

Pursuant to Article IV 4.a of the Constitution of Bosnia and Herzegovina, Parliamentary Assembly of Bosnia and Herzegovina in their session of the House of Representatives held on -----2002 and their session of the House of Peoples held on -----2002 enacted the

LAW

ON HEALTH PROTECTION OF PLANTS

I GENERAL PROVISIONS

Article 1

Subject

This Law shall regulate the health of plants; specify measures and obligations concerning prevention of pest occurrence and spreading on plants, plant products and other regulated items, as well as their eradication; regulate biological protection of plants; specify collection and exchange of data and information systems; regulate public services in the field of health protection of plants; designate the authorities in charge of the Law implementation; and prescribe penalties concerning non compliance with the provisions of this Law.

Article 2

Purpose

The purpose of the adoption of this Law shall be to ensure health protection of plants, and particularly:

- a) Protection of plants and plant products from harmful organisms
- b) Prevention of occurrence and spreading of harmful organisms as well as fight against harmful organisms through introduction of measures for protection of plants and plant products
- c) Finding and identification of harmful organisms
- d) Providing for optimum production of agricultural plants and their trade
- e) Protection of environment via control of pests, introduction of biological protection of plants, monitoring and forecasting
- f) Management and monitoring of plant protection development
- g) Education and public information of plant health

Article 3

Meaning of Individual Terms

Terms used under this Law shall have the following meaning:

1. **Plant Health** shall mean protection of plant health, plant products and other regulated items from harmful organisms by means of phytosanitary measures.
2. **Plants** shall be:
 - a) Live plants
 - b) Live parts of plants including seeds

Live parts of plants shall be:

- a) Fruit in the botanical sense except for deep frozen fruit
- b) Vegetables except for those deep frozen
- c) Tubers, bulbs, rhizomes, and other underground reproduction parts
- d) Cut flowers

- e) Coniferous or deciduous branches
- f) Cut coniferous or deciduous trees
- g) **Seeds** shall mean seeds in the botanical sense meant for seeding

3. Plant products shall be the products of plant origin, either non-processed or processed through a simple processing procedure, unless covered under paragraphs 1 and 2. Wood shall also be a plant product if it has fully or partly preserved its natural round surface, with or without bark, or is in the form of shavings, chips, saw dust, wood waste or wood left over and if used in transport of any items like compartment, base or crate if it should be risky for plant health.

4. Planting shall mean putting plants in order to secure their further growth and its generative or vegetative reproduction.

5. Plants for planting shall be:

- a) Plants that have already been planted and will remain planted or will be re-planted
- b) Plants that have not been planted but are meant for planting

6. Pests shall mean organisms that are either flora or fauna, viruses, microplasma, phytoplasma, or some other pathogenic organisms harmful to plants and plant products.

7. Regulated objects/items shall be fields, storage capacities, packaging, transportation means, containers, soil or any organism, object or material that may contain or accelerate development of a harmful organism which also requires phytosanitary measures.

8. Shipment shall mean a quantity of plants, plant products and regulated items to be transported.

9. Phytosanitary measure shall be any regulation or some official or any other procedure done in accordance with this article in order to prevent entry and spreading of harmful organisms.

10. Phytosanitary regulation shall imply this Law and all the regulations enacted as arising from it, international treaties/agreements from the plant health protection sector, binding for Bosnia and Herzegovina.

11. Country of origin shall be the country in which the plants have been grown or the plant products have been made.

12. Conveyance/transport shall be any transport of plants, plant products or regulated items within the territory of Bosnia and Herzegovina except for the transport within the location of manufacture.

13. Location of manufacture shall be a surface or group representing individual manufacturing unit with all the relevant facilities and machinery.

14. Import shall mean bringing of shipments into the customs area of Bosnia and Herzegovina, regardless of the kind of its usage in accordance with customs regulations applicable for plants, plant products and regulated items, except for those meant for transit.

15. Outbreak of harmful organisms shall be any outbreak of harmful organisms in the region in which such harmful organism has not yet been manifested or has been to a limited extent.

16. Export shall mean any export of (a part of) shipment from the customs area of Bosnia and Herzegovina implying both re-export or temporary export.

17. Transit shall mean any transport of some shipment through the customs area of Bosnia and Herzegovina under customs supervision.

18. Phytosanitary certificate shall mean the certificate on the health status of the shipment issued by the relevant authority in charge of plants, generally from the country of origin to accompany the shipment meant for import, export or transit.

19. Phytosanitary certificate for re-export shall mean the certificate on the health status of the shipment issued by the relevant authority in charge of plants of the country into which such shipment is being imported or stored repacked or distributed, and has to accompany the shipment meant for re-export.

20. Passport for plants shall be the document confirming that the plants, plant products and regulated items transported within the territory of Bosnia and Herzegovina are in accordance with the provisions of this Law and which are related to the healthy status of the plants.

21. Owner of plants, plant products and other regulated items (hereinafter: the owner) shall either be a natural or legal person owning them or dealing with cultivation/growing, processing, management, sales or any other form of their utilisation.

22. Control of harmful organisms shall be the official procedure concerning collection and management of data on the presence or absence of harmful organisms, via inspection, monitoring of health status, systemic supervision or other procedures and other available resources.

23. Inspection shall be inspection of plants, plant products or other regulated items in order to establish presence of harmful organisms or compliance with phytosanitary regulations.

24. Phytosanitary inspectors in terms of this Law shall be inspectors of working for phytosanitary extension services of the relevant authorities of the Entities or the Brcko District of Bosnia and Herzegovina. (hereinafter: the Brcko District)

25. The relevant authorities in terms of this Law shall be: Administration for Protection of Plant Health of Bosnia and Herzegovina and the relevant authorities of the Entities and the Brcko District.

26. Control monitoring of health status shall be the regular control procedure concerning examination of plant health status.

27. Official sample shall be the sample taken by the relevant inspector, or the legal or natural person granted public authority under this Law.

II PLANT HEALTH PROTECTION

1. Organisation and jurisdictions concerning implementation of plant health protection measures

Article 4

Organisation of plant health protection

1. Plant health protection shall be the right and the obligation of the relevant authorities of Bosnia and Herzegovina, the Entities and the Brcko District, of legal and natural persons providing public services in the plant health protection area, and of owners (hereinafter: the persons securing plant health).

2. To secure plant health and perform other obligations under this Law as well as the application of international conventions and treaties in the plant health area binding for Bosnia and Herzegovina, inter-entity co-ordination concerning their application, Administration for Protection of Plant Health of Bosnia and Herzegovina shall be established (hereinafter: the Administration) as an independent legal person for protection of plant health throughout Bosnia and Herzegovina.

3. The Council of Ministers of Bosnia and Herzegovina (hereinafter: the Council of Ministers shall, in accordance with this Law, on the proposal of the Ministry of Foreign Trade and Economic Relations (hereinafter: the Ministry), establish the Administration under a separate act.

Article 5

Obligations of the relevant authorities of Bosnia and Herzegovina and of persons extending public services

1. The relevant authority of Bosnia and Herzegovina and the persons extending public services in the area of plant health shall be liable to perform control or participate in supervision of plants, plant products, land plots, storage capacities, processing and storage of plants and plant products, means of transportation of plants, plant products and regulated items, to discover and report on harmful organisms and their spreading and termination.

2. Persons extending public services in the plant health protection area must, without delay, notify the relevant inspector and the Administration on all the new and sudden outbreaks of harmful organisms from A I and A II lists.

Article 6

Obligations of owners

1. Owners must oversee the growing plants, including cultivated surfaces (fields, plantations, nurseries, gardens, green houses) wild growing plants, storage facilities, processing and storage of plants and plant products, means of transport of plants, plant products and regulated items for their own use or the use of some third persons or they grow them and use in order to discover outbreak and spreading of harmful organisms.

2. Owners must immediately notify the relevant inspector or persons extending public services, who in turn shall be obliged to inform the Administration, on all the new and sudden outbreaks of harmful organisms from lists AI and A II.

3. Owners must undertake measures established by the relevant inspector in order to prevent spreading of harmful organisms and their resistance.

4. In the event owner should not undertake the measures under paragraph 3 the relevant inspector shall be liable to order their execution at the expense of the owner.

III PREVENTION OF OUTBREAK AND SPREADING OF HARMFUL ORGANISMS AND THEIR RESISTANCE

1. Harmful organisms, plants, plant products and regulated items

Article 7

List of pests

1. Harmful organisms shall be classified according to their risk for health and existence of individual kinds of plants and according to their risk of causing substantial economic damage. In order to prevent outbreak and spreading of harmful organisms it is necessary to control harmful organisms and undertake measures under this Law.

2. Kinds of organisms considered especially dangerous for plants and plant products shall be classified as follows:

- a) Lists A I and AII shall apply to the whole territory of Bosnia and Herzegovina

- b) Lists B I and B II shall apply to certain protected zones
2. Detailed content of the lists under this Article shall be established by the Council of Ministers on the proposal of the Administration.

Article 8

List of plants, plant products and regulated items

1. Kinds of plants, plant products and regulated objects infected by harmful organisms under Article 7 paragraph 2 shall be classified into the following lists:

- a) IIIA list refers to entry ban
- b) IIIB list refers to entry ban concerning certain protected zones
- c) IVA list refers to special phytosanitary requirements
- d) IVB list refers to special phytosanitary requirements concerning certain protected zones
- e) V list containing:
 1. VA I concerning list plant passports
 2. V A II list concerning plant passports pertaining to certain protected zones
- f) VB list containing:
 1. VB I list referring to phytosanitary certificates
 2. VB II list referring to phytosanitary certificates for certain protected zones

2.) More detailed content of lists under this Article shall be determined by the Council of Ministers on the proposal of the Administration.

Article 9

Outbreak of Harmful Organisms

1. In the event the harmful organisms under I A and II A should break out in Bosnia and Herzegovina or harmful organisms from I B and IIB lists should break out in protected zones or plants, plant products or regulated objects should manifest symptoms on the basis of which there be doubt pertaining to infection by harmful organisms under IA, IIA, IB, IIB lists, the ownership holder has to immediately notify the relevant authorities in the manner stipulated.
2. Ownership holder shall have to protect plants, plant products and regulated items and prevent contact with other plants, plant products and regulated objects in accordance with the order of the relevant inspector.
3. The manner of reporting/notification under paragraph 1 shall be established by the Administration.

Article 10

Definition of Harmful Organisms

1. In the event of doubt under paragraph 1 of Article 11 official sample has to be taken and sent for laboratory diagnostic testing. Such testing has to either confirm or deny the doubt of infection by harmful organisms and try to establish the cause of such infection and thereby ensure such a method of handling of official samples that would not lead to the danger of spreading of harmful organisms as well as ensure identity of such sample.
2. Diagnostic testing under paragraph 1 has to be done by the laboratory with public authority under Article 67 paragraph 1 concerning execution of tasks under Article 70 item 5 of this Law.

3. In the event that an infection by harmful organisms from lists IA or IIA or in the protected zone from lists IB or IIB should be confirmed, the relevant minister shall order destruction or other removal, treatment or implementation of some other measure.

4. The relevant authorities shall notify organisations, services and plant owners of outbreaks or exposure to risks of harmful organisms and inform them of the most important measures applicable for prevention of infection by harmful organisms.

5. The Administration shall establish measures under paragraph 3.

Article 11.

Publication of Data on Harmful Organisms

1. The relevant Entity and Brcko District authorities shall keep statutory records on outbreaks and findings concerning harmful organisms and other necessary records concerning control, in order to be able to provide information at the Entity level.

2. The Administration shall keep statutory records on outbreaks and findings concerning harmful organisms and other necessary records concerning control, in order to be able to provide information at the level of Bosnia and Herzegovina and internationally.

3. The Administration shall regulate detailed contents, forms and methods of record keeping under paragraphs 1 and 2 of this Article.

4. Data concerning an outbreak of newly found harmful organisms from lists IA and II A in Bosnia and Herzegovina may be released or published in due form with a prior approval of the Administration.

5. The Administration shall enact the regulation under paragraph 4.

Article 12.

Specially Regulated Area

1. A specially regulated area shall be an area which is either infected or threatened/non-threatened in which plant health is secured in due form.

2. When the presence of harmful organisms has been established and for the duration of the risk due to their presence, the relevant inspector shall duly mark the infected area in respect of the kind of harmful organisms, order implementation of stipulated measures and notify plant owners of the infection outbreak area.

3. The Administration shall determine borders of infected and threatened/non-threatened areas, measures for identification and prevention of spreading of harmful organisms and control thereof and conditions concerning revocation of ordered measures and the manner of reporting.

Article 13.

Protected Zone

1. The areas in which presence of one or more harmful organisms has not been established despite favourable conditions therefor, or areas in which there is a danger for specific harmful organisms to infect certain plants during favourable ecological conditions despite of the fact that such organisms have not been established, may be defined as a protected zone.

2. A harmful organism shall be considered established in the protected zone if it is known to manifest there and if phytosanitary measures have not been undertaken for its extermination, or if within the period of at least two years such measures have been proved inefficient.

3. In the area in which presence of one or more harmful organisms has not been established despite favourable conditions therefor and if the area has duly been recognised as a protected zone, the relevant Entity authorities shall duly execute or ensure due execution of regular and systematic controls concerning presence of organisms on the basis of which the protected zone has been declared. In the protected zone within which there is danger for specific harmful organisms to settle on certain plants under favourable ecological conditions, and if such organisms have not been established in Bosnia and Herzegovina, systemic control shall not be obligatory.

4. The Administration shall establish protected zones, detailed conditions for systemic controls and lists of protected zones.

2. Bans and restrictions

Article 14.

Ban of Entry and Spreading of Harmful Organisms

1. Entry and spreading of harmful organisms from lists IA and IIA shall be prohibited.

2. Entry and spreading within the protected zone of harmful organisms from I B and II B lists on the basis of which the zone has been declared shall be prohibited.

3. Each entry into the territory of Bosnia and Herzegovina or into the protected zone shall be considered an entry in terms of paragraphs 1 and 2.

4. In the event of risk for plant health within the territory of Bosnia and Herzegovina entry and spreading of harmful organisms not included in the lists under paragraphs 1 and 2 may be prohibited.

Article 15.

Ban of Import and Transit of Plants, Plant Products and Regulated Items

1. Import of plants, plant products and regulated items from II A list shall be prohibited.

2. Import into the protected zone of plants, plant products and regulated items from III B list on the basis of which such protected zone has been declared, shall also be prohibited.

3. If the stipulated phytosanitary requirements are not met, import and movement of plants, plant products and regulated items from IV A list shall be prohibited.

4. If the stipulated phytosanitary requirements are not met, import and movement into the protected zone of plants, plant products and regulated items from IV B list on the basis of which such protected zone has been declared, shall be prohibited.

5. In the event of risk for plant health within the territory of Bosnia and Herzegovina, import and movement of other kinds of plants, plant products and regulated items that have not been quoted under the lists in paragraphs 1, 2, 3 and 4 maybe be prohibited.

Article 16.

Exceptions for Testing and Research and Various Selections

1. Notwithstanding the provisions of Articles 14 and 15, scientific and research organisations may import and transport harmful organisms from lists I A, II A, I B, II B as well as plants, plant products and regulated items from lists IIIA, III B, IV A and IV B in the event that:

- a) they will be used for testing or research purposes for work on various selections
- b) they fulfil the requirements related to professional and technical capacities established by the Administration under a separate regulation
- c) they have an import licence

2. The import licence from paragraph 1 shall be issued by the Administration on the basis of an application made by the research organisation from paragraph 1.

3. The application from paragraph 1 should contain the following:

- a) data on the applicant (firm and head office);
- b) data on harmful organisms or plants, plant products and regulated items.

4. Relevant Entity and Brcko District authorities shall keep records of all imports carried out under paragraph 1 of which they shall notify the Administration at the latest by the tenth day of the current month.

5. The Administration shall lay down the conditions related to professional and technical capacities, detailed contents of the application and the form and content of the import licence from this Article.

Article 17

Individual Cases

1. Notwithstanding the provisions of Article 14 and 15, the Administration may, in accordance with the stipulated requirements and if there is no risk from spreading of harmful organisms, exceptionally allow in individual cases:

a) import of plants, plant products and regulated items raised or used in the immediate vicinity of the state border if they are intended for usage in Bosnia and Herzegovina in the immediate vicinity of the state border.

b) import of plants, plant products and regulated items in an event of a mild contagion by harmful organisms, except those intended for planting.

2. Relevant Entity and Brcko District authorities shall keep records of every exceptional import carried out in accordance with paragraph 1, of which they shall notify the Administration at the latest by the tenth day of the current month.

3. The Administration shall lay down detailed conditions for the exceptional import of plants, plant products and regulated items.

Article 18

Exceptional Cases

1. Provisions from Articles 14 and 15 of this Law shall not apply:

- a) to shipments in transit through Bosnia and Herzegovina;

b) to small quantities of plants, plant products and regulated items, including foodstuffs and fodder if they will be used by the owner or recipient for non-industrial or non-commercial purposes or will be used during transport.

2. Small quantities shall be considered to be: fruit and fresh vegetables except potatoes, cut flowers and bouquets, seeds in the original packing, except potato seeds, oriental bulbs, Christmas trees without roots, potted house plants, balcony flowers intended specifically for personal usage of the end user in the quantities as specified by the Administration.

3. Register of Producers, Processors, Importers and Distributors of Plants, Plant Products and Regulated Items

Article 19

Register

1. Only physical and legal persons who meet the stipulated conditions to operate the registered business or carry out information activities and who are recorded in the Register of Producers, Processors, Importers and Distributors of Plants, Plant Products and Regulated Items (hereinafter: the Register) referred to in this Law may produce, process, import and distribute plants, plant products and regulated items from Lists V A and V B.

2. Registration shall be mandatory for:

a) producers, processors and distributors of plants, plant products and regulated items from List V A;

b) importers of plants, plant products and regulated items from List V B;

c) producers of special plants, plant products and regulated items which are not listed on List V A and for collection and distribution centers.

3. A single Register for Bosnia and Herzegovina shall be established and kept by the Administration.

4. Relevant Entity and Brcko District authorities shall keep registers in their administrative areas of responsibility.

Article 20

Registration

1. Persons from Article 19 who are required to register must guarantee for a responsible person with technical expertise in production and maintenance of plant health (hereinafter: person responsible for plant health), who shall be required to execute the obligations from Article 22. The Administration shall lay down detailed criteria with regard to professional qualifications.

2. Registration applicants must submit their applications to the responsible authority of the Entities or Brcko District on standard forms.

3. The application, among other things, contains:

a) personal details of the applicant, firm or name and surname and head office or address, responsible person, tax code,

b) personal identification number and identification number of the business LMBS, number of the farm and number of farm register, legal form of organisation, type of business,

c) personal details of the person responsible for plant health, of the applicant, name and surname, tax code, firm and head office or address.

4. The form and detailed contents of the application from paragraphs 2 and 3 shall be laid down by the Administration.

5. Relevant Entity and Brcko District authorities shall issue a registration certificate no later than three months after receipt of the completed application.

6. In the event that a physical or legal person no longer meets the required conditions from paragraph 1 or fails to meet the obligations from Article 22, the relevant Entity and Brcko District authorities shall act ex officio and issue a decision on removal from the Register and notify the Administration thereof by the tenth day of the current month.

7. Relevant Entity and Brcko District authorities shall compile and publish the list of registered or removed physical and legal persons in the official Entity or Brcko District gazettes.

Article 21

Register Contents

1. Registers, among other things, shall contain the following data:

- a) file registration number or LMSBS number from the farm register and file number
- b) name of firm, or name and surname of physical person and head office
- c) responsible person of the legal person
- d) legal form of organisation
- e) tax code
- f) personal identification number of business holder
- g) type of business
- h) agricultural land by plots and types of usage
- i) person in charge of plant health

2. The register may be computerised.

3. The Administration shall lay down the detailed contents and manner of keeping the Single Register and other registers.

Article 22

Registrants' Obligations

1. Persons who are required to register shall, among other things:

a) maintain accurate data on production, processing and trading in plants, plant products and regulated items, purchased for storage or planting, produced or offered for sale and shall keep this data for at least one year;

b) maintain and update the plan of the location where plants, plant products and regulated items are raised, produced, stored, preserved or used;

c) carry out regular visual plant controls in the stipulated manner;

d) allow access to relevant inspector services for inspections of plants, areas and documentation and formal selection of samples;

e) notify without delay the relevant inspector of any unusual occurrences and outbreaks of harmful organisms, symptoms, and other anomalies on plants as well as of production and appearance of prohibited plant sorts;

f) notify the relevant authority within the stipulated time frame of all changes of data entered in the register;

g) report annually to the relevant inspector within the stipulated time frame on the scope and place of production or processing of plants, plant products and regulated items;

h) cooperate with the relevant inspector for the purpose of ensuring plant health.

2. The Administration shall lay down the manner of control of plant health, deadlines, contents and manner of reporting data from paragraph 1.

Article 23

Exceptions

1. Notwithstanding Article 19, paragraphs 1 and 2, registration shall not be mandatory for small producers and processors if their total production or processing and sale of plants, plant products and regulated items is intended for their own use or for physical persons who are end users on the local market, if they do not produce and process plants professionally and if there is no danger of spreading harmful organisms.

2. The Administration shall lay down criteria for designation of small producers and processors and the scope of the local market.

4. Import, export and transit of shipments

A) Import

Article 24.

Points of entry

1. Shipments subject to obligatory control may be imported only on specific points of entry. Points of entry must fulfil the conditions stipulated for the carrying out of control under this law.

2. At the proposal of the Administration, the Council of Ministers shall stipulate the conditions with regard to the previous paragraph and identify points of entry.

Article 25.

Import

1. Shipments from list VBI being imported into the country, their packaging, and, if necessary, a means of transportation in which they have been transported, shall be subject to obligatory control.

2. Control should in particular establish:

a) whether the shipment is accompanied by a phytosanitary certificate;

- b) whether the shipment has been infected by harmful organisms from lists I A and II A;
- c) that the shipment does not contain plants, plant products, nor the regulated items from list III A;
- d) that the shipment fulfils phytosanitary requirements from list IV A.

3. Shipments referred to in paragraph 1 should be accompanied by original phytosanitary certificates, in principle those from the country of origin, except in cases when particular phytosanitary requirements from lists IVA or IV B for certain types of shipments as determined by the Administration may be fulfilled in the country which is not a country of origin.

4. Shipments referred to in paragraph 1 for which a phytosanitary certificate has been issued in the country of origin and which have been delivered, stored as re-packaged or distributed in another state which is not the country of origin, must be accompanied, apart from the original phytosanitary certificate or its certified copy, by an additional phytosanitary certificate on re-export issued in that other state. If such shipments have been previously successfully imported into several different countries and if more than one phytosanitary certificate for re-export have been issued along with the original phytosanitary certificate or its certified copy, all previous phytosanitary certificates for re-export or their certified copies must be attached as well.

5. Control of other shipments may also be carried out if authorised phytosanitary inspector suspects that there is a danger for the health of plants on the territory of Bosnia and Herzegovina.

6. The Administration shall stipulate the manner of the execution of the control referred to in paragraph 1.

Article 26.

Import into the protected zone

Shipments from list VB that have been imported into the protected zone, apart from the conditions provided for in article 25, must fulfil the following conditions:

- a) they must not be infected by harmful organisms from list IB or II B;
- b) they must not contain plants, plant products and regulated items from list III B;
- c) they must fulfil special phytosanitary requirements from list IV B.

Article 27.

Research and development work

Shipments from list VB, that are intended for testing, research or developmental purposes as well as for the work on different selections must be controlled and have the import licence under article 17 as well as phytosanitary certificate from the country of origin attached to them.

Article 28.

Special cases

If there is no risk of the spreading of harmful organisms, the Administration may, in line with the conditions stipulated under article 17, allow the import of plants, plant products and regulated items from list VB that have been cultivated or used in the immediate vicinity of the state border, without a phytosanitary certificate and control, if they are intended for the use in the immediate vicinity of the state border of that state.

Article 29.

Exceptions

Small quantities of plants, plant products and regulated items from list VB in line with article 18 may be imported without a phytosanitary certificate and control.

Article 30.

Obligations of importers and customs officers

1. Importers, carriers or persons bringing in the shipments referred to in article 25 paragraph 1 into Bosnia and Herzegovina shall have to inform a phytosanitary inspector on the arrival of such shipments being imported or re-packaged in the course of transportation on their part.
2. Customs officers cannot start the customs procedure, except in cases of transit, until a phytosanitary inspector carries out the control of the shipment referred to in paragraph 1 and issues an import licence.
3. In the event of shipments being imported, the importer must take measures as ordered by a phytosanitary inspector.
4. Customs officers may refuse the entry of the shipment in order to hand over to the competent inspector plants, plant products and regulated items that a person is bringing into Bosnia and Herzegovina without a phytosanitary certificate or which are comprised by lists I A or II A, except for small quantities referred to in article 18, and the latter shall have to order measures stipulated in accordance with article 10 paragraph 3.
5. The Administration shall stipulate more detailed conditions and methods of eradication of plants, plant products and regulated items.

Article 31.

Import procedure

1. Control of shipments referred to in article 25 shall be carried out on the first point of entry into Bosnia and Herzegovina where other administrative formalities are being carried out, including customs clearance.
2. If there is no risk of spreading of harmful organisms, in cases and under conditions as stipulated by the Administration, the control of the health of the plants from the shipments may also be carried out in officially identified places that are under the customs control.

Article 32.

Licence or refusal of import

1. If the conditions referred to in articles 25 and 26 have been fulfilled, upon completion of the control, a phytosanitary inspector shall have to give a licence for the import of the shipment and put a seal on the phytosanitary certificate or a phytosanitary certificate for re-export writing down the date of entry and shall affix a stamp of the phytosanitary control. If the conditions referred to in articles 25 and 26 have not been fulfilled, a phytosanitary inspector shall not allow the import of the shipment and shall order one or several measures referred to in article 10 paragraph 3. In that case a phytosanitary inspector shall put a clear indication on the first page of the phytosanitary certificate or phytosanitary certificate for re-export by a seal in the form of a red triangle, thereby rendering the certificate ineffective.
2. If a phytosanitary inspector establishes that part of the shipment has been infected by harmful organisms from lists I A, I B, II A or II B, the import of the rest of the shipment may be allowed if there is no suspicion that an infection of that part of the shipment may occur and if there is no risk of the spreading of harmful organisms.
3. The Administration shall stipulate the size of the seal and data which it should contain.

Article 33.

Other shipments for import

1. In the event of the import of shipments with regard to which, on the basis of the supporting documentation, it may be concluded that they do not contain plants, plant products and regulated items

from list V B, a phytosanitary inspector may carry out the control if there is a sufficiently justified doubt with respect to the identity of the shipment or if there is a risk of the spreading of harmful organisms.

2. If upon completion of the control a phytosanitary inspector continues to have doubts about the identity of the shipment, in particular with regard to the genus, species or origin, it shall be considered that the shipment contains plants, plant products and regulated items from list V B.

Article 34. Free zone

The provisions of this law referring to the import of shipments shall be applied to the shipments being imported into a free zone or customs warehouse in Bosnia and Herzegovina.

B) Export

Article 35. Export procedure

1. If a country to which plants, plant products and regulated items originating from Bosnia and Herzegovina are being exported, requires a phytosanitary certificate, a phytosanitary inspector shall have to carry out the control of the shipment prior to the issuance of a phytosanitary certificate in order to check out that the phytosanitary requirements of the country to which export is made have been fulfilled.

2. If the country to which the plants, plant products and regulated items not originating from Bosnia and Herzegovina but being stored, re-packaged or distributed in Bosnia and Herzegovina are being exported, requests a phytosanitary certificate, a phytosanitary inspector shall have to carry out the control of plants, plant products and regulated items prior to the issuance of a phytosanitary certificate for re-export, in order to check out that the stipulated phytosanitary conditions of the country to which export is made have been fulfilled.

3. The issuance of a phytosanitary certificate shall be considered to be an official procedure or measure being carried out by a phytosanitary inspector, by way of which he/she shall confirm that the provisions referred to in paragraphs 1 and 2 have been fulfilled.

4. The Administration shall stipulate the form and contents of a phytosanitary certificate and phytosanitary certificate for re-export.

Article 36. Responsibilities of exporters

1. An exporter shall have to submit with a phytosanitary inspector a request for the issuance of a phytosanitary certificate within the deadline as determined by the Administration.

2. The request for the issuance of a phytosanitary certificate must obligatorily contain:

- a) identification data of the party submitting the request: firm i.e. name and surname and the seat i.e. address;
- b) data on the shipment;

3. The Administration shall stipulate more detailed contents of the request referred to in paragraph 2.

4. Exporters shall have to carry out measures ordered by a phytosanitary inspector in the course of the control of the shipment intended for export.

C) Transit

Article 37.

Shipments in transit

1. The control in line with article 25 paragraph 2 of this law shall not be obligatory for shipments in transit.
2. The shipment referred to in paragraph 1 must be packaged in such a manner so that there is no risk of the spreading of harmful organisms and must not be distributed, mixed with other shipments or re-packaged on the customs area of Bosnia and Herzegovina.
3. If the shipment has not been packaged in line with paragraph 2, or if it has been re-loaded, the control in line with article 25 paragraph 2 shall be obligatory.
4. Irrespective of the provisions of paragraph 1, if there is a reasonable doubt that there is a risk of the bringing in or spreading of harmful organisms, the Administration may stipulate, for certain shipments in transit, the manner of treating the shipment, obligatory control, the manner of control as well as define measures.

IV TRANSPORTATION OF PLANTS, PLANT PRODUCTS AND REGULATED ITEMS

Article 38.

Transportation

1. Plants, plant products and regulated items from list V A I may be transported if a passport for plants has been attached to the plant or in the packaging or if it has been attached as an accompanying document in the means of transportation.
2. Shipments from list V A being transported and intended for testing purposes, research purposes or work on different selections must be subjected to control and must have a plant passport.

Article 39.

Transportation to the protected zone

1. Plants, plant products and regulated items from list V A II may be transported into or within the protected zone only if a passport being valid for the protected zone has been attached to the shipment or in the packaging, or if it is situated in the means of transportation as an accompanying document and if the conditions for the transportation as stipulated in greater detail by the Administration have been fulfilled.
2. The provisions of paragraph 1 shall not be applied to the transportation of plants, plant products and regulated items through the protected zone or from the protected zone under conditions as stipulated by the Administration.

Article 40.

Exceptions

Irrespective of article 38, paragraph 1, quantities of plants, plant products and regulated items from list V A being transported by small manufacturing or small processing parties that do not have to be entered into the register in line with article 23, may be transported without a plant passport.

Article 41.

Production, processing, use

1. Plants, plant products and regulated items from list V A I, being produced, processed and used by legal and physical persons entered into the register and being intended for the transportation, must be subjected to control in order to check that:

- a) they have not been infected by harmful organisms from lists I A and II A,
- b) they satisfy special phytosanitary requirements from list IV A.

2. Plants, plant products and regulated items from list V A II, that are intended for the transportation into the protected zone must be subject to control for the purposes referred to in paragraph 1 in order to check that:

- a) they have not been infected by harmful organisms from lists I B and II B,
- b) they satisfy special phytosanitary requirements from list IV B.

3. Controls during which the conditions referred to in paragraphs 1 and 2 have been established must be carried out regularly, at least within stipulated intervals, or at least once a year and at least visually.

4. More detailed methods of control referred to in paragraphs 1, 2 and 3 shall be stipulated by the Administration.

5. Irrespective of the provisions of paragraph 3, the control may be carried out randomly in order to check the protection of health of plants and notwithstanding the origin of plants, plant products and regulated items, at all times and at any place wherever these are transported, produced, stored, sold or used, as well as in the premises of the buyer.

6. If it has been established during control that there is a risk of the spreading of harmful organisms or that the conditions stipulated for the transportation of plants, plant products and regulated items have not been fulfilled, the competent inspector may order measures in accordance with article 12 paragraph 3.

Article 42.

Passport for plants

1. Plants, plant products and regulated items from list V A must have a passport for plants.

2. Passports for plants shall be issued by persons providing public services in the area of the protection of plants or by persons that shall have to register themselves in the register in line with article 19 paragraph 2 (hereinafter: authorised persons) if they have obtained a licence for that from the competent authority of the entities or the Brcko District and if the plants, plant products and regulated items from list V A have been subjected to control in line with article 41.

Article 43.

Licence for the issuance of a plant passport

1. Competent authorities of the entities or the Brcko District shall issue authorised persons with a licence for the issuance of a plant passport if these persons fulfil the following conditions:

- a) that they are entered into the register in line with article 19;
- b) that they are technically competent for the protection of plants or that they guarantee a technically competent person for the protection of plants who will take care of the execution of responsibilities referred to in article 49, who is employed with the authorised persons or has a contractual relation with the authorised person;

c) that they have a formal notification by the competent inspector that they fulfil requirements referred to in article 22.

2. Request for obtaining the licence for the issuance of a plant passport shall be submitted with the competent authorities of the entities or the Brcko District on a form being stipulated.

3. Aside from the data referred to in Article 20 the request shall state:

- a) The data regarding the production, sale or import of plants, plant products and regulated items;
- b) The data related to meeting conditions referred to in Paragraph 1.

4. The person referred to in Paragraph 1.b shall be considered to possess professional qualifications if s/he has a required background and the certificate on basic knowledge of harmful organisms, their control and plant health protection regulations which has been acquired at the courses the Administration has passed curricula for and which are organized by the relevant bodies of the Entities or Brcko District.

5. If the person responsible for plant health has entered a contractual arrangement with the relevant person, along with the request the relevant person must attach a copy of the contract, which must include precisely defined responsibilities of the person responsible for plant health.

6. The form and detailed contents of the request referred to in Paragraphs 2 and 3 and the conditions pertaining to school background and the form of the certificate on the basic knowledge referred to in Paragraph 4 shall be decided upon by the Administration.

7. The relevant bodies of the Entities or Brcko District shall issue approvals for the issuance of plant passports in an administrative procedure no later than three months after the receipt of the comprehensive request.

8. If a legal or natural entity ceases to meet the prescribed conditions for the plant passports issuance the approval shall be terminated upon the proposal of the relevant person or ex officio.

Article 44

Records on persons responsible for plant health
In charge of the plant passport issuance

1. Relevant bodies of the Entities and Brcko District shall be bound to keep records of the persons responsible for plant health in charge of the plant passport issuance.

2. The records should be kept in an uniform way and it should comprise the name of the company or the name and family name and the seat i.e. address of the persons responsible for plant health and the personal name and address of the relevant person who has issued guaranties for this responsible person.

3. Upon the request of the Administration relevant bodies of the Entities and Brcko District shall be obliged to deliver data from the records.

4. More detailed data and the method of keeping records referred to in Paragraphs 1 and 2 shall be prescribed by the Administration.

Article 45

Plant passport types

1. There are following types of plant passports:

- a) plant passport
 - b) replacement plant passport (marked as RPP)
 - c) protected zone plant passport (marked as ZPPP)
2. The Administration shall set forth the form and the contents of the plant passport.

Article 46

Plant passport issuance for non-infected plants, plant products and regulated items

If the control identifies that parts of plants, plant products and regulated items, wherein a registered manufacturer that is processing plant manufactures i.e. processes or uses or is present in their space in any possible way, are infected with harmful organisms stated on the lists IA, I B, II A or II B, the plant passport may be issued for all remaining plants, plant products and regulated items if there is no doubt whether the said have been infected or there is no risk of an outbreak of harmful organisms.

Article 47

Replacement plant passport

1. If a shipment is divided or consists of several different individual shipments that have already got plant passports it is necessary to issue the replacement plant passport for the new shipment.
2. If, in the case referred to in Paragraph 1, the health status of the shipment changes the replacement plant passport may be issued only after exercising the control.

Article 48

Replacement of plant passport by a phytosanitary certificate

1. After controlling shipments, which are imported, which have to be followed by a phytosanitary certificate and to be listed on V A list, the phytosanitary inspector should allow movement of the imported shipment through the country with the possession of the phytosanitary certificate which should state that it represents a replacement plant passport.
2. A new plant passport must be issued if the shipment stated on V A list accompanied by the phytosanitary certificate is divided or consists of several different individual shipments.
3. If, in the event referred to Paragraph 2, the health status of the imported shipment is changed the plant passport may be issued only after exercising the control.

Article 49

Duties of manufacturer, processing plant, importer and distributor related to the plant passport issuance

1. Manufacturers, processing plant, importers and distributors of plants, plant products and regulated items referred to in Article 19 Paragraph 2, aside from obligations referred to in Article 22, shall be also obliged:
 - a) To inform relevant bodies of the Entities and Brcko District within prescribed timeframe about all changes related to the requirements for the plant passport issuance,
 - b) To take care of the plant passport issuance in line with the Law,

- c) To inform relevant inspector within the prescribed timeframe about the intended movement of plants, plant products and regulated premises into protected zones,
 - d) To issue plant passports in accordance with the prescribed contents and symbols,
 - e) To store documents and keep records on the issuance of all plant passport types,
 - f) To take care of the replacement plant passport in a manner which facilitates re-issuance of the plant passports.
2. The Administration shall prescribe the method and deadlines for reporting and deadlines for keeping the documentation referred to in Paragraph 1.

Article 50

Duties of buyers of plants, plant products and regulated items

- 1. Buyers of plants, plant products and regulated items participating in marketing of the manufactured goods, as end users, must keep all plant passport types in line with prescribed deadlines.
- 2. The Administration shall set forth the deadline for keeping documents referred to in Paragraph 1.
- 3. Buyers referred to in Paragraph 1 shall be obliged to allow relevant inspector an access to plants, plant products and regulated items in each phase of production, processing or trade and allow control, including documentation review.

V BIOLOGICAL CONTROL

Article 51

Biological protection of plants

Biological protection of plants shall be a manner to control harmful organisms in agriculture wherein live natural enemies, antagonists or opponents or their products and other self-reproducing biotic creatures, are used.

Article 52

Autochthonous species

- 1. An autochthonous species shall be a species organically present in the ecosystem.
- 2. Bringing, growing and use of autochthonous species for plant biological protection in covered space and in open is allowed if the requirements related to professional and technical potentials, as set forth by the Administration in cooperation with bodies responsible for nature preservation, are met.

Article 53

Bringing exotic species

- 1. An exotic species is a species non-native (or alien) to the ecosystem under consideration but humans have brought it there.
- 2. Only alien species entered on the list published by the Administration may be used for biological protection of plants in covered space and in open.

3. The Administration shall be obliged to issue an approval for the import and use of foreign species referred to in Paragraph 2 on the basis of the previously obtained opinion of the relevant bodies of the Entities and Brcko District, on the basis of findings which confirm that such an intervention does not represent threat to natural balance of biological diversity and in line with regulations in domain of nature preservation.

4. The Administration shall issue the import license referred to in Paragraph 3.

5. Explicit from the provisions of Paragraph 2 the license for import and use of alien species may be issued for the purpose of biological protection of plants, to a scientific or research organization if it is used for experimental, research or development purposes. The license shall be issued in a manner prescribed in Paragraph 4.

6. To get the license referred to in Paragraph 3 the applicant must also fill the prescribed requirements related to land/premises, equipment and staff.

7. A request to issue the approval referred to in Paragraph 3 shall be lodged with relevant body of the Entities and Brcko District. The request should contain these specific information:

- a) The company that is name and family name and head-office i.e. seat,
- b) The name of responsible person,
- c) The type of activities,
- d) The kind and method of use in relation to the target harmful organisms,
- e) The colonization program and the list of recipients,
- f) The assessment of the nature in danger,
- g) The evidence that the use of organisms has been approved in at least three comparable European countries,
- h) The evidence that the organisms are intended for biological control,
- i) The evidence that other prescribed conditions are met.

8. Detailed requirements referred to in Paragraph 6 and detailed content of requirements referred to in Paragraph 7 shall be prescribed by the Administration.

9. Relevant bodies of the Entities, Brcko District and the Administration shall be obliged to keep record on the import and use of alien species referred to in this Article.

VI COLLECTION, USE AND EXCHANGE OF DATA AND INFORMATION

Article 54

Collection and use of data

1. In line with this Article relevant bodies may collect and use data to keep and maintain database for the analysis and monitoring measures related to plant health protection which are kept by the official state and Entity bodies, public institutions and agencies, bearers of licenses and other authorized bodies within the prescribed databases, specifically from:

- a) The farm register and subject records;

- b) The records of agricultural and food products' manufacturers and processing plants;
- c) The land use register;
- d) The spatial unit register;
- e) The tax register (tax numbers);
- f) The central register of population (name and family name, PIN, residence);
- g) The land register (number of the land plot, boundaries of the land plot, owner, manager, occupant);
- h) The land register (ownership and occupancy rights for individual land plots);
- i) The business register of Bosnia and Herzegovina;
- j) The statistic database in the field of agriculture;
- k) The customs database on import and export of plants and plant products;
- l) The database of the Weather Bureau

2. Relevant bodies may also use basic topographic plans, topographic maps, geodetic maps and digital orthographic plans.

Article 55

Data announcement

Relevant bodies may announce data enclosed in its register and databases to other state bodies if it is necessary for the exercise of their tasks as foreseen by law, as well as to authorized organizations and public institutions providing public services if the data are requested to carry out tasks pertaining to the plant health protection.

Article 56

Information system

Persons dealing with the plant protection must keep and regularly update the prescribed records, registers and databases associated with the information system.

The Administration shall be obliged to ensure the introduction and connection of the information system referred to in Paragraph 1 with the information system of the relevant bodies of the Entities and Brcko District.

Article 57

International exchange of data and information

1. At the international level the Administration shall be obliged to exchange specifically data and information with:

- a) The responsible official bodies;

- b) The authorized public services providing public services in the plant health area;
- c) The list of entry points via which the shipment may be imported into Bosnia and Herzegovina;
- d) The list of harmful organisms subject to the control;
- e) The presence or outbreak of harmful organisms from the list prescribed by this law on the part of its territory at which they were not present before together with the actions taken;
- f) The occurrence, outbreak or spreading of the harmful organisms which represent a potential risk ;
- g) Any occurrence of a harmful organism in the protected zone on the basis of which the protected zone was declared;
- h) The findings of the systematic control in the protected zone;
- i) The regulations issued on the basis of this Law;
- j) The cases in which the shipments of plants, plant products and regulated items have been withheld since phytosanitary requirements have not been met;
- k) Other data and information in the plant protection domain upon a request of international bodies and organizations;

2. Data and information should be announced in line with the Bosnia and Herzegovina's obligations pertaining to international conventions and agreements.

VII TARIFFS AND CHARGES

Article 58

Charges

1. All charges related to testing plants, plant products and regulated items made upon the request of a phytosanitary inspector in order to assess the plant's health status in cases in which the result of the analysis has been unfavorable for the property owner shall be paid by the property owner who identified the samples, unless otherwise stipulated.
2. All charges related to the implementation of actions referred to in this Law which are made in order to ensure the plant health shall be paid by the property owner.
3. The applicant shall pay the charges for technical education courses aimed at getting a license for the plant passport issuance.
4. A prescribed administrative fee, set forth in a particular regulation, shall be paid for the phytosanitary certificate.
5. A special tariff fee shall be paid for the control.
6. The Administration shall prescribe the amount of special tariff, type and quantity of plants, plant products and regulated items as well as the manner of payment.

7. The special tariff under paragraph 6 shall be revenue of the Entity Budget and it shall be paid in accordance with regulations governing the manner of payment and allocation of public revenues.

VIII. DAMAGE COMPENSATION

Article 59

Damage Compensation

1. If the Phytosanitary Inspector orders elimination or removal of plants, plant products and regulated items in accordance with this Law, the owner shall be entitled to damage compensation as follows:

- a) if he/she immediately reported the emergence or suspected presence of a harmful organism specified on the list I A or II A or in the case of protected zone specified on the list I B or II B;
- b) if he/she took all measures prescribed and ordered for the purpose of health protection of plants.

2. Funds for the damage compensation under paragraph 1 shall be paid from the respective Budget of the Entities or Brcko District.

3. The damage compensation under paragraph 1 shall not be paid if a harmful organism has emerged by the import of plants, plant products or regulated items into Bosnia and Herzegovina.

4. The damage compensation shall be realised on the basis of a claim submitted by the owner of destroyed or in another way eliminated plants, plant products or regulated items. The claim which should be submitted to the responsible body of the entity or Brcko District should enclose a decision of the responsible Inspector ordering such measure.

5. The responsible body of the Entity or Brcko District shall decide as to the allocation of funds and the amount of compensation.

6. No appeal is permitted against the decision on the amount of compensation, nor is it possible to institute an administrative dispute. The owner may suggest to the competent court to make damage assessment within 30 days of the delivery of the decision under paragraph 5.

7. The court shall issue a decision in civil proceedings in accordance with paragraph 6.

8. More detailed criteria on determination of damage compensation shall be specified by the Administration in agreement with the responsible body of the Entities and Brcko District.

IX PUBLIC SERVICES IN THE AREA OF HEALTH PROTECTION OF PLANTS

Article 60

Definition

1. The public service in the area of health protection of plants shall be an activity defined by the law. Persons who render such services shall have special obligations which are of public interest (hereinafter: obligations of public services).

2. Activities of the public service for health protection of plants include primarily observation and prediction of emergence of harmful organisms as well as technical tasks in health protection of plants.

3. Tasks concerning observation and prediction of emergence of harmful organisms shall be in particular as follows:

- a) monitoring and observation of development of harmful organisms that are regularly present on plants and plant products and determination of optimal time for their prevention;
- b) records keeping on emergence and increase of the population of harmful organisms (epiphytotics),

- c) prediction of development and increased emergence of harmful organisms on the basis of relevant information,
- d) providing meteorological, biological and other information for the purpose of observation and prediction of emergence of harmful organisms,
- e) performance of basic field and laboratory diagnostic of harmful organisms,
- f) issuance of notifications and prevention of expansion of harmful organisms through counselling and instructions as to the use of products for protection of plants and through public campaign and relevant services,
- g) education of owners on application of activities pertaining to health protection of plants.

4. Technical tasks in the area of health protection of plants shall be in particular as follows:

- a) performance of special laboratory tests of plants, plant products and regulated items for the purpose of identification of harmful organisms,
- b) providing owners with an expertise related to the health of plants,
- c) professional training of persons responsible for the health of plants related to the issuance of passports for plants;
- d) issuance of passports for plants,
- e) conduct of research and development activities,
- f) conduct of disinfecting and rodent control for the purpose of health protection of plants;
- g) carrying out other technical tasks.

5. The Administration shall, in cooperation with responsible bodies of the Entities and Brcko District, issue more detailed regulation pertaining to the tasks under paragraphs 3 and 4.

Article 61

Providers of public services for health protection of plants

- 1. Activities of the public service for health protection of plants shall be carried out by public institutions and other legal and natural entities which satisfy prescribed requirements concerning staff, premises and requirements pertaining to the equipment.
- 2. The Administration shall prescribe the requirements under paragraph 1 in cooperation with the responsible bodies of the Entities and Brcko District.

Article 62

Responsibilities of the public service

- 1. Responsibilities of the public service for health protection of plants shall be as follows:
 - a) regular and continuous activities and provision of services;
 - b) rendering possible services to natural and legal entities that deal with agricultural activities or protection of plants
 - c) provision of services at pre-set prices.
- 2. If a provider of public services fails to render a public service to a person to whom it is obliged to render such service or fails to render a service at pre-set prices and under other specified terms, the beneficiary may request the responsible body of the Entity or Brcko District to issue a decision as to the rights of the beneficiary in administrative proceedings and order to the provider of services to act in accordance with applicable regulations.

Article 63

Financing of public services

- 1. The public services in the area of health protection of plants shall be financed as follows:
 - a) from a portion or entire amount paid for rendered service,

- b) from the Budget of the Entity or Brcko District,
- c) other sources.

2. Providers of the public services must designate funds from the Budget of the Entity and Brcko District for financing of public services programs intended solely for provision of such public services.

Article 64

Rates of public services

1. Beneficiaries of services rendered by public services in the area of health protection of plants shall pay prices of individual services partially or in whole.

2. Rates of public services in the area of health protection of plants and the portion paid by beneficiaries shall be determined by the Administration in cooperation with the responsible bodies of the Entities and Brcko District.

Article 65

Control of the work of the public services

The administration shall control the application of public services in the area of health protection of plants in cooperation with the responsible bodies of the Entities and Brcko District.

Article 66

Licences

1. The Administration shall at the request of the responsible bodies of the entities and Brcko District issue to the providers of services licences for rendering of public services for the health protection of plants on the basis of public invitations for competitions published in the Official Gazettes of the Entities and Brcko District.

2. The public invitations for competitions should primarily contain as follows:

- a) subject of the licence
- b) commencement and duration of the validity of the licence,
- c) requirements that holder of such licence must meet,
- d) mandatory elements of bids,
- e) measures pertaining to the selection,
- f) deadline for issuance of decision on selection,
- g) other possible professional and technical requirements,
- h) contact person for information on the content of the public invitation for bids,
- i) date, place and time for opening of bids,
- j) manner in which candidates will be informed of the selection of the licence holders.

3. Procedure for opening and assessment of bids shall be specified by special commissions to be appointed by the Administration in cooperation with the responsible bodies of the Entities and Brcko District. Representatives of bidders may attend the opening of bids.

4. The decision under paragraph 2 f) shall be published in the Official Gazettes of the Entities and Brcko District.

5. The public invitation for bids under paragraph 1 is not required for public institutes for agriculture. The Administration shall, in cooperation with the responsible bodies of the entities and Brcko District, issue licences to such institutes on the basis of a request by way of a decision in administrative proceedings.

6. Relations between the Administration and holders of licences shall be regulated by detailed contracts.

7. No appeal is permitted against the decision under this Article, it is possible however to institute an administrative dispute.

Article 67 Contracts

1. The contracts under Article 66, paragraph 6, shall be concluded in writing and they will include as follows:

- a) name of the service provider and qualified persons who will perform the activities,
- b) activities for the health protections of plants that shall be carried out by the service provider,
- c) region in which such service provider must render public services in the area of health protection of plants,
- d) manner and conditions for performance of activities specified in the contract,
- e) rights, obligations and responsibilities of the service provider,
- f) work hours, work-days, the manner in which activities will be secured,
- g) commencement and duration of the validity of the licence,
- h) source of financing,
- i) supervision over performance of activities,
- j) expiration of the licence,
- k) notice period for cancellation of the contract.

X. PUBLIC AUTHORISATION

Article 68 Public authorisation

1. The Administration shall, in cooperation with the responsible bodies of the Entities and Brcko District, issue public authorisations to legal and natural entities that meet requirements in terms of qualified staff, premises, technical capacity for the tasks under Article 76, paragraphs 3, 4, 5, 6, 7, 8, 10 and 14.

2. The requirements pertaining to qualifications under paragraph 1 shall be prescribed by the Administration.

3. Commissions appointed by the Administration, in cooperation with the responsible bodies of the Entities and Brcko District, shall verify as to whether the requirements pertaining to the qualification have been met.

4. The Administration, in cooperation with the responsible bodies of the Entities and Brcko District, shall issue public authorisation for performance of the tasks under paragraph 1 on the basis of a public invitation for bids.

5. The public invitation for bids under paragraph 1 shall not be required for public institutes for agriculture to which the Administration shall issue licences upon request.

6. The Administration shall decide on selection of the service provider. Its decision should include list of persons who will perform delegated activities.

7. No appeal is permitted against the decision under paragraph 6, it is possible however to institute an administrative dispute.

8. Holders of public authorisations shall be answerable to the responsible bodies for performance of tasks to which the authorisation applies.

9. If a holder of the public authorisation ceases to meet requirements or if it acts contrary to the legislation, the Administration shall issue a decision terminating the public authorisation.

XI. ASSOCIATIONS IN THE AREA OF HEALTH PROTECTION OF PLANTS THAT WORK IN THE PUBLIC INTEREST

Article 69

Public interest

1. Associations in the area of health protection of plants shall be professional and amateur associations in the area of health protection of plants that perform activities of public interest.
2. The association works in the public interest:
 - a) if it takes an active part in the area of health protection of plants;
 - b) if it runs activities that are of public interest as defined in founding documents;
 - c) if it organises education/training on health of plants for members and non-members;
 - d) if it has been clearly demonstrated that funds of the association have been predominantly used for the purpose of the public interest over the period of two years;
 - e) if it has performed these functions for at least two years.
3. The Administration can prescribe more specific requirements under paragraph 2.

Article 70

Status of associations

1. The responsible body may issue a decision to award a status of the association of public interest to associations that meet the requirements under Article 69 for the period of not more than five years, including a possibility of extension for the same period.
2. The association may be financed from the Budget of the Entities and Brcko District for performance of the activities that are in the public interest.
3. The responsible body shall take a decision cancelling the status of any association that ceased to meet the requirements under the preceding Article.

Article 71

Publishing

Any decision on award and cancellation of the status of an association of public interest shall be published in the Official Gazette of the Entities and Brcko District.

XII. EXPERT ADVICE FOR THE HEALTH OF PLANTS

Article 72

Expert advice for the health of plants

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1. The Administration shall establish a Council for Health of Plants (hereinafter: the Council) as a vocational and advisory body in plant health matters, which shall be composed of experts for matters such as plant health, agriculture, forestry, science and education. The Council shall carry out the following tasks, in particular:

- a) give advises on introduction on measures aimed at control, prevention of bringing in and spreading of harmful organisms
- b) propose scientific and educational plant health activities
- c) follow up plant health systemic and development issues and propose priorities
- d) propose evaluation of major pest risks
- e) propose plant health development plans
- f) co-operate in creation of the basis for preparation of legislation.

2. The Administration, in co-operation with competent bodies of the Entities and Brcko District, shall issue regulations on the composition and method of work of the Council.

XIII Competence of the Responsible Bodies

1. Council of Ministers

Article 73

Measures

Upon the Administration's proposal, the Council of Ministers may issue the following measures:

- a) Issue a ban on production of some types, sorts or clones of plants in identified areas
- b) limit or ban the trade of some sorts of plants
- c) order mandatory co-operation between the owners in control of harmful organisms and in use of their equipment for the aforesaid purposes
- d) order all other measures required for the application of this Law.

2. Administration

Article 74

Status

1. The Administration shall be a focal body responsible for the protection of plants in Bosnia and Herzegovina; for co-operation and exchange of information with international official bodies and for rendering the information to international bodies.
2. The Administration shall carry out administrative tasks and relevant technical jobs, in line with this Law.
3. The Council of Ministers shall be considered second instance body in administrative matters that are being decided by the Administration.

Article 75

Measures that shall be implemented by the Administration

1. For the purposes of prevention of bringing in and spreading of as well as for the exercise of control over harmful organisms in Bosnia and Herzegovina (if there is a risk in the country), the Administration by its decisions may:
 - a) establish boundaries of specially regulated areas
 - b) restrict or ban transport of some plants at the BH territory
 - c) restrict or ban import and transit of some types of plants through the BH territory
2. The Administrations shall be obliged to issue a decision referred to in paragraph 1a until such time as the regulations referred to in Article 12, paragraph 3 are issued.

Article 76

Competencies and Tasks of the Administration

Pursuant to this Law, the Administration shall carry out the following operations and shall be entitled to the following competencies:

1. Create policy in the plant health matters
2. Prepare legislation and carry out other administrative tasks in plant health issues and take care of their implementation
3. Regularly follow the harmful organisms in co-operation with the competent bodies of the Entities and Brcko District
4. Analyze and assess the health condition of plants in order to identify breakout and spreading of harmful organisms in the country and abroad
5. Co-ordination with competent bodies of the Entities and Brcko District in lab examination of plants, plant products and regulated facilities for the purposes of diagnosing harmful organisms referred to at Lists I A, II A, I B and II B.
6. Co-ordination with competent bodies of the Entities and Brcko District in assessing risk of breakout or wave of new harmful organisms, issuance of technical instructions and measures
7. Co-ordination with competent bodies of the Entities and Brcko District in identification of contaminated regions, endangered regions, specially regulated regions and safe zones
8. The establishment and keeping of the registries and lists in co-operation with competent bodies of the Entities and Brcko District
9. Follow up programs relevant to the prevention of bringing in and spreading of harmful organisms and implementation of the program
10. Propose and follow up the measures for prevention, control and eradication of harmful organisms
11. Implementation of phytosanitary measures
12. Co-ordination with competent bodies of the Entities and Brcko District in implementation of tasks by public services in line with this Law
13. Information on breakout and spreading of harmful organisms in the country and abroad
14. Draft reports, analysis, information and other materials for bodies and international organization that BiH is obliged to inform in line with regulations and pursuant to international treaties
15. Inform countries-exporters on parcels that are being kept due to their non-compliance with the phytosanitary requirements
16. Co-operation in drafting international treaties on plant health that BiH is acceding to and their implementation
17. Co-ordination with competent bodies of the Entities and Brcko District in informing the public, and those interested in the matter, on plant protection problems and publication of materials
18. Ensure enforcement of single procedures in line with regulations and international requirements
19. Introduction and maintenance of the plant health information system
20. Provide vocational training for administrative staff
21. Co-operate with other vocational bodies and organizations dealing with plant health in the country and abroad
22. Represent Bosnia and Herzegovina in international plant health bodies and organizations
23. Carry out other relevant tasks.

Competent bodies of the Entities and Brcko District

Article 77

Powers of competent bodies of the Entities and Brcko District

In the implementation of this Law, competent bodies of the Entities and Brcko District shall have the following powers:

1. Co-operation in drafting and implementing the plant health policy
2. Co-operation in the preparation of legal regulations and exercise of other administrative tasks in the plant health sector and their implementation
3. Regular monitoring of harmful organisms
4. Analysis and assessment of plant condition in order to identify and prevent spreading of harmful organisms in the country within their respective areas of activity
5. Conduct lab examination of plants, plant products and regulated facilities for the purposes of diagnosing harmful organisms referred to at Lists I A, II A, I B and II B, in co-operation with the Administration
6. Issuance of technical instructions and measures in case of danger of occurrence or breakout of new harmful organisms, issuance of technical instructions and measures
7. Drafting a technical basis for identification of contaminated regions, endangered regions, specially regulated regions and safe zones
8. Institute and keep the registry and lists within the administrative area of responsibility
9. Implementation of measures for prevention, control and eradication of harmful organisms
10. Provide phytosanitary measures
11. Supervision over the operations of the public services in line with this Law, within its administrative area of responsibility
12. Inform the Administration on occurrence, breakout and spreading of harmful organisms in the country, within their administrative area of responsibility
13. Draft reports, analysis, information and other relevant materials for the needs of the Administration
14. Inform the Administration on imported parcels that are being kept due to their non-compliance with the phytosanitary requirements
15. Co-operation in the process of proposing international treaties that BiH enters into within the plants health issues
16. Inform the public and those interested about problems in the plant health field and issuance of publications, within their administrative area of responsibility
17. Implement unified work procedures in line with regulations and international requirements
18. Introduce and maintain the information system within their administrative area of responsibility
19. Provide vocational training for the staff of competent Entities bodies and Brcko District
20. Carry out other tasks relevant to the plants health

Article 78 Inspection

1. Phytosanitary inspectors of competent bodies of the Entities and Brcko District shall supervise the implementation of this Law and regulations issued on the basis of this Law.
2. Measures referred to in this Law shall be ordered by a decision of the phytosanitary inspector. The appeal to the decision shall not serve to delay the enforcement of the decision.
3. The competent bodies of the Entities and Brcko District are the second instance bodies in administrative matters that are being decided by the competent inspectors.

Article 79

Phytosanitary Services

1. Phytosanitary services should ensure unified enforcement of the plant health procedures and measures within inspectors' reference books, carry out inspection of plant health, provide vocational training for inspectors, co-operate in regulations drafting process and carry out other tasks as stipulated by the law or other regulations.
2. In their work, phytosanitary services shall co-operate with the Administration, other control services, institutes and other organizations and agricultural experts in Bosnia and Herzegovina and abroad.

Article 80

Inspector's tasks and authorizations

On the basis of this Law, phytosanitary inspectors may:

1. Have access to plants, plant products and regulated items at any time and any location where the aforementioned are being transported, produced, processed, stored, sold or used in a different manner, as well as access to buyers' facilities inclusive of access during import, export and transit
2. Control plants, plant products and regulated items at any time and any location where they are being transported, produced, processed, stored, sold or used in a different manner as well as access buyers' facilities also during import, export and transit
3. Control documentation of legal and natural persons that is relevant to the plant health
4. Make lab analysis, take samples of plants, plant products and regulated items without any compensation
5. Confirm whether producers, processors, importers and distributors of the defined sorts of plants and plant products have registered in the official register
6. Confirm whether the aforementioned persons meet the requirements for the issuance of plants' passports
7. Confirm whether those who have the obligation to register in the registry under this Law meet their obligations
8. Confirm whether public service providers, legal and natural persons authorized on the basis of this Law, meet the prescribed conditions
9. Supervise operations of public service providers
10. Control the issuance of plants' passports
11. Issue phytosanitary certificates for export and re-export
12. Control registers required for the inspection
13. Control import, growing and use of organisms for biological protection of plants
14. Supervise the implementation of measures stipulated by this Law
15. Carry out other tasks relevant to the plant health.

Article 81

Measures that may be introduced by the inspector

In controlling and supervising activities, the phytosanitary inspector may do the following:

1. ban import of harmful organisms referred to the lists stipulated by this Law and other harmful organisms
2. ban import and transportation of plants, plant products and regulated items that do not meet the requirements defined by this Law
3. ban cultivation of specific plants at a production site for a certain period of time
4. order appropriate treatment of a parcel during import, export, transport of plants, plant products and regulated items if it has been established that they are contaminated by harmful organisms
5. order removal of the contaminated part of the parcel only, if there is no risk of spreading of harmful organisms
6. order that the parcel should not be handed over to the importer, carrier or a person who imports or transports plants and plant products and regulated items until such time as the control is carried out i.e. until results of testing or official testing are known
7. in cases of goods contaminated by harmful organisms allow transport of plants, plant products and regulated items (with an exception of seeds and seedling/seedling materials) to the areas wherein there is no risk that harmful organisms may be spread i.e. to a location for industrial processing under his control
8. order that during import or transport of plants, plant products and regulated items a parcel should be destroyed in case there is a danger of spreading of harmful organisms or in case requirements foreseen by this Law have not been met

9. temporarily ban activities of the producer i.e. processor as a whole or partially, and issuance of the passport until such time as it is established that the danger has been removed
10. ban issuance of passports for plants if the requirements for their issuance have not been met
11. suggest to the competent bodies to remove from the registry those persons who have been identified as not fulfilling regulated requirements
12. in case of repeated violations suggest to the competent bodies to revoke the decision for the issuance of plants' passports

13. depending on decision of responsible authorities, prohibit a public service provider to render public services if the stipulated conditions have not been fulfilled and propose cancellation of the licence and/or authorization,

14. prohibit import, breeding or use of organisms for biological protection of plants if the conditions specified in this Law have not been fulfilled,

15. order remedy of irregularities and shortcomings in relation to this Law and regulations issued therefrom within the deadline specified by him/her,

16. order required measures and activities to prevent carrying in, outbreak, spreading of as well as fight against harmful organisms, he/she has been authorized for by law and other regulations,

17. impose on-the-spot fines for the cases specified by this Law, propose initiating of the procedure related to violation of regulations or report criminal offence,

18. order other measures in accordance with this Law and/or regulations enacted therefrom.

Article 82

Requirements for Appointment

The Administration, in cooperation with responsible authorities of Entities and the Brcko District, shall specify equal requirements for appointment of persons as phytosanitary inspectors.

Article 83

Accreditation of a phytosanitary inspector

1. Phytosanitary inspectors shall have the accreditation to identify themselves when making control.
2. The form and substance of the accreditation shall be specified by the Administration in cooperation with responsible authorities of Entities and the Brcko District.

XIV PENALTY CLAUSE

Article 84

Petty offences

1. A legal entity shall be fined in the amount ranging from KM 4,000 to KM 80,000 if:
 - a) fails to protect and prevent contact with other plants, plant products and regulated objects (Paragraph 2 of Article 9),
 - b) discloses or publishes data contrary to the provisions referred to in Paragraph 3 of Article 11,

- c) discloses or publishes data on outbreak of newly established harmful organisms in Bosnia and Herzegovina without consent of the Administration (Paragraph 4 of Article 11),
- d) carries in or spreads harmful organism contrary to Article 14,
- e) carries in or transports plants, plant products and regulated objects contrary to Article 15,
- f) acts contrary to Paragraph 1 of Article 16,
- g) acts contrary to Paragraphs 1 and 2 of Article 19,
- h) acts contrary to Paragraph 1 of Article 22,
- i) does not import consignments of plants via specified entry points (Paragraph 1 of Article 24),
- j) imports consignments from the V B list without phytosanitary certificate (Paragraphs 3 and 4 of Article 25),
- k) imports consignments from the V B list which have not been controlled (Paragraph 1 of Article 25),
- l) does not inform a phytosanitary inspector on arrival of a plant consignment (Paragraph 1 of Article 30),
- m) does not provide control of plants, plant products and regulated objects (Paragraphs 1 and 2 of Article 41),
- n) issues a passport for plants contrary to Article 46,
- o) acts contrary to Article 47,
- p) acts contrary to Article 48,
- q) acts contrary to Article 49,
- r) carries into, breeds or uses autochthonous organisms contrary to Paragraph 2 of Article 52,
- s) carries in or uses foreign organisms contrary to Paragraphs 2 and 3 of Article 53,
- t) acts contrary to Paragraph 3 of Article 55,
- u) fails, as the public service provider, to fulfill obligations referred to in Paragraph 1 of Article 62,
- v) does not use funds in accordance with Paragraph 2 of Article 63,
- w) trade in seeds and seedlings has been carried out contrary to Paragraph 4 of Article 89 and Paragraph 3 of Article 90,
- x) acts contrary to Paragraph 3 of Article 91.

2. The responsible person of a legal entity shall be fined in the amount ranging from KM 1,500 to KM 40,000 for offences referred to in Paragraph 1 herein.

3. A natural person shall be fined in the amount ranging from KM 450 to KM 4,350 for offences referred to in Paragraph 1 herein.

4. Responsible authorities of Entities and the Brcko District shall carry out the procedure to establish offences referred to in this Article.

Article 85

On-the-spot fines

1. A legal entity shall be fined in the amount of KM 2,500 to be imposed on the spot if:
 - a) acts contrary to Paragraph 2 of Article 5 or Paragraphs 1, 2 and 4 of Article 6,
 - b) fails to apply measures ordered by a phytosanitary inspector (Paragraph 3 of Article 30, Paragraph 4 of Article 36),
 - c) acts contrary to Article 37,
 - d) transports plants, plant products and regulated objects contrary to Article 38 or Paragraph 1 of Article 39,
 - e) uses passports for plants without consent of responsible authorities (Paragraph 2 of Article 42),
 - f) acts contrary to Paragraphs 1 and 3 of Article 50,
 - g) fails, as the person taking care of plants health, to keep and update specified records, registers and data bases in accordance with Paragraph 1 of Article 56.
2. The responsible person of a legal entity shall be fined in the amount of KM 850, to be imposed on the spot, for offences referred to in Paragraph 1 hereof.
3. A natural person shall be fined in the amount of KM 1,700, to be imposed on the spot, for offences referred to in paragraph 1 hereof.

XV TRANSITIONAL AND FINAL PROVISIONS

Article 86

Deadline for enactment of legal regulations

1. Within a year after the effective date of this Law responsible authorities shall be required to enact regulations provided for by this Law except regulations referred to in Article 4, which should be enacted not later than thirty days after the effective date of this Law, Article 35 which should be enacted not later than three months after the effective date of this Law, and Articles 20, 21, 22 and 23 which should be enacted not later than six months after the effective date of this Law.
2. Apart from regulations provided for in individual Articles of this Law, responsible authorities may also enact other regulations required for enforcement of this Law.

Article 87

Certificate on health state of plants upon export

Until enactment of regulations referred to in Paragraph 4 of Article 35, which refers to the form and substance of the phytosanitary certificate during export and re-export, a phytosanitary inspector of responsible Entity and the Brcko District shall be required to issue the existing phytosanitary certificate during export or re-export, certified by responsible Entity authorities.

Article 88

Entry into the register

Persons who have to be entered into the register pursuant to Paragraph 2 of Article 19 shall be required to enter into the register not later than six months after the effective date of this Law.

Article 89

Certificate of health condition of consignments and equipment

1. Until enforcement of the provisions from Article 93 related to plant passports, crops for production of seeds (hereinafter: crops) and equipment for production of seeds of perennial plants, annual plants and ornamental plants (hereinafter: equipment), they shall have to be obligatorily controlled in compliance with regulations. A certificate on health condition of crops and equipment shall have to be properly prepared.

2. Until January 1, 2003 obligatory control and issuance of certificates on health condition of crops and/or equipment shall be made by authorized organization in accordance with regulations.

3. In the case that the obligatory control of crops and/or equipment referred to in Paragraph 2 herein has discovered the presence of harmful organisms from the I A list and/or II A list, the responsible inspector shall be required to order the measures for fighting or destroying.

4. In the case the obligatory control of plants and/or equipment has not been made and certificate on health condition of seeds and/or equipment has not been issued, seeds and/or seedlings originating from these crops and/or equipment may not be offered for sale.

5. In the case of failure to apply the provisions of this Article, the responsible inspector shall prohibit sale.

Article 90

Certificate on health condition of plants in domestic market

1. Until enforcement of provisions of this Law related to passports for plants, a phytosanitary inspector shall be required to issue the certificate on health condition of plants in domestic market for designated consignment of seeds and/or seedlings being imported to Bosnia and Herzegovina.

2. The certificate referred to in the preceding Paragraph shall be issued if the control of seeds and/or seedlings was made before removal from the equipment in which they were produced, processed or packed and which is not infected by harmful organisms above the specified percentage.

3. Sale of seeds and/or seedlings for which the certificate referred to in the preceding Paragraph was not issued shall be prohibited.

4. If the provisions of this Article have not been complied with, a phytosanitary inspector shall be required to prohibit sale.

Article 91

Monitoring of health condition of imported seedlings of perennial plants

1. Upon the effectiveness of this Law, health condition of designated imported seedlings of perennial plants, which may carry harmful organisms from I A and II A lists whose presence cannot be established by control during import, shall have to be obligatorily monitored with end user.

2. Upon import, an importer of the seedlings referred to in Paragraph 1 herein shall have to forward to responsible inspector declaration with required data on end user.

3. While monitoring the health condition with end user, seedlings referred to in Paragraph 1 herein may not be transferred without consent of responsible authorities.

4. Responsible inspector shall be required to monitor during growth the health condition of imported seedlings referred to in Paragraph 1 in specified manner.

Article 92

Entity regulations

Entity regulations governing the phytosanitary protection, which are contrary to the provisions of this Law shall be rendered ineffective on the effective date of this Law.

Article 93

Enforcement of the Law

1. Enforcement of the provisions of Articles 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 58 and Paragraph 10 of Article 80, and Paragraphs 9, 10, 11 and 12 of Article 81 of this Law, which relate to plant passports shall commence on January 1, 2003.

Article 94

Effective date of the Law

1. This Law shall become effective on the eighth day after being published in the "Official Gazette of BiH" and it shall also be published in Official Gazettes of Entities and the Brcko District.

EXPLANATION

I CONSTITUTIONAL BASIS

Constitutional basis for enactment of the Law on Protection of Health of Plants may be found in Article III 1.b) of the Constitution of Bosnia and Herzegovina, which delegates foreign trade policy to the BiH institutions which also involves protection of health of people, animals and plants against plant diseases (plant harmful organisms) during import, export or transit of plants and products of plant origin through the territory Bosnia and Herzegovina.

Pursuant to Article 3 of the Law on Foreign Trade Policy “foreign trade policy shall be understood to mean uniform state principles for application of all unilateral measures related to international movement of goods and services, as well as for negotiations and conclusion of all agreements with third countries, regional or international organizations involved in international trade.

Paragraph 3 of the above referred Article reads “agreements with third countries related to foreign trade shall be understood to mean any agreement or instrument in connection with international trade and, in particular, any trade agreement with other countries, any agreement with the European Union, any membership in Customs unions, in the free trade zones and the World Trade Organization”, which also implies agreements on phytosanitary cooperation (cooperation in the field of protection of the health of plants).

II REASONS FOR ENACTMENT

The main reason for enactment of this Law is the need for a single systemic law at the level of Bosnia and Herzegovina to regulate protection of the health of people, animals and plants against plant pest, which has been regulated to date by Entity legislation in different manners and which resulted in inefficiency in provision of that protection and monitoring in trade of plants and products of plant origin.

Preconditions for unimpeded international trade in plants and goods of plant origin and for accession to the World Trade Organization and the European Union would be acquired by establishment of single state legislation and setting up of responsible state authority in the field of protection of the health of plants.

(Article 4 of International Convention for Protection of Plants requires establishment of a state organization for protection of plants which shall be responsible, on behalf of the state government, in the field of plants protection. Paragraph 4 of Article 1 of EU Directives 2000/29 orders establishment of a central responsible state authority for protection of the health of plants and incorporation of definitions from this Directive into the state legislation).

III EXPLANATION OF PROPOSED SOLUTIONS

In Chapter I “GENERAL PROVISIONS”, Articles 1 through 3 define the subject, purpose and definition of terms used in the Law.

In Chapter II “PROTECTION OF THE HEALTH OF PLANTS”, Articles 4 through 6 define the organization and responsibility of BiH authorities for enforcement of measures to protect the health of plants.

In Chapter III “PREVENTION OF OUTBREAK AND SPREADING OF HARMFUL ORGANISMS AND THEIR CONTROL”, Articles 7 through 13 define the lists of pests, lists of plants, plant products and

regulated objects, outbreak and definition of harmful organisms, the manner of publishing the data on harmful organisms, and define particularly regulated area and protected zones.

Articles 14 through 18 define bans on carrying in and spreading of harmful organisms, ban on export and transit from individual lists as well as exemptions and individual cases.

Articles 19 through 23 define the obligation for establishment of the registry of producers, processors, importers and distributors of plants, plant products and regulated objects.

Articles 24 through 34 stipulate the manner and procedures upon export, define import points, clarify import procedure, import into protected zones and particularly deal with exemptions and specific cases.

Articles 35 through 37 stipulate export and transit procedures.

In Chapter IV “TRANSPORT OF PLANTS, PLANT PRODUCTS AND REGULATED OBJECTS” Articles 38 through 50 stipulate the procedures of plant transport in inland trade and specify the obligation for issuance of plant passports. Given that it is quite new approach as compared with legislation in this field applicable thus far, the procedures for issuance of plant passports are described, as well as procedures for issuance of licences to authorized issuing authorities, types of plant passports as well as replacements for plant passports. Obligations of producers, processors, importers and distributors upon issuance of these passports are also specified.

In Chapter V “BIOLOGICAL CONTROL”, Articles 51 through 53 define biological protection of plants by both autochthonous and exotic types of organisms.

In Chapter VI “COLLECTION, USE AND EXCHANGE OF DATA AND INFORMATION”, Articles 54 through 57 stipulate the obligation and the manner of collection of data and information, the manner of data communication, and international exchange of data and information.

In Chapter VII “TARIFFS AND COSTS” Article 58 defines the costs of plant testing, the costs of enforcement of all measures provided for in this Law as well as specific tariffs for controls.

In Chapter VIII “INDEMNIFICATION” Article 59 stipulates the manner for indemnification of damage incurred by destroying of plant consignment if ordered so by a phytosanitary inspector.

In Chapter IX “PUBLIC SERVICES IN THE FIELD OF PLANT HEALTH” Articles 60 through 67 define activities of public services in the field of plant health and stipulate their tasks in the field of plant health. Articles further define their obligations and the manner of financing, prices of services, control of work of public services and licence for rendering public services, and the manner of conclusion of contracts for the specified activities.

Article 68 in Chapter X “PUBLIC AUTHORIZATION” stipulates the manner and procedures of authorization for the work of public services.

In Chapter XI “ASSOCIATIONS IN THE FIELD OF PLANT HEALTH PERFORMING ACTIVITIES IN THE PUBLIC INTEREST” Articles 69 through 71 stipulate professional and amateur associations performing activities in the public interest.

In Chapter XII “EXPERT ADVICE FOR THE HEALTH OF PLANTS” Article 72 stipulates establishment of the Plant Health Council as an advisory authority in this field.

In Chapter XIII “COMPETENCE OF RESPONSIBLE AUTHORITIES” Articles 73 through 83 fully stipulate and clarify division of competencies between the BiH Council of Ministers and responsible Entity authorities and of the Brcko District with detailed definition of inspection control.

Chapter XIV “PENALTY CLAUSE” stipulates petty offence and on-the-spot fines for non-compliance with the provisions of this Law and defines the responsibility for enforcement of petty offence procedure.

In Chapter XV “TRANSITIONAL AND FINAL PROVISIONS” Articles 86 through 94 regulate deadlines for enactment of by-laws required for enforcement of this Law, interim period, harmonization of the applicable regulations and effectiveness and publishing in official gazettes.

IV FINANCES

Enforcement of this Law requires provision of finances in the budget of the BiH institutions, budget of the BiH Federation, Republika Srpska and the Brcko District.

The accurate amount of funds in the budget of the BiH institutions required for enforcement of this Law cannot be foreseen at the moment, and this should be done after detailed addressing of the situation regarding organization and capacity building within responsible authorities of Entities and the Brcko District.