

LAW ON AMENDING THE LAW ON PLANTS HEALTH
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Article 1

In the Law on plants health ("Official Gazette of the Republic of Macedonia" No. 29/2005), in Article 3, a new item 29 shall be added as follows:

"29. Import from other countries shall mean import of consignments in the customs area of the Republic of Macedonia with the exception of transit."

Article 2

In Article 5 paragraph 3 the words: "List I.A and List II.A" shall be replaced by the following words: "List I part A section 1 and 2 and List II part A section 1."

After paragraph 5, a new paragraph 6 shall be added as follows:

"6) Matters stated in paragraphs 1, 2, 3, 4 and 5 of this Article shall be established and implemented by annual programme for monitoring, forecasting, diagnosing, eradication of harmful organisms and for undertaking measures of eradication and uprooting of extremely harmful organisms, which has been adopted by the Government of the Republic of Macedonia on a proposal of the Minister of agriculture, forestry and water economy."

Article 3

In Article 6, paragraph 2 the words: "List I.A and List II.A" shall be replaced by the following words: "List I, part A, section 1 and 2 and List II, part A, section 1", and the words: "established by the Phytosanitary directorate" shall be replaced by the following words: "regulated by the Minister of agriculture, forestry and water economy".

After paragraph 4, a new paragraph 5 shall be added as follows:

"5) Owners in the area of forestry shall be obliged to act in accordance with the provisions of this Law and the provisions adopted based on this Law, as well as the Law on forests and the provisions adopted based on this Law."

Article 4

In Article 7, paragraph 2 shall be amended as follows:

"2) Harmful organisms, which are considered as extremely harmful and whose import and spreading in the Republic of Macedonia is forbidden, shall be classified in the following lists:

1. List I, part A, section 1 and 2 and List II, part A, section 1 referring to the entire territory of the Republic of Macedonia and
2. List I, part B and List II, part B referring to certain protected zones in the Republic of Macedonia."

Paragraph 3 shall be amended as follows:

"3) Lists from paragraph 2 of this Article shall be regulated by the Minister of agriculture, forestry and water economy and shall be published in the "Official Gazette of the Republic of Macedonia".

Article 5

Paragraph 8 shall be amended as follows:

“1) Species of plants, plant products and other objects, which may contain or which may be carriers of harmful organisms stated in Article 7, paragraph 2 of this Law and represent a risk for the plants health shall be classified in the following lists:

- List III, part A referring to the prohibition of import of plants, plant products and other objects in the Republic of Macedonia;

- List III, part B referring to the prohibition of import of plants, plant products and other objects prohibited in certain protected areas in the Republic of Macedonia;

- List IV, part A referring to certain phytosanitary requirements, which must be met as a condition for import and movement of plants, plant products and other objects on the entire territory of the Republic of Macedonia and section 1 plants, plant products and other objects with origin from other countries;

- List IV, part B referring to special phytosanitary requirements which must be met as a condition for import or movement of plants, plant products and other objects on the territory of protected areas in the Republic of Macedonia in relation to which the protected area is defined;

- List V referring to plants, plant products and other objects, which must be subject of phytosanitary inspection of the plant health on the place of production and origin before their movement in the Republic of Macedonia, which contains:

a) List V, part A referring to plants, plant products and other objects, which must be examined at the place of production before they start to move in the Republic of Macedonia, which contains:

- List A, part A, section 1 referring to plants, plant products and other objects, which are potential carriers of harmful organisms of importance for the Republic of Macedonia, and which must be accompanied by plant passport;

- List V, part A, section 2 referring to plants, plant products and other objects, which are potential carriers of harmful organisms of importance for certain protected zone, and which must be accompanied with plant passport referring to the protected zone where import or transport is being performed;

b) List V, part B referring to plants, plant products and other objects that must be examined upon the import from other countries, which contains:

- List V, part A, section 1 referring to plants, plant products and other objects, which are potential carriers of harmful organisms upon the import in the Republic of Macedonia;

- List V, part B, section 2 referring to plants, plant products and other objects, which are potential carriers of harmful organisms with importance for certain protected zones and

- List VI referring to plants and plant products for which special arrangement may be regulated.

2) Lists from paragraph 1 of this Article shall be regulated by the Minister of agriculture, forestry and water economy and shall be published in the “Official Gazette of the Republic of Macedonia”.

Article 6

In Article 9, paragraph 1 shall be amended as follows:

"1) “If the harmful organisms stated in List I, part A and List II, part A shall appear on the territory of the Republic of Macedonia or harmful organisms stated in List I, part B and List II, part B shall appear in certain protected zones or symptoms of plants, plant products and other articles and

facilities shall appear and/or there is a doubt for the existence of harmful organisms stated in List I, part A, List II, part A, List I, part B and List I, part B, the owner must immediately inform the Phytosanitary directorate.”

Paragraph 2 shall be amended as follows:

"2) “The owner must protect plants, plant products or other objects and must prevent a contact with other plants, plant products or other objects according to the instructions issued by the Director of the Phytosanitary directorate, and approved by the Minister of agriculture, forestry and water economy.”

Article 7

In Article 10, paragraph 2 after the words: “in accordance with” following words shall be added: “Article 60 or 67 from the Law on plants health (“Official Gazette of the Republic of Macedonia” No 29/2005)”.

In paragraph 3 the words: “List I.A and List II.A” shall be replaced by the following words: “List I, part A and List II, part A”, and the words: “List I.B and List II.B” shall be replaced by the following words: “List I, part B and List II, part B.”

After paragraph 3, a new paragraph 4 shall be added as follows:

“4) A disinfection, desinsectisation and deratisation must be performed in the facilities for placing, processing and storing plants and transport means used for the transport of plants where the presence of harmful organisms stated in paragraph 1 of this Article is determined, for the purposes of their uprooting by authorized legal persons stated in Article 60 of this Law.”

Paragraph 4 shall become paragraph 5.

In paragraph 5, which shall become paragraph 6 the words: “paragraph 3” shall be replaced by the following words: “paragraphs 3 and 4”.

Article 8

In Article 11, paragraph 3 the words: “List I.A and List II.A” shall be replaced by the following words: “List I, part A and List II, part A”.

Article 9

In Article 14, paragraph 1 the words: “List I.A and List II.A” shall be replaced by the following words: “List I, part A and List II, part A”.

In paragraph 2 the words: “List I.B and List II.B” shall be replaced by the following words: “List I, part B and List II, part B”.

Article 10

In Article 15, paragraph 1 the words: “List III. A” shall be replaced by the following words: “List III, part A”.

In paragraph 2 the words: “List III. B” shall be replaced by the following words: “List III, part B”.

In paragraph 3 the words: “List IV. A” shall be replaced by the following words: “List IV, part A”.

In paragraph 4 the words: “List III. B” shall be replaced by the following words: “List IV, part B”.

Article 11

In Article 16 paragraph 1 shall be amended as follows:

“1) By exception of provisions of Articles 14 and 15 of this Law, the scientific and research institutions authorised by the Ministry of agriculture, forestry and water economy, harmful organisms stated in List I, part A, List II, part A, List I, part B and List II, part B, as well as plants, plant products and other objects from List III, part A, List III, part B, List IV, part A and List IV, part B may be imported, if:

In paragraph 2 after the word “shall be issued by” following words shall be added: “the director of”.

Article 12

In Article 18, after paragraph 2 a new paragraph 3 shall be added as follows:

“3) The Minister of agriculture, forestry and water economy shall regulate the allowed small quantities of plants, plant products and other objects, including foodstuffs with a special rulebook.”

Article 13

In Article 19, paragraph 1 the words: “List V.A and List V.B” shall be replaced by the following words: “List V, part A and List V, part B”.

In paragraph 2, indents 1 and 3 the words: “List V. A” shall be replaced by the following words: “List V, part A”, and in the indent 2 the words: “List V. B” shall be replaced by the following words: “List V, part B”.

In paragraph 5, indent 2 the words: “court registration” shall be replaced by the following words: “the appropriate registry kept in the Central Registry of the Republic of Macedonia”.

Article 14

In Article 20, paragraph 1, indent 2 the words: “court registration” shall be replaced by the following words: “the appropriate registry kept in the Central Registry of the Republic of Macedonia”.

Article 15

Article 23 shall be amended as follows:

“1) Consignments for which a phytosanitary inspection is compulsory may be imported through specific places of entry into the Republic of Macedonia, which shall meet the requirements for performing phytosanitary inspection regarding the premises and the appropriate equipment.

2) Consignments which contain plants, plant products and other objects stated in List V, part B, may be imported from other countries only through specific places of entry where customs services and phytosanitary inspection have been established.

3) By exception of paragraph 2 of this Article, consignments of wood material for packaging may be imported from other countries and through places where customs service has been established.

4) Phytosanitary examination of plants, plant products and examination of the wood material for

packaging, which upon the import use transport of those types of goods, which are not plants and plant products from the List V, part V shall be performed by the competent customs control on the place of entry.

5) The manner and procedure of performing the phytosanitary inspection of plants, plant products and other objects on the places of entry into the Republic of Macedonia shall be more precisely regulated by the Minister of agriculture, forestry and water economy.

6) The places of entry into the Republic of Macedonia where phytosanitary inspection is performed shall be determined by the Government of the Republic of Macedonia.”

Article 16

In Article 24, paragraph 1 the words: “List V.B 1” shall be replaced by the following words: “List V, part B, section 1”.

In paragraph 2, indent 2 the words: “List I.A and List II.A” shall be replaced by the following words: “List I, part A and List II, part A”.

In indent 3 the words: “List III. A and” shall be replaced by the following words: “List III, part A and”.

In indent 4 the words: “List IV. A” shall be replaced by the following words: “List IV, part A”.

In paragraph 3 the words: “List IV. A or List IV. B” shall be replaced by the following words: “List IV, part A or List IV, part B”.

Article 17

In Article 25, paragraph 1 the words: “List V. B” shall be replaced by the following words: “List V, part B”.

In indent 1 the words: “Lists I.B and II.B” shall be replaced by the following words: “List I, part B and List II, part B”.

In indent 2 the words: “List III. B” shall be replaced by the following words: “List III, part B”.

In indent 3 the words: “List IV. B” shall be replaced by the following words: “List IV, part B”.

Article 18

In Article 26 the words: “List V. B” shall be replaced by the following words: “List V, part B”.

Article 19

In Article 27 after the word “organisms”, following words shall be added: “the director of”, and the words: “List V. B” shall be replaced by the following words: “List V, part B”.

Article 20

In Article 28, paragraph 1 the words: “List V. B” shall be replaced by the following words: “List V, part B”.

Article 21

In Article 29, paragraph 4 the words: “List III. A or List III.B” shall be replaced by the following words: “List III, part A or List III, part B”.

Article 22

In Article 30, paragraph 1 the words: “the first place of entry” shall be replaced by the following words: “places of entry determined pursuant to Article 23, paragraph 3 of this Law”, and the word “formalities” shall be replaced by the word “procedures”.

In paragraph 2, after the word “determined” following words shall be added: “ from the Minister of Agriculture, Forestry and Water Economy”.

Article 23

In Article 31, paragraph 3 the words: “Lists I. A, I. B and II. A or II.B” shall be replaced by the following words: “List I, part A, List I, part B, List II, part A or List II, part B”.

In paragraph 4 after the word “stamp” following words shall be added: “and the seal”.

Article 24

In Article 32, paragraph 1 and 2 the words: “List V. B” shall be replaced by the following words: “List V, part B”.

Article 25

In Article 35, paragraph 1 the word “request” shall be replaced by the word “application”.

In paragraph 2, the word “The request” shall be replaced by the word “The application.”

After paragraph 3, a new paragraph 4 shall be added as follows:

"4) Form and content of the application of paragraphs 1 and 2 of this shall be regulated by the Ministry of agriculture, forestry and water economy.”

Article 26

In Article 37, paragraph 1 the words: “List V. A I” shall be replaced by the following words: “List V, part A, section 1”.

In paragraph 2 the words: “List V. A” shall be replaced by the following words: “List V, part A”.

Article 27

In Article 38, paragraph 1 the words: “List V. A II” shall be replaced by the following words: “List V, part A, section 2”.

Article 28

In Article 39 the words: “List V. A” shall be replaced by the following words: “List V, part A”.

Article 29

In Article 40, paragraph 1 in the introductory sentence the words: “List V. A I” shall be replaced by the following words: “List V, part A, section 1”.

In indent 1 the words: “List I.A and List II.A” shall be replaced by the following words: “List I, part A and List II, part A”.

In indent 2 the words: “List IV. A” shall be replaced by the following words: “List IV, part A”.

In paragraph 2 the words: “List V. A II” shall be replaced by the following words: “List V, part A, section 2”.

In indent 1 the words: “List I. B and List II. B” shall be replaced by the following words: “List I, part B and List II, part B”.

In indent 2 the words: “List IV. B” shall be replaced by the following words: “List IV, part B”.

Article 30

In Article 41, paragraph 1 the words: “List V. A” shall be replaced by the following words: “List V, part A”.

In paragraph 2 the words: “List V. A” shall be replaced by the following words: “List V, part A”.

Article 31

In Article 42, paragraph 1, indent 3 the word “formally” shall be deleted.

In paragraph 4 the words: “obtained at courses whose programme and persons performing the training have been approved by the Phytosanitary directorate” shall be replaced by the following words: “shall obtain training organised by the Phytosanitary directorate, according to the programme regulated by the Minister of agriculture, forestry and water economy. The Phytosanitary directorate shall organise the training through the entities stated in Article 60 of this Law”.

Article 32

In Article 45 the words: “Lists I. A, I. B, II. A or II.B” shall be replaced by the following words: “List I, part A, List I, part B, List II, part A or List II, part B”.

Article 33

In Article 47, paragraph 1 the words: “List V. A” shall be replaced by the following words: “List V, part A”.

In paragraph 2 the words: “List V. A” shall be replaced by the following words: “List V, part A”.

Article 34

In Article 51, paragraph 2, the full stop shall be replaced by comma and the following words shall be added: “and issued approval by the Director of the Phytosanitary directorate”.

Article 35

In Article 52, paragraph 3 before the word “Phytosanitary”, the following words shall be added: “the Director of”.

In paragraph 5 the word “technical” shall be deleted.

Article 36

In paragraph 58, paragraph 1, indent 1 the words: “List I. A, List II. A or in case of protected zone from List I. B and List II. B” shall be replaced by the following words: “List I part A, List II, part A or in case of protected zone from List I, part B and List II, part B”.

Article 37

In Article 69, a new indent 2 shall be added as follows:

“-to regulate measures and way of implementation of EU and international standards;”.

Article 38

In Article 74, after paragraph 1 a new paragraph 2 shall be added as follows:

“2) Authorisations of paragraph 1 from this Article referring to the forest plants, forest nurseries and forest reproduction material shall be performed by the forestry and hunting inspection, except for the import from other countries, transport, transit and export, pursuant to the Law on forests.”

Article 39

In Article 77, paragraph 1, the full stop shall be deleted and the following words shall be added: “and a uniform”. In paragraph 3 after the word “Article” following words shall be added: “and the uniform”.

Article 40

In Article 78, after paragraph 1 a new paragraph 2 shall be added as follows:

“2) Besides matters stated in paragraph 1 of this Article, the State phytosanitary laboratory shall also perform activities regulated by the programme of Article 5, paragraph 6 of this Law.”

Paragraph 2 shall become paragraph 3.

Article 41

In Article 79, after paragraph 4 a new paragraph 5 shall be added as follows:

“5) Certain matters upon performing phytosanitary inspection regarding the implementation of this Law and the provisions adopted based on this Law may be also performed by persons authorised by the Minister of agriculture, forestry and water economy.”

Article 42

In Chapter XI the word “PENALTY” shall be replaced by the word "MISDEMEANOUR" and a new subtitle shall be added as follows: “Misdemeanour body” and a new Article 79-a as follows:

“Article 79-a

A misdemeanour body for the misdemeanours from Articles 80, 81 and 82 of this Law shall be the Phytosanitary directorate.”

Article 43

In the title of Article 80 after the word “Misdemeanours” the following words shall be added: “of legal entities”.

Article 44

In Article 80, paragraph 1, the introductory statement shall be amended as follows:

“A fine in amount of 2.500 to 5.000 euros in denars counter value shall be imposed to the legal entity for a misdemeanour, if:”

In items 1 and 2 the words: “List I.A and List II.A” shall be replaced by the following words: “List I, part A and List II, part A”.

Item 3 shall be amended as follows:

“3. has not immediately inform the Phytosanitary directorate on the emergence of harmful organisms stated in List I, part A and List II, part A on the territory of the Republic of Macedonia or harmful organisms stated in List I, part B and List II, part B in certain protected zones or on the emergence of symptoms at plants, plant products or other objects and/or on a doubt for existence of harmful organisms stated in List I, part A, List II, part A, List I, part B or List II, part B (Article 9, paragraph 1);”.

In item 5 the words: “List I. A and List II. A” shall be replaced by the following words: “List I, part A and List II, part A”.

Item 8 shall be amended as follows:

“8. imports or putting into circulation harmful organisms stated in List I, part A, List II, part A. List I, part B and List II, part B, as well as plants, plant products and other objects stated in List III, part A, List III, part B, List IV, part A and List IV, part B without meeting the requirements of Article 16, paragraph 1, indents 1,2,3 and 4 of this Law;”

In item 10 the words: “List V. B” shall be replaced by the following words: “List V, part B”.

In item 15 the words: “List V. A I” shall be replaced by the following words: “List V, part A, section I”.

In item 16 the words: “List V. A II” shall be replaced by the following words: “List V, part A, section II”.

In item 18 the words: “List V. A” shall be replaced by the following words: “List V, part A”.

In item 24 the words: “Lists I.A and II.A” shall be replaced by the following words: “List I, part A and List II, part A”.

Paragraph 2 shall be amended as follows:

“2) “A fine in amount of 1.000 to 2.000 euros in denars counter value shall be imposed to the responsible person in the legal entity for a misdemeanour determined in paragraph 1 of this Article.”

Paragraph 3 shall be amended as follows:

“3) “Besides the fine stated in paragraph 1 of this Article, a misdemeanour sanction - temporary prohibition on conducting activities with duration of 15 to 30 days shall be imposed to the legal entity.”

Paragraph 4 shall be amended as follows:

"4) "A fine in amount of 100 to 500 euros in denars counter value shall be imposed to the natural person for a misdemeanour determined in paragraph 1 of this Article."

Article 45

Title "Misdemeanours" shall be deleted, which is under Article 81.

In Article 81, paragraph 1, the introductory statement shall be amended as follows:

"1) A fine in amount of 2.000 to 4.000 euros in denars counter value shall be imposed on the legal entity for a misdemeanour, if:"

Item 1 shall be amended as follows:

"1. has not been entered into the registry of producers, processors, importers and plant distributors of plants, plant products and other objects, and is engaged in production, processing, import and distribution of plants, plant products and other objects from List V, part A and List V, part B and the producers of certain plants, plant products and other objects, which are not determined in List V, part A and relevant centres and delivery of the production (Article 19, paragraphs 1 and 2);"

In item 3 the words: "List V. A" shall be replaced by the following words: "List V, part A".

In item 6 the words: "list I. A, I. B, II. A or II.B" shall be replaced by the following words: "'List I, part A, List I, part B, List II, part A or List II, part B".

In item 7 the words: "List V. A" shall be replaced by the following words: "List V, part A".

Paragraph 2 shall be amended as follows:

"2) A fine in amount of 900 to 1.800 euros in denars counter value shall be imposed to the responsible person in the legal entity for a misdemeanour determined in paragraph 1 of this Article."

Paragraph 3 shall be amended as follows:

"3) Besides the fine stated in paragraph 1 of this Article, a misdemeanour sanction - temporary prohibition on conducting activities with duration of 1 to 15 days shall be imposed to the legal entity."

Paragraph 4 shall be amended as follows:

"4) A fine in amount of 100 to 300 euros in denars counter value shall be imposed to the natural person for a misdemeanour determined in paragraph 1 of this Article."

Article 46

Subtitle: "In situ penalties" shall be amended as follows: "In situ fines".

Article 47

Paragraph 82 shall be amended as follows:

"Fine in situ in amount of 500 euros in denars counter value shall be imposed to the responsible person in the legal entity, if he/she has conducted an action determined in Article 80, paragraph 1, items 1, 2, 3, 12, 13, 14,15, 16 and 20 and of Article 81, paragraph 1, items 3, 5, 8, and 11 of this Law."

Article 48

In Article 84, paragraph 3 the words: “List I.A and List II.A” shall be replaced by the following words: “List I, part A and List II, part A”.

After paragraph 3, three new paragraphs 4, 5, and 6 shall be added as follows:

“4) Producers of seed and propagating material shall be obliged to report the seed production to the Phytosanitary directorate and the authorised legal entity for conducting the mandatory medical examination 30 days from the beginning of the seeding season, and for the propagating material not later than 30th of April in the current year

5) The authorised person shall be obliged to conduct examination during the vegetation at least two times a year, if necessary, to determine measures, to issue health certificate of the condition and to submit a report to the Phytosanitary directorate.

6) The manner, time, criteria for assessment of the health condition, the content and form of the health certificate shall be regulated by the Minister of agriculture, forestry and water economy.”

Paragraphs 4 and 5 shall become paragraphs 7 and 8.

Article 49

In Article 85, paragraph 2 after the word “propagating” following words shall be added: “ holds a certificate of the health condition stated in Article 84, paragraphs 1 and 2 of this law and”, and the words: “List I.A and List II.A” shall be replaced by the following words: “List I, part A and List II, part A”.

After paragraph 4, a new paragraph 5 shall be added as follows:

“5) The manner of issuance and the form and content of the certificate stated in paragraph 2 of this Article shall be regulated by the Ministry of agriculture, forestry and water economy.”

Article 50

In Article 86, paragraph 1 the words: “List I.A and List II.A” shall be replaced by the following words: “List I, part A and List II, part A”.

Article 51

Legal entities who received authorisations for conducting activities in the area of plants health shall be obliged to harmonize their activities and to submit a request for authorisation by the entry into force of this Law in accordance with Articles 60 and 67 of this Law.

Article 52

In Article 89, paragraph 1, a full stop shall be added after the parenthesis, and the text until the end of the paragraph shall be deleted.

Article 53

1) From the day of accession of the Republic of Macedonia into the European Union in Article 3, item 11 of this Law, the word movement shall mean movement within the Member States of the European Union.

2) From the day of accession of the Republic of Macedonia into the European Union, the term other countries shall mean the countries, which are not Member States of the European Union.

3) From the day of accession of the Republic of Macedonia to the European Union, in Article 3, item 16 of this Law, the word transit shall mean transfer of goods subject to customs supervision from one place to another in the customs area in the European Union.

Article 54

This Law shall enter into force on the eighth day of the day of its publication in the "Official Gazette of the Republic of Macedonia".