**Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom**

**And**

**Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products and its implementing Regulation (EU) No 737/2010 of 10 August 2010 (hereafter referred to as IR)**

Having in mind geographical position, climate and natural conditions territory of Montenegro isn’t adequate habitat for seals and according to that fact we are in early stages in transposition and implementation of this Directive and Regulation.

In order to implement the international obligations in the field of biodiversity conservation and the objectives of the Directive and Regulation a number of other legal instruments can be relevant to the implementation of this Directive for Montenegro. This Directive is linked to other legislation that includes provisions for, or focuses on, protection for fauna and flora by restrictions or prohibitions on trade, such as the Habitats Directive (92/43/EEC), the Birds Directive (79/409/EEC), Convention on International Trade in Endangered Species of Wild Fauna and Flora ("Off. Gazette of MNE”, no. 11/01), CBD Convention ect.

According to the Amandmans to the Law on Nature Protection (in Parliamentary procedure) and adoption of regulation on the basis of the amended Law, will create the condition for the transposition and implementation of the Directive.

Based on the Law on Nature Protection as well as Amendmans to the Law, relevant authorities for implementation and enforcement of the Regulations and Directive following Institutions:

- Ministry of Sustainable Development and Tourism

- Environmental Protection Agency

- Directorate for inspection Control

- Customs Administration

- Ministry of the Interior-Police Administration

Research work:

- Sector for Monitoring and Environmental Protection (Environmental Protection Agency)

- University of Montenegro (Institute for marine biology)

**• Taking or maintain all necessary measures to ensure that the products listed in the Annex are not commercially imported into the country.**

One of first steps for implementation of this Directive and Regulation for Montenegro will be gathering a detailed list of seal products and products that generally contain or may contain components derived from seals, which are currently on the market or are likely to be marketed in the foreseeable future and identify how these products are currently labelled or marked.

Principal Obligations of Montenegro who are at the same time respond to the sent questionnaire, would be to:

 - Establish or delegate a competent authority to be responsible for implementing the requirements of the Directive and Regulation;

- Develop a system whereby the commercial importation of seal products is prohibited;

- Ensure that the appropriate staffing arrangements are established and that the correct training is provided to customs officers to allow them to inspect shipments;

- Establish a monitoring system to ensure that the importation of seal products is prohibited and that the requisite import procedures are being followed by the customs departments at borde points;

- Take or maintain all necessary measures to ensure that the products listed in the annex are not commercially imported into the country;

- The establishment and the arrangements for licensing and inspection are the key task to be undertaken at the earliest opportunity.

**• Establish a monitoring system to ensure that the placing on the market of seal products is prohibited and that the requisite import procedures are being followed by the customs departments at border points.**

Since Montenegrian legislation were not treated seal pups and products derived therefrom, Montenegro is considering to apply the same approach as with implementation of CITES Convention. According that Environmental protection Agency is the body who is responsible to inform public regarding CITES Convention related issues. The general public is also informed through electronic media and distribution of educational material in public places.

The Customs Administration through its PR services informing public about all important issues related to CITES Convention illegal cross border trade. At the border crossings, travelers entering the country receive educational material regarding CITES Convention-related issues.

There are 10 border crossings of Montenegro on which customs officers control trans-boundary movements of species that are on the CITES Appendices: (Post of Bar, Bozaj, Podgorica Airport, Post office Podgorica, Podgorica railway station, Ilino brdo, Rance, Dobrakovo, Dracenovac and Metaljka). Custom Administration has within their information system, CITES species database, so anytime they could control shipments of CITES specimens. On the border crossings, currently, there are no special facilities for the transportation and accommodation of live animals and plants. Designation of such facilities will be one of the priorities in future cooperation between Management authorities and Customs bureau. CITES permits are being certified after the completion of certain custom investigation by the customs officials and sent to the Customs Administration for further forwarding. to the Management authority.

According the above mentioned this can be good model also for implementation of this Regulation and Directive.

• Laying down the rules on penalties and notifying the Commission of those provisions and any subsequent amendments and taking all measures necessary to ensure that the rules on penalties are implemented (Art. 6)

To set up .Inspection system to control compliance with this Regulation and Directive it is necessary to adopt amendments to the Law on Nature Protection and adopting Rulebook according to the Amendment on the Law which would be the administrative conditions for the implementation of such inspection system.

For the establishment of such system it is very important to strengthen capacities of state judicial institutions as well as bodies for implementation of this Directive and Regulation, primarily Management authority.

Pursuant to the Law on Nature Protection (“ Official Gazette of Montenegro” no. 51/08) legal person and entrepreneur, without the permit of the Management authority, will be punished with fine, for all illegal trade activities regarding endangered species. According Pursuant to Article 312 of Criminal Code ((“Official Gazette of the RoM”, no. 70/2003, 47/2006 and in the “Off. Gazette of MNE”, no. 40/2008, 25/2010 and 32/2011): (1) Anyone who, in breach of regulations exports or takes abroad a protected natural asset or specially protected plant or animal, shall be punished by an imprisonment sentence of three months to three years; (2) An attempted offence shall be punished.