

Pursuant to the Article 18, item 2, Article 49 paragraph 2, Article 50 paragraph 2 and Article 58 paragraph 2 of the Law on Marine Fishery and Mariculture (Official Gazette of Montenegro No. 56/09) the Ministry of Agriculture and Rural Development adopted the following

RULEBOOK

ON BASIC CONSTRUCTION-TECHNICAL CHARACTERISTICS, METHODS OF USE, TIME, PURPOSE, QUANTITY AND TYPE OF FISHING TOOLS AND GEAR THAT IS PERMITTED FOR USE IN LARGE AND SMALL-SCALE COMMERCIAL FISHING

I. BASIC PROVISION

Article 1

This Rulebook lays down the basic construction-technical characteristics, method of use, time, purpose, quantity and type of fishing tools and gear that is permitted for use in large scale and small scale commercial fishing, as well as the marking of fishing tools and gear and the method of establishing the construction-technical characteristics of the fishing tools and gear.

II. LARGE-SCALE COMMERCIAL FISHING

Article 2

The following fishing tools and gear may be used in large-scale commercial fishing:

- 1) **bottom trawls;**
- 2) **pelagic (floating) trawls;**
- 3) **entangling nets;**
- 4) **beach seines;**
- 5) **beach trawls;**
- 6) **gillnets;**
- 7) **traps for fish and other marine organisms;**
- 8) **harpoons;**
- 9) **long lines and other angling gear;**
- 10) **vibrating ropes nets *tramata (ludar)*.**

Article 3

Bottom trawls are nets dragged over the sea bottom or immediately above it, using one or two vessels and their construction makes possible catch of fish and other marine organisms species living close to the bottom, which are situated in the fishing path.

Bottom trawls consist of wings, throat and bags.

Article 4

For the purpose of catch separation, the bottom trawls may have not more than two bags. The bottom bag, on the part dragged over the sea bottom, may have a protective cover.

Mesh size of the bag must not be less than 20 mm and on the protective cover not less than 40 mm. Fishing vessel drags the bottom trawl once the complete trawling system is in function.

Article 5

Pelagic-floating trawls are nets dragged below the sea surface till immediately above the sea bottom (pelagial) using one or two fishing vessels, intended for fishing small pelagic fish.

Mesh sizes of the bag must not be in any of its parts less than 10 mm.

Article 6

Entangling nets are intended for fishing small and big pelagic fish.

Article 7

By mesh size and purpose, entangling nets are classified into:

- 1) **entangling nets tunolovka** mesh size of which shall not in any of its parts be less than 40 mm, intended for encircling and fishing tuna (*Thunnus thynnus*) and other big pelagic fish;
- 2) **entangling nets palamidara** mesh size of which shall not in any of its parts be less than 34 mm, intended for fishing Atlantic bonito (*Sarda sarda*), Bullet tuna (*Auxis rochei*), Little tunny (*Euthunnus alletteratus*) and greater amberjack (*Seriola dumerilli*);
- 3) **entangling nets srdelara** mesh size of which shall not in any of its parts be less than 10 mm, intended for fishing small pelagic fish;
- 4) **entangling nets igličara** mesh size of which shall not in any of its parts be less than 10 mm, intended for fishing garfish (*Belone belone gracilis*);
- 5) **entangling nets ciplarica** mesh size of which shall not in any of its parts be less than 26 mm, intended for fishing mullets (*Mugilidae*);
- 6) **entangling nets for gavuna** mesh size of which shall not in any of its parts be less than 5 mm, intended for fishing smelts (*Atherina boyeri*).

The largest length of entangling nets is 800 meters, and its highest drop is one-third of the **armane** net, except for entangling nets tunolovka.

Article 8

Beach seines (hereinafter referred to as: seines) consist of wings, throat and bags and they are intended for fencing sea area, and they are towed towards the coast by a rope with a reel on the fishing vessel moored or by human physical force at the fishermen's post.

Article 9

By mesh size and purpose the seines are classified into:

- 1) **seines srdelare** mesh size of which shall not in any of its parts be less than 6 mm, intended for fishing small pelagic fish in the Bay of Boka Kotorska;
- 2) **seines girarice** mesh size of which shall not in any of its parts be less than 12 mm, intended for fishing picarel (*Spicara smaris*);
- 3) **seines migavice** mesh size of which shall not in any of its parts be less than 12 mm, intended for fishing picarel (*Spicara smaris*);
- 4) **seines šabakun** mesh size of which shall not in any of its parts be less than 28 mm, intended for fishing greater amberjack (*Seriola dumerilli*) and big pelagic fish, exclusively at the moment of their arrival;
- 5) **seines iglicare** mesh size of which shall not in any of its parts be less than 10 mm, intended for fishing garfish (*Belone belone gracilis*);
- 6) **seines gavunare** mesh size of which shall not in any of its parts be less than 5 mm, intended for fishing smelt (*Atherina hepsetus*);

The ropes used in fishing by seines may not be longer than 500 meters (5 ropes 100 meters each) at all net wings.

Ropes with attachments for scaring fish must not be used in fishing by seines.

In fishing by seines artificial lights must not be used, with the exception of fishing by seines srdelara and gavunara, of the total installed power of electric lights up to 2,000 W or in gas lanterns up to 2,000 candle power per vessel.

In fishing, seines must not be towed by a moving fishing vessel.

Article 10

Fishing by seines may be done at nights only and by daylight up to seven hours.

Fishing by seines in fishermen's post used as bathing sites must not be done in the period May 1 – October 1.

Fishing by seines srdelara and gavunara is permitted throughout the year.

Fishing by seine girarica and migavica is permitted from October 1 to May 1.

Fishing by seine šabakun is permitted from June 1 to March 1.

Fishing by seine iglicara is permitted from May 1 to November 1.

Article 11

For beach trawls (kočica or tartana), mesh size in any of its parts shall be less than 12 mm.

Fishing with beach trawls is allowed from November 1 to March 1.

Fishing with beach trawls must not be done during day, from sunrise till sunset.

Article 12

Gillnets are intended for catching fish and other marine organisms by setting the net or by encircling a shoal.

Gillnet setting means setting the net to the bottom of the sea or a pole in the water.

Fishing by encircling means limiting the movement of fish by the net, and then concentrating the fish to a smaller space by alternately lifting and dropping the net.

Article 13

Gillnets are classified into:

- 1) single layer gillnets;**
- 2) triple layer gillnets;**
- 3) nets for mullets and**
- 4) nets for eel.**

Nets referred to in paragraph 1 of this Article shall be used without the devices for scaring fish, artificial lights or baits.

By way of derogation from paragraph 2 of this Article, in fishing by gavunara or girara it shall be allowed to scare the fish by using oars and wooden poles and in fishing by vojga, use or artificial lights of installed power of electric lights of up to 2,000 and for gas lanterns of up to 2,000 candle powers per vessel.

The drop of nets referred to in paragraph 1 of this Article shall not be above 4 meters regardless of the mesh size, except for net polandara, drop of which may not be above 22 m.

The length of nets referred to in paragraph 1 of this Article shall not be above 160 m in the Bay of Boka Kotorska and 500 m in the open sea, except for polandara nets, drop of which must not be above 400 m.

Article 14

Single layer gillnets are:

- 1) bukvara nets;**
- 2) gavunara nets;**
- 3) girara nets;**
- 4) menulara nets;**
- 5) rakovica nets;**
- 6) prostica nets;**
- 7) vojga nets;**
- 8) sklatara nets;**
- 9) psara nets, and**
- 10) polandara.**

Single layer gillnets are made of a single net layer.

Article 15

Bukvara nets may be used only by fixing them to the bottom and they are intended for fishing bogue (*Boops boops*).

Net drop must not be above 300 meshes, while mesh size in nets may range from 20 to 26 mm.

Gavunara nets may be used by fixing them to the bottom and by partitioning the areas appropriate for such purpose and they are intended for fishing smelt (*Atherina hepsetus*).

Net drop must not be above 400 meshes, while mesh size in the net must not be less than 10 mm.

Fishing by gavunara nets is permitted from May 1 to January 31.

Girara nets may be used for fixing them to the bottom and they are intended for fishing picarel (*Spicara smaris*).

Net drop must not be above 200 meshes, while mesh size in the net must not be less than 15 mm.

Fishing by girara nets is permitted from October 1 to April 30.

Menulara nets are used by fixing them to the bottom and are intended for fishing blotched picarel (*Spicara flexuosa*).

Net drop must not be higher than 200 meshes, while mesh size may range from 16-20 mm.

Rakovica nets are intended for catching spiny spider crab (*Maja squinado*).

Net drop must not be higher than 4.5 meshes, mesh size in the net must not be less than 150 mm, while hang-in coefficient of the netting must not be higher than 1/3.

Fishing by rakovica nets is permitted from July 1 to April 30.

Prostica nets may be used by fixing them to the bottom and by partitioning or encircling the area suitable for catching demersal species of fish and other marine organisms.

Net drop must not be higher than 200 meshes, while mesh size must not be less than 28 mm.

Vojga nets may be used by fixing them to the bottom and with use of the lights, by encircling the fish aggregated under the light and they are intended for catching small pelagic fish.

Net drop must not be higher than 450 meshes, while mesh size in nets must not be less than 16 mm.

Sklatara nets are intended for catching angle shark (*Squatina squatina*), ray (*Raja* spp.), turbot (*Psetta maximus*) and common eagle ray (*Myliobatis* spp.)

Net drop must not be higher than 4 meshes, while mesh size must not be less than 40 mm.

Psara nets are intended for catching sharks and dogfish (*Mustelus* spp, *Scyliorinchus* spp).

Net drop must not be less than 20 meshes, while mesh size must not be less than 60 mm.

Polandara nets may be used for fishing by fixing them to the bottom and they are intended for catching bonito, frigate tuna, hake and other big fish (*Sarda sarda*, *Scomber scombrus*, *Auxis rochei*, *Euthynnus alletteratus*),

Net drop must not be higher than 400 meshes, while mesh size must not be less than 40 mm.

Article 16

Triple layer gillnets are:

- 1) **single bottom gillnets - popunica;**
- 2) **single bottom gillnets – listarica;**
- 3) **double bottom and triple bottom gillnets - stajaćice salpara;**

Triple layer gillnets are made of triple netting and consist of the middle netting (maha) and one outer netting (popon) on both sides.

Article 17

Single bottom gillnets – poponica may be used only by fixing them to the bottom, without using any devices for scaring the fish and are used for fishing demersal species of fish and other marine organisms.

Net drop must not be larger than 5.5 meshes of the outer netting and 60 meshes of the inner netting, while mesh size in the middle netting must not be less than 28 mm.

Fishing by gillnets – poponica, is permitted from August 15 to April 30.

Single bottom gillnets – listarica are used for fishing soles in places suitable for fishing this specie.

Net drop must not be larger than 2.5 meshes of the outer netting and 25 meshes of the inner netting, hang-in coefficient of the netting may be higher than 1/3.

Mesh size in the middle netting must not be less than 36 mm.

Fishing by single bottom gillnets – listarica is permitted from September 15 to April 30.

Double bottom and triple bottom gillnets - salpara may be used by fixing them to the bottom or by encircling a shoal of fish and are used for fishing salema and other demersal species of fish and other marine organisms.

Double bottom nets salpara consist of a triple netting placed in the lower part of the net, whose outer layer drop must not be larger than 7.5 meshes, and drop of the inner layer must not be larger than 60 meshes, and of a single netting placed in the upper part of the net.

Tripple bottom nets salpara consist of a triple netting placed in the upper and in the lower part of the net, whose outer layer drop must not be larger than 5 meshes, and drop of the inner layer must not be larger than 40 meshes, and of a single netting placed in the middle part of the net, drop of which must not be larger than 50 meshes.

Mesh size in the middle layer in the triple netting and single netting must not be less than 40 mm.

Fishing with double bottom and triple bottom gillnets – salpara is permitted from November 1 to April 30.

Article 18

Nets for fishing mullets (Mugilidae) are:

- 1) **entangling nets ciplarica;**
- 2) **nets ciplara and**
- 3) **Net traps - tavani.**

Entangling nets ciplarica are used by encircling or partitioning of a fish shoal with or without the use of triple gillnets, the so called "skakala". The skakala are stretched on poles and are floating on the surface of the sea so they partly cover the floating ciplarica nets, and they serve exclusively for harvesting mullets that jump out the entangling net.

Mesh size in any part of the entangling net ciplarica must not be less than 26 mm, and mesh size in the inner layer of the triple gillnet skakala must not be less than 28 mm.

Ciplara nets are used only for partitioning fish and they consist of one large vertical net, which is stretched in the water from the surface to the bottom of the sea and another, smaller net, stretched on poles and floating on the sea surface, covering partly the big floating nets.

Harvesting fish within the space partitioned by the vertical net is done by gillnets, mesh size of which must not be less than 28 mm and the mesh size on ciplara net must not be, in any part of the net, less than 26 mm.

Net traps - tavani may be used only without the use of lighting and use of harpoons is permitted. They consist of a single gillnet prostica which is placed on the bottom in shallower waters, mainly in river mouths, so its buoys float on the surface. The end of the prostica are folded into spirals around which poles are pinned at an angle, so that they can be seen 1-2 m above the water surface. Between them a triple gillnet is stretched from the bottom to the top of the pole and thus a net trap – tavan is formed. Fish caught between the prostica and the tavan jumps out and is stuck into the said part of the tavan. Fishing by scaring fish is not permitted.

Mesh size in the single gillnet prostica and the triple gillnet must not be less than 28 mm.

Article 19

Fishing of eel (*Anquilla anquilla*) may be done by lagoon fyke nets and traps and traps made from netting, mesh size of which must not be less than 12 mm.

Still lagoon fykenet is a net that consists of wing and bag, made of netting and used so that the wing and bag are placed on poles pinned onto the bottom which partition the river bed of the Bojana or its tributaries, backwater and other similar parts of the aquatorium (hereinafter referred to as: the penjal)

Fishing eel with fishing gear referred to in paragraph 1 of this Article is permitted in the period June 1 – March 1 and catching other species shall be prohibited.

Article 20

The construction of gillnets, as laid down by this Rulebook, must not be change by increasing the drop, by attaching two or more identical or different types of nets by height or by knitting the outer netting onto the single gillnets.

Article 21

Traps for catching fish and other marine organisms are:

- 1) **Traps for fish;**
- 2) **Traps for shrimps;**
- 3) **Traps for big crustaceans.**

Article 22

Traps for fish are placed on the sea bottom individually or in groups and they consist of the netting stretched onto a frame.

Netting may be made of thread, metal wire or plastic, and the trap may have a shape of a cylinder, parallelepiped or prism with one or more tops.

Mesh size of the netting must not be less than 32 mm.

By way of derogation from paragraphs 2 and 3 of this Article traps for eel (*Anquilla anquilla*) may have only one tops in which netting is placed on metal frame, where mesh size of the netting must not be less than 12 mm.

Number of traps for fish must not be more than 25 pieces.

Article 23

Traps for shrimps consist of the frame on which netting is stretched, mesh size of which must not be less than 18 mm and has up to two tops.

Traps for shrimps are intended for catching small crustaceans: Norway lobster (*Nephrops norvegicus*) and shrimps (*Squilla mantis*).

Number of traps for shrimps must not be more than 100 pieces.

Article 24

Traps for big crustaceans are placed on the sea bottom individually or in groups, and they consist of the frame on which netting is placed and it has up to two tops.

The traps for big crustaceans are intended for catching spiny lobster (*Palinurus elephas*), European lobster (*Homarus gammarus*) and the Mediterranean slipper lobster (*Scyllarides latus*).

Mesh size of the netting must not be less than 55 mm.

Number of traps for big crustaceans must not be more than 50 pieces.

Article 25

In fishing by traps, baits may be placed in the traps in order to lure fish and other marine organisms.

Article 26

Harpoons are stabbing fishing gear used for catching fish and other marine organisms and they are used from the shore or from the fishing vessel.

In fishing by harpoons artificial lights may be used of the installed power of electric lights of up to 2,000 W, and in gas lanterns of up to 2,000 candles.

Harpoons may be used also in fishing by entangling nets ciplarica and gillnets by encircling.

Article 27

Long lines are angling gear that may be fixed (bottom) and floating.

Other angling gear includes: rods, fly lines, trawl lines, fishing lines and tended lines.

Fishing lines are rods, fly lines.

Article 28

Maximum length of fixed (bottom) long lines that may be used in large scale commercial fishing is 1500 m, while of floating lines 24 km.

In large scale commercial fishing by tended lines, use of up to 30 pieces of tended lines is allowed.

Maximum three hooks may be tied on a rod.

Maximum five hooks may be tied on a fly line.

Maximum two hooks may be tied to a tended line.

Maximum 10 hooks may be tied to a trawl line.

The use of artificial lights is allowed only when catching cephalopods with fishing lines, with installed power of electric lights of up to 2,000 W, while with gas lanterns of up to 2,000 candles per vessel.

In fishing by rods, fly lines and trawl lines, hooks of width less than 7 mm may not be used and in fishing by fishing lines and fixed long lines, hooks of width less than 9 mm during daylight and 14 mm during the night.

By way of derogation from paragraph 8 of this Article, in fishing by floating long lines intended for fishing tuna (*Thunnus thynnus*) and other species of big pelagic fish, hooks of width less than 30 mm must not be used.

Article 29

Fishing by nets **tramata (ludare)** is fishing by using decorated or undecorated ropes, ropes with floats, single gillnets and nets with lead without floats, square in shape, where on each side of the decorated or undecorated rope maximum 2000 meters of rope is permitted.

The fishing referred to in paragraph 1 of this Article is done by partitioning a sea area by ropes, after which fish is directed and concentrated on a smaller area from which it is harvested.

Nets tramata (ludara) are intended for fishing fish from the sparida family (Sparidae) in the open sea.

In fishing by nets tramata (ludara), mesh size of single gillnets must not be less than 32 mm, while mesh size of kvadrun must not be less than 22 mm.

In fishing with nets tramata (ludara), fish partitioned may be caught by harpoons as well.

In fishing by nets tramata (ludara) use of self-contained underwater breathing apparatus and nets in which final harvesting is done by pressing the lower part of the net by clamps shall not be allowed.

Only one net traumata (ludara) may be used in the fishery sea in the course of one calendar year.

Tramata net may be used from August 1 to November 1.

Article 30

Harvesting of bivalve molluscs and other marine organisms includes collecting of bivalve molluscs (*Bivalvia*), snails (*Gastropoda*) and echinoderms (*Echinodermata*) by hand.

Harvesting of bivalve molluscs and other marine organisms may be done by hand held tools without the use of without the use of self-contained underwater breathing apparatus.

Hand tools referred to in paragraph 2 of this article are: rakes, pliers and diver's knife.

III. SMALL SCALE COMMERCIAL FISHING

Article 31

In small scale commercial fishing the following fishing tools and gear may be used and not more than:

- 1) gillnets - 2 pieces;**
- 2) traps for fish - 10 pieces;**
- 3) harpoons with and without the use of artificial lights – 1 piece;**
- 4) long lines - 250 hooks and other angling tools - rods, fly lines, trawl lines, fishing lines and tended lines - 4 pieces each;**
- 5) entangling net-srdelara - 1 piece**
- 6) lift-net kalimera - 1 piece i**
- 7) hand dredge - grib – 1 piece.**

For use of fishing gear referred to in paragraph 1 of this Article, use of a lantern of 800 candles is permitted.

In small scale commercial fishing, the use of hand held gear referred to in Article 30 of this Rulebook is permitted in harvesting of bivalve molluscs and other marine organisms.

Article 32

The basic technical-construction characteristics as laid down by this Rulebook for fishing tools and gear used in large-scale commercial fishing apply also to the fishing gear and tools used in small scale commercial fishing.

IV. MARKING FISHING TOOLS AND GEAR

Article 33

Fishing tools and gear used in commercial fishing shall be marked as laid down by this Rulebook.

On each otter board of the bottom trawl the name of the fishing vessel from the permit for commercial fishing shall be written visibly.

Position of fishing gear placed into the sea shall be marked by visible floating marks (hereinafter referred to as: buoys) on which the name of the fishing vessel and the registration port of the fishing vessel or registration of the fishing vessel from the permit for commercial fishing and the number of the permit shall be written readably.

Visible buoy referred to in paragraph 3 of this Article means a floating mark made of a light coloured buoy.

The position of certain gillnets in sea shall be marked with at least two visible buoys, equal in size and colour, of square shape, minimum volume of 5 dm³, placed at the beginning and the end of every single net.

The position of individually placed trap in the sea shall be marked with one buoy, round in shape, minimum 15 cm in diameter, and a set of traps with two such buoys placed at the beginning and the end of the set.

The position of individually placed long line in the sea shall be marked with minimum two buoys, equal in size and shape, of square shape, minimum volume of 5 dm³, placed at the beginning and the end of the long line.

A pole with a flag of the area of minimum 5 dm² and one meter above the sea level shall be placed vertically on the buoy.

Size of letters and numbers referred to in paragraph 2 of this Article shall be minimum 10 cm, size of letters and numbers referred to in paragraph 3 of this Article shall be minimum 5 cm, and exceptionally, on buoys marking the position of a floating long line, the size of letters and numbers shall be minimum 10 cm.

In order to be more visible, the fishing gear marked in the way as referred to in paragraphs 5 and 6 of this Article may be marked additionally by buoys referred to in paragraph 7 of this Article.

V. METHOD OF DETERMINING THE CONSTRUCTION-TECHNICAL CHARACTERISTICS OF FISHING TOOLS AND GEAR

Article 34

Mesh size in nets, or nettings in fishing gear referred to in this Rulebook shall be measured when wt from knot to knot along the length of the mesh side.

The illustration of the method of measuring mesh size of the netting made of thread is given in the Annex 1, which is printed together with this Rulebook that it forms an integral part of.

Article 35

The hang-in coefficient of the net and the netting is the proportion of the wrinkled and fully stretched net or netting, that is, of the netting with meshes fully stretched, i.e., closed, and it is presented as a decimal figure, fraction or in percentage.

Article 36

Four-sided netting in traps for fish and crustaceans shall be placed so that each mesh around the netting is square in shape, with allowed deviation of up to 10%.

The provision of paragraph 1 of this Article does not refer to the top.

In traps and other traps made of metal or other unbending material in which mesh is of rectangular or hexagonal form, mesh size is measured along the shortest length of the mesh.

The illustration of the method of measuring mesh size of a rectangular or hexagonal form referred to in paragraph 3 of this Article is given in the Annex 2, which is printed together with this Rulebook that it forms an integral part of.

Article 37

Hook size is measured by curve width (the rounded part) from the widest part of the outer edge of the front and the outer edge of the back side of the hook curve.

The illustration of the method of measuring hook size is given in the Annex 3, which is printed together with this Rulebook that it forms an integral part of.

Article 38

Checking whether fishing tools and gear of holders of permits for commercial fishing is in good repair and order shall be done once a year by the Institute for Marine Biology.

VI. FINAL PROVISIONS

Article 39

The day this Rulebook enters into force the Rulebook on construction and technical basis, mesh size, method of use and purpose of some types of nets and other tools for commercial and sport-recreational fishing, harvesting of shellfish, corals, sponges and marine vegetation (Official Gazette of the Republic of Montenegro No. 10/04 and 9/06) and Article 2 of the Rulebook on the amount of the fee for commercial fishing (catch and farming), form of the permit and method of keeping the registers of permits issued (Official Gazette of the Republic of Montenegro No. 10/04 and 9/06) shall be repealed.

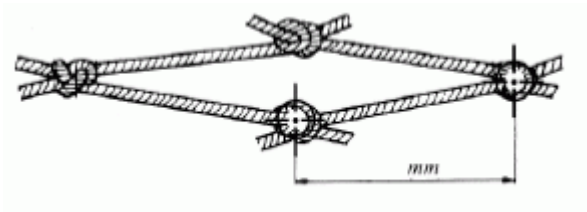
Article 40

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

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Podgorica, January 18, 2011

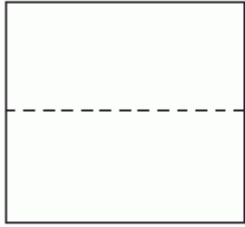
MINISTER,
Tarzan Milošević

MESH SIZE OF THE NETTING MADE FROM SYNTHETIC THREAD

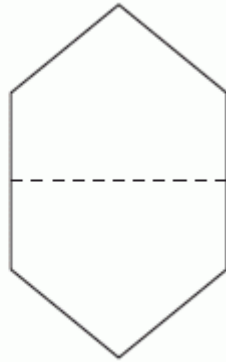


ANNEX 2

METHOD OF MEASURING THE SIZE OF THE RECTANGULAR AND HEXAGONAL MESH FORM MADE FROM METAL OR OTHER UNBENDING MATERIAL IN TRAPS OR OTHER CAGES



a) četverostrani oblik oka



b) šesterostrani oblik oka

ANNEX 3.

METHOD OF MEASURING THE HOOK WIDTH

