

Pursuant to Articles 6 and 295 of the Customs Law (Official Gazette of the Republic of Montenegro, No 7/02, 38/02, 72/02, 21/03, 29/05 and 66/06 and Official Gazette of Montenegro, No 21/08), the Government of Montenegro on its session held on 9 July 2009 has adopted the

## **Decree on Conditions for Pursuit of Representation Activities before the Customs Authority**

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### **I BASIC PROVISIONS**

#### **Article 1**

This Decree stipulates conditions and procedure for issuing approval for pursuit of representation activities before the customs authority in the procedure of deciding about the customs approved treatment or use of commodity.

#### **Article 2**

- (1) The representation activities before the customs authority (hereinafter referred to as the representation activities) may be carried out by business organizations or entrepreneurs fulfilling conditions stipulated by this Decree and having approval for pursuit of such activities.
- (2) In the event business organizations or entrepreneurs file the customs declaration on behalf and for account of another person, or on own behalf and for account of another person, the customs declaration may only be signed on behalf of holder of the approval by a person having a license to carry out the representation activities.
- (3) In the event business organizations or entrepreneurs file the customs declaration on own behalf and for own account, the customs declaration may only be signed by a person having a license to carry out the representation activities.
- (4) The approval referred to in paragraph 1 of this Article shall be in the title or name and shall not be transferable.

### **II APPROVAL FOR PURSUIT OF REPRESENTATION ACTIVITIES**

#### **Article 3**

The approval for pursuit of representation activities shall be issued to a business organization or an entrepreneur that meets the following conditions:

1. has a registered office or permanent resident in the customs territory of Montenegro, except in cases referred to in Article 72 paragraph 3 of the Customs Law;

2. it is registered for pursuit of representation activities;
3. employs at least one person with a license for pursuit of representation activities;
4. has business premises, in ownership or under a lease;
5. has equipment that enables pursuit of representation activities (adequate telephone and facsimile connection, computer with required software support and similar).

#### **Article 4**

- (1) The Customs Administration shall issue the approval for pursuit of representation activities, based on a request in writing from a business organization or an entrepreneur.
- (2) The following shall be submitted along with the request referred to in paragraph 1 of this Article:
  1. Extract from the registry of the competent authority that the applicant is registered for pursuit of representation activities and that has registered office or permanent residence in the customs territory of Montenegro;
  2. list of persons having license for pursuit of representation activities authorized by the applicant for signing customs declarations, submitted by the applicant for the account of other persons;
  3. evidence of employment (labour contract) of persons referred to in item 2 of this paragraph;
  4. evidence of ownership or on lease of the business premises;
  5. list of available computer and telecommunication equipment, including also supporting software support with email address and internet connection and contract for use of telecommunication connection.

#### **Article 5**

- (1) Approval for pursuit of representation activities shall issued within 15 days as of the day the proper request is submitted.
- (2) The approval referred to in paragraph 1 of this Article shall be issued on the form OOPZ printed along with this Decree and making its integral part.
- (3) The Customs Administration shall keep the registry of approvals and shall publish a list of holders of approvals on its website.

#### **Article 6**

- (1) Holder of the approval for pursuit of representation activities (hereinafter referred to as the customs representative) shall be obliged to notify the Customs Administration in writing of all changes referred to in Article 3 of this Decree, by no later than within five days as of the day the change occurred.
- (2) The customs representative shall be obliged to notify the Customs Administration in writing on change of a person authorised to sign customs declarations filed for account of other persons, by no later than within three days as of the day the change occurred.

### Article 7

- (1) The Customs Administration shall revoke the approval for pursuit of representation activities:
  1. if the approval was issued based on incorrect information;
  2. if the customs representative ceases to meet conditions stipulated for issuing the approval;
  3. if the customs representative is breaching customs and other regulations for which implementation the customs authority is in charge;
  4. if the customs representative is convicted by a final and non-appealable ruling for a crime connected with pursuit of representation activities, as well as other crime making him unworthy to pursue those activities;
  5. upon request of the holder of approval;
  6. if a bankruptcy proceedings were opened over the customs representative.
- (2) The customs representative having its approval revoked cannot be issued with a new approval within a period of two years following the day of its revocation.
- (3) Data on revoked approvals shall also be entered in the registry of approvals referred to in Article 5 paragraph 3 of this Decree.
- (4) Provisions of this Article shall apply accordingly also to revoking a license for pursuit of representation activities.

## III LICENSE FOR PURSUIT OF REPRESENTATION ACTIVITIES

### Article 8

- (1) A license for pursuit of representation activities (hereinafter referred to as the license) shall be issued upon a request to a natural person who:
  1. has habitual residence in the customs territory of Montenegro;
  2. has at least a secondary education and at least two years of work experience on activities directly connected with business of shipping commodities;
  3. has passed the professional exam for acquiring the license, unless is exempt from taking such exam in accordance with this Decree;
  4. in the period of two years, immediately preceding the submission of request for issuing license was not punished for crimes committed in pursuit of the customs representative activities or other crimes for failure to pay or avoiding to pay customs duty and other duties paid in the customs procedure.
- (2) The request for issuing the license shall be submitted to the Customs Authority in writing.
- (3) The following shall be submitted along with the request referred to in paragraph 2 of this Article:
  1. Extract from the registry of the competent authority that the applicant has permanent residence in the customs territory of Montenegro;

2. Original or authenticated photocopy of a diploma or another document evidencing that the applicant has a required education degree.
- (4) The Customs Administration shall obtain evidence on meeting requirements referred to in paragraph 1 items 3 and 4 of this Article *ex officio*.

### **Article 9**

- (1) The license shall be issued within 15 days as of the day the proper application is lodged.
- (2) The license shall be issued on the form LOPZ, printed along with this Decree and making its integral part.
- (3) The license shall in the name and shall not be transferable.
- (4) The holder of the license shall be obliged to present for insight the original license upon request of the competent customs authority.
- (5) The Customs Administration shall keep the registry of licenses and shall publish a list of holders of licenses on its website.
- (6) The license shall be issued for a period of five years and can be extended upon request of the holder of license. The request for extending the license must be submitted no later than 30 days before lapse of the period for which the license was issued.
- (7) If the holder of license fails to submit a request for extending the license within the deadline referred to in paragraph 6 of this Article, the license shall cease to be valid as of expiry of period for which was issued.

## **IV PROFESSIONAL EXAM FOR ACQUIRING THE LICENSE**

### **Article 10**

- (1) The Customs Administration shall carry out and organize the professional exam for acquiring the license.
- (2) The professional exam for acquiring the license shall be taken before the examination commission (hereinafter referred to as the Commission) appointed by the Customs Administration.
- (3) The Commission referred to in paragraph 2 of this Article shall be composed of representatives of the Ministry of Finance, Customs Administration and Administration for Inspections Affairs.
- (4) The Commission shall have five members who must have tertiary education degree. The Commission shall be appointed for a period of four years.

- (5) A persona taking the exam shall bear costs of taking the professional exam.
- (6) The Customs Administration shall determine the amount of costs referred to in paragraph 5 of this Article, with consent of the Ministry of Finance.
- (7) Members of the Commission shall be entitled to remuneration for work in the amount set by the Customs Administration.

### **Article 11**

- (1) The request to take the professional exam for acquiring the license shall be lodged with the Customs Administration.
- (2) A program for taking the professional exam shall include fields pertaining to:
  1. customs system and procedure, especially with using customs documents;
  2. basis of the tax system regulations and their application in the customs clearance procedure;
  3. knowledge of commodities and the Customs Tariff;
  4. foreign trade system and international customs conventions;
  5. basis of sanitary, phytosanitary, veterinary and other regulations applied the customs clearance procedure.
- (3) A person who has passed the customs exam and has at least 10 years of work experience in customs activities shall be exempted from taking the professional exam.
- (4) The Ministry of Finance shall adopt a detailed program and the manner of taking the professional exam for acquiring the license.
- (5) A candidate who has passed the professional exam shall be issued with a certificate on passed professional exam on the Form UPSI, printed along with this Decree and making its integral part.
- (6) The Customs Administration shall keep the registry of persons who have applied to take the professional exam and who have passed the professional exam.

## **V Transitional and Final Provisions**

### **Article 12**

Regulations for application of this Decree shall be adopted within 90 days as of the day of its entry into force.

### **Article 13**

Natural persons who received a license in accordance with the Decree on Conditions for Pursuit of Representation Activities before the Customs Service Authorities (Official

Gazette of the Republic of Montenegro, No 20/03 and 62/04) may use such license until lapse of the period for which it was issued.

#### **Article 14**

As of the day this Decree commences with application the Decree on Conditions for Pursuit of Representation Activities before the Customs Service Authorities (Official Gazette of the Republic of Montenegro, No 20/03 and 62/04) shall cease to apply

#### **Article 15**

This Decree shall enter into force on the eighth day as of the day of publication in the "Official Gazette of Montenegro" and shall apply from 1 January 2010.

Number: 03-8151  
Podgorica, 9 July 2009

**Government of Montenegro**  
Prime Minister  
Milo Đukanović, m.p.

**Form - OOPZ**

**GOVERNMENT OF MONTENEGRO  
CUSTOMS ADMINISTRATION OF MONTENEGRO**

Pursuant to Article 4 paragraph 1 of the *Decree on Conditions for Pursuit of Representation Activities before the Customs Authority* (Official Gazette of Montenegro, No \_\_\_\_\_) the

**CUSTOMS ADMINISTRATION OF MONTENEGRO**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(company name/name and surname and address of the business organisation or entrepreneur)

Tax/Personal identification number .....

**APPROVAL**  
***for pursuit of representation activities before the customs authority***

Serial number: .....

Podgorica, on day .....

DIRECTOR

**Form - LOPZ**

**GOVERNMENT OF MONTENEGRO  
CUSTOMS ADMINISTRATION OF MONTENEGRO**

Pursuant to Article 9 paragraph 1 of the *Decree on Conditions for Pursuit of Representation Activities before the Customs Authority* (Official Gazette of Montenegro, No \_\_\_\_\_) the

**CUSTOMS ADMINISTRATION OF MONTENEGRO**

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\_\_\_\_\_  
(name and surname)

born on .....

in .....

Tax/Unique Citizen's Identification number .....

**LICENSE**

***for pursuit of representation activities before the customs authority***

Serial number: .....

Podgorica, on day .....

Valid until:.....

DIRECTOR



Form - UPSI

**GOVERNMENT OF MONTENEGRO  
CUSTOMS ADMINISTRATION OF MONTENEGRO**

**CERTIFICATE  
ON PASSES PROFESSIONAL EXAM FOR ACQUIRING LICENSE FOR  
PURSUIT OF REPRESENTATION ACTIVITIES BEFORE THE CUSTOMS  
AUTHORITY**

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(name and surname)

born on .....

in .....

Tax/Unique Citizen's Identification number .....

**PASSED**

Before the Commission for taking the professional exam for acquiring the license, on  
day \_\_\_\_\_

***PROFESSIONAL EXAM FOR ACQUIRING THE LICENSE FOR PURSUIT OF  
REPRESENTATION ACTIVITIES BEFORE THE CUSTOMS AUTHORITY***

The Certificate is issued pursuant to Article 11 paragraph 5 of *Decree on Conditions for Pursuit of Representation Activities before the Customs Authority* (Official Gazette of Montenegro, No \_\_\_\_\_).

Serial number: .....

Podgorica, on day .....

CHAIRMAN OF THE  
EXAMINATION COMMISSION