

LAW ON LIVESTOCK FARMING

I BASIC PROVISIONS

Subject matter of the law

Article 1

- (1) This Law lays down the method and conditions for farming domestic animals, the method of adoption and implementation of breeding-selection program, preservation of genetic variability, trade in breeding animals and genetic material, rights and obligations of entities in livestock farming and other issues of relevance for livestock farming.
- (2) This Law shall apply to farming of: cattle, buffalos, sheep, goats, hoofed animals, pigs, poultry, fur animals, rabbits and bees (hereinafter referred to as: domestic animals).

Objectives of livestock farming

Article 2

The public interest in the field of livestock farming (hereinafter referred to as: the livestock farming objectives), is as follows:

1. Production of sufficient quantity of quality livestock product;
2. improvement of characteristics of domestic animals while preserving their vitality;
3. preservation of genetic variability, biological diversity and autochthonous breeds in livestock farming;
4. improvement of the quality of livestock products;
5. farming domestic animals while applying the environmental protection standards and zoo-hygienic and ethological standards;
6. carrying out of expert zoo-technical procedures;
7. implementation of results of scientific-research, expert, educational and advisory work in livestock farming and other objectives of relevance for livestock farming.

Entities in livestock farming

Article 3

In livestock farming, the activities are carried out by the following: the public administration body in charge of agricultural affairs (hereinafter referred to as: the Ministry), breeders, breeder organizations in livestock farming (hereinafter referred to as: breeder organizations), scientific-research institutions and other legal persons authorized by the Ministry (hereinafter referred to as: the authorized institutions).

Definitions

Article 4

For the purpose of this Law, the following definitions shall apply:

1. **autochthonous breeds of domestic animals** means breeds developed and farmed on the territory of Montenegro;
2. **gene bank** means controlled farming and keeping of breeding stocks in order to preserve the genetic diversity of domestic animals;
3. **good farming practice** means farming of domestic animals in a way that enables animal welfare taking into account the natural characteristics of the agricultural area, preservation of soil fertility in line with the principles of sustainable development and obtaining of safe livestock products;

4. **domestic animals** means animals that humans farm for the purpose of gaining economic benefit, that live and are reproduced under their control and that do not live freely in the nature;
5. **environmental standard** means permitted environmental load from farming domestic animals;
6. **ethological standard** means the minimum of conditions in farming domestic animals enabling their welfare and characteristic behaviour;
7. **farming of domestic animals** means implementation of genetic and zoo-technical procedures in order to display the production potential of animals;
8. **genetic reserve** is the minimum number of domestic animals of both sexes, the doze of semen, ova, embryos or somatic cells that have to be stocked, in accordance with the breeding program, for the purpose of preservation of genetic diversity and for reproduction of animals in the state of emergency;
9. **genetic variability** means variability of genes within the population;
10. **genetic material** means semen, ova, embryos or somatic cells;
11. **hybrid** means an animal obtained by cross-breeding domestic animals of different species, breeds or lines;
12. **controlled reproduction of domestic animals** means insemination by semen from quality breeding males and transfer of fertilized ovum, mating with a selected breeding males, natural and artificial hatching of poultry and natural and artificial insemination of bees;
13. **line** means a group of domestic animals within a breed that, by its characteristics, stands out when compared to other animals of the same breed;
14. **licensing means** a zoo-technical measure of evaluation and selection of breeding animals for natural mating;
15. **herd book** means a book, database, electronic or other written document where breeding animals are entered by species and breeds, which meet the conditions laid down by the breeding-selection program and that are selected for further reproduction;
16. **herd-book animal** means a breeding livestock animal, poultry flocks and queen bees meeting the conditions and criteria laid down by the breeding-selection program as regards their origin, exterior and production characteristics for being entered in the herd book;
17. **molecular-genetic tests** means procedures for establishing the frequency of certain genes;
18. **breeder** means a natural person, company, entrepreneur or a legal person breeding domestic animals;
19. **breeder organization** means a legal person comprised of breeders linked by the same interests whose primary activity is genetic improvement of domestic animals through implementation of breeding-selection program;
20. **breeding value** means a part of the genetic value of a domestic animal that is transferred to progeny;
21. **breeding-selection program** means a set of methods and requirements for farming domestic animals of a specific specie and breed of domestic animals, as well as for the selection, checking and use of evaluated and selected breeding animals;
22. **queen bee** means a reproductively capable female in a bee colony;
23. **bee colony** comprises of honey bees, a queen bee and drones in a bee hive with an accompanying honey comb during the production season;

24. **bee hive** means a group of bee colonies placed in bee hives put in a free area, on a separate stable or assembled facility, and it may also be installed into a vehicle for transport;
25. **bee pasture** means honey plants from which bees collect nectar, pollen and resinous substances;
26. **pedigree** means a certificate on origin of a quality breeding domestic animal;
27. **breeding female** means a female breeding animal evaluated and selected in line with the conditions laid down by the breeding-selection program;
28. **population** means a group of domestic animals covered by the same breeding program;
29. **breeding domestic animal** means a healthy animal of male or female sex intended for further reproduction;
30. **breeding male** means a male breeding animal evaluated and selected in line with the conditions laid down by the breeding-selection program;
31. **provenience** means a brand name for breeding poultry that the selector kept in a closed flock making selection during five generations;
32. **trade in breeding stocks** means import, export, transit, sale or ceding to a third person;
33. **breed** means a group of animals of the same specie of similar morphological and physiological characteristics;
34. **selection** means selection of parents of the next generation of animals;
35. **livestock farming** means a branch of agriculture dealing with the farming of domestic animals;
36. **testing domestic animals** means implementation of prescribed methods and procedures of testing the expressivity of certain characteristics of domestic animals;
37. **transgenic animals** means animals with a lasting modification of the genome by adding, removal or replacement of certain genes or parts of deoxyribonucleic acid;
38. **imports of breeding stocks** means any introduction of quality breeding animals, hatching eggs, semen, ova and embryos for the purpose of implementation of the breeding program on the customs territory of Montenegro, with the exception of imports for the purpose of transit and temporary import of breeding animals for the purpose of competitions, exhibitions, etc;
39. **livestock unit** means a prescribed unit for making comparison among species and categories of domestic animals;
40. **artificial insemination** means a zoo-technical method of introduction of semen into reproductive organs of a breeding female using specific instruments;
41. **species** means animals of the same genus that are similar or have similar morphological and physiological characteristics that, when mating among themselves give unlimitedly fertile progeny;
42. **zootechnics** means a set of technical-technological procedures in farming and use of animals.

II FARMING OF DOMESTIC ANIMALS

Farming technology and method

Article 5

- (1) For the purpose of accomplishing the objectives of livestock farming referred to in Article 2 of this Law, the breeder shall farm domestic animals in accordance with

- this law, the regulations governing the protection of animal health and welfare and with the Good Farming Practice;
- (2) Farming of animals shall be carried out in accordance with their adaptability, satisfying their biological needs, implementation of ethological standards and so as not to hinder their bodily functions and behaviour.
 - (3) The transport and slaughter of domestic animals shall be carried out in accordance with the regulations governing the protection of animal health and welfare and food safety.

Farming methods

Article 6

- (1) Domestic animals may be farmed by a conventional or environmentally friendly method.
- (2) Conventional farming is a method of farming domestic animals where authorized systems of farming, nutrition and production stimulation are used.
- (3) Environmentally friendly farming of animals is a form of agricultural production adjusted to the environment, which can be implemented only in agricultural holdings with environmentally friendly plant production.
- (4) Farming of domestic animals referred to in paragraph 3 of this Article may be:
 1. integrated livestock farming in agricultural holdings where balanced circulation of substances is made possible, so that the intake of the substances does not exceed the outtake;
 2. organic livestock farming, by implementation of methods and procedures as laid down by regulations governing the organic agriculture;
 3. bio-dynamic livestock farming, observing the methods of organic farming harmonized with the requirements of the bio-dynamic agriculture and observing the natural patterns in farming domestic animals;
- (5) More detailed conditions for classification of agricultural holdings referred to in paragraph 4 of this Article and farming method and procedures shall be laid down by a regulation of the Ministry.

Farming in protected areas

Article 7

- (1) Agricultural land intended for livestock farming may be proclaimed a protected area with opinion obtained previously from the Ministry.
- (2) Where the document referred to in the paragraph 1 of this Article limit the scope and conditions of farming domestic animals, the owners or breeders of domestic animals from that specific area are entitled to a compensation for the reduced income resulting from such limitations in accordance with the regulations governing the protection of the nature.

Farming facilities and equipment

Article 8

- (1) The breeder shall, in accordance with the zoo-technical, zoo-hygienic and ethological standards, provide appropriate land, infrastructure, facilities and equipment for farming of domestic animals.
- (2) The following may be used for farming of domestic animals:
 1. stables, milking parlours, bee hives and other;
 2. midden and facilities for livestock waste;
 3. food storage (hay-barns, silos, barns, cellars and similar) and clean water;

4. fences, racing grounds, enclosures, space for collecting water, watering places, etc.
- (3) The facilities referred to in paragraph 2 of this Article shall meet the prescribed zoo-technical conditions in accordance with this Law and the regulations governing the animal health and welfare protection.
- (4) In order to ensure the appropriate quality of domestic animals and livestock products, the breeder shall, in accordance with this Law and regulations governing the animal health and welfare protection, use in farming the adequate equipment for accommodation, feeding, watering, cleaning and care, as well as equipment for transport of animals and animal waste.
- (5) More detailed conditions as regards facilities and equipment for farming specific species of domestic animals referred to in paragraphs 3 and 4 of this Article shall be laid down by a regulation of the Ministry.

Zoo-technical procedures

Article 9

- (1) The breeder shall have elementary knowledge on farming and handling domestic animals, animal health protection, nutrition, quality of products of animal origin and handling manure.
- (2) The breeder may carry out on his own the zoo-technical procedures necessary for successful farming and protection of animal health, as follows:
 1. first aid (stopping of bleeding, primary treatment of wounds, assistance in delivery);
 2. docking of pigtailed by eighth day of age;
 3. placing rubber rings on lambs' tails by eighth day of age;
 4. tooth clipping and clipping of pigs, the first day after birth;
 5. treatment and care of toes, hoofs and cleaning of animals;
 6. external examination for pregnancy;
 7. performance testing;
 8. use and giving of mineral and vitamin preparations and authorized over the counter pharmacological products by instructions of a veterinarian;
 9. disinfection and disinfestations of livestock facilities with authorized substances;
 10. care and shearing of hair and wool;
 11. application of api-technical measures for the purpose of successful bee-keeping;
 12. prevention of natural swarming and plunder;
 13. introduction of artificial swarming of bee colonies for personal needs.
- (3) training of breeders for animal farming and independent application of zoo-technical procedures referred to in paragraph 2 of this Article shall be done in organized trainings in accordance with a program laid down by the Ministry.
- (4) The type and level of the training shall be adjusted to the level to which activities in farming domestic animals are demanding.

Nutrition of domestic animals

Article 10

- (1) The breeder shall feed and water animals with sufficient quantities of quality feed and potable water regularly, so as to satisfy the nutritional and other biological needs of animals.
- (2) Domestic animals may be fed only by feed quality of which complies with the regulations on feed safety and quality.

- (3) Quality of feed means its physico-chemical characteristics and nutritional value.
- (4) Checking the feed quality may be done by a legal person authorized by the Ministry for carrying out such activities.
- (5) It shall be prohibited to apply hormonal products to domestic animals used for commercial purposes with a view to stimulate growth, production of milk, meat, eggs or for other reasons.
- (6) Notwithstanding the paragraph 5 of this Article, use of hormonal products for reproductive and therapy purposes shall be allowed.
- (7) The minimum of requirements as regards physico-chemical characteristics of the feed for domestic animals as well as conditions to be met by a legal person referred to in the paragraph 4 of this Article shall be laid down by a regulation of the Ministry.

Products of animal origin

Article 11

- (1) Products of animal origin, in terms of this Law, means: live animals, seed, ova, meat in the form of carcasses and half-carcasses, fresh milk, offal, wool, eggs, bee products and manure.
- (2) Products referred to in paragraph 1 of this Article shall comply with the prescribed conditions for quality of products of animal origin.
- (3) Testing of the quality of products of animal origin may be carried out by a legal person authorized by the Ministry.

Animal excretions, waste and manuring

Article 12

- (1) Animal excretions (manure and liquid manure) as well as compost may be used for manuring agricultural areas, in accordance with regulations and good farming practice, in the way that ensures supply of plants by nutrients and preservation of soil fertility, without having a negative environmental effect.
- (2) Animal excretions and compost referred to in paragraph 1 of this Article, used for manuring agricultural areas shall not be considered as waste.
- (3) Animal waste not used for purposes referred to in paragraph 1 of this Article shall be handled so as not to jeopardize human and animal health, environment and quality of food and livestock products in accordance with the regulations on disposal of waste of animal origin.
- (4) Facilities for disposal of animal excretions (midden, liquid manure pits and lagoons) and plants for processing and treatment of animal waste shall meet the technical and technological requirements as laid down by regulation.

Bee keeping, cadastre of bee pasture and pasture order

Article 13

- (1) Bee-keeping shall take place in the bee-hive yard.
- (2) The bee keeper shall apply all measures and activities for implementation of good bee-keeping practice and place the bee-hive yard in an area where bees will not pose an inconvenience to neighbours and passers-by.
- (3) Use of honey plants for bee pasture shall be free and free of charge.
- (4) The cadastre of bee pasture is a database on the presence of honey plants in a specific area and the method of bee pasture management kept by the bee-keepers organization from that particular area.

- (5) Utilization of bee pasture in the area of one or several pasturelands entered in the cadastre of bee pasture shall be done in accordance with the bee-keepers pasture order.
- (6) The bee-keepers pasture order shall be proposed by bee-keepers organizations from a particular pastureland and verified by the Ministry for the period of five years. In case there are several bee-keepers organizations in a specific area or pastureland, they shall present a joint proposal of the pasture order. In case there are no bee-keepers organizations in an area or pastureland, or in case the existing bee-keepers organization fails to present a pasture order, the pasture order shall be proposed by the union of bee-keepers organizations.
- (7) More detailed contents, method of setting up and keeping of the cadastre of bee pasture, the bee-keepers pasture order and forecast of yield of honey plants, conditions and method of setting bee hive yard shall be laid down by a regulation of the Ministry.

Bee moving

Article 14

- (1) In order to use the bee pasture, a bee keeper may move the bee hive yard from the resident place to another place of keeping.
- (2) Moving of bee colonies shall be allowed only if all bee colonies are healthy.
- (3) Health condition of bees is proved by a health certificate in accordance with regulations governing animal health protection.
- (4) The conditions and method of moving bees and contents of the certificate referred to in paragraph 3 of this Article shall be laid down by a regulation of the Ministry.

Records, registers and databases in livestock farming

Article 15

- (1) Breeders, breeder organizations and authorized institutions shall keep prescribed records, registers and other databases in livestock farming.
- (2) The Ministry shall ensure linking of databases in livestock farming with other databases in agriculture and international information systems in the field of livestock farming, in accordance with the law.
- (3) The activities on keeping databases are financed from the budget of Montenegro.
- (4) The access to databases referred to in the paragraph 1 of this Article may be given to authorized institutions, breeder organizations and other legal persons in the field of livestock farming and in accordance with a contract concluded with the Ministry.
- (5) The method of collecting, securing and use of data, more detailed method of keeping and content of records, registers and other databases in livestock farming shall be laid down by a regulation of the Ministry.

III BREEDING-SELECTION PROGRAM, DEVELOPMENT AND PRESERVATION OF CHARACTERISTICS OF DOMESTIC ANIMALS

Breeding-selection program

Article 16

- (1) With a view to accomplishing the objectives in livestock farming in accordance with this Law, the Government of Montenegro (hereinafter referred to as: the Government) shall adopt the breeding-selection program for specific species and breeds of domestic animals for the period of five years.

- (2) The breeding-selection program shall be prepared by authorized institutions and breeder organizations authorized, in accordance with the Law, by the Ministry.
- (3) The breeding-selection program shall be implemented on the whole territory of Montenegro.
- (4) The breeding-selection program shall be implemented by authorized institutions and breeder organizations complying with the prescribed conditions as regards human resources and technical equipment authorized by the Ministry in accordance with this Law.
- (5) The funds for implementation of the breeding-selection program shall be earmarked in the budget of Montenegro.
- (6) The scope, type and pace of implementation of measures and the scope and method of financing of implementation of breeding-selection program shall be laid down by a regulation of the Government – Agro-budget.
- (7) The authorized institution, or breeder organization, as appropriate, implementing the breeding-selection program shall submit to the Ministry a report on results of implementation by June 30 of the current year for the previous year.

Contents of the breeding-selection program

Article 17

- (1) Breeding-selection program shall lay down in particular:
 1. the objectives and directions of breeding specific species and breeds of domestic animals;
 2. breeding and selection methods;
 3. size of the population that the program applies to;
 4. developmental, research and technical tasks aimed at increasing the efficiency of the program implementation;
 5. measures for developing the farming of domestic animals and ensuring the expansion of genetic progress and quality of products of animal origin;
 6. zoo-technical standards for specific species and breeds of domestic animals;
 7. methods of testing the performance;
 8. methods of evaluation and selection of breeding animals and evaluation of breeding value;
 9. method of keeping the documentation prescribed;
 10. plan of use of breeding animals with a view to accomplishing the breeding-selection objectives;
 11. plan for ensuring the genetic reserves and preservation of genetic variability;
 12. the method of financing, scope and method of distribution of funds for implementation of the program.
- (2) The zoo-technical standards referred to in paragraph 1, item 6 of this Article, for any specie and breed of domestic animals shall be laid down by a regulation of the Ministry.

Herd book

Article 18

- (1) The authorized institution in livestock breeding, or breeder association, as appropriate, shall keep a herd book entering, by species and breeds of domestic animals, all breeding animals complying with the conditions prescribed.
- (2) For autochthonous breeds, the herd book shall be kept on the pedigree of each breed separately.

- (3) The organizations referred to in the paragraph 1 of this Article shall issue certificates from the herd book and zoo-technical documents on breeding animals they keep herd book on.
- (4) More detailed contents and types of herd books and conditions for entry of breeding animals shall be laid down by a regulation of the Ministry.

Breeding animals

Article 19

- (1) Breeding animals, in terms of this Law, means healthy domestic animals intended for further reproduction.
- (2) Quality breeding or herd book animals are breeding animals of livestock, poultry flock and queen bees complying with the conditions prescribed and criteria set by breeding-selection program as regards pedigree, exterior and production characteristics for entry in the herd book;
- (3) Herd book animals shall be:
 1. identified as prescribed;
 2. of pedigree known;
 3. comply with the conditions for entry in the herd book;
 4. accompanied by appropriate zoo-technical documentation.
- (4) Herd book animals may be evaluated and classified into classes for the purpose of implementation of selection and commercial activities.
- (5) More detailed conditions to be met by quality breeding animals, the contents of the zoo-technical documentation, the procedure and method of evaluation and their classification into classes shall be laid down by a regulation of the Ministry.
- (6) The breeder must not use an animal not complying with the conditions referred to in paragraph 3 of this Article as a quality breeding or herd book animal.

Pedigree of breeding animals

Article 20

- (1) All quality breeding or herd book animal, as appropriate, shall have a known pedigree.
- (2) The pedigree of herd book animals may be complete or incomplete.
- (3) Complete pedigree, referred to in paragraph 2 of this Article means pedigree where two or more generations of ancestors are known for that particular herd book animal in accordance with the breeding-selection program, with the exception of hoofed animals where full pedigree means knowledge of five generations of ancestors.
- (4) Incomplete pedigree, referred to in paragraph 2 of this Article, means pedigree where not all ancestors referred to in paragraph 3 of this Article can be determined, but as a minimum, pedigree of one of the parent animals shall be known.
- (5) More detailed conditions for complying with the complete or incomplete pedigree, as well as methods and ways of determining and checking the pedigree shall be laid down by a regulation of the Ministry.

Recognition of new breeds and lines of domestic animals

Article 21

- (1) New breeds, types and lines of domestic animals developed on the territory of Montenegro in accordance with the scientific methods adopted shall be recognized and approved by the Ministry.

- (2) More detailed conditions for recognition of new breeds and lines of domestic animals shall be laid down by a regulation of the Ministry.

Reproduction of domestic animals

Article 22

- (1) Reproduction of domestic animals shall be done by artificial insemination or natural mating, under the conditions and by a method as laid down by this Law and regulations governing the animal health protection.
- (2) The breeder, or the person carrying out artificial insemination, shall keep records and issue a certificate on natural mating or artificial insemination, as appropriate.
- (3) More detailed conditions for implementation of reproduction of domestic animals by species, the method of keeping the records and contents of the certificate referred to in paragraph 2 of this Article shall be laid down by a regulation of the Ministry.

Artificial insemination

Article 23

- (1) Artificial insemination may be carried out by a legal person in accordance with the regulations governing the animal health protection.
- (2) A legal person carrying out artificial insemination shall:
 1. carry out artificial insemination in accordance with the breeding-selection program;
 2. use semen that complies with the conditions as laid down by this Law and regulations governing the animal health protection;
 3. enter the data on artificial insemination carried out into the prescribed records and databases;
 4. when issuing the certificate on insemination carried out, use the data available from the databases and the herd book;
 5. carry out artificial insemination throughout the year.

Natural mating

Article 24

- (1) Male breeding animal (breeding male) intended for natural mating in areas where artificial insemination is available, may be used only on one's own farm, or herd, with the exception of stallions and boars.
- (2) In areas where scope of artificial insemination is insufficient or nonexistent, use of selected (licensed) breeding animals in a larger number of herds shall be permitted.
- (3) For natural mating referred to in paragraph 2 of this Article, only a breeding male entered in the herd book and selected in accordance with the breeding-selection program referred to in Article 16 of this Law may be used.
- (4) Selection of breeding males for natural mating (licensing) is done by a commission that consist of: a representative of the authorized institution in charge of implementation of breeding-selection program in that particular area, a representative of the local administration body in charge of agriculture and a veterinary from the veterinary surgery authorized for carrying out the public duties in that region, in accordance with the law governing the animal health protection.
- (5) The provisions of paragraphs 1, 2 and 3 of this Article shall not apply to poultry, rabbits, bees, donkeys, fur animals.

Use of breeding males

Article 25

- (1) Legal person authorized for reproduction and artificial insemination and breeders may use only the selected breeding males for mating, for which the authorized institution issued a zoo-technical document on evaluation of breeding value.
- (2) The conditions and methods of using breeding males, the period for which it may be used in breeding and methods of evaluation of breeding value of breeding males shall be laid down by the breeding-selection program.
- (3) Notwithstanding the paragraph 1 of this Article, where breeding of domestic animals is jeopardized, the Ministry may allow the use of breeding males that do not meet the conditions prescribed.
- (4) The breeding-selection program lays down the minimum number of breeding males for the needs of artificial insemination and natural mating.
- (5) The funds for co-financing the keeping of an adequate number of breeding males in accordance with the breeding-selection program are earmarked in the budget of Montenegro.
- (6) Male animals not selected for use in breeding and male animals in fattening for which it is established that they were used for natural mating shall be disabled for breeding.

Semen

Article 26

- (1) Sperm of domestic animals (hereinafter referred to as: the semen) shall be allowed for use and placing on the market if:
 1. it was obtained and stored in the centre for reproduction and artificial insemination;
 2. it was obtained from breeding male animal complying with the conditions from Article 25 paragraph 1 of this Law;
 3. it was identified in a prescribed manner and if the prescribed documents are kept for it, or are accompanying it;
 4. it complies with the prescribed conditions on quality and regulations governing animal health protection;
 5. complies with other zoo-technical conditions as well.
- (2) Notwithstanding the paragraph 1 of this Article, the semen may be produced and used in production units (farms) if produced exclusively for personal needs.
- (3) The provision of the paragraph 1 of this Article shall not apply to semen of poultry, rabbits, fur animals, bees and donkeys.
- (4) More detailed conditions as regards the quality of semen, method of identification and keeping of records on production shall be laid down by a regulation of the Ministry.

Ova and embryos

Article 27

- (1) Animal ova and embryos (hereinafter referred to as: the ova and embryos) may be used and placed on the market only if:
 1. obtained and stored in a prescribed manner in the organization authorized for collecting, obtaining and transfer of embryos;
 2. originate from breeding animals complying with the conditions for obtaining ova and embryos in accordance with the breeding-selection program;

3. identified in a prescribed manner and if in the recipient animal, the animal must be marked in a prescribed manner;
 4. accompanied by prescribed documentation;
 5. complies with the conditions prescribed as regards quality and regulations governing animal health protection.
- (2) The provision of paragraph 1 of this Article shall not apply to poultry hatching eggs and queen bees.
 - (3) More detailed conditions to be met by ova and embryos referred to in paragraph 1 of this Article shall be laid down by a regulation of the Ministry.

Genetic manipulations and transgenic domestic animals

Article 28

- (1) It shall be prohibited to change the hereditary basis of domestic animals by genetic manipulation methods.
- (2) Notwithstanding the paragraph 1 of this Article change of the hereditary basis of domestic animals by genetic manipulation methods may be done only for scientific-research purposes, in a closed and for that purpose equipped facility, with authorization issued by the Ministry.
- (3) Commercial use of transgenic domestic animals shall be done in accordance with the regulations governing the field of genetically modified organisms.

Molecular-genetic tests

Articles 29

- (1) The molecular-genetic tests shall be used for collecting information on quality breeding animals for decision-making in implementation of the breeding-selection program, for preservation of autochthonous breeds of domestic animals and for the purpose of preserving the biological diversity of domestic animals.
- (2) The molecular-genetic tests shall be carried out by the principles of Good Laboratory Practice, implementation of internationally recognized methods in laboratories authorized for that purpose.

Control of performance and evaluation of breeding value

Article 30

- (1) Authorized institutions and breeder organizations shall control the performance of domestic animals and evaluate breeding value in accordance with the breeding-selection program and internationally recognized zoo-technical methods.
- (2) The results of performance control and evaluation of breeding value of domestic animals shall be comparable and internationally applicable.
- (3) More detailed conditions and methods for carrying out the performance control and evaluation of breeding value of domestic animals shall be laid down by a regulation of the Ministry.

Centre for reproduction and artificial insemination

Article 31

- (1) The centre for reproduction and artificial insemination shall farm breeding males selected in accordance with the breeding-selection program, for which zoo-technical documentation prescribed was issued and which meets the conditions prescribed as regards facilities, equipment and qualification of staff.
- (2) More detailed conditions to be met by the centres as regards breeding males, facilities, staff and equipment shall be laid down by a regulation of the Ministry.

Centre for breeding and selection of queen bees

Article 32

- (1) Breeding, selection and trade in queen bees in accordance with the breeding-selection program may be carried out by an authorized legal person (hereinafter referred to as: the Centre for breeding and selection of queen bees).
- (2) Authorization for carrying out the activities referred to in paragraph 1 of this Article may be acquired by a legal person or entrepreneur complying with the conditions prescribed as regards facilities, equipment and qualification of staff.
- (3) Compliance with the conditions shall be established and authorization for work shall be issued by the Ministry for the period of five years.
- (4) In order to perform the expert control over mating of queen bees, a protective area shall be designated around the Centre for breeding and selection of queen bees where special conditions of breeding, moving and transport of bees and bee breeding stocks shall be applied.
- (5) More detailed conditions from paragraph 2 of this Article, the conditions of breeding and the size of the protective area referred to in paragraph 4 of this Article shall be laid down by a regulation of the Ministry.

IV PRESERVATION OF GENETIC VARIABILITY AND GENETIC RESERVE OF DOMESTIC ANIMALS

Preservation of genetic reserves

Article 33

- (1) Preservation of genetic variability and genetic reserves of domestic animals shall be of public interest.
- (2) The genetic reserves referred to in paragraph 1 of this Article shall include individual breeds and types of domestic animals and shall be kept in the form of a minimum number of animals, doses of semen, ova or embryos.
- (3) For the purpose of preserving certain breeds, or types, as well as in order to enable a satisfactory production of livestock products, the breeding-selection programs and their implementation shall ensure the preservation of genetic variability of domestic animals.
- (4) The scope of genetic reserves, the method and procedure of ensuring and preservation of genetic reserves referred to in paragraph 2 of this Article shall be laid down by a regulation of the Ministry.
- (5) The funds for preservation of genetic reserves of domestic animals shall be provided in the budget of Montenegro.

Biological diversity in livestock farming

Article 34

- (1) Biological diversity in livestock farming represents all breeds of domestic animals farmed in Montenegro.
- (2) Preservation of biological diversity in livestock farming is implemented by an authorized institution in line with the program of preservation of genetic resources in livestock farming adopted by the Government for the period of five years.
- (3) The program referred to in paragraph 2 of this Article shall include:
 1. assessment of the status of genetic resources in livestock farming;
 2. objectives;
 3. preservation of all breeds of domestic animals farmed on the territory of Montenegro with special measures for preservation of autochthonous breeds in their original environment;

4. preservation of breeds of domestic animals beyond the area where they were developed (ex situ preservation) or in the area where they were developed (in situ preservation) for each breed of domestic animals;
 5. setting up and work of the gene bank in livestock farming;
 6. meeting of the international obligations assumed in the field of preservation of biological diversity in livestock farming;
 7. increase in public awareness on importance of preservation of biological diversity in livestock farming;
 8. monitoring of biological diversity and systematic monitoring and analysis of the status of genetic resources in livestock farming.
- (4) The program referred to in paragraph 2 of this Article shall lay down also the sources of financing the preservation of biological diversity in livestock farming, such as: the funds for carrying out of technical activities, direct payments and other subsidies for breeders or owners of domestic animals and for natural and legal persons working on preservation of genetic reserves in livestock farming.

Autochthonous breeds

Article 35

- (1) Autochthonous breeds and types of domestic animals developed and farmed on the territory on Montenegro are a part of the national biological heritage and shall be under the special protection of the state.
- (2) Montenegro shall protect the name and the autochthonous breed of domestic animals in accordance with the ratified international treaties.
- (3) Autochthonous breeds shall be registered in the register of autochthonous breeds kept by the Ministry.
- (4) In addition to autochthonous breeds referred to in paragraph 2 of this Article, other breeds recognized by the Ministry shall be included on the basis of an application and a study of the authorized institution implementing the program of preservation of genetic resources in livestock farming and keeping the gene bank.
- (5) More detailed conditions as regards breeding and trade in autochthonous breeds and contents and method of keeping the register of autochthonous breeds shall be laid down by a regulation of the Ministry.

Preservation of biodiversity of bee breed *Apis mellifera carnica*

Article 36

- (1) In order to protect the biodiversity of the bee breed *Apis mellifera carnica* on the territory of Montenegro, breeding and trade in breeding stocks of other bee breeds shall not be permitted on the territory of Montenegro.
- (2) More detailed conditions of breeding, pasture, moving and trade in bees and other breeding material shall be laid down by a regulation of the Ministry.

V TRADE IN BREEDING ANIMALS AND GENETIC MATERIAL

Trade in breeding animals

Article 37

Trade in breeding animals and their exhibition in festivals, exhibitions, fairs, auctions, competitions or in some other way may be done if animals are identified as prescribed and if accompanied by adequate zoo-technical documentation, that is, by the certificate from the herd book and documentation in accordance with regulations governing animal health protection.

Trade in genetic material

Article 38

- (1) Trade in genetic material (semen of breeding males, eggs for incubation, breeding genetic material of bees, embryos and ova) may be done only by a legal person complying with the conditions prescribed as regards facilities, equipment and qualifications of staff.
- (2) Genetic material in trade shall be identified in a prescribed manner and shall be accompanied by adequate zoo-technical documentation, that is, by the certificate from the herd book and documentation in accordance with regulations governing animal health protection.
- (3) Genetic material referred to in paragraph 1 of this Article shall be obtained in accordance with the breeding-selection program and comply with the conditions set by this law and the law governing animal health protection.
- (4) The conditions as regards facilities, equipment and qualification of staff referred to in paragraph 1 of this Article shall be laid down by a regulation of the Ministry.
- (5) Compliance with the conditions referred to in paragraph 4 of this Article shall be established and the decision on compliance with the conditions shall be issued by the administration body in charge of veterinary affairs.

Import and export

Article 39

- (1) Breeding animals and genetic material may be imported and exported if:
 1. they meet the conditions as regards performances set by breeding-selection program for specific breeds or types of domestic animals;
 2. they have a document on pedigree and performance (certificate from the herd book or register) issued by an authorized organization of the exporting country;
 3. they comply with the conditions set by regulations governing animal health protection.
- (2) Notwithstanding the paragraph 1 of this Article, a limited quantity of semen of breeding males not tested and not having the evaluation of their breeding value may be imported in accordance with the breeding-selection program for scientific-research work or testing.
- (3) Notwithstanding the paragraph 1 of this Article, export of breeding animals and genetic material may be done under different conditions, as agreed with the buyer.
- (4) More detailed conditions that should be met by breeding animals and genetic material in imports referred to in paragraph 1 items 1 and 2 of this Article shall be laid down by a regulation of the Ministry.
- (5) Autochthonous and jeopardized autochthonous breeds may be exported provided that export does not jeopardize the number of animals needed and their protection, based on an authorization from the Ministry.

VI CARRYING OUT OF ACTIVITIES OF PUBLIC INTEREST IN LIVESTOCK FARMING

Activities of public interest in livestock farming

Article 40

- (1) Activities of public interest in livestock farming are:
 1. implementation of breeding-livestock programs for specific species and breeds of domestic animals;

2. control of performance of domestic animals;
 3. evaluation of breeding value of breeding animals;
 4. monitoring and preservation of genetic variability in livestock farming and genetic reserves of domestic animals;
 5. control of the quality of products of animal origin and feed;
 6. development, research and advisory activities in the field of livestock farming;
 7. keeping the prescribed records in livestock farming;
 8. keeping of cadastre and forecasts of bee pasture, and
 9. other activities of public interest in livestock farming as laid down by the law.
- (2) Activities referred to in paragraph 1 of this Article may be carried out by legal persons complying with the conditions set as regards qualification of staff, equipment and facilities authorized by the Ministry.
 - (3) More detailed conditions for carrying out the activities referred to in paragraph 1 of this Article shall be laid down by a regulation of the Ministry.
 - (4) The authorization for carrying out the activities of public interest shall be given to authorized organizations referred to in paragraph 2 of this Article through a public invitation, in accordance with the law.
 - (5) Implementation of breeding-selection program may be carried out based on a decision of the Ministry, without a public invitation.
 - (6) The rights and obligations referred to in paragraph 1 of this Article shall be governed by a contract to be concluded by the Ministry and the entity carrying out the activities of public interest in livestock farming.

Financing of activities of public interest

Article 41

- (1) Activities of public interest in livestock farming shall be financed from:
 - the budget of Montenegro,
 - fees for services provided,
 - other sources.
- (2) Activities of public interest are financed or co-financed from the budget of Montenegro in accordance with the breeding-selection program and a regulation of the Government – Agrobudget.
- (3) Entities carrying out the activities of public interests shall use the funds referred to in paragraph 2 of this Article only for carrying out the duties contracted.
- (4) Entities carrying out the activities of public interest shall submit to the Ministry a report in writing on activities carried out and the use of funds, once a year.

Notifying the breeders

Article 42

The authorized institution or breeder organization carrying out the activities of public interest referred to in Article 40 paragraph 1 items 1, 2, 3 and 5 of this Law shall notify the breeder of all the results of measuring and evaluation of his animals within the period and in the way set by the breeding-selection program.

Breeder organizations

Article 43

- (1) Breeders may be associated into breeder organizations for the purpose of accomplishing their interests in the field of livestock farming and for the purpose of implementing the breeding-selection program.
- (2) Breeder associations referred to in paragraph 1 of this Article may be associated into a union and other forms of associations.
- (3) The breeder organization referred to in paragraph 1 of this Article may be recognized and entered in the register of breeder organizations if it meets, in particular, the following conditions:
 1. it has the status of a legal person;
 2. it employs at least one graduated engineer of livestock farming or a specialist in livestock farming;
 3. meets organizational and technical conditions for implementation of breeding-selection program;
 4. disposes of a minimum number of animals making possible implementation of the breeding-selection program;
 5. ensures keeping and use of data necessary for implementation of breeding-selection program;
 6. it adopted the technical rules for monitoring the traits of breeds included in the herd book or register of hybrid animals for the purpose of accomplishing the breeding objectives, the system of use of data based on which an animal can be evaluated, and similar;
 7. it has rules for implementation of the principle of non-discrimination.
- (4) The breeder organization that fails to meet the conditions referred to in paragraph 2 items 2 and 3 of this Article may provide compliance with the conditions based on a contract on business cooperation signed with the institution authorized for carrying out of certain technical activities in implementation of breeding-selection program.
- (5) More detailed conditions referred to in paragraph 3 of this Article for recognition of breeder organizations shall be laid down by a regulation of the Ministry.

Principle of non-discrimination

Article 44

A recognized breeder organization shall ensure:

1. that every domestic animal meeting the conditions for entry, is entered in the herd book with approval from the breeder;
2. that every breeder may become a member of the breeder organization, or cooperate in implementation of the breeding-selection program if he breeds breeding animals in the area where the breeder organization works and agrees to take part in implementation of breeding-selection program of the breeder organization.

Application for recognition of a breeder organization

Article 45

- (1) The application for recognition of breeder organization shall include in particular the following:
 1. name, address and organizational form;
 2. activity and the area of work;
 3. name and the personal identification number of the person responsible;
 4. name and the personal identification number of the technical person responsible for implementation of the breeding-selection program;

5. information on names and addresses of members of the breeder organization or associates, as well as the information on number of their domestic animals included in the breeding-selection program.
- (2) Together with the application for recognition referred to in paragraph 1 of this Article, the breeder organization shall submit also the evidence on compliance with the conditions referred to in Article 43, paragraphs 3 and 4 of this Law and a certificate on entry in the Central Register of the Business Court.
- (3) The compliance with the conditions prescribed shall be established and the decision on recognition of a breeder organization shall be issued by the Ministry.
- (4) The decision on recognition of a breeder organization shall be issued for the period of five years.
- (5) The breeder organizations recognized shall be entered in the register of breeder organizations kept by the Ministry.
- (6) A recognized breeder organization shall, in order to extend the status of a breeder organization, submit the application for extension of the status at least six months prior to expiration of the five-year period.

Change of data

Article 46

- (1) The breeder organization shall, without delay, notify the Ministry in writing of the change of data referring to the responsible person or the technical person responsible for implementation of the breeding-selection program.
- (2) For any change of data referred to in Article 45 item 1 of this Law, the breeder organization shall submit to the Ministry a request for change of data in the register of breeder organization together with appropriate documents.
- (3) The Ministry shall decide on changes referred to in paragraphs 1 and 2 of this Article in a decision, and shall change the data in the register of breeder organizations.

Termination of the status of a recognized breeder organization

Article 47

- (1) The status of a recognized breeder organization shall be terminated if:
 1. the organization ceases to exist (bankruptcy, liquidation, etc);
 2. the organization fails to implement the breeding-selection program as prescribed;
 3. the expiration of the period for which decision on recognition of breeder organization was issued.
- (2) Where the breeder organization no longer complies with the conditions referred to in Article 43 paragraphs 3 and 4 of this Law, fails to implement the breeding-selection program as prescribed, or fails to submit the request for extension of the status of a recognized breeder organization within the period set, the Ministry shall issue a decision setting a deadline for elimination of deficiencies.
- (3) In case the breeder organization referred to in paragraph 2 of this Article fails to remove the deficiencies within the period set, the Ministry shall issue a decision on deletion from the register and termination of the status of a breeder organization.
- (4) The decision referred to in paragraph 3 of this Article is final and administrative dispute may not be launched against it.

Financing of work of breeder organizations

Article 48

Breeder organizations are financed from:

1. fees for services provided to legal and natural persons engaged in farming of, trade in domestic animals and breeding stocks or production or processing of livestock products;
2. funds of the budget of Montenegro for carrying out of breeding activities within the breeding-selection program;
3. membership fees from members of breeder organizations;
4. awards in competitions and exhibitions of breeding animals;
5. donations given for that purpose and other sources in accordance with the law.

VII EDUCATION AND RESEARCH WORK IN LIVESTOCK FARMING

Education and vocational training

Article 49

- (1) Education and vocational training for the purpose of livestock farming shall be carried out by:
 1. secondary schools of agriculture,
 2. high education and scientific research institutions in the field of livestock farming and veterinary medicine,
 3. technical and advisory/extension services in the field of livestock farming and agriculture.
- (2) Operators in education and vocational training referred to in paragraph 1 of this Article shall acknowledge and transfer the new knowledge and scientific-research progress of significance for livestock farming development as well as educate on regulations related to farming of domestic animals.

Research work

Article 50

- (1) The Ministry, in line with the National Program of Food Production and Rural Development, independently or in cooperation with a public administration body in charge of education and science, shall finance or co-finance research projects and research infrastructure in the field of livestock farming, which make improvements to the knowledge in the field of: farming, selection, reproduction, growth and development of domestic animals, genetic technology, livestock production economics, forage and nutrition of domestic animals, facilities and equipment, zoo-hygiene and ethology, technology and quality of livestock products.
- (2) The scope and program of research referred to in paragraph 1 of this Article shall be laid down by a regulation of the Government – Agrobudget. The research may be carried out only by researchers who comply with the conditions in accordance with the regulations governing the scientific research work.
- (3) The transfer of results of research in practice, in addition to researchers referred to in paragraph 2 of this Article, shall also be done by authorized institutions, breeder organizations and other legal persons carrying out the activities of public interest in livestock farming.

VIII SUPERVISION

Inspectorial supervision

Article 51

The inspectorial supervision over the implementation of provisions of this Law and regulations adopted on the basis of this Law shall be done by the Ministry through agricultural inspectors, in accordance with the Law governing the inspectorial supervision.

Authority of agricultural inspector

Article 52

In addition to the authority of inspectors as laid down by the law governing the inspectorial supervision, the agricultural inspector shall have the authority in particular to:

1. check the method of farming and use of domestic animals;
2. supervise bee keeping, use of bee pasture and implementation of bee keepers pasture order;
3. supervise keeping of prescribed records and databases in livestock farming;
4. supervise implementation of breeding-selection program;
5. supervise procedures of evaluation and selection of breeding males for artificial insemination and natural mating;
6. control carrying out of artificial insemination and natural mating and keeping of the prescribed records;
7. supervise implementation of performance control and evaluation of breeding value of breeding animals, whether entries of herd book animals and issuing of certificates from the herd book are correct;
8. control implementation of the program of preservation of autochthonous and endangered breeds and types of domestic animals;
9. control the work of the authorized institution and breeder organization in implementation of breeding-selection program and other activities of public interest in livestock farming;
10. supervises also other activities of relevance for a consistent implementation of the law.

Administrative measures and activities

Article 53

Where, in carrying out of activities referred to in Article 52 of this law, it is established that this Law or a regulation adopted based on this Law was breached or implemented incorrectly, the agricultural inspector may:

1. order the breeder, the breeder organization, the authorized institution or other legal person to harmonize the operations, or to eliminate the deficiencies as regards the conditions prescribed;
2. issue a decision setting a period for complying with the conditions provided for by this Law;
3. prohibit the work of entities in livestock farming pending the compliance with the conditions provided for by this Law;
4. submit the request for launching misdemeanour proceedings due to breach of provisions of this Law and regulations adopted on the basis of it;
5. undertake also other measures and activities in accordance with the law.

IX PENALTY PROVISIONS

Article 54

A fine ranging from ten to twenty minimal wages in Montenegro shall be imposed for misdemeanour on a company, legal person and entrepreneur in case of:
putting the bee hive yard in a place where bees pose an inconvenience to neighbours and passers-by (Article 13 paragraph 2);

- failure to keep the herd book or fail to issue the certificate from the herd book (Article 18 paragraphs 1, 2 and 3 of this Law);
 - using as a quality breeding animal a breeding animal of unknown pedigree, that fails to meet the conditions for entry in the herd book or is not accompanied by appropriate zoo-technical documentation (Article 19, paragraph 6);
 - failure to keep records and issue certificates on natural mating, or artificial insemination, as appropriate (Article 22, paragraph 2);
 - carrying out of artificial insemination in contravention of breeding-selection program, using semen that fails to comply with the conditions as laid down by this law or fails to carry out the artificial insemination throughout the year (Article 23 paragraph 2 items 1, 2 and 5);
 - using for natural mating a breeding male not entered in the herd book and not selected, or licensed, as appropriate, for that particular purpose (Article 24 paragraph 3);
 - using for artificial insemination semen of breeding males not issued with a zoo-technical document on evaluation of breeding value (Article 25 paragraph 1);
 - marketing and using for reproduction animal ova and embryos not obtained and stored as prescribed in an organization authorized for collecting, obtaining and transfer of embryos, that do not originate from breeding animals meeting the conditions for obtaining of ova and embryos in line with the breeding-selection program, that are not identified as prescribed, and if in animal recipient, it is not identified as prescribed, which are not accompanied by the prescribed documentation or do not comply with the prescribed conditions on quality (Article 27 paragraph 1 of this law);
 - changing hereditary traits of domestic animals by genetic manipulation methods (Article 28 paragraph 1);
 - failing to perform the control of performance in accordance with the breeding-selection program (Article 30 paragraph 1);
 - keeping bees that do not belong to the breed *Apis Mellifera Carnica* (Article 26 paragraph 1);
 - exporting autochthonous breeds and types of domestic animals without authorization from the Ministry (Article 39 paragraph 5);
 - failing to notify the breeder of results of measuring and evaluation of his domestic animals within the period and in the way set by the breeding-selection program (Article 42);
 - failing to notify the Ministry in writing of the change in data referring to the person responsible or technical person (Article 46 paragraph 1).
- (2) A fine of one half to five minimum wages in Montenegro shall be imposed also on the responsible person in the company, legal person and natural person for the misdemeanour referred to in paragraph 1 of this Article.

X TRANSITIONAL AND FINAL PROVISIONS

Deadline for harmonization of business operations

Article 55

Companies, entrepreneurs and natural persons engaged in farming domestic animals shall harmonize their business operations with provisions of this Law no later than four years following the day of its entry into force.

Taking over of records

Article 56

- (1) Records and registers kept based on the Law on measures for development of livestock farming (Official Gazette of the Republic of Montenegro 4/92 and 59/92) shall be taken over by the Ministry and included in the databases kept according to this Law.
- (2) Legal persons who have, until the entry in force of this Law, kept records referred to in paragraph 1 of this Article, shall present the records and registers to the Ministry within the period of one year from the day of its entry into force.

Deadline for adoption of regulations

Article 57

- (1) Regulations for implementation of this Law shall be adopted within the period of two years from the day of its entry into force.
- (2) Pending the adoption of regulations referred to in paragraph 1 of this Article, the regulations adopted based on the Law on measures for development of livestock farming (Official Gazette of the Republic of Montenegro 4/92 and 59/92) shall apply.

Deadline for adoption of program

Article 58

The selection-breeding program shall be adopted within the period of 12 months from the day of entry into force of this Law.

Carrying out of activities of public interest

Article 59

Pending the delegation of activities of public interest in livestock farming based on this Law, the technical activities of public interest shall be carried out by legal persons authorized in accordance with the Law on measures for development of livestock farming (Official Gazette of the Republic of Montenegro 4/92 and 59/92)

Repeal of law

Article 60

The day this Law enters into force, the Law on measures for development of livestock farming (Official Gazette of the Republic of Montenegro 4/92 and 59/92) shall be repealed.

Entry into force

Article 61

This Law shall enter into force on the eighth day from the day of its publishing in the Official Gazette of Montenegro.