

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

**THE DECREE
ON PROCLAMATION OF THE LAW ON ORGANIC AGRICULTURE**

The Law on Organic Agriculture adopted by the Parliament of the Republic of Montenegro at the Sixth sitting of the First regular session in 2004 on July 15, 2004 is hereby proclaimed.

No. 01-1006/2
Podgorica, July 19, 2004.

President of the Republic of Montenegro
Filip Vujanovic, manu propria.

LAW ON ORGANIC AGRICULTURE

I BASIC PROVISIONS

Article 1

This Law lays down production of agricultural products in organic agriculture, their processing, labeling, packaging, storing and transportation as well as other issues of relevance for the organic agriculture.

The production of agricultural products in organic agriculture is based on methods of organic agriculture set by this Law.

Producers of products of organic agriculture shall be provided with special support from the Government, i.e., the relevant Ministry, through support to agriculture development measures.

Article 2

Use of means for plant protection (pesticides) and use of means for plant nutrition (fertilizers) of synthetic chemical origin is not allowed in organic agriculture.

Use of genetically modified organisms and their products is not allowed in organic agriculture.

Use of ionizing radiation and growth stimulators is not allowed in organic agriculture.

Article 3

Products of organic agriculture, in terms of this Law, are products of plant and animal origin obtained by organic agriculture methods, as follows:

- 1) unprocessed products of plant and animal origin,
- 2) processed plant and livestock products intended for human consumption, i.e., foodstuffs, prepared from one or more components of plant or animal origin,
- 3) animal feed and animal feed components.

II REQUIREMENTS FOR ESTABLISHING ORGANIC AGRICULTURE

Article 4

Requirements for establishing organic agriculture are:

- 1) spatial isolation of land parcels, livestock farms and processing plants from possible pollution sources,
- 2) agricultural soil content of harmful substances thereof is below the maximal allowed quantities prescribed,
- 3) prescribed quality of water intended for irrigation,
- 4) coordinated development of plant and livestock production.

Article 5

Determination of compliance with the requirements for establishing of organic agriculture, control of implementation of organic agriculture methods and issuing of certificates for products obtained by methods of organic agriculture is performed by the legal person authorized by the state administration organ in charge of agriculture matters (hereinafter referred to as: the competent organ).

Requirements as regards human resources and equipment that need to be met by the legal person for execution of tasks stated under the indent 1 of this Article (hereinafter referred to as: the authorized legal person) are laid down by the competent organ.

By issuing of the decision the competent organ establishes the compliance with the requirements stated under the indent 2 of this Article and assigns the identification number (code) for the authorized legal person.

The list of authorized legal persons is published in the Official Journal of the Republic of Montenegro.

Article 6

The conversion to organic agriculture is done in line with the plan of the producer that includes the review of use of the land in the previous three years and the program for plant and livestock production during the conversion period.

The product produced under the producer's plan for the conversion period stated under the indent 1 of this Article must bear the indication: "The product from the conversion period to organic agriculture".

Article 7

Following the compliance with the requirements laid down by this Law for accession to the organic agriculture, the producer is given a conversion period of two years for annual crops and three years for perennial crops, with obligatory implementation of organic agriculture methods.

More detailed rules on requirements for establishing of the length of the conversion period stated under the indent 1 of this Article shall be laid down by a regulation issued by the competent organ.

Article 8

Inclusion of livestock production into the organic agriculture can begin after inclusion of land parcels into the organic agriculture, in compliance with the Article 7 of this Law, i.e., when organic feed for livestock is provided.

The length of the conversion period for livestock is defined by methods of organic livestock production.

The requirements for setting the length of the conversion period stated under the indents one and two of this Article shall be laid down in details by a regulation issued by the competent organ.

Article 9

Forest fruit and medicinal herbs are products of organic agriculture provided they have been collected in a natural area, i.e., land that meets the requirement stated under the Articles 2 and 4 of this Law.

Collecting of forest fruit and medicinal herbs is done in the way that does not affect the stability of the natural habitat and survival of the specie collected at the collecting area.

The place, time and method for collecting of forest fruit and medicinal herbs as products of organic agriculture shall be laid down in details by a regulation issued by the competent organ.

Article 10

Methods of organic plant production lay down: the selection of species and varieties of plants, crop rotation, soil cultivation, fertilization means and methods, the system of soil fertility maintenance, the methods for control of plant diseases, pests and weeds as well as methods for collecting of forest fruit and medicinal herbs and mushroom growing.

Methods of organic livestock production define: selection of species and races of animals, breeding methods, nutrition and health protection of animals as well as procedures for animals procured from other farms.

Animals in terms of the indent 2 of this Article include: horses, cattle, pigs, sheep, goats, poultry, bees and aquaculture animals.

Products from hunting of wild animals and fishing products are not considered products of organic agriculture.

Methods of organic plant production and methods of organic livestock production stated under the indents 1 and 2 of this Article shall be laid down in detail by a regulation issued by the competent organ.

Article 11

In processing of products obtained by methods of organic production technological procedures that do not induce change in natural structure of products and that enable preservation of the biological and nutritional values of the products are allowed.

Technological procedures in processing of products obtained by methods of organic production, allowed contents of agriculture and non-agriculture origin as well as use of additives shall be laid down by a regulation issued by the competent organ.

In processing of products obtained by methods of organic agriculture special technological lines or lines used for processing of products from conventional agriculture are used; the latter must be thoroughly cleaned and washed before using them for processing of products obtained by methods of organic agriculture.

The methods and substances for cleaning and washing of lines stated under the indent 3 of this Article shall be laid down in details by a regulation issued by the competent organ.

Article 12

Products from organic agriculture are stored in special storehouses and provided they are properly packed and marked, they can be kept in the same storehouse with the products of conventional agriculture in the special part of the storehouse with its use for that sort of product visibly marked.

For storing of perishable products of organic agriculture use of containers, cold-storage plants with devices for measuring of temperature regime and controlled atmosphere is allowed.

Article 13

Products from organic agriculture are packed in packaging produced from biodegradable material.

Packaging produced from polyvinyl-chloride (PVC) and other chlorine containing plastic materials must not be used for packing the products of organic agriculture.

Article 14

During the transport, the products from organic agriculture must be properly packed and marked in order to preserve the integrity of the product and prevent change of the contents.

The method of packaging and marking of products stated under the indent 1 of this Article shall be laid down in details by the regulation issued by the competent organ.

Article 15

Transportation of products from organic agriculture is done by transportation means equipped for transportation of a specific product type.

Products of organic agriculture cannot be transported together with products of conventional agriculture unless properly packed and marked.

Transportation means intended for transport of products of organic agriculture must be clean and free from harmful leftovers, i.e., they must be free from any material that could contaminate the product.

The method and terms of storing and transportation of products from organic agriculture shall be laid down in details by the regulation issued by the competent organ.

III PROCEDURE FOR REGISTRATION OF PRODUCERS AND PRODUCTS FROM ORGANIC AGRICULTURE

Article 16

A company or entrepreneur can be involved in production and processing of products from organic agriculture (hereinafter referred to as: producer) provided that prescribed requirements for involvement in organic agriculture, transportation and storing have been met.

Article 17

Producer stated under the Article 16 of this Law is obliged to submit an application to the competent organ and authorized legal person for involvement in organic agriculture, that is, for its registering in the register of producers of organic agriculture.

The form and contents of the application stated under the indent 1 of this Article shall be laid down in details by a regulation issued by the competent organ.

Article 18

On the basis of data from the application and situation in the field, the authorized legal person shall check the compliance with the terms stated under the Articles 4 to 12 of this Law, set the conversion period stated under the Articles 7 and 8 of this Law and submit the report to the competent organ on compliance with the requirements for inclusion of producers into the organic agriculture.

The producer is obliged to keep the records on the ways methods of organic agriculture are applied in production of products stated under the Article 3 of this Law.

The contents of the records stated under the indent 2 of this Article shall be laid down in details by a regulation issued by the competent organ.

Article 19

The competent organ registers the producer stated under the Article 18 indent one of this Law in the register of producers of organic agriculture.

The register stated under the indent one of this Article is kept by the competent organ.

The contents and the method for keeping the register stated under the indent 2 of this Article shall be laid down in details by a regulation issued by the competent organ.

Article 20

The producer can hire a foreign legal person for certification of his products with the prior approval of the competent organ.

Before issuing of the approval stated under the indent one of this Article, the competent organ is obliged to check whether the competent organ authorized the foreign legal person for issuing of certificates for products of organic agriculture.

Article 21

The authorized legal person establishes whether the product obtained by methods of organic agriculture complies with this Law and issues a certificate.

The form and contents of the certificate form stated under the indent 1 of this Article shall be laid down in details by a regulation issued by the competent organ.

Article 22

The product that obtained the certificate stated under the Article 21 of this Law is marked with: “Product of organic agriculture”.

The mark stated under the indent 1 of this Article, in the form of a label, is issued only for products and quantities thereof that the producer has been issued with the certificate for.

The form and contents of the mark as well as method for marking of products stated under the indents 1 and 2 of this Article shall be laid down in details by a regulation issued by the competent organ.

The product stated under the indent 1 of this Article can, apart from the mark, bear the trade mark (logo).

The methods and requirements for establishing of the form and contents of the trade mark (logo) stated under the indent 4 of this Article shall be laid down in details by a regulation issued by the competent organ.

Article 23

The producer shall submit to the competent organ the request for obtaining the mark stating:

- 1) the name of the producer,
- 2) register number of the producer,
- 3) number of the certificate,
- 4) name and quantity of the product,
- 5) packaging type and method, i.e., the number of units packed.

The records on number of marks issued are kept by the competent organ.

Article 24

The product from organic agriculture must be marked with a declaration.

The declaration of the product stated under the indent 1 of this Article must include: the name of the producer, identification number (code) of the producer, name of the product, year of production, name and identification number (code) of the authorized legal person, the name of the competent organ and the number of the decision issuing the working license for the authorized legal person.

The declaration of foodstuffs, apart from the information stated under the indent 1 of this Article must include all the ingredients by order of their quantitative share in the product, additives used and processing method applied to these products as well as expiration date.

The contents of the declaration stated under indents 1 and 2 of this Article shall be laid down in details by a regulation issued by the competent organ.

Article 25

The product from the organic agriculture issued with a certificate can bear the mark and the trade mark (logo) on the declaration, accompanying documents and advertising material.

The declaration, accompanying documents and advertising material stated under the indent one of this Article must not contain any text that advertises the product of organic agriculture as a product of supreme quality.

Article 26

The import of certified products from organic agriculture is allowed only in case the prescribed requirements as regards production, processing, storing and transportation of these products have been met.

The import of certified products from organic agriculture can be granted only from those producers that meet the requirements prescribed, i.e., that are registered in European Union Member States and that are under control of the competent organ.

With an exception from the indent 2 of this Article, the competent organ can allow the import of products from organic agriculture and other producers when established that regulations, standards, production, processing, storing, transportation and surveillance that the exporting country applies are at least equivalent to the regulations of the Republic of Montenegro (hereinafter referred to as: the Republic) and that at least equivalent consumers' protection is guaranteed.

The competent organ can carry out control in order to check the producers stated under the indent 3 of this Article. The costs of the control shall be borne by the importer.

Article 27

Prepackaging of the original package of the product from organic agriculture of another producer and subsequent declaring and use, i.e., placing a declaration of another producer at the packaging without prior consent of the authorized legal person and sale of products with such declarations is prohibited.

IV SURVEILLANCE

Article 28

Surveillance over the implementation of this Law and regulations adopted on the basis this Law is done by the competent organ.

The inspection surveillance within the authority of the competent organ is done by the Republic agriculture inspector, in compliance with the Law.

Article 29

The Republic agriculture inspector, in particular, conducts surveillance over:

- 1) establishing of organic agriculture,
- 2) inclusion of land parcel into the organic agriculture,
- 3) inclusion of livestock production into the organic agriculture,
- 4) methods of collecting of forest fruit and medicinal herbs,
- 5) methods of application of organic plant production and organic livestock production,
- 6) technological procedures in processing of products from organic agriculture,
- 7) storing, packaging and transportation of products from organic agriculture,
- 8) compliance with requirements for inclusion of producers in the organic agriculture,

- 9) compliance with requirements of the authorized legal person,
- 10) compliance with requirements for obtaining the products by methods of organic agriculture,
- 11) use of mark, i.e., trade mark (Article 22).

V PENALTY PROVISIONS

Article 30

A fine ranging from 250 to 300 minimal wages in the Republic shall be imposed on a company or entrepreneur in case of:

- 1) using the marks for quantities of products that the certificate had not been issued for or using of the certificate issued by a legal person not authorized for certificate issuing by the competent organ (Articles 20 and 22),
- 2) placing on the market products from organic agriculture without a declaration or with a declaration with contents not in compliance with the prescribed ones (Article 24),
- 3) printing a text on the declaration, accompanying documents and advertising material marked with "Product from organic agriculture" implying that the product is of supreme quality (Article 25 indent 2),

A fine of 20 minimal wages in the Republic shall be imposed on person in charge of the company for the offence stated under the indent 1 of this Article.

A fine of 10 minimal wages in the Republic shall be imposed on the natural person for the offence stated under the indent 1 of this Article.

Article 31

A fine ranging from 200 to 300 minimal wages in the Republic shall be imposed on a company or entrepreneur in case:

- 1) of collecting forest fruits and medicinal herbs, as products of organic agriculture, in the way that affects the stability of the natural habitat and the survival of the species collected at the collecting place or in the way, place and time contrary to the Article 9 of this Law.
- 2) when in processing of products obtained by methods of organic agriculture special technological lines are not used or lines used for processing of products from conventional production are not cleaned and washed in the way laid down by the regulation issued by the competent organ (Article 11),
- 3) of storing the products from organic agriculture contrary to the requirements laid down by the Article 12 of this Law,
- 4) a product from organic agriculture is packed in packaging produced from polyvinyl chloride (PVC) and other chlorine containing plastic materials (Article 13),
- 5) of transporting the products from organic agriculture by transportation means not equipped for transportation of specific type of these products or in case of transporting the products of organic agriculture not properly packaged and marked together with products of conventional agriculture (Article 15),
- 6) not keeping the records on the ways methods of organic agriculture are applied (Article 18 indent 2).

A fine of 20 minimal wages in the Republic shall be imposed on person in charge of the company for the offence stated under the indent 1 of this Article.

A fine of five minimal wages in the Republic shall be imposed on the natural person for the offence stated under the indent 1 of this Article

VI TRANSITORY AND FINAL PROVISIONS

Article 32

Sub-legal acts on the basis of the authority deriving from this Law shall be adopted within the period of six months from the day this Law enters into force.

Article 33

This Law shall enter into force on the eighth day from the day of its publishing in the Official Journal of the Republic of Montenegro.