

16 Annex - Taxation

**122. RULEBOOK ON IMPLEMENTATION OF THE EXCISE
TAX LAW**

Pursuant to Article 10, Article 18 paragraph 2, Article 22 paragraph 3, Article 23 paragraph 5, Article 26 paragraphs 4 and 6, Article 29 paragraph 2, Article 30 paragraph 2, Article 35 paragraph 6, Article 44 paragraph 5, Article 54 paragraph 3 of the Excise Tax Law (Official Gazette of the Republic of Montenegro 65/01, 76/05) the Minister of Finance has passed

RULEBOOK ON IMPLEMENTATION OF THE EXCISE TAX LAW¹⁾

(consolidated text)

I. GENERAL PROVISIONS

Article 1

This rulebook shall regulate in greater detail: the form and content of the excise document, conditions for establishment and operation of the excise warehouse; content and method of keeping records of excise goods in excise warehouses; security of excise tax payment; conditions for obtaining the license for an exempt excise goods beneficiary; content and method of keeping records on purchase, movement and consumption of excise goods by the exempt excise goods beneficiary; terms and method for reimbursement of the paid excise tax; denaturing procedure and usage of an appropriate denaturant; procedure for accomplishment of the right to usage of mineral oils for purposes when the excise tax is not paid and the procedure for registration of the excise taxpayers.

II. EXCISE DOCUMENT

Article 2

(excise document)

(1) The excise document shall be an instrument accompanying transport of excise goods under the deferred excise tax payment regime that is issued by the sender of excise goods.

(2) The excise document shall be made in four copies (numbered from one to four) out of which:

- copies number 1 and 2 of the excise document shall accompany goods to the recipient, who shall send the copy number 1 to its tax authority and return the copy number 2 to the sender,
- the sender shall communicate the copy number 3 to its tax authority and keep the copy number 4,

(3) In case of importation of excise goods the excise document shall be made by the importer in four copies and communicated to the tax authority in the place of import:

- the customs authority sends the copies number 1 and 2 along with the excise goods to the recipient of such goods to certify them,
- copy number 1 of the excise goods shall be submitted by the consignee to its tax authority and copy number 2 of the excise document shall be returned to the customs,
- the customs authority shall send the copy number 3 to the importer's tax authority and keep the copy number 4.

(4) In case of export of excise goods, excise document shall be made by the dispatcher in four copies:

- copies number 1 and 2 shall accompany excise goods to the competent customs authority in place of export, which shall certify the documents,
- certified copy number 2 shall be returned by the customs authority to the dispatcher of excise goods and the certified copy number 1 shall be communicated to the dispatcher's tax authority,

¹⁾ Official Gazette of the Republic of Montenegro 18/02, 31/02 (correction), 9/06, 78/06 and 18/09

- it shall send the copy number 3 of the excise document to its tax authority and keep the copy number 4.

(5) The excise document shall be filled out in block letters to make impossible any deletion or correction of the entered data. Each blank space should be crossed so that nothing could be added.

(6) Any change of the place of receipt of the excise goods, after being dispatched, shall be notified immediately to the competent tax authority of the dispatcher.

(7) The excise document, referred to in paragraph 1 of this Article (including the instruction for its usage) has been printed out with this Rulebook and makes its integral part.

Article 3

When the excise goods have been transported through the system that prevents the excise document from accompanying the excise goods all the way on its route, the dispatcher of the excise goods shall be obliged to send to the recipient, by the fastest means possible, the excise document referred to in Article 2 of this rulebook not later than 24 hours after the goods to which the document refers have been received.

Article 4

(simplified excise document)

(1) When the excise goods are moved under the deferred excise tax payment regime between excise warehouses of the same excise license holder or in the case of a successive dispatch of the excise goods to the same consignee, the movement of excise goods may be accompanied by a simplified excise document.

(2) The successive dispatch of excise goods to the same consignee shall mean gradual supply (delivery, shipment) of excise goods by virtue of a contract indicating the quantity and type of the excise goods that are delivered under the deferred excise tax payment regime.

(3) The simplified excise document may be any commercial document containing the following data:

- number of the document and indication that it is a simplified document,
- name of the dispatcher i.e. excise license holder,
- tax identification number of the dispatcher,
- registration number of the excise tax payer,
- address of the dispatching and receiving warehouses and their registration numbers,
- name of the consignee,
- tax identification number of the consignee,
- name of the carrier and the registration number of the vehicle,
- date of dispatch from the excise warehouse,
- dispatched quantities according to the type of the excise goods,
- date of taking over the delivery by the consignee,
- signature and seal of the consignee.

(4) The simplified excise document shall be made in four copies as follows:

- copies number 1 and 2 shall accompany goods to the consignee to sign them and send the copy number 1 to its tax authority, and return the second copy to the dispatcher,
- dispatcher shall send the copy number 3 to its tax authority and keep the copy number 4.

(5) The simplified excise document shall be filled out in printed letters so that it is not possible to erase or change the entered data.

III. EXCISE WAREHOUSE

Article 5

(production and storage of the excise goods)

(1) The excise goods shall be considered as warehoused when the consignee has confirmed that those goods have been brought into the excise warehouse.

(2) Only excise goods may be produced, finished, processed and refined in the excise warehouse. Only one type of the excise goods (alcohol and alcoholic beverages, tobacco products, mineral oils) can be produced in the same excise warehouse.

(3) Only raw materials and semi products indispensable for production, finishing, processing and refining of the excise goods can be stored in the excise warehouse. Warehousing of other raw materials or semi products in the excise warehouse is permitted only upon the special approval of the tax authority. In that case the tax authority shall be obliged to undertake special measures in the warehouse.

(4) The excise goods shall be separated (classified) per groups and categories in the excise warehouse – premise where a particular excise license holder is warehousing different types of the excise goods.

(5) The excise license holder shall, after warehousing the excise goods on the same day, and no later than the beginning of the first working day, notify the competent tax authority about the excise goods in stocks in the form prescribed by the tax authority.

Article 6

(securing, marking and making inventory of the warehoused goods)

(1) The excise license holder shall undertake all necessary measures to enable the access to the warehoused excise goods.

(2) Goods shall be warehoused in packages and pallets, in which they have been firstly entered for warehousing, except when warehoused are goods in bulk, such as for example mineral oils warehoused in suitable (marked with numbers) barrels or tanks for storage.

(3) The excise license holder shall be obliged to :

- mark legibly and uniformly and keep marked the stored goods so that identification of those goods is possible while making the inventory of stocks and
- stow the warehoused goods in the way that would enable a safe and simple access to each package or pallet.

(4) The excise license holder shall be obliged to make inventory of the excise goods in the excise warehouse on a monthly basis and reconcile the stock balance with the position in the accounting books, in accordance with the instruction of the tax authority.

(5) The excise license holder shall be obliged to submit the inventory document referred to in paragraph 4 of this Article to the competent tax authority within 10 days time after the expiry of the inventory period to which it refers.

(6) The tax authority shall prescribe the form and content of the inventory document for received, warehoused and dispatched goods from the excise warehouse.

(7) The excise license holder shall be obliged to notify the competent tax authority immediately in writing of any deficiency, surplus or other discrepancy concerning stocks.

(8) Any goods found not to be marked in accordance with paragraph 3 of this Article or found to be in excess of the relevant stock account and not immediately notified to the competent tax authority shall be subject to seizure.

Article 7

(equipment and measuring instruments in the excise warehouse)

- (1) Only equipment indispensable for conducting the excise activity can be placed in the excise warehouse.
- (2) Excise warehouse shall be equipped with the appropriate measuring instruments for assessing the quantity of certain excise goods. The measuring instruments shall be approved by the competent state authority and sealed by a competent tax authority.

Article 8

(quantity restrictions for excise warehouse)

- (1) Excise license may be issued if the quantity of goods dispatched from the excise warehouse during the previous calendar year i.e. the quantity planned to be dispatched during the current year exceeds quantities prescribed in Article 11, 12 and 13 of this Rulebook.
- (2) If only one excise license has been issued for several excise warehouses then the prescribed quantities referred to in paragraph 1 of this Article shall relate to all excise warehouses jointly.
- (3) The excise license holder shall, at the end of each year, compare the planned and dispatched quantities of excise goods that are dispatched from the excise warehouse and shall notify the competent tax authority thereof by the end of March of the following year at latest.
- (4) If the tax authority permits the excise warehouse to be used by several excise license holders, the prescribed quantities referred to in paragraph 1 of this Article shall relate to each excise license holder.

Article 9

(quantity restrictions for commodity reserves)

Quantity restrictions referred to in Article 8 of this Rulebook shall not relate to excise goods placed in the commodity reserves and are dispatched in accordance with the regulations on commodity reserves.

Article 10

(exception to the prescribed quantities due to force majeure)

Deviation from the quantities prescribed in Article 11, 12 and 13 of this Rulebook shall also be possible:

- due to force majeure,
- in order to prevent larger economic damages, by virtue of a special approval issued by the tax authority.

Article 11

(dispatch of alcohol and alcoholic beverages from excise warehouse)

The minimum quantities of alcohol and alcoholic beverages that have to be dispatched from an excise warehouse within a calendar year are as follows:

- 300 000 litres of beer or
- 150 000 litres of table wine or
- 7 500 litres of sparkling wine or
- 20.000 litres of non-sparkling fermented beverages or
- 20.000 litres of other sparkling fermented beverages
- 25 000 litres of intermediate alcoholic drinks or
- 15 000 litres of ethyl alcohol.

Article 12

(dispatch of tobacco products from excise warehouse)

Excise license holder for other tobacco products must dispatch no less than 700 kilograms of such products during a calendar year.

Article 13

(dispatch of mineral oils from excise warehouse)

Excise license holder for mineral oils must dispatch no less than the following during a calendar year:

- 10,000.000 litres of lead petrol (tariff symbol CN 2710 11 31, 2710 11 51 10, 2710 11 51 90 and 2710 11 59);
- 20,000.000 litres of unleaded petrol (tariff symbol 2710 11 31 10, 2710 11 41, 2710 11 45 and 2710 11 49);
- 5,000.000 litres of kerosene (tariff symbol CN 2710 19 21 and 2710 19 25);
- 40,000.000 litres of gas oils (tariff symbol CN 2710 19 41 to 2710 19 49) ;
- 40,000.000 kilograms of heating oil (tariff symbol CN 2710 19 61 to 2710 19 69);
- 1,000.000 kilograms of liquid oil gas (tariff symbol CN 2711 12 11 to CN 2711 19 00).

IV. EXCISE LICENSE

Article 14

(application for excise license issuance)

(1) Application for issuance of the excise license shall be submitted to the competent tax authority determined according to the seat of the applicant.

(2) The application referred to in paragraph 1 of this Article shall include but not be limited to:

- the following data on the applicant: name of the company, fiscal identification number (FIN), seat and address, data on number and location of business and other premises used for conducting business activity and making revenues, data on premises envisaged for excise warehouse, extract from a court or other register that evidences the business activity of the applicant.
- Detailed description of excise activity with indication of the type of procedures that are to be undertaken in the excise warehouse,
- Data on the equipment indispensable for conducting the excise activity,
- Type of excise goods according to tariff numbers i.e. tariff marks from the customs tariff for which an excise license has been requested,
- Data on normal or planned quantities of produced or warehoused excise goods by type for the period of 12 months,
- Data on normal or planned quantity of produced or warehoused quantities of excise goods that represent input elements for the excise activity by type for the period of 12 months,
- Data on normal or planned quantities of produced or warehoused excise goods that are considered to be semi products of the excise activity by type for the period of 12 months
- Data on normal or planned quantities of produced or warehoused quantities of excise goods that are considered to be final products of the excise activity by type for the period of 12 months,
- Data on documents which show (enable determination of) the normative for the use of individual types of excise goods, according to the type of production of the excise goods;
- Data on the losses (shortages) in production and storage, according to the individual types of excise goods;
- Description of work of the accounting system;
- Method of dispatching the excise goods from the excise warehouse according to the type and quantity of the delivered excise goods, according to the individual methods of

dispatch (such as, for example, transport by rail, ship, plane, road; own or third person's; in road tankers, bottles, barrels, etc);

- Statement, certified by the tax authority, that the applicant keeps his business records according to the system of dual accounting, and the confirmation of the tax authority that this person fulfils his tax obligations regularly, which may not be older than 30 days;
- Statement that the procedure of bankruptcy or liquidation has not been initiated against this person;
- Statement about the instrument securing the payment of excise tax, which will be submitted prior to the commencement of activities in the excise warehouse,
- Name of the person responsible for the work of the excise warehouse, with the authorized signature and the name of the assistant with the authorized signature;
- Name of the person in the legal person, with the authorized signature and the name of the assistant, with the authorized signature, if the excise license holder has signed a contract on excise warehouse management with the third party;
- Statement that the requirements for electronic exchange of data are fulfilled;
- Statement that a criminal procedure for a criminal offence against economy and property has not been instituted against the applicant;
- authorization for the person representing the excise license holder before the tax authority.

Article 15

(validity of the excise license)

- (1) The excise license shall be issued for an unlimited period of time, but this does not affect the provisions of the Law on the annulment, revocation or alternation of the excise license.
- (2) The excise warehouse cannot start with its activities without evidence on ensuring the instrument to secure the excise tax payment.
- (3) At least once within the period of 12 months, the competent tax authority shall check whether the excise license holder still fulfils the prescribed conditions.

Article 16

(reasons for dispatch of excise goods from the excise warehouse)

- (1) Excise goods may be dispatched (removed) from the excise warehouse for:
 - domestic consumption,
 - export,
 - supplying aircrafts and ships intended for consumption by the crew or passengers or use as motor fuel in standard reservoirs of aircrafts and ships departing from Montenegro.
- (2) Tax authority may allow removal of goods from the excise warehouse for:
 - re - warehousing in another excise warehouse,
 - dispatch into the plant of the exempt excise goods beneficiary,
 - temporary removal in case of extraordinary circumstances and for the period as the tax authority may allow,
 - taking samples in testing production, i.e. for scientific purposes,
 - the purposes of customs control,
 - quality control which is performed by authorized persons in the excise warehouse,
 - denaturing of alcohol in accordance with Article 44 of the Excise Tax Law,
 - destruction conducted under the supervision of the competent tax authority,
 - other reasons as permitted by the tax authority.
- (3) Excise goods intended for domestic consumption may be dispatched from the excise warehouse only if the excise tax has been assessed (calculated).
- (4) Excise goods may be dispatched from excise warehouse without assessment (calculation) of

excise tax only if an security instrument for excise tax payment has been provided to the satisfaction of the tax authority and if the security is valid until the accomplishment of the reason for which the dispatch from the excise warehouse is effected.

(5) For the goods referred to in paragraph 5 of this Article, the tax authority may request the goods to be dispatched by using a seal or other special markings.

(6) Domestic consumption shall mean, for the purposes of paragraph 1 item 1 of this Article, the delivery of excise goods with the excise tax assessed (calculated) that are intended for consumption in Montenegro.

Article 17

Excise goods dispatched from the excise warehouse without assessing the excise tax, such as samples or goods for scientific testing or goods that are no longer required for the purpose for which they were removed, shall be:

- destroyed under the supervision of the tax authority,
- re-warehoused in an excise warehouse or
- released into domestic consumption.

V. RECORDS KEPT BY EXCISE LICENSE HOLDERS

Article 18

(records kept by excise license holders)

(1) The excise license holder shall keep records of excise goods that need to include data on:

- stocks of excise goods at the beginning of the tax period;
- produced quantities of excise goods;
- acquisition of excise goods from imports, other excise warehouses, the plant of the exempt excise goods beneficiary and other persons liable to pay excise tax;
- delivery of excise goods: to another excise warehouse; to the exempt excise goods beneficiary; for the purpose of export; to the diplomatic and consular missions; international organizations and other deliveries of excise goods for purposes referred to in Article 31 of the Excise Tax Law.
- use of the excise goods as the basic material for production of other excise goods in the excise warehouse, as samples for testing production, i.e. for scientific purposes;
- excise goods used for the purpose of tax and quality control, which are performed within the excise warehouse by the authorized persons;
- destruction of excise goods under tax supervision, shortage due to the force majeure (except for theft) or is indivisibly related to the process of production, warehousing and transport of products;
- placing of excise goods into domestic consumption and their use for personal needs,
- stocks of excise goods at the end of the tax period.

(2) Excise license holder shall keep records, referred to in paragraph 1 of this Article, in such a manner as to present at any time the situation of the stocks (quantities) of excise goods by group and type.

(3) Excise license holder may choose individually the manner and form of keeping the record if the tax authority has not previously determined a different method of keeping records.

(4) The records referred to in paragraph 1 of this Article shall be kept and held in the excise warehouse.

(5) Records of excise goods in stocks shall be presented by the excise license holder to the tax authority upon its request.

(6) Competent tax authority may at any time request from the excise license holder to make an inventory of the excise goods in the excise warehouse.

Article 19

(records of the importer)

Excise taxpayer – importer may, for the purposes of excise supervision, use the records that must be kept in accordance with the customs regulations provided that those records provide for data prescribed by this Rulebook.

VI. SECURITY OF EXCISE TAX PAYMENT IN THE EXCISE WAREHOUSE

Article 20

(security instruments for excise tax payment)

- (1) Excise tax payment may be secured by a bank guarantee or cash deposit.
- (2) The instruments, referred to in paragraph 1, shall secure the payment of excise tax:
 - for the excise goods produced or stored in the excise warehouse;
 - for the excise goods dispatched from the excise warehouse under the excise tax differed payment regime;
 - interest that is accrued in relation to the payment of excise tax for which the instrument of payment is given.

Article 21

Deleted

Article 22

(amount of security instrument for payment of excise in the excise warehouse)

- (1) Amount of the security instrument for excise tax payment in the excise warehouse shall be equivalent to 100 % of the amount of the average excise debt assessed for excise goods in stocks for the previous year, as follows:
 - for mineral oils – one-day stocks,
 - for beer, fermented drinks, intermediary alcoholic drinks and ethyl alcohol – five-day stocks,
 - for other tobacco products – seven-day stocks.

(2) In case when activities are to be commenced the applicant shall determine, on the basis of its estimation of excise goods in stocks and upon the approval of the tax authority, the amount of the security instrument for the excise tax payment.

(3) The excise license holder shall once per year check the amount of the instrument for excise tax payment insurance and shall submit it to the tax authority for verification.

VII. AMOUNT OF THE SECURITY INSTRUMENT FOR EXCISE TAX PAYMENT FOR EXCISE GOODS DISPATCHED UNDER THE EXCISE TAX DEFERRED PAYMENT REGIME

Article 23

Amount of the security instrument for excise tax payment for goods that are dispatched under the excise tax deferred payment regime shall be determined by a tax authority in the amount of the excise tax that may arise for such goods.

VIII. EXEMPT EXCISE GOODS BENEFICIARY LICENCE

Article 24

(application for license issuance)

(1) The application for issuance the exempt excise goods beneficiary license shall be submitted to a competent tax authority according to the applicant place of seat.

(2) The application referred to in paragraph 1 of this Article shall include:

- data on the applicant, as follows: company name, fiscal identification number (FIN); seat, address, number and location of business and other premises that are used to perform the business activity and making revenues, planned location of the exempt excise goods beneficiary plant, extract from the court or other register or records that show the activity of the applicant,
- detailed description of the activity in which excise goods are used and the location of production, where the excise goods will be used;
- types and quantities of excise goods, for which exemption from the payment of excise tax is requested, which are necessary for the production defined in Article 44 and 54 of the Excise Law for the production period, but not exceeding the period of 12 months;
- planned scope of production in which excise goods will be used, for the production period, but not exceeding the period of 12-month lasting production,
- description of premises (for production, warehousing or similar) in which the excise goods will be acquired without payment of excise tax and description of the equipment with which the quantity will be determined, i.e. the use of the excise goods;
- description of the normative for the use of individual types of excise goods in the conduct of activity of the applicant;
- data on the documentation showing the shortage in the production or during storage by type of excise goods;
- statement certified by the tax authority, which proves that the applicant keeps his business records on the basis of the dual accounting and the certificate from the tax authority that he fulfils his fiscal obligations on a regular basis, and both of these documents may not be older than 30 days;
- statement that a bankruptcy or liquidation procedure has not been initiated against the applicant;
- statement on the security instrument of excise tax payment, which will be submitted prior to the issuance of the license;
- authorization for the person representing the exempt excise goods beneficiary before the tax authority.

(3) Legal and physical persons registered to conduct sea fishery shall submit in addition to the application referred to in paragraph 1 of this Article the certificate on the allowed quantity of mineral oils for which the exemption from excise is requested, which is to be issued by the ministry competent for fishery.

Article 25

(license validity)

Exempt excise tax beneficiary license shall be issued for an unlimited period of time without prejudice to the application of the provisions of the Excise Law related to expiry, revocation or alteration of the license.

IX. EXCISE TAX PAYMENT SECURITY IN THE EXEMPT EXCISE TAX BENEFICIARY PLANT

Article 26

(security instruments for excise tax payment)

(1) Excise tax payment in the exempt excise goods beneficiary plant may be secured with a bank guarantee or cash deposit.

(2) The instruments referred to in paragraph 1 of this Article shall secure:

- payment of excise tax for excise goods stored in and delivered to the exempt excise goods beneficiary plant;
- payment of excise tax for the excise goods dispatched from the exempt excise goods beneficiary plant under the excise tax differed payment regime;
- payment of interest that is accrued or could be accrued in relation to the payment of excise tax for which the security instrument has been provided.

Article 27

(amount of payment security instruments)

Tax authority shall determine the amount of the security instrument for excise tax payment in the exempt excise goods beneficiary plant, which may be no less than 20% of the excise debt, according to Article 26 of this Rulebook.

X. RECORDS KEPT BY AN EXEMPT EXCISE GOODS BENEFICIARY

Article 28

(record-keeping)

(1) Exempt excise goods beneficiary shall keep records on purchase, movement and consumption of the excise goods that shall include in particular the following data on:

- stocks of excise goods at the beginning of the tax period;
- acquisition of excise goods from import, from other excise warehouses, production and other excise taxpayers,
- purchase of excise goods,
- collective data on the received quantities of excise goods in the tax period;
- dispatch of excise goods to other excise warehouse;
- use of excise goods for purposes defined in Articles 44 or 54 of the Excise Law and for other purposes,
- excise goods used as samples in the production testing, for the purpose of tax and quality control, which are performed within his business premises or in the excise warehouse by authorized persons;
- destruction of excise goods under tax supervision, shortage due to the force majeure (except for theft) or the shortage indivisibly related to the process of production, warehousing and transport of goods that were produced with the use of excise goods;
- collective data on dispatch of goods for purposes listed under Articles 44 and 54 of the Excise Law and for other purposes,
- release of excise goods for domestic consumption, including the quantities for personal use;
- situation of the stocks of excise goods at the end of the tax period.

(2) Exempt excise goods beneficiary shall keep records, referred to in paragraph 1 of this Article, in such a manner as to present at any time the situation of the stocks of excise goods according to the type and quantity and the collective data on the groups of excise goods.

(3) The Exempt excise goods beneficiary shall submit the records of excise goods in stocks to the competent tax authority, upon its request.

(4) The competent tax authority may at any time request from the exempt excise goods beneficiary to submit the inventory of the excise goods in the exempt excise goods beneficiary plant.

(5) Records referred to in paragraph 1 of this Article shall be kept and held in the exempt excise goods beneficiary plant.

XI. REFUND OF PAID EXCISE

Article 29

(right to refund)

- (1) Persons referred to Article 30 of the Excise Law shall submit application for refund to a competent tax authority within 30 days after the elapse of the month in which the excise tax is paid.
- (2) In addition to the application, referred to in paragraph 1 of this Article, copies of documents justifying the excise refund shall be submitted.
- (3) The right to refund of the excise for excise goods being exported shall be proven with a certified customs documentation that all excise goods were factually brought outside the customs territory of Montenegro.
- (4) The right to excise refund, referred to in Article 30 paragraph 1 item 1) of the Excise Law, shall be proven with records on usage of excise goods in production and type and quantity of produced goods.

XII. USAGE OF EXCISE GOODS FOR PURPOSES NOT SUBJECT TO EXCISE TAX

Article 30

(usage of alcohol and alcoholic beverages)

- (1) Excise license holder may sell alcohol and other alcoholic beverages (hereinafter referred to as: alcohol) for the purposes from Article 44 of the Excise Law under the following conditions:
 - the excise document accompanies dispatched goods,
 - the alcohol is sold on the basis of a written order from the buyer, in which the type and quantity of alcohol must be stated;
 - the buyer gives to the excise license holder, prior to taking over alcohol, that is, prior to the issuance of an invoice, a written statement that the alcohol will be used solely for the purposes from Article 44 of the Excise Law;
 - a written statement shall contain the subject of business activity, that is, a number and date of issuance of the license (approval) to perform the activity and the name of the authority that issued the license, number and date of the license of the tax authority, based on which he can buy goods without paying for the excise tax, with the note that the quantity of excise goods to which the license relates has not been used up yet;
 - the excise license holder inserts a clause in the invoice that alcohol was sold without the calculation of the excise tax, based on the written statement from the buyer;
 - the excise license holder keeps the statement of the buyer and a copy of the invoice for sold alcohol as an accounting document.
- (2) If the alcohol is purchased by virtue of an agreement on successive deliveries, written statement may be given at the time of the first delivery or, based on the agreement on successive supply (delivery), at later deliveries, so that the excise license holder in the invoice refers to the number and date of that order, i.e. the agreement;
- (3) Excise license holder shall keep records of buyers, in accordance with this Article, and records of sold quantities with exemption from excise tax payment according to types of alcohol. Excise license holder shall be obliged to forward copies of those records to the tax authority by the end of the current month after the expiry of the tax period.

Article 31

(denaturant)

- (1) In order to be used in chemical industry and in the production of cosmetics, in accordance with Article 44 of the Excise Law, ethyl alcohol must be denatured by adding the raw methyl-alcohol (methanol) and wood oil, in the proportion 8:0,5 (to 8 liters of methyl-alcohol 0,5 liters of

wood oil is added). Methyl-alcohol and wood oil must be first mixed; 4 kg of that mixture is added to every 100 hectoliter degrees of alcohol being denatured.

(2) Denaturant for the purposes of exempt use is also considered: tiofen 125 g/hl denatonium bensoat 0.8 g/hl, red color 0.4 g/hl, methyl-ethyl-keton 2 l/hl; or isopropyl alcohol 4000 g/hl, methyl-ethyl-keton 500 g/hl, denatonium bensoat 2 g/hl; or denatonium bensoat 0.8 g/hl, t-butyl alcohol 78.8 g/hl, diethyl phthalate 500 g/hl, t-butyl alcohol 78.8 g/hl, or isopropyl alcohol 5000 g/hl, t-butyl alcohol 78.8 g/hl; or synthetic muscat in acid 39.5 g/hl, t-butyl alcohol 78.8 g/hl.

(3) If the use of the denaturant referred to in this Article, due to technological conditions is not adequate, another denaturant may be used, upon the approval from the tax authority.

(4) Ethyl alcohol shall be denatured at the premises where it is produced, or first stored upon importation in Montenegro but before it is dispatched for use.

Article 32

(usage of mineral oils not subject to excise tax)

(1) Excise license holder shall be permitted to sell mineral oils for the purposes referred to in Article 54, paragraph 1 of the Law under the following conditions:

- mineral oils are sold on the basis of a written order from the buyer, in which the type and quantity of mineral oils must be stated;
- the buyer gives to the excise license holder, prior to receiving the mineral oils, that is, prior to the issuance of the invoice, a written statement that the mineral oils will be used solely for the purposes referred to in Article 54, paragraph 1 of the Excise Law;
- a written statement shall contain the subject of business activity, that is, number and date of issuance of the license (approval) to perform the activity and the name of the authority who issued the license, number and date of the license of the tax authority, based on which he can buy mineral oils without paying for the excise tax, with the note that the quantity of excise goods to which the license relates has not been used up yet;
- that the excise license holder inserts a clause in the invoice that mineral oils were sold without the calculation of the excise tax, based on the written statement from the buyer;
- that the excise license holder keeps the statement of the buyer and a copy of the invoice for sold mineral oils as an accounting document.

(2) If mineral oils are purchased for the purposes defined in Article 54, paragraph 1 Item 1 of the Excise Law the written statement of the buyer, apart from the data from item 3 paragraph 1 of this Article, shall also contain data on the vessel for which the mineral oil is purchased (with the reference number under which the vessel is entered in an adequate register).

(3) If mineral oils are purchased on the basis of an agreement on successive deliveries, a written statement may be given at the time of the first order (in the first order) or in the agreement on successive deliveries, so that the excise license holder in the invoice refers to the number and date of that order or the agreement.

(4) Mineral oils may be dispatched from the excise warehouse for the purposes defined in Article 54 paragraph 1 item 1 of the Excise Law without being accompanied with an adequate excise document only if they have been transported directly to a plane, or ship, or fishing boat used for the registered activity.

(5) Excise license holder shall keep records of the buyers in accordance with this Article, and records of sold quantities with exemption from payment of the excise tax, according to the type of excise goods, and copies of these records shall be sent to the tax authority by the end of the current month for the previous.

XII. EXCISE TAX ASSESSMENT

Article 33

(general)

(1) Excise taxpayer shall assess by himself the excise tax for the tax period and state it in the monthly return. The monthly return shall be submitted to the competent tax authority, separately for individual types of excise goods, as follows:

- on the OAKC-AL form for alcohol and alcoholic beverages,
- on the OAKC-DP for tobacco products
- on the form OAKC-MU for mineral oils, mineral oil derivatives and substitutes.

(2) Excise license holder who has more than one excise warehouse, may submit a collective return for all excise warehouses, upon the approval of the tax authority.

(3) Exempt excise goods beneficiary who stores excise goods in several plants may submit a collective excise return upon the approval of the tax authority.

(4) If the excise license holder submits the collective excise return for all excise warehouses, he shall state in the return to which excise warehouses the assessment refers.

(5) If the exempt excise goods beneficiary submits the collective excise return, he shall state in the return to which plants the assessment refers.

(6) Forms referred to in paragraph 1 of this Article have been printed with this Rulebook and shall be considered as its integral part.

Article 33a

(assessment of excise on cigarettes)

The assessed excise on cigarettes is presented on the Form "OAKC-C" (Assessment of excise on cigarettes), which has been printed with this Rulebook and makes its integral part.

Article 34

(assessment of the excise tax on import)

(1) Customs authority shall assess the excise tax on importation of excise goods, in accordance with the customs legislation.

(2) If a customs debtor is obliged, under the customs legislation, to assess and pay the import duties, he/she shall be obliged to assess and pay the excise tax, in accordance with the customs legislation.

Article 34 a

(assessment of the difference excise for LPG)

Excise taxable person not holding the license for a warehouse of liquefied petroleum gas (hereinafter referred to as LPG) shall keep the records on the sold quantities which shall particularly include: LPG sale date, amount of paid import excise, amount of excise related to sold quantities of LPG (by use) and the excise difference in relation to quantities presented in the customs declaration.

If the amount of assessed excise for sold quantities of LPG in the country exceeds the amount of excise paid at import, the difference of underpaid excise is assessed.

If the amount of assessed excise for sold quantities of LPG in the country is lower than the amount of excise paid at import, the right to refund of overpaid excise shall be exercised within the time frames prescribed by law regulating the tax procedure.

The assessment of excise difference shall be submitted on the Form "OA-TNG", which is printed with this Rulebook and makes its integral part.

The assessment of the excise difference, referred to in paragraph 4 of this Article shall be submitted within the time frames for payment of excise on mineral oils at which occasion the payment of underpaid excise shall be made.

XIII. REGISTRATION OF EXCISE TAXPAYERS

Article 35

(1) Any person that is supposed to become an excise taxpayer shall be obliged to submit an application for registration no later than 15 days before the production, storage or dispatch of excise goods have commenced.

(2) The existing excise taxpayers shall submit the application referred to in paragraph 1 of this Article by 30 June 2002.

Article 36

Application for registration shall be submitted on the AKC-P form that is, together with the instruction for its completion, printed with this Rulebook and shall be considered as its integral part.

Article 37

(1) The application for registration shall be filed to the competent tax authority in one copy.

(2) With the application referred to in paragraph 1 of this Article the following shall be enclosed:

- decision on entry into the appropriate register for conducting the business activity
- and
- authorization of the person representing the taxpayer before the tax authority.

Article 38

(coming into force)

This Rulebook shall come into force 8 days after its publication in the Official Gazette of the Republic of Montenegro”.

No.: 04 – 1259/1

15 April 2002

Podgorica

MINISTER

Miroslav Ivanisevic

PROVISIONS

**OF THE RULEBOOK ON AMENDMENTS TO THE RULEBOOK ON IMPLEMENTATION OF
THE EXCISE TAX LAW (OFFICIAL GAZETTE OF THE REPUBLIC OF MONTENEGRO 9/06)
NOT INCLUDED IN THE CONSOLIDATED TEXT OF THE RULEBOOK**

Article 11

This Rulebook shall come into force on the day following the its publication in the Official Gazette of the Republic of Montenegro”.

MINISTRY OF FINANCE

MINISTER
Ph.D. Igor Lukšić

PROVISIONS

**OF THE RULEBOOK ON AMENDMENTS TO THE RULEBOOK ON IMPLEMENTATION OF
THE EXCISE TAX LAW (OFFICIAL GAZETTE OF THE REPUBLIC OF MONTENEGRO 78/06)
NOT INCLUDED IN THE CONSOLIDATED TEXT OF THE RULEBOOK**

Article 11

This Rulebook shall come into force 8 days after its publication in the Official Gazette of the Republic of Montenegro.

PROVISIONS

**OF THE RULEBOOK ON AMENDMENTS TO THE RULEBOOK ON IMPLEMENTATION OF
THE EXCISE TAX LAW (OFFICIAL GAZETTE OF THE REPUBLIC OF MONTENEGRO 18/09)
NOT INCLUDED IN THE CONSOLIDATED TEXT OF THE RULEBOOK**

Article 11

This Rulebook shall come into force 8 days after its publication in the Official Gazette of Montenegro”.

MINISTRY OF FINANCE

Number: 04-840/1

Podgorica, 6 March 2009

MINISTER,
Ph.D. Igor Lukšić

EXCISE DOCUMENT

1. Sender

Name: _____

Address: _____

Number: [][][][] PTT no: [][][][][][]

Place: _____

City: _____

2. VAT

3. Reg. number of excise taxpayer:

/ - -

4. Despatching place: _____

5. Reference number:

6. Invoice number:

7. Invoice date:

8. Sender's competent tax authority : _____

9. Recipient:

Name: _____

Address: _____

Number: [][][][] PTT number: [][][][][][]

Place: _____

City: _____

10. FIN

11..Reg. number of excise taxpayer:

/ - -

12. Place of receipt: _____

13. Shipping company:

14. Transport features (means of transport, registration number...): _____

15. Security instrument for excise payment

Instrument type: _____ Issuance date: [][] / [][] / [][][][] Security amount:

16. Dispatch date :

Time of dispatch

- - :

17. Duration of transport: [][] days [][] hours

18. Marks and numbers of excise goods:

Or. Number	Description of goods	Customs tariff number	Quantity	Gross weight	Net weight	Package type
------------	----------------------	-----------------------	----------	--------------	------------	--------------

19. Receipt certificate:

Date: [][] / [][] / [][][][] Time: [][]:[][] Reference number:.....

Received goods-..... Surplus-.....
Shortage.....

A. Minutes on the control

To be filled in by the competent tax authority

122. RULEBOOK ON IMPLEMENTATION OF THE EXCISE TAX LAW

Under the ordinal number 8 (**Sender's competent tax authority**): enter the name and address of sender's competent tax authority.

Under the ordinal number 9 (**Recipient**): enter the name and address of the recipient of excise goods (number, postal number, place and city).

Under the ordinal number 10 (**FIN**): enter the fiscal identification number.

Under the ordinal number 11 (**Excise taxpayer's registration number**): enter the registration number of the recipient of excise goods.

Under the ordinal number 12 (**Place of receipt**): enter the specific address of the place of receipt of excise goods.

Under the ordinal number 13 (**Carrier**): enter the name and address of the company transporting the excise goods.

Under the ordinal number 14 (**Transport features**): enter additional information about the carrier of the excise goods (driver's name and surname, its unique ID number, means of transport and registration number of the means of transport).

Under the ordinal number 15 (**Security instrument of excise payment**): enter the security instrument for excise payment (instrument type, issuance date and security amount).

Under the ordinal number 16 (**Dispatch date**): enter the date and time when excise goods are dispatched.

Under the ordinal number 17 (Duration of transport): enter normal time required for transport given the manner of transport and length of the route.

Under the ordinal number 18 (**Marks and numbers of excise goods**): Enter the features of excise goods (specific description, number of customs tariff, quantity, gross and net weight and type of package).

Under the ordinal number 19 (**Receipt certificate**): enter the date, time, reference number (under the ordinal number 5), received goods, amount of potential surplus or shortage, recipient's name, its PIS and seat, recipient's competent tax authority, name and surname of authorized person, his TIN, seal and signature.

Field A (**Minutes on control**): to be filled in by competent tax authority in the control procedure.

Field B (**Change of the place of receipt**): in case that the sender or his representative demand the shipment to be delivered in the place different from the place entered under the ordinal number 13, the demand has to be certified by the competent tax authority, and the new place of delivery is to be entered in the field S.

Field C (**Certificate of receipt**): receipt of the shipment is confirmed by the recipient of excise goods; in case of export of excise goods the receipt of the shipment is confirmed by the competent customs authority. Enter the date, hour, reference number (from the ordinal number 5), received goods, amount of potential surplus or shortage, recipient's company, its PIS and seat, competent tax authority, name and surname of authorized person, its PIS, seal and signature.

Field D (**Import certificate**): enter the certificate of the receipt of excise goods by the competent tax authority. Enter the date, place, description of goods, type of transport, export date, number of single customs document and customs officer signature.

EXCISE TAX CALCULATION ON ALCOHOL AND ALCOHOL BEVERAGES

1. For accounting period: MONTH YEAR 2 0 0 Adjusted tax return:

Enter "X" if you are filing an adjusted tax return

2. Type of excise taxpayer

Excise taxable person Ex. license holder Exempt excise goods beneficiary Other excise taxable persons

(Enter "X" in the corresponding field)

122. RULEBOOK ON IMPLEMENTATION OF THE EXCISE TAX LAW

3. Taxpayer data:

FIN:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Ex. taxable person reg. no.:

			/				-						-	
--	--	--	---	--	--	--	---	--	--	--	--	--	---	--

Company name (legal person), name and surname
(physical person):

Seat / Residence/

Street: _____ Number: _____ Telephone: _____ E-mail: _____

4. I have no liability to pay excise in the tax period

(Enter "X" if you don't have the liability to pay excise)

5. Calculated excise

5.1. In the country

Or. no. (1)	Type of alcohol and alcohol beverages (2)	Measure unit (3)	Quantity (4)	Total excise (5)
1.	Beer			
2.	Table wine			
3.	Sparkling wine			
4.	Other non-sparkling fermented beverages			
5.	Other sparkling fermented beverages			
6.	Intermediate alcohol beverages			
7.	Ethyl alcohol			
8.	Liability for tax period (1+2+3+4+5+6+7)			
9.	Paid excise refund			
10.	Payment liability (8-9)			

5.2. At import	
-----------------------	--

6. Excise warehouses or plants of exempt excise goods beneficiary to which excise payment refers:

Fiscal identification number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

I hereby declare under full material and criminal liability that the above information is true.

Date: / / L.S. Authorized person signature: _____

EXCISE CALCULATION FOR OTHER TOBACCO GOODS

1. For accounting period: MONTH YEAR Adjusted tax return:
Enter "X" if you are filing an adjusted tax return

2. Excise taxable person type:
 Excise taxable person Excise license holder Exempt goods beneficiary excise Other excise taxable persons

(Enter "X" in the corresponding field)

3. Taxpayer data:

FIN: Excise taxpayer reg. no: / - -

Address:

Street _____ Municipality _____
 Number _____ Telephone _____

4. I have no excise payment liability in the tax period

(Enter "X" if you don't have liability for excise payment)

5. Calculated excise

5.1. In the country

Or. no	Tobacco product type	Measure unit	Quantity	Excise amount	Total
1	2	3	4	5	6
1.	Cigars and cigarillos				
2.	Fine shrewd tobacco (for cigarettes)				
3.	Other tobacco for smoking				
4.	Liability for tax period (1+2+3)				

5.2. At import	
-----------------------	--

6. Excise warehouses or plants of exempt excise goods beneficiary to which the excise payment refers:

Fiscal identification number

I hereby declare under full material and criminal liability that the above information is true.

Responsible person: _____ FIN <table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>																					Authorized person: _____ FIN <table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>																				

Name and surname: _____ **Name and surname:** _____

Date: / / M.P. Authorized person signature:

EXCISE CALCULATION FOR OTHER TOBACCO GOODS

1. For accounting period: MONTH

YEAR

 2 0 0

Adjusted tax return:

Enter "X" if you are filing an adjusted tax return

2. Excise taxable person type:

Excise taxable person

Excise license holder

Exempt excise goods beneficiary

Other excise taxable persons

(Enter "X" in the corresponding field)

3. Taxpayer data:

FIN:

Excise taxpayer reg. no:

 / - -

Address:

Street _____

Municipality _____

Number _____

Telephone _____

4. I have no excise payment liability in the tax period

(Enter "X" if you don't have liability for excise payment)

5. Calculated excise

5.1. In the country

Or. no	Tobacco product type	Measure unit	Quantity	Excise amount	Total
1	2	3	4	5	6
1.	Cigars and cigarillos				
2.	Fine shrewd tobacco (for cigarettes)				
3.	Other tobacco for smoking				
4.	Liability for tax period (1+2+3)				

5.2. At import	
----------------	--

6. Excise warehouses or plants of exempt excise goods beneficiary to which the excise payment refers:

Fiscal identification number

I hereby declare under full material and criminal liability that the above information is true.

Responsible person:	Authorized person:																																								
FIN	FIN																																								
<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																					<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																				

Name and surname: _____ Name and surname: _____

Date: / / M.P. Authorized person signature:

CALCULATION OF EXCISE ON CIGARETTES

1. For accounting period: from _____ | YEAR

2	0	0	
---	---	---	--

to _____ | Adjusted tax return:

Enter "X" if you are filing an adjusted tax return

2. Type of excise taxable person:

Producer Importer

(Enter "X" in corresponding field)

3. Taxpayer data:

FIN:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

 Excise taxable person reg. no:

--	--

 /

--	--

 -

--	--	--	--	--	--	--	--	--	--

 -

--

Address: _____

Street: _____

Municipality _____

Number: _____

Telephone _____

4. Calculated excise tax

122. RULEBOOK ON IMPLEMENTATION OF THE EXCISE TAX LAW

Or. number	Cigarette type	Measure unit	Quantity	Excise amount		Total (5+6)
				Specific	Proportional	
1	2	3	4	5	6	7
1.	Cigarettes					
-						
-						
-						
-						
2.	Total:					

I hereby declare under full material and criminal liability that the above information is true.

I hereby declare under full material and criminal liability that the above information is true.

Authorized person signature Date: |_|_|/|_|_|/|_|_|_|_|

L.S.

Form "OA-TNGZ"

MONTENEGRO
Tax Administration

ASSESSMENT OF EXCISE DIFFERENCE FOR LIQUIFIED PETROLEUM GAS

1. For accounting period: Month

--	--

Year

2	0	0	
---	---	---	--

2. Taxpayer data:

TIN:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Excise taxpayer's reg. no.

--	--

/

--	--

-

--	--	--	--	--	--	--	--

-

--

Address: _____

Municipality : _____

Street: _____ Number: _____

Telephone: _____ E-mail: _____

3.

O.n.	Use	Measure unit	Quantity	Excise difference amount
1.	As motor fuel	Kg		
2.	For industrial and commercial purposes	kg		
3.	For heating	kg		
4.	To be paid:			
5.	To be refunded:			

I hereby declare under full material and criminal liability that the above information is true.

Date: I _ I _ I / I _ I _ I / I _ I _ I _ I L.S. Authorized person signature

To be filled in by tax authority:

Document number: __ / __ - _____ Date : I _ I _ I / I _ I _ I / I _ I _ I _ I

Authorized officer name:

Signature:

Republic of Montenegro

Tax Administration**APPLICATION FOR EXCISE TAXPAYER REGISTRATION**

Registration

Registration termination

(Enter "X" in appropriate field)

1.	Fiscal identification number (FIN):																			
2.	Taxpayer's name: _____																			
3.	Address: _____ Street: _____ Number: _____ Municipality: _____ Telephone: _____																			
4.	Type of excise goods: <input type="checkbox"/> Alcohol and alcohol beverages <input type="checkbox"/> Tobacco goods <input type="checkbox"/> Mineral oils, their derivatives and substitutes (Enter "X" in appropriate field)																			
5.	Date of the commencement of activity: I _ I _ I / I _ I _ I / I _ I _ I _ I _ I																			
6.	Authorized person representing the taxpayer before the tax authority:																			
	FIN:																			Surname and name:
7.	Reasons for termination of registration: <input type="checkbox"/> Liquidation and other. Termination of entrepreneurship activity <input type="checkbox"/>																			

I hereby declare under full material and criminal responsibility that the above information is true.

Authorized person signature

Date: |_|_|/|_|_|/|_|_|_|_|

L.S.

To be filled in by the tax authority

Document number _____ Receipt date ___/___/____ Processing date___/___/____

Name of authorized officer _____ Signature _____

INSTRUCTION FOR FILLING IN THE APPLICATION

Under the ordinal number 1, fiscal identification number – enter fiscal identification number (FIN) of the taxpayer that has been assigned to it by the competent tax authority at the occasion of registration.

Under the ordinal number 2, taxpayer's name – enter the name of the taxpayer.

Under the ordinal number 3, address – enter full address of the taxpayer, (street, number, municipality and telephone number).

Under the ordinal number 4, type of excise goods – depending on the type of the excise goods, enter x in the corresponding field.

Under the ordinal number 5, date of the commencement of activity, enter the date of the commencement of activity for which the excise taxpayer is registered.

Under the ordinal number 6, authorized person – enter the unique ID number, surname and name of authorized person representing the taxpayer before the tax authority.

Under the ordinal number 7, reasons for termination of registration – enter the reasons for termination of registration.(enter "X" in the field before the corresponding reason for termination of registration).