

**DECISION OF THE JOINT COMMITTEE OF THE CENTRAL EUROPEAN FREE
TRADE AGREEMENT 2006
No. 1/2020**

**On Facilitating Trade for Fruit and Vegetables
Adopted on 25 February 2020
The Joint Committee**

PREAMBLE

Having regard to Articles 40.4 and 41.5 of Annex 1 to the Agreement on Amendment of and Accession to the Central European Free Trade Agreement CEFTA 2006 done in Bucharest on 19 December 2006, and its Articles 3(1) & 3(2), 4,8,13 17, 23, 24 and 27 of CEFTA Additional Protocol 5 (hereinafter referred to as "AP 5");

Having regard, in particular, to Article 23 '*Perishable Goods*' of the AP5, which aims to prevent avoidable loss or deterioration of perishable goods, provided that all regulatory requirements have been met;

Having regard, in particular, to Article 24 '*Border and Other Agency Cooperation*' of AP5, which aims to facilitate the mutual recognition of goods as a means of facilitating trade;

Having resolved to eliminate the obstacles to their mutual trade, in accordance with the provisions of the Marrakesh Agreement Establishing the World Trade Organisation (hereinafter referred to as "WTO"), and to progressively establish closer trade relations within CEFTA Parties;

Having resolved to conduct their mutual trade relations in accordance with the rules and disciplines of the WTO, in particular the SPS and TBT Agreements, whether or not they are Members of the WTO;

Emphasising the role of the EU alignment process in each CEFTA Party offering a common standard as reflected in Articles 3(1), 3(2), 24, and Annex I of the AP 5 triggering the mutual recognition of programmes, documents, and inspections among CEFTA Parties;

Noting that no provision of this Ministerial Decision may be interpreted as exempting the CEFTA Parties from their obligations under other international agreements, in particular the International Plant Protection Convention (IPPC);

Having resolved to strengthen trade-economic relations and mutual understanding amongst CEFTA Parties;

Acknowledging the importance of international cooperation, and also the aim to expand regional cooperation;

Considering that the CEFTA Parties are determined to improve food safety and the trade in fruit and vegetables entering or exiting their territories, without hampering trade flows;

Noting that primary responsibility rests on the professional operator trading in fruit and vegetables to ensure that only safe fruit and vegetables representing no danger and diseases are placed on the market;

Seeking to facilitate trade development through the introduction of modern forms and methods of inspection;

Acknowledging the need to exchange data by employing electronic instruments with the aim of strengthening and improving the quality of risk analysis by CEFTA Parties;

Underlining the necessity of investment on information and communication technologies to facilitate the electronic exchange of information amongst CEFTA Parties, as required by this Decision;

Emphasising the importance of a complete review to be undertaken by each CEFTA Party confirming the readiness of its information and communication technology infrastructure for the implementation of the provisions of this Decision requiring the electronic exchange of data at the national level;

Expressing the readiness of CEFTA Parties to cooperate with the European Union and other international donors willing to provide financial assistance to the necessary investments to cater to the information and communication technology needs of CEFTA Parties for the implementation of the Decision;

Considering that CEFTA Parties have an adequate level of professional secrecy and personal data protection;

The CEFTA Parties hereby agree to this Decision as a means of assisting the trade in fruit and vegetables between the various CEFTA Parties, and neighbouring EU and non-EU countries.

Has decided as follows:

INTRODUCTION

Article 1 General Objective and Scope

The objective of this Decision is that the CEFTA Parties achieve a facilitation of trade between CEFTA Parties, in particular by:

- (a) simplifying inspections related to all clearance procedures for trade in fruit and vegetables between the CEFTA Parties and a reduction of border formalities to the maximum possible extent - in particular, by use of risk-based inspection methods and through the mutual recognition of certificates issued by each CEFTA Party;
- (b) establishing a data and notification system between the competent authorities of the CEFTA Parties involved in goods clearance to the extent that each CEFTA Party's legislation allows;
- (c) establishing a Register of Professional Operators trading in Fruit and Vegetables in each CEFTA Party;
- (d) mutually recognising the professional operators registered in the Register of Professional Operators trading in Fruit and Vegetables of another CEFTA Party;

(e) establishing a common CEFTA List of Fruit and Vegetables for which Phytosanitary Certificates are mandatory.

The activities undertaken by the CEFTA Parties for purposes of the implementation of this Decision at the national level shall be harmonised with EU legislation in accordance with Article 24(3) of the AP5 where appropriate.

Article 2 Definitions

Multi-Annual Control Plan means a control plan established by each of the competent authorities of the CEFTA Parties containing information on the structure and organisation of their official control system, and of its operation on a multi-annual basis and the detailed planning of official controls to be performed on the products (fruit and vegetables) covered by the rules in this Decision.

Professional Operators means a legal business entity/person registered to trade in fruit and vegetables across CEFTA Party or EU borders.

Register of Professional Operators Trading in Fruit & Vegetables means the Register of Professional Operators Trading in Fruit and Vegetables listing those professional operators in each CEFTA Party registered to trade across CEFTA Party or EU Borders in line with the rules in this Decision.

Official Controls means any form of control that the competent authorities of the CEFTA Parties performs for the verification of compliance with customs, food and plant health rules covered by this Decision.

Competent authorities means competent authorities responsible for customs, foodsafety, quality and plant health.

Traceability means the ability to trace and follow a fruit or vegetable traded across CEFTA Party or EU borders as provided for by the rules in this Decision.

CEFTA Common List – phytosanitary certificates mean the common CEFTA List of Fruit and Vegetables for which phytosanitary certificates are mandatory.

Documentary Checks means the examination of the official certificates, official attestations and other documents including documents of a commercial nature, which are required to accompany the fruit or vegetable consignment as provided for by the rules in this Decision.

Identity Check means a visual inspection to verify that the content and the labelling of a consignment of fruit or vegetables correspond to the information provided in the official certificates, official attestations and other documents accompanying it.

Physical Check means a check on a consignment of fruit or vegetables as appropriate, checks on packaging, the means of transport, labelling and temperature, the sampling for analysis, testing or diagnosis and any other check necessary to verify compliance with the rules in this Decision.

Fees and charges means financial contributions from the importer or exporter collected by the competent authorities of the CEFTA Parties to recover costs they incur for controls performed in relation to the activities referred to in this Decision, including

those undertaken at Border Control Posts (BCPs) for non-compliant fruit and vegetable products.

Electronic data exchange and notification system means the information system providing for traceability, information exchange and risk management in fruit and vegetables trade.

Broker means any economic operator involved in exporting whose business is the assembly, distribution and sale of fruit and vegetables.

OFFICIAL CONTROLS – FRUIT and VEGETABLES

Article 3 Official Controls

The competent authorities of the CEFTA Parties in each CEFTA Party shall undertake official controls based on a specific Multi-Annual Control Plan (hereinafter referred to as MACP) for Fruit and Vegetables including Multiannual Control Programmes for Food safety, Plant Health and Quality to verify compliance with the rules for the production and trade of fruit and vegetables.

The MACP for Fruit and Vegetables in each CEFTA Party shall be in alignment with the EU *acquis* for food safety, plant health, quality and other relevant areas of interest, no later than one year after adoption of the Decision and shall be submitted to all other CEFTA Parties and the CEFTA Secretariat.

The CEFTA Secretariat shall provide an overall template for the MACP for Fruit and Vegetables, Annual MACP Report and additional Reporting Obligations no later than one month after adoption of the Decision to ensure that it remains harmonised across all CEFTA Parties.

Article 4 Designation of Coordination Body preparing MACP for Fruit and Vegetables

Each CEFTA Party shall designate Coordination Body preparing MACP for Fruit and Vegetables tasked with:

- (a) coordinating the preparation of the MACP for Fruit and Vegetables across all competent authorities of the CEFTA Parties responsible for the official controls of fruit and vegetables;
- (b) ensuring that the MACP for Fruit and Vegetables is coherent;
- (c) collecting the information on the implementation of the MACP in view of submitting an annual report on its implementation, which will be published and available to all other CEFTA Parties and the public to ensure that there is an open transparent system for the dissemination of the results.

Member of the Sub-committee on Agriculture including Sanitary and Phytosanitary Issues from the respective CEFTA Party shall Chair the Coordination Body preparing MACP for Fruit and Vegetables as referred in paragraph 1. Deputy Chair of the Coordination Body shall be nominated by the competent authority in charge for Sanitary and Phytosanitary Issues from the respective CEFTA Party.

Article 5

Content of the MACP for Fruit and Vegetables

The MACP for Fruit and Vegetables shall contain general information on the structure and organisation of the systems of official controls for fruit and vegetables in each CEFTA Party and shall contain information as follows:

- (a) the strategic objectives of the MACP for Fruit and Vegetables and on how the prioritisation of official controls on fruit and vegetables and allocation of resources reflect these objectives;
- (b) the risk categorisation for the official controls of fruit and vegetables;
- (c) the designation of competent authorities and their tasks at central, regional and local level, and the resources available to those authorities;
- (d) where appropriate, the delegation of tasks to delegated bodies;
- (e) the general organisation and management of official controls on fruit and vegetables at national, regional and local level, including official controls in individual establishments;
- (f) procedures and arrangements (including audits) in place to ensure compliance with the obligations of the competent authorities;
- (g) the training of staff of the competent authorities;
- (h) the general organisation and operation of contingency plans in the case of the entry of quarantine pests into CEFTA Parties territories;
- (i) the general organisation of cooperation and mutual assistance between competent authorities in the, and between CEFTA Parties;
- (j) Programmes for Pesticide Residues control;
- (k) Programme for Plant Health control;
- (l) Programme for Contaminants control;
- (m) Programme for quality control;(n) cooperation procedures with EU Member States, the EU Commission and the European Food Safety Authority (EFSA).

Article 6

Programmes for Pesticide Residues Control

Within the MACP for fruit and vegetables, each CEFTA Party shall establish a multiannual control programme for pesticide residues affecting fruit and vegetables. They shall update their multiannual programme every year.

This multiannual programme shall be risk-based and aimed in particular at assessing consumer exposure and compliance with the existing rules in the CEFTA Parties and the equivalent EU *acquis*.

The multiannual programme shall specify the following:

- (a) the fruit and vegetable products to be sampled;
- (b) the number of samples to be taken and analyses to be carried out;
- (c) the pesticides to be analysed;
- (d) the criteria applied in drawing up such programmes, including:
 - i. the pesticide-product combinations to be selected;
 - ii. the number of samples taken for domestic and non-domestic products respectively;
 - iii. consumption of the products as a share of the national diet;
 - iv. the results of previous control programmes; and

- v. the results of the EU coordinated monitoring programme for pesticide residues in food.

Article 7 Programme for Plant Health Control

Within the MACP for fruit and vegetables, each CEFTA Party shall establish a multiannual control programme for plant health. They shall update their multiannual programme every year.

This multiannual programme shall be risk-based and aimed in particular at assessing the plant health status within each CEFTA Party and compliance with their existing national rules and the equivalent EU *acquis*. CEFTA Parties shall prepare pest status in relation to harmful organisms of fruit and vegetables.

The multiannual programme shall include:

- (a) the list of harmful organisms and pests whose introduction and spread into CEFTA parties would affect the trade in fruit and vegetables. The CEFTA Parties shall produce a list of priority pests of concern to fruit and vegetables within 2 years following the adoption of this Decision;
- (b) the sampling programme for plant health check;
- (c) the survey programme to be carried out for regulated and priority pests affecting fruit and vegetables;
- (d) eradication procedures on the discovery of quarantine pests affecting fruit and vegetables;
- (e) contingency plans for priority pests affecting fruit and vegetables.

Article 8 Programme for Contaminants Control

Within the MACP for fruit and vegetables, each CEFTA Party shall establish a multiannual control programme for contaminants. The programme shall include microbial contaminants.

The multiannual programme shall be risk-based and compliant with the existing rules in the CEFTA Parties and the equivalent EU *acquis*.

The multiannual programme shall specify the following:

- (a) the fruit and vegetable products to be sampled;
- (b) the number of samples to be taken and analyses to be carried out;
- (c) the contaminants to be analysed;
- (d) the criteria applied in drawing up such programmes, including:
 - the number of samples taken for domestic and non-domestic products respectively;
 - the results of previous contaminant control programmes;
 - the results of specific microbial contaminant control programmes.

Article 8a Programme for Quality Control

Within the MACP for fruit and vegetables, each CEFTA Party shall establish a multiannual programme for quality control.

The multiannual programme shall be risk-based and compliant with the existing rules in the CEFTA Parties and the equivalent EU *acquis*.

The multiannual programme shall specify the following:

- (a) the fruit and vegetable products to be sampled;
- (b) the number of samples to be taken and analyses to be carried out;
- (e) the criteria applied in drawing up such programmes, including:
 - the number of samples taken for domestic and non-domestic products respectively;
 - the results of previous specific control programmes;

Article 9 Contingency Plans

CEFTA Parties shall draw up contingency plans for fruit and vegetables setting out measures to be applied without delay when fruit or vegetables are found to pose a serious risk to human or plant health either directly or through the environment.

The contingency plans for fruit and vegetables shall specify:

- (a) the competent authorities to be involved;
- (b) the powers and responsibilities of the competent authorities referred to in point (a);
- (c) channels and procedures for sharing information between competent authorities and other CEFTA Parties concerned as appropriate;
- (d) the list of pests which are of potential risk for introduction and spreading; and
- (e) the list of active substances which should be tested in fruit and vegetables.

CEFTA Parties shall review regularly their contingency plans for fruit and vegetables to take into account changes in the organisation of their competent authorities and experience gained from implementing the contingency plan and specific simulation exercises.

Article 10 Review of the MACP for Fruit and Vegetables

Each CEFTA Party shall regularly update its MACP for Fruit and Vegetables to take account of the following factors:

- (a) the emergence of new diseases, pests or other risks to human, plant health or to the environment;
- (b) significant changes to the structure, management or operation of the competent authorities in the CEFTA Parties;
- (c) the outcome of CEFTA Parties' official controls;
- (d) scientific findings;
- (e) developments in the European Union.

The reviewed MACP shall be approved by the Sub-committee on Agriculture including Sanitary and Phytosanitary Issues.

Article 11

CEFTA Party Reporting Obligations

By 31 August every year, each CEFTA Party shall submit to all other CEFTA Parties and the CEFTA Secretariat, the Annual MACP Reports for Fruit and Vegetables for the previous year setting out:

- a) Any amendments to its MACP for Fruit and Vegetables to take into account developments that have taken place;
- b) The outcome of official controls performed under its MACP for Fruit and Vegetables;
- c) The type and number of cases of non-compliance;
- d) The measures taken to ensure the effective operation of its MACP for Fruit and vegetables, including enforcement actions and the results of such measures.

The Annual MACP Reports for Fruit and Vegetables shall be submitted to the next following Sub-committee on Agriculture including Sanitary and Phytosanitary Issues.

Article 12

Cooperation amongst CEFTA Parties on MACPs for Fruit and Vegetables

The CEFTA Parties shall meet every year within the Sub-committee on Agriculture and SPS issues to review the Annual MACP Reports for Fruit and Vegetables of each CEFTA Party and the progress made in implementing the provisions of this Decision. The meetings shall serve as a means of enhancing co-operation amongst the competent authorities in the CEFTA Parties on best practice, information sharing, training and content of each CEFTA Parties MACP for Fruit and Vegetables. The meetings shall also assess if there are requests by any CEFTA Party to amend or update any of the provisions of this Decision.

Article 13

Independent Validation of MACPs on Fruit and Vegetables

Within three years after the adoption of this Decision, the CEFTA Secretariat shall engage Independent Experts to carry out an Assessment of the MACP in Fruit and Vegetables in each CEFTA Party as a means of enhancing the implementation and alignment of the MACP in Fruit and Vegetables to EU *acquis* norms.

Independent Experts shall draft an Assessment Report on alignment of each CEFTA Party MACP in Fruit and Vegetables with EU *acquis* norms.

The Committee on Trade Facilitation shall recommend to the Joint Committee to conclude, for the purposes of mutual recognition, that the MACP of the CEFTA Party is in line with the EU *acquis* norms if the Assessment Report is positive.

The CEFTA Parties may continue this process of independent validation in subsequent periods as they see fit, and in cases where a CEFTA Party has not yet adopted a MACP within the time-limit referred to in paragraph 1.

Article 14 Laboratories

The competent authorities in the CEFTA Parties shall officially appoint laboratories to carry out the laboratory analyses, tests and diagnoses on samples taken during official controls and other official activities covered by this Decision.

The competent authorities in the CEFTA Parties shall only officially appoint laboratories for specific tests which have the expertise, trained staff, equipment and infrastructure required to carry out analyses or tests and methods on such samples or accredited for such tests in accordance with the standard EN ISO/IEC 17025.

The CEFTA Parties shall exchange amongst the Parties a list of officially appointed laboratories. This task shall be facilitated by the CEFTA Secretariat.

Article 15 Methods of Sampling

Methods used for sampling and for laboratory analyses, tests and diagnoses during official controls and other official activities shall comply with relevant international standards and EU rules.

Samples shall be taken, handled and labelled in such a way as to ensure their legal, scientific and technical validity.

The CEFTA Parties shall introduce procedures aligned with the EU rules on:

- (a) the methods to be used for sampling and for laboratory analyses, tests and diagnoses;
- (b) performance criteria, analysis, test or diagnosis parameters, measurement uncertainty and procedures for the validation of those methods;
- (c) the interpretation of analytical, testing and diagnostic results.

Article 16 Second Expert Opinion

The competent authorities of the CEFTA Parties shall ensure that professional operators, whose fruit or vegetables are subject to sampling, analysis, test or diagnosis in the context of official controls, have the right to a second expert opinion, at the professional operator's own expense. The right to a second expert opinion shall entitle the professional operator to request a documentary review of the sampling, analysis, test or diagnosis by another recognised and appropriately qualified expert.

Where relevant, appropriate and technically feasible, having regard in particular to the prevalence and distribution of the hazard in the fruit and vegetables and to the perishability of the samples analysed, the competent authorities of the CEFTA Parties shall:

- (a) when taking the sample, and if requested by the operator, ensure that a sufficient quantity is taken to allow for a second expert opinion, or
- (b) where it is not possible to take a sufficient quantity as referred to in point (a), inform the professional operator thereof.

These paragraphs (1. and 2) shall not apply in plant health area, in case of the presence of quarantine pests in fruit and vegetables.

CEFTA Parties may decide that, where there is a dispute between the competent authorities and the professional operator that is based on the second expert opinion the professional operator may request, at its own expense, the documentary review of the initial analysis, test or diagnosis and, where appropriate, another analysis, test or diagnosis by another CEFTA officially accredited laboratory.

The right of a professional operator to seek a second expert opinion under this Article shall not affect the obligation of competent authorities to take prompt action to eliminate or contain the risks to human, animal or plant health or to the environment by means of any provisions of this Decision.

REGISTER OF PROFESSIONAL OPERATORS TRADING IN FRUIT and VEGETABLES

Article 17 Register of Professional Operators

In order to ensure the effective implementation of this Decision, a Register of Professional Operators, involved in the exporting of fruit and vegetables (hereinafter referred to as Register) shall be established by each CEFTA Party.

The process of establishing and developing the Registers will be coordinated by the CEFTA Secretariat in order that the Register will be in the same format in all CEFTA Parties.

In addition, the Joint Committee shall adopt standard operating manuals aligned with the EU acquis detailing the traceability of food safety and pest risk management plan mandatory obligations for professional operators listed in the Register.

Each CEFTA Party shall establish the Register referred to in paragraph 1 within three years of the adoption of this Decision.

Article 18 Application Process

The application for registration shall include the following elements:

- (a) name, address in the CEFTA Party of registration and contact details of the professional operator;
- (b) the commodity types, genus or species of the fruit and vegetables traded by means of the activities of the professional operator.

Professional operators trading in fruit and vegetables shall, submit annually an update concerning any changes in the data of their Registration.

Where the competent authority of the CEFTA Party becomes aware that a professional operator no longer carries out the activities referred to in its registration or that the elements included in the application submitted by the professional operator in accordance with this Decision are no longer correct, it shall ask the operator to correct those elements immediately or within a specified period of time. Where the

professional operator does not correct those elements within the period of time set by the competent authority in the CEFTA Party, the competent authority shall, as appropriate, amend or revoke the registration of that operator.

Article 19

Availability of information of National Registers

Each CEFTA Party shall make available the information contained in their Register to other CEFTA Parties and to the CEFTA Secretariat.

Article 20

Traceability

A professional operator trading in fruit and vegetables shall keep a record allowing that operator to identify, for each trade unit of fruit or vegetables to whom it supplies such product or the professional operators who supplied it with such fruit and vegetables.

Professional operators shall keep trading records in fruit and vegetables for at least one year after the date of completion of such trade.

Article 21

Food Safety and Pest Management Plan

Once registered all professional operators trading in fruit and vegetables must have in place a food safety and pest management plan.

The CEFTA Secretariat shall provide an overall template for the Food Safety and Pest Management Plan. The Plan shall cover, where appropriate in the form of CEFTA standard operating procedure manuals, at least the following:

- (a) information concerning the registration of the professional operator;
- (b) information concerning the traceability of fruit and vegetables under the control of the professional operator;
- (c) a description of the production processes utilised by the professional operator and any activities regarding the movement and sale of fruit and vegetables;
- (d) an analysis of the critical points for pest control in the premises of the professional operator and the measures taken by the operator to mitigate the pest risks associated with those critical points;
- (e) the procedures in place and actions foreseen where quarantine pests are suspected or found to be present in their premises, the recording of those suspicions or findings and the recording of the actions taken;
- (f) the roles and responsibilities of the personnel employed by the professional operator involved in the notifications of an imminent danger.

Where the competent authority of the CEFTA Party becomes aware that the professional operator trading in fruit and vegetables operates a food safety and pest management plan that is no longer up to date with any of the requirements in this Article, that authority shall without delay take the measures necessary to ensure that non-compliance with those conditions does not continue. Those measures may include the withdrawal of the approval of that plan.

Where the competent authority in the CEFTA Party has taken measures other than the withdrawal of the approval of the plan, and the non-compliance continues, that authority shall without delay withdraw that approval.

PHYTOSANITARY CERTIFICATES

Article 22 Phytosanitary Certificate

A phytosanitary certificate or other mutually recognized plant health document is required for the trade amongst CEFTA Parties of selected fruit and vegetables as per existing national legislation.

A phytosanitary certificate is also required for the trade in selected fruit and vegetables from other countries.

The CEFTA Parties shall establish a common CEFTA List of Fruit and Vegetables in line with the latest EU list for which Phytosanitary Certificates are mandatory within one year of the adoption of this Decision. The list shall be approved and regularly updated by the Sub-committee on Agriculture including Sanitary and Phytosanitary Issues and shared with relevant stakeholders.

Article 23 Invalidation of phytosanitary certificate

Where a phytosanitary certificate has been issued and the CEFTA Party concerned concludes that the conditions are not fulfilled, it shall invalidate that phytosanitary certificate and ensure that it no longer accompanies the consignment(s) of fruit or vegetables concerned.

Upon invalidation, the certificate concerned shall bear on its face and in a prominent position a triangular stamp in red, marked '*certificate cancelled*' from the respective CEFTA Party, together with its denomination and the date of invalidation.

The CEFTA Party concerned shall notify other CEFTA Parties and professional operators of such invalidated phytosanitary certificates through means of the electronic notification system. The other country which had issued that phytosanitary certificate shall also be notified by the CEFTA Party concerned.

BORDER CONTROL POINTS (BCPs) CONTROLS

Article 24 Official controls on fruit and vegetables at border control posts

In order to verify compliance with the applicable requirements laid down in this Decision, competent authorities in the CEFTA Party shall perform official controls on fruit and vegetables upon arrival of the consignment at the border control post. Those official controls shall include documentary, identity and physical checks.

CEFTA Parties shall apply a risk-based approach as per EU *acquis* norms, taking into account their level of capacity to complete this task following the adoption of this Decision and their status with regard to EU Accession, and official controls shall:

- (a) always include a documentary check; and
- (b) include identity checks and physical checks depending on the risk to human, animal or plant health, as regards GMOs and plant protection products, also to the environment.

Article 25

Phytosanitary Certificates and documents accompanying consignments

The phytosanitary certificates or other documents, or their electronic equivalent to accompany consignments of fruit and vegetables shall be presented to, and kept by, competent authorities in the CEFTA Party at the Border Control Post (BCP).

NOTIFICATION OF IMMINENT PLANT HEALTH, PUBLIC HEALTH OR FOOD SAFETY DANGER

Article 26

Notification of an imminent danger

Where a CEFTA Party has evidence that there is an imminent public health or food safety or plant health danger relating to the trade in fruit or vegetables, the CEFTA Party concerned shall immediately notify all other CEFTA Parties through means of the electronic notification system.

The CEFTA Secretariat will assist the CEFTA Parties by providing a template for the completion of such notifications aligned with international standards.

NON-COMPLIANCE

Article 27

Suspicion of non-compliance and intensified official controls

In the event of suspicion of non-compliance of consignments of fruit and vegetables covered by this Decision, competent authorities in the CEFTA Party concerned shall perform specific official controls in order to confirm or to eliminate that suspicion as per Article 6 AP5.

Where competent authorities in the CEFTA Party have reason to suspect fraudulent or deceptive practices by a professional operator trading in fruit and vegetables who is responsible for the consignment they shall, where appropriate, intensify as appropriate official controls on consignments of fruit and vegetables with the same origin or use. If intensified controls are implemented, competent authorities in the CEFTA Party shall publish these changes as soon as possible, in order to alert other professional operators and CEFTA Parties of these fraudulent or deceptive practices.

Article 28
Measures to be taken in cases of non-compliant consignments
entering CEFTA Parties

The competent authorities in the CEFTA Party shall place under official detention/ customs control any consignment of fruit and vegetables entering their territory which does not comply with their import requirements and shall refuse its entry into the CEFTA Party concerned.

The competent authorities in the CEFTA Party shall isolate or quarantine, as appropriate, any such consignment of fruit and vegetables under appropriate conditions pending any further decision.

The competent authorities in the CEFTA Party shall in order to ensure compliance with the rules referred to in this Decision, as regards the consignment referred to above demand that the professional operator trading in fruit and vegetables responsible for the consignment without delay:

- (a) destroys the consignment;
- (b) re-dispatches the consignment outside the CEFTA Party concerned; or
- (c) subjects the consignment to special treatment or to any other necessary measure.

Before ordering the professional operator trading in fruit and vegetables to take action in accordance with (a), (b) and (c), The competent authorities in the CEFTA Party shall give the operator concerned the opportunity to express its point of view, unless immediate action is necessary in order to respond to a risk to human, or plant health or to the environment.

Where the competent authorities in the CEFTA Party orders the operator to take one or more of the actions laid down in point (a), (b) or (c) above, that the competent authorities in the CEFTA Party may exceptionally authorise the action to be taken in respect of a part of the consignment only, provided that the partial destruction, re-dispatch, special treatment, or other measure:

- (a) is such as to ensure compliance;
- (b) does not pose a risk to human, animal or plant health or to the environment; and
- (c) does not disrupt official control operations.

The measures referred to in this section of the Decision shall be applied at the expense of the professional operator trading in fruit and vegetables responsible for the non-compliant consignment.

Article 29
Obligations to notify non-compliance decisions

The competent authorities in the CEFTA Party concerned shall immediately notify any decision to refuse entry of a consignment of fruit and vegetables as provided for in this section to:

- (a) the competent authorities of the other CEFTA Parties;
- (b) the various CEFTA border agencies and customs authorities;

- (c) the competent authorities of the country of origin; and
- (d) the professional operator trading in fruit and vegetables responsible for the consignment.

That notification shall be performed via the CEFTA electronic notification system.

ELECTRONIC DATA EXCHANGE AND NOTIFICATION SYSTEM

Article 30

Establishment of electronic data exchange and notification system

The CEFTA Parties shall establish electronic data exchange and notification system in accordance with Article 13 of the AP5. The CEFTA Parties following adoption of this Decision shall agree on implementing act detailing the mandatory processes of notifying, certifying and monitoring trade in fruit and vegetables and supporting information system to be implemented and connected to the SEED+.

FEES AND CHARGES

Article 31

Fees and charges

CEFTA Parties may collect fees and charges to cover the cost of official controls. However, the fees that are charged shall not be higher than the actual cost of the service.

Information on fees and charges for official controls on border control inspections on fruit and vegetables shall be made electronically available by the competent authority of each CEFTA Party in the official language of that party and in English as per Article 7 AP5 within 3 months from the entry into force of this Decision. The CEFTA Secretariat shall maintain this information and make it available to the public on CEFTA website and the Transparency pack database.

LIAISON BODIES

Article 32

Co-operation amongst CEFTA Parties

The Coordination Body as mentioned in Article 5 preparing MACP for Fruit and Vegetables in each CEFTA Party shall act as liaison body responsible for facilitating the exchange of communications with the CEFTA Parties where CEFTA Contact Points being informed in respect of this Decision.

The format, subject matter and working methods of Coordination Bodies will be established within 6 months of the adoption of this Decision.

The CEFTA Secretariat shall make available to the public and update on its website the list of all such national liaison bodies and individuals mandated to be communicated to it by the CEFTA Parties under this Decision.

REVIEW
Article 33

Review and updates

This Ministerial Decision shall be subject of revision by the Joint Committee.

ENTRY INTO FORCE

Article 34
Entry into Force

This Decision was adopted by all CEFTA Parties in the presence of their representatives, except by North Macedonia which made a reservation regarding the fulfilment of its domestic legal requirements.

This Decision shall enter into force on the first day following the date of receipt of the written notice with which North Macedonia confirms to the Acting Depository, that its domestic legal requirements for the adoption of this Decision have been fulfilled and shall apply for all CEFTA Parties that have ratified the Additional Protocol 5 to the CEFTA Agreement.

Adopted in Tivat on 25 February 2020 in the presence of representatives of all CEFTA Parties.