

Pursuant to Article 88 Paragraph 2 of the Constitution of the Republic of Montenegro
I hereby enact

Decree on Promulgation of Fertilizer Law

I promulgate the **Fertilizer Law** adopted by the Constituent Assembly of the Republic of Montenegro at its sixth session of the first regular session held in 2007 on July 24, 2007.

No. 01-961/2

Podgorica, August 2, 2007

President of the Republic of Montenegro,
Filip Vujanovi , in his own hand

Fertilizer Law

The Law is published in the "Official Gazette of the Republic of Montenegro", No. 48/2007 dated August 9, 2007

I. BASIC PROVISIONS

Article 1

This Law shall regulate conditions for production, trade, characteristics and application of fertilizers, as well as other issues that are significant for production and trade of the fertilizers.

If fertilizers contain also pesticides, then regulations that regulate pesticides shall also be applied to trade and application of fertilizers.

If fertilizers contain also dangerous substances, then regulations that regulate dangerous substances shall also be applied to trade and application of fertilizers.

Article 2

Certain expressions used in this Law shall have the following meaning:

- 1) fertilizers are fertilizing nutrients, biostimulators, land improvement matters and substrates;
- 2) fertilizer is chemical compound of mineral and organic origin and mixture of these compounds, regardless of the physical state, as well as certain microorganisms, which are used for direct or indirect fertilizing and improvement of the land fertility;
- 3) mineral (inorganic) fertilizer is fertilizer, which consists of the nutritive elements in the form of inorganic salts obtained through extraction, industrial procedures, which can be physical or chemical;
- 4) Organic fertilizer is fertilizer which consists of nutritive elements in the form of organic matter of plant or animal origin, obtained through processing or synthesis of organic compounds;
- 5) Substrate is a product, which serves as a base so that plants take roots, and it can be of organic (peat, compost, etc.) or mineral (active land, zeolite, tuff, perlite, grodan, etc.) origin;
- 6) Land improvement matter is a matter added to land in order to improve physical or chemical characteristics or biological activity of the land;

- 7) Biostimulators are substances of synthetic or natural origin (hormones, vitamins, amino acids, humus acids, etc.), which have stimulating effect on physiological biochemical processes in plants;
- 8) Plant nutrients are chemical elements necessary for normal growth and development of plants;
- 9) Primary nutrients are nitrogen,

Article 4

Fertilizer types are the following:

- 1) mineral (inorganic) fertilizers;
- 2) organic fertilizers;
- 3) microbiological fertilizers;

Fertilizer can be:

- 1) Simple (one-component) and
- 2) Compound (multi-component), which can be complex and mixed:
 - depending on the physical state: solid and liquid;
 - depending on the manner of application and foliar.

Special types of mineral fertilizers are in particular:

- mineral fertilizers on the basis of primary nutrients (nitrogen, phosphor and potassium);
- mineral fertilizers on the basis of secondary nutrients (calcium, magnesium, sodium and sulfur);
- mineral fertilizers on the basis of micronutrients (iron, boron, zinc, cobalt, copper, manganese, molybdenum and selenium);
- ammonium-nitrate fertilizers which contain high concentration of nitrogen.

Organic fertilizers are fertilizers which consist of minimum 50% of organic matters and at least 1% of nitrogen, 1% of phosphor and 1% of potassium.

Microbiological fertilizers are fertilizers which consist of certain useful microorganisms.

The Ministry shall regulate in more detail the types of fertilizers from paragraph 1,

Records from paragraph 1 of this Article shall be kept until the ammonium-nitrate fertilizers which contain high concentrati

Article 20

Fulfillment of conditions from Article 19 of this Law shall be determined by the Administrative Body, which shall also issue approval for placement on the market.

Approval from paragraph 1 of this Article shall be issued for the period of 10 years.

By way of exception of paragraph 2 of this Article, depending on characteristics of certain fertilizers, Administrative Body can determine a shorter term of validity of approval.

- has in the place of sale a separate part with porch with palettes or a premise for storage of big packages of fertilizers (over 5kg, i.e. liters), which ensures maintenance of characteristics and proper and safe handling;
- has in the place of sale a separate part or premise for sale of small packages of fertilizers (up to 5kg, i.e. liters).

Register of Retail Distributors shall be kept by the Administrative Body.

Registration in the Register of Retail Distributors shall be done on the basis of an application.

Fulfillment of conditions for registration in the Register of Retail Distributors shall be determined by the Administrative Body.

Data from the Register of Retail Distributors shall be public.

Conditions that have to be met as regards warehouses, as well as storage, keeping and handling conditions for fertilizers for the purpose of preserving characteristics, contents, form and manner of keeping the Register of Distributors and manner of applying for registration in the Register of Retail Distributors shall be regulated by the Ministry.

Article 23

Trade in bulk fertilizers, apart from ammonium-nitrate with high concentration of nitrogen, can be done only between producer of fertilizers and primary agricultural producer as final user, along with Administrative Body's approval.

V. IMPORT OF FERTILIZERS

Article 24

Import of fertilizers can be done by a business company and entrepreneur under the condition that it has concluded a contract

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Before the first placement of fertilizers on the market in the Republic the importer shall be obliged to obtain approval for placement on the market from the Administrative Body.

Approval from paragraph 1 of this Article shall be issued by the Administrative Body pursuant to Articles 19 and 20 of this Law.

Article 26

Import of raw materials for production of fertilizers can be carried out only for the needs of production of fertilizers which are entered in the Register and for the needs from Article 15 paragraph 1 subparagraph 2.

Import of raw materials for production of fertilizers shall be carried out only for the needs of producers which are entered in the Register of Producers.

Article 27

Sampling and control of characteristics shall not be necessary for the following raw materials: ammonium, sulfuric acid, phosphorous acid and raw phosphates.

Article 28

Import of fertilizers and raw materials can be carried out only through border crossings, at which customs and phytosanitary inspection are established.

Customs procedure can not start before phytosanitary inspection is executed, apart from transit procedure and procedure of customs storage.

If delivery of fertilizers or raw materials (hereinafter referred to as: delivery) arrives to border crossing, at which phytosanitary inspection is not organized, customs office's organs shall forward the delivery to the nearest border crossing, at which phytosanitary inspection is organized.

Article 29

Importers shall be obliged to report to the Administrative Body - phytosanitary inspector about received delivery at the border crossing.

Deliveries shall be subject to phytosanitary inspection after arrival to border crossing for the purpose of checking documentation, identification and visual examination aimed at check up of characteristics of fertilizers.

Article 30

During procedure of phytosanitary inspection on the occasion of import phytosanitary inspector takes a sample of delivery when there is a suspicion that the delivery does not correspond to the regulated characteristics.

If it is not possible to carry out sampling at the border crossing in the regulated manner, the delivery shall be sent to the customs clearance place under the customs control, at which the sampling shall be carried out.

Taken samples shall be sent to an accredited laboratory at importer's expense for the purpose of checking type of fertilizer and labeled contents of nutritive elements.

Customs office's organs can neither perform customs clearance nor send deliveries to other customs offices until phytosanitary inspection is executed.

Manner of inspection, taking samples and methods of sampling, size of samples from paragraphs 1, 3 and 4 of this Article and procedure from Article 29 paragraph 1 of this Law shall be regulated by the Ministry.

Article 31

Administrative body shall establish database about fertilizers for the purpose of updating data, analyses, planning and monitoring of effects of undertaken measures pursuant to this Law.

Data on production, retail and wholesale trade, import, types of fertilizers etc. shall be entered into the database.

13) importer does not obtain Administrative Body's approval for placement of fertilizers on the market before the first placement on the market in the Republic (Article 25);

14) imports raw materials for production of fertilizers, which are not entered in the Register and do not serve for the purposes of Article 15 paragraph 1 item 2 (Article 26 paragraph 1);

Responsible person of an organ, business company or other legal person shall be fined for offence from paragraph 1 of this Article to the amount of the minimum wage rate in the Republic multiplied by ten to twenty times.

For offence from paragraph 1 of this Article, protective measures can be imposed, apart from fine, on a business company i.e. other legal person and entrepreneur in sense of forbidding doing business for one month to six months period.

Article 37

Fine to the amount of the minimum wage rate in the Republic multiplied by one hundred to two hundred times shall be imposed on business company i.e. other legal person and entrepreneur, if:

- 1) producer of ammonium-nitrate fertilizers with high concentration of nitrogen does not keep records of trade in these fertilizers (Article 6);
- 2) producer of ammonium-nitrate fertilizers with high concentration of nitrogen, before placement of these fertilizers on the market does not obtain evidence on detonation resistance examination (Article 7 paragraph 1);
- 3) producer does not carry out control of production of each series of fertilizers for the purpose of checking the characteristics, before placement on the market, and it does not keep records about control of the production and if it does not submit data on production of fertilizers to the Administrative Body each six months (Article 12 paragraph 1);
- 4) fertilizers are not labeled (Article 12 paragraph 1);
- 5) mark "EC FERTILISAdiTILISAd0.000vonths (Artih six me.1 Tw{prod5d)

13) stores fertilizers in the warehouses that do not fulfill the regulated conditions
(Article 21 paragraph 1 Article 22 paragraph 1).