

Consolidated text of the Law on Identity Card includes the following regulations:

1. Law on Identity Card (Official Gazette of Montenegro 012/07 of 14 December 2007),
2. Law on Amendments to the Law on Identity Card (Official Gazette of Montenegro 073/10 of 10 December 2010),
3. Law on Amendments to the Law on Identity Card (Official Gazette of Montenegro 028/11 of 10 June 2011),
4. Law on Amendments to the Law on Identity Card (Official Gazette of Montenegro 050/12 of 1 October 2012),
5. Law on Amendments to the Law on Identity Card (Official Gazette of Montenegro 010/14 of 26 February 2014),
6. Law on Amendments to the Law on Identity Card (Official Gazette of Montenegro 018/19 of 22 March 2019), specifying its date of entry into force.

LAW

ON IDENTITY CARD

(Official Gazette of Montenegro 012/07 of 14 December 2007, 073/10 of 10 December 2010, 028/11 of 10 June 2011, 050/12 of 1 October 2012, 010/14 of 26 February 2014, 018/19 of 22 March 2019)

I. BASIC PROVISIONS

Article 1

The identity card is an electronic public document used by the citizen holding Montenegrin citizenship (hereinafter referred to as ‘citizen’) to prove identity and citizenship.

The identity card can be used for crossing of the state border in cases and under conditions defined by the international agreement.

The identity card can be used for electronic identification, electronic signing, and other purposes established by law.

Article 2

A citizen who has reached the age of 18 and has permanently resided in Montenegro shall be required to have an identity card.

A citizen under the age of 18 who has permanently resided in Montenegro has the right to an identity card.

Article 3

Citizen shall be allowed to have only one identity card.

It shall be prohibited to allow another person to use one’s identity card or to use someone else’s identity card as one’s own.

Article 4

A citizen who has reached the age of 18 shall be required to carry an identity card and present it, upon request, to an authorised person for identity verification, in cases and under conditions prescribed by law.

Article 5

Data on person (hereinafter referred to as ‘personal data’), which are collected, processed, stored and used for identity card issuing, can be used for other purposes, in accordance with the law.

Article 5a

Shall be deleted. (Law on Amendments to the Law on Identity Card, Official Gazette of Montenegro 18/19)

II. IDENTITY CARD FORM AND CONTENT

Article 6

Identity card shall be issued on a prescribed form in accordance with this Law.

The identity card form shall include: the Coat of Arms of Montenegro, the designation ‘Montenegro’, the designation ‘Identity Card’, a mark indicating an electronic document, security features, fields for entering personal and other data, as well as a chip storing a photograph, two fingerprints (of two different fingers), personal and other data, a certificate for electronic identification, and a certificate for a qualified electronic signature.

Personal and other data referred to in paragraph 2 of this Article shall be: last name, first name, gender, day, month, and year of birth, citizenship, unique master identification number, photograph, signature, date of issuance, expiration date, identity card number, name of the authority that issued the identity card, and machine-readable note.

The state administration authority responsible for internal affairs (hereinafter referred to as the Ministry) shall perform the entry of data and certificates referred to in paragraphs 2 and 3 of this Article into the identity card form.

The technical specifications of the chip referred to in paragraph 2 of this Article must ensure the integrity, authenticity, and confidentiality of the data it contains.

The Ministry, in accordance with the recommendations of ICAO Doc 9303, shall define data contained in the machine-readable note.

The Ministry, in accordance with the European and international standards, shall define the identity card form.

Article 6a

The Ministry shall perform the services of production, verification, storage, and delivery of certificates referred to in Article 6 (2) of this Law (hereinafter referred to as 'certification services').

Article 7

Identity Card form shall be printed in Montenegrin and English language and filled out in Montenegrin language.

For the citizens who officially use Serbian, Bosnian, Albanian or Croatian language, the identity card form content and data mentioned in the Article 6 (2) and (3) of this Law shall be filled out in these languages, except full name, which shall be filled out in language and script of submitter of the request, in case they request it.

The Ministry shall display, in all organisational units, within the premises where a citizen submits an application for the issuance of an identity card, a notice at a visible location within the service counter area informing citizens of their right to have their full name entered on the identity card form in the language and script they request.

In cases where a citizen requests the entry of their full name on the identity card form in a language and script in accordance with paragraph 2 of this Article, the full name shall, as of the date of issuance of the identity card and ex officio, also be entered in the civil registry of births in that language and script.

Article 8

The Ministry shall produce the identity card form.

The Ministry may entrust the production of identity card forms to a legal entity, in accordance with the regulations governing public procurement.

In case mentioned in paragraph 2 of this Article, the right of the Ministry to inspect and control documents relating to the procedure of the production, storage, and delivery of the identity card forms shall be regulated by the contract.

III. ISSUANCE OF AN IDENTITY CARD

Article 9

An identity card shall be issued on ten years validity period.

An identity card shall be issued to a child under the age of four with a validity period of four years.

An identity card shall be issued to a citizen over the age of 65 with a validity period of 40 years.

An identity card issued to a citizen under the age of 18 shall contain a certificate for electronic identification.

An identity card issued to a citizen over the age of 18 shall contain a certificate for electronic identification and a certificate for a qualified electronic signature.

A citizen over the age of 65 may use the identity card until the expiration of its validity period and after the expiration of the validity of the certificates entered into the chip of the identity card.

If the citizen referred to in paragraph 6 of this Article wishes to continue using the certificates after the expiration of the validity period of the certificates entered into the chip of the identity card, they must submit a request for the issuance of a new identity card.

Article 10

The Ministry shall issue an identity card.

Request for issuing of identity card (hereinafter referred to as 'request') shall be submitted to the Ministry depending on the permanent residence of the citizen.

A citizen shall submit the request in three months period after reaching the age of 18 if the identity card is being issued for the first time.

Citizen shall submit the request for identity card issue within eight (8) days from the expiration of the identity card, its declaration as invalid, or the determination of reasons for replacing the identity card.

Article 11

A citizen shall submit the request personally, in purpose of confirming the identity.

For a citizen under the age of 18 or another legally incapacitated citizen, a parent, legal representative, or guardian shall submit the request.

In the case referred to in paragraph 2 of this Article, the presence of the citizen for whom the identity card is being issued shall be required when submitting the request.

The Ministry shall issue a confirmation of the receipt of the request.

Article 11a

An easier method for submitting the request for the use of a mobile station to collect data for the issuance of an identity card shall be provided for the elderly, sick, and individuals with disabilities.

The Ministry shall regulate the form for the request to use the mobile station for data collection for the issuance of an identity card, the method of submitting the request, the procedure for its handling, and the use of the mobile station.

Article 12

The request shall be submitted on a prescribed form containing the following information: last name, first name, parent's name, gender, day, month, and year of birth, place, municipality, and country of birth, nationality, the unique master citizen number, the unique master citizen number of parents, if assigned, permanent residence, home address, signature, and the indicated language and script, in accordance with Article 7 (2) on which the data shall be entered into the identity card form.

The citizen must put correct data in the request.

The Ministry shall prescribe and prepare the request form.

Article 12a

When submitting the request, the citizen shall enter into an agreement with the Ministry regarding the issuance and use of the certificate.

The detailed content of the agreement referred to in paragraph 1 of this Article shall be prescribed by the Ministry, with the consent of the state administration authority responsible for electronic governance and electronic operation.

Article 13

When submitting the request, the following shall be collected from the citizen: a photograph, two fingerprints (of two different fingers), and a handwritten signature in digital form.

Fingerprints shall not be collected from a person under the age of 12.

A citizen who, according to their nationality, religion, or customs, wears a cap or headscarf as an integral part of their attire or clothing may be photographed wearing the cap or headscarf.

The part of the citizen's face that allows for identification must not be covered when taking the photograph.

The Ministry shall prescribe the detailed method and conditions for collecting data referred to in paragraphs 1, 2, 3, and 4 of this Article.

Article 14

The Ministry may use data from other prescribed records for the necessary verification of information in the process of issuing an identity card.

In case referred to in paragraph 1 of this Article, the Ministry shall provide and secure data protection.

Article 15

The Ministry shall issue the identity card, i.e. to make a decision on the request as soon as possible and no later than 30 days from the date submitting the request.

The Ministry shall issue the identity card within a shorter period if prescribed by a special law, as well as in urgent cases (treatment, illness, urgent official trip) or for other justified reasons, provided that the conditions set by the Ministry are met.

The Ministry shall decide on the request by a decision.

The Ministry shall decide on an appeal against the request referred to in paragraph 3 of this Article.
An administrative dispute may be initiated against the request made upon the appeal.

Article 15a

The citizen shall cover the cost of the identity card form.

The Ministry shall prescribe the method of issuing the identity card and the price of the identity card form.

IV. EXPIRATION OF IDENTITY CARD VALIDITY

Article 16

An identity card shall cease to be valid upon the expiration of its validity period.

An identity card shall cease to be valid before the expiration of its issued validity period in the following cases:

- 1) Termination of citizenship.
- 2) Removal from the permanent residence register.
- 3) Death.
- 4) If any personal data entered in the identity card is changed.
- 5) If the data on the identity card is illegible or the card is completely damaged.
- 6) If there is a significant change in the citizen's appearance.
- 7) If it is declared invalid.

Article 17

The citizen shall deliver the identity card to the Ministry, for the annulling purposes, on the day of ending the citizenship, or on the day of removal from the permanent residence register.

Article 18

In cases referred to in point 4 of Article 16 (2) of this Law, a citizen shall deliver the identity card to the Ministry, for the annulling purposes and replacement, within eight (8) days from the date of the final decision on the change of personal information entered in the identity card.

Annulling of the identity card in cases referred to in Article 17 of this Law, and in paragraph 1 of this Article, shall be carried out in accordance with the Ministry's regulation.

Article 19

The Ministry, ex officio, upon the request of a citizen or at the initiative of a state authority, local self-government body, or another legal entity, shall determine whether the data on the identity card is illegible, the card is entirely damaged, or if the citizen has significantly changed their appearance, after which, the Ministry shall notify the citizen for the purpose of replacing the identity card and shall set a deadline for submitting the request for the issuance of a new identity card, which may not be shorter than 15 days.

If the citizen fails to act in accordance with the paragraph 1 of this Article, the Ministry shall issue a decision on the termination of the validity of the identity card.

Article 20

An identity card shall be declared invalid in the event of its loss.

Citizen shall immediately report the loss of the identity card to the Ministry.

Reporting of the identity card loss shall be carried out in the manner regulated by the provisions of the Article 10 (2) and Article 11 of this Law.

The report referred to in paragraph 3 of this Article shall be carried out in the form issued and defined by the Ministry.

Article 21

In cases referred to in Article 20 (1) of this Law, the Ministry shall issue a decision declaring the identity card invalid within eight (8) days.

The number of the identity card, which is declared invalid, shall be published in the Official Gazette of Montenegro.

The costs of publication referred to in paragraph 2 of this Article shall be borne by the citizen.

Article 21a

After the identity card has expired, this fact shall be entered into the register of issued identity cards ex officio, and the revocation of the certificates contained in that identity card shall be automatically carried out.

The revocation of the certificates referred to in paragraph 1 of this Article must include the date and time of revocation, and it shall take effect from the moment it is entered into the register of revoked certificates.

V. RESTRICTIONS OF THE IDENTITY CARD USAGE FOR STATE BORDER CROSSING

Article 22

Upon the request of the court, the Ministry shall issue a decision prohibiting the use of the identity card for crossing the state border if:

- 1) The criminal proceeding has been initiated against the citizen.
- 2) The citizen has been sentenced to an unconditional prison sentence lasting longer than three (3) months.

Upon the request of the state administration authority responsible for health matters, if necessary to prevent the spread of an infectious disease, the Ministry shall issue a decision prohibiting the use of the identity card for crossing the state border.

The decision referred to in paragraphs 1 and 2 of this Article shall be valid for six months and delivered to the citizen, the authority that submitted the request, and the administrative authority responsible for border control.

The authority that requested the decision to prohibit the use of the identity card may renew the request for the prohibition of using the identity card for crossing the state border as long as the reasons referred to in paragraphs 1 and 2 of this Article persist.

Article 23

The body referred to in Article 22 (4) of this Law shall inform the Ministry on the cessation of the reasons for the prohibition of using the identity card for crossing the state border.

Upon the request of the citizen, the Ministry shall issue a decision on the cessation of the prohibition of using the identity card for crossing the state border if the reasons referred to in Article 22 (1) and (2) of this Law have ceased to exist.

VI. RECORDKEEPING, USE, AND DATA SECURITY

Article 24

The Ministry shall keep the record on: issued identity cards, data from the identity card form, submitted requests for identity card issue, data from the request, documents enclosed with the request, two fingerprints (of two different fingers), expiration of identity card validity, reasons for and the date of expiration, identity cards declared and announced for invalid, prohibitions for identity card usage for crossing the state border, reasons for and ending of prohibition, prohibition length and bodies that submitted request, so as on prepared and issued identity card forms (hereinafter referred to as 'record').

The record is an electronically kept database.

An integral part of the record includes data and documents concerning identity cards that were issued before this Law went into force.

The Ministry shall prescribe the detailed content and method of keeping the records.

Article 25

The Ministry shall provide protection of the personal data from accidental or unauthorised loss, access, change, or distribution.

Personal data shall be kept for ten (10) years period after identity card validity expiration.

Notwithstanding paragraph 1 of this Article, the Ministry shall destroy data on the prohibition of using the identity card for crossing the state border one (1) year after the cessation of the prohibition.

Article 26

The Ministry may use the data from the records, except for fingerprints and signatures, to carry out tasks within its responsibility, and the administrative authority responsible for police matters may use the data for performing duties prescribed by law.

State bodies, local self-government bodies, and other bodies and organisations may use data from the record, except biometric data, to carry out tasks within their responsibility, if they are authorised by law to use such data.

Bodies and organisations referred to in paragraphs 1 and 2 of this Article shall provide data protection from the accident and unauthorised access, usage, processing, and distributing, in accordance with the law.

Data from the record may be used in statistic, scientific, research and other purposes, without indicating the citizen identity on whom the data relates, and in accordance with the law.

Article 27

The citizen shall have the right to ask for the information on the data about them which are collected, processed, kept, and used, who processes them, in what purposes and on what ground, so as the information on personal data users and ground for usage, in 30 days period after submitting of the request.

The citizen shall have the right to ask for changing of incorrect or old data that relates to them, and cancellation of data that is maintained in violation of the law.

The Ministry shall provide a written notification, upon the request of the citizen referred to in paragraphs 1 and 2 of this Article, within 30 days from the date of submission of the request.

In the cases referred to in paragraphs 1 and 2 of this Article, no fee or administrative charge shall be required.

Article 28

Employees of the Ministry, the administrative authority responsible for police matters, as well as individuals, who use data from the record, shall be prohibited from disclosing personal data they have learned while performing their duties.

Obligation referred to in paragraph 1 of this Article shall be in force and valid even after termination of employment.

An individual referred to in paragraph 1 of this Article may be exempted from the obligation to protect personal data, in accordance with the law.

VII. PENALTY PROVISIONS

Article 29

A fine ranging from EUR 60.00 to 180.00 shall be imposed on a citizen for committing a misdemeanor if they:

- 1) Do not carry their identity card (Article 4).
- 2) Refuse to present their identity card upon request of an authorised person for identity verification (Article 4).
- 3) Fail to submit a request for the issuance of an identity card within the prescribed period (Article 10 (3)).
- 4) Provide inaccurate information in the request for the issuance of an identity card (Article 12 (2)).

Article 30

A fine ranging from EUR 120.00 to 300.00 shall be imposed on a citizen for committing a misdemeanor if they:

- 1) Lend their identity card to another person or use someone else's identity card as their own (Article 3 (2)).
- 2) Possess more than one identity card (Article 3 (1)).
- 3) Fail to submit a request for the replacement of their identity card within eight (8) days from the expiration, invalidation, or determination of the reason for replacement (Article 10 (4)).
- 4) Fail to return the identity card to the Ministry within the prescribed period (Article 17 and Article 18 (1)).
- 5) Fail to report the loss of their identity card (Article 20 (2)).

Article 31

A fine ranging from EUR 180.00 to 600.00 shall be imposed on an individual for committing a misdemeanor if they disclose personal data about a citizen that they have learned while performing their duties (Article 28 (1)).

Article 31a

A fine ranging from EUR 200.00 to 500.00 shall be imposed on the responsible person in the organisational unit of the Ministry for committing a misdemeanor if they fail to display the notice referred to in Article 7 (3) of this Law in the room where citizens submit their requests for the issuance of an identity card.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 32

Secondary legislation for the implementation of this Law shall be adopted within 90 days from the date of its entry into force.

Article 32a

Secondary legislation referred to in Article 11a and Article 15 (2) of this Law shall be adopted within 30 days from the date of its entry into force.

Article 32b

Secondary legislation adopted in accordance with the Law on Identity Card (Official Gazette of Montenegro 12/07, 73/10, 28/11, 50/12, and 10/14) shall be harmonised with this Law within six (6) months from the date of its entry into force.

Article 33

The identity cards issued in accordance with the Law on Identity Card (Official Gazette of the Republic of Montenegro 20/93) may be used until their expiration date, but no longer than three (3) years from the start of the implementation of this law.

Procedures for the issuance and replacement of identity cards initiated before the implementation of this Law, but not completed, shall be concluded in accordance with this Law.

Article 33a

The identity cards issued in accordance with the Law on Identity Card (Official Gazette of the Republic of Montenegro 20/93), which have not been replaced by the date of the entry into force of this Law, may be used no later than 31 December 2012.

Article 33b

The identity cards issued in accordance with the Law on Identity Card (Official Gazette of Montenegro 12/07, 73/10, 28/11, 50/12, and 10/14) may be used until their expiration date, but no longer than five (5) years from the commencement of the implementation of this Law.

Article 34

The Law on Basic Data for Identity Card (Official Gazette of the Socialist Federal Republic of Yugoslavia 6/73) shall cease to apply from the date of entry into force of this Law, and the Law on Identity Card (Official Gazette of the Republic of Montenegro 20/93) and the regulations adopted in accordance with the same law shall be repealed.

Article 34a

The application of Article 29 (1), Article 30 (1), and Article 31 of this Law shall be delayed until the application of the Law on Misdemeanors (Official Gazette of Montenegro 1/11).

Article 35

This law shall enter into force on the eighth (8) day following its publication in the Official Gazette of Montenegro, and shall be applied one (1) year after the date of its entry into force.