

SERBIEN

Pflanzenschutzgesetz

(Закон о здрављу биља, 2009)

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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.

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.

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) 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 inspection 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, dissection, 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 operators 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;
- **M1** 13a) *Lot* shall mean a number of units of a single commodity, identifiable by its homogeneity of composition, origin etc., forming part of a consignment; ◀
- 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 the passing of a consignment through the territory of the Republic of Serbia ► **M1** under customs supervision; ◀
- 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 covered by a single document ► **M1** required for customs formalities or for other formalities, such as a single phytosanitary certificate or a single alternative document or mark; a consignment may be composed of one or more lots; ◀
- **M1** 21a) *Planting* or sowing shall mean any operation the subsequent growth, reproduction or propagation of plants; ◀
- 22) *seeds* shall mean seed in the botanical sense, intended for sowing;
- **M1** 22a) *official statement or measure* shall mean:
- (1) a statement or measure made or taken by the competent plant health authority of another state or a public officer who is technically qualified and duly authorized by that competent authority, in the case of statements or measures related to the issuing of phytosanitary certificates and / or phytosanitary certificates for re-export or their electronic equivalent;
 - (2) a statement or measure made or taken by the competent plant health authority of the Republic of Serbia or by qualified staff member of an official authority in accordance with this Law, provided that such agents have no personal interest in the outcome of the measures they take; ◀
- **M1** 22b) *Official clearance* shall mean any verification of compliance with phytosanitary regulations; ◀
- 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 of absence of harmful organisms based on phytosanitary inspections, monitoring, examinations of health status or other procedures and based on other sources;
- 25) *import of a consignment* shall mean any introduction of a consignment of plants, plant products and regulated objects into the territory of the Republic of Serbia, except for ► **M1** 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) ► **M1** a *phytosanitary measure* shall mean an official procedure having the purpose to prevent the introduction or spread of quarantine pests or to limit the economic impact of regulated non-quarantine pests; ◀
- 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: phytosanitary certificate)* 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 phytosanitary certificate)* 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 parts 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, corms, bulbs, rhizomes and other subterranean reproductive parts;
 - (4) cut flowers;
 - (5) branches with leaves or needles;
 - (6) cut trees with leaves or needles;
 - **M1** (6a) leaves, foliage; ◀
 - (7) live pollen;
 - (8) buds, budwood, cuttings, scions and grafts;
 - (9) plant tissue cultures;
 - (10) ► **M1** other parts of plants in accordance with this Law. ◀
- 32) *harmful organisms* shall mean all varieties, species and biotypes of plants, animals or other pathogenic organisms which are harmful to plants or plant products.
- 33) ► **M1** *regulated harmful organisms* shall mean any harmful organism of Lists IA Part I, Liste IA Part II, List IIA Part I, List IIA Part II, List IB and List IIB or a harmful organism. ◀

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 ► **M1** Phytoregister ◀ 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 operators 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 inspections, 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 Plant Holders

Article 9

► **M1** Plant holder shall be entitled to:

- 1) information on harmful organisms on the lists specified by this Law and phytosanitary measures;
- 2) professional training with respect to this Law. ◀

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 PERSONS IN THE AREA OF PLANT HEALTH REGISTERED IN THE ►M1 PHYTOREGISTER ◄ OF PRODUCERS, PROCESSORS, SUPPLIERS, IMPORTERS, WAREHOUSES AND AGENTS IN PLANTS, PLANT PRODUCTS AND REGULATED OBJECTS

Persons 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 operators registered in the ►M1 Phytoregister ◄ of Economic Operators and which are registered in the the ►M1 Phytoregister ◄ 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 operators registered in the Register of Economic Operators and duly registered in the the ►M1 Phytoregister ◄ 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 operators 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.

►M1 The production of certain types of plants, plant products and regulated objects referred to in paragraph 2 of this Article which are intended for circulation may also be carried out by natural persons registered in the the Phytoregister ◄.

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

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Manner of Registration

Article 12

Registration in the ►M1 Phytoregister ◀ shall be performed on the basis of a request submitted to the Ministry by the legal person or operator 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 ►M1 Phytoregister ◀: name and surname, address, citizens' personal identification number, number in the ►M1 Phytoregister ◀ of Agricultural Holdings – if they are registered therein, as well as data referred to in paragraph 2 items 4 and 5 of this Article.

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Legal persons, operators 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 ►M1 Phytoregister ◀ shall be public.

The ►M1 Phytoregister ◀ 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 ►M1 Phytoregister ◀, as well as the form of the application for registration.

Obligations of Persons in the Register

Article 14

Legal persons, operators and natural persons registered in the ►M1 Phytoregister ◀ 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 ► M1 Phytoregister ◀

Article 15

Legal persons, operators and natural persons shall be deleted from the ► M1 Phytoregister ◀:

- 1) if they issue a decision to discontinue engaging in the activity recorded in the ► M1 Phytoregister ◀;
- 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.
- 3) ► M1 if the phytosanitary or forestry inspector decides that he does not fulfil the duties referred to in Article 14 Paragraph 1 of this Law. ◀

The Minister shall issue a decision on deletion from the ► M1 Phytoregister ◀.

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

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V EXPERT COUNCIL FOR PROTECTION OF PLANT HEALTH

Establishment of the Expert Council for ► M1 Plant Health Protection ◀

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).

► M1 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 PROFESSIONAL TRAINING

► M1 Obligation of Professional Training ◀

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.

► **M1** Persons who perform duties of public interest shall undergo training adopted by the Ministry. ◀

~~► **M1** 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 to Prevent the Introduction, to Detect, to Prevent the Spread of and to Control 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.

► **M1** Specific plant health programs are also adopted and created for the Republic of Serbia to improve the plant health system. ◀

Specific ► **M1** program ◀ 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.

▼M1 Survey and Monitoring of seeds, seedling and planting Material

Article 32a

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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 inspections 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 inspections 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 inspection 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 inspection 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.

►M1 The Minister may lay down the implementation of special phytosanitary inspections to detect specific harmful organism on plants, plant products and other objects, as well as phytosanitary measures to prevent the introduction and spread of and to control certain harmful organism. ◀

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 ► **M1** paragraph 1 ◀ of this Law is suspected, the phytosanitary inspector shall take an official sample and forward it to an official laboratory, i.e. to the authorized reference laboratory.

► **M1** ~~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 risk of spreading of the harmful organism is avoided.

► **M1** Official Gazette of RS, No 17/2019 ◀

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.

► **M1** ~~The risk analysis shall be performed in conformity with the Program of Measures.~~ ◀

Risk ► **M1** assessment ◀ 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.

► **M1** In a new or unexpected phytosanitary situation, temporary phytosanitary emergency measures may be established according to a preliminary risk assessment or the precautionary principle. ◀

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 inspection 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) who are technically qualified in conformity with international standards, guidelines and recommendations to prevent the threat of spreading of a harmful organism;

- 3) ► **M1** who obtained an import permit for the import of plants, plant products and regulated objects, or a permit for the introduction of harmful organisms; ◀
- 4) who have a phytosanitary certificate for ► **M1** the shipment of plants, plant products and other objects. ◀

The Ministry shall issue the import permit referred to in paragraph 1 item 3 of this Article, and applied for by a legal person.

The application 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.

The application referred to in paragraph 3 of this Article shall be accompanied by a document specifying the need to introduce harmful organisms, or import a ► **M1** consignment ◀ of plants, plant products and regulated objects referred to in paragraph 1 of this Article.

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

► **M1** The Minister shall prescribe the requirements with respect to the technical qualifications referred to in paragraph 1 item 2 of this Article, the application referred to in paragraph 3 of this Article and the import permit referred to in paragraph 1 item 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 inspection 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 inspections 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 V 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 inspection 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 Inspections in Production, Finishing, Processing, Storage and Circulation

Article 54

Plants, plant products and regulated objects shall be subject to phytosanitary inspections 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 inspection 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 inspection, 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 inspection.

The phytosanitary inspection 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 Inspections

Article 55

Besides the phytosanitary inspections referred to in Article 54 of this Law, for the purpose of ensuring health of plants periodical phytosanitary inspections 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.

- 1) Where based on the phytosanitary inspections 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:
- 2) treatment of plants, plant products and regulated objects;
- 3) relocation to a site where industrial processing is performed;
- 4) destruction of plants, plant products and regulated objects.

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

▼ M1 Requirements for the Issuance of a Plant Passport

Article 56

...

▼ M1 Approval to Issue a Plant Passport

Article 56a

...

▼ M1 Training for the Issuance of a Plant Passport

Article 57

The training of staff for the issuance of plant passports referred to in Article 56a paragraph 1 of the Law shall be organized and conducted by the Ministry.

When training referred to in paragraph 1 of this Article is finished, a certificate on the participation in the training to issue a plant passport is handed over.

The Minister shall prescribe the content of the training program for the issuance of plant passport referred to in paragraph 1 of this Article as well as the form of the certificate of the completed training for the issuance of a plant passport.

▼ M1 Renewal of the Approval to Issue a Plant Passports

Article 58

The application for renewal of the approval to issue a plant passport shall be submitted by the holder no later than 90 days before the expiry of the validity of the approval to issue a plant passport.

...

Revocation of the Approval to Issue Plant Passports

Article 59

The approval to issue plant passports shall be revoked:

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

- 2) ► **M1** if the holder of an approval ceases to meet the conditions prescribed by this La and the regulations adopted for its implementation. ◀

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.

► M1 Types and manner of issuing Plant Passports ◀

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.

...

► M1 Issuance of Plant Passports

Article 62

~~Legal persons or operators 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, operators 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.~~

~~Phytosanitary 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 phytosanitary inspection 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, operator or natural person registered in the Register.

Where the health status of the consignment referred to in paragraph 1 of this Article changes, ►M1 the phytosanitary or forestry inspector shall at the request of the person obliged to issue the plant passport, issue a replacement plant passport after performing a phytosanitary inspection. ◀

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

► M1 Obligations Related to the Issuance of Plant Passports ◀

Article 64

►M1 The person obliged to issue a plant passport shall be obliged to:

- 1) enable the issuance of a plant passport in accordance with this Law;
- 2) notify the phytosanitary or forestry inspector about an intention to place in circulation plants, plant products and regulated objects in a protected zone;
- 3) keep documents related to the issuance of a plant passport for three years;
- 4) report to 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, operators 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 inspection 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 inspection 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 Inspections 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 inspection 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, ► **M1** or regulated harmful organisms in accordance with this Law, as well as new harmful organisms that are not on the lists specified in this Law, and for which there is a reasonable suspicion that they may pose a risk to plant health taking into account the alerts and opinions of relevant international and regional organizations (EPPO, EFSA, IPPC); ◀
- 2) they have phytosanitary certificate;
- 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 phytosanitary certificate;
- 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 inspection 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 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 Inspection

Article 68

Phytosanitary inspections 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 inspection 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 ►M1 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 inspections 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 inspection.

Consignments ►M1 of plants, plant products and other objects ◀ referred to in paragraph 1 of this Article must be accompanied by an import permit issued by the Ministry as well as an appropriate phytosanitary certificate, ►M1 and the consignment of harmful organisms referred to in paragraph 1 of this Article must be accompanied by a permit for the introduction of the harmful organisms. ◀

Exemptions from Phytosanitary Inspection

Article 70

Phytosanitary inspections 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 phytosanitary certificate and phytosanitary inspection, 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.

Phytosanitary certificate

Article 71

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

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

The phytosanitary certificate and phytosanitary certificate 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, phytosanitary certificates 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, phytosanitary certificates in electronic form shall be accepted.

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

If specific phytosanitary certificate 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 phytosanitary certificate is required, phytosanitary certificates 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 phytosanitary certificate may be issued by the exporting country.

Phytosanitary certificates and phytosanitary certificates 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 phytosanitary certificates and phytosanitary certificates for re-export, as well as the conditions under which phytosanitary certificates in electronic form are accepted.

► **M1** The form of the phytosanitary certificate and of the phytosanitary certificate for re-export is created and printed by the National Bank of Serbia – Institute for the Production of Banknote and Coins "Toptschider". ◀

Importers' Obligations

Article 72

Importers and customs agents shall be obliged to:

- 1) notify phytosanitary certificate inspectors of the arrival of consignments referred to in Article 67 of this Law;
- 2) submit a request for inspection of the consignment in the prescribed time limit;
- 3) provide all the conditions necessary for the performance of a phytosanitary inspection;
- 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 ► **M1** transit ◀, until phytosanitary inspectors have performed phytosanitary inspections of consignments and confirmed their health safety.

If a consignment arrives at a border crossing not designated for the performance of phytosanitary inspections, 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.

Inspections of wooden materials used as packagings or supporting materials in the transportation of consignments not subject to phytosanitary inspection 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 inspection of a consignment, time limits for submission, and conditions which must be provided by importers to enable the performance of phytosanitary inspections.

The Importation Procedure

Article 73

If during phytosanitary inspection of consignments of plants, plant products and regulated objects a 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 inspection at the border crossing, the phytosanitary inspector shall take an official sample and forward it to the official laboratory ► **M1**, i. e. to the authorized ◀ Reference Laboratory for laboratory analysis.

If the conditions for phytosanitary inspection 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 inspections 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 inspection.

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 inspections and the manner of sampling and forwarding samples, as well as the number and size of the samples.

► M1 Import Clearance ◀

Article 74

► **M1** After inspection of the consignments of plants, plant products or other objects, or after receiving the results of the laboratory analyses, if the conditions of Article 67 paragraph 2–4 of this Law allow the import of the consignment, the phytosanitary inspector shall take a decision on the approval of the importation or certify the customs documentation with a rectangular seal, and shall also certify the phytosanitary certificate or phytosanitary certificate 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 inspection 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 inspection 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 phytosanitary certificate or phytosanitary certificate for re-export, whereby the phytosanitary certificate 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 Phytosanitary certificate

Article 76

► **M1** Upon taking 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 the movement of the consignment on the territory of the Republic of Serbia, and the consignment is accompanied by a certified copy of 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 inspection 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 inspections 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 inspection.

Export

Article 78

► **M1** Where an importing country requires a phytosanitary certificate for consignments of plants, plant products and regulated objects which are to be exported, that consignment is inspected for the purpose of issuing a phytosanitary certificate. ◀

► **M1** The inspection of the consignment referred to in paragraph 1 of this Article for the purpose of issuing a phytosanitary certificate shall be performed by the phytosanitary inspector, ie the qualified staff member of the agricultural extension service for performing activities referred to in Article 17 paragraph 1 item 2 of this Law. ◀

When consignments of plants, plant products and prescribed facilities are stored, repackaged or divided up on the territory of the Republic of Serbia, and the importing country requires a phytosanitary certificate, the phytosanitary inspector shall inspect the consignment to issue a phytosanitary certificate for re-export.

► **M1** The inspection of wood used for packaging or as dunnage during transport of consignments which is not subject to phytosanitary inspection shall be carried out by the customs authority which shall decide whether the wood meets the standard ISPM 15. ◀

Duties of Exporters

Article 79

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

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

- 1) data about the applicant: title of the legal person, or operator, 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 inspection.

Plants, plant products and regulated objects, packagings, means of transport, and where necessary, if required by the ►M1 importing country◀, also storage places, sites and places of production where the plants, plant products and regulated objects originate from shall be subject to phytosanitary inspection.

If the phytosanitary inspection referred to in paragraph 4 of this Article finds out that the specific phytosanitary requirements of the importing country have not been fulfilled, the phytosanitary inspector, ►M1 i. e. the qualified person according to Article 78 paragraph 2 of this Law◀ shall order measures to meet the specific phytosanitary requirements or refuse to issue a phytosanitary certificate.

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

Transit

Article 80

Consignments of plants, plant products and regulated objects referred to in Article 67 of this Law which are in ►M1 transit◀ shall not be subject to phytosanitary inspection.

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 ►M1 transit◀ consignments referred to in paragraph 2 of this Article, as well as the manner of performing the phytosanitary inspection.

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 operators 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 operators 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.

▼M1 Article 88

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

- 1) performed phytosanitary inspections of consignments of plants, plant products and other objects on importation;
- 2) performed phytosanitary inspections of consignments of plants, plant products and other objects meant for export;
- 3) performed phytosanitary inspections of consignments of plants, plant products and other objects meant for export;
- 4) issuance of phytosanitary certificates;
- 5) issuance of phytosanitary certificates for re-export;
- 6) for the costs of health inspections on crops and facilities for the production of seeds, seedlings and propagation material;
- 7) performed phytosanitary inspections of plants, plant products and regulated objects in production, processing, handling, storing and marketing for the purpose of issuing plant passports;
- 8) issuance of plant passports;
- 9) permit for issuing plant passports;
- 10) establishing requirements of registration in the Register of Providers of Services;
- 11) use of ISPM 15 mark;
- 12) performed phytosanitary inspections for the purpose of entry in the phytoregister;
- 13) training related to the issuance of plant passports and the issuance of a certificate on the completed training for the issuance plant passports;

Funds generated from the fees referred to in paragraph 1 shall be the revenue of the Republic of Serbia.

~~►M1 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

► **M1** The applicant pays an administrative fee according to the Law on fees for the issuance of a permit for the following:

- 1) registration in the Register of Service Providers;
- 2) registration in the Phytoregister;
- 3) import permit, i. e. the introduction of consignments for experimental, scientific and cloning purposes;

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

► **M1** 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.

Notwithstanding paragraph 1 of this Article inspectorial supervision related to forest plants, forest nurseries and propagation material meant for import, export or transit shall be performed by the Ministry through forestry inspectors.

The activities of a phytosanitary inspector may be performed by persons who have acquired higher education in the scientific field.... ◀

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 ► **M1** Phytoregister ◀;

- 3) control fulfillment of requirements referred to in Article 12 paragraph 2 items 4 and 5 of this Law;
- 4) control whether ► **M1** the person issuing plant passports ◀ fulfills the obligations according to Article 14 of this Law;
- 5) control fulfillment of ► **M1** obligations on the basis of contract work, i. e. 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) ► **M1** control the manner and procedure of performing heat treatment and marking of wood packaging material as well as the manner of keeping records and content of records according to Article 25 of this Law; ◀
- 9) control whether service providers keep evidence 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 inspections 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 ► **M1** according to Article 61 paragraph 4 and Article 63 paragraph 2 of this Law; ◀
- 21) issue plant passports in conformity with Article 62 paragraphs 3 and 4 of this Law;
- 22) ► **M1** control whether the person issuing plant passports fulfills the duties according to Article 64 of this Law; ◀

- 23) control whether legal persons, operators or natural persons keep plant passports for one year for purchased plants, plant products and regulated objects;
- 24) perform phytosanitary inspection 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 inspection 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 phytosanitary certificate and phytosanitary certificate 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 the fee for performed phytosanitary inspections 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 inspections 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 ► **M1** Article 61 paragraph 4 and Article 63 paragraph 2 ◀ 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 performing tasks referred to in Article 92 paragraph 1 of this Law, the phytosanitary inspectors may:

- 1) prohibit introduction of harmful organisms from the lists prescribed by this Law and regulated harmful organisms;
- **M1** 1a) may prohibit the introduction of harmful organisms in accordance with Article 40 paragraph 5 and Article 67 paragraph 2 of this Law; ◀
- 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 inspections;
- 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.

XIV 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 ►M1 Phytoregister◀ (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 ► **M1** Phytoregister ◀ (Article 11 paragraph 2);
- 3) ► **M1** 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) ► **M1** have failed to ensure the provision of services referred to in Article 21 paragraph 1 item 4 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 inspection (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 inspection, phytosanitary certificate, as well as without an import permit (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 inspection 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 ► **M1** within 30 days ◀ (Article 12 paragraph ► **M1** 7 ◀ 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 ► **M1** ~~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 ► **M1** 2 ◀ 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
- 12) 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;
- 13) 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;
- 14) fail to implement measures ordered by phytosanitary inspector (Article 55 paragraph 2);
- 15) issue plant passports without having in their employment a person holding a license for issuing plant passports (Article 56 paragraph 1);
- 16) fail to keep records on issued plant passports, or fail to maintain such records for five years (Article 61 paragraph 3);

- 17) issue a plant passport contrary to the provision of Article 62 paragraph 1 of this Law;
- 18) issue a replacement plant passport where a phytosanitary inspection of a consignment whose health status has changed has not been performed (Article 63);
- 19) act contrary to the provisions of Article 64 paragraph 1 of this Law;
- 20) 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);
- 21) act contrary to the provisions of Article 72 paragraph 1 of this Law;
- 22) 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 inspection has been performed (Article 76 paragraph 3);
- 23) fail to enable insight into all available documentation, as well as fail to provide all necessary conditions for the performance of phytosanitary inspections (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 Operators

Article 98

Operators 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 and 14 ►M1 and 16 ◀ of this Law shall be fined from 250,000 to 500.000 dinars for misdemeanor.

Article 99

Operators 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 ►M1 4 and ◀ 2 of this Law without being registered in the ►M1 Phytoregister ◀ (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 ►M1, or failing to report changes ◀ within ►M1 30 ◀ 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.

XV TRANSITIONAL AND FINAL PROVISIONS

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

Article 102

Legal persons and operators 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 Operators Providing Services in the Sphere of Protection of Plant Health

Article 103

Legal persons and operators 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 operators 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 inspections 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.

Termination 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.

Entry into Force of this Law

Article 108

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.