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ACCESSION OF MONTENEGRO

Check-list of Illustrative Sanitary and Phytosanitary (SPS) Issues

The following submission, dated 11 February 2007, is being circulated at the request of the Delegation of the Republic of Montenegro.

Commitments	WTO Reference	Provisions related to the SPS requirements
<p>1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.</p>	<p>1. Generally agreed principle in the WTO accession negotiations.</p>	<p>In the process of adoption and application of the Veterinary Law (RM OG No. 11 /2004), compliance with the provisions of the SPS Agreement has been taken into account.</p> <p>In the Law on Plant Protection (Article 5) the commitment of implementation of international conventions, contracts and treaties related to plant health care, including commitment of complying with the Agreement on Application of Sanitary and Phytosanitary Measures (SPS Agreement) has been undertaken.</p> <p>In the draft Law on Food Safety¹, the commitment of complying with the rules, measures and practices established within the WTO has been undertaken.</p>
<p>2. Establishment and operation of a single Contact Point for Information ("enquiry point").</p>	<p>2. Article 7 and Annex B.3 SPS Agreement.</p>	<p>Article 34e, paragraph 1, items 1, 2 and 3 of the Veterinary Law prescribe that Veterinary Administration is responsible for provision of information, documentation and notifications arising from international agreements, regarding the following:</p> <ul style="list-style-type: none"> - proposed and adopted veterinary-sanitary measures; - control, inspection and approval procedures, production and quarantine treatment; - risk assessment procedures and manner of determining appropriate level of animal health protection in the Republic; - membership and participation in the work of international and regional organizations and systems for animal health protection, existence and content of bilateral and multilateral agreements and arrangements. <p>Article 34e, paragraph 2 of the Veterinary Law prescribes that fees information and documents provided must be based on the actual costs of services rendered.</p> <p>Article 5 of the Law on Plant Protection prescribes that the administrative authority is responsible, <i>inter alia</i>, for:</p> <ul style="list-style-type: none"> - implementation of international conventions, contracts and treaties related to plant health care and exchange of information with government authorities, organizations, institutions and other persons involved in the plant protection activities; - preparation of reports, analyses, information and other material related to the occurrence and spread of harmful organisms, in accordance with the regulation and international contracts and

¹ Please note that the draft Food Safety Law has not been finalized yet in terms of numeration of articles; therefore we are not able to provide reference to exact article of the draft Law since the review of the draft Law in the Secretariat for Legislation is ongoing and is possible for some articles to change their numbers. However, it is important to stress that all provisions from draft Food Safety Law to which we refer in this document are finalized and their language is not going to be changed in the course of the enactment procedure. We will submit the full text of the Law as soon as it is passed by the Parliament. The deadline for enactment is end of March 2007.

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		<p>treaties related to plant health protection.</p> <p>The draft Law on Food Safety prescribes that competent authority distributes information and data which derive from international agreements related to sanitary measures.</p> <p>At present, there is no single enquiry point responsible for provision of answers to questions from interested WTO members with respect to the SPS area.</p> <p>The Republic of Montenegro plans to adopt a regulation that would govern establishment, responsibilities and manner of functioning of a single enquiry point, in compliance with Article 7 and Annex B.3 of the SPS Agreement.</p>
3. Transparency: notification and access to documentation:	3. Articles 7 and Annex B, also G/SPS/7 SPS Agreement.	
(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Annex B.5.(b) and Annex B.10.	In accordance with Article 34c, paragraph 1, item 2 of the Veterinary Law, if international standards, guidelines or recommendations do not exist, or veterinary-sanitary measure does not comply with international standards, guidelines or recommendations, and if the measure may have a significant effect on foreign trade, Veterinary Administration notifies interested WTO members, in accordance with the rules of international agreements of the products to be covered by such measure, together with a rationale of the proposed measure.
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5 (a).	In accordance with Article 34c, paragraph 2 of the Veterinary Law, notification is required at least 75 days before the adoption of the proposed veterinary-sanitary measure.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5.(c).	In accordance with Article 34c, paragraph 1, item 1 of the Veterinary Law, the Veterinary Administration must publish a notice of intention to introduce a measure at an early stage of its development.
(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.	(d) Annex B.5(d).	<p>In accordance with Article 34c, paragraph 1, item 3 of the Veterinary Law, the Veterinary Administration must provide upon request of competent authorities of other countries, and in accordance with rules of international agreements, copies of a proposed measure, along with indication of parts which deviate from international standards, guidelines or recommendations.</p> <p>In accordance with Article 34c, paragraph 1, item 4 of the Veterinary Law, the Veterinary Administration determines deadline for providing comments, and conducts consultations upon request of interested parties.</p> <p>In addition, Article 34d, paragraph 3 prescribes that the Veterinary Administration must notify</p>

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		<p>interested WTO members of any measure adopted in urgent circumstances which does not comply with international standards, guidelines or recommendations and which may have a significant effect on foreign trade; indicating the products covered and the rationale for the measure and the nature of the urgent circumstances, and requesting interested parties to provide comments on the veterinary-sanitary measure adopted in urgent circumstances.</p> <p>Article 12, paragraph 6, of the Law on Plant Protection prescribes that the Ministry of Agriculture, Forestry and Water Management specifies manner of preparation, enactment and amendment of proposed and urgent phytosanitary measures, as well and manner of their notification in accordance with obligations arising from appropriate international agreements.</p> <p>The draft Law on Food Safety prescribes that all proposals for adoption, modification or amendment of sanitary measures which do not conform to international standards or for which no international standards exist and if they are expected to significantly affect the exporting opportunities of other countries, are notified and published in accordance with provisions of relevant international agreements.</p> <p>At present, there is no single central government authority designated for conducting notifications to the WTO with respect to the SPS measures applied in the Republic of Montenegro.</p> <p>The Republic of Montenegro plans to adopt a regulation that would govern establishment, responsibilities and manner of functioning of a single notification authority, in compliance with Annex B, paragraphs 5 and 10 of the SPS Agreement.</p>
<p>4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.</p>	<p>4. Article 2.2. SPS Agreement.</p>	<p>In Article 2, item 51f of the Veterinary Law, the appropriate level of protection is defined to mean the level of protection deemed appropriate to protect human and animal life or health.</p> <p>Article 34a, paragraph 1, item 1 of the Veterinary Law prescribes that veterinary-sanitary measures in international trade are applied only to the extent necessary to protect life and health of humans and animals.</p> <p>Article 10, paragraph 2 of the Law on Plant Protection prescribes that phytosanitary measures are implemented in such scope as necessary to protect the health status of plants and ensure normal continuation of trade.</p> <p>The draft Law on Food Safety prescribes that provisions of this Law must be implemented in accordance with the principles of free trade, ensuring a high level of protection for human life and health, and without unreasonable barriers to trade.</p> <p>Also, the draft Law of Food Safety prescribes that all sanitary measures are applied only to the extent</p>

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		<p>necessary to protect human health and life and without unjustified discrimination between food locally produced or imported or between different suppliers of imported food.</p> <p>The same Article prescribes that sanitary measures are not more trade-restrictive than necessary to achieve the appropriate level of protection of human life and health taking into account technical and economic feasibility.</p>
<p>5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.</p>	<p>5. Articles 2.2, 3.3 and 5.2. SPS Agreement.</p>	<p>Article 34a, paragraph 1, item 1 of the Veterinary Law prescribes that veterinary-sanitary measures in international trade must be based on scientific principles and available scientific evidence.</p> <p>Article 34b, paragraph 4 of the Veterinary Law prescribes that veterinary-sanitary measures that result in a higher level of protection of life and health of animals and humans than the level achieved by measures based on international standards, guidelines and recommendations may be applied only if i scientifically justified, or if such level of protection is deemed appropriate (in accordance with the risk assessment analysis).</p> <p>In addition, according to Article 34b, paragraph 5 of the Veterinary Law, the Veterinary Administration must review veterinary-sanitary measures and temporary veterinary-sanitary measures, including measures adopted in urgent circumstances, whenever new scientific evidence is available.</p> <p>Also, according to Article 34b, paragraph 1, item 1 of the Veterinary Law, available scientific evidence will be taken into account in the assessment of risks to health and life of animals and humans, for the purpose of determining veterinary-sanitary measures in international trade.</p> <p>Article 10, paragraph 3 of the Law on Plant Protection prescribes that phytosanitary measures must be prepared, enacted and amended in accordance with international standards, guidelines and recommendations, scientific principles and facts related to plant health protection and economic justification.</p> <p>In case that there are no international phytosanitary guidelines, recommendations and standards, or they cannot reach needed level of plant health protection, phytosanitary measures shall be scientifically justified and based on the principles of the risk assessment and risk management.</p> <p>The same Article of the Law, in paragraph 4 prescribes that in the risk assessment procedure, the following shall be taken into account:</p> <ul style="list-style-type: none"> - available scientific data; - production processes and methods; - inspection supervision, sample taking and testing methods; - population of specific harmful organisms;

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		<ul style="list-style-type: none"> - existence of a zone without harmful organisms; - environment conditions; and - quarantine or other procedure. <p>The draft Law on Food Safety prescribes that sanitary measures are prepared, adopted, applied, amended and modified according to the scientific principles and available scientific evidence.</p> <p>The same Article prescribes that in case if international sanitary standards, recommendations or guidelines do not exist or are insufficient to fulfil the required level of health protection, sanitary measures are prepared based on a risk assessment, taking into account the risk assessment techniques developed by relevant international organizations. When scientific evidence needed for risk assessment is insufficient, or in urgent circumstances that may cause or threaten to cause health problems, sanitary measures are prepared based on available relevant information including that from international organizations or from countries that are signatories to international agreements governing the preparation, application and adoption of sanitary measures.</p>
<p>6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.</p>	<p>6. Articles 3.1, 3.3 and 3.4. SPS Agreement.</p>	<p>Article 34a, paragraph 1, item 1 of the Veterinary Law prescribes that veterinary-sanitary measures in international trade must be based on international standards, guidelines and recommendations.</p> <p>Article 34b, paragraph 4 of the Veterinary Law prescribes that veterinary-sanitary measures that result in a higher level of protection of life and health of animals and humans than the level achieved by measures based on international standards, guidelines and recommendations may be applied only, if it is scientifically justified, or if such level of protection is deemed appropriate (in accordance with the risk assessment analysis).</p> <p>Article 6, paragraph 2 of the Veterinary Law makes it the responsibility of the Veterinary Administration to participate in the work of and to cooperate with international organizations.</p> <p>In Article 1, item 51n of the Veterinary Law, international organizations are defined to encompass: Office International des Epizooties (OIE); Food and Agriculture Organization of the United Nations (FAO), World Health Organization (WHO), World Trade Organization (WTO) and other international organizations in the animal and human health protection area of which the Republic of Montenegro is a member.</p> <p>Also, according to Article 34b, paragraph 2 of the Veterinary Law, in cases where relevant scientific evidence is insufficient for objective assessment of risk, or in urgent circumstances, the Veterinary Administration may provisionally adopt veterinary-sanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as information on veterinary-sanitary measures applied by other countries.</p>

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		<p>Article 10, paragraph 3 of the Law on Plant Health Protection prescribes that phytosanitary measures must be prepared, enacted and amended in accordance with international standards, guidelines and recommendations, scientific principles and facts related to plant health protection and economic justification.</p> <p>In case that there are no international phytosanitary guidelines, recommendations and standards, or they cannot reach needed level of plant health protection, phytosanitary measures shall be scientifically justified and based on the principles of the risk assessment and management.</p> <p>The draft Law on Food Safety prescribes that one of the goals of the Law is to promote and facilitate unimpaired trade in safe food and feed, in accordance with ratified international agreements and rules, measures, and practices established within the European Union and World Trade Organization.</p> <p>The draft Law on Food Safety prescribes that if international sanitary standards, recommendations or guidelines exist, they must be used as the basis for the preparation of sanitary measures unless such standards, recommendations or guidelines are insufficient to fulfil the required level of health protection.</p>
<p>7. Equivalence: members shall recognize different measures that achieve the same level of protection.</p>	<p>7. Article 4. SPS Agreement.</p>	<p>Article 34f, paragraph 1 of the Veterinary Law prescribes that veterinary-sanitary measures of other countries must be accepted as equivalent to measures applied in the Republic if such measures achieve the level of animal health protection required in the Republic.</p> <p>In accordance with paragraph 2 of the same Article, any regulation on recognition of equivalence of foreign veterinary-sanitary measures must be published in the Official Gazette of the Republic of Montenegro.</p> <p>Article 10, paragraph 6 of the Law on Plant Health Protection prescribes that phytosanitary measures in other country will be considered as equivalent to the measures of the Republic of Montenegro if such other country demonstrates in an objective manner that it achieves the same or higher level of the plant health protection, compared with the level required in Montenegro.</p> <p>The draft Law on Food Safety prescribes that sanitary measures in another country are considered equivalent and are consequently accepted, if the other country shows in an objective manner that its measures achieve the required level of health protection.</p>

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<p>8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.</p>	<p>8. Article 5.1, 5.2 and 5.3. SPS Agreement.</p>	<p>In Article 2, items 51b, 51c, 51d, 51e and 51f of the Veterinary Law, risk, risk analysis, assessment of risk, risk management, and appropriate level of protection are defined as follows:</p> <ul style="list-style-type: none"> - Risk means the likelihood of the occurrence of the infectious disease or presence of the harmful substances, which, directly or indirectly to a certain extent may impair animal or human health or life; - Risk analysis means a process that encompasses scientific risk assessment, risk management and risk communication, which is implemented to ensure the appropriate level of animal and human health protection; - Risk assessment means the evaluation of the likelihood of introduction, establishment or spread of an infectious disease within the Republic, and the evaluation of the potential for adverse effects on human or animal health arising from the presence of disease-causing organisms or harmful substances in products, food and raw material of animal origin or in animal feed; - Risk management means the process of identifying and implementing measures with the purpose of reducing the level of risk; - Appropriate level of protection means the level of protection deemed appropriate to protect human and animal life or health. <p>Article 34a, paragraph 1, item 3 of the Veterinary Law prescribes that veterinary-sanitary measures in international trade are based on the assessment of the risks to human or animal life or health, taking into account risk assessment techniques developed by international organizations.</p> <p>Also, according to Article 34b, paragraph 1 of the Veterinary Law, in the assessment of risks to health and life of animals and humans, for the purpose of determining veterinary-sanitary measures in international trade the following will be taken into account in particular:</p> <ul style="list-style-type: none"> - the scientific evidence; relevant processes and production methods; relevant inspection, sampling and testing methods; prevalence of specific diseases; existence of disease free areas or areas of low disease prevalence; relevant ecological conditions; and quarantine or other treatment; - the economic factors encompassing the potential damage in terms of loss of production or sales in the event of the establishment or spread of a disease; - the costs of control or eradication of disease; and - the cost-effectiveness of alternative approaches to limiting risks.

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		<p>Article 34b, paragraph 4 of the Veterinary Law prescribes that veterinary-sanitary measures that result in a higher level of protection of life and health of animals and humans than the level achieved by measures based on international standards, guidelines and recommendations may be applied only if scientifically justified, or if such level of protection is deemed appropriate (in accordance with the risk assessment analysis).</p> <p>Also, according to Article 34b, paragraph 2 of the Veterinary Law, in cases where relevant scientific evidence is insufficient for objective assessment of risk, or in urgent circumstances, the Veterinary Administration may provisionally undertake veterinary-sanitary measures on the basis of available pertinent information, including that from the relevant international organizations, as well as information on veterinary-sanitary measures applied by other countries.</p> <p>In addition, according to Article 34b, paragraph 5 of the Veterinary Law, the Veterinary Administration must review veterinary-sanitary measures and temporary veterinary-sanitary measures, including measures adopted in urgent circumstances, whenever new scientific evidence is available.</p> <p>Article 10 of the Law on Plant Health Protection prescribes that in case there are no international phytosanitary guidelines, recommendations and standards, or they cannot reach needed level of plant health protection, phytosanitary measures shall be scientifically justified and based on the principles of risk assessment and management.</p> <p>The same Article, paragraph 4 of the Law prescribes that in a risk assessment the following will be taken into account:</p> <ul style="list-style-type: none"> - available scientific data; - production processes and methods; - inspection supervision, sample taking and testing methods; - population of specific harmful organisms; - existence of a zone without harmful organisms; - environment conditions; and - quarantine or other procedure. <p>The draft Law on Food Safety prescribes that if international sanitary standards, recommendations or guidelines do not exist or are insufficient to fulfil the required level of health protection, sanitary measures must be prepared based on a risk assessment, taking into account risk assessment techniques developed by the relevant international organizations.</p>

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		<p>When scientific evidence needed for risk assessment is insufficient, or in urgent circumstances that may cause or threaten to cause health problems, sanitary measures may be prepared based on available relevant information including that from international organizations or from countries that are signatories to international agreements governing the preparation, application and adoption of sanitary measures.</p> <p>Risk assessments must be based on available and accessible scientific evidence and insights and must be carried out in an independent, objective and transparent manner. Risk assessments are carried out by the competent authority for food safety.</p> <p>Risk management ensures that the preventive and control measures undertaken to prevent, reduce, or eliminate the risk for human health in consumption of food are underpinned by the results of risk assessment and are efficacious, impartial and appropriate.</p> <p>Risk management is carried out by competent authorities.</p> <p>Risk communication is carried out by the competent authority and its purpose is to provide all interested subjects with timely, reliable, objective and understandable information about the food and feed related hazards and risks, respectively.</p>
<p>9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.</p>	<p>9. Article 6 and Annexes A.6 and A.7. SPS Agreement.</p>	<p>In Article 2, items 51g and 51h of the Veterinary Law, areas of low disease prevalence and disease free areas are defined as follows:</p> <ul style="list-style-type: none"> - An area of low disease prevalence is an area, whether all of a country, part of a country, or all or parts of several countries, for which low level of presence of specific disease has been determined and which is subject to effective surveillance, control or eradication measures, in accordance with the OIE recommendations; - Disease free area is an area, whether all of a country, part of a country, or all or parts of several countries, for which it has been confirmed that animal disease does not occur, in accordance with the OIE recommendations. <p>Article 34b, paragraph 3 of the Veterinary Law prescribes that veterinary-sanitary measures are adapted to the veterinary-sanitary characteristics of the region from which animals, products, food and raw materials of animal origin originate, and to which they are destined. In assessing the veterinary-sanitary characteristics of a region, the Veterinary Administration takes into account, <i>inter alia</i>, animal health status in the Republic and exporting country, the level of prevalence of diseases, the existence of control and eradication programs, identification of disease free areas or areas of low disease prevalence, as well as, appropriate criteria or guidelines of relevant international organizations.</p>

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		<p>The Law on Plant Health Protection prescribes in Article 10, paragraph 4 that in the risk assessment one of elements to be taken into account is existence of a zone without harmful organisms.</p> <p>Article 14 of the Law prescribes that specific surveillance is a procedure of systematic collection and keeping of data about the infection with harmful organisms, which includes the inspection examinations, monitoring of health status of plants and systematic survey in the areas in which harmful organisms are present or there is a risk of their presence, or are not present.</p> <p>When a harmful organism is detected, the administrative authority, namely the competent inspector shall ascertain its presence and, in relation to the species of harmful organism, order the suitable phytosanitary measures and notify titleholders in the place of infection.</p> <p>The implementation of the ordered phytosanitary measures shall continue for as long as there is a risk of harmful organisms.</p> <p>The boundaries of these areas, measures for detection, prevention of spread and suppression of harmful organisms, conditions for termination of the ordered measures and manner of notifying the titleholders of plants are prescribed by the Ministry of Agriculture, Forestry and Water Supply.</p> <p>Article 15 prescribes that a zone in which one or more than one harmful organisms which is established in one or more areas of the Republic of Montenegro have never occurred or established itself despite the favourable conditions for it to establish itself there, and in which, under the favourable conditions, for individual cultures, there is a danger that certain harmful organisms establish themselves despite the fact that such organisms have never occurred or established themselves in Montenegro, may be defined as a protected zone.</p> <p>It is considered that a harmful organism is established in a protected zone if it is known to occur there and there have been no phytosanitary measures for its eradication, or if such measures have proved ineffective over a period of at least 2 consecutive years.</p> <p>In a protected zone, the administrative authority ensures the carrying out of regular and systematic surveys on the presence of organisms in relation to which the protected zone was recognized.</p>

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		<p>Protected zones, more detailed conditions for carrying out systematic surveys within the boundaries of the protected zone, and lists of protected zones are prescribed by the Ministry of Agriculture, Forestry and Water Supply.</p> <p>The draft Law on Food Safety prescribes that in implementation of the Law, special attention shall be ensured to provide that sanitary measures are adapted to the sanitary or characteristics of the area - whether all of a country, part of a country, or all or parts of several countries from which the food product originates and to which the food product is destined.</p> <p>In assessing the sanitary characteristics of a region, the level of prevalence of specific diseases or pests, the existence of eradication or control programmes, and appropriate criteria or guidelines which may be developed by the relevant international organizations shall be taken into account,</p>
<p>10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.</p>	<p>10. Article 2.3, and Annex C.1 (a) and (d). SPS Agreement.</p>	<p>Article 34a, paragraph 1, item 2 of the Veterinary Law prescribes that veterinary-sanitary measures in international trade are applied so as not to arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail, including discrimination between the domestic territory and other countries.</p> <p>Article 34a, paragraph 1, item 4 of the Veterinary Law prescribes that veterinary-sanitary measures in international trade will not be applied in a manner which would constitute a disguised restriction on international trade.</p> <p>Article 34g, paragraph 1, item 1 of the Veterinary Law, prescribes that procedure to check fulfilment of requirements prescribed in veterinary-sanitary measures are undertaken quickly and without undue delay and in no less favourable manner for imported products than for like domestic products.</p> <p>The Article 5 of the Law on Plant Health Protection prescribes that the administrative authority conducts international obligations in accordance with international agreements, contracts and treaties related to plant health care including SPS Agreement, which prescribes non-discrimination obligation between foreign and domestic producers.</p> <p>The Law on Plant Protection does not contain provisions that discriminate between imported and domestic products.</p> <p>The draft Law on Food Safety prescribes that all sanitary measures must be applied only to the extent necessary to protect human health and life and without unjustified discrimination between food locally produced or imported or between different suppliers of imported food.</p> <p>Sanitary measures may not be more trade-restrictive than necessary to achieve the appropriate level of protection of human life and health taking into account technical and economic feasibility.</p>

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<p>11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the Agreement.</p>	<p>11. Article 8 and Annex C. SPS Agreement.</p>	<p>Article 34g of the Veterinary Law, prescribes that procedures to check the fulfilment of requirements prescribed in veterinary-sanitary measures are undertaken:</p> <ul style="list-style-type: none"> - quickly and without undue delay and in no less favourable manner for imported products than for like domestic products; - based on facts and information necessary for completion of procedures by authorities; - so that the applicant is informed of the period required for completion of procedure, any potential deficiencies in the request, of the stage of the procedure and the result of the procedure; - in such a manner that protection of confidential information is provided; - so that the requirements for quantity of samples are limited to what is necessary for conducting control and approval procedures; - so that if specification of a product is changed subsequent to conducted control, the procedure for the modified product is limited to what is necessary to determine whether the modified product still meets the regulations concerned. <p>Article 60, paragraph 3 of the Veterinary Law prescribes that fees imposed for veterinary-sanitary inspection must not be higher than the actual cost of the relevant procedure, and should not represent indirect protection of domestic products or a taxation of imports or exports.</p> <p>The Law on Plant Health Protection prescribes in Article 36, paragraph 4, that phytosanitary inspector is obliged to immediately notify the administrative authority of any events of detaining the consignment of plants due to incompliance with phytosanitary requirements, indicating the reasons for detention, with the purpose of notifying the competent authority in other country.</p> <p>The Article 55 of the Law on Plant Health Protection prescribes that legal and natural persons pay the compensation for:</p> <ul style="list-style-type: none"> - phytosanitary inspection of plants, plant products and regulated articles related to the movement within the Republic; - phytosanitary inspection of plants, plant products and regulated articles which are being imported; and - phytosanitary inspection of plants, plant products and regulated articles which are being exported. <p>The Ministry of Agriculture, Forestry and Water Supply determines the level of compensations, taking care they do not accede the real costs of services rendered.</p> <p>The draft Law on Food Safety prescribes that inspection, testing and control procedures shall be</p>

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		<p>carried out in accordance with international guidelines, and with the requirements of relevant international, multilateral and bilateral agreements in force; such procedures must be executed expeditiously and without unjustifiable delay and applied to locally produced and imported food without unjustifiable discrimination.</p> <p>The expected time for completing these procedures and the stage of the procedures shall be communicated to interested parties upon their request.</p> <p>The results of such procedures shall be communicated promptly in a precise and complete manner.</p> <p>The draft Law also prescribes that inspection, testing and control procedures shall be limited to what is necessary for the fulfilment of the sanitary measures.</p> <p>The fees charged in any of inspection, testing and control procedures shall not exceed the actual cost of the service rendered.</p>