear and radioactive materials. Montenegro formulated a National Strategy for Emergency Situations in December 2006. The document includes the prevention of illicit trafficking in nuclear and other radioactive materials as one of its six strategic objectives. While the Strategy has been attracting international and bilateral support for its implementation, specific support from the IAEA, including provision of monitoring equipment and training of staff, is required to complement and maximize other support efforts.

During 2010 Ministry of Internal Affairs developed and adopted the National Plan in Case of Radiological Accident.

**Technical Support Organisations (TSO)**

The Center for Ecotoxicological Testing of Montenegro (CETI), University of Montenegro, Faculty of Natural Science and Mathematics and Institute for Ferrous Metallurgy are providing necessary technical support services as well as expertise to assist the EPA. Other relevant institutions, with expertise in radiation protection related matters, are also participating in working groups set for the development of strategic documents, plans, programs, laws and secondary legislation (including regulations), besides intergovernmental and non-governmental organizations. In this regard, the Ministry of Sustainable Development and Tourism signed Memorandum of Understanding with the University of Montenegro. Similar cooperation has been agreed on with other over 20 non-governmental organizations

dealing with environmental issues. CETI as main TSO with the biggest scope of activity in relation with performing measurement according to its licence, has in place the Quality Assurance Programmes, and it is a well-equipped and organised institution carrying out most of the radioactivity level measurements in Montenegro, and it has both the staffing and organisational capacities to manage the newly constructed storage facility for radioactive waste. CETI set up one of best equipped laboratories in the region with full calibration standards for all measurement techniques, it holds experienced staff for radiological measurements, decontamination, radiotherapy measurements, nuclear medicine, radiation protection, and has in place a Quality Management System certified in accordance with ISO 9001: 2000 and the laboratory accredited in line with the ISO/IEC 17025.

**International cooperation and assistance:**

The EU, together with the IAEA, has been playing an important role in the fields of nuclear safety and security. Through the IAEA-EU Joint Action initiative, the EC has been providing both technical expertise and financial resources for the establishment of a functional and effectively independent regulatory body for radiation safety and the control of radioactive sources.

Within the framework of the Instrument for Pre-accession Assistance (IPA) the EC is providing support for non-Member States to enable faster accession to the EU. In this regard, the Ministry of Foreign Affairs and European Integration has been coordinating all EU projects for Montenegro. Since 2007, the EC has provided support for nuclear safety and radiation protection issues through a sub-regional or national approach in Balkan countries such as Albania, Bosnia-Herzegovina, Croatia, The Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo. In 2007, the total support provided to these countries amounted to €8.2 million and addressed the following areas within six projects: assessment of regulatory infrastructure; management of sealed radioactive sources; enhancement of national capabilities in line with the regulations on naturally occurring radioactive materials and technologically enhanced naturally occurring radioactive materials; management of medical radioactive waste; prevention of illicit trafficking in nuclear material and radiation sources; and environmental monitoring of radioactivity.

Concerning the IPA 2007 horizontal programme, Montenegro carried out under the European Union (EU) and International Atomic Energy Agency (IAEA) agreement 2008/162-682 titled *“Assessment of needs and proposed actions to strengthen the safety and security of sealed radioactive sources in Albania, Bosnia and Herzegovina, Croatia, Montenegro and the Former Yugoslav Republic of Macedonia”*. The programme purpose was to assess the present situation in the Western Balkan region, in respect to the current management practices, regulatory control of the safety and the security of sealed radioactive sources, and to identify areas for improvement and optimisation in line with international instruments, standards and recommendations. In the same framework of IPA 2007 EC through implementing agency IAEA was successfully implemented project *“Assessment of Needs and Proposed Activities to Strengthen Capabilities for Combating Illicit Trafficking in Nuclear and other Radioactive Materials in the Western Balkan Region”*. Within IPA 2008, 2009, and 2011 EC approved the following projects for Montenegro:

**IPA 2008:**

- “Enhancement of the technical capacity of nuclear regulatory bodies in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia as well as Kosovo” (implementation started in March 2011)

**IPA 2009:**

- “Strengthening radiation protection and nuclear safety through capability upgrading of CETI”;
- Management of sealed radioactive sources, including radioactive lightning rods in The Former Yugoslav Republic of Macedonia, Montenegro, as well as Kosovo under UNSCR 1244/99 (implementation started in November 2011)

**IPA 2011:**

- “Further enhancement of the technical capacity of nuclear regulatory bodies in Bosnia and Herzegovina and Montenegro”;
- reprogrammed IPA 2008 “Strengthening Radiation Protection and Nuclear Safety in Montenegro through Capability Upgrading of Technical Support Institution”

Participation of Montenegro in a large number of national and regional projects, supported by the European Commission and the International Atomic Energy Agency, significantly contributed to the quality and efficiency of the regulatory body activities. The Country Programme Framework (CPF) was approved by the Government of Montenegro and the International Atomic Energy Agency in 2008. It is a key document defining priorities in technical cooperation of Montenegro with the IAEA as well as defining orientation of new projects in the field of environmental protection, medicine (especially radiotherapy) and combating illicit transboundary trafficking of nuclear and other radioactive materials.

For IAEA’s 2009–2011 technical cooperation cycle, a regional project proposal has been submitted to enhance the technical capacity of nuclear regulatory bodies in the Western Balkan States. The EC, through the IPA, contributed US\$ 2 million extra-budgetary funding for this purpose. This type of support is expected to continue until the countries fulfill all EU accession requirements. Since these efforts parallel IAEA support, it is important to ensure good coordination between the IAEA and the EU in this field. Regarding the new cycle and security of radioactive sources, Montenegro is participating in the interregional project “Strengthening Cradle-to-Grave Control of Radioactive Sources in the Mediterranean Region” which just has started and kick-off meeting will be held during March in Vienna. Also, many contribution Montenegro will have through cooperation with IAEA within national project starting from 2012:

1. MNE2010001 „Supporting Development of Regulatory Infrastructure” - Phase (II) (Counterpart Ministry of Sustainable Development and Tourism; Environmental Protection Agency);
2. MNE2010002 „Strengthening of technical and institutional capacity in Montenegro for realization of environmental monitoring programs”(Counterpart CETI);
3. MNE2010004 – Education of the border police officers (Counterpart Directorate of Police);



4. MNE2010005 –“Prevention of the illicit trafficking of nuclear and other radioactive materials” (Counterpart Directorate of Police)
5. MNE2010007 – „Upgrading the quality assurance and quality control programme in diagnostic radiology for national breast screening programme“ (Counterpart Ministry of Health).

Based on the proposal of the Ministry of Sustainable Development and Tourism the part of project "*Strengthening the system of environmental protection at the level of state institutions in Montenegro*" dedicated to security of borders in Montenegro was supported by the OSCE Mission to Montenegro and successfully implemented during December 2011. During January 2012 joint conclusions on held trainings was finalized. Information in relation with this project was published on the web page of the Ministry of Sustainable Development and Tourism <http://www.mrt.gov.me/organizacija/zivotna-sredina/111146/Jacanje-nacionalnog-bezbjedonosnog-sistema-u-oblasti-radijacione-sigurnosti-upravljanja-radioaktivnim-otpadom-i-sprjecavanja-ned.html>. Information with publications (**Brochure** dedicated to the prevention of illicit transport of nuclear and other radioactive material and **Instruction** for the detection and treatment of radiation sources and to check the functioning of dosimetry equipment) was also published on the web pages of OSCE Mission to Montenegro, PI Center for Ecotoxicological Testing of Montenegro and Directorate of Police.

- Use of the Internet and other information networks for terrorist purposes;
- Legal co-operation including extradition;
- Safe havens and shelter to terrorists and terrorist organizations.

## **2. Stationing of armed forces on foreign territory**

2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

**The Armed Forces of Montenegro members' participation in the Peace Support Operations (PSO) during 2011:**

- **39 troops within the INTERNATIONAL SECURITY ASSISTANCE FORCE (ISAF) in Afghanistan, NATO led operation under UN mandate;**
- **2 UN Military Observers within the UNITED NATION MISSION IN LIBERIA (UNMIL) under UN mandate and**
- **3 Naval Officers within the European Union Naval Forces Operation (EU NAVFOR - ATALANTA) in the Arden Bay and Somalian territorial waters, embarked on the ships of the Italian Navy and the Hellenic Navy.**

## **3. Implementation of other international commitments related to the Code of Conduct**

3.1 Provide information on how your State ensures that commitments in the field of arms

control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

**Pursuant to the provisions of Law on weapons, the police, among other things, controls: carrying weapons in public places, procurement, production, repair and restatement of weapons, possession of weapons and ammunition which holding, carrying and transportation is prohibited, the use of antique firearms and ammunition production and procurement for those weapons, whether a company or entrepreneur to whom the approval was granted for the possession of weapons given to the use of a weapon to a person who directly performs physical security and protection of buildings and property, and for which there is no legal impediment and if carrying a weapon that has been entrusted to him and beyond the time of performing official duties and whether the same is outside the building or area that provides, business organizations and entrepreneurs regarding issuance of permits for carrying or handling of weapons, as well as whether the person who wears or carries a gun permit, whether a natural person without the approval of purchases, collects and keeps the old weapon, as and whether it carries, uses or procures for him, holds a real or ammunition, whether a weapon was permanently disabled for use again qualified for use, whether the owner or user of an old weapon that is secured to a weapon is not available to a minor or other unauthorized person, and that carrying a weapon with an instrument on arms and facial identity, whether it be hunting out of hunting weapon used or any other particular place, and outside shooting sports or other places, as well as whether hunting is a long and sporting weapons out of these places carry suitcases into the cover or unloaded and in which there is no ammunition, whether shooting organizations give to the use of weapons and ammunition to members of organizations in the shooting time while engaged in target practice shooting, and whether on water proper records; whether their guns given to the servants to other persons, whether the traffic, transportation, manufacturing, repairing and modifying weapons and ammunition, as well as sports and recreational shooting, dealing with companies and entrepreneurs to conduct activities without approval; transportation of explosive materials and if necessary, taking special security measures during the transport of weapons and ammunition received from the administrative line of work found and confiscated weapons and ammunition in the administrative, criminal and misdemeanor proceedings, the performance of police duties shall apply to the offense.**

**Pursuant to the provisions of the Law on Weapons Ministry of Internal Affairs, in addition, in administrative procedure issues or rejects documents for weapons to individuals and legal entities, rejects the claim and take away weapons from individuals and legal entities; receives notification of an authorized arms dealer on the sale of weapons and ammunition and checks whether it is delivered within eight days from the date of sale, and if not surrendered within this period shall submit a request for legal proceedings; receives notice of the company or the entrepreneur of the license to carry or transfer of arms, as well as the natural person: surrender of weapons for safekeeping, loss or theft, as well as missing or found weapons, about which the certificate is issued, prosecuted ex officio, seizure of weapons and ammunition - if the successor fails to submit the application for armed list within**

the stipulated period of completion of probate proceedings, or if the successor owner or other weapons do not meet the legal requirements for issuing armed list; approves: repairing and modifying weapons, trade in weapons and ammunition manufacture of weapons and ammunition, transportation of arms and ammunition (Department for Emergency Situations and Civil Security) ; performs control over the implementation of the Law on Weapons and keep records.

After independence, Montenegro has established Agency for arms control since 2007. This agency is subordinated to the Ministry of Defence of Montenegro and it has a main role in execution of all obligations in arms control field. Montenegro is a member of OSCE and as independent State is a signatory of following agreements and documents: Dayton peace agreement (Article IV); Vienna document 2011; SALW (Small arms and light weapons) agreement; Ottawa conventions; HCOC (Hague Code of Conduct Against Ballistic Missile Proliferation) ; Conventions of Cluster ammunition; CTBT (Comprehensive Test Ban Treaty); NPT (Nuclear Non-Proliferation Treaty); CCW (The Convention on Certain Conventional Weapons); BTWC (Biological and Toxin Weapons Convention); CWC (Chemical Weapon Convention).

Montenegro and the Arms control agency conducts and receives inspections and evaluation visits according to Vienna document 2011 and Dayton peace agreement (Article IV) and participates in many other activities related to CSBM in OSCE, like visit to Air base and Military facility, exchange of military informations, building a regional measures on a voluntary basis and many others. Montenegro conducted visit to Air base and Military facility during 2011 and hosted 38 representatives from 23 OSCE country. In process of disarmament Montenegro has deployed a program MONDEM in cooperation with SEESAC, UNDP, OSCE and USA government, and disposed 128 tons toxic rocket fuel, 60 battle tanks, more than 1000 pieces of heavy weapons and more than 480 tons of surpluses of ammunition and ordnance. In all activities related to arms control, Montenegro showed maximum cooperations, openness and good will for contribution in progress in strengthening security and confidence and achieving disarmament.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

The process of arms control and disarmament and CSBM has a very important role in defence policy of Montenegro. Montenegro has established a Agency for Arms Control in 2007 and this institution implemented all activities concerned to the arms control activities.

According to Vienna document 2011 Montenegro has an obligation to receive 3 inspections of Specified area and 1 Evaluation visit per year.

Also Montenegro established a bilateral agreements, concerned to arms control and Vienna document 2011, with Hungary, Germany and Denmark. According to this agreements Montenegro conducts every second year one inspection or evaluation visit on the territory of this countries and receives one inspection or

evaluation visit from these countries on its territory. Montenegro realises a bilateral meeting every year with these countries.

According to Dayton peace agreement, Montenegro receives 3 inspections in total by the Republic of Serbia, Republic of Croatia and Bosnia and Herzegovina and conducts one inspection on the territory of the previously mentioned countries.

During 2009, Montenegro realized 1 training inspection according to the Open Skies treaty on its territory with more than 15 participants from 6 countries. Montenegro exchanges military information, defence planning information and all data concerning arms control agreements with members of OSCE and on this way shows a good will for cooperation and openness among all OSCE countries.

Our goal is to improve the existing situation and reduce the number of weapons in private and corporate customers, and to destroy surplus. This will be achieved through consistent application of law, improving existing and developing new measures and mechanisms. We believe that during the process of revising documents issued for a weapon, using a new program on weapons, we will contribute to the reduction of registered weapons. Also, the final weapon seized in administrative, civil and criminal proceedings, will be destroyed and an annual report submitted on how that will contribute to safety.

## **Section II: Intra-State elements**

### **1. National planning and decision-making process**

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

**Jurisdiction of state bodies and institutions in national planning and deciding on the use of the Armed Forces of Montenegro regulates the Constitution of Montenegro, Law on Defence and Law on the Armed Forces of Montenegro. The highest document that gives jurisdiction of the state authorities for planning and decision making on the use of the AF of Montenegro is the Constitution of Montenegro. According to the Constitution, within the process of national planning and decision-making about the use of the AF of Montenegro, as well as defense costs, the Montenegrin Parliament, Security and Defence Council, President of Montenegro and the Government of Montenegro are included. The Parliament of Montenegro: 1) declares a state of emergency, 2) Adopts the budget and the final budget account, 3) Adopts the National Security Strategy and the Defence Strategy, 4) Decides on the use of units of the AF of Montenegro in the international forces, 5) Supervises the AF and security services. Security and Defence Council: 1) Make decisions on commanding of the AF of Montenegro; 2) Approves the Plan on use of the AF of Montenegro 3) Analyzes and assess the security situation in Montenegro and makes decisions for taking appropriate measures, 4) Assigns, dismiss and**

improves officers in the AF of Montenegro, 5) Proposes to the Parliament the declaration of war or emergency 6) Suggests the use of the AF of Montenegro in the international forces, 7) Assigns and dismiss the military diplomatic representatives.

**President of Montenegro:** 1) Commands the AF on the basis of decisions of the Council of Security and Defence, 2) Orders the mobilization of the AF in accordance with the decisions of the Council for Security and Defence, 3) Improving the initial acts of officers and reserve officers of the AF.

**President of Montenegro is the President of the Security and Defense.**

**Government of Montenegro:** 1) Proposes the budget and final budget account, 2) Proposes the National Security Strategy and Defence Strategy; 3) decides on the participation of civil defense staff in peacekeeping missions and other activities abroad, 4) adopts a Defence plan of Montenegro, 5) Adopts the Strategic Defence Review of Montenegro, 6) Adopts the Long-term Development plan, 7) Determines the organizational structure of the AF and the size of the AF.

**According to the Defence Law of Montenegro Ministry of Defence:** 1) proposes Defence Plan of Montenegro, 2) proposes organizational structure of the AF and the size of the AF 3) provides the execution of decisions and other documents from the President of Montenegro and the Government concerning the issues of the Defence system, 4) executes the established Defence policy, 5) organizes and executes international cooperation in area of defence, 6) organizes the protection of electronic communications and information systems for defense and 7) organizes the security affairs in defence area.

**Defence minister, according to the Law on AF of Montenegro:** 1) ensures the implementation of decisions of commanding the AF, 2) recommends to the Security and Defence Council the assignments and dismissal of CHOD of AF of MNE, 3) proposes to the Council of Security and Defence the promotion, assignment and dismissal of officers of the AF, 4) recommends to the Council for Security and Defence the assignment and dismissal of military diplomatic representatives.

**General Staff of the AF does:** 1) maintenance of readiness and combat readiness of the AF, 2) development of a command system in the AF, 3) the drafting of military doctrine, the use of the Plan of AF, the fulfillment Plan of the AF, Plan of the mobilization of AF, training plan and training of persons serving in the AF, plan of measures for the organization, development, equipping and modernization of the AF, 4) preparation of the AF to participate in the international forces.

**Chief of the General Staff is organizing and commanding of the General Staff. All commands and units of the AF are subordinated to him. On the state of the AF, CHOD is referring to the Minister of Defence.**

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

The Law on use of units in international forces regulates the use of units of AF of Montenegro, participating of members of civil protection, police and employees in state bodies in peacekeeping missions and other activities abroad (2008). Under the use of unit, in accordance with this law, these are the activities: 1) to achieve and preserve peace, 2) in the peacekeeping and peace support missions, 3) the provision of humanitarian assistance, 4) to encourage the development of democracy, legal security and protection of human rights within international organizations and alliances, and 5) on which Montenegro is committed to international agreements. The Armed Forces units are filled on a voluntary basis.

Engagement of the AF of Montenegro in international operations is based on the Decision of the Parliament of Montenegro from July 2011. According to this decision, the members of the AF of Montenegro are engaged in the following operations:

1. NATO-led operations "ISAF" in Afghanistan, 45 members of the AF of Montenegro
2. EU led operation "Atalanta", three members of the Navy of Montenegro
3. UN operation "UNMIL" two members of the AF of Montenegro.

## **2. Existing structures and processes**

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

**Constitution of Montenegro states that: Arm forces and security services are under democratic and civilian control (article 11 and 129); Parliament of Montenegro makes decision on deployment of members of armed forces in missions abroad and conduct oversight on arm forces and security services (article 82, paragraph 1, point 8 and 10); President of Montenegro commands arm forces based on decisions of Council for defense and security (article 95, paragraph 1, point 2); Council for defense and security makes decisions on commanding of arm forces, appoints and dismissed officers and proposes deployment of members of arm forces (article 130).**

a) Montenegro shall guarantee and protect the rights and freedoms, exercised on the basis of the Constitution and ratified international agreements. The principles and rules of international law, cooperates and develops friendly relations with other countries, regional and international organizations. Public administration activities are performed by the government ministries and other administrative bodies.

- Ministry of Internal Affairs, among other things, performs tasks related to analytical monitoring and strategic planning in the field of fight against crime, as well as supervision and internal control over the performance of police duties and procedures, procurement of weapons and weapon parts: production, transport and transportation of explosive materials, transportation of explosives, transport of arms, military equipment and dual use goods, as well as the implementation of international treaties under its jurisdiction.

- Ministry of Defense, among other things, performs tasks related to: activities within the Partnership for Peace and the regional organizations of safety; arming the Army in Montenegro; activities stemming from international agreements on arms control or other international agreements, and inspection in the area of defense.

- Ministry of Foreign Affairs and European Integration, among other things, performs tasks related to the conclusion and implementation of international treaties and other regulations.

- Ministry of Sustainable Development and Tourism is responsible for tasks relating to: strategic planning and environment, protection from radiation (radioactive substances and ionizing radiation), international cooperation and international agreements within its jurisdiction.

- Ministry of Economy, among other things, performs tasks related to: monitoring and development of internal and external trade, the regime controlling the foreign trade of arms, military equipment and dual use goods (goods controlled) as well as overseeing the work performed by controlled foreign trade in goods, as well as international cooperation in the areas under their jurisdiction.

- Customs Administration, among other things, performs tasks related to: the application of regulations relating to the goods being brought into the customs area, or use of goods, performance of customs control; determining origin of goods, customs enforcement measures investigation and intelligence work for the prevention and detection Customs offenses and crimes committed in violation of customs regulations, and submission to the competent prosecutor's office, control of import, export and transit of goods for which special measures are required to protect the safety, health and life, as well as cooperation with other entities.

- Administration for the Prevention of Money Laundering and Financing of Terrorism carried out tasks related to: collecting, analyzing and disseminating to the competent bodies of data, information and documentation necessary for the detection of Money Laundry and Terrorism Financing, international cooperation with authorized bodies of other countries and international organizations; publication statistical data from the field of preventing and detecting money laundering and terrorism financing.

- Police performs tasks related to the protection and safety of citizens constitutionally defined freedoms and rights, prevention of exercise and detection of crimes and offenses; surveillance and border security and border control exercise, the international police cooperation.

2.2 How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

**These procedures are fulfilled by executions of Law on defense, Law on arm forces of Montenegro, Low on parliamentary oversight in the field of security and defense and Law on deployment of the armed forces of Montenegro units to the international forces and participation of members of civil defense, police and public administration employees in the international missions and other activities abroad. Law on parliamentary oversight in the field of security and defense state that**

democratic and civilian control of arm forces is being conducted through parliament body for security and defense. This body has authority to: discuss reports in this field, conduct inspections, organize hearing, discuss legal acts and defense budget. Parliament makes decision on deployment of members of arm forces in mission abroad, adopts laws and strategies and budget. Council for defense and security makes decision on which President of Montenegro commands Montenegrin armed forces. Minister of defense is civilian and he is being appointed by Parliament. Government of Montenegro proposes to the parliament laws, strategies, budget, minister of defense and discuss annual reports of Ministry of defense.

To carry out these procedures are provided by: the Ministry of Internal Affairs, Ministry of Defence, Ministry of Foreign Affairs and European Integration, Ministry of Sustainable Development and Tourism, Ministry of Economy, the Customs Administration, the Directorate for Money Laundering Prevention and Terrorism of finance and the police department.

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

The role of Arm forces of Montenegro is to defend independence, sovereignty and state territory in accordance with principles of international law on usage of force. Missions of Arm forces of Montenegro are: defense of Montenegro, support to civilian institutions in state during natural and artificial caused catastrophes and in other crisis, including crisis caused by terroristic activity and contribution in building and keeping of peace in the region and world.

Executing of Constitution and above mentioned laws, Montenegro ensures that our defense and security forces are acting in constitutional framework.

Montenegro does not have paramilitary forces.

The Law on the National Security Agency (published in the "Official Gazette of Montenegro", No 28/05, No 86/09 and No 20/11), specifies that the affairs of national security related to protection of constitutionally established legal order, independence, sovereignty, territorial integrity and security of Montenegro, constitutionally guaranteed human rights and freedoms, as well as other duties of interest for the national security are performed by the National Security Agency of Montenegro.

Competences of the Agency include: collection, record keeping, analyzing, assessing, exploiting, exchange, storing and protection of data:

- 1) on activities directed against the independence, sovereignty, territorial integrity, security and constitutionally established legal order of Montenegro;
- 2) relevant for the defence interests of Montenegro and fulfillment of its strategic and security goals and interests (intelligence and counter-intelligence affairs in the field of defence);
- 3) on activities aimed at conducting acts of terrorism;
- 4) on activities aimed at conducting acts of organized crime;
- 5) on the most serious crimes against humanity and other properties by the international legislation;



- 6) on activities of actors of intelligence activities of other countries relevant for the national security;
- 7) on potential threats against economic interests of Montenegro;
- 8) on threats against the international security;
- 9) on other possible threats against the national security.

The Agency ensures the counter-intelligence protection of the Parliament of Montenegro, the Government of Montenegro, the President of Montenegro, other state authorities, ministries and administrative authorities which includes the activities relevant for security of specific individuals and their positions within these authorities, as well as the facilities, equipment and the premises they use.

The Agency conducts security checks as well as other activities of interests for the national security, pursuant to the Law.

The Law on the National Security Agency also defines mechanisms of control over the work of the Agency by the Executive, Judicial and Legislative Authorities.

The Executive Authority's control over the work of the Agency (Articles 39-42 of the Law), within all segments of its competence, is exercised via the Inspector General who is appointed and dismissed by the Government of Montenegro, and who is responsible for his/her work to the Government.

Within implementation of special authorizations vested in the Agency related to covert data collection achieved via the method of surveillance over the electronic communication and postal deliveries, and surveillance of the facilities interior, closed spaces and objects within the use of technical means, and considering that the constitutionally and legally guaranteed human rights and freedoms are being temporarily limited through its implementation, the control of judicial authorities is important, whereby it is realized through approvals for implementation of the aforementioned methods given by the Supreme Court President or the judge who replaces him/her, that is, by the Bench of Judges of the Supreme Court for each respective case (Articles 13-15 of the Law).

Parliamentary control over the work of the Agency, performed by the Parliament of Montenegro through its working body – the Committee for Security and Defence, is defined by provisions of Articles 43-46 of the Law.

The aforementioned provisions stipulate the obligation of the Agency to submit annual report on its work to the Committee for Security and Defence, as well as to submit, upon request of the Committee, special reports on particular affairs from its scope of work, and to provide insight into procedure of control over implementation of the method of secret surveillance as long as it does not jeopardize the national security.

Although the Committee for Security and Defence has functioned and performed Parliamentary control over the work of authorities from the field of security and defence, even before the Law on Parliamentary control in the field of security and defence entered into force, the very enacted Systematic Law has brought a new and comprehensive quality of defining the field of performance of the Parliamentary control over the work of all actors dealing with the security and defence affairs.

The Law precisely specifies the subject and the extent of the Parliamentary control, actors subjected to the Parliamentary control, competencies of the Committee, the procedure of performing the Parliamentary control, duties of authorities and

**institutions subjected to the control, and other issues relevant for the Parliamentary control performance.**

### **3. Procedures related to different forces personnel**

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

**Montenegro army is professional and members of arm forces join army on voluntary base. Law on arm forces states that Montenegro citizens have military obligation during state war or emergency. In peace time, on voluntary base, Montenegro citizens can be called for training for duties in war, not longer than 60 days in one year**

**Recruitment of personnel in the Police Directorate is regulated by the Law on Civil Servants and State Employees, wich involves making decision to fulfill a vacancy, obtaining approval by Ministry of Finance and announcement of public call by the Directorate for Human Resources for the needs of Police Directorate.**

**Police Directorate also employs graduate students from Police Academy trained for police work.**

3.2 What kind of exemptions or alternatives to military service does your State have?

**Citizen of Montenegro, based on his religious and other conviction, has right to decline military duty which include usage of weapon in state of war or emergency.**

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

**Minister of defense makes decision concerning rights and obligations of members of arm forces in accordance with the law. Against these decisions members of arm forces can appeal to the state ombudsman or regular courts.**

**Protection of employees of Police Directorate is regulated by the Law on Police, Law on Civil Servants and State Employees, Labor Law and other secondary regulations.**

### **4. Implementation of other political norms, principles, decisions and international humanitarian law**

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programs and regulations?

**In accordance with Constitution of Montenegro arm forces of Montenegro defends independents, sovereignty and state territory in accordance with principals of international law on usage of force.**

**In accordance with this constitutional principe, programs of educations and training of members of arm forces includes basics of International Humanitarian Law an Law on arm conflicts.**

**Duty of all members of arm forces is to know basics of International Humanitarian Law and Law on arm conflicts, which is being inspected in process of evaluations of defense readiness and specially in process of preparation for deployment in missions abroad.**

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

**Law on arm forces states that member of arm forces has right and obligation to perform his duty in accordance with Constitution and other legal acts, and to fulfill his superiors orders, except in case if fulfillments of those orders present criminal act in which case he have to report this.**

**These provisions members of arm forces are learning during their training. Also all legal acts concerning this area are being published in "National gazette", and there easy to access in Ministry of defense and arm forces.**

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

**State ensures that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity, by executing Constitution and above mentioned laws in which are stated all procedures for usage of arm forces and punishment for those that violet them.**

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

**Members of arm forces are being introduced with their constitutional rights during their military education. Constitution and Law on arm forces forbids membership in political organization.**

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

**Defense strategy and Strategy of national security are in accordance with international law and they are drafted with participations of foreign experts. Legal acts in this area are based on these strategies and in this way Montenegro ensured that our defense policy is in consistent with international law.**

### **Section III: Public access and contact information**

#### **1. Public access**

1.1 How is the public informed about the provisions of the Code of Conduct?

**Ministry of Defense respects the principle of transparency and public rights to know, which is defined by Constitution and Law in this area.**

**The office is responsible for writing and distributing press releases and statements, generating ideas for media and organizing press events and conferences, organizing media and public appearance of the minister of defense, providing full media coverage for all Ministry of Defense and Armed Forces of Montenegro events, maintaining a comprehensive archive (visual, print and digital) for the events, organizing interviews...**

**General provisions of the Code of Conduct can be found on the official web site of the Ministry of Foreign Affairs and European Integration – [www.mip.gov.me](http://www.mip.gov.me)**

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

**- Replies to the Questionnaire on the Code of Conduct are posted on the official web site of the Ministry of Foreign Affairs and European Integration.**

1.3 How does your State ensure public access to information related to your State's armed forces?

**In order to provide timely information and to inform national and international public about the activities Ministry of Defense and Armed Forces, website [www.odbrana.gov.me](http://www.odbrana.gov.me), is continuously updated with new information.**

**PR Office have good cooperation with NGOs, supporting their activities dealing with AFMNE and NATO, as round tables, campaigns and similar activities.**

**PR Office publish monthly newspaper about Euro-Atlantic integrations, armed forces and defense area. Magazine is free and is available to citizens, distributed to all state institutions, representatives of parliamentary parties, NGO's, media, foreign diplomatic missions etc.**

## **2. Contact information**

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

**Marija Vulević**

**Directorate for OSCE and Council of Europe – Ministry of Foreign Affairs and European Integration**

**Email: [marija.vulevic@gov.me](mailto:marija.vulevic@gov.me)**

**Phone: +382 (0) 20 246 443**