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By virtue of Article 88 item 2 of the Constitution of the Republic of Montenegro, I promulgate this

and experimentation purposes, in the quantities that are used for experiment purposes or for the plant gene banks;

3) seed material of forestry plants.

- 13) **Seed sample** is the least prescribed quantity of seed, which is distinguishable for its homogeneity and which represents the batch from which it was taken;
- 14) **Seed batch** is certain quantity of seed which originates from the same land lot and the same year of production, whose weight does not exceed the highest acceptable quantity, which is homogenous and may be physically identified and which are designated with a unique number;
- 15) **Ex post control** is the examination for verification of the originality and genetic purity of a variety, health status and compliance with other quality standards;
- 16) **ISTA certificate** is a document on the quality of a seed batch in international marketing (ISTA – International Seed Testing Association);
- 17) **OECD certificate** is a document about certification of seed in international marketing (OECD – Organization for Economic Cooperation and Development);
- 18) **DUS TEST** is a test for determination of distinctness, uniformity and stability of a variety in accordance with the UPOV provisions (men) is.2156 TD-.0006 Tc.0023 T
- 19) **VCU (value for cultivation and use) TEST** is a test which determines value for cultivation and use of a variety;
- 20) **Standard variety** is a variety entered in the Register of Agricultural Varieties which is distinguished for its value for cultivation and use and which is as such used in the variety recognition procedure;
- 21) **Reference collection** is a collection of variety seed material of a plant variety with specific morphological characteristics determined according to

4) Certified seed of second generation;

5) Uncertified.

Pre-basic seed material is the elite of self-pollinated plant species, self-pollinated lines, super elite of potato and seed of parent components, which is produced and maintained by the maintainer and is used for production of basic seed.

Basic seed is the original of self-pollinated plant varieties, components of hybrids, and elite of the potato, which is produced under supervision of the administrative authority responsible for seed material related issues (hereinafter referred to as: the administrative authority) and which is used for production of the certified seed of first generation.

Certified seed of first generation is the first certified reproduction of self-pollinated plant species, first generation of hybrids and the original of potato, which are used for production of seed of second generation and produced under the supervision of the administrative authority.

Certified seed of second generation is the second certified reproduction of self-pollinated plant species and first certified reproduction of potato, which is produced under the supervision of the administrative authority.

Uncertified seed is the seed of flowers, aromatic, medicinal and spice plants, which does not have any recognized varieties and is satisfactory according to its authenticity and purity of species and is produced under supervision of the producer.

Category of seed up to which multiplication and importation of seed for specific species of agricultural plants are allowed shall be specified by the Ministry of Agriculture, Forestry, and Water Management (hereinafter referred to as: the Ministry).

In the absence of the categories of certified seed referred to in paragraph 1 of this Article, the administrative authority may, in current year, allow production of a lower category seed material from domestic production.

The type of packaging and designation of individual categories of seed material shall be specified by the Ministry.

II. PRODUCTION OF SEED MATERIAL

Article 5

A company, or other legal person or entrepreneur (hereinafter referred to as: the producer) may become involved in production

The methods, specific requirements, and the manner of production and marketing of the seed material of individual plant species or groups of plant species shall be specified by the Ministry.

Article 6

The administrative authority shall determine conformity with the requirements for entry in the Register of Producers and keep the Register of Producers.

The data from the Register of Producers shall be public.

The content and the manner of keeping the Register of Producers shall be specified by the Ministry.

Article 7

A producer shall be entered in the Register of Producers if it:

- 1) Owns the land necessary for production of seed material;
- 2) Employs, on full time basis, a person responsible for production of seed material (hereinafter referred to as: the responsible person), who has graduated from specialist studies, namely the faculty of agriculture (department: field crops cultivation, vegetable cultivation, general department, or other department of plant production) and has at least three years of relevant work experience.

Entry in the Register of Producers shall be made on the basis of the application that contains the data about:

- 1) Producer (name, registered office, address, unique identification number, fiscal identification number, and code of business activity);
- 2) Responsible person (first and last name, address, unique identification number, and educational background);
- 3) Species, variety, and category of seed material.

Appended to the application referred to in paragraph 2 of this Article shall be the following documentation:

- 1) Proof of the right of disposal over, or use of, the agricultural land for seed production (an excerpt from the title deed or the lease contract);
- 2) Employment contract concluded with the responsible person;
- 3) Outline plan of production (data about the processing, cultivation of crops, protection of soil, preservation of biological and chemical properties of land, and production volumes);
- 4) Certificate of registration in CRPS.

Where the producer is involved in this business activity in more than one place, appended to the application shall be the documentation referred to in paragraph 3 items 1, 3 and 4 of this Article for each of the places of production.

The producer shall be under obligation to notify the administrative authority about any change in the circumstances for involvement in production, within 15 days after the day such change occurred.

Article 8

The producer shall be removed from the Register of Producers if it is not longer involved in this business activity or no longer complies with the requirements referred to in Article 7 paragraph 1 of this Law.

The administrative authority shall be under obligation to keep original documentation on the basis of which the Register of Producers is kept for at least three years after the day when the producer was removed from the Register of Producers.

Article 9

The producer shall be under obligation to keep a book of records about

It shall not be allowed to market the seed material referred to in paragraph 1 of this Article in the territory of the Republic.

Production of the certified seed material for the account of a domestic client may be conducted in other country on the basis of a contract between such domestic client and a foreign producer, upon the consent of the administrative authority.

III. EXPERT SUPERVISION AND PRODUCTION OF SEED MATERIAL

Article 13

Production of seed material shall be subject to mandatory expert supervision.

Expert supervision over the production of seed material shall determine: origin of the used seed, the species, variety, and category, the authenticity and purity of species and varieties, spatial isolation, health status of crops, presence of weed, general condition and development of crops, precrops, agritechnical measures and expected yield of natural seed, in the manner and according to the methodology for conduction of expert supervision.

Without prejudice to paragraph 2 of this Article, the variety, category, authenticity and varietal purity shall not be determined in the case of uncertified seed.

Article 14

Expert supervision over the production of pre-basic seed material shall be conducted by the maintainer of variety.

Expert supervision over the production of other categories of seed material shall be exercised on the basis of a contract en

The manner and methods for conduction of expert supervision of the seed material and the content and deadlines for submission of reports about completed expert supervision shall be specified by the Ministry.

Article 15

The producer shall be under obligation to submit to the administrative authority the application for conduction of expert supervision, within 15 days after the day the harvest is completed, and not later than:

- 1) For autumn sowing, before the 31st of December;
- 2) For spring sowing, before the 30th of June.

The producer may submit the application referred to in paragraph 1 of this Article, if:

- 1) It is entered in the Register of Producers;
- 2) The variety is entered in the Register of Agricultural Plant Varieties;
- 3) The producer has obtained the consent referred to in Article 10 paragraph 2 of this Law.

Article 16

The breeder or the maintainer shall submit to the administrative authority the report about expert supervision that was completed over the production of pre-basic seed in order to be issued the certificate of recognition for the seed crops of pre-basic seed.

Records of the reports referred to in paragraph 1 of this Article shall be kept by the breeder or the maintainer, and the documentation shall be kept for at least six years.

Article 17

The procedure of expert supervision that is conducted by the authorized legal person shall comprise:

- 1) Expert supervision of seed crops, namely plantation, soil, production facilities, storage space, and preparation of seed material for marketing;
- 2) Review of documentation, minutes, and book of records;
- 3) Examination and testing of samples with the aim of confirming whether seed crops meet the requirements referred to in Article 18 of this Law;
- 4) Keeping of minutes about expert supervision referred to in paragraph 1 of this Article.

Article 18

For the seed material for which no category is prescribed, the certificate of recognition for the crops may be issued if the crops meet minimum requirements in respect of quality and health status.

Article 19

On the basis of the report on the completed expert supervision, the administrative authority shall issue the certificate of recognition for the seed crops (hereinafter referred to as: the certificate).

The records about issued certificates referred to in paragraph 1 of this Article shall be kept by the administrative authority.

The form and contents of the certificate referred to in Article 16 paragraph 1 of this Law and paragraph 1 of this Article, and the manner of keeping the records referred to in Article 16 paragraph 2 of this Law and paragraph 2 of this Article, the form and contents of the minutes about the completed expert supervision in the course of production shall be specified by the Ministry in more detail.

The costs of expert supervision and issuance of certificates shall be borne by the producer.

IV. CONDITIONING OF SEED MATERIAL

Article 20

Conditioning of seed material comprises drying, cleaning, calibration, shelling and treatment with protection agents.

Article 21

Seed material may be marketed only if it is conditioned.

Natural seed that is being conditioned must have the certificate of recognition for the seed crops.

Natural seed from imports, which is being conditioned, must have the phytocertificates, varietal certification of seed (OECD), or corresponding documents on certification of seed, issued by the competent authority of the exporting country.

Article 22

A company, or other legal person or entrepreneur (hereinafter referred to as: egf0 Tw1iTw【Thesup

Article 23

A conditioner will be entered in the Register of Conditioners if it:

- 1) has a warehousing space for separate storage and keeping of natural (unconditioned), namely conditioned seed material of individual species, varieties, and categories, which provides for preservation of their quality and health status and the space for storage of wastes produced by conditioning of seed material;
- 2) has devices and equipment for grain drying, purification, selection, packaging, closing of packaging and sealing, depending on the species of the seed material that is being conditioned;
- 3) employs on full time basis a person responsible for conditioning of seed material (hereinafter referred to as: the responsible person) who has graduated from the specialist studies, namely the faculty of agriculture (department: field crops cultivation, vegetable cultivation, general department or other department for plant production) and has at least three years of relevant work experience.

Entry in the Register of Conditioners shall be made on the basis of the application that contains the data about:

- 1) the conditioner (name, registered office, address,

Compliance with requirements referred to in Article 23 paragraph 1 of this Law shall be determined by the administrative authority.

The appeal against the administrative decision on compliance with the requirements referred to in paragraph 2 of this Article, and against other individual administrative acts which, in accordance with this Law, issues the administrative authority, shall be decided by the Ministry.

The administrative decision on entry of the conditioner in the Register of Conditioners shall indicate the species and categories of the seed material which the conditioner has the right to condition.

The administrative authority shall be under obligation to keep the documentation on the basis of which the conditioners are entered in the Register of Conditioners, in original, for at least three years after the day the conditioner is removed from the Register of Conditioners.

The Register of Conditioners shall be kept by the administrative authority.

The data from the Register of Conditioners shall be public.

The content, form, and the manner of keeping the Register of Conditioners shall be specified by the Ministry.

Article 25

If the seed material of a particular plant species and variety was conditioned by more than one conditioner, it shall be deemed that the seed material was conditioned by the conditioner who was issued the declaration in accordance with Article 38 of this Law.

Article 26

In the conditioning process, the conditioner may prepare the mixtures of different species and varieties of agricultural plants with the specific content of individual components.

Each of the seed components in the mixture must meet the requirements in respect of quality for such variety of seed material.

The requirements in respect of the composition of the seed mixture, keeping the records, type of packaging, and the manner of designation shall be specified by the Ministry in more details.

Article 27

The conditioner shall be under obligation to keep the book of records and to, for at least six years, maintain the documentation about the quantity of the natural and conditioned seed material that was taken over.

The book of records referred to in paragraph 1 of this Article shall contain, in particular:

- 1) Administrative decision on entry in the Register of Conditioners;
- 2) Name of responsible person;
- 3) Layout of the space in the facility with clearly designated parts where unconditioned and conditioned seed material is located, with the designation of variety, namely species of seed material;
- 4) Total quantity of conditioned seed material;
- 5) Data about the manner of conditioning;
- 6) Date of the conditioning.

The form of the book of records referred to in paragraph 1 of this Article shall be specified by the Ministry.

Article 28

The conditioner shall be under obligation to destroy the wastes produced by the conditioning of the seed of small-seeded legumes, and the wastes inherent to the seed of parasite plants, weeds, and the seed infested by harmful organisms, in the presence of the agricultural inspector.

The wastes produced by the conditioning of the seed material of other plant species may be used for human and animal consumption or for industrial processing, if its quality is in compliance with the regulations that govern the relevant quality standards.

The Ministry shall prescribe the manner of destroying the wastes referred to in paragraph 1 of this Article.

Article 29

During the sowing, namely harvest, transportation and storing, and pending the conditioning, the natural seed must be mutually separated and designated.

Natural seed which is being transported from the field to the place of warehousing, namely storing or conditioning shall be accompanied by the documentation about the producer, cadastre lot, species, variety and category of natural seed.

The conditioner shall be under obligation to, within five days after the day of receiving harvested, lifted and reaped seed material, for each individual seed crops, notify the administrative authority about the quantity of natural seed that was taken over.

The manner for notification about the harvested, lifted and reaped seed material shall be specified by the Ministry.

V. QUALITY OF SEED MATERIAL

Article 30

Quality of the seed material, in the context of this Law, shall be purity, humidity, germination, and health status.

Article 31

The quality of seed material must be determined for each batch of seed, prior to marketing.

The batch of seed is a particular quantity of seed material the weight of which does not exceed the maximum allowable quantity, which may be physically identified and which is designated with the unique number.

Allowable quantity of the seed in a batch for individual species of seed material and their mixtures shall be specified by the Ministry.

Article 32

In respect of quality, the seed material must comply with the prescribed quality norms.

Examination and determination of the seed material quality shall take place before its marketing.

The conditioner, namely the importer shall be responsible for the quality of seed material in the market.

Article 33

Examination and determination of the seed material quality shall be executed by the accredited laboratory.

The conditioner shall apply with accredited laboratory for examination and determination of quality, namely taking of samples of seed material.

Appended to the application referred to in paragraph 2 of this Article, the conditioner shall submit the certificate on recognition of seed crops.

Article 34

The accredited laboratory shall take a sample of seed material to determine the quality.

Activities of sampling the seed material referred to in paragraph 1 of this Article may be performed by a company, or other legal person or entrepreneur, if it employs a person who has graduated from specialist studies, namely the faculty of agriculture (department for field crops cultivation, vegetable cultivation,

general department or department for plant protection), with at least five years of relevant work experience.

Compliance with the requirements shall be determined and the records of persons who take the samples referred to in paragraph 2 of this Article shall be kept by the administrative authority.

The quantity of seed material that is taken as a sample and the manner of designating the samples shall be specified by the Ministry.

Form of the notification for examination and determination of the seed material quality namely for taking samples shall be specified by the Ministry.

Article 35

Seed material in batches must be in the original packaging and designated in a

Article 40

It shall be forbidden to repack the seed material that is in the original packaging, regardless whether it is from domestic production or imports.

Without prejudice to paragraph 1 of this Article, conditioner, namely the importer may repack the seed material, upon the consent of the administrative authority.

Conditioner, namely the importer shall submit to the administrative authority the application for repacking the seed material.

Appended to the application referred to in paragraph 3 of this Article, the conditioner, namely the importer, shall submit the declaration, namely varietal certification of seed (OECD), certificate of seed quality (ISTA) and phytocertificate.

VII MARKETING OF SEED MATERIAL

Article 41

A company, or other legal person or entrepreneur may become involved in marketing of seed material if it is entered in the Register for Wholesale Marketing of Seed Material or in the Register for Retail Marketing of Seed Material.

A company, or other legal person or entrepreneur may be entered in the Register for Wholesale Marketing of Seed Material if it employs, on full time basis, for marketing activities, a person who has graduated specialist studies, namely the faculty of agriculture (department – field crops cultivation, vegetable cultivation, general department, or department for plant production), namely the corresponding specialist studies, and if has a facility for warehousing, namely sales of seed material.

A company, or other legal person or entrepreneur may be entered in the Register for Retail Marketing of Seed Material, if it employs, in each sales facility, a person who has finished secondary agricultural school, 4th degree.

Without prejudice to paragraphs 2 and 3 of this Article, a company, or other legal person or entrepreneur, who sells the seed material in small packaging, shall not

The content, form, and manner of keeping the Register for Wholesale Marketing of Seed Material and the Register for Retail Marketing of Seed Material, and the content of the application for entry in such Registers, with the required documentation, shall be specified by the Ministry.

Article 42

Only seed material of the varieties entered in the Register of Agricultural Plant Varieties and uncertified seed referred to in Article 4 of this Law may be placed on the market.

Article 43

Seed material on the market must be warehoused and stored in the manner and under conditions that provide for preservation of their quality.

Marketing of seed material may take place only in a sales facility.

The requirements to be met by the sales facility and the warehouse, and the manner and conditions for warehousing of seed material shall be specified by the Ministry.

Article 44

Marketing of the seed material intended for organic production, in addition to the requirements specified in this Law, shall be governed by the requirements specified in the regulations that relate to organic production.

VIII IMPORTATION OF SEED MATERIAL

Article 45

A company, or other legal person or entrepreneur (hereinafter referred to as: the importer) may become involved in importation of seed material, if owning or using under a lease contract a registered customs warehouse and if it is entered in the Register of Importers.

The importer may import the seed material varieties which are entered in the Register of Agricultural Plant Varieties and which have the phytocertificate issued by the competent authority of the exporting country, but also the uncertified seed referred to in Article 4 of this Law.

Compliance with requirements referred to in paragraph 1 of this Article shall be determined by the administrative authority.

Entry in the Register of Importers shall be made on the basis of an application.

The Register of Importers shall be kept by the administrative authority.

The data from the Register of Importers shall be public.

The content, form, and manner of keeping the Register of Importers and the content of the application shall be specified by the Ministry.

Article 46

Seed material may be imported only in its original packaging.

Natural seed may be imported if it is certified and produced for the account of a domestic client.

Packaging, declaration, and labeling of conditioned natural seed shall be made in accordance with Article 38 of this Law.

The importer shall be under obligation to keep records of the imported quantities of seed material and seed mixtures.

The content, form, and manner of keeping the records referred to in paragraph 4 of this Article shall be specified by the Ministry.

Article 47

Imported seed material shall be, along with the bill of lading, accompanied by a phytocertificate, varietal certification of seed material (OECD), and certificate of seed material quality (ISTA).

Imported seed material shall be accompanied by a declaration issued by the competent authority of the

Article 47

Imported seed materia be T-.5

IX. RECOGNITION OF THE AGRICULTURAL PLANT VARIETY AND ENTRY IN THE REGISTER OF AGRICULTURAL PLANT VARIETIES

1. Recognition of Agricultural Plant Variety

Article 49

Recognition of agricultural plant variety, in the context of this Law, shall mean the recognition of a newly-created domestic variety (hereinafter referred to as: recognition of variety), if it results from hybridization or selection, namely if it is biologically different from other recognized variety which was used as a standard variety in the recognition process.

Article 50

In the procedure of variety recognition, the quality and other essential properties are established on the basis of which the variety may be recognized, and seed material of such variety may be multiplied and placed on the market in the territory of the Republic as certified.

Article 51

A variety shall be recognized if it is determined that:

- 1) it is distinct, uniform, and stable (DUS test);
- 2) it has a favorable value for cultivation and use (VCU test);
- 3) denomination of the variety was determined in accordance with the law.

Article 52

A variety is distinct if it is clearly distinguished for at least one property from any other variety the existence of which is a matter of common knowledge.

A variety is uniform if it is sufficiently unvarying in essential properties in respect of the variations which may be expected due to specific character of its reproduction.

A variety is stable if its essential properties remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.

Article 53

Value for cultivation and use of a variety shall be deemed to be:

- 1) yield;

- 2) product quality;
- 3) other properties that may contribute to the increase of production volumes or improvement of quality.

Article 54

The process of variety recognition shall be instigated on the basis of the application submitted by the breeder of variety or his authorized agent (hereinafter referred to as: the applicant).

The application referred to in paragraph 1 of this Article shall be submitted for each variety separately.

The denomination of a variety can be any word, a combination of words, a combination of words and numbers, or a combination of letters and numbers, unless the legislation regulating the protection of new varieties of agricultural and forest plants provides otherwise. The denomination of the variety must provide enough information to distinguish between such variety and any other known variety of the same or related species. The denomination of the variety may not be misleading, in particular with regard to the origin and properties of the variety.

The form and content of the application referred to in paragraph 1 of this Article, and the criteria for determination of the denomination of varieties shall be prescribed by the Ministry.

Article 55

At the request of the administrative authority, the applicant shall be under obligation to, together with the application, present the documentation about the work done on creation of a variety.

The data and the documentation related to origin of the source material and description of the process of variety creation shall constitute a professional secret.

Article 56

Administrative authority shall be under obligation to inform the applicant that the material required for use of the applicant to

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On the basis of the information referred to in paragraph 1 of this Article, the applicant shall be under obligation to timely submit to the administrative authority the seed material in the quantity and in the manner prescribed by the Ministry.

If the applicant fails to meet the requirements referred to in paragraph 2 of this Article, the application shall be rejected.

Article 57

Distinctness, uniformity and stability of a variety, as well as the value for cultivation and use of a variety, shall be determined by examinations at the experiment field and in laboratory.

For all plant species or a group of plant

examinations conducted according to the prescribed method and the obligations under the contract.

The requirements referred to in paragraph 1 of this Article shall be specified by the Ministry.

Article 61

Processing of the results of examinations referred to in Article 60 paragraph 6 of this Law shall be made by the administrative authority.

Processing of the results referred to in paragraph 1 of this Article shall be made according to the method which shall be specified by the Ministry.

Final results of examination shall be submitted to the expert commission with the aim of assessing the value for cultivation and use of the variety, and its distinctness, uniformity, and stability, while the annual result shall be submitted to the applicant.

Expert commission referred to in paragraph 3 of this Article shall be set up by the administrative authority.

Article 62

For the vegetable varieties which, after the first two years of examination at the experiment field, demonstrated better value for cultivation and use than the variety standard, the applicant may submit to the administrative authority the application for provisional recognition of variety.

The application for provisional recognition of s vegetable variety shall be considered by the expert commission referred to in Article 61 paragraph 3 of this Law.

Pursuant to the proposal of the expert commission referred to in paragraph 2 of this Article, the administrative authority shall issue the administrative decision on provisional recognition of a vegetable variety for the period of one year.

During the validity period of the provisional recognition of a variety, the examination of such variety shall continue in accordance with this Law.

Article 63

On the basis of the results of examination of the variety at the experiment field, namely in the laboratory, and upon the proposal of the expert commission referred to in Article 61 paragraph 3 of this Law, the administrative authority shall issue the administrative decision on recognition of the variety or on rejection of the application.

2. Entry in the Register of Agricultural Plant Varieties

Article 64

On the basis of the administrative decision on recognition of a variety, namely on provisional recognition of a variety, the administrative authority shall enter such variety in the Register of Agricultural Plant Varieties.

The Register of Agricultural Plant Varieties shall be kept by the administrative authority.

In the period for which a variety is entered in the Register of Agricultural Plant Varieties, the seed of such variety may be placed on the market as certified.

The content and manner of keeping the Register of Agricultural Plant Varieties shall be specified by the Ministry in more detail.

Article 65

The Register of Agricultural Plant Varieties shall contain the data, in particular about:

- 1) newly-created domestic varieties;
- 2) foreign varieties recognized by the competent authority of a foreign country;
- 3) domestic and domesticated varieties;
- 4) varieties wh.6(ie period f)-5.1(o(OD-.003a basl54.3(a)-.6((riet6-6(lly)-3.5(agn)-4.3(it)-3.4(ed b

A foreign variety shall be entered in the Register of Agricultural Plant Varieties if it is recognized by the competent authority of the foreign country, if it has proof of owner, maintainer, namely authorized agent, and the DUS test results.

A sample of the variety which is entered in the Register of Agricultural Plant Varieties or whose entry is in process shall be kept as a standard sample in the referential collection.

Entry of a foreign variety in the Register of Agricultural Plant Varieties shall be made on the basis of the application submitted by the user of such foreign variety.

The form and contents of the application referred to in paragraph 4 of this Article and the documentation to be appended to the application shall be specified by the Ministry.

Article 67

The administrative authority shall issue the administrative decision on removal of a variety from the Register of Agricultural Plant Varieties, if:

- 1) fifteen years have expired after the day the variety was entered in the Register of Agricultural Plant Varieties;
- 2) the applicant so requests;
- 3) the maintainer of the variety does not provide for the maintenance of the variety in the manner that guarantees preservation of the certification, uniformity and stability;
- 4) the owner of the variety or his authorized agent does not provide the sample of the seed of variety as required for verification of the certification, uniformity and stability, and for the preservation of standard sample and its regeneration.

A variety which was removed from the Register of Agricultural Plant Varieties may be placed on the market for not more than three years after the day of its removal from the Register of Agricultural Plant Varieties.

Article 68

The administrative authority shall determine the list of varieties entered in, namely removed from the Register of Agricultural Plant Varieties, as well as the

Level of the fee referred to in paragraph 1 of this Article shall be determined by the Government of the Republic of Montenegro.

The fee referred to in paragraph 1 of this Article shall be the revenue of the budget of the Republic.

Article 70

The sample of a variety which was entered in the Register of Agricultural Plant Varieties or whose entry is in process shall be kept as the standard sample.

3. Maintenance of Variety

Article 71

The maintainer of a variety shall be under obligation to maintain the variety according to the prescribed methods in the period before the variety is entered in the Register of Agricultural Plant Varieties.

The maintainer of a variety shall be under obligation to, at the request of the administrative authority, within 15 days submit the sample of seed material of the variety, for the purposes of:

- 1) verifying whether the variety is being maintained in the manner that does not change its certification, uniformity, and stability;
- 2) keeping of standard sample and its regeneration.

Variety maintenance method shall be specified by the Ministry.

Article 72

Supervision over maintenance of a variety shall include verification of maintenance of the certification, uniformity, and stability of such variety.

Supervision over maintenance of a variety shall be exercised by the authorized legal person.

If the administrative authority, on the basis of the results of the supervision over maintenance of a variety referred to in paragraphs 1 and 2 of this Article determine that the maintainer of a variety did not maintain the variety in the manner which guarantees preservation of the certification, stability, and uniformity, it shall be seized the right to maintain the variety, and if it is the only maintainer, the variety shall be removed from the Register of Agricultural Plant Varieties.

Supervision over the maintenance of variety shall be conducted according to the methods which shall be specified by the Ministry.

1. Powers of the Inspector

Article 79

Agricultural inspector shall conduct inspection surveillance, particularly in respect of:

- 1) Compliance with the requirements for entry in the prescribed registers;
- 2) Keeping records about the production of seed material;
- 3) Recognition of agricultural plant variety;
- 4) Varieties entered in the Register of Agricultural Plant Varieties and exercise of the right to use a protected variety.

2. Administrative Measures and Actions

Article 80

In addition to the administrative measures and actions prescribed by the law that governs inspection surveillance, after determining that the law or other regulation was violated, the agricultural inspector shall take the following administrative measures and actions:

- 1) Ban the production of seed material, if it was not entered or was removed from the Register of Producers;
- 2) Ban the production of seed material, if the application for conduction of expert supervision was not submitted in accordance with Article 15 of this Law;
- 3) Ban the production, use and marketing of seed material of the varieties which are not entered in the Register of Agricultural Plant Varieties, namely which were removed from the Register of Agricultural Plant Varieties;

XII PENAL PROVISIONS

Article 81

A fine amounting to between two hundred fifty and three hundred times the amount of the lowest price of labor in the Republic shall be imposed on an authority, company, or other legal person or entrepreneur, if it:

- 1) Packs and designates individual categories of seed material in contravention of Article 4 paragraph 9 of this Law;
- 2) Becomes involved in production, marketing, and importation of seed material and is not entered in the Register of Producers, the Register for Wholesale Marketing of Seed Material, and the Register for Retail Marketing of Seed Material, and the Register of Importers (Article 5 paragraph 1, Article 41 paragraph 1, and Article 45 paragraph 1);
- 3) Fails to notify the administrative authority about the data about the change of conditions for conduction of business activity within the prescribed term (Article 7 paragraph 5, and Article 23 paragraph 5);
- 4) Produces the seed material varieties which are not entered in the Register of Agricultural Plant Varieties (Article 10 paragraph 1);

- 5) Places on the market in amount of 0.5 t or more of seed material of a variety which is not entered in the Register of Agricultural Plant Varieties (Article 10 paragraph 1);

- 14) Imports the seed material in contravention of Articles 47 and 48 of this Law;
- 15) Places on the market the varieties of seed material after expiry of the period of three years after removal from the Register of Agricultural Plant Varieties (Article 67 paragraph 2);
- 16) Does not perform the tasks of the supervision over the maintenance of varieties in accordance with Article 72 of this Law.

For the infringement referred to in paragraph 1 of this Article, responsible person in the authority, company or other legal person shall be fined with twenty times the amount of the price of labor in the Republic.

For the infringements referred to in paragraph 1 of this Article, in addition to the fine, a protection measure of banning further involvement in business activity may be pronounced.

Article 82

A fine amounting to between one hundred and fifty times and two hundred and fifty times the amount of the lowest price of labor in the Republic shall be imposed for the infringement on the company, or other legal person or entrepreneur, if it:

- 1) Does not conduct expert supervision over the production of pre-basic and other categories of seed material in the prescribed manner and according to the prescribed methods (Article 14 paragraph 6);
- 2) Places on the market the seed material which is not conditioned (Article 21 paragraph 1);
- 3) Does not destroy the wastes produced by conditioning of the seed of small-seeded legumes, and the wastes from the parasite plants, weeds, and the seed infested by harmful organisms, in the presence of the agricultural inspector (Article 28 paragraph 1);
- 4) Acts in contravention of Article 31 of this Law;
- 5) Does not keep records about the issued declaration and labels (Article 38 paragraph 5);
- 6) Repacks and calibrates the seed material from domestic production and from imports which is in original packaging, namely without the permit of the administrative authority (Article 40 paragraphs 1 and 2).

For the infringement referred to in paragraph 1 of this Article, a fine amounting to twenty times the lowest price of labor in the Republic shall be imposed on responsible person in the company, namely other legal person.

XIII TRANSITIONAL AND FINAL PROVISIONS

Article 85

A company, or other legal person or entrepreneur involved in the production, marketing and importation of seed material shall be under obligation to render its business compliant with this Law, within one year after the coming into force date of this Law.

Article 86

The regulations on the basis of the authorizations under this Law shall be adopted within six months after the coming into force date of this Law.

Until the adoption of the regulations on the basis of this Law, the regulations shall apply that were adopted on the basis of the Law on Seed and Planting Material ("RM Official Gazette", Nos. 39/92 and 59/92) and the Law on Recognition of Agricultural and Forest Plant Varieties ("FRY Official Gazette", Nos. 12/98 and 37/02), unless they are in contravention of this Law.

Article 87

On the coming into force date of this Law, provisions of the Law on Recognition of the Agricultural and Forest Plant Varieties ("FRY Official Gazette", Nos. 12/98 and 37/02) relating to the recognition of the seed of agricultural plant varieties shall not apply and the provisions of the Law on Seed and Planting Material ("RM Official Gazette", No. 39/92) relating to the seed of agricultural plants shall cease to apply.

Article 88

This Law shall come into force on the eighth day after its publication in the "Republic of Montenegro Official Gazette".