

16 Annex - Taxation

**111. DECREE ON MARKING TOBACCO PRODUCTS AND
ALCOHOLIC DRINKS WITH CONTROL EXCISE STAMPS**

DECREE

ON MARKING TOBACCO PRODUCTS AND ALCOHOLIC DRINKS WITH CONTROL EXCISE STAMPS¹

(consolidated text)

GENERAL PROVISIONS

Article 1

This Decree shall regulate the form and content of control excise stamp (hereinafter referred to as the "excise stamp"), the manner of marking tobacco products and alcoholic drinks with such stamps, the manner and procedure for approval, printing and issuing excise stamps and the manner of keeping records on destroyed, issued, used, damaged and unused excise stamps for tobacco products and alcoholic drinks.

Article 2

Releasing into use, i.e. free sale of tobacco products and alcoholic drinks (with the exception of beer and table wine), may be done only if those products are marked with excise stamp.

FORM AND CONTENT OF EXCISE STAMP

Article 3

Excise stamp for marking of tobacco products, shall contain:

1. letters:
 - 1) D - for tobacco products that are produced in the country,
 - 2) U - for imported tobacco products,
 - 3) E - for tobacco products that are exported, and for which foreign supplier did not submit excise stamps,
2. coat of arms of Montenegro and the inscription: "Montenegro - Ministry of Finance",
3. series label and serial number of the excise stamp,
4. inscription "for export only", for tobacco products that shall be shipped for sale in duty-free shops,
5. retail price for cigarettes that shall be released for sale on the customs territory of Montenegro.

Article 4

Excise stamp for marking tobacco products shall be rectangular, with size of 45x19 mm and printed in special colours, as follows:

- 1) blue – for tobacco products that are produced in the country (mark D),
- 2) yellow - for imported tobacco products imported (mark U),
- 3) green - for tobacco products that shall be shipped for sale in duty-free shops ("for export only"),

¹ Official Gazette of the Republic of Montenegro 82/05 and Official Gazette of Montenegro 22/09

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- 4) red - for tobacco products that are exported, and for which foreign supplier did not submit excise stamps (mark E).

By way of exception to paragraph 1 of this Article, the size of the special excise stamp for marking cigarettes that shall be shipped for sale in duty-free shops shall be 50x25 mm.

Article 5

Excise stamp for marking alcoholic drinks, shall contain:

1. letters:
 - 1) for alcoholic drinks produced in the country – D,
 - 2) for imported alcoholic drinks - U,
 - 3) for alcoholic drinks that are exported, and for which foreign supplier did not submit excise stamps - E.
2. coat of arms of Montenegro and the inscription: "Montenegro - Ministry of Finance",
3. series label and serial number of the excise stamp,
4. inscription "for export only", for alcoholic drinks that shall be shipped for sale in duty-free shops.

Article 6

Excise stamp for marking alcoholic drinks shall be rectangular, with size of 90x19 mm and printed in special colours, as follows:

- 1) orange - for alcoholic drinks produced in the country (mark D),
- 2) blue - for imported alcoholic drinks (mark U),
- 3) green – for alcoholic drinks that shall be shipped for sale in duty-free shops - ("for export only"),
- 4) red - for alcoholic drinks that are exported, and for which foreign supplier did not submit excise stamps - (mark E).

Letters referred to in Article 3, 4, 5 and 6 of this Decree, shall be written in large capital letters.

MANNER OF MARKING TOBACCO PRODUCTS AND ALCOHOLIC DRINKS WITH EXCISE STAMPS

Article 7

Marking of tobacco products and alcoholic drinks shall be done by affixing excise stamp on the box (pack), bottle or other package in which the respective products are packed, in a manner that ensures visibility of data.

Excise stamp for marking of tobacco products shall be affixed to the package under cellophane or another layer without damaging the package so that it is visible but cannot be removed, except for the original package of cigars and cigarillos, which does not contain cellophane or any other layer, where excise stamp can be affixed directly on the package.

Excise stamps for marking of alcoholic drinks, shall be affixed over a seal cap of bottle or other package, i.e. over other places provided for the opening of package, so that the bottle or other package cannot be opened without tearing the excise stamp.

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By way of exception to paragraph 1 of this Article, the size of the special excise stamp for marking cigarettes that shall be shipped for sale in duty-free shops shall be affixed on the top right corner of the box ("stack") of cigarettes.

PRINTING, APPROVAL AND ISSUANCE OF EXCISE STAMPS

Article 8

Printing of excise stamps shall be done by a legal person (hereinafter referred to as the "printer") authorised by the Ministry of Finance.

Printing of excise stamps shall be done on rag paper and in a manner that prevents counterfeiting of those stamps.

Treaty between the Ministry of Finance and printers shall regulate the type of paper for printing of excise stamps, their unit prices, obligations of printers relating to ordered amount of excise stamps, manner of keeping records, and other mutual rights and obligations.

Article 9

Tax Administration shall submit the order to a printer to make excise stamps, on the basis of planned quantities ordered by excise taxpayers.

Request for excise stamps issuance, which shall be submitted to the competent tax authority, shall contain data on excise stamps quantities, technical elements of their creation, letter symbol, series and type.

Request for excise stamps issuance shall be submitted once a month, from 1. to 15. day of the month for the next month, and if it is the first printing of stamps or larger quantities than usual ones in previous months, it shall be submitted at least 30 days before takeover of excise stamps.

With the request for the issuance of excise stamps for tobacco products, proof that the importer, i.e. manufacturer is registered in the appropriate register with the Tobacco Agency shall be enclosed.

Article 10

Request for issuance of excise stamps shall be submitted on the Form "ZIAM - Request for issuance of excise stamps" (it consists of two self-copying samples), which is printed along with this Decree and presents its integral part.

The applicant for the issuance of excise stamps shall fill in data in the Form "Request for issuance of excise stamps" indicated under "I - Information on the applicant" – that shall be filled in by the manufacturer, i.e. importer, "II - Information on foreign manufacturer or authorised distributor of the foreign manufacturer" – that shall be filled in by the importer and "III - Information on required excise stamps" – that shall be filled in by the manufacturer, i.e. importer.

Article 11

Manufacturer of tobacco products and alcoholic drinks with the request for issuance of excise stamps shall submit:

- 1) proof that he/she is registered in the Central Register of the Commercial Court for conducting activities of production and trade of tobacco products and alcoholic drinks;
- 2) proof that he/she is registered in the appropriate excise taxpayers register at the Tax Administration;
- 3) proof that tobacco products are registered in the Register of tobacco products brands at the Tobacco Agency.

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Importer of tobacco products and alcoholic drinks with the request for issuance of excise stamps shall submit:

- 1) proof that he/she is registered in the Central Register of the Commercial Court for performing foreign trade;
- 2) proof that tobacco products, which are imported, are registered in the Register of tobacco products brands at the Tobacco Agency.

Article 13

Proofs referred to in Article 11 and 12 of this Decree, the manufacturer, i.e. importer shall submit during the first submission of requests for excise stamps issuance.

Article 14

The manufacturer, i.e. importer of cigarettes, during excise stamps takeover, has duty to submit to the competent tax authority instrument of payment insurance (first demand bank guarantee) in the amount of calculated excise tax.

Guaranty referred to in paragraph 1 of this Article shall not be submitted for issuance of excise stamps used for marking cigarettes referred to in Article 4 paragraph 3 and 4 of this Decree.

Before excise stamps issuance, a proof of payment of excise stamps printing costs shall be submitted.

Article 15

Shall be deleted.

Article 16

Excise stamps may be taken over by a person authorised by the manufacturer, i.e. importer of tobacco products and alcoholic drinks.

With the authorisation referred to in paragraph 1 of this Article, a copy of identity card shall be enclosed.

Article 17

The manufacturer, i.e. importer of tobacco products and alcoholic drinks, has duty to takeover the excise stamps within 10 days following the day of receiving the competent tax authority's notice that printing of stamps is completed.

Article 18

Importer, during the customs clearance of tobacco products and alcoholic drinks, shall submit to the competent customs authority a Form "PUDA - Data on completed import of tobacco products and alcoholic drinks" (that consists of two self-copying samples), which is printed along with this Decree and presents its integral part.

Along with the form referred to in paragraph 1 of this Article, the importer shall submit a copy of the approval of issued excise stamps for tobacco products and alcoholic drinks and the original of that approval for examination.

Form, referred to in paragraph 1 of this Article, shall be filled in by the competent customs authority.

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The first copy of the completed Form referred to in paragraph 1 of this Article shall be retained by the competent customs authority for its own purposes, the second copy shall be returned to the importer, and the third shall be submitted to the Tax Administration.

Article 19

Damaged or unused excise stamps for alcoholic drinks, the manufacturer, i.e. importer shall return to the Tax Administration, pasted on one or more separate sheets of paper, but they must have visible series label and serial number of excise stamp.

Excise stamps referred to in paragraph 1 of this Article shall be returned on quarterly basis, within 15 days after the end of the quarter.

Damaged excise stamps for tobacco products shall be returned in a manner prescribed in paragraph 1 of this Article, until the expiration of validity of bank guarantee.

Number (quantity) of damaged excise stamps for tobacco products and alcoholic drinks, where the series label and serial number of excise stamp are not visible, as well as completely destroyed stamps shall be destroyed by the Ministry of Finance upon the proposal of the Tax Administration.

Destruction of stamps referred to in paragraph 4 of this Article shall be performed by the commission formed by the Ministry of Finance that shall have at least three members.

RECORDS KEEPING

Article 20

Tax Administration shall keep records of issued, used, damaged, unused and destroyed excise stamps.

Article 21

The manufacturer of alcoholic drinks has duty to keep records of:

- 1) the number (quantity) of issued excise stamps according to types;
- 2) the number (quantity) of used excise stamps for the quarter for which data are submitted according to types;
- 3) series labels and serial numbers of damaged excise stamps according to types;
- 4) the number (quantity) of unused excise stamps according to types;
- 5) series labels and serial numbers (from - to) of unused excise stamps according to types;
- 6) the quantity of produced and sold alcoholic drinks;
- 7) the quantity of sold alcoholic drinks for duty-free shops.

The manufacturer of alcoholic drinks has duty to submit data referred to in paragraph 1 of this Article to the Tax Administration, no later than 15 days after the end of each quarter.

Article 22

Importer of alcoholic drinks has duty to keep records of:

- 1) the amount of issued excise stamps according to types;
- 2) the amount of unused excise stamps;
- 3) the amount of imported packages of alcoholic drinks by excise groups for which the excise tax is paid;

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- 4) the amount of sold alcoholic drinks for duty-free shops.

Importer of alcoholic drinks has duty to submit data referred to in paragraph 1 of this Article to the Tax Administration, no later than 15 days after the end of each quarter.

PENALTY PROVISIONS

Article 23

A fine in the amount of 10 fold to 100 fold of the minimum wage in the Republic, shall be imposed on the manufacturer, i.e. importer of tobacco products and alcoholic drinks for the offence, if he/she:

- 1) does not submit the required data (Article 21 paragraph 2 and Article 22 paragraph 2) to the Tax Administration;
- 2) does not make an inventory of existing stocks of tobacco products and alcoholic drinks and does not submit inventory list to the Tax Administration within the prescribed period (Article 24 paragraph 1 and 2);
- 3) does not make an inventory of taken, but not used excise stamps and does not submit inventory list to the Tax Administration within the prescribed period (Article 24 paragraph 3).

TRANSITIONAL AND FINAL PROVISIONS

Article 24

Manufacturers, i.e. importers of tobacco products and alcoholic drinks, who have in stock tobacco products and alcoholic drinks with affixed stamps that are issued in accordance with the Decree on Marking Tobacco Products and Alcoholic Drinks with Excise Stamps (Official Gazette of the Republic of Montenegro 42/01), have duty to make an inventory of existing stocks of tobacco products and alcoholic drinks on the date on which this Decree is applied and submit inventory lists to Tax Administration until 15 January 2006.

Importers have duty to make an inventory of stocks of tobacco products and alcoholic drinks with affixed stamps issued in accordance with the Decree referred to in paragraph 1 of this Article, which are under customs control or in a factory and a foreign manufacturer, on the date on which this Decree is applied and to submit those inventory lists to the Tax Administration within time limit referred to in paragraph 1 of this Article.

Manufacturers, i.e. importers of tobacco products and alcoholic drinks have duty to make an inventory of taken, but not used excise stamps on the date on which this Decree is applied and to submit inventory lists to the Tax Administration within time limit referred to in paragraph 1 of this Article.

Article 24a

Provisions of the Article 3 paragraph 1, item 5 of this Decree shall apply from 1 January 2010.

Article 25

Decree on Marking Tobacco Products and Alcoholic Drinks with Excise Stamps (Official Gazette of the Republic of Montenegro 42/01) shall cease to have effect as from the date on which this Decree is applied.

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manufacturer

Company of the authorised distributor of foreign manufacturer Place and address

Fiscal number of the authorised distributor of foreign manufacturer

III Information on required excise stamps – to be filled in by manufacturer, i.e. importer **IV Information on issued excise stamps – to be filled in by the Tax Administration**

Type of excise stamp	Required quantities	Issues quantities		
		From serial number	To number	serial
D - tobacco products that are produced in the country	1	1		
U - imported tobacco products	2	2		
"For export only"				
- tobacco products that shall be shipped for sale in duty-free shops	3	3		
E - tobacco products for export, for which foreign supplier did not deliver excise stamps	4	4		
D - alcoholic drinks produced in the country	5	5		
U - imported alcoholic drinks	6	6		
"For export only"				
- alcoholic drinks that shall be shipped for sale in	7	7		

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duty-free shops			
E - alcoholic drinks for export, for which foreign supplier did not deliver excise stamps	8		
Number of the Official Gazette of the Republic of Montenegro where retail prices have been published	Issuance date	Signature and stamp	
Signature and stamp:	Shipment no		
	Received by	Signature of the receiver	
	Personal number	identification	

Form ZIAM

Tax Administration
 Filing no _____ Date _____ L.S. (locus sigilli)

Sample 2.
 keeps the Tax Administration

REQUEST FOR ISSUANCE OF CONTROL EXCISE STAMPS No Date:

I Information on the applicant – to be filled in by the manufacturer, i.e. importer

Company	Place and address	FIN
Current account number	Activity code	Identification number

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II Information on foreign manufacturer or authorised distributor of the foreign manufacturer – to be filled in by the importer

Company of foreign manufacturer Place and address Address to which the stamps shall be sent

Fiscal number of foreign manufacturer

Company of the authorised distributor of foreign manufacturer Place and address Fiscal number of the authorised distributor of foreign manufacturer

III Information on required excise stamps – to be filled in by manufacturer, i.e. importer IV Information on issued excise stamps – to be filled in by the Tax Administration

Type of excise stamp	Required quantities	Issues quantities		
		From serial number	To number	serial
D - tobacco products that are produced in the country	1			1
U - imported tobacco products	2			2
ED - tobacco products that shall be shipped for sale in duty-free shops	3			3
E - tobacco products for export, for which foreign supplier did not deliver excise stamps	4			4
D - alcoholic drinks produced in the country	5			

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	5		
U - imported alcoholic drinks	6		
ED - alcoholic drinks that shall be shipped for sale in duty-free shops	7		
E - alcoholic drinks for export, for which foreign supplier did not deliver excise stamps	8		
Number of the Official Gazette of the Republic of Montenegro where retail prices have been published		Issuance date	Signature and stamp
Signature and stamp:		Shipment no	
		Received by	Signature of the receiver
		Personal identification number	

Form PUDA

Sample 1.

To be kept by the customs authority

DATA ON COMPLETED IMPORT OF TOBACCO PRODUCTS AND ALCOHOLIC DRINKS

Importer	Place and address	Customs number	FIN
Exporter	Place	Country	
Shipping agent	Place and address	Company of the carrier	

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Place of the carrier

Address of the carrier

Vehicle registration plate

DATA ON IMPORTED QUANTITIES

Name of the products and brand

Unit of measurement

Quantity

1

2

3

4

5

6

7

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Customs Office Code

Customs clearance date

Number of Unique
Customs Document

Signature and stamp
of the customs authority

Form PUDA

Sample 2.

To be kept by the
importer

DATA ON COMPLETED IMPORT OF TOBACCO PRODUCTS AND ALCOHOLIC DRINKS

Importer

Place and address

Customs

FIN

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		number
Exporter	Place	Country
Shipping agent	Place and address	Company of the carrier
Place of the carrier	Address of the carrier	Vehicle registration plate

DATA ON IMPORTED QUANTITIES

Name of the products and brand	Unit of measurement	Quantity
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Customs Office Code

Customs clearance date

Number of Unique
Customs Document

Signature and stamp
of the customs authority

Form PUDA

Sample 3.

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To be kept by the
Tax Administration

DATA ON COMPLETED IMPORT OF TOBACCO PRODUCTS AND ALCOHOLIC DRINKS

Importer	Place and address	Customs number	FIN
Exporter	Place	Country	
Shipping agent	Place and address	Company of the carrier	
Place of the carrier	Address of the carrier	Vehicle registration plate	

DATA ON IMPORTED QUANTITIES

Name of the products and brand	Unit of measurement	Quantity
1		
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Customs Office Code

Customs clearance date Number of Unique
Customs Document

Signature and stamp
of the customs authority

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