

Based on Article 88, item 2 of the Constitution of the Republic of Montenegro I hereby pass the

**ENACTMENT PROCLAIMING
THE LAW ON TAX ADMINISTRATION
(Official Gazette of the Republic of Montenegro, No 65/01, 80/04, 29/05)**

This is a proclamation of the Law on Tax Administration, adopted by the Parliament of the Republic of Montenegro at the second meeting of the second regular session in the year 2001, on 27th December 2001.

Number: 01-3876/2
Podgorica, 28th December 2001
President of the Republic of Montenegro
Milo Jukanovi , sig.

THE LAW ON TAX ADMINISTRATION

I GENERAL PROVISIONS

General Provisions

Article 1 (Official Gazette of the Republic of Montenegro, No 80/04)

This Law shall regulate the rights and obligations of the tax authority and taxpayers in the procedure of assessment, collection and audit of taxes and other duties (hereinafter: the tax).

Article 2

- (1) State bodies and bodies of local self-government units shall be obliged to act in accordance with this Law when deciding on the taxpayer' s rights and obligations.
- (2) This Law shall relate to individuals (citizens), legal entities, organizations, entrepreneurs, tax intermediaries and other persons, state bodies and bodies of local self-government units, when they are taxpayers, or when they calculate and pay taxes for a taxpayer, or when they have other obligations related to the assessment and collection of liabilities of the taxpayer.

Article 3 (Official Gazette of the Republic of Montenegro, No 80/04)

The provisions of the law regulating administrative procedure and inspection audit shall be accordingly applied to the issues not regulated by this Law.

- (3) Exceptionally from paragraph 2 of this Article, the tax authority may, at the request of a local self-government unit, carry out the activities regarding the assessment, collection and audit of surtax on personal income tax and consumption tax.

Tax Authority Authorizations
Article 6 (Official Gazette of the Republic of Montenegro, No 80/04)

- 24) cooperate with other bodies and organizations in the country and abroad regarding the issues of tax crimes, in accordance with international contracts or agreements;
- 25) undertake measures necessary for safety of tax officials;
- 26) undertake measures aimed at prevention of corruption of officials while acting in official capacity;
- 27) organize functioning of a unique information system in the tax area;
- 28) ensure the implementation of positions and conclusions of the Government in the tax area;
- 29) perform other activities prescribed by law and other regulations.

(2) The manner of maintaining the tax bookkeeping referred to in paragraph 1, item 13 of this Article shall be prescribed by the ministry in charge of financial activities.

III GENERAL PROVISIONS ON TAX PROCEDURE

Summons

Article 7 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) The tax authority shall be entitled to summons any person in case when it deems that the person's presence is needed in the procedure of implementation of tax regulations.
- (2) The tax authority may summons persons for the purposes of interrogation, testimony, expert witnessing, presentation of documents, books and records and objects necessary for the implementation of tax regulations, submission of decisions or conclusions, or for notices that cannot be delivered to that person by mail or in another adequate manner.
- (3)

- 5) auxiliary means that the summoned person should obtain, or bring as evidence.
- (7) In case when the person is summonsed for presentation of documents, books, records and other objects, the summons shall state which books, records, documentation or other objects need to be presented.
- (8) The summons must state whether the summonsed person is obliged to appear in person or may send a proxy that shall represent him, and the summonsed person shall be warned about the consequences in case of failure to respond to the summons or inform the authority that issued the summons that he is prevented from coming.
- (9) Persons younger than 18 years shall be summonsed through their parents or another legal representative.
- (10) In justifiable cases, the person that has been summonsed may request from the tax authority to alter the place or time of interrogation, testimony, expert witnessing, interpretation or presentation of documents listed in the summons.
- (11) By rule, persons shall be summonsed during the working hours of the tax authority and in cases of urgent and pressing measures, a person may be summonsed after the working hours of the tax authority and on non-working days.

Obligations of the Summonsed Person

Article 8

- (1) The summonsed person shall be obliged to respond to the summons.
- (2) If the summonsed person is prevented from responding to the summons because of illness or other justifiable reason, the person shall be obliged to inform thereof the tax authority that issued the summons immediately after receiving the summons, if possible, and if not, the summonsed person shall be obliged to appear at the tax authority after cessation of the reason and justify his/her absence.
- (3) In cases when unjustifiable failure to respond to the summons incurs procedural costs, the tax authority shall determine that the summonsed person covers such costs.
- (4) The head of the tax authority shall decide on the need to contact a competent body for the purpose of undertaking measures for arresting, pronouncing a sentence or paying procedural costs, in the form of a conclusion that may be appealed.

Interrogation of a Party
Article 9

- (1) For the purpose of this Law, any person registered with the competent tax authority as a taxpayer shall be considered as a party.
- (2) The party may be interrogated in the tax procedure upon the tax authority's summons or at his/her own request.
- (3) The party shall be interrogated by a tax inspector of the tax authority (hereinafter: tax inspector) conducting the procedure for assessment, audit, collection or investigation activities, when he/she deems it necessary for the purpose of establishing decisive facts and circumstances important for clarifying a tax matter, or enabling parties to realize and protect their rights and interests.
- (4) The tax inspector conducting the procedure shall determine the course of interrogation procedure in accordance with the circumstances of each particular case, ensuring that the party is provided with the right to: present facts that may have impact on resolving the tax matter; offer proofs for establishing these facts; contest the statements contrary to his statements; give statements on all circumstances and facts presented in investigation, proposals and offered proofs; participate in the presentment of evidence and asking other parties, witnesses and expert witnesses questions through the tax inspector, or directly if the inspector allows it; get familiar with the results of the offering of evidence and make a statement about it.
- (5) In the course of interrogation procedure, the tax inspector conducting the procedure may decide to interrogate the party about all or individual facts and circumstances important for that tax matter.
- (6) By rule, the party shall give verbal statements in the course of interrogation, but the party may also submit statements in writing.
- (7) The proxy of the party shall be entitled to participate in the interrogation proceedings of the party. The party, his proxy and the tax authority shall be entitled to record the entire course of the interrogation on the tape.
- (8) The authorized official conducting the procedure shall not be entitled to extort evidence from the party by force or deceit, or to force the party to prepare or sign

- (2) Personal data shall be obtained from the witness in the following order: first and last name, FIN (if assigned), profession, place of permanent residence, or temporary residence, place of birth, age, marital status, place of employment.
- (3) The authorized tax inspector conducting the procedure shall instruct the witness which questions he may refuse to give an answer to.
- (4) After that, the witness shall be interrogated about the subject matter and shall be invited to give a statement about his/her knowledge about that matter.
- (5) It shall be forbidden to ask the witness suggestive and leading questions in the course of interrogation.
- (6) The witness shall always be asked to state where he has gained the knowledge related to what he is testifying about.

Article 14

- (1) If the witness does not know the language in which the proceeding is conducted, he/she shall be provided with an interpreter.
- (2) If the witness is deaf, questions shall be posed in writing, and if the witness is dumb, he/ she shall be asked to respond to questions in writing.
- (3) If interrogation cannot be performed in the aforementioned manner, a person that is able to communicate with the witness shall be summoned as interpreter.

Related Persons

Article 15 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) Related persons shall be considered the persons having special mutual relations that may have a direct impact on the conditions or economic results of transactions between them.
- (2) The special relations referred to in paragraph 1 of this Article shall include individual relations between:
 - 1) the persons having at least 25% of share in the capital of another person;
 - 2) one person that has a direct or indirect interest in another person which is a company, if such an interest is not less than 25%;
 - 3) one person that is subordinate to the other person in terms of his business position and that other person, or one person that is under control (directly or indirectly) of the other person and that other person;
 - 4) the persons presenting subsidiaries or are under direct or indirect control of a third person;
 - 5) the persons that directly or indirectly control a third person and that third person, if each person's voting right is not less than 25%.

- (3) The related person referred to in paragraph 1 of this Article shall also be the family member of the taxpayer. The family member shall be any person who is as such defined by the law regulating family relations.

Tax Secret

Article 16

- (1) Tax secret shall mean any information or datum about the taxpayer at the disposal of the tax authority, except for information and data:
- 1) for which the taxpayer states in a written form that they are not considered as tax secret;
 - 2)

- (6) It shall be entered in the minutes if a person refuses to sign the minutes or leaves the premises before the minutes are closed, and the reason for failing to sign the minutes shall be stated.

Article 20 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) The minutes taken in accordance with the provisions of this Law shall be considered as a public document. The minutes shall be considered as evidence of the course and contents of the procedure and statements given in the procedure, except for the parts of the minutes on which the interrogated person made comments that they were not properly taken.
- (2) Party to the procedure may give comments on the minutes within three working days from the day of receiving the minutes. The tax authority shall decide on the comments on the minutes in the form of a decision on the principal subject matter.

**Acts in the Tax Procedure
Article 21**

- (1) Tax act shall mean any document initiating, amending, altering or completing an action in the tax procedure.
- (2) The tax act referred to in paragraph 1 of this Article shall mean the decision, conclusion, minutes on inspection audit, order for performance of inspection audit, minutes of interrogation, summons and other acts.
- (3) Tax acts by which certain rights and obligations in the tax-legal area are decided on shall be the decision and the conclusion.

**Form and Contents of Tax Act
Article 22 (Official Gazette of the Republic of Montenegro, No 80/04)**

- (1) The tax act shall be adopted in a written or verbal form.
- (2) The verbal tax act shall be adopted within three working days from the day of receiving the minutes.

5) seal.

(5) Tax act imposing a prestation or sufferance must also contain the warning about the consequences in case of failure to act accordingly.

Submission of Acts

Article 23 (Official Gazette of the Republic of Montenegro, No 80/04)

An act shall be considered submitted:

1)

institutions and bodies in the manner and under the procedure prescribed by this Law;

- 3) request re-examination and re-assessment of his/ her tax liability in the manner prescribed by this Law;
- 4) receive, free of charge, informa

V IDENTIFICATION AND GENERAL REGISTRATION OF THE TAXPAYER

Article 27 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) General registration of the taxpayer with the competent tax authority shall be performed on the basis of a registration application form by registration in the tax registry, within the deadline and in the manner prescribed by this Law.
- (2) The following persons shall be obliged to submit the registration application forms:
 - 1) the legal person or organization generating revenues in the Republic or outside the Republic;
 - 2) the physical person generating revenues or owning property in the Republic or outside the Republic;
 - 3) the foreign legal person or organization generating revenues in the Republic;
 - 4) the foreign physical person generating revenues or owning property in the Republic.
- (3) The tax authority shall, for the purpose of identification of taxpayers, issue a decision on registration by which Fiscal Identification Numbers (FIN) are assigned to legal entities and physical persons.
- (4) FIN shall be a unique and sole number of a legal entity or physical person for all types of taxes and shall be kept in the case of a change of headquarters, permanent residence and temporary residence of the taxpayer.
- (5) FIN shall be entered into:
 - 1)

(2) The persons referred to in Article 27, paragraph 2, items 2 and 4 of this Law shall

VI TAX RETURN

Article 36 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) The tax return, under this Law, shall mean a document prepared and submitted to the tax authority on a prescribed form.
- (2) The tax return must consist of a general and a specific part. The general part of the tax return shall consist of the data on the taxpayer from the primary registry, whereas the specific part shall consist of the data important for assessment of a tax liability.
- (3) The taxpayer shall be obliged to submit, together with the tax return, any documentation important for the assessment of the tax liability prescribed by tax regulations.
- (4) The taxpayer shall submit the tax return to the tax authority where he is registered in the registry of taxpayers, unless otherwise prescribed by this Law.
- (5) Tax returns shall be submitted for each type of taxes separately in the manner and within deadlines prescribed by tax laws.
- (6) The taxpayer shall submit the tax return directly or by mail.
- (7) The taxpayer may submit the tax return on a disc or in another form that enables computer processing of the data.
- (8) The taxpayer or his/her proxy shall sign the tax return under the penalty of perjury. The liability, in that case, shall also be borne by the expert who prepared the tax return or its part. The expert shall be obliged to sign the tax return and include his/her FIN.
- (9) The form and contents of the tax return, at the proposal of the tax authority, shall be prescribed by the ministry in charge of financial activities.

Submission of the Tax Return by the Tax Authority

Article 37 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) The tax authority shall be authorized to submit the tax return for the taxpayer within 3 days from the day of finding out that the return was not submitted within the prescribed deadline.
- (2) The tax authority shall be authorized to complete for a taxpayer an incomplete tax return and correct wrongly completed tax return immediately upon finding out the omissions and mistakes in the submitted return.
- (3) The tax authority shall be obliged to submit a copy of the tax return referred to in paragraphs 1 and 2 of this Article to the taxpayer.

**Tax Liability in Case of Status Changes of Legal Entity or Organization
Article 44 (Official Gazette of Montenegro No 65/01, 80/04, 29/05)**

VIII PAYMENT OF TAX LIABILITY

Article 50 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) The taxpayer shall pay tax liability within the deadlines and in the manner prescribed by tax laws.
- (2) The payment of tax liability shall be executed, by rule, through payment system participants through lodgments to adequate revenue deposit accounts.
- (3) The day of the payment of tax liability shall mean the day when the payment of tax liability is received into the adequate revenue deposit account.
- (4) The ministry in charge of financial activities shall prescribe the revenue deposit accounts for tax payments.

Order for Payment of Tax Liability

Tax Decision

Article 53 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) The tax authority shall adopt the tax decision referred to in paragraph 3, Article 52 of this Law, on the basis of business books and records of the taxpayer.
- (2) If the tax authority cannot adopt the decision referred to in paragraph 1 of this Article on the basis of business books and records of the taxpayer, it shall adopt the decision on the basis of evaluation of the tax base.
- (3) When evaluating the tax base referred to in paragraph 2 of this Article, the tax authority shall proceed from the following:
 - 1) proper available business documentation, if it is not recorded;
 - 2) proper available business documentation on operations within a certain period shorter than the taxation period (daily, weekly or monthly);
 - 3) data and facts on realized turnover (daily, weekly or monthly) determined by inspection audit;
 - 4) data obtained by comparison with other taxpayers performing the same or similar activity, in the same or similar location, under approximately same conditions;
 - 5) other relevant data and facts.
- (4) The ministry in charge of financial activities shall prescribe more detailed manner for assessment of tax base by evaluation, at the proposal of the tax authority.

Form and Contents of Tax Decision

Article 54 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) The tax decision shall be adopted in the written form and it shall be designated as such.
- (2) The tax decision shall contain:
 - 1) name of the tax authority, reference number and date of decision;
 - 2) introduction, operative part and explanation;
 - 3) instruction on legal remedy,
 - 4) signature of the authorized person and seal of the tax authority.
- (3) The operative part shall contain in particular: the name (firm) of the taxpayer, fiscal identification number (FIN), type of tax, tax base, tax rate, amount of the assessed tax, tax period, tax relief, the revenue deposit account, payment order, payment deadline, interest, interest rate and the note that the appeal shall not stay the execution of the decision.
- (4)

- (5) The appeal shall not stay the execution of the decision.

**Payment of Tax Liability According to Decision
Article 55**

Tax liability assessed by the tax decision shall be due for payment within 10 days from the day of submission of the decision, unless otherwise prescribed by tax law.

**Recording of Tax Liability
Article 55a (Official Gazette of the Republic of Montenegro, 80/04)**

- (1) Tax authority shall record the tax liability assessed in the manner referred to in Article 52 of this Law for each taxpayer.
- (2) Tax liability shall be recorded upon the receipt of tax return and submission of the tax decision.

X ENFORCED COLLECTION OF TAXES

Article 56 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) Enforced collection procedure shall be undertaken when a taxpayer fails to pay his tax liability when submitting the tax return or when the tax decision becomes enforceable.
- (2) The tax authority shall initiate the enforced collection procedure by adoption of the conclusion on enforced collection of tax liability.
- (3) The taxpayer shall bear the costs of enforced collection.
- (4)

- 8) note that costs of the enforced collection procedure shall be covered by the taxpayer;
 - 9) name of the Tax Payer and his1 headquarters.
- (2) If the enforced collection is made on salaries, pensions and other personal income of the taxpayer, the conclusion of the enforced collection shall also be submitted to his Tax Payer.

Article 58 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) Appeal may be filed against the conclusion on enforced collection within 3 days from the day of its submission.
- (2) The appeal shall not stay the execution of the conclusion.

Article 59(1) of the Law on Tax Administration (Official Gazette of the Republic of Montenegro, No 80/04, 29/05)

**Collection of Tax Liability from Monetary Funds
Article 62**

To be deleted (Official Gazette of the Republic of Montenegro, No 80/04).

Collection of Tax Liabilities from Property

Article 63 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) Enforced collection of tax liability from the property of the taxpayer shall mean the seizure and sale of the taxpayer's property (movable or immovable) and use of funds obtained by sale or other procedure for collection of the tax liability.
- (2) Property of the taxpayer that may be seized and sold shall include the property and property-based rights that belong to the taxpayer, regardless whether he or another person physically possesses that property.
- (3) The conclusion on the enforced collection shall be submitted to the taxpayer whose property is to be seized, i.e. to another person if that person possesses the property of the taxpayer or is his debtor on another basis.

Article 64 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) Tax inspector shall carry out the seizure in the presence of two witnesses. The taxpayer shall be entitled to be present during the seizure.
- (2) The seizure shall consist of inventory-taking procedure and evaluation of property.
- (3) Any person possessing the property to be seized shall be obliged to surrender

Article 66

- (1) The tax inspector shall take minutes on the seizure including the following information:
- 1) the name of the tax authority and the name of the tax inspector conducting the collection procedure;
 - 2) last and first name, firm, permanent residence or headquarters of the taxpayer, fiscal identification number (FIN) and data on other persons witnessing the seizure;
 - 3) time and place of the seizure;
 - 4) amount of tax debt, interest and costs of the seizure procedure;
 - 5) name, reference and description of seized objects;
 - 6) value of the seized objects according to the performed evaluation;
 - 7) last and first name, address, i.e. headquarters of the person to whom the property is given into custody;
 - 8) statement that the taxpayer and the custod ta

- (3) If the notified persons referred to in paragraph 2 of this Article prove that they have filed the extracting complaint with the court, the collection procedure shall be suspended in respect of the property covered by the extracting complaint.

Article 68

- (1) Timely filed extracting complaint with the court shall postpone the seizure and sale of the inventoried movable property the complaint relates to through the termination of the dispute, and that property shall remain under the custody of the taxpayer.
- (2) The taxpayer shall be obliged to keep the property referred to in paragraph 1 of this Article in the unaltered condition through the termination of the dispute in respect of extracting complaint.

Article 69 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) If it is determined in the extracting complaint procedure that the person who filed the extracting complaint is not the owner, and the taxpayer divests of, destroys or damages the property, criminal charges shall be brought to the prosecutor of relevant jurisdiction.
- (2) In the case referred to in paragraph 1 of this Article, for the purpose of securing the payment of debt, a new inventory and evaluation of the property shall be made without any delay.

Article 70 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) The tax authority shall be held responsible for the seized property. If monetary funds are seized, the tax authority shall deposit them to the appropriate account of the budget within one working day from the day of seizure.
- (2) The tax authority that implemented the seizure of the property shall publish the advertisement of the sale of the property in the mass media and on the bulletin board of the tax authority, within 5 days from the day of seizure.
- (3) Officials of the Tax authority, spouses, ancestors and descendants of the officials, and the ancestors and descendants of officials' spouse may not participate directly or indirectly in the public bidding.
- (4) The taxpayer whose property is seized in accordance with this Law may, prior to the sale of the property, pay his tax liability and costs of the seizure. The tax authority shall return the seized property to the taxpayer the following day from the day of the payment of tax liability.
- (5) In case when the seized property is perishable or when the Tax authority estimates that there are exceptionally important circumstances justifying urgent sale, the sale may be executed through direct negotiations.

- (6) Funds generated through the sale of the seized property shall be used for the payment of tax liability in the order referred to in Article 51 of this Law.
- (7) The ministry in charge of financial activities shall prescribe in more details the sale of property, at the proposal of the tax authority.

Article 71 (Official Gazette of the Republic of Montenegro, No 80/04)

The provisions of the law regulating executive procedure shall be accordingly applied

Forms of Inspection Audit

Article 78 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) Inspection audit shall be exercised through field and office control.
- (2) The tax inspector shall perform inspection audit activities.

Article 79

To be deleted (Official Gazette of the Republic of Montenegro, No 80/04).

Control of Tax Return

Article 80 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1)

Field Control
Article 82

- (1) Field control shall be conducted in the business premises of the taxpayer or in another location specified by the head of the tax authority conducting the control.
- (2) During the control, the tax inspector shall use the data from the tax return, documentation and statement of the taxpayer, and documentation and data collected by the tax authority.
- (3) One field control shall last up to 90 business days. The head of the tax authority may exceptionally extend this deadline.

Article 83

- (1) The tax inspector, in the procedure of gathering proofs for assessment of tax liability, may also use certain indicia.
- (2) The indicia, for the purpose of paragraph 1 of this Article, are certain signs, data or information that may serve to the tax authority for setting tax liability for all types of taxes.
- (3) The indicia referred to in paragraph 2 of this Article shall relate to:
 - 1) type and nature of the taxpayer' s operations,
 - 2) transfer of funds through the taxpayer' s account in bank or another financial institution and the amount of the funds in such accounts,
 - 3) ratio between the taxpayer' s expenditures and revenues,
 - 4) property of the taxpayer acquired or used for personal use and other evidence of property including apartments, houses, business premises, cars, means of labor, club membership, number of servants and similar,
 - 5) analysis of changes in the value of the taxpayer' s property,
 - 6) the amount of rental fee for immovable property where the taxpayer works or lives,
 - 7) the amount of capital in the taxpayer' s company,
 - 8) realized turnover of the taxpayer,
 - 9) number of taxpayer' s employees,
 - 10) type and number of taxpayer' s business clients,
 - 11) profit or income of other persons conducting a similar or identical activity as the taxpayer under the same or similar sees 11)

Time for Inspection Audit

Article 84 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) Inspection audit shall be conducted during the working hours of the taxpayer and exceptionally after expiration of the working hours, if imposed so by the purpose of the audit.
- (2) If a commenced action in the procedure of inspection audit may no

- (4) If the objections contain new facts and proofs due to which the facts determined in the minutes or previous legal opinions should be changed, the tax inspector

XV STATUTE OF LIMITATIONS

Statute of Limitations for the Right to Tax Assessment Article 100 (Official Gazette of the Republic of Montenegro, No 80/04)

The right to tax liability assessment shall fall under the statute of limitations within 5 years from the expiration of the year for which such a liability should have been determined.

Statute of Limitations for the Right to Tax Collection Article 101 (Official Gazette of the Republic of Montenegro, No 80/04)

- (1) The right to tax collection shall fall under the statute of limitations within 3 years upon the expiration of the year for which the tax is assessed.
- (2) The right to collection of interest and procedural costs shall fall under the statute of limitations within the deadline referred to in paragraph 1 of this Article.
- (3) Any official action undertaken by the tax authority shall suspend the statute of limitations for the right to tax collection.
- (4) Statute of limitations shall not run during the procedure before the court or in the case when a taxpayer who is a physical person is outside of the Republic for an uninterrupted period longer than six months.
- (5) In cases when the taxpayer is under bankruptcy procedure, the statute of limitations referred to in this Article shall be prolonged for six months from the day of the termination of the procedure.
- (6) If the extension of the deadline for the payment of tax liability is approved to the taxpayer, the statute of limitations for the right to collect shall be prolonged for that period of time.

Statute of Limitations for the Right to Refunds Article 102 (Official Gazette of the Republic of Montenegro, No 80/04)

The right to refund of overpaid tax liability shall fall under the statute of limitations within 3 years from the expiration of the year in which the overpayment was made.

Ultimate Statute of Limitations

Article 103 (Official Gazette of the Republic of Montenegro, No 80/04)

The right to assessment, collection and refund of taxes shall always fall under the statute of limitations within 10 years from the expiration of the year in which the tax was supposed to be assessed, collected or in which the overpayment was made.

Law on Amendments to the Law on Tax Administration

(Official Gazette of the Republic of Montenegro, No 80/04 from 29th December 2004)

TRANSITIONAL AND FINAL PROVISIONS

Article 76

By the time the secondary legislation for implementation of this Law is adopted, the current secondary legislation shall apply.

Article 77

On the day of application of this Law, the following secondary legislation shall be rescinded:

- Rules on the Manner and Procedure of Registration of Tax Lien on Real Estate (Official Gazette of the Republic of Montenegro, No 23/02);
- Methodological Instruction on the Manner and Procedure of Inspection Audit (Official Gazette of the Republic of Montenegro, No 33/02);
-