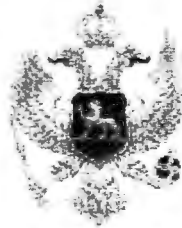


## Written Statement of Montenegro



**MONTENEGRO**

### Ministry of Agriculture and Rural Development

Number 325 - 034 / 13 - 2  
Podgorica, November, 29<sup>th</sup> 2013. year

General Fisheries Commission for the Mediterranean  
Executive Secretary  
Mr. Abdellah Srou

Dear Mr. Srou:

In accordance with your letter in which you are requesting answers to questions that are provided by the International Tribunal for the Law of the Sea, we submit the following:

**1. What are the obligations of the flag State in cases where illegal, unreported and unregulated (IUU) fishing activities are conducted within the Exclusive Economic Zone of third party States?**

Montenegro still does not have legally regulated obligations in terms of IUU fishing. For now, Law on marine fishery and mariculture and Law on sea, are applied in this area. In Montenegro there is no Exclusive Economic Zone. Flag State has jurisdiction over vessel with their flag, and flag State is responsible for violations of international Law, 'privilegia adiosca'.

**2. To what extent shall the flag State be held liable for IUU fishing activities conducted by vessels sailing under its flag?**

During 2014 Montenegro plans to adopt and implement in its legal system regulation 1005/2008, where will be defined and precised criteriums for responsibility in case of IUU fishing. Responsibility of the state must go in two directions: a) Intangible responsibility and liability for the violation of rules of international Law of the sea, and b) Financial liability.

**3. Where a fishing license is issued to a vessel within the framework of an international agreement with the flag State or with an international agency, shall the State or international agency be held liable for the violation of the fisheries legislation of the coastal State by the vessel in question?**

In accordance with Article 95 and 96 of the Law on Marine Fisheries and Mariculture, rights, duties and responsibilities are defined in the Agreement. The same Law (Article 117) stipulates the penalty provisions if the foreign vessel fishing contrary to the provisions of this Law and signed Agreement.<sup>1</sup>

**1. What are the rights and obligations of the coastal State in ensuring the sustainable management of shared stocks and stocks of common interest, especially the small pelagic species and tuna?" (11):**

According to Law on marine fishery and mariculture, fish and other marine organisms in fishery sea of Montenegro from the coast till 12 NM, are resources of common interest under jurisdiction of the State, i.e. Ministry of agriculture and rural development.

Marine fisheries, in the terms of this Law means the management of the living marine resources and applies to fishing, collecting and protecting fish and other marine organisms based on the principles of sustainable development.

Where there is evidence of a serious and unforeseen threat to the living marine resources or marine ecosystem resulting from fishing activities in the fishing sea of Montenegro, Ministry of agriculture and rural development will undertake urgent measures to eliminate that threat. In the case that measures are taken under the terms of a ratified international agreement, prior to adoption of planned measures Ministry will notify the body of the other member state in charge of implementation of that agreement and the regional fishery advisory body by sending a draft of those measures, together with a memorandum which includes a rationale on the measures, prior to their implementation.

Best regards



MINISTER  
dr Petar Ivanović