

LAW

ON DEFENSE

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I BASIC PROVISIONS

Article 1

This Law regulates the organization and functioning of a single defense system of Montenegro, the rights and duties of proponents of defense preparations and other issues of interest to defense of Montenegro.

Article 2

Defense of Montenegro presents a basic state function organized and carried out by proponents of defense preparations, in order to respond to challenges, risks and threats to security of Montenegro.

Article 3

Proponents of defense preparations shall carry out the rights and duties in defense of Montenegro (hereinafter: the defense) in peace, state of war or state of emergency, in accordance with this Law, the main defense documents and other regulations.

Article 4

The defense interests shall be implemented through:

- 1) Performance of tasks of interest to defense;
- 2) Cooperation with international organizations and institutions, other entities and allies;
- 3) Building trust, security and stability in the region;
- 4) Implementation of activities in the process of integration into NATO and the EU.

The defense interests shall be implemented in accordance with national and international law.

Article 5

The terms used in this Law shall have the following meaning:

- 1) The Armed Forces of Montenegro (hereinafter: the Armed Forces) present a professional defense force that, as a part of the defense system, defends independence, sovereignty and the state territory of Montenegro, contributing to building and maintaining the international peace in accordance with the principles of international law on the use of force;
- 2) Defense preparations present: a unity of organizational, personnel, technical, and other measures and activities carried out in peace, state of war, or state of emergency;
- 3) Proponents of defense preparations are: citizens, Armed Forces, state authorities, state administration bodies, local self-government and local administration, companies, other legal persons, and entrepreneurs;
- 4) Readiness is a set of activities enabling a gradual and organized transition of proponents of defense preparations to functioning in accordance with defense plans;
- 5) Mobilization is a set of activities through which proponents of defense preparations make a transition from peacetime organizations to wartime organizations, and functioning in accordance with the Defense Plan of Montenegro;
- 6) State of emergency is a situation in which, on the territory or part of the territory of Montenegro, there are major natural disasters, technical-technological or environmental disasters, epidemics, large-scale disturbance of public order and peace or endangering or attempt to overthrow the Constitutional order;

- 7) State of war is a situation in which there is an immediate war threat to Montenegro, or a situation in which Montenegro was attacked or when war was declared against it;
- 8) The main defense documents are: National Security Strategy of Montenegro, Defense Strategy of Montenegro, Strategic Defense Review of Montenegro, and Defense Plan of Montenegro;
- 9) The Defense Strategy of Montenegro is a document that defines the most important issues in the field of defense system functioning and development;
- 10) The Defense Plan of Montenegro is a set of documents through which preparations are planned for the achievement of defense goals within the defense system;
- 10a) The Strategic Defense Review of Montenegro is a basic programme document that defines the mid-term defense planning, efficient management of defense resources, transparency of defense tasks and creation of conditions for democratic and civil control, professionalization and efficiency of the Armed Forces in carrying out missions and tasks assigned;
- 11) The National Security Strategy of Montenegro is a document that defines the development and functioning of the system of national security of Montenegro;
- 12) The Military Logistics Doctrine is a document that defines the attitudes and commitments with regard to organization of the system of logistical support to units and commands of the Armed Forces in performing their missions and tasks.

II RIGHTS AND DUTIES OF PROPONENTS OF DEFENSE PREPARATIONS

1. Rights and duties of citizens

Article 6

The citizens of Montenegro shall have the following rights and duties in defense:

- 1) Conscription;
- 2) Labor duty;
- 3) Material duty.

1) Conscription

Article 7

Conscription is an honor, right, and duty of Montenegrin nationals to participate in defense preparations and they shall only be engaged in conditions of state of war or state of emergency, in accordance with the law.

2) Labor duty

Article 8

Labor duty is a right and duty of citizens to participate in performance of certain tasks and assignments of importance to national defense in a state of war or state of emergency.

No strikes may be organized during the performance of labor duty.

Labor duty shall be imposed on all citizens able to work, as follows: men aged 18 to 65, and women aged 18 to 60, who were not assigned to serve in the Armed Forces.

The manner of organization and performance of labor duty shall be regulated by the Government of Montenegro (hereinafter: the Government).

Article 9

Performance of labor duty may not be imposed on the following citizens without their consent:

- 1) A parent of a child under 15 years of age, whose spouse is under conscription;
- 2) A single parent who has a child under seven years of age, two or more children under 15 years of age, or a child with a disability, or a child with special needs and where the person's general health condition requires care and assistance by another person;
- 3) A woman during pregnancy or motherhood - if a child is under 15 years of age;
- 4) A person whose spouse is disabled or whose child has special needs and where the person's general health condition requires care and assistance by another person;
- 5) A person incapable of work.

3) Material duty

Article 10

Material duty is a right and duty of citizens and legal persons to, in a state of war or state of emergency, provide material assets for use for needs of defense.

Tasks related to performance of material duty shall be carried out by the ministry in charge of defense affairs (hereinafter: the Ministry).

The manner of organization and performance of material duty shall be regulated by the Government.

Article 11

For needs of national defense, citizens and legal persons shall provide: motor vehicles of general and special purposes, building and other machinery, instruments and devices of communication and computing, vessels, ports, quays and navigation installations, supply, maintenance and repair of vessels, aircrafts and airports, pumping stations and warehouses, service stations and stations for technical inspection of motor vehicles and telecommunications devices, instruments and devices for preparing, printing and recording, hunting and sporting weapons, buildings and land, as well as other necessary material assets.

The Ministry shall list and keep records of the assets referred to in paragraph 1 of this Article needed for national defense.

Citizens whose material assets are listed for defense needs shall deliver those assets, at a request by the Ministry, to a specific location in a state that enables their intended use.

Article 12

In a state of war or state of emergency, the Parliament of Montenegro (hereinafter: the Parliament) may decide that material duty shall also apply to foreigners that have been granted permanent residence in Montenegro, except for those serving in diplomatic, consular and other representations of foreign countries and international organizations.

Article 13

Owners of material assets taken for defense needs are entitled to compensation in accordance with Government's regulations.

Article 14

A person subject to conscription, labor, and material duty shall respond to the invitation of the Ministry.

If a person referred to in paragraph 1 of this Article, or a responsible person within a legal person, does not respond to the invitation and does not excuse his/her absence, or fails to perform material duty, the

Ministry shall submit a request for his/her bringing in to the administration body responsible for police affairs.

2. Rights and duties of legal persons

Article 15

Legal persons and entrepreneurs (hereinafter: legal persons) producing items and providing services of special importance for defense shall plan measures ensuring production and provision of services, supply of raw materials, production materials, energy, and other needs in times of a state of war or state of emergency, and shall provide a required number of employees for production and provision of services, protection of employees, material and other goods, and other measures in accordance with the Defense Plan of Montenegro.

Article 16

Mutual rights and duties of the Ministry and legal persons with regard to production of items or provision of services from Article 15 of this Law shall be determined by a contract.

Items or services of special importance for defense shall be determined by the Government.

Article 17

Legal persons producing items or providing services of special importance for defense or those that are capable of such activity may not, in times of a state of war or state of emergency, change the purpose of production and technological units used for the production of these items and the provision of services, without the Government's consent.

Article 18

Buildings of special importance for defense shall be: buildings in which technical systems are located, buildings in which items for defense needs are produced, stored, or kept, or where services for defense needs are provided, investment buildings, as well as the zones along them.

Zones along buildings referred to in paragraph 1 of this Article shall be those areas in direct vicinity of those buildings.

Buildings or parts of buildings, as well as the zones along buildings referred to in paragraph 1 of this Article, shall be determined by the Government, having previously obtained the opinion of the municipal assembly on whose territory the buildings are located.

Article 19

Measures to protect buildings and zones along buildings referred to in Article 18 of this Law shall be taken through physical security, technical protection measures, general security measures, and measures of counter-intelligence protection.

Control of measures taken under paragraph 1 of this Article within the buildings and zones along buildings shall be performed by authorized personnel of the competent authority or legal person, with the Ministry's consent.

Article 20

The competent authority or legal person shall determine which protection measures will be taken with regard to specific buildings used, in accordance with the assessment of security challenges, risks and threats at the macro and micro location.

Protection measures referred to in paragraph 1 of this Article shall be planned by owners or users of buildings, in cooperation with the Ministry.

Article 21

Legal persons performing activities of road, rail, air and maritime transport, transport by inland waterways and postal-telegraph telephone traffic and other carriers of communication systems shall, in times of a state of war or state of emergency, as well as on the occasion of mobilization of the Armed Forces, primarily provide those services ordered by the Ministry.

For performed services referred to in paragraph 1 of this Article, legal persons shall be entitled to reimbursement of actual costs.

Services referred to in paragraph 1 of this Article, the manner of determining the amount of reimbursement and payment of services shall be determined by the Government.

Article 22

Before a planning document is considered by the Government or executive body of a local self-government unit, a body in charge of preparatory work (hereinafter: preparatory work proponent) shall submit the planning document to the Ministry for opinion.

The Ministry shall submit the opinion referred to in paragraph 1 of this Article to preparatory work proponent within 15 days of receipt of the planning document.

During design, construction and reconstruction of buildings of special importance for defense, investors shall adhere to special requirements in terms of defense needs, which are defined by the Ministry.

The consent on meeting the requirements referred to in paragraph 2 of this Article shall be given by the Ministry.

The investor shall submit the consent referred to in paragraph 3 of this Article to the authority responsible for issuing building permits, along with the request for a building permit.

Article 23

The Ministry shall carry out tasks related to spatial planning and development, construction, reconstruction and maintenance of military buildings in the military area.

The manner, conditions and procedures for spatial planning and development, construction, reconstruction and maintenance of buildings referred to in paragraph 1 of this Article shall be defined by the Government.

Article 24

At the Ministry's request, legal persons engaged in scientific research and development or preparing scientific research and development projects shall include in such programmes the research of importance for defense and shall submit the results thereof to the Ministry.

The Ministry may use the data referred to in paragraph 1 of this Article exclusively for defense needs and may only authorize their use to that purpose.

Article 25

Legal persons engaged in research of importance for defense referred to in Article 24 of this Law may perform research together with foreign persons only if they have previously obtained the Ministry's consent.

The scientific research referred to in paragraph 1 of this Article shall include: research in the field of defense, science of earth and its surrounding area, water-management, electricity-management, energy and raw materials, spatial and urban planning, transport and communication, use of nuclear energy, life sciences, social sciences, and conducting studies of regulation and planning of river basins.

Article 26

Legal persons referred to in Article 24 and 25 of this Law intending to carry out these researches in cooperation with foreign persons, or to carry out research for needs of foreign persons, shall submit a request for consent to the Ministry.

The request referred to in paragraph 1 of this Article shall be submitted along with the main research project and data.

The request referred to in paragraph 1 of this Article shall be submitted no later than 60 days before the start of research.

Article 27

The Ministry shall keep records of submitted requests and issued consents referred to in Article 26 of this Law.

Article 28

In selecting, constructing and developing technical systems in the field of telecommunications, information technology, air and rail transport, electricity-management, water-management and other fields of importance for defense, as well as in procurement of technical assets relevant to their functioning, investors shall adjust them to defense needs, and shall introduce the Ministry with development programmes.

The Ministry may require investors to adjust the systems referred to in paragraph 1 of this Article with defense needs.

Investors shall act in line with requests of the Ministry referred to in paragraph 2 of this Article.

The Government shall determine the systems and technical assets referred to in paragraph 1 of this Article, and shall define the procedure of notification on the selection, construction and development of those systems, procurement of technical assets, as well as on setting the requirement referred to in paragraph 2 of this Article.

Article 29

During the standardization and typification of products, buildings and devices of special importance for defense, the authorities responsible for standardization and typification shall adjust them to defense needs and obtain consent of the Ministry thereon.

Article 30

Shall be deleted. (Law on Amendments to the Law on Defense, Official Gazette of Montenegro 88/09)

3. Rights and duties of state authorities

Article 31

Shall be deleted. (Law on Amendments to the Law on Defense, Official Gazette of Montenegro 88/09)

Article 32

Shall be deleted. (Law on Amendments to the Law on Defense, Official Gazette of Montenegro 88/09)

Article 33

The Government shall:

- 1) Propose the National Security Strategy of Montenegro and the Defense Strategy of Montenegro;
- 2) Adopt the Defense Plan of Montenegro;
- 2a) Adopt the Strategic Defense Review of Montenegro and the Long Term Defense Development Plan;
- 3) Adopt decrees with the force of law in times of a state of war or state of emergency, if the Parliament is unable to meet;
- 4) Determine the organizational structure and size of the Armed Forces;
- 5) Determine the organization of work of state administration bodies in case of a state of war or state of emergency;
- 6) Adopt a decision on taking measures to create, use, restore, keep and distribute material assets for defense needs in a state of war or state of emergency;
- 7) Define measures of readiness in times of a state of war or state of emergency and order their implementation;
- 8) Perform other tasks in accordance with the law.

Article 34

During a state of war or state of emergency, the Government shall ensure:

- 1) Implementation of measures of readiness in the territory of Montenegro;
- 2) Transformation of proponents of defense preparations from peacetime to wartime organizations and their functioning according to defense plans;
- 3) Implementation of assumed international obligations concerning the treatment of prisoners of war, foreign nationals and their property.

Article 35

The Defense and Security Council shall:

- 1) Approve the Plan of Use of the Armed Forces;
- 2) Perform other tasks determined by the Constitution or law.

Article 35a

Within the established competences, state authorities and state administration bodies shall be responsible for the organization and harmonization of activities on the implementation of tasks determined in the Defense Plan of Montenegro.

4. Rights and duties of state administration bodies and local self-government

1) The Ministry

Article 36

The Ministry shall:

- 1) Propose the Defense Plan of Montenegro;
- 2) Propose the organizational structure and size of the Armed Forces;

- 3) Determine: the content and manner of drafting the Defense Plan of Montenegro; planning, programming, budgeting and budget execution; system of military logistics, Military Logistics Doctrine, and criteria, evaluation grades and process of evaluating the combat readiness of the Armed Forces;
- 4) Ensure the execution of decisions and other acts by the President of Montenegro and the Government concerning the defense system affairs, in accordance with the law;
- 5) Implement the determined defense policy;
- 6) Organize and carry out international cooperation in the field of defense;
- 7) Organize electronic communications and protection of information for needs of defense system;
- 8) Organize and perform military intelligence, counter-intelligence and security affairs, in accordance with this Law;
- 9) Perform other tasks in accordance with the law.

The Minister is a civilian.

2) Local self-government

Article 37

Within the established competences, local self-government shall be responsible for the organization and harmonization of activities of proponents of defense preparations on the implementation of tasks from the Defense Plan of Montenegro.

5. The Armed Forces

Article 38

The Armed Forces shall perform tasks of defense in accordance with a separate law.

6. Defense preparations

Article 39

Proponents of defense preparations, other than citizens, shall plan their activities, with a view to achieve the defense goals and to perform tasks set by the competent authorities.

Proponents of defense preparations, other than citizens, shall bring their defense plans in line with the Defense Plan of Montenegro.

Proponents of defense preparations, other than citizens, shall prepare and adopt, in peacetime, defense plans in which they determine their organization and manner of work, establish tasks, forces, resources, procedures and measures of defense and other defense activities to be implemented in times of a state of war or state of emergency.

IIa STANDARDIZATION IN THE FIELD OF DEFENSE

Article 39a

Defense standards shall be adopted for processes and services for needs of defense that are not encompassed by regulations on standardization.

Defense standards shall determine rules, guidelines or characteristics for activities or their results relating to the processes and services referred to in paragraph 1 of this Article, with a view to obtain an optimal level of regulation in the field of defense. Defense standards shall be specifically marked.

Defense standards shall be adopted, developed, reviewed, amended and withdrawn by the Ministry.

The Ministry may take over foreign defense standards in whole or in part.

Article 39b

With a view to adopting, developing, reviewing, modifying, taking over, amending and withdrawing defense standards, the Ministry of Defense shall adopt a Standardization Plan.

Defense standards shall be marked secret in accordance with the regulations on data secrecy.

Article 39c

The manner of adopting, developing, marking, reviewing, modifying, taking over, amending and withdrawing defense standards, and the manner of establishing Standardization Plan, shall be defined by the Ministry.

III MILITARY INTELLIGENCE, COUNTER-INTELLIGENCE AND SECURITY AFFAIRS

Article 40

In addition to intelligence and counter-intelligence affairs in the field of defense that are organized and carried out by the National Security Agency of Montenegro (hereinafter: the Agency), in accordance with the law governing the competence and the manner of work of the Agency, military intelligence, counter-intelligence and security affairs shall be organized and carried out in the Ministry and the Armed Forces, in accordance with this Law.

Article 41

Military intelligence, counter-intelligence and security affairs that are carried out in the Ministry shall include:

- 1) Planning military intelligence, counter-intelligence and security activities in the Ministry and the Armed Forces;
- 2) Coordination, management, directing and control of military intelligence, counter-intelligence and security affairs in the Ministry and the Armed Forces;
- 3) Implementation of military intelligence, counter-intelligence and security doctrines, procedures, guidelines and regulations with a view to achieving interoperability;
- 4) Implementing and directing cooperation with military intelligence, counter-intelligence and security services of other countries and international organizations with the consent of the Minister and in accordance with international standards, international treaties and assumed commitments;
- 5) Collecting and keeping data and information in accordance with this Law and their protection against unauthorized disclosure, release, use, loss or destruction;
- 6) Carrying out security checks for employment or admission into service, education and assignment to certain jobs, or assignment to positions in the Ministry and the Armed Forces in cooperation with competent authorities.

Military intelligence, counter-intelligence and security affairs in the Ministry shall be carried out in the Section for Military Intelligence and Security Affairs, as an organizational unit of the Ministry.

The Section referred to in paragraph 2 of this Article shall be managed by a Section Chief, appointed by the Government on proposal of the Minister, after obtaining opinion of the competent working body of the Parliament.

Section Chief referred to in paragraph 3 of this Article is a civilian.

Article 41a

Military intelligence, counter-intelligence and security affairs that are carried out in the Armed Forces shall include:

- 1) Planning, organization, coordination, and implementation of intelligence security in the Armed Forces;
- 2) Development and implementation of military intelligence, counter-intelligence and security doctrines, tactics, techniques and procedures with a view to achieving interoperability;
- 3) Organizing, directing and gathering military intelligence data;
- 4) Development of intelligence material and documents and delivering them to users;
- 5) Planning, organization and implementation of counter-intelligence protection in the Armed Forces;
- 6) Planning, organization and control of security measures in the Armed Forces;
- 7) Implementation of cooperation and exchange of military intelligence data, in accordance with Article 41 paragraph 1 item 5 of this Law.

The manner of implementation of affairs referred to in Article 41 of this Law and paragraph 1 of this Article shall be defined by the Ministry.

Article 41b

Persons carrying out military intelligence, counter-intelligence and security affairs, in accordance with Article 41 and 41a of this Law and the Act on internal organization and job descriptions of the Ministry, or the organizational structure of the Armed Forces, shall be considered authorized persons and issued official ID cards.

The form and manner of issuing ID cards referred to in paragraph 1 of this Article shall be defined by the Ministry.

Article 41c

Persons referred to in Article 41b paragraph 1 of this Law may gather military intelligence, counter-intelligence and security data in the territory of Montenegro, only from the Ministry's employees and persons serving in the Armed Forces.

If application of instruments and methods of secret data collection is necessary for gathering data referred to in paragraph 1 of this Article, these activities shall be carried out by the Agency in accordance with the law, and based on an agreement between the Ministry and the Agency.

Article 41d

The Ministry shall submit military intelligence, counter-intelligence and security data and information gathered in accordance with this Law to the Defense and Security Council and the Director of the Agency.

The data and information referred to in paragraph 1 of this Article shall be marked with a degree of confidentiality in accordance with the regulation on data confidentiality.

Article 41e

Supervision over the intelligence, counter-intelligence and security affairs in the Ministry and the Armed Forces shall be carried out by the Government, Parliament of Montenegro and the Defense and Security Council.

Parliamentary supervision over the intelligence, counter-intelligence and security affairs in the Ministry and the Armed Forces shall be carried out in a manner prescribed by a separate law.

IV SECURITY AND PROTECTION MEASURES

Article 42

During a state of war or state of emergency, physical persons may be limited their freedom of movement, residence or settling in certain places and areas (hereinafter: prohibited zones), if this is necessary for their safety and defense needs.

Restrictive measures referred to in paragraph 1 of this Article shall be valid at the longest until the termination of the decision on declaring a state of war or state of emergency.

Prohibited zones and the manner of their marking shall be determined by the Government.

Article 43

During the execution of military exercises, for the sake of safety of people and property, the Ministry may temporarily restrict freedom of movement in a certain area in which the exercise is carried out, and may define security measures.

Article 44

Access to military buildings and buildings defined as being of special importance for defense shall be prohibited, as well as construction in zones along those buildings, without the Ministry's consent.

Article 45

In the territory of Montenegro, natural and legal persons can not, without the Ministry's consent, conduct scientific and other research or otherwise collect information in areas of importance to defense.

Areas of importance to defense, the procedure and requirements for granting consent referred to in paragraph 1 of this Article shall be determined by the Government.

Article 46

Recording and publishing recordings of military buildings and zones along those buildings shall be prohibited without the Ministry's consent.

Article 47

Land survey and research (geodetic, geophysical, geological, hydrological, etc.) in the zones along the buildings of special importance for national defense may be conducted by legal persons, after obtaining the relevant Ministry's consent.

Works on land survey in the border and coastal area and works on connecting with corresponding land surveys of neighboring countries may be conducted only with the Ministry's consent.

Article 48

Data on military buildings and zones along those buildings and other buildings referred to in Article 47 of this Law, as well as other information of interest to defense, may not be entered into cartographic and other publications.

Data referred to in paragraph 1 of this Article shall be determined by the Government.

The procedure for issuing consents referred to in Article 46 of this Law, for aerial recording of the territory of Montenegro for the purpose of surveying the land and coastal waters and for issuing cartographic and other publications shall be determined by the Government.

Article 49

The tasks of special importance for defense, which should be protected through special security measures in state authorities and legal persons, as well as criteria to fill the positions in which these tasks and activities are performed, shall be determined by the Government.

V RIGHTS AND DUTIES OF EMPLOYEES IN THE MINISTRY

Article 50

The tasks within the Ministry's responsibility shall be carried out by civil servants, state employees and professional military personnel.

The regulations on the Armed Forces shall apply on the rights and duties of professional military personnel in the Ministry.

Article 51

Designated titles of employees in the Ministry who have special powers and duties of authorized officers and their classification into salary grades shall be determined by the Government.

Article 52

Positions referred to in Article 51 of this Law shall be determined by the Act on internal organization and job descriptions of the Ministry and shall be filled without public announcement.

Article 53

The years of service of civil servants, state employees and professional military personnel employed in the Ministry, who work in certain positions in difficult conditions due to the nature of their job, shall be calculated at an accelerated rate, in accordance with separate regulations.

Article 54

Shall be deleted. (The Law on Salaries of Civil Servants and State Employees, Official Gazette of Montenegro 86/09)

VI INSPECTION CONTROL

Article 55

Inspection control over the implementation of this Law and regulations adopted on the basis of this Law shall be conducted by the Ministry.

Inspection control within the Ministry's responsibilities referred to in paragraph 1 of this Article shall be conducted by defense inspectorate, in accordance with the law regulating the inspection control.

More detailed manner of implementation of inspection control referred to in paragraph 1 of this Article shall be determined by the Ministry.

Article 56

A defense inspector shall conduct inspection control, particularly with regard to:

- 1) Implementation of plans and preparatory measures for national defense;
- 2) Planning and use of human and material resources of defense;
- 3) The combat readiness of the Armed Forces;
- 4) Safety at work, fire protection and environmental protection in the Armed Forces;
- 5) Use of authorizations by military personnel and use of rights by persons serving in the Armed Forces arising from service or on the basis of service;

6) Spatial planning and development, construction, reconstruction and maintenance of military buildings in the military area.

In addition to inspection affairs in the field of defense, a defense inspector shall conduct tasks of internal control over:

- 1) Implementation of measures for protection of secret data in the Ministry and the Armed Forces, in accordance with regulations governing data secrecy;
- 2) Conducting military intelligence, counter-intelligence and security affairs in the Ministry and the Armed Forces in accordance with this Law.

A defense inspector shall submit a report on internal control referred to in paragraph 2 of this Article at least once a year to the Minister and the Government.

In performing the tasks referred to in paragraph 1 item 3 of this Article, an inspector shall conduct the evaluation in accordance with the regulations of the Ministry.

VII DEFENSE FINANCING

Article 57

Funds for defense financing shall be provided from the Budget of Montenegro.

VIII PENAL PROVISIONS

Article 58

A fine of EUR 2,500 to 16,000 shall be imposed on legal persons for offence made if:

- 1) In accordance with Defense Plan of Montenegro they do not plan measures ensuring production and provision of services, supply of raw materials, production material, energy and other needs during a state of war or state of emergency and if they fail to provide the required number of employees for production and provision of services, protection of employees, material and other goods (Article 15);
- 2) Without the Government's consent, in a state of war or state of emergency, they change the purpose of production and technological units used for the production of items or provision of services of special importance for defense (Article 17);
- 3) They do not submit results of programmes of their scientific research and development to the Ministry, or do not include their scientific achievements or findings into research of importance to national defense (Article 24, paragraph 1);
- 4) They conduct research of importance to national defense, independently or together with a foreign person, or otherwise gather information without prior consent of the Ministry (Article 25 and Article 45, paragraph 1);
- 5) In selecting, constructing or developing a technical system of importance for defense and national security, or in procurement of technical assets relevant to the functioning of that system, they do not ensure compliance of the system with defense needs, or if they do not introduce the Ministry with a programme relating to the construction and development of such a system, or if they do not act in line with the Ministry's request (Article 28 paragraph 1 and 2);
- 6) They do not obtain consent from the Ministry in standardization and typification of products, buildings or devices of particular importance to national defense (Article 29);
- 7) They record or publish recordings of military buildings and zones along those buildings without previously obtained Ministry's consent (Article 46).

For offence referred to in paragraph 1 of this Article, a responsible person within a legal person shall also be fined in the amount of EUR 250 to 1,500.

Article 59

A fine in the amount of EUR 250 to 1,100 shall be imposed on a natural person for offence if:

- 1) They do not respond to the invitation of the Ministry, and they are subject to conscription, labor or material duty (Article 14 paragraph 1);
- 2) They gain access to military buildings and buildings defined as being of special importance for defense and if they construct buildings in areas of those buildings without the Ministry's consent (Article 44);
- 3) They conduct scientific and other research or otherwise collect information in areas of importance to defense in the territory of Montenegro, without the Ministry's consent (Article 45 paragraph 1);
- 4) They record or publish recordings of military buildings and zones along those buildings without the Ministry's consent (Article 46).

IX TRANSITIONAL AND FINAL PROVISIONS

Article 60

By-laws for the implementation of this Law shall be adopted within nine months from the date of entry of this Law into force.

Defense Plan of Montenegro shall be adopted within nine months from the date of the adoption of regulations for its development.

Until the regulations referred to in paragraph 1 of this Article are adopted, the regulations in force before the entry into force of this Law shall apply, unless they are contrary to this Law.

Article 60a

For performance of tasks referred to in Article 40 of this Law, the Agency may, through an agreement, take over employees of the Ministry and professional military personnel serving in the Armed Forces.

An agreement to take over employees and professional military personnel shall be concluded between the Minister of Defense and the Agency's Director, with consent of the employee, or professional military person who is taken over.

Employees and professional military personnel referred to in paragraph 1 of this Article who are taken over shall be employed in the Agency and have the status, rights, duties, powers, and official identification of an Agency's employee.

Article 60b

The organizational unit referred to in Article 41 of this Law shall make a list and registry of documents created in the work of the Ministry relating to the exercise of functions referred to in Article 17 of this Law.

Article 60c

The regulations for the implementation of this Law shall be adopted within six months from the date of entry into force of this Law.

Article 60d

By-laws referred to in Article 41a paragraph 2 and Article 41b paragraph 2 of this Law shall be adopted within six months from the date of entry into force of this Law.

Article 61

When this Law enters into force, the Law on Defense (Official Gazette of the Federal Republic of Yugoslavia 43/94, 28/96, 44/99 and 3/02) and the Law on National Defense (Official Gazette of the Republic of Montenegro 8/83 27/87 33/88 and 34/91) shall cease to have effect.

Article 62

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of the Republic of Montenegro.

PROVISIONS THAT HAVE NOT ENTERED THE REVISED TEXT OF THE REGULATION:

Law on Amendments to the Law on Defense

(Official Gazette of Montenegro 14/12)

Article 13

When this Law enters into force, Article 17 of the Law on Amendments to the Law envisaging fines for offences (Official Gazette of Montenegro 40/11) shall cease to have effect.

Article 14

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.