

**CONFERENCE ON ACCESSION
TO THE EUROPEAN UNION
– MONTENEGRO –**

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ACCESSION DOCUMENT

Subject: EUROPEAN UNION COMMON POSITION
- Chapter 13: Fisheries

EUROPEAN UNION COMMON POSITION

Negotiating Chapter 13: Fisheries

This position of the European Union is based on its general position for the Accession Conference with Montenegro (AD 23/12 CONF-ME 2) and is subject to the negotiating principles endorsed therein, in particular:

- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters.
- agreements – even partial agreements – reached during the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established.
- the requirements set out in points 24, 28, 41 and 44 of the Negotiating Framework.

The EU encourages Montenegro to continue the process of alignment with the EU *acquis*, noting that additional *acquis* may enter into force before accession, to ensure its effective implementation and enforcement, and develop already before accession, policies and instruments as close as possible to those of the EU.

The EU notes that Montenegro, in its negotiating positions AD 1/16 CONF-ME 1 and AD 18/25 CONF-ME 5 accepts the *acquis* under Chapter 13 as in force on 18 September 2025, and that it declares that it will be ready to implement it by the date of its accession to the European Union.

General principles

As an overall response to Montenegro's requests, the EU recalls its general negotiating position that transitional measures are exceptional, limited in time and scope, and accompanied by a plan with clearly defined stages for the application of the *acquis*. They must not involve amendments to the rules or policies of the EU, disrupt their proper functioning, or lead to significant distortion of competition.

The EU recalls the principle of exclusive EU competence for the conservation of marine biological resources under the common fisheries policy. The EU recalls the objectives of the Common Fisheries Policy (CFP) which is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term, are managed in a way consistent with economic, social and employment benefits, and contribute to the availability of food supplies.

The EU underlines that Montenegro's acceptance of the *acquis* implies its acceptance of the EU regime on access to waters and resources.

The EU notes that the fisheries sector in Montenegro is small, and that existing administrative capacity is limited.

Resource and Fleet Management

The EU notes the significant progress made by Montenegro in aligning its legislation on Fisheries with the EU *acquis* in all fields covered by this chapter.

The EU recognises the importance of the adoption of the **Fisheries Strategy 2024-2029** with a comprehensive Action Plan detailing key steps for the transposition, implementation, and enforcement of the EU *acquis* to prepare for full compliance with the CFP. The EU encourages Montenegro to complete the defined legal, administrative and investment reforms by the deadlines outlined in this Strategy.

The EU notes the adoption of the new **Law on Marine Fisheries** which forms the basis for full implementation of international obligations at the national level. The EU notes that the law aligns Montenegro with a large part of the Chapter 13 *acquis* and reflects the **core principles of the CFP** and relevant Regional Fisheries Management Organisations (RFMOs). It regulates **resource and fleet management**, the establishment of **inspection and control** systems, management of **illegal, unreported and unregulated (IUU) fishing** activities, **data collection** in the fisheries sector, the conservation of fisheries resources and the protection of marine ecosystems through **technical measures** and aims to ensure ecologically sustainable fishing, economic and social benefits, employment and food availability.

The EU considers that this law represents the fundamental legal basis for the fisheries sector. This law will require further adoption of secondary legislation to address the technical specificities contained in fisheries-related EU Regulations. The secondary legislation acts will amongst others prescribe more detailed rules regarding the conditions for obtaining licenses for commercial and recreational fishing, as well as authorisations for certain types of commercial fishing, specific fishing gears, conditions and restrictions on conducting fishing activities, the vessel monitoring system, inspection supervision, labelling of fishery products and traceability requirements, species prohibited for fishing and minimum sizes for certain fish species, data collection and on the fishing fleet registry. The EU expects that all secondary legislation and rulebooks are adopted by the date of accession. The EU will closely monitor the adoption and implementation of this secondary legislation.

In the area of **data collection**, the EU welcomes Montenegro's efforts to build technical and resource capacities and its commitment that by the date of accession, the fisheries administration will be able to exchange all relevant data with the European Commission.

The EU notes that Montenegro requests the following transitional periods for the implementation of the *acquis* under this chapter following the date of accession:

- To be exempted for a period of three years from the full application of Article 13(1) of Council Regulation (EC) No 1967/2006, which prohibits the use of towed gears within three nautical miles from the coast or within the 50-metre isobath if this depth is reached at a shorter distance from the coast, and of Annex IX Part A of Regulation (EU) 2019/1241 as regards European sardine (*Sardina pilchardus*), which sets a minimum conservation reference size of 11 cm in the Mediterranean Sea, and Part B point 2 of Regulation (EU) 2019/1241, which sets the baseline mesh size for surrounding nets to at least 14 mm for fishing activities in the Boka Kotorska Bay.

Montenegro requests that, during this transitional period, the use of beach seines with mesh sizes 12-20 mm, be permitted in the Boka Kotorska Bay with the obligation to adopt a national management plan for all surrounding nets in accordance with Article 19 of Council Regulation No 1967/2006. This transitional period is requested as the fishing method with beach seines (“potegače”) in the Boka Kotorska Bay is a centuries-old cultural tradition and has a strong socio-economic component for local families. According to the Commission’s assessment, the EU considers that this traditional fishing gear where the fish is enclosed in the net and pulled manually towards the shore, can be considered as a surrounding net, rendering the request to derogate from Article 13(1) of Council Regulation (EC) No 1967/2006 non-applicable. This temporary derogation of three years from the date of accession would be granted to a maximum of 24 small and mostly manually rowed vessels whose fishing licenses are non-transferable and non-sellable, and which are only active during some periods of the year. There is no impact on the seabed and the resulting catch volume of around 150 kg is quite small, only intended for the local market and would be specially labelled.

- To be exempted for a period of three years from the full application of Article 13(3) of Council Regulation (EC) No 1967/2006, which prohibits the use of surrounding purse seine nets within 300 meters from the coast or on depth of 50-metre isobath if this depth is reached at a shorter distance from the coast.

Montenegro requests that, during this transitional period, the use of purse seine nets up to 70 meters in height and 400 meters in length be permitted within 300 meters from the coast or within the 50 meter isobath and at depths less than 70% of the total height of the surrounding purse seine net, with the obligation to adopt a national management plan in accordance with Article 19 of Council Regulation (EC) No 1967/2006. This temporary derogation of three years from the date of accession would be granted to a maximum of 17 Montenegrin-flagged vessels. The use of this traditional fishing gear is strictly limited geographically and in time. A planned subordinate act will further specify spatiotemporal conditions applying to these vessels using purse seine nets in the Boka Kotorska Bay and designated landing sites for these to improve efficiency of control and monitoring.

- To be exempted for a period of three years from the full application of Annex IX Part C point 2 of Regulation (EU) 2019/1241, which limits the length of purse seines and seines without purse lines to 800 meters with a drop of 120 meters, except for purse seines used for directed fishing of tuna.

Montenegro requests that, during this transitional period, the use of purse seine nets up to 180 meters in height be permitted with the obligation to adopt a national management plan in accordance with Article 19 of Council Regulation (EC) No 1967/2006. This temporary derogation of three years from the date of accession would be granted to a maximum of 3 Montenegrin-flagged vessels within territorial waters and under established catch quotas. The temporary derogation is requested given the geomorphology of the Adriatic basin. In front of Montenegro lies the greatest depth of the Adriatic Sea (1300 meters), with strong inflowing currents and high-water transparency. Fish easily escape under the net and climate change generally causes increased sea temperatures, resulting in fish moving to deeper waters. Montenegro considers that changes in the construction of purse seine nets, specifically limiting their height to 120 meters, would greatly hinder the catch of small pelagic fish, significantly decreasing catch quantities and rendering this sector unprofitable.

The EU takes note that the above transitional periods have been requested due to the specificity of Montenegro's coastline and for the preservation of traditional fishing activities. The EU recognises that the requested transitional periods have a very limited scope both in their geographical and temporal application as well as in terms of number of vessels concerned and estimated catch quantities. Additional restrictive measures and conditions further keep the usage and impact of these transitional periods to a minimum. It is furthermore important to note that fishing activities covered by these transitional periods do not have any significant impact on the marine environment and that, by the date of accession, Montenegro will have to comply with the obligations relating to the protection of habitats and marine species impacted by fishing activities as required under Regulations 1967/2006 and 2019/1241. On the basis of these considerations, the EU therefore considers that the above requests for transitional periods for a period of three years from the date of accession are acceptable and agrees to the specific arrangements outlined above.

Market policy

The EU notes that Montenegro's **Law on Market Organization in Fisheries and Aquaculture** establishes the basis for regulating the market of fisheries and aquaculture products while ensuring the efficient functioning of the market for fisheries and aquaculture products, conditions for product labelling placed on the market, strengthening the competitiveness of producers through the establishment of producer organizations, along with adequate control of implementation of market organization measures. The Law is aligned with Regulation (EU) No 1379/2013 on the common organisation of the markets in fishery and aquaculture products. The EU expects Montenegro to complete its alignment with the EU *acquis* in the area of market policy with the adoption of relevant secondary legislation by the date of accession.

Structural actions and State aid

The EU notes that Montenegro's **Law on Structural Measures and Allocation of State aid in Fisheries and Aquaculture** prescribes the mechanisms for structural policy and implementation of **structural measures** and is aligned with Regulation (EU) 2021/1060 and the EMFAF Regulation (Regulation 2021/1139). The EU takes note that the Law also defines **State aid** and the allocation of State aid and is aligned with Article 107 of the Treaty on the Functioning of the European Union.

The EU takes note of Montenegro's commitment to amend existing legislation where it conflicts with the newly adopted framework Laws in this Chapter of the *acquis* by the date of accession. The EU calls on Montenegro to draft and submit a clear outline of the planned amendment work.

International agreements

The EU takes note that Montenegro does not have any fisheries agreements with third countries. The EU recalls that Montenegro, at the date of accession or the earliest possible date thereafter, will have to withdraw from bilateral fisheries agreements, unless they do not provide access to the marine biological resources of a third country.

The EU underlines Montenegro's commitment to accept and implement the EU's international commitments in the field of fisheries. In this regard, the EU notes Montenegro's accession to the General Fisheries Commission for the Mediterranean (GFCM) in January 2008 and the ratification of the International Convention for the Conservation of Atlantic Tunas (ICCAT) in July 2025. Should Montenegro possess a historical record of catches within ICCAT, such figures would be incorporated into the European Union's existing catch totals. The current allocation key applicable to the existing Member States shall not be subject to modification.

The EU takes note of Montenegro's commitment to ratify the UN Agreement for the Implementation of the Provisions of the UN Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks by the day of accession.

The EU recalls the ongoing work by the European Commission to evaluate the performance and impact of the CFP Regulation (EU) No 1380/2013, as well as the ongoing implementation of Council Regulation (EC) No 1224/2009, as amended by Regulation (EU) No 2023/2842 (the revised Fisheries Control Regulation) through a number of secondary legislative acts, with new rules entering into force up to 2029. The EU invites Montenegro to keep itself regularly informed of the developments on Chapter 13 of the *acquis*.

Aquaculture

The EU takes note that Montenegro also adopted a new **Law on Aquaculture** which sets the legal basis for the efficient functioning of the sector, defining conditions for granting and revoking aquaculture licenses, placing aquaculture products on the market, the management of alien and locally absent species and data collection in the sector. However, full alignment will be achieved through the adoption of secondary legislation, to make applicable the Regulation on the use of alien and locally absent species in aquaculture (Regulation (EC) No 708/2007), and the adoption of a National Aquaculture Plan, which is already in preparation. The EU expects that Montenegro has adopted all required secondary legislation and rulebooks by the date of accession.

Institutional framework and administrative capacities for inspection and control

The EU notes that Montenegro has put in place an adequate **regulatory and institutional framework**, including a designated Directorate for Fisheries within the Ministry of Agriculture, Forestry and Water Management (MAFWM) and complementary inspection bodies such as the Directorate of Food Safety, Veterinary and Phytosanitary Affairs and the Border Police under the Ministry of Internal Affairs. For structural measures, state aid and market policies, the MAFWM's Accounting Service, Department for Structural Measures, State Aid, EU Funds and Market Organization in Fisheries and Aquaculture and Department of Economic Analyses are additionally involved, and for data collection, the Institute of Marine Biology in Kotor (IMBK) and the Statistical Office of Montenegro (MONSTAT) hold important roles.

The EU welcomes Montenegro's continuous commitment to strengthen its **administrative, control, and inspection capacities**. The Action Plan for Strengthening Administrative, Inspection and Control Capacities was adopted in July 2025. The EU calls on Montenegro to continue its activities for the recruitment of additional 13 staff members by 2028, bringing the total number of employees in the Directorate for Fisheries to 24, all directly responsible for implementing the CFP.

The EU notes the commitment of Montenegro to replace and procure new IT equipment for the Directorate and the newly established Fisheries Monitoring Centre (FMC), and to procure new vehicles for the inspection teams by the date of accession.

The EU takes positive note of Montenegro's efforts to expand inspection supervision responsibilities to authorised officers from the Border Police, and to focus on training of authorised agents, further strengthening inspection capacities.

The EU expects Montenegro to continue its efforts to fully implement and enforce the EU *acquis* in Chapter 13 in a way that ensures its effective and efficient application, providing accountability, fairness, transparency and strong safeguards against corruption at all levels. The EU will closely follow the implementation of Montenegro's commitments, including adjustments to its legal framework via projected secondary legislation and administrative capacities.

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In view of the above considerations, the EU notes that, at this stage, this chapter does not require further negotiations.

Monitoring of progress in the alignment with and implementation of the EU *acquis* will continue throughout the negotiations. The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above with a view to ensuring Montenegro's administrative capacity to enforce the *acquis* in this chapter. Particular consideration needs to be given to the links between the present chapter and other negotiation chapters. A final assessment of the conformity of Montenegro's legislation with the *acquis* and of its implementation capacity can only be made at a later stage of the negotiations. In addition to all the information the EU may require for the negotiations in this chapter, and which is to be provided to the Conference, the EU invites Montenegro to provide regularly detailed written information to the Stabilisation and Association Council on progress in the implementation of the *acquis*.

In view of all the above considerations, the EU will, if necessary, return to this chapter at an appropriate moment.

The EU notes that Montenegro, in its negotiating positions AD 1/16 CONF-ME 1 and AD 18/25 CONF-ME 5 accepts the *acquis* under Chapter 13 as in force on 18 September 2025. The EU furthermore notes that Montenegro declares that it will continue the alignment process with the *acquis* and that it will be ready to implement it by the date of its accession to the European Union.

Furthermore, the EU recalls that there may be new *acquis* between 18 September 2025 and the conclusion of the negotiations.

DRAFT - LEGAL AMENDMENTS ARISING FROM THE EUCP

ANNEX [XX]

List referred to in Article [XX] of the Act of Accession: Transitional measures

[X.] FISHERIES

32006 R 1967: Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

32019 R 1241: Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005.

(a) By way of derogation from Annex IX Part A (*Sardina pilchardus*) and Part B point 2 of Regulation (EU) 2019/1241, a maximum number of 24 Montenegrin-flagged vessels, whose fishing licenses are non-transferable and non-sellable, shall be temporarily allowed to catch sardine below the minimum conservation reference size of 11 cm with beach seines with mesh size of at least 12 mm in the Boka Kotorska Bay for a period of three years from the date of accession, with the obligation to adopt a national management plan for fisheries conducted by all surrounding nets in accordance with Article 19 of Council Regulation No 1967/2006, and provided that catches from these gears are labelled with the fishing gear type and precise fishing area, and that their marketing is restricted to the local market. A review and, where appropriate, an update of the national management plan may be held during the specified period. Montenegro shall submit to the Commission on the date of accession, at the latest, the list of vessels covered by this transitional period, including their characteristics and capacity, expressed in terms of GT and kW.

(b) By way of derogation from Article 13(3) of Council Regulation (EC) No 1967/2006, a maximum number of 17 Montenegrin-flagged vessels, whose fishing licenses are non-transferable and non-sellable, shall be temporarily allowed to use purse seines up to 70 metres in height and 400 metres in length within 300 metres from the coast or within the 50 metres isobath if reached at a shorter distance from the coast and at depths less than 70% of the overall drop of the purse seine in the Boka Kotorska Bay for a period of three years from the date of accession, with the obligation to adopt a national management plan for fisheries conducted by these purse seines in accordance with Article 19 of Council Regulation No 1967/2006. A review and, where appropriate, an update of the national management plan may be held during the specified period. Montenegro shall adopt a planned subordinate act that will further specify spatiotemporal conditions applying to these vessels using purse seine nets in the Boka Kotorska Bay and designated landing sites to improve efficiency of control and monitoring.

By way of derogation from Annex IX Part C point 2 of Regulation (EU) 2019/1241, the 3 Montenegrin-flagged vessels shall be temporarily allowed to use purse seines up to 180 meters in height within territorial waters and under established catch quotas for a period of three years from the date of accession.