

DRAFT PROPOSAL

Based on Article 12, paragraph 1 of the Regulation on the Government of the Republic of Montenegro (RM Official Gazette No. 15/94 and 4/97), and ~~to~~ Article 12, paragraph 6 of the Law on Plant Health Protection (RM Official Gazette No. 28/06), Articles 34c, 34d and 34e of the Veterinary Law (RM Official Gazette No.11/04 and 27/07) and Articles 56, 57 and 58 of the Law on Food Safety (Official Gazette of Montenegro No. 14/07), the Government of Montenegro on its session held on _____2007, has adopted the following

R E G U L A T I O N

ON THE PROCEDURE FOR NOTIFICATION OF SANITARY AND PHYTOSANITARY MEASURES

I. BASIC PROVISIONS

Article 1

This Regulation shall regulate the manner of providing information and notification procedures with respect to sanitary and phytosanitary measures ~~in~~ accordance with relevant international agreements binding on Montenegro.

Article 2

II. RESPONSIBLE AUTHORITY

Article 3

The enquiry point responsible for providing information and notification with respect to sanitary and phytosanitary measures referred to in Article 2 of Regulation shall be the Ministry of Agriculture, Forestry and Water Management (hereinafter referred to as: the Ministry).

III. ENQUIRY POINT

Article 4

The enquiry point of the Ministry shall provide information and copies of relevant documents and shall provide answers to all reasonable enquiries from the members of relevant international organizations and other interested parties regarding the following:

any sanitary or phytosanitary regulations adopted or proposed in Montenegro;
any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated in Montenegro;
risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
the membership and participation of Montenegro or of its relevant bodies, in international sanitary and phytosanitary organizations and systems, as well as in relevant bilateral and multilateral agreements and arrangements, and the texts of such agreements and arrangements.

Where available, the Ministry may provide any other relevant information.

Article 5

Where copies of documents are requested by interested parties, such copies shall be supplied upon payment of a fee reflecting actual costs of the service rendered, and shall, apart from the real cost of delivery, be the same for domestic and foreign persons.

Any copies of documents referred to in paragraph 1 of this Article shall be supplied in their original language.

IV. NOTIFICATION

Article 6

The Ministry shall notify sanitary or phytosanitary regulations to relevant in

The notification referred to in paragraph 1 of this Article shall take place ex officio whenever:

an international standard, guideline or recommendation does not exist or the content of a proposed sanitary or phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation; and
and the proposed regulation may have a significant effect on trade.

Significant effect on trade between two or more countries referred to in paragraph 2, subparagraph 2 of

allows members of the relevant international organization to make comments in writing, discuss these comments upon request, and takes the comments and the results of the discussions into account.

Article 9

Where the sanitary or phytosanitary regulation that may be subject to notification requirements under this Regulation is prepared and adopted by the other

All submitted notifications referred to in Article 6 of this Regulation shall be published on the web site of the Ministry.

Article 11

Upon the request of the members of an international organization, the Ministry shall provide a copy of the draft sanitary or phytosanitary regulation and the translation on English language. In case of voluminous documents, translation of the summary shall be provided.

The Ministry shall forward the comments received from members of international organization to the administrative authority responsible for preparation of the regulation and their request the answer to those comments.

The answer to the comments shall contain a statement that the comments will be considered, partly or fully, in the preparation of the sanitary and phytosanitary regulation.

If the comments are not to be accepted, reasons for such a decision shall be given.

The answer to the comments shall be forwarded to the member of the international organization who has submitted them.

Where the rules of the international organization provide, any negotiations with the member of the international organization whose comments have not been accepted shall be conducted by the Ministry in cooperation with administrative authority responsible for preparation of the sanitary or phytosanitary regulation.

Article 12

The Ministry shall be responsible to receive any notification of a draft sanitary or phytosanitary regulation from any member of relevant international organizations, under the applicable rules.

Article 14

Provisions of Articles 6-11 of this Regulation shall apply to any significant change or amendment of the sanitary or phytosanitary regulations, including any change of scope of products covered.

V FINAL PROVISION

Article 15

This Regulation shall enter into force on the eighth day after its publication in „Official Gazette of Montenegro.“

FormN

The Government of Montenegro
THE MINISTRY OF AGRICULTURE, FORESTRY AND WATER
MANAGEMENT

MPŠV/SPS/N/CG/no.____
Date:

SANITARY AND PHITOSANITARY MEASURES
NOTIFICATION

Language: Montenegrin / English

1. Country: MONTENEGRO

2.

