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ACCESSION OF MONTENEGRO

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

Revision

The following submission, dated 16 October 2008, 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 /04 and 27/07), compliance with the provisions of the SPS Agreement has been taken into account.</p> <p>In the Law on Plant Health Protection (RM OG No. 28/06) (Article 5, paragraph 2, item 2) 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 Law on Food Safety (RM OG No. 14/07), 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>Based on Article 12, paragraph 1 of the Regulation on the Government of the Republic of Montenegro (RM OG No. 15/94 and 4/97), and related to Article 12, paragraph 6 of the Law on Plant Health Protection (RM OG No. 28/06), Articles 34c, 34d and 34e of the Veterinary Law (RM OG No 11/04 and 27/07) and Articles 56, 57 and 58 of the Law on Food Safety (RM OG No. 14/07), the Government of Montenegro on its session held on 17 January 2008 has adopted the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures. The Regulation was published in the Official Gazette of Montenegro No. 13/08.</p> <p>Article 3 of the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures (RM OG No. 13/08) prescribes that the enquiry point responsible for providing information and notification with respect to sanitary and phytosanitary measures is the Ministry of Agriculture, Forestry and Water Management.</p> <p>Single enquiry point responsible for provision Article 7 and Annex B.3. SPS Agreement regarding answers to questions from interested WTO Members with respect to the SPS area is the Ministry of Agriculture, Forestry and Water Management.</p>
<p>3. Transparency: notification and access to documentation:</p>	<p>3. Articles 7 and Annex B, Also G/SPS/7. SPS Agreement.</p>	<p>The Government of Montenegro on its session held on 17 January 2008 has adopted the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures. The Regulation was published in the Official Gazette of the Montenegro No. 13/08.</p>
<p>(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;</p>	<p>(a) Annex B.5 (b) and Annex B.10.</p>	<p>Article 3 of the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures prescribes that the enquiry point responsible for providing information and notification with respect to sanitary and phytosanitary measures is the Ministry of Agriculture, Forestry and Water Management.</p> <p>In accordance with Article 6, paragraph 1 of the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures the Ministry of Agriculture, Forestry and Water Management notifies sanitary or phytosanitary regulations to relevant international organizations, including the World Trade Organization, unless otherwise provided for by the applicable rules of the relevant international organization or by the legislation of Montenegro.</p> <p>In accordance with Article 7, paragraph 1, items 2, 3, 4 and 5 of the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures in the notification procedure the Ministry of Agriculture, Forestry and Water Management:</p>

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		<ul style="list-style-type: none"> - notifies members of relevant international organizations, in accordance with the applicable rules, of the products to be covered by the regulation together with a brief indication of the objective and rationale of the proposed regulation; - performs notifications at an early stage to enable interested parties to review the regulations in order to submit amendments and comments and eventually have them included in the proposed regulation; - provides upon request to interested parties copies of the proposed regulation and, whenever possible, identify the parts which in substance deviate from international standards, guidelines or recommendations; and - without discrimination, allows reasonable time for interested parties to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account.
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5 (a).	<p>Article 7, paragraph 1, item 1 of the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures prescribes that in the notification procedure the Ministry of Agriculture, Forestry and Water Management must publish a notice at an early stage of preparation of the sanitary or phytosanitary regulation in such a manner as to enable interested parties to become acquainted with the proposal to introduce a particular regulation.</p> <p>In addition, Article 7 paragraph 2 prescribes that the sanitary or phytosanitary regulation must be adopted after the expiration of 75 days after the day of notification.</p>
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5 (c).	<p>In accordance with Article 7, paragraph 1, item 4 of the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures, the Ministry of Agriculture, Forestry and Water Management must provide upon request to interested parties copies of the proposed regulation and, whenever possible, identify the parts which in substance deviate from international standards, guidelines or recommendations.</p> <p>In accordance with Article 11, paragraph 1 of the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures, the Ministry of Agriculture, Forestry and Water Management provides, upon the request of the members of an international organization, a copy of the draft sanitary or phytosanitary regulation and its translation into English. In case of voluminous documents, the Ministry provides translation of the summary.</p>
(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 7, paragraph 1, item 5 of the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures in the notification procedure the Ministry of Agriculture, Forestry and Water Management must, without discrimination, allow reasonable time for interested parties to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account.</p> <p>Article 7, paragraph 2 of the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures prescribes that the sanitary or phytosanitary regulation must be adopted after the expiration of 75 days after the day of notification.</p>

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<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>Article 2 of the Regulation on the Procedure for Notification of Sanitary and Phytosanitary Measures defines sanitary or phytosanitary measure as any measure applied in order to:</p> <ul style="list-style-type: none"> - protect animal or plant life or health within the territory of Montenegro from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms; - protect human or animal life or health within the territory of Montenegro from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs; - protect human life or health within the territory of Montenegro from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or - prevent or limit other damage within the territory of Montenegro caused by the entry, establishment or spread of pests. <p>In Article 2, item 51f of the Veterinary Law, the appropriate level of protection is defined as 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 for protection of animal and human life and health and must be based on scientific principles and scientific evidence available, international standards, guidelines and recommendations.</p> <p>Article 10, paragraph 2 of the Law on Plant Health Protection prescribes that phytosanitary measures are implemented in the scope necessary to protect the health status of plants and ensure normal continuation of trade.</p> <p>Article 3 of the Law on Food Safety prescribes that provisions of this Law must be implemented in accordance with the principles of free trade, providing the high level of protection of human life and health.</p> <p>Article 18 of the Law on Food Safety prescribes that food and feed safety measures will correspond to the risk and will not restrict trade in food or feed more than necessary to achieve the efficient protection of human life and health.</p> <p>Article 54, paragraph 1, items 2, 3 and 4 of the Law on Food Safety prescribes that food or feed safety measures in international trade may be introduced:</p> <ul style="list-style-type: none"> - in such a manner as to avoid arbitrary or unjustified discrimination between countries where identical or similar conditions prevail, including discrimination between the territory of Montenegro and other countries; - based on the assessment of risk to human life and health conducted in accordance with the risk assessment techniques of international organizations; and - in a manner that would not constitute a disguised restriction on international trade.

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<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 scientific evidence available, international standards, guidelines and recommendations.</p> <p>Article 34b, paragraph 4 of the Veterinary Law prescribes that veterinary-sanitary measures may be undertaken for the purpose of ensuring the level of protection of animal and human life and health higher than that achieved by measures based on international standards, guidelines and recommendations, provided that there is scientific justification for that, or in case it is estimated that such protection level is appropriate.</p> <p>In addition, according to Article 34b, paragraph 5 of the Veterinary Law, the Veterinary Administration must review the veterinary-sanitary measures, including the temporary veterinary-sanitary measures and measures undertaken in case of emergency after new scientific data become available.</p> <p>Also, according to Article 34b, paragraph 1, item 1 of the Veterinary Law scientific evidence, production processes and methods, methods of inspection and surveillance, sampling and sample analysis methods, prevalence of certain diseases, existence of disease-free zones or low-prevalence zones, appropriate environmental conditions, quarantine measures and other measures will be taken into account in the appraisal of risk against animal and human health and life for the purpose of identification of veterinary-sanitary measures in international trade.</p> <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 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; - existence of a zone without harmful organisms; - requirements in respect of the environment, and - quarantine or other procedure.

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		<p>Article 54, paragraph 1, item 1 of the Law on Food Safety prescribes that food or feed safety measures in international trade may be introduced only to the extent necessary to protect human life and health, and provided they are based on scientific principles and available scientific evidence, international standards, guidelines, and recommendation.</p> <p>In according to Article 55, paragraph 1, 2 and 3 of the Law on Food Safety, assessment of risks to human life and health in the food or feed safety area must be based on scientific evidence and must take into account processes and production methods, inspection, sampling and testing methods and relevant ecological conditions. In cases where relevant scientific evidence is insufficient for objective assessment of risk or in urgent circumstances, responsible state administrative authority may introduce provisional measure on the basis of available information, including that from the international organizations, as well as on the basis of food or feed safety measures applied by other countries. Food or feed safety measures that result in a higher level of protection of human life and health than would be achieved by measures based on the international standards, guidelines or recommendations may be introduced if there is a scientific justification or if it is determined that such level of protection is appropriate.</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 may be undertaken only to the extent necessary for protection of animal and human life and health and must be based on scientific principles and scientific evidence available, international standards, guidelines and recommendations.</p> <p>Article 34b, paragraph 4 of the Veterinary Law prescribes that veterinary-sanitary measures may be undertaken for the purpose of ensuring the level of protecton of animal and human life and health higher than that achieved by measures based on international standards, guidelines and recommendations, provided that there is scientific justification for that, or in case it is estimated that such protection level is appropriate.</p> <p>Article 6 of the Veterinary Law prescribes that international obligations as regards prevention of outbreak, detection, control and eradication of infectious animal diseases in international trade in animals, products, raw materials, foodstuffs, animal feed and waste of animal origin and items that may transmit infectious diseases are met in compliance with the international conventions and other international agreements.</p> <p>The Veterinary Administration takes part in activities and cooperates with international organizations.</p> <p>Article 2, item 51n of the Veterinary Law, lists the following international organizations: World Organization for Animal Health, formerly Office Internacional des Epizooties (OIE), Food and Agriculture Organization of the United Nations (FAO), World Health Organization (WHO), World Trade Organization (WTO) and other international organizations dealing with animal and human health protection areas of which Montenegro is a member.</p> <p>Also, according to Article 34b, paragraph 2 of the Veterinary Law, the Veterinary Administration may,</p>

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		<p>in case of absence of appropriate scientific evidence for an objective risk appraisal or in case of emergency, undertake temporary veterinary-sanitary measures on the basis of data available, including the data of international organizations or data on veterinary-sanitary measures of other countries.</p> <p>Article 5, paragraph 2, items 2, 3 and 5 of the Law on Plant Health Protection prescribes that administrative authority perform the administrative activities and related professional activities concerning the following:</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, organizing bodies, institutions and other persons involved in the plant protection activities; - participation in international authorities and organizations related to plant health protection; and - 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 treaties related to plant health protection. <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>Article 54, paragraph 1, item 1 of the Law on Food Safety prescribes that food or feed safety measures in international trade may be introduced only to the extent necessary to protect human life and health, and provided they are based on scientific principles and available scientific evidence, international standards, guidelines, and recommendation.</p> <p>According to Article 55, paragraph 2 of the Law on Food Safety, in cases where relevant scientific evidence is insufficient for objective assessment of risk or in urgent circumstances, responsible state administrative authority may introduce provisional measure on the basis of available information, including that from the international organizations, as well as on the basis of food or feed safety measures applied by other countries.</p>

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<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 in another country will be considered equivalent to the measures in Montenegro provided that the Veterinary Administration establishes that the measures of the country concerned are achieving the level of animal health protection that is the same as or higher than the level required in 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 in 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>Article 59, paragraph 1 of the Law on Food Safety prescribes that food or feed safety measures applied in another country will be accepted as equivalent to the measures in Montenegro, if the responsible authority of such country demonstrates in an objective manner that its measures achieve the same or higher level of human health protection than the level required in Montenegro.</p>
<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, risk assessment, risk management and appropriate protection level are defined as follows:</p> <ul style="list-style-type: none"> - risk is a certain level of probability of occurrence of infectious diseases or presence of harmful substances that may, directly or indirectly, jeopardize the animal and human health and life to a certain extent; - risk analysis includes scientific estimate of risks, risk management and notification with a view to providing an appropriate level of protection of animal and human life and health; - risk assessment is the appraisal of the probability of introduction, occurrence and spreading of infectious diseases on the territory of the Republic and appraisal of potential negative effects on human and animal health caused by disease agents or presence of harmful substances in products, foodstuffs and raw material of animal origin or animal feed; - risk management is identification and implementation of measures aimed at reduction of risk; and - appropriate protection level is the level considered appropriate for protection of animal and human health and life. <p>Article 34a, paragraph 1, item 3 of the Veterinary Law prescribes that veterinary-sanitary measures in international trade may be undertaken in line with the appraisal of risk against animal and human health and life, made in line with the methodology of international organizations.</p> <p>Also, according to Article 34b, paragraph 1 of the Veterinary Law, in the appraisal of risk against animal and human health and life for the purpose of identification of veterinary-sanitary measures in international trade, the following will be considered in particular:</p> <ul style="list-style-type: none"> - scientific evidence, production processes and methods, methods of inspection and surveillance, sampling and sample analysis methods, prevalence of certain diseases, existence of disease-free zones or low-prevalence zones, appropriate environmental conditions, quarantine measures and other measures;

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		<ul style="list-style-type: none"> - economic indicators including estimate of losses in production and trade in case of disease outbreak or spreading; - disease control and eradication costs; and - efficiency as regards costs of other approaches aimed at risk reduction. <p>Article 34b, paragraph 4 of the Veterinary Law prescribes that veterinary-sanitary measures may be undertaken for the purpose of ensuring the level of protection of animal and human life and health higher than that achieved by measures based on international standards, guidelines and recommendations, provided that there is scientific justification for that, or in case it is estimated that such protection level is appropriate.</p> <p>Also, according to Article 34b, paragraph 2 of the Veterinary Law, the Veterinary Administration may, in case of absence of appropriate scientific evidence for an objective risk appraisal or in case of emergency, undertake temporary veterinary-sanitary measures on the basis of data available, including the data of international organizations or data on veterinary-sanitary measures of other countries.</p> <p>In addition, according to Article 34b, paragraph 5 of the Veterinary Law, the Veterinary Administration must review the veterinary-sanitary measures, including the temporary veterinary-sanitary measures and measures undertaken in case of emergency after new scientific data become available.</p> <p>Article 10, paragraphs 3 and 4 of the Law on Plant Health Protection prescribes that phytosanitary measures will 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. In case that there are no international phytosanitary guidelines, recommendations and standards, or they cannot reach needed level of plant health protection, phytosanitary measures will be scientifically justified and based on the principles of the risk assessment and management.</p> <p>Paragraph 3 of the same Article 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; - requirements in respect of the environment, and - quarantine or other procedure. <p>Risk management will include the study of economic justifiability in terms of the loss in production or sale in the event of the introduction and spread of harmful organisms, the costs of their suppression or eradication, as well as the economic justifiability of alternative approaches to risk reduction.</p>

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		<p>In Article 6, paragraph 1, items 6, 7, 8, 9 and 10 of the Law on Food Safety, risk, risk analysis, risk assessment, risk management and risk communication are defined as follows:</p> <ul style="list-style-type: none"> - risk means the probability and severity of an adverse effect on health and life of humans and animals; - risk analysis means a process consisting of three interconnected components: risk assessment, risk management and risk communication; - risk assessment means a scientifically based process comprising hazard identification, hazard characterization, exposure assessment and risk characterization, which includes assessment of adverse effects on health arising from the presence of additives, contaminants, toxins or disease-causing organisms in food; - risk management means a process, independent from risk assessment, of considering possible risk-related activities, in consultation with interested parties, by taking into account risk assessment and other relevant factors, as well as, selection of appropriate prevention and control measures; and - risk communication means the interactive exchange of information and opinions through the risk analysis process as regards hazards and risks, risk-related factors and risk identification, among risk assessment authorities, responsible authorities, risk management authorities, consumers, food and feed business operators and other interested parties, including the professional interpretation of risk assessment results and the basis of risk management decisions. <p>According to Article 15 of the Law on Food Safety, in order to achieve the general goal of providing a high level of protection of human life and health, the food and feed safety measures will be based on the risk assessment, unless this is not possible due to the circumstances or the nature of measure as such.</p> <p>Risk assessment 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 Food Council.</p> <p>Article 16 of the Law on Food Safety prescribes that risk management must be performed in such a manner as to ensure that preventive measures, surveillance and controls undertaken to reduce, eliminate or prevent the risk to human health in consumption of food are based on the results of risk assessment and other factors of relevance for elimination of risk, and to be efficient, impartial and appropriate.</p> <p>Risk management is carried out by responsible authorities through surveillance, control and implementation of preventive measures.</p> <p>Article 17 of the Law on Food Safety prescribes that risk communication shall comprise an interactive exchange of information and opinions through the risk assessment process between the Food Council and the authorities responsible for the risk management, other organizations and interested parties, consumers and food and feed business operators.</p>

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<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, low prevalence area and disease free area are defined as follows:</p> <ul style="list-style-type: none"> - low prevalence area is the area of the state or a number of states or parts thereof for which low prevalence level has been established, in line with the OIE recommendations, for the disease that is the object of efficient measures of disease monitoring, control or eradication; and - disease free area is the area of a state or several states or parts thereof for which absence of an animal disease has been confirmed, in line with the OIE recommendations. <p>Article 34b, paragraph 3 of the Veterinary Law prescribes that veterinary-sanitary measures must be appropriate for veterinary-sanitary conditions in the region that animals, products, foodstuffs and raw material of animal origin and feed originate from, or are dispatched to, as appropriate. In making an assessment of veterinary-sanitary conditions in the region, the Veterinary Administration must also take into account the health condition of animals in Montenegro and the exporting country, presence of diseases and existence of disease control and eradication program, identification of disease-free zones or low-prevalence zones, as well as criteria and guidelines of relevant international organizations.</p> <p>The Law on Plant Health Protection prescribes in Article 10, paragraph 4, item 5 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, paragraph 1 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 ascertains its presence and, in relation to the species of harmful organism, orders the suitable phytosanitary measures, and notifies titleholders of the property where the infection has been detected.</p> <p>The implementation of the phytosanitary measures shall continue for as long as there is a risk of harmful organisms.</p> <p>The boundaries of the area, measures for detection, prevention of spread and suppression of harmful organisms, conditions for termination of the ordered measures and manner of notifying the holders of plants are prescribed by the Ministry of Agriculture, Forestry and Water Management.</p> <p>Article 15, paragraph 1 prescribes that a zone in which one or more than one harmful organism which is established in one or more areas of the Montenegro have never occurred or established itself despite the favorable conditions for it to establish itself there, and in which, under the favorable 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>

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		<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 two 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> <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 Management.</p> <p>Article 55, paragraph 1 of the Law on Food Safety prescribes that assessment of risks to human life and health in the food or feed safety area shall be based on scientific evidence and shall take into account processes and production methods, inspection, sampling and testing methods and relevant ecological conditions.</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, items 2 and 4 of the Veterinary Law prescribes that veterinary-sanitary measures in international trade are applied:</p> <ul style="list-style-type: none"> - in a manner that will avoid arbitrary or unjustified discrimination among countries where the same or similar conditions prevail, including the discrimination of its own territory against other countries; and - in a manner that is not a hidden foreign trade barrier. <p>Article 34g, paragraph 1, item 1 of the Veterinary Law prescribes that procedure of checking the compliance with the veterinary-sanitary measures prescribed are applied urgently, without undue delay and discrimination against imported products when compared to similar domestic products.</p> <p>The Article 5 of the Law on Plant Health Protection prescribes that the administrative authority conducts international obligation in accordance with international conventions, contracts and treaties related to plant health care and exchange of information with government authorities, organizing bodies, institutions and other persons involved in the plant protection activities (including SPS Agreement, which prescribes non-discrimination obligation between foreign and domestic producers).</p> <p>The Law on Plant Health Protection does not contain provisions that discriminate between imported and domestic products.</p> <p>In Article 54, paragraph 1, items 2 and 4 of the Law on Food Safety prescribes that food or feed safety measures in international trade may be introduced:</p> <ul style="list-style-type: none"> - in such a manner as to avoid arbitrary or unjustified discrimination between countries where identical or similar conditions prevail, including discrimination between the territory of Montenegro and other countries; and

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		<p>- in a manner that would not constitute a disguised restriction on international trade.</p> <p>According to Article 60, paragraph 1, item 2 of the Law on Food Safety procedure for verification of fulfilment of requirements prescribed in food or feed safety measures shall be carried out promptly, without any undue delay and discrimination of imported products in respect of similar domestic products.</p>
<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 the procedure of checking the compliance with prescribed veterinary-sanitary measures is applied:</p> <ul style="list-style-type: none"> - urgently, without undue delay and discrimination against imported products when compared to similar domestic products; - solely on the basis of facts and information necessary for conducting the procedure before the body; - by informing the applicant of the request on the period of time necessary for completion of the procedure, potential deficiencies in the application, phase in the procedure and procedure results; - in the manner that ensures protection of confidential information; - by taking samples only in the quantity required for the control and approval procedures; and - in cases where product specification has been changed following the control, the procedure for the product changed shall be applied only to the extent necessary for establishing that the product, though changed, complies with the relevant regulations. <p>Article 60, paragraph 3 of the Veterinary Law prescribes that the amounts of fees imposed for veterinary sanitary inspection may not be higher than actual costs of the procedure and may not be an indirect protection of domestic product or indirect taxation of imports or exports, as appropriate.</p> <p>Law on Plant Health Protection in Article 36, paragraph 4, prescribes that phytosanitary inspector is obligated to immediately notify the administrative authority of any events of detaining the consignment of plants due to non-compliance with phytosanitary requirements, indicating the reasons for detention, with the purpose of notifying the competent authority in other country.</p> <p>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 Management determines the level of compensations, taking care they do not exceed the real costs of services rendered.</p>

Commitments	WTO Reference	Provisions Related to the SPS Requirements
		<p>Article 60 of the Law on Food Safety prescribes that procedure for verification of fulfilment of requirements prescribed in food or feed safety measures are carried out:</p> <ul style="list-style-type: none"> - promptly, without any undue delay and discrimination of imported products in respect of similar domestic products; - based solely on the facts and information necessary to conduct the proceedings in front of the competent authority, including approvals for use of additives, or for determination of the tolerance level for contaminants in food and feed; - in such a manner as to ensure protection of confidentiality of information; - taking samples solely in the quantity that is necessary for the control and approval procedures; and - if specification of food and feed changes after the control is performed, the procedure for changes shall be conducted insofar as it is necessary to determine that the food and feed, regardless of the change, comply with the relevant regulations.