

LAW ON PLANT HEALTH¹

I. BASIC PROVISIONS

Scope of Application

Article 1

This Law shall regulate the protection and promotion of plant health; measures for preventing introduction of harmful organisms, for detecting them, preventing their spread and suppressing them; phytosanitary control; requirements for the production, processing, finishing, importation, storage and circulation of plants, plant products and regulated objects, as well as requirements for providing services in the sphere of the protection of plant health.

Article 2

Protection of plant health, within the meaning of this Law, shall encompass the following:

- 1) the protection of plants, plant products and regulated objects from harmful organisms;
- 2) prevention of the introduction and spread of harmful organisms and their suppression by the application of phytosanitary measures;
- 3) detection and identification of harmful organisms;
- 4) providing for an optimal production and circulation of plants, plant products and regulated objects;
- 5) protection of the environment from the consequences of the activity of harmful organisms;
- 6) measures, requirements and instruments for sustainable management, preservation of integrity and diversity in the sphere of the protection of plant health;
- 7) measures and procedures for the protection of plant health;
- 8) education and public information.

Article 3

The measures and procedures for protection of plant health referred to in Article 2 item 7 of this Law are as follows:

¹ Law on Plant Health was adopted by the National Parliament of the Republic of Serbia on May 29, 2009 and published in the Official Gazette of the Republic of Serbia No. 41/09.

- 1) constant supervision of plants, which encompasses cultivated plants (fields, gardens, plantations, nurseries, seed nurseries, greenhouses, nethouses, laboratories etc.), spontaneous flora, as well as plants and plant products in storage facilities, in the processing and finishing processes and in transport;
- 2) monitoring the presence of harmful organisms, estimating their risk, and suppressing them;
- 3) phytosanitary control of imports aimed at preventing introduction and spread of harmful organisms;
- 4) phytosanitary control of export consignments of plants and plant products which are subject to specific phytosanitary requirements in other countries;
- 5) special phytosanitary inspections for the presence of certain harmful organisms through examination of health status, monitoring and special supervision;
- 6) phytosanitary controls for the issuance of plant passports, phytosanitary certificates and other official documents and acts;
- 7) performance of inspectorial supervision for the purpose of protecting the health of plants;
- 8) implementation of phytosanitary measures;
- 9) laboratory analyses and testing of plants, plant products and regulated objects, in order to detect the presence of harmful organisms and the intensity of their presence;
- 10) forecasting the occurrence of harmful organisms, their development and movements of their populations, and determining optimal timeframes for their suppression;
- 11) applied and other research in the area of harmful organism diagnostics and the protection of plant health;
- 12) education and providing advice and recommendations related to the harmful organisms;
- 13) suppression of harmful organisms by implementation of disinfection, disinsection, deratization, decontamination and application of other treatment procedures.

Definitions

Article 4

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

- 1) *autochthonous organisms* shall mean those organisms which are naturally present in a given eco-system;
- 2) *plants* shall mean living plants and live plant segments, including seeds;

3) *plant products* shall mean all products of plant origin, unprocessed or subjected to simple processing methods, on account of which they can no longer be regarded as plants, as well as wood, if it retains fully or partially its naturally rounded surface, with or without bark, or if it is in the form of chipboard, sawdust, small fragments or wood waste or if it is used in the form of sawn timber, packagings, laths, pallets and packing materials in the transportation of consignments, and may be a risk for the plant health;

4) *plants intended for planting* shall mean:

(1) plants which have already been planted, intended to remain planted or to be re-planted after their introduction;

(2) plants which have not been planted but are intended for planting;

5) *a plant passport* shall mean an official document, identification or other official designation certifying that plants, plant products and regulated objects in circulation fulfill phytosanitary requirements prescribed by this Law and regulations adopted pursuant to this Law;

6) *biological protection of plants* shall mean the strategy of suppressing harmful organisms in the agriculture and forestry by employing natural adversaries, antagonists or competitors or their products and other self-reproducing living organisms;

7) *visual inspections* shall mean inspections of plants, plant products and regulated objects with the naked eye or with the help of magnifying glasses, binoculars or microscopes, without performing laboratory analyses, for the purpose of establishing the presence of harmful organisms on plants, plant products and regulated objects;

8) *holders of plants, plant products and regulated objects* (hereinafter: plant holders) shall mean legal and natural persons or entrepreneurs who are the owners or users of plants, plant products and regulated objects, or persons involved in their production, processing, finishing, storage, circulation and importation or use them in other manner, as well as owners or users of land on which is determined the presence of harmful organisms;

9) *plant health* shall mean the protection of health of plants, plant products and regulated objects from harmful organisms by the application of phytosanitary measures;

10) *country of origin* shall mean the country in which the plant was cultivated or the country in which were cultivated the plants from which the plant products were derived or the country in which plant products were exposed to the influence of harmful organisms for the first time;

11) *reporting* shall mean the official procedure according to which the flow of information is established in the prescribed manner;

12) *export* shall mean every transportation of a consignment outside the territory of the Republic of Serbia, which includes re-exporting and temporary exports;

13) *introduced organisms* shall mean all types of organisms brought by humans into an eco-system where they had not existed until such moment;

14) *production site* shall mean any place of production or production facility which represents an integrated production unit, with all ancillary facilities, machinery and equipment;

15) *internationally recognized standards, recommendations and recommendations* shall mean those developed by the Secretariat of the International Plant Protection Convention (IPPC) and in cooperation with regional organizations acting in conformity with the IPPC;

16) *health monitoring* shall mean the procedure of monitoring and examining the phytosanitary status in the Republic of Serbia;

17) *health examination* shall mean the official procedure whereby visual inspections of plants, taking of official samples and laboratory analyses are used to determine the presence of harmful organisms on plants, plant products and regulated objects;

18) *transit* shall mean every transportation of a consignment through the territory of the Republic of Serbia;

19) *regulated objects* shall mean plots of agricultural and forest land, facilities intended for storing, treating, finishing and processing plants and plant products, product and transportation packagings, containers, earth and other substrata in or on which are cultivated plants or other organisms, objects and materials which may contain and transmit harmful organisms;

20) *special supervision* shall mean an official procedure implemented in a designated period of time for the purpose of detecting the presence of harmful organisms or determining the properties of their populations or determining the extent of the area regarded as contaminated by harmful organisms, infected by or free of harmful organisms;

21) *a consignment of plants* shall mean a particular quantity of plants, plant products and regulated objects which is being transported;

22) *seeds* shall mean seed in the botanical sense, intended for sowing;

23) *official sample* shall mean a sample taken by the phytosanitary inspector or person performing activities of public interest;

24) *permanent supervision* shall mean the official process of recording, gathering and processing data on the presence or absence of harmful organisms based on phytosanitary inspections, monitoring, examinations of health status or other procedures and based on other sources; 25) *importation of a consignment* shall mean every introduction of a consignment of plants, plant products and regulated objects into the territory of the Republic of Serbia, except for transit;

26) *introduction of a harmful organism* shall mean every introduction of a harmful organism in a particular area in which that organism is not present or its presence is limited;

27) *a phytosanitary measure* shall mean an official procedure implemented to prevent the introduction or spread of harmful organisms and to reduce economic damage caused by the activity of harmful organisms on plants, plant products and regulated objects;

28) *a phytosanitary inspection* shall mean an inspection of documents, identities and health status of plants, plant products and regulated objects, for the purpose of determining the presence or absence of harmful organisms, as well as every other inspection of conformity with phytosanitary regulations;

29) *phytosanitary certificate* (hereinafter: phytocertificate) shall mean an international certificate on the health status of a consignment of plants of issued by the competent plant protection authority of the country of origin of the plant consignment which accompanies the consignment in exportation, importation and transit;

30) *phytosanitary certificate for re-exportation* (hereinafter: re-export phytocertificate) shall mean an international certificate on the health status of plant consignments issued by the competent authority of a country which is not the country of origin, and on whose territory the consignment has been imported, stored, repacked or fragmented and must accompany a consignment which is being re-exported;

31) *living segments* of plants shall mean:

(1) fruit, in the botanical sense, except for those which are kept in deep-freeze conditions;

(2) vegetables, except for those which are kept in deep-freeze conditions;

(3) tubers, cloves, bulbs, rhizomes and other subterranean reproductive segments;

(4) cut flowers;

(5) branches with leaves or needles;

(6) cut trees with leaves or needles;

(7) live pollen;

(8) grafting buds, scions and splices;

(9) cultures of plant tissue;

(10) mycelium of edible and medicinal mushrooms, and the mushrooms themselves.

32) *harmful organisms* shall mean all varieties, species and bio-types of plants, animals or other pathogenic organisms which are harmful to plants or plant products.

Article 5

Protection of plant health in the territory of the Republic of Serbia, within their competences, shall be provided by the Republic of Serbia through its ministry in charge for plant health affairs (hereinafter: Ministry), entities which are registered in the Register of Producers, Processors, Finishers, Importers, Keepers and Traders in Plants, Plant Products and Regulated Objects and other entities in the sphere of protection of plant health.

The entities referred to in paragraph 1 of this Article shall be:

- 1) legal persons performing activities of public interest pursuant to this Law;
- 2) legal persons and entrepreneurs who provide services in the sphere of protection of plant health;
- 3) holders of plants.

The Ministry, and legal persons performing activities of public interest pursuant to this Law shall utilize official markings in the performance of activities within the scope of their competences.

The Minister in charge of plant health affairs in the agriculture and forestry (hereinafter: the Minister) shall prescribe the shape, size, content and design of the official markings, and the manner of use of the official markings.

Article 6

In the implementation of protection of plant health the Ministry, legal and natural persons shall be liable for every action, or failure to implement measures for protection of plant health, in accordance with this Law.

Article 7

The Ministry shall implement international obligations in conformity with IPPC recommendations, the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement), international conventions and other international agreements, and exchange information with other national organizations responsible for plant health.

Article 8

The entities engaged in protection of plant health shall be obliged to cooperate in performing phytosanitary examinations, monitoring and supervising plants, plant products and regulated objects, for the purpose of detection and reporting on the presence of harmful organisms and their suppression and eradication.

II. RIGHTS AND OBLIGATIONS OF HOLDERS OF PLANTS

Rights of Holders of Plants

Article 9

Holders of plants shall be entitled to:

- 1) access to information in the sphere of protection of plant health;
- 2) information on measures in connection with the occurrence of harmful organisms, the intensity of occurrence and the threat of harmful organisms, and prevention of infections or infestations on harmful organisms;
- 3) professional training.

Obligations of Holders of Plants

Article 10

Holders of plants shall be obliged to:

- 1) conduct inspections of plants on arable land (fields, plantations, nurseries, gardens, greenhouses etc.), non-arable land and wasteland (boundary land, untended land etc.), facilities for storing, finishing and processing plants and plant products, conveyances of plants, plant products and regulated objects, as well as plants, plant products and regulated objects for their own use;
- 2) suppress harmful organisms which may endanger their plants, plant products and regulated objects, as well as the plants, plant products and regulated objects of other plant holders;
- 3) undertake measures for protection of plant health to ensure optimal plant production;
- 4) keep records of measures taken for protection of plant health, treatment of plants and plant products, in the field and in protected areas;
- 5) enable phytosanitary inspections, in conformity with this Law;
- 6) inform the competent inspector about every new and unusual occurrence of harmful organisms, of which the inspector shall inform the Ministry forthwith;
- 7) implement without delay ordered phytosanitary measures in conformity with this Law.

Where holders of plants fail to implement measures referred to in paragraph 1, items 2, 3 and 7 of this Article, the competent inspector shall order implementation of those measures at the expense of the holder.

III. ENTITIES IN THE AREA OF PROTECTION OF PLANT HEALTH WHICH ARE REGISTERED IN THE REGISTER OF PRODUCERS, PROCESSORS, FINISHERS, IMPORTERS, KEEPERS AND TRADERS IN PLANTS, PLANT PRODUCTS AND REGULATED OBJECTS

Entities Subject to Registration

Article 11

The following may engage in production, processing, finishing, importing, storing and circulating plants, plant products and regulated objects which are specified in List VA Part I, List VA Part II, List VB Part I and List VB Part II: legal persons and entrepreneurs registered in the Register of Economic Operators and which are registered in the Register of Producers, Processors, Finishers, Importers, Keepers and Traders in Plants, Plant Products and Regulated Objects (hereinafter: the Register) kept by the Ministry.

Legal persons and entrepreneurs registered in the Register of Economic Operators and duly registered in the Register referred to in paragraph 1 of this Article may engage in production, processing, finishing, importing, storing and circulating certain kinds of plants, plant products and regulated objects which are not specified in List VA Part I and List VA Part II.

Legal persons and entrepreneurs referred to in paragraphs 1 and 2 of this Article shall be registered in the Register of Economic Operators in accordance with the law governing the registration of economic operators.

Natural persons registered in the Register may also engage in the production of plants, plant products and regulated objects referred to in paragraphs 1 and 2 of this Article which are intended for circulation.

The Minister shall determine the particular types of plants, plant products and regulated objects referred to in paragraph 2 of this Article.

Manner of Registration

Article 12

Registration shall be performed on the basis of a request submitted to the Ministry by the legal person or entrepreneur referred to in Article 11 of this Law.

The request for registration shall contain the following in particular:

- 1) data about the applicant (title, headquarters, address, official registration number, tax identification number and data about the responsible person);
- 2) activity code;
- 3) data about the person in charge for plant health (name and surname, address and citizens' personal identification number);
- 4) data about the agricultural land used for the production of plants and its purpose (cadastral municipality and cadastral plot number).
- 5) data about the form and location of storing, finishing, processing or circulating plants, plant products and regulated objects.

To the request referred to in paragraph 2 of this Article shall be attached proof that the person in charge for plant health has professional experience in connection with the health of plants of one year's duration.

Natural persons shall submit the following data in their requests for registration to the Registry: name and surname, address, citizens' personal identification number, number in the Register of Agricultural Holdings – if they are registered therein, as well as data referred to in paragraph 2, items 4 and 5 of this Article.

The Minister shall issue a decision on registration no later than 30 days from the date of submission of the request.

Legal persons, entrepreneurs and natural persons shall have an obligation to notify the Ministry of any change of the data no later than 15 days from the date of the change.

Register

Article 13

Data kept in the Register shall be public.

The Register shall be kept in an electronic form and may be linked to other data bases and registers of the Ministry.

The Minister shall prescribe the manner of administering the Register, as well as the form of the application for registration.

Obligations of Persons in the Register

Article 14

Legal persons, entrepreneurs and natural persons registered in the Register shall have the following obligations:

- 1) to keep accurate data about production, processing, finishing, storage and circulation of plants, plant products and regulated objects which they store, sow, plant, produce, finish, process or circulate;
- 2) keep for five years data about the locations where plants, plant products and regulated objects are cultivated, produced, finished, processed, stored, kept or used;
- 3) conduct regular visual inspections for the presence of harmful organisms in the duly prescribed manner;
- 4) keep prescribed documentation for five years, in accordance with this Law.

The Minister shall prescribe the manner of performing visual inspections of plants, plant products and regulated objects, as well as the manner of communicating data.

Deletion from the Register

Article 15

Legal persons, entrepreneurs and natural persons shall be deleted from the Register:

- 1) if they issue a decision to discontinue engaging in the activity recorded in the Register;
- 2) if they fail to give notice in the prescribed period of the changes of data referred to in Article 12 paragraph 2, items 4 and 5 of this Law.

The Minister shall issue a decision on deletion from the Register.

IV. OTHER ENTITIES IN THE FIELD OF PROTECTION OF PLANT HEALTH AND THEIR ORGANIZATIONAL FORMS

1. National Phytosanitary Reference Laboratory

Article 16

The National Phytosanitary Reference Laboratory shall be founded by the law that regulates protection of plants for the purpose of performing laboratory testing activities..

Activities of Public Interest

Article 17

Activities of public interest in the sphere of harmful organism diagnostics and protection of plant health shall be as follows:

- 1) monitoring and inspecting the plant health during the course of their growth and development in fields, gardens, facilities and other areas and keeping records thereof, including wild growths;
- 2) monitoring and inspecting the health of seed and seed materials of fruit trees, grapes and hops for the presence of harmful organisms;
- 3) implementation of the Program of Measures for the Protection of Plant Health;
- 4) gathering biological, meteorological and other data for the purpose of predicting the occurrence of harmful organisms;
- 5) reporting on the presence, occurrence and spread of harmful organisms and forecasting the occurrence of harmful organisms, the development and movements of their populations, and determining optimal timeframes for their suppression;
- ;
- 6) routine laboratory analyses of official samples of plants, plant products and regulated objects, in conformity with internationally recognized

procedures, for the purpose of establishing the presence of harmful organisms and the intensity of their occurrence;

- 7) preparation of a scientific basis for adopting preventive measures and the Program of Measures for the Protection of Plant Health;
- 8) applied and other research in the area of harmful organism diagnostics and protection of plant health;
- 9) providing professional opinions in the area of harmful organism diagnostics and protection of plant health;

- 10) education of the holders of plants, providers of services and other persons on harmful organisms and phytosanitary measures;
- 11) conducting professional training of persons in charge of harmful organism diagnostics and protection of plant health;
- 12) preparation of a scientific basis for drafting regulations in the area of harmful organism diagnostics and protection of plant health;

Public Bid for Performing Activities of Public Interest

Article 18

Activities of public interest in the sphere of harmful organism diagnostics and protection of plant health may be assigned to legal persons through public bid announced by the Ministry (hereinafter: Legal person performing activities of public interest) and published in the *Official Gazette of the Republic of Serbia*.

For activities of public interest referred to in Article 17 paragraphs 1, items 1, 2 and 9, the period for which public bids are advertised shall be at least five years.

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

- 1) the types of activities of public interest in the area of harmful organism diagnostics and protection of plant health for which the public bid is held;
- 2) the period for which the activities of public interest are assigned;
- 3) proof of fulfillment of international standards in respect of technical and professional qualifications;
- 4) proof of fulfillment of requirements in respect of experience, results and timeliness in the existing performance of public activities;
- 5) the time limit for the issuance and publication of the decision on the election of a legal person;
- 6) manner of notification about the results of the public bid.

The public bid referred to in paragraph 1 of this Article shall be implemented by a Commission appointed by the Minister.

The Minister shall issue a decision on the election of a legal person for the performance of activities of public interest.

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

Contract on Performing Activities of Public Interest

Article 19

Pursuant to the election decision, the Ministry shall conclude with the legal person to whom has been assigned the performance of activities in the area of harmful organism diagnostics and protection of plant health a contract defining the following:

- 1) activities of public interest which are the subject matter of the contract;
- 2) the responsible person in charge of performing certain activities in the sphere of harmful organism diagnostics and protection of plant health;
- 3) the methods, manner and procedure of performing activities in the sphere of harmful organism diagnostics and protection of plant health;
- 4) mutual rights, obligations and liabilities;
- 5) the term of the contract;
- 6) the manner of funding the activities of public interest.

Uniform Methods, Criteria and Guidelines for Performing Activities of Public Interest

Article 20

The Reference Laboratory shall organize and establish the application of uniform methods, criteria and guidelines for the performance of activities of public interest on the territory of the Republic of Serbia which are performed by legal persons performing activities of public interest.

The legal persons referred to in paragraph 1 of this Article shall have an obligation to perform activities of public interest in conformity with the uniform methods, criteria and guidelines of the Reference Laboratory.

2. Providers of Services

Services in the Sphere of Protection of Plant Health

Article 21

Services in the sphere of protection of plant health, within the meaning of this Law, shall be the following:

- 1) laboratory analyses and testing of plants, plant products and regulated objects for the purpose of determining the presence of harmful organisms;
- 2) monitoring and predicting the occurrence of harmful organisms, the development and movements of their populations and determining optimal timeframes for their suppression and issuing appropriate recommendations;
- 3) applied and other research in the area of protection of plant health;
- 4) education and provision of advice and recommendations on harmful organisms and their suppression;
- 5) suppression of harmful organisms by applying disinfection, disinsection, deratisation, decontamination and other treatment procedures;
- 6) issuance of plant passports.

Register of Providers of Services

Article 22

Services in the sphere of protection of plant health may be provided by legal persons and entrepreneurs who are registered in the Register of Economic Operators and in the Register of Providers of Services in the Area of Protection of Plant Health (hereinafter: Register of Providers of Services), which is kept by the Ministry.

The legal persons and entrepreneurs referred to in paragraph 1 of this Article shall be registered in the Register of Providers of Services provided they fulfill conditions in respect of their facilities, equipment and professionally qualified personnel (hereinafter: service provider).

Service providers shall have an obligation to bring the provision of services referred to in Article 21, item 1 of this Law in conformity with the uniform methods, criteria and guidelines of the Reference Laboratory.

The Minister shall prescribe the conditions referred to in paragraph 2 of this Article depending on the type of services provided in the sphere of protection of plant health.

The Minister shall determine by a decision whether the conditions referred to in paragraph 2 of this Article are fulfilled.

Contents of the Register of Providers of Services

Article 23

The Register of Providers of Services shall contain in particular the following:

- 1) number of the entry in the Register of Providers of Services;
- 2) number from the Register of Economic Operators;
- 3) title, headquarter and activity code;
- 4) type and scope of services in the sphere of protection of plant health for which the provider is registered in the Register of Providers of Services and the area in which those services are performed;
- 5) tax identification number;
- 6) data about the person in charge of providing the services.

Data in the Register shall be public.

The Minister shall prescribe the manner of registration in the Register of Providers of Services, the content and form of the application for registration, and the content and the manner of keeping the Register of Providers of Services.

Deletion from the Register of Providers of Services

Article 24

Providers of services shall be deleted from the Register of Providers of Services if they issue a decision to discontinue providing services for which they are registered in the Register of Providers of Services or if they cease fulfilling the requirements referred to in Article 22 paragraphs 2 and 3 of this Law.

The Minister Decisions shall issue a decision on deletion of provider from the Register of Providers of Services.

Service Providers' Records

Article 25

Service providers in the sphere of protection of plant health shall be obliged to keep records of services performed, in electronic form and in written form on prescribed forms.

In respect of services referred to in Article 21, item 2, service providers shall be obliged to submit regular reports to the Ministry in the prescribed manner and timeframes.

Service providers referred to in paragraph 1 of this Article shall keep proof on performed services for five years.

The Minister shall prescribe the manner of keeping records, the content of the records and the record form, as well as the manner, content and form of the report and the deadlines referred to in paragraph 2 of this Article.

V. EXPERT COUNCIL FOR PROTECTION OF PLANT HEALTH

Establishment of the Expert Council for Protection of Plant Health

Article 26

For the purpose of reviewing professional issues, rendering professional opinions and participating in the realization of projects assignments related to the protection of plant health, the Minister pursuant to the legislation that regulate the state administration shall establish by decision a specialized working group - the Expert Council for Protection of Plant Health (hereinafter: Expert Council).

Activities of the Expert Council

Article 27

The Expert Council shall review professional issues, render professional opinions and participate in the realization of project assignments in connection with the following:

- 1) risk analyses of the introduction and spread of harmful organisms and estimates of possible negative consequences for the plant health;
- 2) long-term plant health protection strategies;
- 3) harmful organisms, for which the Program of Measures for the Protection of Plant Health is adopted;
- 4) proposed lists of harmful organisms and lists of plants, plant products and regulated objects;
- 5) plant health protection plans and special programs;
- 6) phytosanitary measures which need to be adopted or amended for the purpose of promoting plant health protection;
- 7) issuing recommendations for professional training;
- 8) performing other necessary tasks in connection with the protection and promotion of plant health.

VI. ADVANCED TRAINING

Advanced Training Obligation

Article 28

Phytosanitary and forestry inspectors, as well as persons employed in the Ministry who perform tasks in the sphere of protection of plant health, shall undergo training and shall be subject to prescribed knowledge examinations within a program adopted by the Ministry.

Persons who perform in legal person activities of public interest shall undergo training and shall be subject to prescribed knowledge examinations within a program adopted by the Ministry in cooperation with the Reference Laboratory.

Service providers shall undergo training and shall be subject to prescribed knowledge examinations within a program adopted by the Ministry in cooperation with the Reference Laboratory.

Training for holders of plants, service providers and other persons who have an interest in harmful organisms encompassed by the prescribed lists shall be organized and implemented by the Ministry.

VII. PROTECTION OF PLANT HEALTH

1. Measures for Preventing the Introduction of, Detecting, Preventing the Spread of and Suppressing Harmful Organisms

Article 29

Plan documents shall be adopted for the purpose of protecting plant health and improving activities on protection of plant health.

The plan documents referred to in paragraph 1 of this Article are as follows:

- 1) Long-Term Strategy of Protecting Plant Health;
- 2) Program of Measures for Protection of Plant Health;
- 3) specific programs of protecting plant health.

Long-Term Strategy of Protecting Plant Health

Article 30

The Government shall adopt the Long-Term Strategy of Protecting Plant Health for a period of five years.

The Long-Term Strategy referred to in paragraph 1 of this Article shall define the interests of the Republic of Serbia in the sphere of plant health, the scope of measures for preventing the introduction and spread of harmful organisms and for their suppression, and the manner of their implementation, elements for adopting programs for the suppression of endemic and other harmful organisms which threaten agriculture and forestry of the Republic of Serbia, as well as the manner of their enactment.

The Long-Term Strategy referred to in paragraph 1 of this Article shall also determine the amount of the funds needed for its implementation which shall be provided from the Budget of the Republic of Serbia.

Program of Measures for Protection of Plant Health

Article 31

For the purpose of preventing the occurrence, introduction and spread of harmful organisms and their suppression, the Minister shall adopt the Program of Measures for Protection of Plant Health (hereinafter: Program of Measures) no later than the end of January for the year for which the Program of Measures is being adopted.

The harmful organisms for which the Program of Measures is adopted shall be determined on the basis of the opinion of the Expert Council. The opinion of the Expert Council for including certain harmful organisms in the Program of Measures must be based on the assessment of risk to health of plants in the agriculture and forestry, as well as recommendations and obligations stemming from membership in international organizations.

The Program of Measures shall define concrete measures, time limits, manner of implementing those measures, the entities who will implement them, sources of funds and manner of securing and using funds, as well as the manner of controlling the implementation of the measures.

Specific Programs for Protection of Plant Health

Article 32

Specific programs for protection of plant health shall be adopted in the case of need to implement urgent phytosanitary measures due to the occurrence of certain harmful organisms, as well as in the prevention of the spread of harmful organisms, their suppression and eradication.

Specific programs for protection of plant health shall define concrete measures, time limits, the manner of implementing those measures, the entities who will implement them, sources of funds and manner of securing and using funds, as well as the manner of controlling the implementation of the measures.

The Minister shall issue specific programs for protection of plant health.

2. Lists of Harmful Organisms and Lists of Plants, Plant Products and Regulated Objects

Article 33

For the purpose of preventing the introduction and spread of harmful organisms and their suppression on the territory of the Republic of Serbia, the lists of harmful organisms and lists of plants, plant products and regulated objects which may be carriers of harmful organisms shall be determined.

Lists of Harmful Organisms

Article 34

Lists of harmful organisms referred to in Article 33 of this Law shall be determined depending on the degree of risk to the health and survival of plants, plant products and regulated objects, as well as economic damage they may cause, as follows:

- 1) List IA part I shall determine harmful organisms not known to be present on the territory of the Republic of Serbia whose introduction and spreading in the Republic of Serbia is prohibited;
- 2) List IA part II shall determine harmful organisms known to be present in a limited area in the Republic of Serbia and whose introduction and spreading in the Republic of Serbia is prohibited;
- 3) List IB shall determine harmful organisms whose introduction in certain protected zones and spreading within those zones is prohibited;
- 4) List IIA part I shall determine harmful organisms not known to be present on the territory of the Republic of Serbia and whose introduction and spreading in the Republic of Serbia is prohibited, if they are present on certain plants, plant products and regulated objects;
- 5) List IIA part II shall determine harmful organisms known to be present in a limited area of the Republic of Serbia and whose introduction and spreading in the Republic of Serbia is prohibited, if they are present on certain plants, plant products and regulated objects;
- 6) List II.B shall determine harmful organisms whose introduction in certain protected zones and spreading within those zones is prohibited, if they are present on certain plants, plant products and regulated objects.

The Minister shall prescribe the lists of harmful organisms referred to in paragraph 1 of this Article.

Lists of Plants, Plant Products and Regulated Objects

Article 35

Lists of plants, plant products and regulated objects which may be carriers of harmful organisms referred to in Article 34 of this Law, and which represent a threat to the health of plants, are as follows:

- 1) List IIIA shall determine the types of plants, plant products and regulated objects whose importation into the Republic of Serbia is prohibited;
- 2) List IIIB shall determine the types of plants, plant products and regulated objects whose introduction into a certain protected zone is prohibited;
- 3) List IV.A part I shall determine the types of plants, plant products and regulated objects subject to specific phytosanitary requirements in importation;
- 4) List IVA part II shall determine the types of plants, plant products and regulated objects intended for circulation which are subject to specific phytosanitary requirements during relocation;

- 5) List IVB shall determine the types of plants, plant products and regulated objects which are subject to specific phytosanitary requirements in their introduction into certain protected zones;
- 6) List VA part I shall determine the types of plants, plant products and regulated objects which are subject to compulsory phytosanitary examinations for the purpose of the issuance of plant passports;
- 7) List VA part II shall determine the types of plants, plant products and regulated objects which are subject to compulsory phytosanitary examinations for the purpose of the issuance of plant passports at introduction into a protected zone;
- 8) List VB part I shall determine the types of plants, plant products and regulated objects which are subject to compulsory phytosanitary examination at importation which must be accompanied by a phytosanitary certificate;
- 9) List V.B part II. shall determine the types of plants, plant products and regulated objects which are subject to a compulsory phytosanitary examination in importation into protected zones and which must be accompanied by phytosanitary certificates for those zones;
- 10) List VI. shall determine the types of plants, plant products and regulated objects to which special procedures and phytosanitary measures may be applied.

The Minister shall prescribe the lists of plants, plant products and regulated objects referred to in paragraph 1 of this Article.

Monitoring Health Status

Article 36

Constant supervision and phytosanitary measures shall be implemented, in accordance with this Law, for the purpose of preventing the introduction of harmful organisms into the territory of the Republic of Serbia, their detection, prevention of their spread and their suppression.

The Minister may determine the implementation of special phytosanitary examinations for the purpose of detecting specific harmful organisms on plants, plant products and regulated objects.

Presence of Harmful Organisms

Article 37

Harmful organisms are deemed to be present on plants, plant products and regulated objects in the following cases:

- 1) when harmful organisms from List IA part I, List IA part II, List IIA part I and List IIA part II occur on the territory of the Republic of Serbia;

- 2) when harmful organisms from List IB and List IIB occur in specific protected zones;
- 3) when unusual occurrences of harmful organisms or symptoms leading to suspicion about the occurrence of harmful organisms from List IA part I, List IA part II, List IIA part I, List IIA part II, List IB and List IIB or organisms which are harmful to plants intended for planting, are detected on plants, plant products and regulated objects;

Holders of plants shall have an obligation to report to the Ministry through the competent inspector the occurrence of harmful organisms referred to in paragraph 1 of this Article on plants, plant products and regulated objects.

The Minister shall prescribe the manner of reporting and the form of the report referred to in paragraph 2 of this Article.

Detection and Identification of Harmful Organisms

Article 38

Where the occurrence of harmful organisms referred to in Article 37 of this Law is suspected, the phytosanitary inspector shall take an official sample and forward it to the Reference Laboratory for examination.

The Reference Laboratory shall confirm or negate the suspicion of the presence of harmful organisms and determines the cause of the appearance of the symptoms.

Official samples shall be treated in such a manner that the identity of the sample is secured and the danger of dissemination of the harmful organism is avoided.

Measures in the Event of the Presence or Infection by Harmful Organism

Article 39

When on the basis of the results of examination is determined the existence of an infection by a harmful organism from List IA part I, List IA part II, List IIA part I and List IIA part II or harmful organism from List IB and List IIB in a protected zone, the phytosanitary inspector shall be obliged to, depending on the circumstances, order one or more phytosanitary measures, as follows: treatment, destruction or other form of removal of the harmful organism, infected plants, plant products and regulated objects, for the purpose of preventing the spread of the harmful organism, its suppression or eradication.

In the event of an infection by harmful organisms from the lists referred to in paragraph 1 of this Article, holders of plants shall have the following obligations:

- 1) to protect plants, plant products and regulated objects by applying phytosanitary measures ordered by the phytosanitary inspector;
- 2) prevent contacts between infected plants and other plants, plant products and regulated objects to which the infection could spread.

For the purpose of preventing infections or infestations of harmful organisms, the Ministry shall inform other entities and holders of plants about the occurrence and

intensity of the infection, phytosanitary measures and the threat posed by the harmful organism, and the measures recommended by international plant protection organizations,.

The Minister shall determine the measures to be implemented in the event of the occurrence of the harmful organism referred to in paragraph 1 of this Article.

Risk Analysis

Article 40

The risk analysis shall encompass an assessment of biological and other scientific and economic data as to whether a certain harmful organism should be regulated or subjected to a special phytosanitary measure or procedure.

The regulated harmful organisms referred to in paragraph 1 of this Article are all harmful organisms from List IA part I, List IA part II, List IIA part I, List IIA part II, List IB and List IIB, or harmful organisms which by their presence on plants which are intended for planting cause unacceptable economic damage.

The risk analysis shall be performed in conformity with the Program of Measures.

The risk analysis procedure shall encompass an assessment of the possibility of the introduction, domestication or spread of regulated harmful organisms, in conformity with internationally accepted standards, guidelines and recommendations.

Risk management shall be determination and implementation of phytosanitary measures.

The Minister shall define the conditions and manner of implementing risk analysis procedures and risk management.

Records of Harmful Organism Occurrences and Findings

Article 41

The Ministry shall keep a record of the occurrence, introduction, spreading, findings and applied measures to suppress harmful organisms and findings of harmful organisms, as well as other records of constant supervision.

The Minister shall define the content and manner of keeping the record referred to in paragraph 1 of this Article.

Publication of Data about Harmful Organisms

Article 42

Unauthorized disclosure or publication of data about the first occurrence of harmful organisms from List IA part I, List IA part II, List IIA part I and List IIA part II shall be prohibited.

The Minister shall define the manner of publication of data about the first occurrence of harmful organisms from List IA part I, List IA part II, List IIA part I and List IIA part II.

Specially Regulated Zones

Article 43

Specially regulated zones shall be infected areas, threatened areas or areas free of harmful organisms in which protection of health of plants, plant products and regulated objects is implemented by way of special supervision.

The Minister shall prescribe the manner of designating the limits of infected and threatened areas and areas free of harmful organisms, measures of detection, prevention of the spread of and suppression for every harmful organism, requirements for discontinuing a measure which has been ordered, as well as the manner of notification about measures which have been taken and about their termination.

Special supervision of certain harmful organisms shall be performed in conformity with the Program of Measures.

Where special supervision detects the presence of a harmful organism, the phytosanitary inspector shall mark the site of the infection and depending on the type of harmful organism and type of specially regulated zone orders appropriate measures to be implemented by holders of plants.

The Minister shall prescribe the limits of infected areas, threatened areas or areas free of harmful organisms.

Protected Zones

Article 44

Protected zones shall be areas where the presence of one or more harmful organisms has not been detected, although there existed favorable conditions for their occurrence, or areas where there exists a threat of infection by certain harmful organisms under favorable ecological conditions on certain types of plants and the presence of such harmful organisms has so far not been detected.

In protected zones in which the presence of one or more harmful organisms has not been determined although there existed favorable conditions for their occurrence, the Ministry shall organize constant monitoring for the purpose of detecting the occurrence of those harmful organisms for which that zone was declared protected.

In protected zones where there is a danger of infection by certain harmful organisms under favorable ecological conditions on certain types of plants, and the presence of those harmful organisms has so far not been determined on the territory of the Republic of Serbia, the Ministry shall secure periodical monitoring for the possible detection of the occurrence of those harmful organisms for which that zone was declared protected.

If the presence of one or more harmful organisms for which an area was declared a protected zone is determined in that protected zone, and phytosanitary measures for their eradication have not been implemented or have been implemented but were inefficient in a period at least two consecutive years, that territory shall lose the status of a protected zone.

The Minister shall prescribe conditions and manner of designating protected zones, the list of protected zones, conditions and manner of monitoring for the possible detection of the occurrence of those harmful organisms for those areas were declared protected zones, and the deletion of a protected zone from the list of protected zones.

Compensation for Damage

Article 45

Holders of plants, who produce plants, plant products and regulated objects shall be entitled to a compensation for damage, provided they:

- 1) reported immediately the occurrence or suspicion of occurrence of harmful organisms from List IA part I and harmful organisms from List IA part II, for which the Minister has prescribed certain measures of eradication or prevention of spreading, or in the case of a protected zone harmful organisms from List IB and List IIB;
- 2) implemented all measures for protecting plant health, as well as phytosanitary measures which have been ordered.

The funds for compensation shall be secured in the Budget of the Republic of Serbia.

The compensation referred to in paragraph 1 of this Article shall not be paid out if the harmful organism was detected during a phytosanitary examination of plants, plant products and regulated objects during importation into the Republic of Serbia and during customs supervisions.

Holders of plants, plant products and regulated objects which have been destroyed shall submit compensation claims to the Ministry.

Compensation claims shall be submitted no later than 30 days from the date of delivery of the decision on the destruction of plants, plant products and regulated objects.

Prescribed documentation shall be submitted along with the compensation claim.

The Minister shall prescribe the amount of compensation.

The Minister shall prescribe the conditions, procedure, manner of determining the amount of compensation and required documentation for compensation of damage for harmful organisms from the lists referred to in paragraph 1.1 of this Article, as well as the types of harmful organisms from List IA part II.

3. Prohibitions and Restrictions

Prohibition of Introduction and Spreading of Harmful Organisms

Article 46

It shall be prohibited to bring harmful organisms from List IA part I, List IA part II, List IIA part I and List IIA part II into the territory of the Republic of Serbia and to spread them through plants, plant products and regulated objects.

It shall be prohibited to bring harmful organisms from List IB and List IIB into protected zones and to spread them through plants, plant products and regulated objects in protected zones.

If there is a threat to the plant health, introduction and spreading of other types of harmful organisms may also be prohibited or restricted, as follows:

- 1) those suspected of being harmful to plants, plant products and regulated objects but which are not listed in the lists referred to in paragraphs 1 and 2 of this Article;
- 2) the harmful organisms listed in List IIA part I, List IIA part II and List IIB which are suspected to be harmful to plants, plant products and regulated objects which are not specified in those lists;
- 3) the harmful organisms listed in the lists referred to in paragraphs 1 and 2 of this Article if those organisms are in cultures and if it is estimated that in such a state they are harmful to plants, plant products and regulated objects.

The Minister shall prescribe Criteria for the prevention and restriction of introduction and for prevention and restriction of spreading of other types of harmful organisms referred to in paragraph 3 of this Article.

Import Bans for Plants, Plant Products and Regulated Objects

Article 47

The importation of plants, plant products and regulated objects from List IIIA shall be prohibited.

The importation into a protected zone of plants, plant products and regulated objects from List IIIB for which that zone was declared protected shall be prohibited.

The Minister may allow by decision the importation of plants, plant products and regulated objects from List IIIA and List IIIB, provided they are cultivated, produced or used in an area alongside the border in a neighboring country, for the purpose of being used in nearby locations alongside the border of the Republic of Serbia and if there exists no risk of a spread of harmful organisms.

The decision referred to in paragraph 3 of this Article shall contain the designation of the location and the name of the user.

The Minister shall define the manner and conditions referred to in paragraph 3 of this Article.

The Ministry shall keep a record of performed imports referred to in paragraph 3 of this Article.

Prohibition of Importation and Circulation of Plants, Plant Products and Regulated Objects which do not Fulfill Specific Phytosanitary Requirements

Article 48

Importation and circulation of plants, plant products and regulated objects from List IVA part I and List IVA part II which do not fulfill specific phytosanitary requirements shall be prohibited.

Importation and circulation of plants, plant products and regulated objects from List IVB which do not fulfill specific phytosanitary requirements into a protected zone and their circulation in the protected zone shall be prohibited.

Importation and circulation of plants, plant products and regulated objects which are not contained on the lists referred to in paragraphs 1 and 2 of this Article may be prohibited if it is established through a prescribed risk analysis that there exists a threat to the health of plants on the territory of the Republic of Serbia.

The Minister may permit by decision the importation of plants, plant products and regulated objects from List IVA part I, List IVA part II and List IVB provided they were cultivated, produced or used in an area in a neighboring country alongside the border, for the purpose of use in nearby locations alongside the border of the Republic of Serbia and where there exists no risk of a spread of harmful organisms.

The decision referred to in paragraph 4 of this Article shall contain the designation of the location and the name of the user.

The Minister shall prescribe the manner and conditions referred to in paragraph 4 of this Article.

The Ministry shall keep a record of performed imports referred to in paragraph 4 of this Article.

Exemptions for Experiments, Research Work and Work on Cloning Selections

Article 49

Introduction of harmful organisms from List IA part I, List IA part II, List IIA part I, List IIA part II, List IB and List IIB, as well as importation of plants, plant products and regulated objects from List IIIA, List IIIB, List IVA part I, List IVA part II and List IVB, may be conducted by legal persons:

- 1) for the purpose of experiments or scientific purposes or for work on cloning selection;
- 2) which are technically qualified in conformity with international standards, guidelines and recommendations to prevent the threat of spreading of a harmful organism;

- 3) which possess an import approval for plants, plant products and regulated objects, or harmful organisms;
- 4) which possess a phytocertificate.

The Ministry shall issue the import approval referred to in paragraph 1, item 3 of this Article, at the request of the legal person.

The request shall contain the following, in particular:

- 1) data about the applicant;
- 2) data about the harmful organism, or plants, plant product or regulated object;
- 3) purpose of introduction of the harmful organism, or plants, plant products and regulated objects.

A document specifying the need for introduction of the harmful organisms, or importing plants, plant products and regulated objects referred to in paragraph 1, item 1 of this Article shall be attached to the request referred to in paragraph 3 of this Article.

The Ministry shall keep a record of the imports referred to in paragraph 2 of this Article.

The Minister shall prescribe the requirements with respect to the technical qualifications referred to in paragraph 1, item 2 of this Article and the form of the request referred to in paragraph 3 of this Article.

Transit Exemptions

Article 50

The provisions of Articles 46, 47 and 48 of this Law shall not apply to the transit of consignments of plants, plant products and regulated objects.

Small Quantities Exemptions

Article 51

The provisions of Articles 47 and 48 of this Law shall not apply to small quantities of plants, plant products and regulated objects if they are used for non-industrial and non-commercial purposes or are used for consumption during travel, provided there is no threat of a spread of harmful organisms.

VIII. CIRCULATION OF PLANTS, PLANT PRODUCTS AND REGULATED OBJECTS

Conditions for Circulation of Plants, Plant Products and Regulated Objects

Article 52

Plants, plant products and regulated objects on List VA part I and seeds on List IVA part I and List IVA part II may be placed in circulation after the performance of a phytosanitary examination only if a plant passport is attached to them or attached to their packaging or if it accompanies their means of transportation.

The provisions of paragraph 1 of this Article shall not apply to circulation of small quantities of plants, plant products and regulated objects if they are used for non-industrial and non-commercial purposes or are used for consumption during travel, provided there exists no threat of a spread of harmful organisms.

Consignments of plants, plant products and regulated objects on List VA part I and List VA part II which are placed in circulation and are intended for experiments, or scientific purposes or work on cloning selection shall be subject to phytosanitary examinations and accompanied with a plant passport.

Circulation through a Protected Zone

Article 53

Plants, plant products or regulated objects on List V.A part II. and seeds on List IV.A part I and List IV.A part II. may be placed in circulation in protected zones and within that zone after the performance of a phytosanitary examination only if a plant passport for the protected zone is attached to the consignment or accompanies the means of transportation.

The provision of paragraph 1 of this Article shall not apply to the case where circulation of plants, plant products and regulated objects which are transiting through a protected zone and exiting from it is performed in a manner which prevents the introduction and spread of harmful organisms.

The Minister shall prescribe the manner of placing into circulation of plants, plant products and regulated objects referred to in paragraphs 1 and 2 of this Article.

Phytosanitary Examinations in Production, Finishing, Processing, Storage and Circulation

Article 54

Plants, plant products and regulated objects shall be subject to phytosanitary examinations at the place of production, circulation, finishing, processing and storage.

Plants, plant products and regulated objects on List VA part I intended for circulation, the packagings in which they are packed, and the conveyance in which they are transported shall be subject to phytosanitary examination in whole or on the basis of a representative sample, for the purpose of establishing the following:

- 1) that they are not infected with harmful organisms on List IA part I, List IA part II, List IIA part I and List IIA part II;
- 2) that they fulfill specific phytosanitary requirements on List IV.A part II.

Plants, plant products and regulated objects on List VA part II which are placed in circulation in protected zones shall be subject to the phytosanitary examination, for the purpose of establishing the following:

- 1) that they are not infected with harmful organisms from List IB and List IIB;
- 2) that they fulfill specific phytosanitary requirements on List IVB.

Certain types of plants, plant products and regulated objects referred to in Article 11 paragraph 5 of this Law shall also be subject to phytosanitary examination.

The phytosanitary examination referred to in paragraphs 2 and 3 of this Article must be performed regularly, in prescribed periods of time, at least once every year, in the prescribed manner.

Periodical Phytosanitary Examinations

Article 55

Besides the phytosanitary examinations referred to in Article 54 of this Law, for the purpose of ensuring health of plants periodical phytosanitary examinations of plants, plant products and regulated objects shall also be performed, as well as taking and testing of official samples at locations where they are moved, cultivated, produced, processed, stored, sold or used in other manner, including buyers' facilities.

Where based on the phytosanitary examinations referred to in paragraph 1 of this Article it is established that phytosanitary requirements are not fulfilled, the competent inspector may order the following measures:

- 1) treatment of plants, plant products and regulated objects;
- 2) relocation to a site where industrial processing is performed;
- 3) destruction of plants, plant products and regulated objects.

The Minister shall prescribe requirements for performing phytosanitary examinations, the manner of their performance, as well as of periodical phytosanitary examinations, and the timeframes for their performance.

Requirements for the Issuance of a Plant Passport

Article 56

Plant passports for plants, plant products and regulated objects on List VA part I and List VA part II and seed on List IVA part I and List IVA part II may be issued by legal persons or entrepreneurs who have employees holding a license for issuing plant passports.

The Ministry shall issue the license referred to in paragraph 1 of this Article for a period of three years.

The license referred to in paragraph 1 of this Article shall be issued to persons holding a university degree from the Agricultural Faculty, Plant Protection Department, or for forestry, a university degree from the Faculty of Forestry and a certificate of passing an examination in plant protection, who have been involved for at least three years in production of plants for that type of plant and who have passed a professional examination in the area of plant health.

Professional Examination

Article 57

The professional examination referred to in Article 56 paragraph 3 of this Law shall be taken before an examination commission formed by the Minister.

The organization and performing of the professional examination referred to in paragraph 1 of this Article shall be conducted by the Ministry.

The Minister shall prescribe the program, organization of performing of the professional examination, composition and work of the examination commission, the content of the professional examination, the form of the application for performing a professional examination, the form of the professional examination record, the form of the professional examination certificate and the manner of performing the professional examination.

Renewal of Licenses for Issuing Plant Passports

Article 58

Persons referred to in Article 56 paragraph 3 of this Law may renew their licenses by submitting applications no later than 90 days before the expiry of the existing licenses.

Renewal of the license referred to in paragraph 1 of this Article shall be performed in the following manner:

- 1) evaluation of professional knowledge in the plant health area;
- 2) evaluation of performance during the period for which the license was issued.

The Minister shall prescribe the manner and procedure of evaluating professional knowledge and performance.

Revocation of Licenses for Issuing Plant Passports

Article 59

Licenses for issuing plant passports shall be revoked:

- 1) at the request of the holder of the license;

- 2) if the holder of a license has been convicted for an offence under this Law, and the verdict is final and enforceable.

The Minister shall be obliged to issue a decision revoking the license for issuing plant passports, within eight days of the submission of the request or the date when the information on verdict referred to in paragraph 1, item 2 of this Article became available.

Records of Licenses

Article 60

The Ministry shall keep a record of issued, renewed and revoked licenses for issuing plant passports.

Types of Plant Passport

Article 61

Plant passports issued for plants, plant products and regulated objects referred to in Article 56 paragraph 1 of this Law may be:

- 1) a standard plant passport;
- 2) a plant passport for a protected zone;
- 3) a replacement plant passport.

For seeds on List IVA part I and List IVA part II, the label issued in conformity with regulations on seeds may be deemed a plant passport.

Legal persons or entrepreneurs referred to in Article 56 paragraph 1 shall be obliged to keep records on issued plant passports and to maintain those records for five years.

The Minister shall prescribe the content and form of the plant passport by types of plants, plant products and regulated objects, manner of issuing plant passports, as well as the content and manner of keeping records, as well as the form of record.

Issuance of Plant Passports

Article 62

Legal persons or entrepreneurs referred to in Article 56 paragraph 1 may issue plant passports for their own production if they are registered in the Register.

Service providers may issue plant passports to legal persons, entrepreneurs and natural persons registered in the Register.

Plant passports may also be issued by phytosanitary or forestry inspectors, if there is no service provider who employs a person holding a license for issuing plant passports on the territory of the local self-administration unit where production, processing, finishing, storage or circulation are performed.

Phytopsanitary inspectors may also issue plant passports for those parts of plants, plant products and regulated objects which are not suspected of being inspected, and if there exists no risk of spreading of harmful organisms, if it is established during phytopsanitary examination that a part of the plants, plant products and regulated objects being produced, processed, stored, finished or used is infected by harmful organisms on List IA part I, List IA part II, List IB, List IIA part I, List IIA part II or List IIB.

Replacement of Plant Passport

Article 63

Where a consignment is being divided into several smaller consignments or where several individual consignments or their parts are being assembled into a single consignment, or where the health status of a consignment changes, a replacement plant passport shall be issued for the new consignment, at the request of the legal person, entrepreneur or natural person registered in the Register.

Where the health status of the consignment referred to in paragraph 1 of this Article changes, the phytopsanitary inspector shall issue a replacement plant passport after performing a phytopsanitary examination.

The Minister shall prescribe the conditions under which replacement plant passports may be issued and the manner of issuing replacement plant passports.

Obligations of Persons Registered in the Register in Connection with the Issuance of Plant Passports

Article 64

Legal persons, entrepreneurs or natural persons registered in the Register shall be obliged to:

- 1) enable the issuance of a plant passport in accordance with this Law;
- 2) notify the phytopsanitary inspector about an intention to place in circulation plants, plant products and regulated objects in a protected zone;
- 3) preserve documentation related to the issuance of a plant passport for five years;
- 4) notify the Ministry about all changes in connection with the issuance of plant passports;
- 5) use plant passports, in accordance with this Law.

The Minister shall prescribe the manner and timeframes for notification of changes, placement in circulation in protected zones, as well as the manner of use of the plant passport referred to in paragraph 1 of this Article.

Obligations of Buyers of Plants, Plant Products and Regulated Objects

Article 65

Legal persons, entrepreneurs or natural persons shall be obliged to keep for one year plant passports for purchased plants, plant products and regulated objects.

IX. PHYTOSANITARY CONTROL IN INTERNATIONAL CIRCULATION

Place of Entry

Article 66

Plants, plant products and regulated objects shall be subject to the phytosanitary examination on importation at border crossings.

Importation, transit and exportation of plants, plant products and regulated objects may be performed through border crossings with organized phytosanitary inspection and which fulfill hygienic, technical and working requirements.

Exceptional to the provision of paragraph 1 of this Article, importation of certain plants, plant products and regulated objects may also be performed through border crossings where phytosanitary inspection is not organized but which are temporarily opened for that purpose on the basis of a decision of the Minister.

Consignments which are not subject to phytosanitary examination and which are packed in wooden packaging may be imported through border crossings at which customs service is organized.

The Minister shall designate the border crossings referred to in paragraph 2 of this Article.

The Minister shall prescribe the hygienic, technical, working and other conditions which must be fulfilled at border crossings referred to in paragraph 2 of this Article.

Phytosanitary Examinations on Importation

Article 67

Consignments of plants, plant products and regulated objects on List VB part I and List VB part I. which are being imported, their packaging and their means of transportation shall be subject to customs supervision and compulsory phytosanitary examination performed in whole or on the basis of a representative sample.

Consignments of plants, plant products and regulated objects on List VB part I may be imported if:

- 1) they are not infected with harmful organisms on List IA part I, List IA part II, List IIA part I and List IIA part II;
- 2) they have phytocertificate;

- 3) they do not contain plants, plant products and regulated objects on List III.A;
- 4) they fulfill specific phytosanitary requirements on List IVA part I and List IVA part II.

Consignments of plants, plant products and regulated objects on List VB part I and List VB part II may be imported into a protected zone if:

- 1) they are not infected with harmful organisms on List IB and List IIB;
- 2) they have phytocertificate;
- 3) they do not contain plants, plant products or regulated objects on List IIIB;
- 4) they fulfill specific phytosanitary requirements on List IVB.

Consignments of plants, plant products and regulated objects which are not listed in List VB part I and List VB part II, and may be potential hosts of regulated harmful organisms which are being imported, the packagings in which they are being imported and, if necessary, the vehicle in which they are being transported, may be imported if it is established after a phytosanitary examination performed in whole or a representative sample that they fulfill requirements referred to in paragraphs 2., items 1, 3 and 4 of this Article.

If the species or genus or origin of plants, plant products and regulated objects of consignments being imported cannot be determined, those consignments shall be deemed as if listed on List VB part I. and List VB part II.

Phytosanitary measures of the exporting country, in particular those relating to the fulfillment of specific phytosanitary requirements on List IVA part I, List IVA part II and List IVB at importation, shall be deemed equivalent to phytosanitary measures prescribed in the Republic of Serbia if the exporting country proves objectively that that they are based on scientific evidence and that equivalent results are achieved by Serbia's desire level of protection. During phytosanitary assessments the specific characteristics regarding agronomical and ecological conditions of the exporting country will be taken into account, i.e. the status of pest- or disease - free zones will be accepted, if they are in accordance with the International Plant Protection Convention standards.

The Minister shall prescribe the types of plants, plant products and regulated objects referred to in paragraph 4 of this Article.

The Ministry shall submit lists of plants, plant products and regulated objects referred to in paragraphs 2, 3 and 4 of this Article to the customs authorities.

Risk Assessment and Reduced Frequency of Examination

Article 68

Phytosanitary examinations of consignments of plants, plant products and regulated objects may also be performed at a lower frequency:

- 1) if on the basis of an agreement with the competent authority for the protection of plant health of the exporting country, a phytosanitary examination has already been performed in the country from which the consignment is being imported, by the competent authority of the importing country;
- 2) on the basis of a risk assessment;
- 3) on the basis of an agreement concluded with the country from which the consignment is being imported and which is based on equivalence of phytosanitary measures and procedures in the Republic of Serbia and the exporting country, or the transit country, on the prevention of the introduction, spreading and suppression of harmful organisms.

The Minister shall prescribe the conditions and manner of performing the risk assessment referred to in paragraph 1, item 2 of this Article, and shall specify the list of plants, plant products and regulated objects which are subject to examinations performed at a lower frequency.

Experiments, Scientific Research Work and Work on Cloning Selection

Article 69

Harmful organisms on List IA part I, List IA part II, List IIA part I, List IIA part II, List IB and List IIB, as well as plants, plant products and regulated objects on List IIIA, List IIIB, List IVA part I, List IV.A part II, List VB, List VA part I, List VA part II, List VB part I, List VB part II. and List VI, which are imported for the purpose of experimentation, scientific research work and cloning selection, shall also be subject to phytosanitary examination.

Consignments referred to in paragraph 1 of this Article must be accompanied by a phytocertificate, as well as by an import approval issued by the Ministry.

Exemptions from Phytosanitary Examination

Article 70

Phytosanitary examinations shall not be compulsory for the importation of small quantities of plants, plant products and regulated objects which are used for non-industrial and non-commercial purposes or are used for consumption during travel, provided there is no risk of a spread of harmful organisms.

The Minister shall prescribe the manner and conditions of importing small quantities of plants, plant products and regulated objects and shall determine small quantities for individual types of plants and plant products referred to in paragraph 1 of this Article.

If there is no risk of a spread of harmful organisms the Ministry may allow natural persons with residence in a border zone to import plants, plant products and

regulated objects on List VB part I and List VB part II, without phytocertificate and phytosanitary examination, if on the effective date of this Law such person is the owner of the agricultural or forest land in the border zone of a neighboring country, provided that the plants, plant products and regulated objects are used in the place of residence of the natural person.

Phytocertificate

Article 71

Plants, plant products and regulated objects on List VB part I and List VB part II must be accompanied by a phytocertificate, or phytocertificate for re-export.

Consignments referred to in paragraph 1 of this Article which are after issuance of a phytocertificate in the country of origin reloaded, stored, repacked or divided in another country which is not the country of origin, must beside their original phytocertificate, or certified copy of a phytocertificate, also have a phytocertificate for re-export, or a certified copy of a phytocertificate, of every importing country.

The phytocertificate and phytocertificate for re-export must be issued in conformity with the International Plant Protection Convention, must be original, issued to a single recipient and certified in the prescribed manner, marked with a serial number, and must be written in the Serbian language and in one of the languages officially recognized in international circulation.

Exceptional to the provision of paragraph 3 of this Article, phytocertificates issued in exporting countries which are not signatories of the International Plant Protection Convention shall also be accepted, under conditions prescribed by the Minister.

Where prescribed requirements are fulfilled, phytocertificates in electronic form shall be accepted.

In exceptional cases officially certified copies of phytocertificates may also be accepted, under conditions prescribed by the Minister.

If specific phytocertificate requirements on List IVA part I, List IVA part II and List IVB are prescribed for plants, plant products and regulated objects for which the phytocertificate is required, phytocertificates shall be issued by the competent authority of the country of origin. Where specific phytosanitary requirements may also be confirmed outside the country of origin, the phytocertificate may be issued by the exporting country.

Phytocertificates and phytocertificates for re-export shall expire if consignments for which they were issued have not left the territory of the country within 14 days of the date of issue.

The Minister shall prescribe the content and forms of phytocertificates and phytocertificates for re-export, as well as the conditions under which phytocertificates in electronic form are accepted.

Importers' Obligations

Article 72

Importers and customs agents shall be obliged to:

- 1) notify phytocertificate inspectors of the arrival of consignments referred to in Article 67 of this Law;
- 2) submit a request for examination of the consignment in the prescribed time limit;
- 3) provide all the conditions necessary for the performance of a phytosanitary examination;
- 4) implement all measures ordered by the phytosanitary inspector.

Customs authorities may not perform actions prescribed by the rules of the relevant customs procedure, except for consignments in transit, until phytosanitary inspectors have performed phytosanitary examinations of consignments and confirmed their health safety.

If a consignment arrives at a border crossing not designated for the performance of phytosanitary examinations, the customs authorities shall prohibit importation and direct the consignment to the nearest crossing where phytosanitary inspection service is organized.

If a consignment of plants, plant products and regulated objects on List IIIA or List IIIB arrives at a border crossing and is being imported into a protected zone, the customs authorities shall prohibit the importation of such a consignment and notify the competent phytosanitary inspector.

Examinations of wooden materials used as packagings or supporting materials in the transportation of consignments not subject to phytosanitary examination shall be performed by the customs authorities, in conformity with standard ISPM 15.

The Minister shall prescribe the manner of notification of the arrival of consignments, the form of the request for examination of a consignment, time limits for submission, and conditions which must be provided by importers to enable the performance of phytosanitary examinations.

The Importation Procedure

Article 73

If during phytosanitary examinations of consignments of plants, plant products and regulated objects phytosanitary inspector suspects the presence of harmful organisms on List IA part I, List IA part II, List IB, List IIA part I, List IIA part II and List IIB and whose presence is not possible to determine during examination at the border crossing, phytosanitary inspector shall take an official sample and forward it to the Reference Laboratory for laboratory analysis.

If the conditions for phytosanitary examination of consignments do not exist at a border crossing in accordance with this Law, and there is no risk of a spread of harmful organisms which threaten the health of plants, phytosanitary examinations of consignments may be performed at certain locations within the Republic of Serbia in the place where the consignment undergoes customs clearance.

Phytosanitary inspectors shall issue a decision on transit for consignments of plants, plant products and regulated objects referred to in paragraphs 1 and 2 of this Article enabling transfer to the location of customs clearance of consignment, where the consignment is under customs supervision until the completion of the examination.

It shall be prohibited to relocate or divide or take samples from consignments referred to in paragraph 3 of this Article.

The Minister shall prescribe the conditions, manner and procedures of performing phytosanitary examinations and the manner of sampling and forwarding samples, as well as the number and size of the samples.

Import Clearance or Refusal

Article 74

After examination of the consignments referred to in Article 68 of this Law, or after receiving the results of the laboratory analyses referred to in Article 73 paragraph 1 of this Law, the phytosanitary inspector shall allow importation of the consignment by issuing a decision clearing the importation or by certifying the customs documentation with a rectangular seal, and will also certify the phytocertificate or phytocertificate for re-export with the seal of the phytosanitary inspectorate bearing the date of entry.

The Minister shall prescribe the content and size of the seal used to certify customs documentation.

Measures on Importation

Article 75

Where the phytosanitary inspector establishes through the phytosanitary examination that conditions referred to in Article 67 of this Law have not been fulfilled, the phytosanitary inspector shall order one or more of the following phytosanitary measures:

- 1) prohibition of the importation of the consignment or part of the consignment into the territory of the Republic of Serbia;
- 2) destruction of the consignment or a part of the consignment;
- 3) treatment for the purpose of suppressing harmful organisms;
- 4) an alteration of the purpose for the consignment;
- 5) quarantine supervision of the consignment, until the results of a laboratory analysis are received.

If it has been established by phytosanitary examination that a part of a consignment is infected with harmful organisms, importation of the rest of the consignment may be permitted if there is no reason to suspect the presence of harmful organisms in that part of the consignment and if there is no risk of a spread of harmful organisms.

In case importation is being prohibited, the phytosanitary inspector shall imprint a triangular seal on the phytocertificate or phytocertificate for re-export, whereby the phytocertificate becomes invalid.

The phytosanitary inspector shall be obliged to notify the Ministry about all cases referred to in paragraph 1 of this Article on a prescribed form.

The Minister shall prescribe the shape and content of the seal referred to in paragraph 3 of this Article, as well as the layout and content of the form referred to in paragraph 4 of this Article.

Replacement of Plant Passport with Phytocertificate

Article 76

Upon issuing the decision referred to in Article 74 paragraph 1 of this Law for plants, plant products and regulated objects on List VA part I and List VA part II, the phytosanitary inspector shall permit circulation of the consignment on the territory of the Republic of Serbia with a phytocertificate, which replaces the plant passport.

If the consignment referred to in paragraph 1 of this Article is divided into several individual consignments or where several individual consignments are merged into a single consignment, a plant passport must be issued for each new consignment.

If the health status of the consignment is changed in the procedure referred to in paragraph 2 of this Article, a plant passport may be issued only after a phytosanitary examination is performed.

Free Zones

Article 77

Consignments being imported into free zones or customs warehouses on the territory of the Republic of Serbia shall be subject to application of provisions of this Law related to imports if the examinations has not been performed on the border.

Consignments of plants, plant products and regulated objects stored, packed, processed and treated in free zones or in customs warehouses shall be subject to phytosanitary examination.

Exportation

Article 78

Where an importing country requires a phytocertificate for consignments of plants, plant products and regulated objects which are being exported, the phytosanitary

inspector shall perform an examination of that consignment for the purpose of issuing a phytocertificate.

Where consignments of plants, plant products and regulated objects are stored, repacked or divided on the territory of the Republic of Serbia, and the importing country requests a phytocertificate, the phytosanitary inspector shall perform an examination of the consignment for the purpose of issuing a phytocertificate for re-export.

Exporters' Obligations

Article 79

Exporters shall be obliged to submit to the Ministry requests for the issuance of phytocertificates no later than 24 hours before loading.

The request for the issuance of a phytocertificate shall contain the following in particular:

- 1) data about the applicant: title of the legal person, or entrepreneur, headquarters or name and surname of the natural person and address;
- 2) data about the consignment.

Exporters shall be obliged to enable insight into all available documentation, as well as provide all necessary conditions for the performance of a phytosanitary examination.

Plants, plant products and regulated objects, packagings, conveyances, and if needed also storage sites, earth and the site of production where the plants, plant products and regulated objects originate, shall be subject to phytosanitary examination.

If it is determined by phytosanitary examination that specific phytosanitary requirements of the importing country have not been fulfilled, the phytosanitary inspector shall order measures for the fulfillment of specific phytosanitary requirements, or refuse to issue a phytocertificate.

The Minister shall prescribe the manner, place and procedure of performing phytosanitary examinations referred to in paragraph 4 of this Article, as well as the form and content of the request for the issuance of phytocertificate.

Transit

Article 80

Consignments of plants, plant products and regulated objects referred to in Article 67 of this Law which are in transit shall not be subject to phytosanitary examination.

If the consignment referred to in paragraph 1 of this Article is not packaged in a manner which prevents the spreading of harmful organisms, or is for any reason whatsoever unloaded, divided, combined with other consignments or repacked on

the territory of the Republic of Serbia, the customs authorities shall be obliged to notify the competent phytosanitary inspector about the consignment for the purpose of examining it.

The Minister shall prescribe the manner of handling transit consignments referred to in paragraph 2 of this Article, as well as the manner of performing the phytosanitary examination.

Importation, Exportation and Transit Expenses

Article 81

The expenses resulting from application of phytosanitary measures in importation, exportation and transit of consignments of plants, plant products and regulated objects shall be borne by the importer or exporter.

X. BIOLOGICAL PROTECTION OF THE PLANT HEALTH

Article 82

For the purpose of biological protection of plants in protected areas or outdoors it shall be permitted to breed, introduce and use organisms of autochthonous and introduced species specified in the lists issued by the Minister, with the concurrence of the minister in charge of environmental protection.

The Ministry shall issue licenses for introducing, breeding and using organisms referred to in paragraph 1 of this Article on the basis of an acceptability assessment determined by regulations governing environmental protection.

Scientific research institutions may be issued licenses for introducing, breeding and using organisms of introduced species not specified in the list referred to in paragraph 1 of this Article, if their purpose is experimental, research and developmental use in biological protection of plants. The license shall be issued on the basis of the acceptability assessment referred to in paragraph 2 of this Article.

In order to be issued the license referred to in paragraphs 2 and 3 of this Article, legal persons and entrepreneurs must fulfill prescribed conditions in respect of facilities, equipment and professional qualifications.

The Minister shall prescribe conditions in respect of facilities, equipment and professional qualifications which must be fulfilled by legal persons and entrepreneurs referred to in paragraph 4 of this Article.

The Ministry shall keep a record of the introduction, breeding and use of organisms of autochthonous and introduced species.

The content and form of the application for obtaining licenses for the introduction, breeding and use of organisms referred to in paragraphs 1 and 3 of this Article shall be prescribed by the Minister with the concurrence of the minister in charge of environmental protection.

XI. DATA AND INFORMATION

Collecting and Using Data

Article 83

For the purpose of analyzing and monitoring the application of plant health protection measures, the Ministry shall keep data bases in conformity with this Law and uses data in conformity with other prescribed data bases.

The Ministry shall use basis topographical plans, topographical graphs, maps and digital orthophotographic maps.

Data bases related to the protection of plant health of must be linked with the Register of Agricultural Holdings which is kept by the Ministry.

The manner of linking data bases, as well as the manner of gathering and using data from other data bases shall be prescribed in a specific regulation.

Transmission of Data

Article 84

The Ministry may transmit data from its registers and data bases to other state authorities and local self-administrations authorities, if that is necessary for the adoption of legally-defined goals, as well as to entities conducting activities of public interest, if the purpose is to ensure protection of plant health.

The data from the data bases related to the protection of plant health may be used by legally interested persons in conformity with regulations on the protection of personal data, they must be used for the purpose for which they were provided and they may not be transmitted to other persons.

Information Systems

Article 85

The Ministry shall establish and maintain the information systems in the sphere of plant health protection.

The Reference Laboratory, legal persons conducting activities of public interest and providers of services in the sphere of plant health protection shall be obliged to keep records, lists and data bases harmonized and linked with the information system of the Ministry and to maintain and update them.

The Ministry shall enable harmonization and linking of the information system referred to in paragraph 1 of this Article with other information systems of the Ministry, as well as with international information systems in the sphere of plant health.

The Minister shall prescribe the manner of linking information systems, as well as the requirements for maintaining records, lists and data bases.

International Exchange of Data and Information

Article 86

On the international level, the exchange of information and data performed by the Ministry shall encompass in particular the following:

- 1) central organization;
- 2) a list of border crossings where importation can be performed;
- 3) a list of harmful organisms which are subject to supervision;
- 4) occurrence or presence of harmful organisms specified in the lists prescribed by this Law, in areas where their presence had not been known earlier, and measures implemented;
- 5) occurrence and spreading of harmful organisms which represent a potential risk;
- 6) any occurrence of harmful organisms in a protected zone for which it was declared as such;
- 7) results of systematic supervision in protected zones;
- 8) by-laws adopted pursuant to this Law;
- 9) cases in which consignments of plants, plant products and regulated objects were intercepted due to non-conformity with the provisions of this Law at the request of international bodies and organizations.

Data and information shall be transmitted in conformity with international conventions and agreements binding on the Republic of Serbia.

XII. FUNDS FOR IMPLEMENTATION OF PLANT HEALTH PROTECTION MEASURES

Article 87

Funds for the performance of activities of public interest, as well as funds for the implementation of measures for protecting plant health, shall be allocated from the Budget of the Republic of Serbia.

Article 88

Legal persons, entrepreneurs and natural persons shall pay fees for the following:

- 1) performed phytosanitary examinations of consignments on importation;
- 2) performed phytosanitary examinations of consignments in international circulation and the issuance of phytocertificates and phytocertificates for re-export;

- 3) performed phytosanitary examinations of plants, plant products and regulated objects in production and circulation and the issuance of plant passports;
- 4) phytosanitary examinations of facilities performed for the purpose of registration in the Register of Providers of Services;
- 5) laboratory analyses and testing of samples taken for the determination of the presence of harmful organisms in cases where the result of the analysis or testing is unfavorable for those legal persons, entrepreneurs or natural persons, except where prescribed otherwise by this Law;
- 6) phytosanitary examination performed on seeds, seedlings and planting materials of fruit trees, grapes and hops for the presence of harmful organisms, as well as laboratory analyses and testing of the same;
- 7) phytosanitary examination performed for the issuance of replacement plant passports.
- 8) issuance of decisions certifying fulfillment of phytosanitary requirements prescribed by this Law.

Funds collected from the fees referred to in paragraph 1 shall be revenue of the Republic of Serbia and shall be used for implementation of plant health protection measures.

The amount of the fees referred to in paragraph 1 of this Article shall be determined by the Government.

The expenses of the implementation of phytosanitary measures at plant holders shall be borne by them, except where prescribed otherwise by this Law.

Article 89

The expenses of administrative procedures shall be borne by applicants, for the following:

- 1) issuance of decisions on registrations in the Register of Providers of Services;
- 2) requests to provide data in the sphere of plant health;
- 3) issuance of an approval to import a consignment;

The funds referred to in paragraph 1 of this Article shall be paid by the applicant into the relevant public revenue account of the Republic of Serbia Budget.

The amount of expenses shall be determined in accordance with the regulations on fees in administrative procedure.

XIII. SUPERVISION

Inspectorial Supervision

Article 90

Inspectorial supervision of the application of the provisions of this Law and regulations adopted on the basis of this Law shall be performed by the Ministry through phytosanitary inspectors.

Inspectorial supervision of the implementation of the provisions of this Law and regulations adopted on the basis of this Law governing organisms harmful to forest plants not specified in the lists referred to in Article 34 of this Law shall be performed by the Ministry through forestry inspectors.

The activities of a phytosanitary inspector may be performed by holders of university degrees in agricultural engineering from the plant protection, fruit and wine-growing, crop-farming or general departments, having at least three years of professional experience and having passed a state professional exam.

Official Identification and Official Apparel

Article 91

In the performance of inspectorial supervision activities, phytosanitary inspectors must hold an official identification.

Phytosanitary inspectors perform phytosanitary supervision activities wearing prescribed official apparel.

The Minister shall prescribe the form and content of the identification, the form of the official apparel of the phytosanitary inspector, and the manner of keeping records of identifications issued.

Rights and Duties of Phytosanitary and Forestry Inspectors

Article 92

In the performance of phytosanitary supervision activities, phytosanitary inspectors shall have a right and a duty to:

- 1) control whether holders of plants fulfill obligations prescribed by Article 10 of this Law;
- 2) check whether producers, processors, finishers, keepers, importers and traders of prescribed types of plants and plant products and regulated objects are registered in the Register;
- 3) control fulfillment of requirements referred to in Article 12 paragraph 2, items 4 and 5 of this Law;
- 4) control whether legal persons, entrepreneurs or natural persons fulfill obligations referred to in Article 14 of this Law;
- 5) control fulfillment of contractual obligations assigned by public bid;

- 6) control whether service providers are registered in the Register of Providers of Services;
- 7) control fulfillment of requirements referred to in Article 22 paragraph 2 of this Law;
- 8) control the keeping of records, the manner of keeping records and the submission of reports on services performed in conformity with Article 25, paragraphs 1 and 2 of this Law;
- 9) control whether service providers keep proof of services performed for a period of five years;
- 10) control implementation of the Program of Measures and specific programs for protection of plant health;
- 11) take official samples of plants, plant products and regulated objects without giving compensation for their value, in conformity with the provisions of this Law;
- 12) control implementation of measures which have been ordered in the event of the occurrence of harmful organisms, as well as prevention of contacts between infected plants, plant products and regulated objects to which the infection may be transmitted;
- 13) perform special supervision of harmful organisms, in conformity with the Program of Measures;
- 14) control fulfillment of conditions for introduction of harmful organisms, or the importation of plants, plant products and regulated objects, for the purpose of experiments, research work or cloning selection work;
- 15) control production, finishing, processing, storage and circulation of plants, plant products and regulated objects;
- 16) control whether plants, plant products and regulated objects on List VA part I and List VA part II are accompanied in circulation by plant passports, or seed on List IVA part I and List IVA part II by the label referred to in Article 61 paragraph 2 of this Law;
- 17) perform phytosanitary and periodical phytosanitary examinations of plants, plant products and regulated objects at the sites where they are produced, moved, processed, finished, stored, sold, as well as at the buyers of plants, plant products and regulated objects;
- 18) control fulfillment of requirements for the issuance of plant passports;
- 19) control keeping of records on issued plant passports and the maintenance of those records;
- 20) control the manner of issuance of plant passport;
- 21) issue plant passports in conformity with Article 62, paragraphs 3 and 4 of this Law;
- 22) control fulfillment of obligations of legal persons, entrepreneurs or natural persons registered in the Register in connection with the issuance of plant passports, in conformity with the provisions of Article 64 of this Law;

- 23) control whether legal persons, entrepreneurs or natural persons keep plant passports for one year for purchased plants, plant products and regulated objects;
- 24) perform phytosanitary examination of plants, plant products and regulated objects on List VB part I and List VB part II, as well as of consignments of plants, plant products and regulated objects not specified in List VB part I and List VB part II, but could be potential hosts of regulated harmful organisms, at border crossings;
- 25) perform phytosanitary examination of harmful organisms and plants, plant products and regulated objects referred to in Article 69 of this Law;
- 26) control whether plants, plant products and regulated objects imported in conformity with the provisions of Article 70 paragraph 3 of this Law are used in the place of residence of the natural person who imported them;
- 27) issue phytocertificate and phytocertificate for re-export;
- 28) control performance of the obligations of importers, or customs agents referred to in Article 72 paragraph 1 of this Law;
- 29) control international certificates and other documents accompanying consignments in importation;
- 30) control fulfillment of requirements for obtaining a license to breed, introduce and use organisms of autochthonous and introduced species;
- 31) control the importation, breeding and use of organisms intended for the biological protection of plants;
- 32) control maintenance of documentation in conformity with this Law;
- 33) calculate fee for performed phytosanitary examinations of consignments in production and circulation;
- 34) control implementation of measures under this Law.

In the performance of inspectorial supervision activities, forestry inspectors shall have a right and duty to:

- 1) control production, circulation and use of forest plants, plant products and regulated objects for the presence of harmful organisms which are not specified in the lists referred to in Article 34 of this Law;
- 2) perform phytosanitary and periodical phytosanitary examinations of forest plants, plant products and regulated objects for the presence of harmful organisms not specified in the lists referred to in Article 34 of this Law, at the place where they are produced, finished, processed, stored and sold, as well as at the buyers of forest plants, plant products and regulated objects;
- 3) take official samples of forest plants, plant products and regulated objects for the presence of harmful organisms which are not specified in the lists referred to in Article 34 of this Law, without providing compensation for their value, in accordance with the provisions of this Law;

- 4) control implementation of measures ordered in the event of an occurrence of harmful organisms which are not specified in the lists referred to in Article 34 of this Law, as well as prevention of contacts with infected forest plants, plant products and regulated objects to which the infection could be transmitted;
- 5) issue plant passports, in conformity with Article 62, paragraph 3 of this Law;
- 6) control implementation of special programs for protection of plant health in the sphere of forestry which are adopted for harmful organisms not specified in the lists referred to in Article 34 of this Law.

Measures Ordered by Phytosanitary and Forestry Inspectors

Article 93

In the performance of activities referred to in Article 92 paragraph 1 of this Law, phytosanitary inspectors may:

- 1) prohibit introduction of harmful organisms from the lists prescribed by this Law and regulated harmful organisms;
- 2) prohibit importation and circulation of plants, plant products and regulated objects which do not fulfill requirements prescribed by this Law;
- 3) temporarily prohibit cultivation of plant species at the place of production which are potential hosts of harmful organisms;
- 4) order phytosanitary measures in conformity with international guidelines and recommendations on plants, plant product and regulated objects, in production, finishing, circulation, processing, storage, importation and exportation, in case of doubt that they are infected with harmful organisms;
- 5) order changes of the purpose of plants, plant products and regulated objects if they determine that such a procedure will not result in spreading of harmful organisms;
- 6) order the destruction of plants, plant products and regulated objects in production, finishing, processing, storage and circulation and when there exists a risk of spreading of harmful organisms or where requirements prescribed by this law have not been fulfilled;
- 7) order the destruction of consignments of plants, plant products and regulated objects in importation when there exists a risk of spreading of harmful organisms or where requirements prescribed by this law have not been fulfilled;
- 8) prohibit the movement, division or sampling of consignments of plants, plant products and regulated objects until the completion of phytosanitary examinations;

- 9) temporarily prohibit production, processing or circulation in whole or in part, until it is determined that there no longer exists a threat of spreading of harmful organisms;
- 10) prohibit the issuance of plant passports in cases where the conditions required for its issuance have not been fulfilled;
- 11) order measures to eliminate irregularities which have been established when they determine in the supervision procedure that plant health regulations have not been applied or have been applied improperly;
- 12) file a request for initiating a misdemeanor proceeding, or a complaint for an economic offence or file a criminal complaint with the respect to violation of any the provisions of this Law and regulations adopted under this Law;
- 13) order other measures and undertake other actions, in conformity with this Law.

In the performance of activities referred to in Article 92 paragraph 2 of this Law, forestry inspectors may:

- 1) temporarily prohibit production, processing or circulation in whole or in part of forest plants, plant products and regulated objects until they determine that there no longer exists a threat of spreading of harmful organisms which are not specified in the lists referred to in Article 34 of this Law;
- 2) order measures in the event of the occurrence of harmful organisms which are not specified in the lists referred to in Article 34 of this Law;
- 3) file a request for initiating a misdemeanor proceedings or a complaint for an economic offence with the respect to violation of any the provisions of this Law and regulations adopted under this Law;
- 4) order other measures and undertake other actions, in conformity with this Law.

The measures referred to in paragraph 1, items 1 to 11, and item 13 and measures referred to in paragraph 2, items 1, 2 and 4 of this Article shall be ordered by decisions issued by phytosanitary and forestry inspectors, respectively.

Responsibility for Deciding the Appeals

Article 94

Appeals against decisions issued by phytosanitary and forestry inspectors may be lodged with the Minister no later than eight days of the date of delivery of the decision.

Appeals do not stay execution of decisions.

XIII. PENAL PROVISIONS

Criminal Offences

Article 95

Whoever introduces, or spreads harmful organisms or imports plants, plant products and regulated objects into the Republic of Serbia and or a protected zone in contravention of regulations on a ban on introduction and spreading of harmful organisms or importation of plants, plant products and regulated objects shall be punished for a criminal offence by imprisonment up to one year.

Economic Offences

Article 96

Legal persons shall be fined from 300,000 to 3,000,000 dinars for the economic offence if they:

- 1) engage in production, processing, finishing, importation, storage and circulation of plants, plant products and regulated objects specified in List VA part I, List VA part II, List VB part I and List VB part II without being registered in the Register (Article 11, paragraph 1);
- 2) engage in production, processing, finishing, importation, storage and circulation of certain types of plants, plant product and regulated objects which are not specified in List VA part I and List VA part II without being registered in the Register (Article 11, paragraph 2);
- 3) fail to ensure in the performance of activities of public interest conformity with uniform methods, criteria and guidelines of the Reference Laboratory (Article 20, paragraph 2);
- 4) provide services in the sphere of the protection of plant health without being registered in the Register of Services Providers (Article 22, paragraph 1);
- 5) have failed to ensure the provision of services referred to in Article 21, paragraph 1, item 1 of this Law in conformity with uniform methods, criteria and guidelines of the Reference Laboratory (Article 22, paragraph 3);
- 6) provide services in the sphere of protection of plant health in an area which they have not declared as an area in which they provide services in the sphere of protection of plant health, or provide those services in excess of specified limits, or provide services of a type for which they are not registered (Article 23, paragraph 1, item 4);
- 7) disclose or publish without authorization data about the first occurrence of harmful organisms specified in List IA part I, List IA part II, List IIA part I. and List IIA part II (Article 42, paragraph 1);
- 8) introduce harmful organisms on List IA part I, List IA part II, List IIA part I, List IIA part II, List IB and List IIB, or import plants, plant products and regulated objects on List IIIA, List IIIB, List IVA part I, List IVA part II and List IVB, contrary to the provisions of Article 49, paragraph 1 of this Law;

- 9) import, export or transit consignments of plants, plant products and regulated objects outside specified border crossings and without phytosanitary examination (Article 66, paragraphs 1 and 2);
- 10) import consignments of plants, plant products and regulated objects on List VB part I. and List VB part II, or consignments of plants, plant products and regulated objects which are not specified in List VB part I. and List VB part II, contrary to the provisions of Article 66 of this Law;
- 11) import harmful organisms on List IA part I, List IA part II, List IIA part I, List IIA part II, List IB and List IIB, or plants, plant products and regulated objects on List IIIA, List IIIB, List IVA part I, List IVA part II, List VB, List VA part I, List VA part II, List VB part I, List VB part II and List VI for purposes of experimentation, scientific research work and cloning selection without a phytosanitary examination, phytocertificate, as well as without an import approval (Article 69);
- 12) relocate, divide or take samples of consignments of plants, plant products and regulated objects for which customs supervision until the completion of the examination has been ordered in the decision on transit (Article 73, paragraph 4);
- 13) introduce, breed or use organisms of autochthonous and introduced species which are specified in lists without holding a license or without fulfilling prescribed requirements in respect of facilities, equipment and professional qualifications (Article 82, paragraphs 2 and 4);
- 14) introduce, breed or use organisms of introduced species which are not specified in lists and do not use those species for experimental, research or developmental purposes for the needs of biological protection of plants (Article 82, paragraph 3);
- 15) fail to act on decision issued by inspectors, in accordance with this Law.

Responsible persons in legal entities shall be fined from 50,000 to 200,000 dinars for an economic offence referred to in paragraph 1 of this Article.

Besides the fines specified for the economic offences referred to in paragraph 1 of this Article, legal persons may be prohibited from performing specific economic activities and responsible persons may be prohibited from performing specific duties, for a period from six months to seven years.

Misdemeanor of Legal Persons

Article 97

Legal persons shall be fined from 150,000 to 1,000,000 dinars for a misdemeanor if they:

- 1) fail to undertake actions referred to in Article 10, paragraph 1, items 2, 4, 5 and 7 of this Law;

- 2) fail to notify the Ministry about changes of data, or fail to report changes within 15 days (Article 12, paragraph 6 and Article 23, paragraph 2);
- 3) do not perform at all, or do not perform in the proper manner, obligations referred to in Article 14, paragraph 1 of this Law;
- 4) fail to keep records of services provided or fail to deliver reports to the Ministry in the prescribed manner and within the prescribed time limits (Article 25, paragraphs 1 and 2);
- 5) fail to keep proof of services provided for five years in accordance with Article 25, paragraph 3 of this Law;
- 6) fail to implement measures ordered by phytosanitary inspector, or fail to prevent contacts between infected plants and other plants, plant products or regulated objects to which the infection could be transmitted (Article 39, paragraph 2);
- 7) fail to implement measures ordered by phytosanitary inspectors in specially regulated zones (Article 43, paragraph 4);
- 8) act contrary to the provisions of Article 46, paragraph 3 of this Law;
- 9) import or perform circulation of plants, plant products and regulated objects on List IVA part I and List IVA part II which do not fulfill specific phytosanitary conditions (Article 48, paragraph 1);
- 10) import or perform circulation of plants, plant products and regulated objects on List IVB which do not fulfill specific phytosanitary conditions into a protected zone (Article 48, paragraph 2);
- 11) place in circulation plants, plant products and regulated objects on List V.A part I. and seed on List IVA part I and List IVA part II contrary to the provisions of Article 52 of this Law;
- 12) place in circulation plants, plant products and regulated objects on List VA part II and seed on List IVA part I and List IVA part II in a protected zone and within that zone contrary to the provisions of Article 53, paragraph 1 of this Law;
- 13) fail to implement measures ordered by phytosanitary inspector (Article 55, paragraph 2);
- 14) issue plant passports without having in their employment a person holding a license for issuing plant passports (Article 56, paragraph 1);
- 15) fail to keep records on issued plant passports, or fail to maintain such records for five years (Article 61, paragraph 3);
- 16) issue a plant passport contrary to the provision of Article 62, paragraph 1 of this Law;
- 17) issue a replacement plant passport where a phytosanitary examination of a consignment whose health status has changed has not been performed (Article 63);
- 18) act contrary to the provisions of Article 64, paragraph 1 of this Law;

- 19) fail to keep for one year plant passports for purchased plants, plant products and regulated objects which are subject to the issue of plant passports (Article 65);
- 20) act contrary to the provisions of Article 72, paragraph 1 of this Law;
- 21) issue a plant passport for plants, plant products and regulated objects on List VA part I and List VA part II for consignments whose health status has changed but where no phytosanitary examination has been performed (Article 76, paragraph 3);
- 22) fail to enable insight into all available documentation, as well as fail to provide all necessary conditions for the performance of phytosanitary examinations (Article 79, paragraph 3).

Responsible persons in legal persons shall be fined from 10,000 to 50,000 dinars for the misdemeanor referred to in paragraph 1 of this Article.

Misdemeanor of Entrepreneurs

Article 98

Entrepreneurs who perform actions referred to in Article 96 paragraph 1, items 1, 2, 4, 6, 7, 9, 10 and 15 and Article 97 paragraph 1, items 8, 9, 10, 14 and 16 of this Law shall be fined from 250,000 to 500.000 dinars for misdemeanor.

Article 99

Entrepreneurs who perform actions referred to in Article 96 paragraph 1, items 12 and 13 and Article 97 paragraph 1, items 1, 2, 3, 5, 6, 7, 11, 12, 13, 15, 17, 18, 19, 20, 21 and 22 of this Law shall be fined from 50,000 to 400,000 dinars for misdemeanor.

Misdemeanor of Natural Persons

Article 100

Natural persons engaged in the production and circulation of plants, plant products and regulated objects referred to in Article 11, paragraphs 1 and 2 of this Law without being registered in the Register (Article 11, paragraph 4) shall be fined for misdemeanor from 30,000 to 50,000 dinars.

Fines referred to in paragraph 1 of this Article shall also be applicable to natural persons performing actions referred to in Article 96 paragraph 1, items 9 and 15 and Article 97 paragraph 1, items 9, 10, 11 and 12 of this Law.

Article 101

Natural persons shall be fined from 5,000 to 30,000 dinars for the following misdemeanors:

- 1) failing to report to the Ministry changes of data, or failing to report changes within 15 days (Article 12, paragraph 6);
- 2) importing plants, plant products and regulated objects in conformity with Article 70, paragraph 3 of this Law, but not using those plants, plant products and regulated objects in their place of residence.

Fines referred to in paragraph 1 of this Article shall also be applicable to natural persons performing actions referred to in Article 97 paragraph 1, items 1, 3, 6, 7, 8, 13, 18, 19, and 22 of this Law.

XIV. TRANSITIONAL AND FINAL PROVISIONS

Deadline for Harmonization of Legal Persons, Entrepreneurs and Natural Persons Registered in the Register with the Provisions of this Law

Article 102

Legal persons and entrepreneurs engaged in production, processing, finishing, importing, storing and circulating plants, plant products and regulated objects on List VA part I, List VA part II, List VB part I and List VB part II, as well as certain types of plants, plant products and regulated objects which are not specified in List VA part I and List VA part II shall be obliged to harmonize their operations with the provisions of this Law no later than one year after the effective date of this Law.

Natural persons engaged in production of plants, plant products and regulated objects on List VA part I and List VA part II, as well as certain types of plants, plant products and regulated objects which are not specified in List VA part I and List VA part II and which are intended for circulation shall be obliged to harmonize their operations with the provisions of this Law no later than two years after the effective date of this Law.

Deadline for Harmonization of Legal Persons and Entrepreneurs Providing Services in the Sphere of Protection of Plant Health

Article 103

Legal persons and entrepreneurs providing services in the sphere of protection of plant health shall be obliged to harmonize their operations with the provisions of this Law no later than one year after the effective date of this Law.

Linking Data in Registers in the Ministry

Article 104

Legal persons and entrepreneurs registered in the Register of Producers of Seed Materials of Fruit Trees, Grapes and Hops pursuant to the provisions of the Law on the Seed Materials of Fruit Trees, Grapes and Hops (*Official Gazette of the RS*, No. 18/05), or in the Register of Producers of Seed, Seedlings, Mycelium of Edible and Medicinal Mushrooms and the Register of Seed Finishers pursuant to provisions of the Law on Seed (*Official Gazette of the RS*, No. 45/05) shall become registered in the Register on the effective date of this Law.

Natural persons registered in the Register of Agricultural Holdings pursuant to provisions of the Decree on the Register of Agricultural Holdings (*Official Gazette of the RS*, Nos. 119/08, 21/09 and 36/09) shall become registered in the Register on the effective date of this Law.

Continuation of Performing Activities of Public Interest Until the Organization of Bid

Article 105

Legal persons deemed on the basis of the Law on the Protection of Plants (*Official Gazette of the FRY*, No. 24/98 and 26/98-correction and *Official Gazette of the RS*, No. 101/05-other law) that fulfills requirements for performing activities with respect to the plant health shall continue performing health examinations of plants until the bid for performing activities of public interest in the sphere of harmful organisms diagnostics and protection of plant health is organized.

Application of By-laws

Article 106

Until the enactment of regulations on the basis of authorization from this Law, regulations adopted pursuant to the Law on the Protection of Plants (*Official Gazette of the FRY*, Nos. 24/98 and 26/98 and *Official Gazette of the RS*, No. 101/05-other law) and the Law on the Protection of Plants from Diseases and Pests (*Official Gazette of the SRS*, Nos. 14/84 and 6/89-other law, *Official Gazette of the RS*, No. 53/93-other law, 67/93-other law and 48/94-other law and *Official Gazette of the RS*, No. 101/05-other law), shall be applied, provided they do not contravene this Law.

Cease of Effect of Previous Laws

Article 107

The following shall cease to apply from the effective date of this Law:

- 1) Law on the Protection of Plants from Diseases and Pests (*Official Gazette of the SRS*, Nos. 14/84 and 6/89-other law, *Official Gazette of the RS*, No. 53/93-other law, 67/93-other law and 48/94-other law and *Official Gazette of the RS*, No. 101/05-other law);
- 2) Law on the Protection of Plants (*Official Gazette of the FRY*, Nos. 24/98 and 26/98 and *Official Gazette of the RS*, No. 101/05-other law), except for provisions referred to pesticides and fertilizers, while Articles 26 and 32 of that Law shall cease to apply from 1st January 2011.

Effective Date of This Law

Article 109

This Law shall enter into force on the eighth day from the date of its publication in the *Official Gazette of the Republic of Serbia*, while the provisions of Articles 52, 53, 54, 55, 60, 61, 62, 63, 64 and 65 shall be applied from 1st January 2011.