**31999L0022**

**Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos**

**TRANSPOSTITION**

**A. Which parts of the Directive have been transposed?**

According to the Progress Monitoring for 2012, the transposition score for the Zoo Directive is about 70% and is quite advanced. The main transposition instrument is the Law on Animal Welfare (OG MNE no. 14/2008 from 29.02.2008). The remaining provisions to be transposed include Article 3 on conservation measures to be taken by zoos.

Transposed parts of the directive in the Law on Animal Welfare (OG MNE No. 14/2008 are the following:

* Art.2 Definitions: “zoos”

Article 3- zoo is a place with facilities where are held and reproduced wild and domestic animals for the purpose of preservation of endangered species and public display for at least seven days per year, in order to improve biological education of people.

* Article 3 (5): keeping of up-to-date records of the zoo's collection appropriate to recorded species.
* Article 4 (1): MS shall adopt measures for licensing and inspection of existing and new zoos to ensure that Article 3 requirements are met.
* Article 6- In the event of a zoo or part thereof being closed, Competent Authority shall ensure that animals concerned are treated or disposed of under conditions which Member State deems appropriate and consistent with this Directive purposes and provisions.
* Article 7- Member State shall designate Competent Authorities for this Directive Purposes.
* Article 8- Member State shall determine penalties applicable to breaches of national provisions adopted pursuant to this Directive. Penalties shall be effective, proportionate and dissuasive.

**B. How and when the remaining provisions will be transposed?**

The remaining provisions to be transposed include Article 3 on conservation measures to be taken by zoos and will be transposed by the Rulebooks that are planed according to the amendments to Law of Animal Welfare. Total transposition is planned to be done until the end of 2015.

What has been achieved so far as regards:

**1. Designate competent authorities for the purposes of this Directive. according the Article 7 are:**

- Veterinary administration (Ministry of Agriculture and Rural Development) is responsible for licensing of the zoos

- Inspection Directorate is responsible for inspection

- Environmental Protection Agency is responsible for the issuing permits for zoos

**2. Designating ‘zoos’ (Art. 2)**

Definition of zoos:

-“zoo” is a place with facilities where are held and reproduced wild and domestic animals for the purpose of preservation of endangered species and public display for at least seven days per year, in order to improve biological education of people;” according to the Law on animal welfare protection article 3 (“Official Gazette of Montenegro” no. 14/2008 from 29.02.2008 year). The definition is compliant with Article 2 of the Directive.

**3. Licensing zoos (Art. 4)**

Zoos may be established if they are in the possession of: facilities, spaces, equipment and sufficient number of staff for raising and/or reproduction of such animals; plan of maintaining a zoo, accompanied by the list of animal species, needs for funds and plans of taking care of possible descendants of such animals, and plan of taking care of such animals in case of a dissolution of such zoo or in events of force majeure.

The fulfillment of the requirements referred above shall be established by a decision taken by the administration authority Ministry of Agriculture and Rural Development on the basis of the Article 33 of the Law of animal welfare.

Along with an application for establishing the fulfillment of the requirements, a consent given by the competent Authority responsible for nature protection (Ministry of Sustainable Development and Tourism) should be presented as well.

The Veterinary Administration is responsible for issuing licenses for the zoos. Zoo that complies with the requirements above shall be recorded in the register that is kept in the Veterinary Administration. Only one zoo (in Berane municipality) is licensed and recorded in the register of Veterinary Administration.

Environmental Protection Agency keep proper records of all protected animals that are in private reserves and there is a database that is accessible to the public. The records also include animals on the CITES list (wolf, wild cat, golden eagle, buzzard, short-toed eagle, owl, etc.).

**4. Implementing an effective inspection and enforcement system (Arts. 4, 6 & 8)**

Zoo must provide the following:

- Housing space and the equipment for raising and/or reproduction of wild animals, which comply with the basic needs of each animal species;

- Adequate water and feed supply as per their physiological needs;

- Veterinary and health protection;

- Human dealing with animals by the employed persons;

- Animal protection against visitors and/or visitor’s protection against animals.

In the case of zoo closure the owner has to:

- transfer animals to another zoo that complies with the requirements for raising animals as regards the protection prescribed under the present Law.

- If no such possibility exists, animals may be subjected to mercy killing.

In accordance with the Article 33 of the Law on Animal Welfare protection the request for issuing a license includes check-up on sanitary/veterinary conditions. Articles 49-51 of the same Law insure regular controls of the fulfillment of the conditions set in the license.

Zoos will be regularly inspected according to the Article 49, point 1 of the Law on animal welfare protection. Inspection control of the enforcement of the Law shall be carried out by the Veterinary inspectors, Inspection Directorate

Appropriate steps will be taken to ensure compliance with license conditions according to the Article 50, point 11 of the Law on Animal Welfare protection

Mechanism for the appropriate treatment or disposal of animals if a zoo or part of a zoo is closed has been identified:

- In accordance to Article 33 of the Law on Animal Welfare protection,(“Official Gazette of Montenegro” no. 14/2008 from 29.02.2008 year), zoo is required to adopt a plan of care of animals in the event of closure or natural disasters .

- In accordance to Article 34 of the Law on Animal Welfare protection (“Official Gazette of Montenegro” no. 14/2008 from 29.02.2008 year), zoo is required to submit animals to the other zoo that meets the requirements for keeping of animals.

Determining penalties for breaches of national provisions:

- According to the Article 51 of the Law on Animal Welfare (“Official Gazette of Montenegro” no. 14/2008 from 29.02.2008 year), fines from twenty to two hundred times the minimum wage in Montenegro will be imposes for offenses on legal entities and entrepreneurs if zoo does not have decision on compliance with veterinary and sanitary requirements.

- In the case of repeated violations of article 51, paragraph 50 of this Law, legal persons, entrepreneurs and physical person can be barred from carrying out activities for a period of one month to six months

Ecological inspector in accordance with the Law on Nature Protection ("Off. Gazette of MNE”, no. 51/08) has the authority to prohibit keeping of wild animals in captivity, if the keeper doesn’t have permit for that from the competent body or if there are not fulfilled all requirements for their keeping. Also, ecological inspector can confiscate the animals, which afterwards can be cared at legal or physical persons, which have keeping permit and fulfill conditions for keeping the subject sort of animal.

Following the Law on Nature Protection ("Off. Gazette of MNE”, no. 51/08) currently isn’t predicted any penalty provisions for keeping the animals in captivity or in the zoo, without permission of competent body. Due to this fact, ecological inspector when determined that wild animals are in captivity or in the zoo, in the accordance with the regulations of the Law on Inspection supervisions, can order to the animal holder to provide permission from the competent body and to provide necessary conditions.

.Pursuant to Article 309 of the 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) Anyone who by breaching regulations kills, hurts or tortures animals or damages and destroys their habitats to a larger extent or in a wider area, shall be punished by a fine or imprisonment sentence not exceeding one year.

**5. Ensuring that conservation measures are implemented (Art. 3)**

Participate in research:

It shall be ensured with adoption of the Rulebook related to the keeping of wild animals in zoos by the Ministry of Agriculture and Rural Development

Promote public education:

It shall be ensured with adoption of the Rulebook relating to the keeping of wild animals in zoos (Ministry of Agriculture and Rural Development)