

LAW ON PLANT NUTRITION PRODUCTS AND SOIL ENHANCERS

I. BASIC PROVISIONS

Scope of Application

Article 1

This Law governs classification, quality, labeling, phytosanitary control, and sampling in the circulation, importation and use of plant nutrition products and soil enhancers and testing of plant nutrition products and soil enhancers, as well as other issues of significance for plant nutrition products and soil enhancers.

Meaning of Terms

Article 2

The terms used in this Law shall have the following meaning:

1) ammonium nitrate fertilizer with high nitrogen content shall mean an ammonium nitrate based product manufactured for use as a fertilizer, containing 28 or more percent of nitrogen by weight of fertilizer in relation to the ammonium nitrate and which may contain inorganic or inert substances;

2) declaration shall mean the evidence on the content of nutrient substances, including their form and solubility, and other ingredients, which is guaranteed within the prescribed tolerances;

3) content of nutrient substances shall mean the content indicated on the declaration or on the relevant accompanying document;

4) distributor shall mean a legal person or entrepreneur that places the plant nutrition products and soil enhancers in the circulation, and does not modify their characteristics thereby;

5) good agricultural practice shall mean the carrying out of agricultural activity in a way that enables the management of agricultural land and reproduction material respecting the natural characteristics of agricultural area and optimal combination of agrotechnical measures with the aim of conserving natural fertility of agricultural land and preventing excessive environmental pollution, excessive use of plant nutrition products and soil enhancers, so that the manufactured plants or plant products intended for consumption contain the least possible level of harmful substances;

6) fertilizer shall mean a chemical compound of mineral and organic origin and mixtures of such compounds regardless of the state of matter, as well as microorganisms whose main purpose is to provide nutrient elements for plant nutrition;

7) mineral or inorganic fertilizer shall mean a product that contains nutrient elements which are by fertilization introduced into the soil in the form of inorganic salts, and which is obtained by extraction, physical and/or chemical industrial procedures;

8) micronutrient element shall mean boron, cobalt, copper, iron, manganese, molybdenum, or zinc;

9) soil enhancer shall mean a product for improvement of physical, chemical, and biological properties of soil, which has a low content of primary and/or micronutrient elements or does not contain them at all, and which is therefore not deemed to be a fertilizer;

10) organic fertilizer shall mean a product of organic origin, whether plant or animal, in which content of organic substance of nutrient elements is declared, and exceptionally also the content of microorganisms, and which is added to soil with the aim of plant nutrition and remedying the soil fertility, and is obtained through the fermentation of plant and animal residues;

11) packaging of plant nutrition products and soil enhancers (hereinafter referred to as: the packaging) shall mean the original packaging in which plant nutrition products and soil enhancers can be distributed and which can be handled, provided it does not contain more than 1,000 kilograms and can be permanently closed and stored;

12) primary macronutrient element (macroelement) shall mean nitrogen, phosphorus, and potassium;

13) plant manufacturer shall mean a legal person, entrepreneur, or natural person engaged in the plant production;

14) manufacturer of plant nutrition products and soil enhancers (hereinafter referred to as: the manufacturer) shall mean a legal person or entrepreneur that manufactures, packages, and/or modifies characteristics of plant nutrition products and soil enhancers, and that is responsible for their placement in the circulation;

15) circulation of plant nutrition products and soil enhancers (hereinafter referred to as: circulation) shall mean the wholesale and retail of plant nutrition products and soil enhancers in the territory of the Republic of Serbia;

16) prescribed tolerance shall mean the allowed deviation from the declared composition of plant nutrition products or from the content of nutrient substances;

17) shipment shall mean a quantity of the same type of plant nutrition products, soil enhancers, or raw materials for production thereof, which is placed in circulation or has arrived to the border crossing;

18) plant nutrition products shall mean fertilizer and substrate;

19) plant nutrition products and soil enhancers in bulk form shall mean the products which are not packaged in the manner referred to in item 11) of this Article;

20) substrate shall mean a product of organic or inorganic origin or a mixture of organic and inorganic substances, with different chemical and mechanical composition, which is used for direct sowing or planting;

21) transit of plant nutrition products and soil enhancers (hereinafter referred to as: the transit) shall mean any transportation of a shipment over the territory of the Republic of Serbia;

22) importation of plant nutrition products and soil enhancers (hereinafter referred to as: the importation) shall mean any introduction of a shipment to the territory of the Republic of Serbia, excluding transit;

23) importer shall mean a legal person or entrepreneur that carries out the importation of plant nutrition products and soil enhancers and does not modify their characteristics thereby;

24) lot shall mean a quantity of plant nutrition products and soil enhancers which is manufactured by the same technological procedure, of the determined prescribed quality (production lot), and/or a quantity for which the manufacturer has, at the time of shipment, determined the same quality (lot in circulation), and/or a quantity of specific type of plant nutrition products and soil enhancers, of the same specific quality and origin, which is being imported (import lot).

Application of Other Regulations

Article 3

Plant nutrition products and soil enhancers (hereinafter referred to as: the plant nutrition products) which also contain the plant protection products, namely the chemicals, may be produced, placed into circulation, and used in the territory of the Republic of Serbia if they are classified, packaged and labeled in accordance with this Law and the regulations adopted based on this Law and the regulations governing the plant protection products, namely the chemicals.

Risk to Safety

Article 4

If, in accordance with the new scientific and technical knowledge, there is a reason for the plant nutrition products of specific class and type, which meet the requirements for production, placing in the circulation, and use in accordance with this Law and regulations adopted based on this Law, to present a risk to safety or health of humans, animals or plants, or a risk to soil fertility and the environment, the ministry responsible for agriculture (hereinafter referred to as: the Ministry) may:

- 1) temporarily or permanently prohibit the production and circulation of such plant nutrition products;
- 2) specify the conditions under which such plant nutrition products may be produced, placed in the circulation, and used.

The minister responsible for agriculture (hereinafter referred to as: the Minister) shall prescribe the manner for implementation of measures referred to in paragraph 1 item 1) of this Article and the conditions referred to in paragraph 1 item 2) of this Article.

II. ENTITIES IN THE AREA OF PLANT NUTRITION PRODUCTS AND THEIR ORGANIZATIONAL FORMS

Types of Entities

Article 5

The tasks in the area of plant nutrition products in the territory of the Republic of Serbia, within the scope of its authorizations, shall be provided by the Republic of Serbia through the Ministry, entities entered in the Register of Distributors and Importers of Plant Nutrition Products (hereinafter referred to as: the Register of Distributors and Importers), the entities performing tasks of public interest, and other entities in the area of plant nutrition products.

1. Entities Engaged in the Production, Circulation, and Importation of Plant Nutrition Products

Manufacturer

Article 6

The production of plant nutrition products may be carried out by a manufacturer that is entered in the Register of Economic Operators in accordance with the law governing registration of economic operators and that fulfils the requirements for production of plant nutrition products in accordance with the regulations governing environment protection.

The manufacturer shall perform the quality control of each lot of manufactured plant nutrition products prior to their placement in circulation, and keep records thereof.

The records referred to in paragraph 2 of this Article shall be kept by the manufacturer for the period during which the plant nutrition products are in circulation, as well as for two years after the day they ceased to be in circulation.

Distributor and Importer

Article 7

The circulation of plant nutrition products may be carried out by a distributor that is entered in the Register of Economic Operators in accordance with the law governing registration of economic operators and that is entered in the Register of Distributors and Importers.

A distributor engaged in wholesale of plant nutrition products shall be entered in the Register of Distributors and Importers, if:

- 1) it meets the requirements with respect to the facilities for storing the plant nutrition products;
- 2) it employs a person with a university degree in agriculture, technology, or chemistry.

A distributor engaged in retail of plant nutrition products shall be entered in the Register of Distributors and Importers, if having at the place of sale:

- 1) premises for the sale of plant nutrition products;
- 2) premises or a specifically separated part for the storing of plant nutrition products;
- 3) an employee with at least secondary education in agriculture.

Importation of plant nutrition products may be carried out by an importer that is entered in the Register of Economic Operators in accordance with the law governing registration of economic operators and that is entered in the Register of Distributors and Importers.

An importer may be entered in the Register of Distributors and Importers if it meets the requirements with respect to the facilities for storing of plant nutrition products.

The Minister shall issue a decision determining the fulfillment of requirements referred to in paragraphs 2, 3, and 5 of this Article.

The Minister shall prescribe the requirements with respect to the facilities for storing of plant nutrition products and premises for sale and storing of plant nutrition products.

Entry in the Register of Distributors and Importers

Article 8

Entry in the Register of Distributors and Importers shall be conducted based on the application of a distributor or an importer, which is submitted to the Ministry.

The Minister shall issue a decision on entry in the Register of Distributors and Importers within two months after the application date.

Decision on entry in the Register of Distributors and Importers shall be final and an administrative dispute may be instigated against such decision.

Distributor or importer shall notify the Ministry of any change of the data entered in the Register of Distributors and Importers within 15 days after the date of the change.

The Minister shall prescribe the form and content of the application for entry in the Register of Distributors and Importers.

Register of Distributors and Importers

Article 9

The Register of Distributors and Importers shall be kept by the Ministry.

The Register of Distributors and Importers shall contain in particular:

- 1) ordinal number of entry in the Register of Distributors and Importers;
- 2) number and date of the decision on entry in the Register of Distributors and Importers;
- 3) name and corporate domicile of the distributor or the importer;
- 4) business activity;
- 5) place of sale.

The data from the Register of Distributors and Importers shall be public.

The Register of Distributors and Importers shall be kept in electronic format and may be linked with other databases and registers kept by the Ministry.

The Minister shall prescribe the content and manner of keeping the Register of Distributors and Importers.

Removal from the Register of Distributors and Importers

Article 10

A distributor or importer shall be removed from the Register of Distributors and Importers if it:

- 1) no longer meets the requirements referred to in Article 7 paragraphs 2, 3, and 5 of this Law;
- 2) fails to notify the change of data within the period referred to in Article 8 paragraph 4 of this Law;
- 3) submits the application for removal from the Register of Distributors and Importers.

Removal from the Register of Distributors and Importers shall be conducted based on the decision issued by the Minister.

Decision on removal from the Register of Distributors and Importers shall be final and an administrative dispute may be instigated against such decision.

Mandatory Provision of Data

Article 11

The manufacturer or distributor shall submit to the Ministry the data on plant nutrition products that have been produced and placed in the circulation twice a year, for the first half of a year by July 15 of the current year, and for the second half of a year by January 15 of the following year.

The Minister shall prescribe the manner of submitting data on the plant nutrition products that have been produced and placed in the circulation.

Directorate for National Reference Laboratory

Article 12

Directorate for National Reference Laboratories established pursuant to the law governing food safety shall perform tasks of laboratory testing and related expert tasks in the area of plant nutrition products and soil enhancers.

Tasks of Public Interest

Article 13

Tasks of public interest in the area of plant nutrition products shall include:

- 1) testing of chemical and physical properties of plant nutrition products and their biological nutritional value;
- 2) identification of potential harmful effect of plant nutrition products on humans, environment, and other ecosystems during their use;
- 3) scientific and expert support in decision making during the testing of chemical and physical properties of plant nutrition products and their biological nutritional value;
- 4) laboratory testing of the samples of plant nutrition products taken in the process of inspection control with the aim of verifying physical and chemical properties;
- 5) implementation of research and development activities;
- 6) development, establishment, and application of the new principles of good agricultural practice in the use of plant nutrition products;
- 7) introduction of standards in the area of the testing of biological nutritional value of plant nutrition products;
- 8) activities in the area of recording the circulation and use of plant nutrition products;
- 9) other activities in the area of the testing of plant nutrition products.

Public Bid for Performance of the Tasks of Public Interest

Article 14

The tasks of public interest in the area of plant nutrition products may be delegated to legal persons through a public bid (hereinafter referred to as: the Legal Person Performing the Tasks of Public Interest) that is announced by the Ministry and published in the „Official Gazette of the Republic of Serbia”.

Performance of the tasks of public interest referred to in Article 13 paragraph 1 items 1), 2), 3), and 4) may be, subject to a public bid, delegated for a period of at least five years.

The public bid referred to in paragraph 1 of this Article shall contain:

- 1) the tasks of public interest for which the public bid is announced;
- 2) period for which the performance of the tasks of public interest is delegated;
- 3) evidence on fulfillment of requirements with respect to technical and professional capacities;
- 4) criteria for election of the Legal Person Performing the Tasks of Public Interest;
- 5) deadline for the issuance and publication of the decision on election of the Legal Person Performing the Tasks of Public Interest;
- 6) manner of notification about the results of the public bid.

The public bid referred to in paragraph 1 of this Article shall be administered by the commission established by the Minister.

The decision on election of the Legal Person Performing the Tasks of Public Interest shall be issued by the Minister.

The results of the public bid shall be published in the „Official Gazette of the Republic of Serbia”.

Contract on Performance of the Tasks of Public Interest

Article 15

On the basis of the decision on election of the Legal Person Performing the Tasks of Public Interest, the Ministry shall, with the legal person that has been delegated the performance of the tasks of public interest in the area of plant nutrition products, enter into a contract specifying in particular:

- 1) the tasks of public interest which are the subject of the contract;
- 2) responsible person for performing specific tasks;
- 3) methods, manner and procedure for performance of specific tasks;
- 4) mutual rights, obligations, and responsibilities;
- 5) period for which the contract is concluded;
- 6) manner of financing and the price for performing specific tasks;
- 7) control of performance of specific tasks;
- 8) termination of contract;
- 9) reasons for termination of contract;
- 10) notice period for contract termination.

Uniform Methods, Criteria and Guidelines for Performance of the Tasks of Public Interest

Article 16

Directorate for National Reference Laboratories shall organize and establish the application of uniform methods, criteria, and guidelines for performance of the tasks of public interest in the territory of the Republic of Serbia, which are carried out by the Legal Persons Performing the Tasks of Public Interest.

Legal Persons Performing the Tasks of Public Interest shall perform the tasks of public interest in accordance with the uniform methods, criteria, and guidelines of the Directorate for National Reference Laboratories.

III. CLASSIFICATION OF PLANT NUTRITION PRODUCTS

Class and Type

Article 17

Plant nutrition products may be placed in circulation only if they are of prescribed class, type, and quality, if they are labeled in the prescribed manner, and if their proper use does not adversely affect the health of humans, animals, and plants, soil fertility, and the environment.

Plant nutrition products may be classified in a specific class and type if:

- 1) they provide the plants with nutrient substances;
- 2) relevant sampling and testing and testing methods are applied when such methods are necessary;

3) during the practical use, they do not have a harmful effect on the health of humans, animals, plants, soil fertility, and the environment.

The Minister shall prescribe the requirements for classification of plant nutrition products in a specific class and type and the documentation required for classification.

Register of Plant Nutrition Products and Soil Enhancers

Article 18

Prior to placement in circulation, plant nutrition products must be entered in the Register of Plant Nutrition Products and Soil Enhancers (hereinafter referred to as: the Register), which shall be kept by the Ministry.

Entry in the Register shall be conducted based on the application submitted to the Ministry by the manufacturer, distributor or importer of plant nutrition products.

The Minister shall issue the decision on entry of plant nutrition products in the Register if the requirements referred to in Article 17 paragraphs 1 and 2 of this Law are met, within the period of two months from the application date.

The decision on entry of plant nutrition products in the Register shall be issued for the period of ten years.

The decision on entry of plant nutrition products in the Register shall be final and an administrative dispute may be instigated against such decision.

The Minister shall prescribe the form and content of the application for entry in the Register and the documentation to be appended to the application for entry in the Register.

The Content and Manner of Keeping the Register

Article 19

The Register shall contain in particular:

- 1) ordinal number of entry in the Register;
- 2) number and date of the decision on entry in the Register;
- 3) name of the plant nutrition product;
- 4) class and type of the plant nutrition product;
- 5) content of nutrient substance;
- 6) name and corporate domicile of the manufacturer, distributor, or importer.

The data from the Register shall be public.

The Register shall be kept in electronic format and may be linked with other databases and registers kept by the Ministry.

The Minister shall prescribe the content and the manner of keeping the Register.

Plant Nutrition Products That are not Entered in the Register

Article 20

The following shall not be entered in the Register:

- 1) plant nutrition products that are produced for exports;
- 2) plant nutrition products that are used for scientific and research purposes and in the quantities required for such purposes;
- 3) quantities remaining from the exports and plant nutrition products that are placed in circulation for the reasons of trial production, in a specific quantity and for a

specific period;

4) manure and slurry.

For the plant nutrition products referred to in paragraph 1 item 2) of this Article, the scientific and research organization shall submit to the Ministry an application for use of plant nutrition products for scientific and research purposes.

For the plant nutrition products referred to in paragraph 1 item 3) of this Article, the manufacturer shall submit to the Ministry an application for placing in circulation plant nutrition products for a specific period and in a specific quantity.

The plant nutrition products referred to in paragraph 1 item 3) of this Article must:

- 1) meet the requirements referred to in Article 17 paragraphs 1 and 2 of this Law;
- 2) have printed text on the declaration: „produced according to the manufacturer’s specification”, or „produced according to special requests”;
- 3) meet the quality requirements indicated in the manufacturer’s specification.

The Minister shall issue a decision on the application referred to in paragraphs 2 and 3 of this Article within two months from the application date.

The decision of the Minister referred to in paragraph 5 of this Article shall be final and an administrative dispute may be instigated against such decision.

The Minister shall prescribe the content of the application and the documentation to be appended to the application referred to in paragraphs 2 and 3 of this Article.

Removal from the Register

Article 21

Plant nutrition products shall be removed from the Register:

- 1) if they no longer meet the requirements referred to in Article 17 paragraphs 1 and 2 of this Law;
- 2) upon expiry of the period referred to in Article 18 paragraph 4 of this Law;
- 3) if the measure of permanent prohibition of production and circulation has been ordered for plant nutrition products referred to in Article 4 paragraph 1 item 1) of this Law;
- 4) if the manufacturer, distributor, or importer submits an application for removal of a plant nutrition product from the Register.

Removal from the Register shall be conducted based on the decision issued by the Minister.

The decision of the Minister referred to in paragraph 2 of this Article shall be final and an administrative dispute may be instigated against such decision.

List of Plant Nutrition Products

Article 22

The Ministry shall annually publish the List of Plant Nutrition Products that are Entered in or Removed from the Register in the „Official Gazette of the Republic of Serbia”.

IV. QUALITY, DECLARING AND LABELING

Quality and Prescribed Tolerances

Article 23

It shall be prohibited to produce, circulate, import or use the plant nutrition products which are not of the appropriate quality and do not meet the requirements referred to in Article 17 paragraphs 1 and 2 of this Law.

Plant nutrition products shall be of appropriate quality if they have a specific content of nutrient substances and appropriate chemical, physical, physiological and other properties.

The content of nutrient substances must be in accordance with the prescribed tolerances.

Any deviation of the content of nutrient substances from the minimal or maximal values and any systematic abuse of the prescribed tolerances shall be prohibited.

The Minister shall prescribe the requirements for determining the quality of plant nutrition products, deviations of the content of nutrient substances and minimal and maximal values of allowed deviations of the content of nutrient substances.

Declaring and Labeling

Article 24

Plant nutrition products must be declared and labeled.

The quality of plant nutrition products must correspond to the data on the quality of plant nutrition products that are specified in the declaration.

The data on the quality of plant nutrition products which are specified in the declaration must be written in the Serbian language, clearly and legibly, in such a manner that they cannot be erased or removed.

The Minister shall prescribe the content of the declaration and the manner of labeling the plant nutrition products.

Packaging

Article 25

If plant nutrition products are placed in circulation in a packaging, the declaration must be imprinted on the packaging or inseparably attached to the packaging, and it must be placed on a visible place on the packaging or on the closing mechanism.

The packaging must be closed with a special mechanism or in other similar manner where, in the case of its opening, permanent damage on the packaging would occur.

The packaging may also be a valve bag.

The Minister shall prescribe the manner of packaging.

Plant Nutrition Products in Bulk Form

Article 26

If plant nutrition products are placed in circulation in bulk form, the data on the quality of such products must be indicated in the accompanying documentation.

The accompanying documentation, for the purposes of this Law, shall in particular include:

- 1) manufacturer's certificate;
- 2) bill of lading;

3) invoice.

It shall be prohibited to place in circulation ammonium nitrate fertilizers of high nitrogen content in bulk form.

The Minister shall prescribe the manner of placing in circulation the plant nutrition products in bulk form.

Mineral Fertilizers Designated as the „EC FERTILISER”

Article 27

A mineral fertilizer which meets the requirements for placing in the circulation on the territory of the member states of the European Union shall be designated with the mark „EC FERTILISER”.

The mark „EC FERTILISER” shall not be used in the Republic of Serbia if a mineral fertilizer does not comply with the prescribed requirements with respect to the quality and placement in circulation on the territory of the member states of the European Union.

The documents of the responsible authority or laboratory of the European Union verifying that a mineral fertilizer may be designated with the mark „EC FERTILISER” must be submitted to the Ministry upon entry in the Register and must be available to the phytosanitary inspection.

V. USE AND ADVERTISING OF PLANT NUTRITION PRODUCTS

Use of Plant Nutrition Products

Article 28

Plant nutrition products shall be used in accordance with good agricultural practice, in the quantity which is in accordance with the soil fertility and plant requirements, taking into account climatic conditions in the area and the sowing or planting conditions.

Plant manufacturer shall keep records of the use of plant nutrition products and submit such records to the Legal Person Performing the Tasks of Public Interest by March 31 of the current year for the preceding year.

The Legal Person Performing the Tasks of Public Interest shall process the data from the records on the use of plant nutrition products and submit such data to the Ministry by May 31 of the current year for the preceding year.

The Minister shall prescribe the elements of good agricultural practice, the content and the manner of keeping records on the use of plant nutrition products, and the manner of processing and submitting the data from the records on the use of plant nutrition products.

Advertising of Plant Nutrition Products

Article 29

It shall be prohibited to advertise any plant nutrition products other than those falling within the prescribed class and type, and contrary to the quality and intended use specified in the decision on entry in the Register.

VI. PHYTOSANITARY CONTROL AND SAMPLING IN THE CIRCULATION,

ON IMPORTATION AND USE

1. Phytosanitary Control and Sampling in Circulation and in Use

Inspections and Sampling

Article 30

Plant nutrition products in circulation and in use shall be subject to:

1) inspection, which includes identification of plant nutrition products and inspection of documentation, packaging and facilities in which plant nutrition products are stored;

2) sampling.

Phytosanitary inspector shall submit the samples taken from the plant nutrition products for laboratory testing to the Legal Person Performing the Tasks of Public Interest for the purpose of checking the chemical and physical properties of plant nutrition products.

The Minister shall prescribe the requirements and the manner of performing inspection of plant nutrition products, the manner of sampling and submitting the samples, and the number and size of the samples for the purpose of testing in circulation and in use.

2. Phytosanitary Control of Importation

Border Crossings

Article 31

A shipment shall be subject to phytosanitary inspection at the border crossings on importation.

Importation and transit of shipments may be performed through the border crossings at which the phytosanitary inspection is organized and which meet the hygienic-technical and operational requirements.

Notwithstanding paragraph 2 of this Article, importation and transit of shipments may also be performed through the border crossings at which phytosanitary inspection is not organized, but which are, upon the decision of the Minister, temporarily open for this purpose.

If a shipment arrives to the border crossing on which phytosanitary inspection is not organized or to the border crossing referred to in paragraph 3 of this Article, customs authorities shall refer the shipment to the nearest border crossing at which phytosanitary inspection is organized or shall order that such shipment be returned to the sender.

The Minister shall designate the border crossings referred to in paragraph 3 of this Article.

The Minister shall prescribe the hygienic-technical and operational requirements that must be met by the border crossings referred to in paragraphs 2 and 3 of this Article.

Inspection of Shipments on Importation and Obligations of Importers

Article 32

On importation, a shipment shall be subject to:

1) the inspection, which includes the identification of the shipment, inspection of the documentation, packaging and the means of transportation;

2) sampling.

The importer or customs agent shall:

1) announce the arrival of shipment to the phytosanitary inspector;

2) submit an application, within the prescribed period, for the inspection of shipment;

3) provide for all the conditions necessary for the performance of phytosanitary inspection;

4) implement all the measures instructed by the phytosanitary inspector.

Customs authority may not undertake any actions envisaged by the rules of the relevant customs procedure, with the exception of the shipments in transit, before phytosanitary inspector performs the shipment inspection and sampling.

For the shipments in transit which are to be reloaded in the territory of the Republic of Serbia, customs agent shall announce to the phytosanitary inspector the arrival of the shipment, for the purpose of its recording.

The Minister shall prescribe the requirements and the manner of performing inspection and sampling of the shipment referred to in paragraph 1 of this Article, the manner of announcing the arrival of shipment, the form and the content of the application for shipment inspection and the conditions that must be provided for by the importer for the purpose of performing phytosanitary inspection.

Inspection of Shipments in the Customs Office of Destination

Article 33

If at the border crossing there are no conditions for the inspection of shipment or for sampling, in accordance with this Law, the inspection of shipment or sampling may be performed at the specified places within the Republic of Serbia in the customs office of destination.

In the event referred to in paragraph 1 of this Article, phytosanitary inspector shall issue a decision on transportation by virtue of which the shipment shall be allowed to pass to the customs office of destination, where such shipment shall be under customs supervision until the completion of inspection, sampling and approval, or the prohibition of its importation and transit.

Any relocation, division or sampling of shipment referred to in paragraph 2 of this Article shall be prohibited.

Approval and Prohibition of Importation

Article 34

Phytosanitary inspector shall submit the samples of plant nutrition products taken from the shipment to the Legal Person Performing the Tasks of Public Interest for laboratory testing for the purpose of checking the chemical and physical properties.

If the results of the inspection or laboratory testing are in conformity with the prescribed requirements, phytosanitary inspector shall issue a decision approving the importation of shipment.

If the results of the inspection or laboratory testing are not in conformity with the prescribed requirements, phytosanitary inspector shall issue a decision prohibiting the importation of shipment and order its return or temporary seizure.

The Minister shall prescribe the manner of submitting samples, and the number and size of samples for the purpose of testing and the manner of handling the seized shipment.

VII. TESTING

Testing of Plant Nutrition Products

Article 35

The testing of plant nutrition products, for the purpose of this Law, shall be deemed to be the determination of the compliance of tested plant nutrition products with the prescribed requirements and international standards, with respect to the class, content of nutrient substances, content of harmful substances and biological nutritional value.

Testing of plant nutrition products shall be performed by the Directorate for National Reference Laboratories in accordance with the Annual Testing Plan, which is adopted by the Minister.

The Annual Testing Plan shall include: the sampling plan; the type and number of samples; the manner of sample taking and testing; the facilities from which the sample is taken; the dynamics of sampling; the measures to be undertaken when it is found that chemical or physical properties of plant nutrition products are not in conformity with the decision on entry in the Register.

The Legal Person Performing the Tasks of Public Interest shall perform:

1) testing of the chemical and physical properties and biological nutritional value of plant nutrition products, for the purpose of entry in the Register;

2) laboratory testing of the samples of plant nutrition products taken in the procedure of inspection control for the purpose of checking chemical and physical properties.

The Ministry shall recognize the results of testing referred to in paragraph 1 of this Article only if the prescribed methods of sampling and testing were applied in the procedure of plant nutrition products testing, taking into account the prescribed tolerances.

The Minister shall prescribe testing methods for the plant nutrition products.

Retesting

Article 36

A party disagreeing with the results of laboratory testing of the samples of plant nutrition products taken in the inspection control procedure for the purpose of checking the physical and chemical properties, may, within 15 days from the day of receiving the testing results, submit an application for retesting to the Ministry.

Retesting may also be requested by the phytosanitary inspector.

Retesting shall be performed by the Directorate for National Reference Laboratories.

The result of retesting shall be final.

VIII. AMMONIUM NITRATE FERTILIZERS OF HIGH NITROGEN CONTENT

Circulation of the Ammonium Nitrate Fertilizers of High Nitrogen Content

Article 37

In order to monitor the ammonium nitrate fertilizer of high nitrogen content that is placed in circulation, the manufacturer must keep the data on the names and addresses of the

plants in which such fertilizer and its basic components are produced and the data on the persons responsible for such plants.

The manufacturer shall keep the data referred to in paragraph 1 of this Article for the period in which the ammonium nitrate fertilizer of high nitrogen content is in circulation, as well as within two years from the day it ceased to be in circulation.

Before placing it in circulation, the manufacturer must test the resistance of the ammonium nitrate fertilizer of high nitrogen content to detonation, namely it must present evidence that resistance to detonation of such fertilizer has been tested.

Manufacturer must submit the results of the testing of resistance to detonation of the ammonium nitrate fertilizer of high nitrogen content to the Ministry, at least five days before its placement in circulation, or, in the case of importation, at least five days before the arrival of the shipment to the border crossing.

Manufacturer must guarantee that all quantities of the ammonium nitrate fertilizer of high nitrogen content which are in circulation meet the requirements with respect to resistance of such fertilizer to detonation.

Ammonium nitrate fertilizers of high nitrogen content must meet the requirements with respect to the storage facilities in accordance with the regulations governing the environment protection or chemicals.

The Minister shall prescribe the characteristics of the ammonium nitrate fertilizers of high nitrogen content, limited values of nitrogen in the ammonium nitrate fertilizer of high nitrogen content, and the methods of testing of resistance to detonation that must be met by the ammonium nitrate fertilizers of high nitrogen content.

IX. FUNDS FOR IMPLEMENTATION OF THE LAW

Funds and Fees

Article 38

The funds for implementation of the Annual Testing Plan and the funds for performance of the tasks of public interest shall be allocated from the budget of the Republic of Serbia.

The manufacturer, distributor and importer shall pay the fee for:

- 1) testing of plant nutrition products for the purpose of entry in the Register;
- 2) inspection, sampling and laboratory testing of the samples of plant nutrition products which are performed at their request;
- 3) inspection, sampling and laboratory testing of the samples of plant nutrition products taken in the inspection control procedure in the production and circulation where the result of analysis is negative;
- 4) inspection, sampling and laboratory testing of the samples of plant nutrition products in the inspection control procedure on importation of products;
- 5) retesting of plant nutrition products which is performed at their request.

The funds collected from the fees referred to in paragraph 1 of this Article shall be the revenue of the Republic of Serbia and shall be allocated in a separate account in the budget of the Republic of Serbia.

The amount of fees referred to in paragraph 2 of this Article shall be specified by the Government.

The costs of administrative procedure shall be borne by the applicant, specifically for:

1) issuance of the decision on entry in the Register and the Register of Distributors and Importers of Plant Nutrition Products;

2) issuance of the decision approving the importation of shipment.

The funds referred to in paragraph 5 of this Article shall be paid by the applicant to a relevant account for payment of public revenues of the budget of the Republic of Serbia.

The amount of costs for the issuance of decisions referred to in paragraph 5 of this Article shall be determined in accordance with the regulations on compensation for the costs in the administrative procedure.

X. SUPERVISION

Inspection Supervision

Article 39

Inspection supervision of the implementation of the provisions of this Law and regulations adopted based on this Law shall be exercised by the phytosanitary inspector.

Rights and Duties of the Phytosanitary Inspector

Article 40

In the performance of inspection supervision, the phytosanitary inspector shall have the right and duty to:

1) check whether plant nutrition products are produced or placed in circulation contrary to the temporary or permanent prohibition of production and placement in circulation;

2) check whether the production, placement in circulation and use of plant nutrition products are performed in accordance with the requirements referred to in Article 4 paragraph 1 item 2) of this Law;

3) check whether the manufacturer performs quality control of each lot of the produced plant nutrition products and keeps and maintains records on the quality control prior to their placement in circulation;

4) check whether the distributor or importer is entered in the Register of Distributors and Importers, and whether the requirements are met for entry in the Register of Distributors and Importers;

5) check whether the manufacturer and the distributor submit the data on the plant nutrition products production and circulation within the prescribed periods;

6) check if the Legal Person Performing the Tasks of Public Interest meets the contractual obligations;

7) check whether plant nutrition products are entered in the Register;

8) check the use of plant nutrition products for scientific and research purposes, or whether the plant nutrition products are placed in circulation in accordance with Article 20 of this Law;

9) check the quality of plant nutrition products in the production, circulation and in use;

10) check the declaration and labeling of plant nutrition products in the production, circulation and in use;

11) check the manner of packaging;

12) check the circulation of the plant nutrition products in bulk form;

13) check whether plant nutrition products are used in accordance with good agricultural practice;

14) check whether the plant manufacturer keeps records on the use of plant nutrition products and whether it submits such records within the prescribed periods;

15) check whether the Legal Persons Performing the Tasks of Public Interest process the data on the use of plant nutrition products and submit the processed data to the Ministry;

16) check whether the advertising of plant nutrition products is performed in accordance with Article 29 of this Law;

17) check whether the manufacturer, prior to placing in circulation, performed the testing of resistance to detonation of ammonium nitrate fertilizer of high nitrogen content;

18) check the implementation of the measures referred to in Article 42 of this Law;

19) take the samples of plant nutrition products, plants and soil without compensation of their value;

20) perform the inspection of the documentation accompanying the shipment, inspection of the shipment, packaging and means of transportation, and take the samples of plant nutrition products on importation without the compensation of the samples' value;

21) specify the time limit within which the importers are obliged to remedy any deficiencies identified in the inspection control procedure.

Measures Instructed by the Phytosanitary Inspector in the Production, Circulation and in Use

Article 41

In the performance of the tasks referred to in Article 40 of this Law, the phytosanitary inspector may:

1) order the manufacturer, distributor, importer or plant manufacturer to adjust their business activity, or remedy any deficiencies identified in the inspection control procedure;

2) temporarily prohibit the production or placement in circulation of plant nutrition products until the manufacturer or the person placing them in circulation adjust their business activity, or remedy any deficiencies identified in the inspection control procedure;

3) temporarily prohibit the production of certain plant nutrition products until the deficiencies are remedied, if the results of the testing of plant nutrition products are not in accordance with this Law;

4) prohibit the circulation of the produced or imported quantity of plant nutrition products, if the results of the testing of produced or imported quantity of plant nutrition products are not in accordance with this Law;

5) order withdrawal from circulation of the produced or imported quantity of plant nutrition products and seize plant nutrition products until the conclusion of the procedure, if the results of the testing of the produced or imported quantity of products are not in accordance with this Law;

6) prohibit the plant manufacturer to use the plant nutrition products if they are not used in accordance with good agricultural practice;

7) prohibit the advertising of the plant nutrition products which do not fall in the prescribed class and type and contrary to the quality and the intended use which are specified in the decision on entry in the Register;

8) order measures for removal of irregularities where in the supervision procedure it is determined that the regulation on plant nutrition products has not been applied or has been applied incorrectly;

- 9) prohibit the importation and order the return of the shipment;
- 10) prohibit the importation and seize the shipment;
- 11) submit the request for instigation of the offence procedure, the report for commercial offence and criminal report due to the violation of the provisions of this Law and regulations adopted based on this Law;
- 12) order other measures and undertake other actions in accordance with this Law.

The phytosanitary inspector shall issue a decision to instruct the measures referred to in paragraph 1 of this Article.

The manufacturer, importer or distributor shall notify the phytosanitary inspector of the implementation of measures instructed by the decision referred to in paragraph 2 of this Article.

Responsibility for Settlement of Appeals

Article 42

An appeal may be filed to the Minister against the decision of the phytosanitary inspector within eight days from the date of submitting the decision.

The Minister shall decide on the appeal within 30 days from the date of appeal filing.

The appeal shall not stay the execution of the decision.

XI. PENAL PROVISIONS

Commercial Offence

Article 43

A legal person shall be fined in the amount of RSD 500,000 to RSD 3,000,000 for commercial offence if it:

- 1) produces or places in circulation plant nutrition products contrary to the provision of Article 4 paragraph 1 item 1) of this Law;
- 2) produces, places in circulation or uses plant nutrition products contrary to the provision of Article 4 paragraph 1 item 2) of this Law;
- 3) fails to perform the quality control of each lot of the produced plant nutrition products prior to placing them in circulation and fails to keep records thereof (Article 6);
- 4) places plant nutrition products in circulation and is not entered in the Register of Distributors and Importers (Article 7 paragraph 1);
- 5) imports plant nutrition products and is not entered in the Register of Distributors and Importers (Article 7 paragraph 4);
- 6) places in circulation plant nutrition products which are not entered in the Register (Article 18 paragraph 1);
- 7) produces, places in circulation or imports the plant nutrition products which do not meet the prescribed quality (Article 23 paragraph 1);
- 8) produces or places in circulation plant nutrition products with deviations in the content of nutrient substances from the minimal and maximal values and systematically abuses the prescribed tolerances (Article 23 paragraph 4);
- 9) places in circulation plant nutrition products which are not declared and labeled (Article 24 paragraph 1);
- 10) produces and places in circulation plant nutrition products whose quality does not correspond to the quality indicated in the declaration (Article 24 paragraph 2);

11) places in circulation plant nutrition products in bulk form without the accompanying documentation which indicates the data on the quality of plant nutrition products (Article 26 paragraph 1);

12) places in circulation the ammonium nitrate fertilizers of high nitrogen content in bulk form (Article 26 paragraph 3);

13) advertises the plant nutrition products which do not fall within the prescribed class and type and contrary to the quality and intended use which are specified in the decision on entry in the Register (Article 29);

14) imports the plant nutrition products through a border crossing other than designated by the Minister (Article 31 paragraph 3);

15) imports shipment contrary to the provisions of Article 32 paragraph 2 of this Law;

16) performs relocation, division or sampling of a shipment for which customs supervision pending the completion of inspection has been specified by the decision on transportation (Article 33 paragraph 3);

17) places in circulation the ammonium nitrate fertilizers of high nitrogen content without testing of resistance to detonation (Article 37 paragraph 3);

18) fails to act pursuant to the decision of the phytosanitary inspector, in accordance with this Law.

For the commercial offence referred to in paragraph 1 of this Article, a responsible person within the legal person shall also be fined in the amount of RSD 50,000 to RSD 200,000.

For the acts referred to in paragraph 1 of this Article, in addition to a fine, the legal person may be imposed a protective measure of prohibition of performing certain business activity, or the responsible person may be imposed a protective measure of prohibition of performing certain duties, in the duration of six months to seven years.

Offence of the Legal Person

Article 44

A legal person shall be fined in the amount of RSD 200,000 to RSD 1,000,000 for the offence if:

1) it fails to submit to the Ministry the data on plant nutrition products that were produced and placed in circulation, within the prescribed periods (Article 11 paragraph 1);

2) it fails to perform the tasks of public interest in conformity with the uniform methods, criteria and guidelines of the Directorate for National Reference Laboratories (Article 16 paragraph 2);

3) it places in circulation plant nutrition products without the decision of the Minister referred to in Article 20 paragraph 5 of this Law;

4) the data on the quality of plant nutrition products are not indicated in the declaration in the prescribed manner (Article 24 paragraph 3);

5) declaration is not imprinted on the packaging, or is not inseparably attached to the packaging (Article 25 paragraph 1);

6) it places in circulation plant nutrition products in bulk form and the data on the quality of plant nutrition products are not indicated in the accompanying documentation (Article 26 paragraph 1);

7) it fails to keep records on the use of plant nutrition products and fails to submit such records to the Legal Person Performing the Tasks of Public Interest by March 31 of the current year for the preceding year (Article 28 paragraph 2);

8) it fails to process the data from the records on the use of plant nutrition products and fails to submit such data to the Ministry by May 31 of the current year for the preceding year (Article 28 paragraph 3);

9) it fails to keep the data on the names and addresses of the plants in which the ammonium nitrate fertilizer of high nitrogen content and its basic components are produced, the data on the persons responsible for those plants, and fails to keep them for the prescribed period (Article 37 paragraphs 1 and 2).

For the offence referred to in paragraph 1 of this Article, a responsible person within legal person shall also be fined in the amount of RSD 10,000 to RSD 50,000.

Offence of the Entrepreneur

Article 45

An entrepreneur shall be fined in the amount of RSD 250,000 to RSD 500,000 for the offence if it commits acts referred to in Article 43 paragraph 1 of this Law.

An entrepreneur shall be fined in the amount of RSD 100,000 to RSD 400,000 for the offence if it commits acts referred to in Article 44 paragraph 1 items 1), 3), 4), 5), 6), 7), and 9) of this Law.

Offence of the Natural Person

Article 46

A natural person engaged in the plant production shall be fined in the amount of RSD 30,000 to RSD 50,000 for the offence if it commits acts referred to in Article 44 paragraph 1 item 7).

XII. TRANSITIONAL AND FINAL PROVISIONS

Time Limit for Harmonizing Business Operations

Article 47

The manufacturer, distributor, importer and producer of plants shall harmonize their business operations with the provisions of this Law within one year from the day this Law comes into force.

Takeover in the Register

Article 48

The data on fertilizers which are registered in accordance with the Law on Plant Protection („Official Gazette of FRY”, No. 24/98 and 26/98 – correction and „Official Gazette of RS”, No. 101/05 – other law) shall be taken over in the Register and shall be valid until the expiry of the validity period specified in the decision on issuance of permanent license for placing in circulation, and for three years from the date this Law comes into force at the latest.

Continued Performance of the Tasks of Public Interest Until the Announcement of Public Bid

Article 49

The legal person that is authorized for the testing of fertilizers pursuant to the Law on Plant Protection („Official Gazette of FRY”, No. 24/98 and 26/98 – correction, and „Official Gazette of RS”, No. 101/05 - other law), shall perform the tasks for which it is authorized until the conclusion of the public bid for performance of the tasks of public interest, which shall be implemented in accordance with this Law.

Application of By-Laws

Article 50

The regulations adopted based on the authorizations from this Law shall be adopted within one year from the date this Law comes into force.

Until the adoption of regulations referred to in paragraph 1 of this Article, the regulations adopted based on the Law on Plant Protection („Official Gazette of FRY”, No. 24/98 and 26/98 – correction, and „Official Gazette of RS”, No. 101/05 - other law) shall apply, except for provisions of such regulations that are not in compliance with this Law.

Cessation of Application of the Previous Law

Article 51

On the day this Law comes into force, the provisions of the Law on Plant Protection („Official Gazette of FRY”, No. 24/98 and 26/98 – correction, and „Official Gazette of RS”, No. 101/05 - other law) shall cease to apply in the part governing fertilizers.

Coming into Force

Article 52

This Law shall come into force eight days from the day of its publication in the „Official Gazette of the Republic of Serbia”.