

FOOD SAFETY LAW¹

I. BASIC PROVISIONS

Scope

Article 1

This Law shall govern general conditions for safety of food and feed, duties and responsibilities of food and feed business operators, rapid alert system, emergency measures and crisis management, food and feed hygiene and quality.

Non-applicability

Article 2

The provisions of this Law shall not apply to primary food production and preparation, handling and storage of food for private domestic use, as well as feed for non food-producing animals.

Purpose of the Law

Article 3

The purpose of this Law shall be to provide high level of protection of human life and health and protection of the consumers' interests, including the principle of honesty and scrupulousness in the food circulation, taking into account whenever possible the protection of the health and well-being of animals, as well as the health of plants and environmental protection.

Definitions

Article 4

The terms used in this Law shall have the following meaning:

1) *Risk analysis* shall mean a process consisting of three interconnected components: risk assessment, risk management and risk communication;

2) *Final consumer* shall mean the person who consumes food and does not use it in any stage of food business operation (hereinafter referred to as: the consumer);

3) *Monitoring* shall mean a series of planned activities relating to tracking or measurement for the purpose of inspecting the proper application of the food and feed regulations, as well as the regulations dealing with the health and well-being of animals and the health of plants;

4) *Novel food* shall mean the food or food ingredients which have not yet been used as food, with the exception of genetically modified food, food additives, aromatics and production appurtenances that have been approved for use in food and feed;

5) *Risk communication* shall mean an interactive exchange of information and opinions through the risk analysis process as regards hazards and risks, risk-related factors and risk identification, among the risk assessment and risk management authorities, consumers, food and feed business operators, scientific and higher education establishments and other interested

¹ Food Safety Law was adopted by the National Parliament of the Republic of Serbia on May 29, 2009 and published in the Official Gazette of the Republic of Serbia No. 41/09.

parties, including the interpretation of risk assessment results and the basis of risk management decisions;

6) *Facility* shall mean a building or space in which any food and/or feed production, processing or circulation phase takes place.

7) *Hazard* shall mean a biological, chemical or physical factor in food or feed or a state of food or feed, which can potentially be harmful to health;

8) *Supervision* shall mean an official procedure carried out for the purpose of control of one or more food and feed business operators and their activities;

9) *Food business* shall mean any activity, whether public or private and whether for profit or not, related to any stage of production, processing and circulation of food;

10) *Feed business* shall mean any activity, whether public or private and whether for profit or not, related to any stage of production, processing and circulation of feed;

11) *Control of safety of food and feed* shall mean any control procedure carried out by the responsible authority for the purpose of verifying the compliance and application of regulations in food and feed business, as well as regulations in the areas of health and well-being of animals (hereinafter referred to as: the official control);

12) *Primary production* shall mean the production, growing and/or rearing of primary agricultural products including harvesting and fruit picking, milking, animal rearing prior to slaughter, hunting, fishing and harvesting of wild-grown fruit and plants, as well as the supporting activities related to the storage and handling of primary products at the place of production, transport of live animals, primary products, fish and game from the place of production to the facility;

13) *Food and feed circulation* shall include the storage, distribution, sale, displaying for sale, exchanging and relinquishing, whether free of charge or not, importing, transiting and exporting, other than for scientific research purposes;

14) *Retail sale* shall mean the handling of food, its processing, preparation, storage at the place of sale or delivery to the consumer, food preparation and serving activities, particularly in:

(1) Stores, supermarkets, hypermarkets,

(2) Collective feeding facilities (canteens, hospitals, kindergartens, schools and the like),

(3) Public feeding facilities (soup kitchens),

(4) Restaurants, as well as catering services and ready-made meal delivery service.

15) *Wholesale* shall mean the handling of food, its processing, preparation and storage at the place of sale or delivery, for the purpose of being resold or processed (distribution centers);

16) *Risk assessment* shall mean a scientifically based process consisting of four stages: hazard identification, hazard characterization, exposure assessment and risk characterization;

17) *Review* shall mean systematic and independent testing for the purpose of determining if activities and results of such activities are in conformity with the plans and if implementation of such plans has been efficient and adequate for achieving the planned results;

18) *Risk* shall mean the factor of probability of a harmful impact on health and the severity of such impact, as a consequence of a hazard;

19) *Traceability* shall mean the ability to trace a food, feed, food-producing animal, raw material or substances intended to be, or expected to be incorporated into food or feed, in all stages of production, processing and circulation;

20) *Food business operator* shall mean any legal or natural person and/or entrepreneur that is responsible for the fulfillment of statutory requirements for the food business under its control;

21) *Feed business operator* shall mean any legal or natural person and/or entrepreneur that is responsible for the fulfillment of statutory requirements for the feed business under its control;

22) *Official sample* shall mean a sample of food or feed or any other substance, including those from the natural environment, which are important for the production, processing or circulation of food or feed or for the health of animals, health of plants and quality of food or feed, which is taken by a responsible inspector or a duly authorized person;

23) *Risk management* shall mean a process of setting the policies and measures, separately from risk assessment, which includes consideration of possible alternatives for further action, in consultation with interested parties, as well as implementation of the risk-abating measures, based on risk assessment and relevant data;

24) *Food or feed hygiene* shall mean the necessary measures and requirements for risk control and providing for food or feed safety, in accordance with its intended purpose;

25) *Food* shall mean any substance or product, whether processed, partly processed or unprocessed, intended to be, or reasonably expected to be ingested by humans, with the exception of:

- (1) Feed for non food-producing animals;
- (2) Live animals, if they have not been prepared for placing on the market as food for humans;
- (3) Plants before harvesting or fruit picking;
- (4) Medicinal products;
- (5) Cosmetics;
- (6) Tobacco and tobacco products;
- (7) Narcotics and psychotropic substances;
- (8) Residues and contaminants.

Food shall also mean a beverage, chewing gum and any other substance purposely added to food in the course of preparation, processing or production.

Food shall also mean the drinking water, including water in its original packaging (table water, mineral water and spring water), as well as the water used or added in the course of food preparation, processing or production.

Drinking water shall mean the water in its original packaging and the water from the public water supply system.

(26) *Feed* shall mean any substance or product, whether processed, partially processed or unprocessed, intended to be used for feeding the food-producing animals;

(27) *Stage of production, processing and circulation* shall mean any part of production, processing and circulation, including the import, primary food production, initial and final processing, storage, transport, sale or delivery to the final consumer, and import, primary production, initial and final processing, storage, transport, sale and supply of feed.

1. Food classification

Article 5

Food shall be classified according to its origin as follows:

- 1) Food of animal origin;
- 2) Food of plant origin;
- 3) Mixed food, the ingredients of which are of plant and animal origin;
- 4) Food of neither plant nor animals origin (mineral substances, salt);
- 5) Other food (novel food, genetically modified food and genetically modified feed).

2. Principles

1) Principle of risk analysis

Article 6

The measures applied pursuant to this Law towards achieving a high level of protection of human health and life must be based on risk analysis, unless that would be inconsistent with the circumstances or the nature of a measure.

Risk assessment shall be based on the available scientific evidence and especially the opinion of the Expert Council for Risk Assessment in Food Safety Area, in an independent, objective and transparent manner.

Risk management shall be based on the results of risk assessment, precautionary principle and other factors of importance for the case being considered.

2) Precautionary principle

Article 7

Should the possibility of a harmful effect on health be identified following the assessment of available information and there is not enough scientific data and information for making an objective risk assessment, provisional risk management measures may be applied for the purpose of achieving a high level of health protection in the Republic of Serbia, pending the availability of new scientific information needed for making an objective risk assessment.

The measures referred to in paragraph 1 of this Article must be appropriate, not more restrictive to trade than necessary to achieve the purpose of this Law, and the technical and economic feasibility of measures and other factors of relevance to the case being considered must be taken into account.

The measures applied must be reconsidered within a reasonable period of time, depending on the nature of the identified risk to life and health, the type of scientific information necessary to clarify the scientific uncertainties and to make a more comprehensive risk assessment.

3) Principle of protection of consumers' interests

Article 8

The interests of consumers must be protected to the largest extent possible.

The food business operators shall provide the final consumer with such information as will make it possible for him/her to choose products in a way that will not mislead the consumer with regard to the composition, properties and purpose of products.

4) Principles of transparency

Notifying the general public

Article 9

If there are reasonable grounds for suspecting that a food or feed may pose a risk to the health of humans or animals, the Ministry of Agriculture, Forestry and Water Management and the Ministry of Health shall notify the general public of the nature of the risk to health involved.

The notification referred to in paragraph 1 of this Article shall include information on the food or feed, type of food or feed, risks posed by it, as well as the measures being applied or to be applied towards preventing, abating or eliminating the risk.

Public debates

Article 10

Public debates shall be held in the course of drafting, appraisal and amendment of the food legislation in accordance with current regulations, with direct or indirect participation of all interested parties, except in emergencies when that would be impossible.

3. Competency

Article 11

The safety of food and feed in the territory of the Republic of Serbia shall be provided for by the operators entered in the Central Register of Facilities and other entities involved in the field of food and feed safety within their responsibilities.

The other entities referred to in paragraph 1 of this Article shall be:

- 1) Ministry of Agriculture, Forestry and Water Management (hereinafter referred to as: the Ministry) as the central authority;
- 2) Ministry of Health (hereinafter referred to as: the ministry responsible for public health);
- 3) Laboratories.

The entities referred to in paragraph 2 of this Article shall use the official designation in the performance of duties in the scope of their authority.

The minister responsible for agriculture (hereinafter referred to as: the Minister) shall prescribe the shape, size, contents and appearance of the official designation, as well as the manner of using the official designation, for entities referred to in paragraph 2 item 1 of this Article and the minister responsible for public health for entities referred to in paragraph 2 item 2 of this Article.

4. Division of competencies

Article 12

For the purposes of this Law, the duties related to food safety shall be performed by the following state administration authorities:

- 1) In the primary production stage:
 - (1) of food of animal origin – veterinary inspection,
 - (2) of food of plant origin – phytosanitary inspection;
- 2) In the production, processing and wholesale stage:
 - (1) of food of animal origin – veterinary inspection,
 - (2) of food of plant origin and non-alcoholic beverages – agricultural inspection,
 - (3) of mixed food – veterinary and agricultural inspections,
- 3) In the import and transit stage:
 - (1) of food of animal origin - border veterinary inspection,
 - (2) of food of plant origin – phytosanitary inspection,
 - (3) of mixed food – border veterinary and phytosanitary inspection;
- 4) In the export stage:
 - (1) of food of animal origin – veterinary inspection,
 - (2) of food of plant origin – phytosanitary inspection,
 - (3) of mixed food – veterinary and agricultural inspection,
 - (4) of wines and spirits – agricultural inspection;

5) Control of novel food, dietetic supplements, food for babies – supplements for mothers milk, dietetic supplements and salts for human ingestion and production of additives, aromatics, enzymatic preparations of other than animal origin and accessories of other than animal origin, as well as drinking water in original packing (table water, mineral water and spring water), as well as water for public supply of drinking water in all stages of production, processing and circulation (wholesale, retail, imports on customs points and exports) shall be conducted by sanitary inspection;

In the retail stage food of animal origin in the facilities registered or approved by the Ministry, as well as retail of fresh meat, milk, eggs, honey, fish and wild animals in specialized facilities (butcheries, fisheries and similar) shall be conducted by veterinary inspection, and regarding wine and alcoholic beverages agricultural inspection;

6) Control of genetically modified food in all stages of production, processing and circulation shall be conducted by the phytosanitary inspection, and the veterinary inspection regarding genetically modified feed.

The Minister shall prescribe the list of mixed food, as well as the manner of control of such food, and the minister responsible for public health shall prescribe conditions for production and circulation of novel food, as well as the manner of conducting control of such food.

For the purposes of this Law, the duties of the state administration authority in the feed safety area shall be performed by:

- 1) In the primary production stage:
 - (1) of feed of animal origin – veterinary inspection,
 - (2) of feed of plant origin – phytosanitary inspection;
- 2) In the production, processing and circulation stage – veterinary inspection;
- 3) In the import, transit and export stage:
 - (1) of feed of animal origin and mixed feed – veterinary inspection,
 - (2) of feed of plant origin – phytosanitary inspection.

5. Responsibility

Article 13

For the purpose of ensuring food and feed safety, the Republic of Serbia, all authorities and operators to which this Law applies shall be responsible for any action or failure to take action in the field of food and feed safety, in accordance with this Law.

6. International obligations

Article 14

The international obligations in the field of food safety shall be executed in accordance with the recommendations of relevant international organizations, the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (*SPS Agreement*), international conventions and other relevant international agreements, and information shall be exchanged with other national organizations responsible for food safety.

The Government shall prescribe manner of providing information and the notification procedure in accordance with obligations arising from the WTO Agreement on Application of Sanitary and Phytosanitary Measures.

II. OPERATORS IN THE FIELD OF FOOD AND FEED SAFETY THAT ARE ENTERED IN THE CENTRAL REGISTER OF FACILITIES

1. Entry in the Central Register of Facilities

Article 15

Any legal person or entrepreneur that is entered in the Register of Economic Operators and the Central Register of Facilities (hereinafter referred to as: the Central Register) kept by the Ministry may engage in the production and circulation of food and feed.

The legal person and entrepreneur referred to in paragraph 1 of this Article shall be entered in the Register of Economic Operators in accordance with the law governing the registration of economic operators.

Natural person that is entered in the Central Register may also engage in the production of food and feed intended for circulation in accordance with regulations governing veterinary matters or plant protection.

The Central Register shall include data on the following:

- 1) approved facilities, and
- 2) registered facilities

The food and feed production and circulation facilities shall be approved or registered, in accordance with special regulations.

A food or feed production and circulation facility, whether approved or registered in accordance with a special regulation, shall be deemed a facility which is entered in the Central Register and the data thereof shall be kept in the Central Register.

Unless the special regulation referred to in paragraph 5 of this Article provides for prior verification of the fulfillment of requirements for performing certain activity, such facilities shall be entered in the Central Register on the basis of the application filed by the food or feed business operator.

The legal person and entrepreneur referred to in paragraph 1 of this Article may not start the production and circulation of food and feed before being entered in the Central Register and/or a register prescribed by the special regulation, and the natural person referred to in paragraph 3 of this Article before being entered in the Central Register.

2. Contents and manner of keeping the Central Register

Article 16

The data from the Central Register shall be public.

The Central Register shall be kept in electronic form and may be linked up with other databases and registers of the Ministry and/or the ministry responsible for public health.

The Minister shall prescribe the contents and manner of keeping the Central Register.

3. Deletion from the Central Register

Article 17

Any legal person, entrepreneur and natural person shall be deleted from the Central Register if it decides to withdraw from the business for which it has been entered in the Central Register or if it ceases to meet the requirements referred to in Article 15, paragraph 7 of this Law or requirements prescribed by special regulations.

III. OTHER ENTITIES IN THE FIELD OF FOOD SAFETY AND THEIR ORGANIZATIONAL FORMS

1. Directorate for National Reference Laboratories

Article 18

Directorate for National Reference Laboratories shall be established as the administration authority within the Ministry for the purpose of laboratory testing and related expertise activities in the field of food chain.

Directorate for National Reference Laboratories referred to in paragraph 1 of this Article shall have the status of a legal person.

Directorate for National Reference Laboratories must be accredited in accordance with the following standards: EN ISO/IEC 17025 – “General Requirements for the Competence of Testing and Calibration Laboratories”, EN 45002 – “General Criteria for the Assessment of Testing Laboratories”, EN 45003 – “Accreditation System for Testing and Accreditation Laboratories – General Requirements for Operation and Recognition”, as well as in accordance with other vocational accreditations when relevant.

Activities of the Directorate for National Reference Laboratories

Article 19

Directorate for National Reference Laboratories (hereinafter referred to as: National Reference Laboratory) shall perform activities in the field of food safety, animal health, plant health, health of agricultural and decorative plants seeding material, residues, milk and plant genes bank.

National Reference Laboratory shall perform following activities:

- 1) Cooperation with the reference laboratories of other countries;
- 2) Ensuring the establishment of uniform criteria and methods and implementation of standards for the operation of authorized laboratories;
- 3) If necessary, organization and monitoring of comparative testing between official national laboratories;
- 4) Exchanging of information from national laboratories of other countries to the Ministry and authorized laboratories;
- 5) Providing of expert and technical assistance for implementation of coordinated control plans to the Ministry;
- 6) Implementation and/or development of testing methods based on international standards, with mandatory validation;
- 7) Establishment of quality control system for both authorized laboratories and its own use;
- 8) If relevant, providing of services for confirmation of analysis and super – analysis for the purposes of authorized laboratories;
- 9) Providing and implementation of statistically developed control and results monitoring within the authorized laboratories;
- 10) Organization of comparative testing for authorized laboratories for the purposes of unique application of methods applied;
- 11) Providing of services on statistics and information system to the authorized laboratories;
- 12) Training of authorized laboratories staff;

- 13) Preparation of national guidelines for sampling and handling of samples for the purposes of execution of reliable diagnosis;
- 14) Preparation, maintenance and distribution of reference material;
- 15) Participation in international comparative testing;
- 16) And other activities.

In addition to the activities from paragraph 2 of this Article, following activities shall be performed in the field of plant health:

- 1) Exchange of information on official diagnostic activities and cooperation with laboratories of other countries;
- 2) Exercise of confirmation testing;
- 3) Preparation of national guidelines for phytosanitary examinations;
- 4) Preparation of guidelines for implementation of diagnostic protocols;
- 5) Cooperation in development, validation and standardization of international diagnostic protocols;
- 6) Surveillance of operations of authorized and other commercial laboratories and provision of guidelines for their operation;
- 7) Provision of training for employees in authorized and commercial laboratories when requested;
- 8) Organization and surveillance of implementation of agricultural plant seed certification within the health control procedure;
- 9) Organization and surveillance of implementation of agricultural plant seeding material certification within the health control procedure;
- 10) Organization of training for execution of health examinations and sampling of seeds and seeding material;
- 11) Preparing of risk analysis programs on occurrence and spreading of harmful organisms;
- 12) Processing of collected biological, meteorological and other data for preparation of basis for prognosis on occurrence and spreading of harmful organisms;
- 13) Keeping of samples analyzed in all authorized laboratories in routine diagnostic testing procedure;
- 14) Other activities in accordance with the regulations in the field of plant health.

In addition to the activities from paragraph 2 of this Article, following activities shall be performed in the field of agricultural and decorative plants seeding material:

- 1) Keeping of standardized and all samples processed in the official quality testing procedure;
- 2) Keeping of reference collections;
- 3) Organization of certification by the procedure of expert control of production;
- 4) Training of persons for production and sampling expert control;
- 5) Organization of official quality testing;
- 6) Organization and/or issuance of labels;
- 7) Implementation or organization of post – control testing;
- 8) Organization and/or issuance of ISTA and OECD certificates;
- 9) Post – control testing;
- 10) Implementation and organization of activities connected to the procedure on protection of rights of breeders;
- 11) Organization and surveillance of implementation seeding material certification through the pomological and phytosanitary control in the seeding material production;

Besides activities listed in paragraph 2, 3 and 4 national reference laboratory shall also perform activities of plant gene bank as follows:

- 1) Keeping of seeding material collection;

- 2) Registration of samples and their cleaning, drying, packaging, storage and maintenance;
- 3) Reproduction and regeneration of samples;
- 4) Storage of duplicate samples;
- 5) Organization of maintenance or seeding material collection maintenance;
- 6) Exchange of samples with other gene banks in the world.

2. Laboratories

Article 20

Laboratory testing in the field of food and feed safety, as well as implementation of the monitoring program, as activities of public interest, may be delegated to laboratories through a public bid called by the Ministry and/or the ministry responsible for public health and published in the “Official Gazette of the Republic of Serbia”.

A public bid shall not be required for the activities performed by the National Reference Laboratory.

Ministry and/or the ministry responsible for public health shall prescribe conditions that must be met by laboratories for laboratory testing in the field of food safety, in accordance with responsibilities referred to in Article 12 of this Law.

For the laboratory testing activities in the field of food and feed safety as well as implementation of the monitoring program referred to in paragraph 1 of this Article, the public bid shall cover the period of at least 5 years.

Public bid referred to in paragraph 1 of this Article shall include:

- 1) Types of laboratory analysis or monitoring programs in the field of food and feed safety for which the public bid is called;
- 2) Time limit for which activities of laboratory analysis or monitoring program are delegated;
- 3) Evidence on fulfillment of international standards regarding technical and professional capacities in the context of accreditation in accordance with the following standards: EN ISO/IEC 17025 – “General Requirements for the Competence of Testing and Calibration Laboratories”, EN 45002 – “General Criteria for the Assessment of Testing Laboratories”, EN 45003 – “Accreditation System for Testing and Accreditation Laboratories – General Requirements for Operation and Recognition”;
- 4) Evidence on fulfillment of requirements regarding experience, results and timeliness in previous performance of laboratory testing activities;
- 5) Time limit for issuing and publishing of the decision on selection;
- 6) Manner of informing about the results of the public bid.

Public bid referred to in paragraph 1 of this Article shall be administered by the Commission established by the Minister and/or the minister responsible for public health.

Decision on the selection of laboratory for performing laboratory testing activities and/or implementing monitoring program shall be adopted by the Minister and/or the minister responsible for public health.

The results of the public bid shall be published in the “Official Gazette of the Republic of Serbia”.

Contract on Performance of Delegated Activities

Article 21

On the basis of the decision on selection, the Ministry and/or the ministry responsible for public health shall conclude a contract with the laboratory to which performance of activities has been delegated, specifying the following:

- 1) Activities of laboratory testing and monitoring program that are covered by the contract;
- 2) Responsible person that shall perform certain activities that are covered by the contract;
- 3) Methods, manner and procedure for performing activities of laboratory testing and/or monitoring program;
- 4) Mutual rights, duties and responsibilities;
- 5) Period for which the contract is concluded;
- 6) Manner of funding the activities for which the contract is concluded.

Uniform Methods, Criteria and Guidelines for Performance of Delegated Activities

Article 22

National Reference Laboratory shall organize and establish the application of uniform methods, criteria and guidelines for performance of activities of laboratory testing and monitoring program on the territory of the Republic of Serbia, which are performed by the laboratories that have been delegated activities.

Laboratories referred to in paragraph 1 of this Article shall perform laboratory testing activities in accordance with the uniform methods, criteria and guidelines of national reference laboratories.

IV. EXPERT COUNCIL FOR RISK ASSESSMENT IN THE FIELD OF FOOD SAFETY

Establishing of the Expert Council for Risk Assessment in the Field of Food Safety

Article 23

For the purpose of considering issues related to the risk assessment in the field of food safety, the Minister shall, with the consent of the minister responsible for public health and in accordance with regulations governing state administration, establish a special working group - Expert Council for Risk Assessment in the Field of Food Safety (hereinafter referred to as: the Expert Council) through a decision.

Administrative and technical tasks for the needs of the Expert Council shall be performed by the Ministry.

Expert Council shall apply and use recommendations, guidelines and information available through the European Food Safety Authority – EFSA in its operation.

Funding of the operation of the Expert Council shall be defined in the rulebook adopted by the minister responsible for administration with consent of the minister responsible for finance.

Activities of the Expert Council

Article 24

Expert Council shall perform the following activities:

- 1) Prepare expert and scientific opinion for the ministries and other state administration authorities, food and feed business operators, consumers, as well as other interested parties, regarding risks related to food and feed;
- 2) Enhancement and coordination of application of the methods for risk assessment;
- 3) Providing scientific and technical assistance upon request of ministries and other state administration authorities in interpretation and considering opinions on risk assessment;
- 4) Collecting, comparison and analyzing scientific technical data related to defining and control of risk that have direct or indirect effect on the food and feed safety;
- 5) Providing scientific and technical assistance upon request of ministries that implement procedures for managing crisis in the field of food and feed safety;
- 6) Providing opinion regarding measures that are applied for improvement of the system in the field of food and feed safety;
- 7) Informing the general public and interested parties on relevant information from the scope of work of the Expert Council;
- 8) Providing opinion on the program for managing crisis in the field of food and feed safety;
- 9) Preparing guides for good agricultural, producers and hygiene practice, as well as application of the principle of Hazard Analysis and Critical Control Points (hereinafter referred to as; HACCP) for the needs of the ministry;
- 10) Providing recommendations for expert specialization and education in the field of food and feed safety;
- 11) Other tasks related to the risk assessment in the field of food safety.

V. FOOD AND FEED SAFETY

1. General food safety requirements

Prohibition Article 25

It shall be prohibited to place unsafe food on the market.

Food shall be deemed unsafe if it is harmful to human health and if it is not fit for human consumption.

Food shall be deemed unsafe if it contains:

1. Plant health products, biocides or pollutants or their metabolites or reactive products that exceed the maximum allowable amount of remains, or their use is not approved or allowed;
2. Substances with pharmacological effect or their metabolites not allowed for treatment of animals used in production of food or they exceed the maximum allowable amount of remains or are not approved or registered for application on animals used in production of food or are not approved as additives in feed used in production of food;
3. Substances with pharmacological effect or their metabolites in treated animals when prescribed withdrawal period has not been respected.

Conditions for Food Safety Establishment Article 26

The food safety shall be established on the basis of the following:

1) Conditions in each stage of food production, processing and circulation, as well as the way in which food is prepared and consumed by consumers in accordance with its intended use;

2) Information accessible to the consumer, including data on the declaration concerning the prevention of specific harmful effects of certain types or categories of food on human health.

The harmful effect of food on human health shall be established on the basis of the following:

1) Possible direct or indirect, short-term or long-term harmful effects of such food on the health of consumers, as well as the possible effects on the health of future generations;

2) Possible cumulative toxic effects;

3) Particular health susceptibility of a specific category of consumers when food is intended for that category of consumers.

A food shall be deemed unfit for human consumption if such food is unacceptable for its intended use due to contamination by an external or some other factor, as well as due to decay, spoilage or decomposition.

The Ministry shall prescribe: general and specific hygiene requirements for food in any stage of the production, processing and circulation; requirements regarding public veterinary health, substances with pharmacological effect or their metabolites, manner of their use as well as the maximum quantities of their remains; monitoring of live animals and products of them for the purposes of establishment of remains and influence on animal and human health as well as requirements and manner of handling side products occurring in the course of food-related procedures.

The minister responsible for public health shall prescribe: health safety of drinking water, natural mineral, natural spring and table water; health safety of dietetic products (food supplements, food for special nutritional needs, food for babies and young children, food for special medicinal needs etc.); health safety of items and materials that come to contact with food; food additives, aromatics, enzymes and accessories in the food production process; food monitoring for the purpose of determining the presence of contaminants and health effect; food and health statements that are indicated on the food declaration.

Restricting and Prohibiting Food Measures

Article 27

In case of reasonable suspicion that a food is unsafe, the Ministry and/or the ministry responsible for public health shall take action towards restricting or prohibiting and withdrawing such food from the circulation until the suspicion about its safety is dispelled.

Once it is established that a food is unsafe, the Ministry and/or the ministry responsible for public health shall take action towards restricting or prohibiting and withdrawing such food from the circulation, in compliance with this Law and other special regulations.

2. General feed safety requirements

Prohibition

Article 28

It shall be prohibited to place unsafe feed on the market.

The feeding of food-producing animals with unsafe feed shall be prohibited.

Feed shall be deemed unsafe if it has harmful effect on health and/or if the products obtained from the food-producing animals are not safe for human consumption.

The feed which meets the requirements set in the special regulation on feed shall be deemed safe to the extent as defined by this Law and the special regulation on feed.

Restricting and Prohibiting Feed Measures

Article 29

In case of reasonable doubt that a feed is unsafe, the Ministry shall take action towards restricting or prohibiting and withdrawing such feed from the market until the suspicion about its safety is dispelled.

Once it is established that a feed is unsafe, the Ministry shall take action towards restricting or prohibiting and withdrawing such feed from the circulation, in compliance with this Law and other special regulations.

Where the feed referred to in paragraph 2 of this Article is a part of production batch, lot or consignment of the same feed by type and category, all of the feed in that batch, lot or consignment shall be deemed unsafe, unless a detailed assessment shows that the rest of that production batch, lot or consignment is safe.

3. Declaration, marking and advertising of food and feed

Article 30

The food and feed which are to be placed in the circulation in the territory of the Republic of Serbia shall be marked, declared, advertised and displayed in compliance with this Law and other special regulations.

The marking, declaration, advertising and displaying of food and feed, including their form, appearance and packaging, packaging material, arrangement and mode of display, as well as the information on food and feed which is available to consumers, shall not be misleading to consumers.

The Minister and/or minister responsible for public health shall prescribe the requirements for declaration, marking and advertising of food and feed.

VI. DUTIES AND RESPONSIBILITIES OF FOOD AND FEED BUSINESS OPERATORS

Responsibility

Article 31

Food and feed business operators shall provide in all stages of food and feed production, processing and circulation under their control for the food or feed to meet the requirements prescribed by this Law and other special regulations, as well as to prove the fulfillment of such requirements.

Traceability

Article 32

Traceability shall be provided for in all stages of food and feed production, processing and circulation.

Any food or feed business operator shall identify each operator from which it procures and to which it supplies food, feed, food-producing animals or any substance which is or is expected to be incorporated in food or feed.

The operator referred to in paragraph 2 of this Article shall establish a system and procedures which provide for availability of the traceability data.

The food or feed which is being placed on the market in the territory of the Republic of Serbia or which is likely to be placed on the market shall be appropriately marked and recorded for the purpose of food and feed identification and traceability.

Responsibility of food business operators

Article 33

If any food business operator reasonably suspect or establish that there was a breach of the prescribed food safety requirements in any stage of production, processing and circulation for the food which is no longer under its direct control, it shall promptly initiate the procedure for withdrawal of the food in question from the market and notify the Ministry and/or the ministry responsible for public health thereof.

If the food referred to in paragraph 1 of this Article has reached the consumer, the food business operator shall notify the consumer in an efficient and precise manner of the reasons for withdrawing the food and, if necessary, request the consumer to return the food already delivered, if it is not possible to ensure a high level of health protection through other measures.

Any food business operator who is responsible for the retail sale and distribution of food excluding packaging, declaration and marking shall initiate promptly the procedure for withdrawal of the food in question from the market, on the basis of information about the breach of the prescribed food safety requirements.

The food business operator in a case referred to in paragraph 3 of this Article shall provide information related to the traceability of food and cooperate in the activities undertaken by business operators in the production and circulation, as well as the Ministry and/or the ministry responsible for public health.

If a food business operator reasonably suspect or establish that the food it had placed on the market could be harmful to human health, it shall promptly notify the Ministry and/or the ministry responsible for public health thereof, as well as of the action undertaken towards preventing in advance the risk to consumers.

Food business operator may not prevent any person from cooperating with the Ministry and/or the ministry responsible for public health.

Responsibility of feed business operators

Article 34

If any feed business operator reasonably suspect or establish that there was a breach of feed safety requirements in any stage of production, processing and circulation of the feed which is no longer under its direct control, it shall promptly initiate the procedure for withdrawal of the feed in question from the market and notify the Ministry thereof.

If in a case referred to in paragraph 1 of this Article or in case the production batch, lot or consignment does not meet the feed safety requirements, the feed in question shall be destroyed, unless otherwise decided by the Ministry.

The feed business operator shall notify the owners or keepers of animals in an efficient and precise manner of the reasons for withdrawing the feed and, if necessary, request of them to return the feed already delivered, if it is not possible to ensure a high level of animal health protection through other measures.

Any feed business operator who is responsible for the retail sale and distribution of feed excluding packaging, declaration and marking shall initiate promptly the procedure for withdrawal of the feed in question from the market, on the basis of information about the breach of prescribed feed safety requirements.

The feed business operator in the case referred to in paragraph 4 of this Article shall provide information related to the traceability of feed and cooperate in the activities undertaken by business operators in the production and circulation, as well as the Ministry.

If a feed business operator reasonably suspect or establish that the feed it had placed on the market could be harmful to the health of animals, it shall promptly notify the Ministry thereof, as well as of the measures undertaken towards preventing in advance the risk to animals.

Feed business operator may not prevent any person from cooperating with the Ministry.

VII. GENERAL DUTIES IN FOOD AND FEED IMPORTATION AND EXPORTATION

International Standards, Guidelines and Recommendations

Article 35

Measures based on scientific principles, international standards, guidelines and recommendations shall be applied for food and feed safety purposes, to the extent necessary to protect life and health.

Food and feed safety measures shall be applied in such a way as to avoid arbitrary and unjustified discrimination between the countries in which the same or similar conditions prevail, in a way which does not represent a disguised restriction of foreign trade.

For the purpose of achieving a higher level of protection of the life and health than the one achieved through the measures based on international standards, guidelines and recommendations, other food and feed safety measures may also be applied when scientific justification exists or if such measures would result in a protection level which is different from the one considered necessary by the Republic of Serbia.

Equivalency

Article 36

The food and feed safety measures applied by other countries shall be deemed equivalent to the measures prescribed in the Republic of Serbia, if the exporting country objectively demonstrates that they are scientifically based and that their application ensures the appropriate level of human life and health protection required in the Republic of Serbia.

The prescribed food and feed safety measures must be adjusted to the characteristics of the region that could affect the food and feed safety, either in the country as a whole or a part of the country, several countries or parts of several countries from which the product originates or to which the product is destined, taking particularly into account the level of prevalence of certain diseases or pests, existence of eradication or control programs and relevant criteria and recommendations of relevant international bodies.

The procedures for verifying the application of food and feed safety measures shall be conducted efficiently and in a manner no less favorable for imported products than for similar products of domestic origin.

Equivalency in Imports and Exports

Article 37

The food and feed imported in the Republic of Serbia for the purpose of placing on the market must meet the requirements in accordance with regulations on food or the requirements recognized by the Republic of Serbia as equivalent thereto, or if an international agreement exists with the requirements contained therein.

The food and feed which are exported or imported for the purpose of being exported from the Republic of Serbia must meet the requirements in accordance with regulations on food, unless otherwise requested by the responsible authorities of the importing country or unless otherwise provided by the regulations, standards and code of practice applicable in the importing country.

Notwithstanding the provision of paragraph 2 of this Article, with the exception of food which is harmful to health or unsafe feed, food and feed may be exported or imported for the purpose of being exported if the responsible authorities of the country of destination have expressly agreed to that having been fully informed of the reasons and circumstances preventing that food or feed from being placed on the market in the Republic of Serbia.

If the provisions of an international agreement between the Republic of Serbia and the importing country are applicable, the food and feed exported from the Republic of Serbia to that country must meet the requirements contained in that international agreement.

VIII. RAPID COMMUNICATION AND ALERT SYSTEM, EMERGENCY MEASURES AND CRISIS MANAGEMENT

1. Rapid Communication and Alert System

Establishment of Rapid Communication and Alert System Article 38

This Law shall institute a rapid communication and alert system, as a network for notification of the direct and indirect risks to health caused by food or feed.

The Ministry shall administer the rapid communication and alert system.

The ministry responsible for public health, the Expert Council, reference laboratory and laboratory referred to in Article 20 of this Law shall participate in the rapid communication and alert system.

The participants in the rapid communication and alert system shall appoint the contact persons.

The Minister shall prescribe the manner of establishing and organization of the food and feed safety rapid communication and alert system, with the consent of the minister responsible for public health.

A central information system shall be established for the exchange of data with other institutions involved in the risk assessment and management in the Republic of Serbia and relevant foreign institutions, and the contact person shall be appointed.

Interested Countries and International Organizations Article 39

Other interested countries and international organizations may also participate in the rapid communication and alert system, on the basis of agreements concluded with such countries and organizations.

Availability of the Rapid Communication and Alert System Information to the Public Article 40

The information available to participants in the rapid communication and alert system, relating to a risk to health posed by food or feed, must also be available to the public in accordance with the principle of transparency.

The information on food and feed, nature or risk and undertaken measure must be available to the general public.

2. Emergency measures

Article 41

If the Ministry and/or the ministry responsible for public health find that a food or feed, whether of domestic origin or imported, may pose a serious threat to the health of humans, health of animals or the environment, as well as that such risk cannot be eliminated in a satisfactory manner, the Minister and/or the minister responsible for public health shall order one or several emergency measures.

All participants in the rapid communication and alert system shall promptly notify the Ministry and/or the ministry responsible for public health of the occurrence of the risk referred to in paragraph 1 of this Article, within the scope of their responsibilities.

If the food or feed is of the domestic origin, the following emergency measures may be applied:

- 1) Temporary ban on placing on the market or use of food or feed;
- 2) Specifying special conditions for the treatment of the mentioned food or feed.

If the food or feed is imported, the following emergency measures may be applied:

- 1) Temporary ban on the import of food or feed from the exporting country or a part thereof or the country of transit;
- 2) Specifying special conditions for the treatment of the mentioned food or feed from the exporting country or a part thereof or the country of transit.

Should the risk assessment not confirm the existence of a risk to health, the Ministry and/or the ministry responsible for public health shall revoke the ordered measure.

3. Crisis management

Crisis Management Program

Article 42

In the event of direct or indirect risk to the health of humans, health of animals or the environment caused by food or feed, the occurrence of which could not be foreseen, prevented, eliminated or abated to the acceptable level of the prescribed measures, the measures provided by the Crisis Management Program in the Field of Food Safety shall be applicable.

The Crisis Management Program in the Field of Food Safety shall include in particular:

- 1) Type of situation in which direct or indirect risk to the human health caused by food and feed exists;
- 2) Measures which have to be implemented promptly once it is established that food or feed is posing serious threat to humans or animals, either directly or indirectly through the environment;
- 3) Crisis management procedures, which include the principle of transparency and communication;
- 4) Plan of exercises and simulations for crisis management purposes.

The Government shall adopt the Crisis Management Program in the Field of Food Safety.

Crisis Management Plan

Article 43

Based on the Crisis Management Program in the Field of Food Safety, the Minister shall adopt, with the consent of the minister responsible for public health, a special crisis management plan depending on the types of risks and shall form a crisis team to implement the special plan.

Revision of Crisis Management Program

Article 44

The Crisis Management Program in the Field of Food Safety shall be revised on the basis of acquired experience, including the experience acquired in the conducted exercises and simulations.

IX. FOOD AND FEED HYGIENE

1. Duties of food business operators

Food Hygiene Requirements in Food Operations

Article 45

Food business operators shall ensure the fulfillment of the prescribed food hygiene requirements in all stages of food production, processing and circulation under their control, in compliance with this Law and other regulations.

Persons that in their working place in the food production or circulation come into contact with food must have basic knowledge on the food hygiene and personal hygiene and must wear working clothes and shoes.

The Minister shall prescribe the food hygiene requirements for all food business operators referred to in paragraph 1 of this Article.

The minister responsible for public health shall prescribe the food hygiene requirements for operators engaged in the production, processing and circulation of dietetic products, children food – substitute for mother's milk, dietetic supplements and salts for human nutrition and production of additives, aromatics, enzymatic preparations of non-animal origin and accessories of non-animal origin, novel food, and drinking water in the original package (table water, mineral water and spring water), water from the public water supply system, as well as the manner and program for acquiring basic knowledge on food hygiene and personal hygiene and working clothes and shoes, in compliance with Article 12 of this Law.

The Minister and/or the minister responsible for public health shall prescribe, within the scope of their responsibility, the requirements for conducting official control, manner of conducting official control, manner of inspection, as well as the deadlines for their implementation.

Exception in Food Operation

Article 46

Notwithstanding the provision of Article 45 paragraph 1 of this Law, the prescribed requirements relating to food hygiene shall not apply to the direct supply of consumers with primary products in small quantities.

The Minister shall prescribe the small quantities of primary products supplied to consumers, as well as the area for performing such activity.

Hazard Analysis and Critical Control Points (NASSR)

Article 47

Food business operators shall establish system for ensuring food safety in all stages of food production, processing and circulation, other than on the primary production level, in all facilities under their control, in accordance with the principles of good production and hygienic practice and hazard analysis and critical control points (HACCP).

The Minister and/or the minister responsible for public health shall prescribe the requirements for assessment of the self-control procedures referred to in paragraph 1 of this Article.

Instructions for good production and hygienic practice and HACCP

Article 48

Food business operators shall use the instructions for good production and hygienic practice and application of the HACCP system.

Any food business operator shall have a full-time employee who is responsible for the conduct of good production and hygienic practice and application of the HACCP system.

National measures

Article 49

Notwithstanding the provision of Article 47 of this Law, the Minister and/or the minister responsible for public health may prescribe deviations relating to small food business operators, for the purpose of facilitating their business operation, taking into account significant risk factors, if such deviations do not affect the achievement of the purposes of this Law.

The deviation referred to in paragraph 1 of this Article may be prescribed in the case of application of traditional methods in certain stages of food production and circulation, as well as in the cases of food business operators located in areas with special geographic limitations.

The deviation referred to in paragraph 1 of this Article may apply to the construction, organization and equipping of food business facilities.

2. Duties of feed business operators

Feed Hygiene Requirements in Feed Operations

Article 50

Feed business operators shall provide for the fulfillment of the prescribed feed hygiene requirements in all stages of feed production, processing and circulation under their control, in compliance with this Law and other regulations.

Exception in Feed Operation

Article 51

Notwithstanding the provision of Article 50 of this Law, the prescribed requirements relating to feed hygiene shall not apply to the production of feed used for the food-producing animals for private household use.

Hazard Analysis and Critical Control Points (NASSR)

Article 52

Feed business operators shall establish the system for ensuring feed safety in all stages of feed production, processing and circulation, other than on the primary production level and transport, in all facilities under their control, in accordance with principles of good production and hygienic practice HACCP system.

The Minister shall prescribe the requirements for assessment of the self-control procedures applied by the feed business operators in accordance with principles of good production and hygienic practice and the HACCP system.

Instructions for good production, hygienic practice and HACCP

Article 53

Feed business operators shall use the instructions for good production and hygienic practice and application of the HACCP system.

Any feed business operator shall have a full-time employee who is responsible for the conduct of good production and hygienic practice and application of the HACCP system.

National measures

Article 54

Notwithstanding the provisions of Article 52 of this Law, the Minister may prescribe deviations relating to small feed business operators, for the purpose of facilitating their operation, taking into account the significant risk factors, if such deviations do not affect the achievement of the purposes of this Law.

The deviations referred to in paragraph 1 of this Article may be prescribed in the case of feed business operators located in the areas with special geographical limitations.

The deviations referred to in paragraph 1 of this Article may apply to the construction, organization and equipping of feed business facilities.

X. FOOD AND FEED QUALITY

Food quality

Article 55

Food business operators shall provide for the fulfillment of the prescribed quality requirements in all stages of production, processing and circulation under their control, and in the case of food for which the quality requirements have not been prescribed, that food safety requirements are fulfilled.

The Minister shall prescribe requirements with regard to the food quality, in particular for:

- 1) Product classification, categorization and name;
- 2) Physical, chemical, physicochemical and sensorial properties, as well as food composition;

3) Physical, chemical, physicochemical and sensorial properties of raw materials, as well as the type and quantity of raw materials, additives and other substances used in the production and processing of food;

4) Food sampling and quality testing methods;

5) Issuing authorizations to the assessors of food sensorial properties for certain products;

6) Elements of important technological processes applied in food production and processing;

7) Packaging and declaration;

8) Additional requirements for food marking.

The Minister shall prescribe conditions, manner of production and placing on the market for food for which quality requirements are not prescribed.

Feed quality

Article 56

Feed business operators shall provide for the fulfillment of the prescribed quality requirements in all stages of feed production and circulation under their control, and in the case of feed for which the quality requirements have not been prescribed, that feed safety requirements are fulfilled.

The Minister shall prescribe the requirements, manner of production and placing on the market the feed for which quality requirements have not been prescribed.

Feed Quality Requirements

Article 57

Animals may be fed exclusively with feed which meets the prescribed quality requirements.

The feed quality shall mean its physical, chemical, physicochemical and nutritive properties.

The Minister shall prescribe the feed quality requirements with regard to the following:

1) Categorization, physical, chemical, physicochemical and nutritive properties;

2) Physical, chemical, physicochemical and nutritive properties of raw materials, as well as their type and quantity;

3) Elements of the important technological processes applied in feed production and processing.

XI. OTHER FOOD

Other Food

Article 58

Other food shall mean novel food, genetically modified food and genetically modified feed.

1. Novel food

Article 59

Novel food shall mean food or food ingredients that have previously not been used for nutrition and encompass the following categories of food:

- 1) Food and food ingredients having a new or intentionally altered molecular structure;
- 2) Food and food ingredients consisting of or extracted from micro organisms, fungi or algae;
- 3) Food and food ingredients consisting of or extracted from plants and food ingredients extracted from animals, with the exception of food and food ingredients obtained by traditional methods of reproduction or raising, which are known to be safe for ingestion;
- 4) Food and food ingredients obtained by a technological production process which has not been used previously and which causes substantial changes in the composition or structure of food or food ingredients, affecting their nutritive value, metabolism or level of unacceptable substances for human nutrition.

The novel food referred to in paragraph 1 of this Article shall not:

- 1) Pose a hazard to the health of consumers,
- 2) Mislead the consumers,
- 3) Differ from the food or food ingredients it should replace according to its purpose, to the extent that brings its nutritive value into question.

Novel food shall not include the food additives, aromatics, enzymatic preparations and food obtained through genetic modification, that have been approved for use in food and feed, in accordance with special regulations.

The minister responsible for public health shall prescribe the conditions for placing novel food on the market.

2. Genetically modified food and genetically modified feed

Article 60

Genetically modified food and genetically modified feed shall mean the following:

- 1) Genetically modified organisms used as food and feed;
- 2) Food and feed containing or consisting of genetically modified organisms;
- 3) Food or feed produced of or consisting of ingredients produced from genetically modified organisms.

The food and feed referred to in paragraph 1 of this Article shall not:

- 1) Have harmful effect to the health of humans, health of animals or the environment;
- 2) Be misleading to consumers;
- 3) Differ from the food or feed and/or food or feed ingredients it should replace according to its purpose, to the extent that brings its nutritive value into question.

The Minister shall prescribe the conditions for placing the genetically modified food and genetically modified feed on the market.

3. Placing novel food, genetically modified food and genetically modified feed on the market

Article 61

In order to place on the market in the territory of the Republic of Serbia a novel food, genetically modified food and genetically modified feed for the first time or if such food/feed is already on the market, the food or feed business operator must have a license in accordance with this Law and special regulations.

The license referred to in paragraph 1 of this Article for novel food shall be issued in a decision of the minister responsible for public health on the basis of the previously obtained scientific opinion of the Expert Council, in accordance with the regulation setting the conditions for placing novel food on the market.

The license referred to in paragraph 1 of this Article for genetically modified food and genetically modified feed shall be issued in a decision of the Minister on the basis of the

previously obtained scientific opinion of the Expert Council, in accordance with the regulation setting the conditions for placing genetically modified food and genetically modified feed on the market.

The decision referred to in paragraphs 2 and 3 of this Article shall be final and an administrative dispute may not be initiated against such a decision.

4. Record of issued licenses

Article 62

The Ministry and/or the ministry responsible for public health shall keep records of the licenses issued for placing novel food, genetically modified food and genetically modified feed on the market, in accordance with their responsibilities.

5. Traceability and marking of novel food, genetically modified food and genetically modified feed

Article 63

On placing on the market genetically modified food and genetically modified feed, including the quantities in bulk, the business operator concerned shall submit the following data in writing to the recipient of such food or feed:

- 1) That the food and/or feed in question is genetically modified;
- 2) The uniform identification mark in accordance with international standard.

In addition to the general requirements for declaration and marking referred to in Article 30 of this Law, the declaration for the genetically modified food, genetically modified feed and novel food being placed on the market shall also include additional data on such properties.

The Minister shall prescribe the conditions relating to the traceability and special marking of genetically modified food and genetically modified feed.

The minister responsible for public health shall prescribe the conditions relating to the traceability and marking of novel food.

XII. FOOD WITH INDICATION OF ITS TRADITIONAL NAME, APPELLATION OF ORIGIN AND GEOGRAPHICAL INDICATION

Indication of Food

Article 64

Food may carry its traditional name, appellation of origin, geographical indications, as well as name “product of an antique craft” subject to fulfillment of the requirements in accordance with special regulations.

Additional Declaration and Marking Requirements

Article 65

In addition to the general declaration and marking requirements referred to in Article 30 of this Law, the food carrying the mark of its traditional name, appellation of origin, geographical indication and name “product of an antique craft” must also include the additional data referred to in Article 64 of this Law.

The provisions of Article 64 and paragraph 1 of this Article shall not apply to the spirits, aromatized beverages and wines.

The Minister shall prescribe the form and contents of the mark of traditional name, appellation of origin and geographical indication.

XIII. DATA AND INFORMATION

Data collection and use

Article 66

For the purpose of analysis and monitoring the food and feed safety, the Ministry shall keep databases in conformity with this Law and use the data in accordance with other prescribed databases, on the basis of special regulations.

The databases related to food and feed safety must be linked with the Register of Farms kept by the Ministry.

The Ministry shall establish the network of National Reference Laboratories performing the activity in accordance with this Law.

The manner of linking the databases, manner of collecting and using data from other databases, as well as the manner of coordinating and administering the network of National Reference Laboratories shall be governed by a special regulation enacted by the Minister with the consent of the minister responsible for public health.

Data forwarding

Article 67

The Ministry may forward the data from its registers and databases to other state authorities, local self-government authorities, if that is necessary for the adoption of legally defined objectives, as well as to the holders of public authorizations, if that is conducive to the food and feed safety.

The data from the databases related to food and feed safety may be used by legally interested persons in compliance with the regulations on protection of personal data, must be used for the purposes for which they were provided and may not be forwarded to other persons.

Information systems

Article 68

The Ministry shall establish and maintain information systems in the field of food and feed safety.

The ministry responsible for public health, the Expert Council, National Reference Laboratories and laboratories referred to in Article 20 of this Law in the field of food and feed safety shall keep records, lists and databases harmonized and linked with the information system of the Ministry, and shall be obliged to keep and update them.

The Ministry shall ensure harmonization and linking of the information system referred to in paragraph 1 of this Article with other information systems of the Ministry, ministry responsible for public health, as well as with international information systems in the field of food and feed safety.

The Minister shall prescribe the way of linking and conditions for keeping of records, lists and databases.

XIV. PLANNING DOCUMENTS IN THE FIELD OF FOOD AND FEED SAFETY, MONITORING, SAMPLING AND ANALYSIS

Plans of official control and monitoring the food and feed safety

Article 69

For the purpose of protecting food and feed safety, the Minister and/or the minister responsible for public health shall adopt planning document containing the structure and organization of the food and feed control system, objectives, control priorities, manner, time limits and funds for conducting official controls, coordination between the authorities responsible for official controls in the field of food and feed safety.

The Minister and/or the minister responsible for public health shall prescribe the measures of systematic control of microbiological, chemical and biological contaminants in food and feed in all stages of production, processing and circulation (hereinafter referred to as: the food safety monitoring), conditions and manner of monitoring, control methods, conditions and manner of sampling and keeping samples, keeping records of samples and methods of laboratory analysis for certain microbiological, chemical and biological contaminants, in accordance with the division of responsibilities referred to in Article 12 of this Law.

The Minister and/or the minister responsible for public health shall adopt a food and feed safety monitoring program, as well as the manner and procedure of official control, in accordance with the division of responsibilities referred to in Article 12 of this Law.

The monitoring program referred to in paragraph 3 of this Article shall contain in particular: funds required for financing of the program, measures to be undertaken in the case of presence of microbiological, chemical and biological contaminants, structure of the program-implementing authorities and organizations and other parameters of importance for implementation of the program.

The monitoring program referred to in paragraph 3 of this Article shall be adopted by the end of the current year for the following year.

The funds for implementation of the program shall be allocated from the Budget of the Republic of Serbia.

Sampling and analysis

Article 70

The sampling and methods of analysis applied in the special control must be in accordance with the provisions of a special regulation adopted by the Minister and/or minister responsible for public health.

The food or feed business operators whose products are subjected to sampling and analysis must have the right to an additional expert opinion (super analysis), which shall not delay the application of emergency measures in case of sudden hazard.

When samples of food or feed are taken, the food or feed business operator shall place at the disposal of the responsible inspector free of charge the necessary quantity of samples for laboratory testing purposes.

Samples shall be treated and marked in the prescribed manner in order to ensure their intactness and suitability for the required analyses.

The costs of analysis and super analysis of all samples shall be borne by the party from which the sample was taken if it is established in the final procedure that it does not conform to the prescribed requirements. If a sample conforms to the prescribed requirements, the costs of laboratory analysis and super analysis shall be covered from the funds allocated from the Budget of the Republic of Serbia.

Fees

Article 71

Food and feed business operators shall pay the fee for laboratory analysis of samples taken in the process of official control, as well as for the official control in case the result of the analysis is unfavorable, except where otherwise prescribed by this Law.

Funds from the payment of the fee referred to in paragraph 1 of this Article shall be revenue of the Republic of Serbia allocated in the separate account in the Budget of the Republic.

The amount of the fee referred to in paragraph 1 of this Article shall be specified by the Government.

XV. SUPERVISION

Inspection supervision

Article 72

The Ministry and/or ministry responsible for public health shall supervise the enforcement of this Law and the regulations enacted on the basis of this Law, in conformity with law and other regulations governing organization of state administration and scope of activities, and in accordance with the division of responsibilities referred to in Article 12 of this Law.

Inspection supervision over the enforcement of the provisions of this Law and the regulations enacted on the basis of this Law shall be conducted by the Ministry through veterinary inspectors, phytosanitary inspectors and agricultural inspectors, and by the ministry responsible for public health, through sanitary inspectors.

Rights and duties of veterinary, phytosanitary, agricultural and sanitary inspectors

Article 73

In addition to the authorizations provided by the law governing inspection supervision of veterinary inspectors and in accordance with the division of responsibilities referred to in Article 12 of this Law, in performing inspection supervision a veterinary inspector shall have the right and duty to:

- 1) Control whether all operators and authorities to which the Law applies apply the food and feed safety measures in compliance with this Law;
- 2) Check whether operators in the field of food and feed safety are entered in the Central Register of Facilities referred to in Article 15 paragraph 1 of this Law;
- 3) Check whether a company, entrepreneur or natural person has commenced performing of activity before being entered in the Central Register and/or the register specified by the special regulation referred to in Article 15 paragraph 8 of this Law;
- 4) Check whether laboratories and national laboratories have been accredited and authorized in compliance with Articles 18 and 20 of this Law;
- 5) Control the safety of food on the market pursuant to Article 25 paragraph 1 of this Law;
- 6) Control the conditions in all stages of food production, processing and circulation, as well as the preparation of food in accordance with its intended purpose (Article 26 paragraph 1 item 1);
- 7) Control the availability of information to consumers, as well as the information in the declaration related to the prevention of specific harmful effects of certain types or categories of food on the human health (Article 26 paragraph 1 item 2);
- 8) Control the application of the ordered measures in the case of reasonable suspicion, restriction or prohibition and withdrawal of such food from the market until the suspicion regarding its safety is dispelled (Article 27 paragraph 1);
- 9) Control the application of the ordered measures when it is found that a food is unsafe, restriction or prohibition and withdrawal of such food from the market in conformity with law (Article 27 paragraph 2);
- 10) Control the safety of feed on the market pursuant to Article 28 paragraph 1 of this Law;
- 11) Control the safety of the feed for the food-producing animals (Article 28 paragraph 2);
- 12) Control the feed safety requirements in compliance with this Law and the special regulation on feed (Article 28 paragraph 4);
- 13) Control the application of the ordered measures in the case of reasonable suspicion, restriction or prohibition and withdrawal of feed from the market until the suspicion regarding its safety is dispelled (Article 29 paragraph 1);
- 14) Control the application of the ordered measures when it is found that a feed is unsafe, restrictions or prohibitions and withdrawal of such feed from the market in conformity with this Law and other special regulations (Article 29 paragraph 2);
- 15) Control whether measures are being applied in accordance with Article 29 paragraph 3 of this Law;
- 16) Control whether the food and feed being placed on the market is marked, declared, advertised and displayed in compliance with this Law and other special regulations (Article 30 paragraph 1);
- 17) Control whether food or feed is marked, declared, advertised and displayed in compliance with this Law and in a manner which is not misleading to consumers (Article 30 paragraph 2);
- 18) Control whether food or feed business operators has met the requirements in all stages of food and feed production and circulation in accordance with this Law and other special regulations (Article 31);
- 19) Control whether food or feed business operator has ensured traceability in all stages of production, processing and distribution (Article 32 paragraph 1);
- 20) Control whether food or feed business operators have established the control systems for identification of each operator from which they procure and which they supply with

food, feed, food-producing animals or any substance which is or is expected to be incorporated in such food or feed (Article 32 paragraph 2);

21) Control whether food or feed business operators have established the system and procedures for ensuring availability of data on traceability (Article 32 paragraph 3);

22) Control whether a food business operator has initiated the procedure for withdrawal from the market of the food in the production and circulation of which a breach of the prescribed food safety requirements has been made or reasonably suspected of having been made in any stage and whether it has notified the ministry responsible for public health thereof (Article 33 paragraph 1);

23) Control whether any business operator with food that has reached the consumers has efficiently and precisely notified the consumers of the reasons for withdrawing food and whether it requested the consumers to return the food that has been delivered, if that was necessary (Article 33 paragraph 2);

24) Control whether a food business operator responsible for retail sale and distribution of food has initiated the procedure for withdrawal of the food in question from the market on the basis of information on the breach of the prescribed requirements (Article 33 paragraph 3);

25) Control whether a food business operator has submitted information on the traceability of food and whether it is cooperating in the activities undertaken by producers and distributors, as well as the Ministry and/or ministry responsible for public health (Article 33 paragraph 4);

26) Control whether a food business operator has acted in compliance with Article 33 paragraph 5 and notified the Ministry and/or the ministry responsible for public health accordingly;

27) Control whether a feed business operator has initiated the procedure for withdrawal from the market of the feed in the production and circulation of which a breach of the prescribed feed safety requirements has been made or reasonably suspected of having been made in any stage and whether it has notified the Ministry thereof (Article 34 paragraph 1);

28) Control whether any feed production batch, lot or consignment which does not meet the feed safety requirements has been destroyed or such feed handled in compliance with Article 34 paragraph 2 of this Law;

29) Control whether a business operator in feed that has reached the owner or keeper of animals, has notified the owner or keeper of animals, efficiently and precisely, of the reasons for withdrawal of that feed and whether it requested the owner or keeper of animals to return the feed delivered, if necessary (Article 34 paragraph 3);

30) Control whether a feed business operator responsible for retail sale and distribution of feed has initiated the procedure for withdrawal of the feed in question from the market on the basis of information on the breach of prescribed requirements (Article 34 paragraph 4);

31) Control whether a feed business operator has provided information on the traceability of feed and whether it is cooperating in the activities undertaken by producers and distributors, as well as the Ministry (Article 34 paragraph 5);

32) Control whether a feed business operator has acted in compliance with Article 34 paragraph 6, and notified the Ministry accordingly;

33) Control whether the prescribed food and feed safety measures are adjusted to the characteristic regions, which could affect the food and feed safety and whether it is acting in compliance with Article 36 paragraph 2;

34) Control whether the food or feed imported for the purpose of being placed on the market in the Republic of Serbia meets the requirements in accordance with regulations on food or the requirements recognized as equivalent by the Republic of Serbia (Article 37 paragraph 1);

35) Control whether the information related to the risks to health caused by food or feed is available to all participants in the rapid communication and alert system, as well as the general public (Article 40);

36) Control whether all participants in the rapid communication and alert system have notified the Ministry and/or the ministry responsible for public health of the occurrence of risk within the scope of their responsibility (Article 41 paragraph 2);

37) Control whether a food business operator has ensured the fulfillment of the prescribed food hygiene requirements in all stages of food production and circulation (Article 45 paragraph 1);

38) Control whether person working in the production or circulation of food that comes into contact with food has basic knowledge of the food hygiene and personal hygiene, and if it wears working clothes and shoes (Article 45 paragraph 2);

39) Control whether food business operators have established systems for ensuring food safety in all stages of food production, processing and circulation, with the exception of the primary production level, in accordance with the principles of good production and hygienic practice and the HACCP system (Article 47 paragraph 1);

40) Control whether a food business operator uses the instructions for good production and hygienic practice and application of the HACCP system (Article 48 paragraph 1);

41) Control whether a food business operator has a full-time employee who is responsible for implementation of the good production and hygienic practice and application of the HACCP system (Article 48 paragraph 2);

42) Control whether a feed business operator has fulfilled the prescribed requirements related to feed hygiene in all stages of feed production, processing and circulation (Article 50);

43) Control whether the feed business operators have established the system for ensuring feed safety in all stages of feed production, processing and circulation, except on the primary production level and transport, in accordance with the principles of good production and hygienic practice and the HACCP system (Article 52 paragraph 1);

44) Control whether a feed business operator uses the instructions for good production and hygienic practice and application of the HACCP system (Article 53 paragraph 1);

45) Control whether a feed business operator has a full-time employee responsible for implementing the good production and hygienic practice and application of the HACPP system (Article 53 paragraph 2);

46) Control whether a food business operator has fulfilled the food quality requirements in all stages of production, processing and circulation, and in the case of food for which no quality requirements have been prescribed, whether it fulfills the food safety requirements (Article 55 paragraph 1);

47) Control whether a feed business operator has fulfilled the feed quality requirements in all stages of production, processing and circulation, and in the case of the feed for which no quality requirements have been prescribed, whether it fulfills the feed safety requirements (Article 56 paragraph 1);

48) Control whether the feed meets the prescribed quality requirements (Article 57 paragraph 1);

49) Control whether a feed business operator has the license in accordance with this Law and other special regulations for placing genetically modified feed on the market for the first time (Article 61 paragraph 1);

50) Control whether a genetically modified feed business operator has submitted in writing the information in accordance with Article 63 paragraph 1 of this Law to the recipient of such feed when placing such feed on the market;

51) Control whether the declaration for the genetically modified feed placed on the market includes, besides the general requirements and marks referred to in Article 30, also the additional information on such properties (Article 63 paragraph 2);

52) Control whether the food carrying the traditional name, appellation of origin, geographical indications and name “product of an antique craft” fulfills the requirements in accordance with special regulations (Article 64);

53) Control whether the food carrying the traditional name, appellation of origin, geographical indications and name “product of an antique craft” includes the information referred to in Article 64 of this Law, in addition to the general requirements for declaration and marking referred to in Article 30 of this Law (Article 65 paragraph 1);

54) Control the implementation of measures pursuant to this Law.

In addition to the authorizations provided by the law governing inspection supervision of phytosanitary inspectors and in accordance with the division of responsibilities referred to in Article 12 of this Law, in performing inspection supervision a phytosanitary inspector shall have the right and duty to:

1) Control whether all operators and authorities to which this Law applies undertake the food safety measures in compliance with this Law;

2) Check whether the food safety operators are entered in the Central Register of Facilities referred to in Article 15 paragraph 1 of this Law;

3) Check whether a company, entrepreneur or natural person has commenced performing of activity before being entered in the Central Register and/or the register specified by the special regulation referred to in Article 15 paragraph 8 of this Law;

4) Check whether laboratories and national laboratories have been accredited and authorized in compliance with Articles 18 and 20 of this Law;

5) Control the safety of food on the market pursuant to Article 25 paragraph 1 of this Law;

6) Control the conditions in the stage of food production and circulation, as well as the preparation of food in accordance with its intended purpose (Article 26 paragraph 1 item 1);

7) Control the availability of information to consumers, as well as the information in the declaration related to the prevention of specific harmful effects of certain types or categories of food on the human health (Article 26 paragraph 1 item 2);

8) Control the application of the ordered measures in the case of reasonable suspicion, restriction or prohibition and withdrawal of such food from the market until the suspicion regarding its safety is dispelled (Article 27 paragraph 1);

9) Control the application of the ordered measures when it is found that a food is unsafe, restriction or prohibition and withdrawal of such food from the market in conformity with law (Article 27 paragraph 2);

10) Control whether the food being placed on the market is marked, declared, advertised and displayed in compliance with this Law and other special regulations (Article 30 paragraph 1);

11) Control whether food is marked, declared, advertised and displayed in compliance with this Law and in a manner which is not misleading to consumers (Article 30 paragraph 2);

12) Control whether food business operator has met the requirements in the stages of food production and circulation in accordance with this Law and other special regulations (Article 31);

13) Control whether food business operator has ensured traceability in the stages of primary production and distribution (Article 32 paragraph 1);

14) Control whether food business operators have established the control systems for identification of primary producer for supply with food, food-producing animals or any substance which is or is expected to be incorporated in such food or feed (Article 32 paragraph 2);

15) Control whether food business operators in the primary production have established the system and procedures for ensuring availability of data on traceability (Article 32 paragraph 3);

16) Control whether a food business operator has initiated the procedure for withdrawal from the market of the food in the production and circulation of which a breach of the prescribed food safety requirements has been made or reasonably suspected of having been

made in any stage and whether it has notified the ministry responsible for public health thereof (Article 33 paragraph 1);

17) Control whether any business operator with food that has reached the consumers has efficiently and precisely notified the consumers of the reasons for withdrawing food and whether it requested the consumers to return the food that has been delivered, if necessary (Article 33 paragraph 2);

18) Control whether a food business operator has submitted information on the traceability of food and whether it is cooperating in the activities undertaken by operators in the primary production and circulation, as well as the Ministry and/or ministry responsible for public health (Article 33 paragraph 4);

19) Control whether a food business operator has acted in compliance with Article 33 paragraph 5 and notified the Ministry and/or the ministry responsible for public health accordingly;

20) Control whether the information related to the risks to health caused by food is available to all participants in the rapid communication and alert system, as well as the general public (Article 40);

21) Control whether all participants in the rapid communication and alert system have notified the Ministry and/or the ministry responsible for public health of the occurrence of risk within the scope of their responsibility (Article 41 paragraph 2);

22) Control whether a food business operator has ensured the fulfillment of the prescribed food hygiene requirements in the stages of food primary production and circulation (Article 45 paragraph 1);

23) Control whether a food business operator uses the instructions for good production and hygienic practice (Article 48 paragraph 1);

24) Control whether a food business operator has a full-time employee who is responsible for implementation of the good production and hygienic practice (Article 48 paragraph 2);

25) Control whether plant and mixed food that is being placed on the market is marked, advertised and displayed in accordance with this Law and other special regulations (Article 30, paragraph 1);

26) Control whether a business operator with food of plant origin has fulfilled the food quality requirements in the stages of production and circulation, and in the case of food for which no quality requirements have been prescribed, whether it fulfills the food safety requirements (Article 55 paragraph 1);

27) Control whether a business operator with genetically modified organisms of plant origin has the license in accordance with this Law and other special regulations for placing genetically modified food of plant origin on the market for the first time (Article 61 paragraph 1);

28) Control the implementation of measures pursuant to this Law.

In addition to the authorizations provided by the law governing inspection supervision of agricultural inspectors and in accordance with the division of responsibilities referred to in Article 12 of this Law, in performing inspection supervision an agricultural inspector shall have the right and duty to:

1) Control whether all operators and authorities to which this Law applies undertake the food and feed safety measures in compliance with this Law;

2) Check whether operators in the field of food and feed safety are entered in the Central Register of Facilities referred to in Article 15 paragraph 1 of this Law;

3) Check whether a company, entrepreneur or natural person has commenced performing of activity before being entered in the Central Register and/or the register specified by the special regulation referred to in Article 15 paragraph 8 of this Law;

4) Check whether laboratories and national laboratories have been accredited and authorized in compliance with Articles 18 and 20 of this Law;

5) Control the conditions in the stage of production of food of plant origin and wholesale, as well as in the preparation of food in accordance with its intended use (Article 32, paragraph 1, item 1);

6) Control the safety of the feed of plant origin for feeding referred to in Article 28 paragraph 2 of this Law;

7) Control the requirements in the stage of production of feed of plant origin in compliance with this Law and the special regulation on feed (Article 28 paragraph 4);

8) Control whether the plant and mixed food being placed on the market is marked, declared, advertised and displayed in compliance with this Law and other special regulations (Article 30 paragraph 1);

9) Control whether food business operator has met the requirements in the stages of production of food and feed of plant origin in accordance with this Law and other special regulations (Article 31);

10) Control whether food or feed business operator has ensured traceability in the stages of production, processing and distribution (Article 32 paragraph 1);

11) Control whether food or feed business operators have established the control systems for identification of supply with food or feed of plant origin or any substance which is or is expected to be incorporated in such food or feed (Article 32 paragraph 2);

12) Control whether business operators dealing with food or feed of plant origin have established the system and procedures for ensuring availability of data on traceability (Article 32 paragraph 3);

13) Control whether a business operator dealing with food of plant origin has submitted information on the traceability of food and whether it is cooperating in the activities undertaken by producers and distributors, as well as the Ministry and/or ministry responsible for public health (Article 33 paragraph 4);

14) Control whether a business operator dealing with food of plant origin has acted in compliance with Article 33 paragraph 5 and notified the Ministry and/or the ministry responsible for public health accordingly;

15) Control whether a business operator dealing with feed of plant origin has initiated the procedure for withdrawal from the market of the feed in the production and circulation of which a breach of the prescribed feed safety requirements has been made or reasonably suspected of having been made in any stage and whether it has notified the Ministry thereof (Article 34 paragraph 1);

16) Control whether any production batch, lot or consignment of feed of plant origin which does not meet the feed safety requirements has been destroyed or such feed handled in compliance with Article 34 paragraph 2 of this Law;

17) Control whether a business operator dealing with feed of plant origin that has reached the owner or keeper of animals, has notified the owner or keeper of animals, efficiently and precisely, of the reasons for withdrawal of that feed and whether it requested the owner or keeper of animals to return the feed delivered, if necessary (Article 34 paragraph 3);

18) Control whether a business operator dealing with feed of plant origin has provided information on the traceability of feed and whether it is cooperating in the activities undertaken by producers and distributors, as well as the Ministry (Article 34 paragraph 5);

19) Control whether a business operator dealing with feed of plant origin has acted in compliance with Article 34 paragraph 6, and notified the Ministry accordingly;

20) Control whether the information related to the risks to health caused by food or feed of plant origin is available to all participants in the rapid communication and alert system, as well as the general public (Article 40);

21) Control whether all participants in the rapid communication and alert system have notified the Ministry and/or the ministry responsible for public health of the occurrence of risk within the scope of their responsibility (Article 41 paragraph 2);

22) Control whether a business operator dealing with food of plant origin has ensured the fulfillment of the prescribed food hygiene requirements in the stages of food production, processing and circulation (Article 45 paragraph 1);

23) Control whether business operators dealing with food of plant origin have established systems for ensuring food safety in the stages of food production, processing and circulation, with the exception of the primary production level, in accordance with the principles of good production and hygienic practice and the HACCP system (Article 47 paragraph 1);

24) Control whether a business operator dealing with food of plant origin uses the instructions for good production and hygienic practice and application of the HACCP system (Article 48 paragraph 1);

25) Control whether a food business operator has a full-time employee who is responsible for implementation of the good production and hygienic practice and application of the HACCP system (Article 48 paragraph 2);

26) Control whether a feed business operator has fulfilled the prescribed requirements related to feed hygiene in the stages of production, processing and circulation of feed of plant origin (Article 50);

27) Control whether the business operators dealing with feed of plant origin have established the system for ensuring feed safety in the stages of feed production and circulation, except on the primary production level and transport, in accordance with the principles of good production and hygienic practice and the HACCP system (Article 52 paragraph 1);

28) Control whether a business operator dealing with feed of plant origin uses the instructions for good production and hygienic practice and application of the HACCP system (Article 53 paragraph 1);

29) Control whether a business operator dealing with feed of plant origin has a full-time employee responsible for implementing the good production and hygienic practice and application of the HACPP system (Article 53 paragraph 2);

30) Control whether a business operator dealing with food of plant origin has fulfilled the quality requirements in the stages of production, processing and circulation, and in the case of food for which no quality requirements have been prescribed, whether it fulfills the food safety requirements (Article 55 paragraph 1);

31) Control whether a business operator dealing with feed of plant origin has fulfilled the quality requirements in the stages of production and circulation, and in the case of the feed for which no quality requirements have been prescribed, whether it fulfills the feed safety requirements (Article 56 paragraph 1);

32) Control whether the feed of plant origin meets the prescribed quality requirements (Article 57 paragraph 1);

33) Control whether the food carrying the traditional name, appellation of origin, geographical indications and name “product of an antique craft” fulfills the requirements in accordance with special regulations (Article 64);

34) Control whether the food carrying the traditional name, appellation of origin, geographical indications and name “product of an antique craft” includes the information referred to in Article 64 of this Law, in addition to the general requirements for declaration and marking referred to in Article 30 of this Law (Article 65 paragraph 1);

35) Control the implementation of measures pursuant to this Law.

In addition to the authorizations provided by the law governing inspection supervision of sanitary inspectors and in accordance with the division of responsibilities referred to in Article 12 of this Law, in performing inspection supervision sanitary inspector shall have the right and duty to:

1) Control whether all operators and authorities to which the Law applies apply the food safety measures in compliance with this Law;

- 2) Check whether laboratories and national laboratories have been accredited and authorized in compliance with Articles 18 and 20 of this Law;
- 3) Control the safety of food on the market pursuant to Article 25 paragraph 1 of this Law;
- 4) Control the conditions in all stages of food production, processing and circulation, as well as the preparation of food in accordance with its intended purpose (Article 26 paragraph 1 item 1);
- 5) Control the availability of information to consumers, as well as the information in the declaration related to the prevention of specific harmful effects of certain types or categories of food on the human health (Article 26 paragraph 1 item 2);
- 6) Control the application of the ordered measures in the case of reasonable suspicion, restriction or prohibition and withdrawal of such food from the market until the suspicion regarding its safety is dispelled (Article 27 paragraph 1);
- 7) Control the application of the ordered measures when it is found that a food is unsafe, restriction or prohibition and withdrawal of such food from the market in conformity with law (Article 27 paragraph 2);
- 8) Control whether the food being placed on the market is marked, declared, advertised and displayed in compliance with this Law and other special regulations (Article 30 paragraph 1);
- 9) Control whether food is marked, declared, advertised and displayed in compliance with this Law and in a manner which is not misleading to consumers (Article 30 paragraph 2);
- 10) Control whether food business operator has met the requirements in all stages of food production, processing and circulation in accordance with this Law and other special regulations (Article 31);
- 11) Control whether food business operator has ensured traceability in the stages of production, processing and distribution (Article 32 paragraph 1);
- 12) Control whether food business operators have established the control systems for identification of supply with food or any substance which is or is expected to be incorporated in such food (Article 32 paragraph 2);
- 13) Control whether food business operators have established the system and procedures for ensuring availability of data on traceability (Article 32 paragraph 3);
- 14) Control whether a food business operator has initiated the procedure for withdrawal from the market of the food in the production, processing and circulation of which a breach of the prescribed food safety requirements has been made or reasonably suspected of having been made in any stage and whether it has notified the ministry responsible for public health thereof (Article 33 paragraph 1);
- 15) Control whether any business operator with food that has reached the consumers has efficiently and precisely notified the consumers of the reasons for withdrawing food and whether it requested the consumers to return the food that has been delivered, if that was necessary (Article 33 paragraph 2);
- 16) Control whether a food business operator responsible for retail sale and distribution of food has initiated the procedure for withdrawal of the food in question from the market on the basis of information on the breach of the prescribed requirements (Article 33 paragraph 3);
- 17) Control whether a food business operator has submitted information on the traceability of food and whether it is cooperating in the activities undertaken by producers and distributors, as well as the Ministry and/or ministry responsible for public health (Article 33 paragraph 4);
- 18) Control whether a food business operator has acted in compliance with Article 33 paragraph 5 and notified the Ministry and/or the ministry responsible for public health accordingly;

19) Control whether the prescribed food safety measures are adjusted to the characteristic regions, which could affect the food safety and whether it is acting in compliance with Article 36 paragraph 2;

20) Control whether the information related to the risks to health caused by food is available to all participants in the rapid communication and alert system, as well as the general public (Article 40 paragraph 1);

21) Control whether all participants in the rapid communication and alert system have notified the Ministry and/or the ministry responsible for public health of the occurrence of risk within the scope of their responsibility (Article 41 paragraph 2);

22) Control whether a food business operator has ensured the fulfillment of the prescribed food hygiene requirements in all stages of food production and circulation (Article 45 paragraph 1);

23) Control whether person working in the production or circulation of food that comes into contact with food has basic knowledge of the food hygiene and personal hygiene, and if it wears working clothes and shoes (Article 45 paragraph 2);

24) Control whether food business operators have established systems for ensuring food safety in all stages of food production and circulation, with the exception of the primary production level, in accordance with the principles of good production and hygienic practice and the HACCP system (Article 47 paragraph 1);

25) Control whether a food business operator uses the instructions for good production and hygienic practice and application of the HACCP system (Article 48 paragraph 1);

26) Control whether a food business operator has a full-time employee who is responsible for implementation of the good production and hygienic practice and application of the HACCP system (Article 48 paragraph 2);

27) Control whether a food business operator has fulfilled the quality requirements in the stages of production and circulation, and in the case of food for which no quality requirements have been prescribed, whether it fulfills the food safety requirements (Article 55 paragraph 1);

28) Control whether a business operator dealing with novel food has the license for placing such food on the market for the first time (Article 61 paragraph 1);

29) Control whether the food carrying the traditional name, appellation of origin, geographical indications and name “product of an antique craft” fulfills the requirements in accordance with special regulations (Article 64);

30) Control whether the food carrying the traditional name, appellation of origin, geographical indications and name “product of an antique craft” includes the information referred to in Article 64 of this Law, in addition to the general requirements for declaration and marking referred to in Article 30 of this Law (Article 65 paragraph 1);

31) Control the implementation of measures pursuant to this Law.

Measures ordered by veterinary and border veterinary inspectors

Article 74

In the performance of the duties referred to in Article 73 of this Law, the veterinary inspector shall, in accordance with the division of responsibilities referred to in Article 12 of this Law, have the right and duty to:

1) Order withdrawal of unsafe food and feed from the market;

2) Order restriction or prohibition of the circulation of food and feed and/or the withdrawal of food or feed from the market pending the elimination of hazards or doubts about its safety;

3) Order destruction of unsafe food or feed in the prescribed manner;

4) Order processing or preparation of food or feed in the prescribed manner;

5) Prohibit the advertising and marking of food and feed in a manner that could be misleading to consumers;

6) Prohibit the use of facilities, premises, equipment and means of transport when they do not meet the prescribed requirements;

7) Prohibit the use of materials, packaging and items which come into contact with food and feed and could pose a threat to the health of humans and animals and cause unacceptable changes in the composition of food and feed or changes in sensorial properties under the usual or intended conditions of use;

8) Prohibit from work any person who handles and comes into contact with food and has no prescribed evidence of medical clearance, as well as manner of internal control;

9) Order restriction or prohibition of circulation until deficiencies have been eliminated, in case the food or feed has not been marked, declared, advertised and displayed in accordance with this Law and other special regulations;

10) Order restriction or prohibition of circulation until deficiencies have been eliminated, in case the business operator acts contrary to the provisions of Article 55, paragraph 1 of this Law;

11) File a complaint to initiate a misdemeanor proceeding and commercial offence proceeding due to violation of the provisions of this Law and regulations enacted on the basis of this Law;

12) Order other measures and undertake other action in compliance with this Law.

The measures referred to in paragraph 1 items 1 to 10 and item 12 of this Article shall be ordered by decision of the veterinary inspector.

In addition to the administrative measures and actions referred to in paragraph 1 of this Article, a border veterinary inspector that performs inspection supervision at the border crossing or in the customs warehouse shall also undertake the following administrative measures and actions:

1) Prohibit the importation, exportation or transit of consignments of animals, food and feed in the following cases:

(1) If the consignment or means of transport does not meet the prescribed requirements;

(2) If the food and feed consignment is unsafe;

(3) If the consignment is not accompanied by the prescribed documentation and certificate on the basis of which it is possible to identify the consignment;

2) Temporarily prohibit importation, exportation or transit of animal, food and feed consignments if it is necessary to eliminate defects in the consignment and in accompanying documentation or if there are doubts regarding the safety of consignment, in accordance with risk analysis;

3) Prohibit the use of food and feed storage facilities at border crossings and customs clearance points, if they do not meet the prescribed requirements;

4) Prohibit the use of food and feed if they do not meet the prescribed safety requirements;

5) Prohibit the use of the means of transport for animals, food and feed, if they do not meet the prescribed requirements;

6) Order destruction of any consignment of food or feed if it found to be unsafe or order its return to the supplier at the importer's request;

7) File a complaint to initiate a misdemeanor proceeding and commercial offence proceeding due to violation of the provisions of this Law and regulations enacted on the basis of this Law;

8) Order application of other measures in accordance with this Law and obligations under international agreements related to food safety.

The measures referred to in paragraph 1 items 1 to 6 and item 8 of this Article shall be ordered by decision of the border veterinary inspector.

The costs of destroying or returning the unsafe food or feed consignments shall be borne by the importer.

Measures ordered by phytosanitary inspectors

Article 75

In the performance of the duties referred to in Article 73 of this Law, a phytosanitary inspector shall, in accordance with the division of responsibilities referred to in Article 12 of this Law, have the right and duty to:

- 1) Order withdrawal of unsafe food from the market;
- 2) Order restriction or prohibition of the circulation of food and/or the withdrawal of food from the market pending the elimination of hazards or doubts about its safety;
- 3) Order destruction of unsafe food in accordance with this Law;
- 4) Prohibit the advertising and marking of food in a manner that could be misleading to consumers;
- 5) Prohibit the use of facilities, premises, equipment and means of transport when they do not meet the prescribed requirements;
- 6) Prohibit the use of materials, packaging and items which come into contact with food and could pose a threat to human health and cause unacceptable changes in the composition of food;
- 7) Prohibit from work any person who handles and comes into contact with food and has no prescribed evidence of medical clearance, as well as manner of internal control;
- 8) File a complaint to initiate a misdemeanor proceeding and commercial offence proceeding due to violation of the provisions of this Law and regulations enacted on the basis of this Law;
- 9) Order the application of other measures in compliance with this Law.

The measures referred to in paragraph 1 items 1 to 7 and item 9 of this Article shall be ordered by decision of the phytosanitary inspector.

In addition to the administrative measures and actions referred to in paragraph 1 of this Article, a phytosanitary inspector that performs inspection supervision at the border crossing or in the customs warehouse shall also undertake the following administrative measures and actions:

- 1) Prohibit the import of a consignment of food of plant origin on the primary production level in the following cases:
 - (1) If the consignment or means of transport does not meet the prescribed requirements;
 - (2) If the consignment of food of plant origin on primary production level is unsafe;
 - (3) If the consignment is not accompanied by the prescribed documentation and certificate on the basis of which it is possible to identify the consignment;
- 2) Temporarily prohibit importation of the consignment of food of plant origin on the primary production level if it is necessary to eliminate defects in the consignment and in accompanying documentation or if there are doubts regarding the safety of consignment, in accordance with risk analysis;
- 3) Prohibit the use of storage facilities for food of plant origin on primary production level at customs clearance points if they do not meet the prescribed requirements;
- 4) Prohibit the use of food of plant origin on the primary production level if it does not meet the prescribed safety requirements;
- 5) Prohibit the use of the means of transport for consignments of food of plant origin on the primary production level if they do not meet the prescribed requirements;

6) Order the destruction of a consignment of food of plant origin on the primary production level if it found to be unsafe or its return to the supplier at the importer's request;

7) File a complaint to initiate a misdemeanor proceeding and commercial offence proceeding due to violation of the provisions of this Law and regulations enacted on the basis of this Law;

8) Order the application of other measures in accordance with this Law.

The measures referred to in paragraph 1 items 1 to 6 and item 8 of this Article shall be ordered by decision of the border phytosanitary inspector.

The costs of destroying or returning the unsafe food or feed consignments shall be borne by the importer.

Measures ordered by agricultural inspectors

Article 76

In the performance of the duties referred to in Article 73 of this Law, agricultural inspector shall, in accordance with the division of responsibilities referred to in Article 12 of this Law, have the right and duty to:

1) Order withdrawal from the market and production of the unsafe food of plant origin;

2) Order restriction or prohibition of the circulation and production of food pending the elimination of hazards or doubts regarding its safety;

3) Order destruction of unsafe food in circulation and production in accordance with this Law;

4) Prohibit the advertising, broadcasting and marking of food of plant origin in circulation and production in a manner that could be misleading to consumers;

5) Prohibit the use of facilities, premises, equipment and means of transport that do not meet the prescribed requirements;

6) Prohibit the use of materials, packaging and items which come into contact with food of plant origin in circulation and production, which could pose a threat to human health and cause unacceptable changes in the composition of food;

7) Order withdrawal from the market of the food of plant origin in circulation and production which does not meet the prescribed food safety requirements;

8) Order restriction or prohibition of circulation until deficiencies have been eliminated, in case the food or feed has not been marked, declared, advertised and displayed in accordance with this Law and other special regulations;

9) Order restriction or prohibition of circulation until deficiencies have been eliminated, in case the business operator acts contrary to the provisions of Article 55, paragraph 1 of this Law;

10) File a complaint to initiate a misdemeanor proceeding and commercial offence proceeding due to violation of the provisions of this Law and regulations enacted on the basis of this Law;

11) Order application of other measures in compliance with this Law.

The measures referred to in paragraph 1 items 1 to 9 and item 11 of this Article shall be ordered by decision of the agricultural inspector.

The costs incurred by implementation of measures or returning the unsafe food and feed consignments shall be borne by the party concerned.

Measures ordered by sanitary inspectors

Article 77

In the performance of the duties referred to in Article 73 of this Law, a sanitary inspector shall, in accordance with the division of responsibilities referred to in Article 12 of this Law, have the right and duty to:

- 1) Order withdrawal from the market of the unsafe food;
- 2) Order restriction or prohibition of the circulation of food and/or withdrawal of food from the market pending the elimination of hazards or doubts regarding its safety;
- 3) Order destruction of unsafe food in accordance with this Law;
- 4) Prohibit the advertising and marking of food in a manner that could be misleading to consumers with respect to composition, properties or effects of food or attributing the healing properties;
- 5) Prohibit the use of facilities, premises, equipment and means of transport when they do not meet the prescribed requirements, in accordance with authorizations referred to in Article 12 of this Law;
- 6) Prohibit the use of materials, packaging and items that come into contact with food, which could pose a threat to the human health and cause unacceptable changes in the composition of food;
- 7) Order withdrawal from the market of the food that does not meet the food safety requirements;
- 8) Prohibit from work any person who handles and comes into contact with food and has no prescribed evidence of medical clearance;
- 9) Prohibit importation of unsafe food and order its return to the sender;
- 10) Prohibit importation of food and order destruction of food if it is unsafe and can not be returned to the sender;
- 11) File a complaint to initiate a misdemeanor proceeding, commercial offence proceeding and criminal proceeding due to violation of the provisions of this Law and regulations enacted on the basis of this Law;
- 12) Order application of other measures in compliance with this Law.

The measures referred to in paragraph 1 items 1 to 10 and item 12 of this Article shall be ordered by decision of the sanitary inspector.

The costs of destroying or returning the unsafe food consignment shall be borne by the party concerned.

Responsibility for deciding upon appeal

Article 78

Appeal against the decisions of veterinary, phytosanitary, agricultural and sanitary inspectors may be filed to the Minister and/or the minister responsible for public health within eight days from receipt of the decision.

Appeal shall not stay the execution of the decision.

XV. PENAL PROVISIONS

Commercial offence

Article 79

Any company or other legal person shall be fined in the amount of 300,000 to 3,000,000 Dinars for commercial offence in the following cases:

- 1) If it engages in food and feed production and circulation without being entered in the Central Register of Facilities (Article 15, paragraph 1);

2) If it fails to file the application for entry in the Central Register and is engaged in the production of the food and feed for which the verification of fulfillment of the requirements for conducting certain activity is not prescribed (Article 15, paragraph 7);

3) If it starts to conduct an activity prior to being entered in the Central Register and/or the register provided by a special regulation (Article 15, paragraph 8);

4) If it places unsafe food on the market (Article 25, paragraph 1);

5) If it places unsafe feed on the market (Article 28, paragraph 1);

6) If it feeds the food-producing animals with unsafe feed (Article 28, paragraph 2);

7) If it fails to ensure the fulfillment of requirements prescribed by this Law and other special regulations for food and feed in all stages of production and circulation or fails to prove the fulfillment of such requirements (Article 31);

8) If it has not established a system and procedures allowing availability of data on traceability (Article 32, paragraph 3);

9) If it fails to provide for fulfillment of the prescribed food hygiene requirements in all stages of food production and circulation (Article 45, paragraph 1);

10) If it fails to establish a system for ensuring food safety in all stages of food production and circulation, with the exception of the primary production level, in accordance with the principles of good production and hygienic practice and the HACCP system (Article 47, paragraph 1);

11) If it fails to provide for fulfillment of the prescribed feed hygiene requirements in all stages of feed production, processing and circulation (Article 50);

12) If it fails to establish a system ensuring feed safety in all stages of feed production and circulation, with the exception of the primary level production and transport, in accordance with the principles of good production and hygienic practice and the HACCP system (Article 52, paragraph 1);

13) If it fails to fulfill the prescribed food quality requirements in all stages of production, processing and circulation (Article 55, paragraph 1);

14) If it fails to fulfill the prescribed feed quality requirements in all stages of production, processing and circulation (Article 56, paragraph 1);

15) If it feeds animals with feed that does not meet the prescribed quality requirements (Article 57, paragraph 1);

16) If it places novel food, genetically modified food and genetically modified feed on the market for the first time in the territory of the Republic of Serbia or if such food is on the market and it does not have the license in accordance with the provisions of this Law and special regulations (Article 61, paragraph 1);

17) If it does not act in line with the decision of the inspector in accordance with this Law.

The responsible person in a company or other legal person shall also be fined in the amount of 50,000 to 200,000 Dinars for a commercial offence referred to in paragraph 1 of this Article.

For actions referred to in paragraph 1 of this Article, a protective measure prohibiting the legal person from conducting certain business activity and/or the responsible person from performing certain duties in the duration of six months to seven years may also be imposed.

Misdemeanor legal persons

Article 80

Any legal person shall be fined in the amount of 150,000 to 1,000,000 Dinars for misdemeanor in the following cases:

- 1) If it places on the market any food and feed that is not marked, declared, advertised and displayed in compliance with this Law and other special regulation (Article 30, paragraph 1);
- 2) If it fails to comply with Article 30 paragraph 2 of this Law and thus misleads the consumer;
- 3) If it fails to comply with Article 32 paragraph 2 of this Law;
- 4) If the food or feed that it is placing on the market or is likely to place on the market has not been properly marked and recorded for the purpose of identification and traceability (Article 32, paragraph 4);
- 5) If it fails to initiate promptly the procedure for withdrawal of food from the market and notify the Ministry and/or the ministry responsible for public health when such food is no longer under its direct control and it reasonably suspects or has established that there has been a breach of the prescribed food safety requirements in any stage of production and circulation (Article 33, paragraph 1);
- 6) If it fails to comply with Article 33 paragraph 2 of this Law;
- 7) If it does not initiate promptly the procedure for withdrawal of food from the retail market and distribution on the basis of information about a breach of the prescribed food safety requirements (Article 33, paragraph 3);
- 8) If it fails to provide information related to food traceability and does not cooperate in the activities undertaken by producers and distributors, as well as the Ministry and/or the ministry responsible for public health (Article 33, paragraph 4);
- 9) If it reasonably suspects or has established that the food it had placed on the market may be harmful to human health and has not notified the Ministry and/or the ministry responsible for public health thereof, as well as of the undertaken measures (Article 33, paragraph 5);
- 10) If it prevents any person from cooperating with the Ministry and/or the ministry responsible for public health (Article 33, paragraph 6);
- 11) If it fails to initiate promptly the procedure for withdrawal of feed from the market and fails to notify the Ministry accordingly when such feed is no longer under its direct control and it reasonably suspects or has established that there had been a breach of the prescribed feed safety requirements in any stage of production and circulation (Article 34, paragraph 1);
- 12) If it fails to comply with Article 34 paragraph 2 of this Law;
- 13) If it fails to notify the owners or keepers of animals efficiently and precisely of the reasons for withdrawing feed from the market and does not request of them to return the feed already delivered, if necessary (Article 34, paragraph 3);
- 14) If it fails to initiate promptly the procedure for withdrawal of feed from the retail market and distribution on the basis of information about a breach of the prescribed feed safety requirements (Article 34, paragraph 4);
- 15) If it fails to provide information concerning feed traceability and does not cooperate in the activities undertaken by producers and distributors, as well as the Ministry (Article 34, paragraph 5);
- 16) If it reasonably suspects or has established that the feed it had placed on the market may be harmful to the health of animals and does not notify the Ministry thereof, as well as of the undertaken measures (Article 34, paragraph 6);
- 17) If it prevents any person from cooperating with the Ministry (Article 34, paragraph 7);
- 18) If persons working in the production or circulation of food which come into contact with food do not have basic knowledge on food hygiene and on personal hygiene and/or do not wear working clothes and shoes (Article 45, paragraph 2);
- 19) If it is not using the instructions for good production and hygienic practice and application of the HACCP system (Article 48, paragraph 1);

20) If it does not have a full-time employee who is responsible for implementation of the good production and hygiene practice and application of the HACCP system (Article 48, paragraph 2);

21) If it is not using the instructions for good production and hygiene practice and application of the HACCP system (Article 53, paragraph 1);

22) If it does not have a full time employee who is responsible for implementation of the good production and hygienic practice and application of the HACCP system (Article 53, paragraph 2);

23) If, in food and feed operations, on placing on the market genetically modified food and genetically modified feed, including the quantities in bulk, it fails to submit to the operator receiving such food and feed the information referred to in Article 63 paragraph 1 of this Law;

24) If it does not comply with Article 63 paragraph 2 of this Law;

25) If the food carrying its traditional name, appellation of origin and geographical indications does not meet the requirements in accordance with special regulations (Article 64);

26) If the food carrying its traditional name, appellation of origin and geographical indications does not include the additional information referred to in Article 64 of this Law, in addition to the general requirements for declaration and marking (Article 65, paragraph 1);

27) If it fails in the food and feed sampling procedure to provide to the responsible inspector, free of charge, the necessary quantity of samples for laboratory testing purposes (Article 70, paragraph 3).

The responsible person in a company or other legal person shall also be fined in the amount of 20,000 to 50,000 Dinars for misdemeanor referred to in paragraph 1 of this Article.

Misdemeanor of Entrepreneur

Article 81

Any entrepreneur shall be fined in the amount of 250,000 to 500,000 Dinars for misdemeanor in the following cases:

1) If it engages in food and feed production and circulation without being entered in the Central Register of Facilities (Article 15, paragraph 1);

2) If it fails to submit the application for entry in the Central Register and is engaged in the production of the food and feed for which the verification of fulfillment of the requirements for conducting certain activity is not prescribed (Article 15, paragraph 7);

3) If it starts to conduct a business activity prior to being entered in the Central Register and/or the register prescribed by a special regulation (Article 15, paragraph 8);

4) If it places unsafe food on the market (Article 25, paragraph 1);

5) If it places unsafe feed on the market (Article 28, paragraph 1);

6) If it feeds the food-producing animals with unsafe feed (Article 28, paragraph 2);

7) If it fails to provide the fulfillment of requirements prescribed by this Law and other special regulations for food and feed in all stages of production and circulation or fails to prove the fulfillment of such requirements (Article 31);

8) If it has not established a system and procedures enabling availability of data on traceability (Article 32, paragraph 3);

9) If it fails to provide for the fulfillment of the prescribed food hygiene requirements in all stages of food production and circulation (Article 45, paragraph 1);

10) If it fails to establish a system for ensuring food safety in all stages of food production and circulation, with the exception of the primary production level, in accordance with the principles of good production and hygienic practice and the HACCP system (Article 47, paragraph 1);

11) If it fails to provide for the fulfillment of the prescribed feed hygiene requirements in all stages of feed production, processing and circulation (Article 50);

12) If it fails to establish a system for ensuring feed safety in all stages of feed production and circulation, with the exception of the primary level production and transport, in accordance with the principles of good production and hygienic practice and the HACCP system (Article 52, paragraph 1);

13) If it fails to provide for the fulfillment of food quality requirements in all stages of production, processing and circulation (Article 56, paragraph 1);

14) If it fails to provide for the fulfillment of feed quality requirements in all stages of production, processing and circulation (Article 56, paragraph 1);

15) If it feeds animals with feed that does not meet the prescribed quality requirements (Article 57, paragraph 1);

16) If it places novel food, genetically modified food and genetically modified feed on the market for the first time in the territory of the Republic of Serbia or if such food/feed is on the market and it has not been issued a license in accordance with the provisions of this Law and special regulations (Article 63, paragraph 1);

17) If it does not act in line with the decision of the inspector in accordance with this Law.

Article 82

Any entrepreneur shall be fined in the amount of 50,000 to 400,000 Dinars for misdemeanor in the following cases:

1) If it places on the market food and feed which is not marked, declared, advertised and displayed in compliance with this Law and other special regulation (Article 30, paragraph 1);

2) If it fails to comply with Article 30 paragraph 2 of this Law and thus misleads the consumer;

3) If it fails to comply with Article 32 paragraph 2 of this Law;

4) If the food or feed it is placing on the market or is likely to place on the market has not been properly marked and recorded for the purpose of identification and traceability (Article 32, paragraph 4);

5) If it fails to initiate promptly the procedure for withdrawal of food from the market and notify the Ministry and/or the ministry responsible for public health when such food is no longer under its direct control and it reasonably suspects or has established that there has been a breach of the prescribed food safety requirements in any stage of production and circulation (Article 33, paragraph 1);

6) If it fails to comply with Article 33 paragraph 2 of this Law;

7) If it does not initiate promptly the procedure for withdrawal of food from the retail market and distribution on the basis of information about a breach of the prescribed food safety requirements (Article 33, paragraph 3);

8) If it fails to provide information related to food traceability and does not cooperate in the activities undertaken by producers and distributors, as well as the Ministry and/or the ministry responsible for public health (Article 33, paragraph 4);

9) If it reasonably suspects or has established that the food it had placed on the market may be harmful to human health and has not notified the Ministry and/or the ministry responsible for public health thereof, as well as of the undertaken measures (Article 33, paragraph 5);

10) If it prevents any person from cooperating with the Ministry and/or the Ministry responsible for public health (Article 33, paragraph 6);

11) If it fails to initiate promptly the procedure for withdrawal of feed from the market and notify the Ministry accordingly when such feed is no longer under its direct control and it reasonably suspects or has established that there had been a breach of the prescribed feed safety requirements in any stage of the production and circulation (Article 34, paragraph 1);

- 12) If it fails to comply with Article 34 paragraph 2 of this Law;
- 13) If it fails to notify the owners or keepers of animals efficiently and precisely of the reasons for withdrawing feed from the market and does not request of them to return the feed already delivered, if necessary (Article 34, paragraph 3);
- 14) If it fails to initiate promptly the procedure for the withdrawal of feed from the retail market and distribution on the basis of information about a breach of the prescribed feed safety requirements (Article 34, paragraph 4);
- 15) If it fails to provide information concerning the feed traceability and does not cooperate in the activities undertaken by producers and distributors, as well as the Ministry (Article 34, paragraph 5);
- 16) If it reasonably suspects or has established that the feed it had placed on the market may be harmful to the health of animals and does not notify the Ministry thereof, as well as of the undertaken measures (Article 34, paragraph 6);
- 17) If it prevents any person from cooperating with the Ministry (Article 34, paragraph 7);
- 18) If it is not using the instructions for good production and hygienic practice and application of the HACCP system (Article 48, paragraph 1);
- 19) If it does not have a full-time employee who is responsible for implementation of the good production and hygiene practice and application of the HACCP system (Article 48, paragraph 2);
- 20) If it is not using the instructions for good production and hygiene practice and application of the HACCP system (Article 53, paragraph 1);
- 21) If it does not have a full time employee who is responsible for implementation of the good production and hygienic practice and application of the HACCP system (Article 53, paragraph 2);
- 22) If, in operations with food and feed, on placing on the market genetically modified food and genetically modified feed, including the quantities in bulk, it fails to provide to the operator receiving such food and feed the information referred to in Article 63 paragraph 1 of this Law;
- 23) If it does not comply with Article 63 paragraph 2 of this Law;
- 24) If the food carrying its traditional name, appellation of origin and geographical indications does not meet the requirements in accordance with special regulations (Article 64);
- 25) If the food carrying its traditional name, appellation of origin and geographical indications does not include the additional information referred to in Article 64 of this Law, in addition to the general declaring and marking requirements (Article 65, paragraph 1);
- 26) If it fails in the food and feed sampling procedure to provide the responsible inspector, free of charge, the necessary quantity of samples for laboratory testing purposes (Article 70, paragraph 3).

Misdemeanor of Natural Person

Article 83

Any natural person shall be fined in the amount of 30,000 to 50,000 Dinars for misdemeanor in the following cases:

- 1) If it engages in food and feed production and circulation without being entered in the Central Register of Facilities (Article 15, paragraph 3);
- 2) If it fails to submit the application for entry in the Central Register and is engaged in the production of the food and feed for which the verification of fulfillment of the requirements for conducting certain activity is not prescribed (Article 15, paragraph 7);
- 3) If it starts to conduct a business activity prior to being entered in the Central Register and/or the register prescribed by a special regulation (Article 15, paragraph 8);

- 4) If it places unsafe food on the market (Article 25, paragraph 1);
- 5) If it places unsafe feed on the market (Article 28, paragraph 1);
- 6) If it feeds the food-producing animals with unsafe feed (Article 28, paragraph 2);
- 7) If it fails to provide the fulfillment of requirements prescribed by this Law and other special regulations for food and feed in all stages of production and circulation or fails to prove the fulfillment of such requirements (Article 31);
- 8) If it has not established a system and procedures enabling availability of data on traceability (Article 32, paragraph 3);
- 9) If it fails to provide for the fulfillment of the prescribed food hygiene requirements in all stages of food production and circulation (Article 45, paragraph 1);
- 10) If persons working in the production or circulation of food which come into contact with food do not have basic knowledge on food hygiene and on personal hygiene and/or do not wear working clothes and shoes (Article 45, paragraph 2);
- 11) If it fails to provide for the fulfillment of the prescribed feed hygiene requirements in all stages of feed production and circulation (Article 48);
- 12) If it fails to provide for the fulfillment of the prescribed food quality requirements in all stages of production and circulation (Article 55, paragraph 1);
- 13) If it fails to provide for the fulfillment of the prescribed feed quality requirements in all stages of production and circulation (Article 56, paragraph 1);
- 14) If it places novel food, genetically modified food and genetically modified feed on the market for the first time in the territory of the Republic of Serbia or if such food/feed is on the market and it has not been issued a license in accordance with the provisions of this Law and special regulations (Article 69, paragraph 1);
- 15) If it does not act in line with the decision of the inspector in accordance with this Law.

Article 84

Any natural person shall be fined in the amount of 5,000 to 30,000 Dinars for misdemeanor in the following cases:

- 1) If it places on the market food and feed which is not marked, declared, advertised and displayed in compliance with this Law and other special regulation (Article 30, paragraph 1);
- 2) If it fails to comply with Article 30 paragraph 2 of this Law and thus misleads the consumer;
- 3) If it fails to comply with Article 32 paragraph 2 of this Law;
- 4) If the food or feed it is placing on the market or is likely to place on the market has not been properly marked and recorded for the purpose of identification and traceability (Article 32, paragraph 4);
- 5) If it fails to initiate promptly the procedure for withdrawal of food from the market and notify the Ministry and/or the ministry responsible for public health when such food is no longer under its direct control and it reasonably suspects or has established that there has been a breach of the prescribed food safety requirements in any stage of production and circulation (Article 33, paragraph 1);
- 6) If it fails to comply with Article 33 paragraph 2 of this Law;
- 7) If it does not initiate promptly the procedure for withdrawal of food from the retail market and distribution on the basis of information about a breach of the prescribed food safety requirements (Article 33, paragraph 3);
- 8) If it fails to provide information related to food traceability and does not cooperate in the activities undertaken by producers and distributors, as well as the Ministry and/or the ministry responsible for public health (Article 33, paragraph 4);;

9) If it reasonably suspects or has established that the food it had placed on the market may be harmful to human health and has not notified the Ministry and/or the ministry responsible for public health thereof, as well as of the undertaken measures (Article 33, paragraph 5);

10) If it prevents any person from cooperating with the Ministry and/or the Ministry responsible for public health (Article 33, paragraph 6);

11) If it fails to initiate promptly the procedure for withdrawal of feed from the market and notify the Ministry accordingly when such feed is no longer under its direct control and it reasonably suspects or has established that there had been a breach of the prescribed feed safety requirements in any stage of the production and circulation (Article 34, paragraph 1);

12) If it fails to comply with Article 34 paragraph 2 of this Law;

13) If it fails to notify the owners or keepers of animals efficiently and precisely of the reasons for withdrawing feed from the market and does not request of them to return the feed already delivered, if necessary (Article 34, paragraph 3);

14) If it fails to initiate promptly the procedure for the withdrawal of feed from the retail market and distribution on the basis of information about a breach of the prescribed feed safety requirements (Article 34, paragraph 4);

15) If it fails to provide information concerning the feed traceability and does not cooperate in the activities undertaken by producers and distributors, as well as the Ministry (Article 34, paragraph 5);

16) If it reasonably suspects or has established that the feed it had placed on the market may be harmful to the health of animals and does not notify the Ministry thereof, as well as of the undertaken measures (Article 34, paragraph 6);

17) If it prevents any person from cooperating with the Ministry (Article 34, paragraph 7);

18) If, in operation with food and feed, on placing on the market genetically modified food and genetically modified feed, including the quantities in bulk, it fails to submit to the operator receiving such food and feed the information referred to in Article 63 paragraph 1 of this Law;

19) If it does not comply with Article 63 paragraph 2 of this Law;

20) If the food carrying its traditional name, appellation of origin and geographical indications does not include the additional information referred to in Article 64 of this Law, in addition to the general declaring and marking requirements (Article 65, paragraph 1);

21) If it fails in the food and feed sampling procedure to provide the responsible inspector, free of charge, the necessary quantity of samples for laboratory testing purposes (Article 70, paragraph 3).

XVI. TRANSITIONAL AND FINAL PROVISIONS

Time limit for harmonization of legal persons, entrepreneurs and natural persons entered in the Central Register with the provisions of this Law

Article 85

Legal persons and entrepreneurs engaged in the production and circulation of food and feed shall harmonize their operation with the provisions of this Law within two years from the date this Law comes into force at the latest.

Natural person engaged in the production of food and feed intended for circulation shall harmonize with the provisions of this Law within three years from the date this Law comes into force at the latest.

Food and feed business operator referred to in Article 15 paragraph 7 of this Law shall submit the application for entry in the Central Register within six months from date this Law comes into force at the latest.

Linking of data from the registers in the Ministry

Article 86

Any legal person and entrepreneur entered in the relevant register in accordance with a special regulation shall be deemed entered in the Central Register as of the date this Law comes into force.

Any natural person entered in the Register of Farms in accordance with the provisions of the Decree on Register of Farms (“Official Gazette of RS”, No. 119/08, 21/09, 36/) shall be deemed entered in the Central Register as of the date this Law comes into force.

Continuation of Performing Laboratory Testing Activities

Article 87

The legal person that has been confirmed to comply with the requirements for performing laboratory testing activities in the field of food safety on the basis of the special regulations and was authorized for performing such activities in accordance with the regulations applicable until the date this Law comes into force of, shall continue to perform those activities in accordance with this Law until the publicizing of the public bid for the laboratory testing and monitoring program activities in accordance with this Law.

Application of by-laws

Article 88

The regulations adopted based on this Law shall be enacted within two years from the date this Law comes into force.

The regulations adopted on the basis of the Law on the Health Safety of Food and Items of General Use (“Official Gazette of SFRY”, No. 53/91 and “Official Gazette of FRY”, No. 24/94, 28/96 and 37/2002 and “Official Gazette of RS”, No. 101/2005 – other law and 79/2005 – other law), Law on Health Supervision of Food and Items of General Use (“Official Gazette of SRS”, No. 48/77 – updated, 24/85, 29/88 and 6/89 and “Official Gazette of RS”, No. 44/91, 53/93, 67/93, 48/94 and 101/2005 – other law) and the Law on Quality Control of Agricultural and Food Products in Foreign Trade (“Official Gazette of FRY”, No. 12/95, 28/96, 59/98 and “Official Gazette of RS”, No. 101/2005 - other law) shall be applicable until the adoption of the regulations based on this Law, if they are not contrary to this Law.

Abolishing of previous laws

Article 89

On the day this Law comes into force, the provisions of the following laws shall be abolished:

1) Law on the Health Safety of Food and Items of General Use (“Official Gazette of SFRY”, No. 53/91 and “Official Gazette of FRY”, No. 24/94, 28/96 and 37/2002 and “Official Gazette of RS”, No. 101/2005 – other law and 79/2005 – other law) in part governing food;

2) Law on Health Supervision of Food and Items of General Use (“Official Gazette of SRS”, No. 48/77 – updated, 24/85, 29/88 and 6/89 and “Official Gazette of RS”, No. 44/91, 53/93, 67/93, 48/94 and 101/2005 – other law) in part governing food;

3) Law on Quality Control of Agricultural and Food Products in Foreign Trade (“Official Gazette of FRY”, No. 12/95, 28/96, 59/98 and “Official Gazette of RS”, No. 101/2005 - other law).

Entry into force

Article 90

This Law shall come into force on the eighth day from the day of its publication in the “Official Gazette of the Republic of Serbia”, whereas the provisions of the Law related to the introduction of HACCP system and provisions related to the rapid communication and alert system, emergency measures and crisis management, as well as the provisions on monitoring shall be applicable as of January 1, 2009.