

# **THE REGULATION ON IMPLEMENTATION OF THE FOREIGN TRADE LAW**

## **PART ONE**

### **GENERAL PROVISIONS**

#### **Subject-matter of the Regulation**

##### **Article 1**

This Regulation shall govern conditions and procedures for issuance of import licenses, export licenses, and licenses for transit of goods and application of protective measures.

#### **Definitions**

##### **Article 2**

For the purposes of this Regulation, the following terms shall have the meaning specified below:

**“License”** is a document being a prior condition for importation or exportation, and/or transit of goods which is issued in the administrative proceedings upon an application of an interested person which fulfills the conditions prescribed by the Foreign Trade Law (RM Official Gazette, No. 28/04) [hereinafter referred as: the Law] and this Regulation;

**“Like product”** is a product which is identical to the product under consideration, or, that has characteristics closely resembling those of the product under consideration;

**“Export price”** is the price actually paid, or payable for a product when sold for export from the exporting country to the Republic of Montenegro [hereinafter referred to as: the Republic];

**“Industrial research”** is a research or investigation aimed at discovery of new knowledge, with the objective that such knowledge may be useful in developing new products, processes or services, or in bringing about a significant improvement to existing products, processes or services.

**“Pre-competitive development activity”** is the translation of industrial research findings into a plan, blueprint or design for new, modified or improved products, processes or services whether intended for sale or use or not, including the creation of the first prototype. It may further include the conceptual formulation and design of products, processes or services alternatives and initial demonstration or pilot projects, provided that these same projects cannot be converted or used for industrial application or commercial exploitation. It does not include routine or periodic alterations to existing products, production lines, manufacturing processes, services, and other on-going operations even though those alterations may represent improvements.

**"General framework of regional development"** means that regional subsidy programmes are part of an internally consistent and generally applicable regional development policy and that regional development subsidies are not granted in isolated geographical points having no, or virtually no, influence on the development of a region.

**“Usual price”** is a price which corresponds to prevailing market conditions in the country where the goods or services are obtained, i.e. country in which the goods are bought, including the price, quality, availability, market access, transportation and other circumstances of purchase or sale.

**“Interested person”** is an exporter, foreign producer, or importer of the products which is the subject-matter of investigation, or commercial or business association which represents the majority of producers, exporters or importers of such product; every domestic producer of the like product or commercial or business association which represents majority of producers of the like product in the Republic, and Government or other state body of the exporting country or state of the origin of the product which is the subject-matter of investigation;

**“Confidential information”** is every information whose communication to the public would represent significant advantage for competitor or could cause damage to person who has produces such information or for person from whom the information is gathered, as well as any information which parties to the investigating procedure provide as confidential, and

**“Increased imports”** is the real increase of imports (increase in absolute terms) or increase of the market share at the market which is decreasing, even where the quantity of imports is not increasing (increase in relative terms).

## PART TWO

## **CONDITIONS AND PROCEDURES FOR ISSUANCE OF A LICENSE**

### **Control List**

#### **Article 3**

- (1) Licenses for export and import of goods shall be issued for goods which are under licensing regime for import and export under the Decision on control list for export and import.
- (2) Provisions on licensing procedures of import and/or export of goods of this Regulation shall apply *mutatis mutandis* to issuance of licenses for transit of goods which are under the licensing regime.

### **Competent authority for issuance of a license**

#### **Article 4**

An application for issuance of export, import or transit license shall be submitted in written form to the administrative body competent for foreign trade affairs, and/or other competent administrative bodies in accordance with Article 22, paragraph 3 of the Law [hereinafter referred to as: the competent authority].

### **Content of application for issuance of a license**

#### **Article 5**

- (1) Application for issuance of a license for export, import and transit of goods shall contain data on the applicant and goods, including the following:
  1. name and type of goods;
  2. tariff code, and/or tariff codes of goods;
  3. quantity of goods in measurement units;
  4. value of goods expressed in euros (total and singular);
  5. nomination of the exporting country;
  6. nomination of the country of origin of goods;
  7. information on person being an exporter and/or importer of goods (name, firm, address, person identification number and/or registration number, work permit in accordance with special regulation of competent ministries and phone number) and
  8. proof on title on art, cultural, historical or archeological treasures, as well as proof that the author and/or holder of copyright is informed of the destination of the exported artifact.

- (2) Evaluation of value of goods which represent art, cultural, historical or archeological treasures shall be conducted by special expert commission which shall be established by the ministry of culture.
- (3) The applicant shall pay a fee for evaluation of value of goods representing art, cultural, historical or archeological treasures.
- (4) The amount of fees to be paid for evaluation of value of goods representing art, cultural, historical or archeological treasures shall be determined by the ministry of culture.
- (5) The application for issuance of a license for export, import and transit of goods may contain other data and facts that applicant considers important for making a decision.
- (6) An application for issuance of a license shall be accompanied with the proof that administrative fee has been paid.

#### **Additional data**

#### **Article 6**

- (1) The competent authority may request the applicant to supply additional data or documents, depending on the type of goods and conditions which such goods need to fulfill.
- (2) If the applicant has been issues a license for import of goods in question in the previous term, the competent authority may request that proof on the usage of previously issued license and/or license be submitted.

#### **Form of issuance of a license**

#### **Article 7**

- (1) The license shall be issued by the competent authority.
- (2) The competent authority shall decide on the application for issuance of a license in a form of decision.

### **PART THREE**

### **PROCEDURES FOR APPLICATION OF PROTECTIVE MEASURES**

## **CHAPTER ONE**

### **ANTIDUMPING AND COUNTERVAILING MEASURES**

#### **Determination of dumping**

##### **Article 8**

Determination of dumping shall be conducted if the goods are imported in the Republic at the price lower than its normal value.

#### **Normal value of goods**

##### **Article 9**

- (1) Normal value of goods shall mean the usual price which in the free circulation is calculated for the like product at the market of the exporting country, or other value determined in accordance with relevant WTO agreement and EU regulation,
- (2) Normal value of goods shall be determined by application of the usual price and minimum level of sale at the market of the exporting country.
- (3) When the product which is a subject-matter of investigation in accordance with this Regulation, is not sold at the market of the exporting country in the free circulation, or when such sales does not allow objective comparison due to market size or low sales, normal value shall be determined based on representative sale price of the like product intended for export to any third country, or value of the goods which is determined base on the production and sale costs, administrative and other expanses and profits.

#### **Minimum level of sale**

##### **Article 10**

Minimum level of sale referred to in Article 9 of this Regulation, shall be deemed the amount of sales of the like product destined for consumption in the domestic market of the exporting country if such sales constitute 5 per cent or more of the sales of the product under consideration for determination of normal value of goods in the Republic.

Exceptionally, lower ratio of sale in the Republic may be used for determination of the normal value if the evidence demonstrate that such level is nonetheless of sufficient magnitude to provide for a proper comparison for the purposes of normal value determination.

#### **Determination of normal value**

## **Article 11**

- (1) Sales of the like product in the domestic market of the exporting country, or export sales to a third country, at prices below normal value, may be disregarded in determining normal value, only if it is determined that such sales are made during the period of time longer than six months.
- (2) Expenses referred to in Article 9 of this Regulation shall be calculated, as a rule, based on available accounting records of the exporter, and/or producer.
- (3) When calculating expenses, all available data on the structure of expenses shall be used, including data on the structure of expenses in the previous period of time, which are supplied by exporter and/or producer.
- (4) When the amount of expenses is not supplied by the exporter and/or producer, they shall be determined on the basis of:
  - 1) data on the amount of expenses usually incurred by the seller or exporter in production or sale of the like product in the market of the exporting country or country of origin, or on the basis of the weighted average of the amounts incurred and realized by other exporters or producers subject to investigation in accordance with this Regulation; or
  - 2) in any other reasonable method, provided that the amount for profit so established shall not exceed the profit normally realized by other exporters or producers on sales of products of the same category in the domestic market of the country of origin.

## **Determination of the Export price**

### **Article 12**

- (1) Export price which importer pays shall be determined on the basis of the price at which the imported goods are first resold in the condition as imported.
- (2) Export price shall include normal value of the goods, transportation and sale costs, including duties and taxes incurred during importation.
- (3) In cases where there is no export price or where it appears to the Competent Authority that the export price is unreliable because of association or a compensatory arrangement between the exporter and the importer or a third party, the export price may be constructed on the basis of:
  - 1) The price at which the imported goods are first resold in the condition as imported to an independent buyer, or

- 2) On any other reasonable basis, if the products are not resold to an independent buyer or are not resold in the condition as imported, taking into account costs of import, including duties and taxes incurred between importation and resale at the market of the Republic, as well as profits accrued by the importer.

### **Determination of the margin of dumping**

#### **Article 13**

- (1) Export price and normal value shall be compared for the purposes of determination of dumping, taking into account the same level of trade and with respect to sales made at as nearly as possible the same time.
- (2) Comparison of export price and normal value shall be conducted in accordance with basic characteristics of the export procedure in question, and especially taking into account the following:
  - 1) Physical characteristics;
  - 2) Import charges and indirect taxes;
  - 3) Discount, rebates and quantities;
  - 4) Level of trade;
  - 5) Transport, insurance, handling, loading and ancillary costs;
  - 6) Packing costs;
  - 7) The amount of credit granted for the sale, provided that it is a factor taken into account in the determination of the sale price;
  - 8) After-sales costs ( guarantees, technical assistance and maintenance);
  - 9) Commissions paid in respect of the sales;
  - 10) Currency conversions ( using the rate of exchange on the date of sale).
- (2) Comparison of export price and normal value for the purposes of determining margin of dumping during the investigation procedure shall be established on the basis of a comparison of a weighted average normal value with a weighted average of export prices of all comparable export transactions.
- (3) In the case where products are not imported directly from the country of origin but are exported to the Republic from an intermediate country, the price at which the products are sold from the country of export to the Republic shall be compared with the comparable price in the country of export. The comparison can be made with the price in the country of origin, in cases where
  - 1) The products are merely transhipped through the country of export, or
  - 2) Such products are not produced in the country of export, or
  - 3) There is no comparable price for them in the country of export.

## **Determination of the effects of subsidies**

### **Determination of subsidies**

#### **Article 14**

Existence of the subsidies import shall be investigated and determined by the competent authority.

Subsidy shall be deemed to exist when there is any **financial or other contribution** by a government of the country of origin or export or its bodies, and especially where:

- 1) A state body directly transfers funds (e.g. grants, loans, equity infusion) or accepts liabilities;
- 2) A state body does not collect or discharges debt due on the basis of public revenues;
- 3) A state body purchases goods, supplies goods or services, on non-market criteria;
- 4) A state body makes payments to a funding mechanism or entrusts or directs other persons to carry out one or more of the type of functions referred to in items 1, 2 and 3 of this Article which would normally be vested in that state body.

### **Specific subsidies**

#### **Article 15**

- (1) Countervailing measures for offsetting the effects of subsidies with respect to imported goods in questions may be applied only with respect to specific subsidies, i.e. subsidies intended to a specific enterprise or industry or group of enterprises (hereinafter referred to: as “certain enterprises”).
- (2) Subsidies contingent, in law or in fact, whether solely or as one of several other conditions, upon export performance, including those illustrated in Annex 1 to the WTO Agreement on Subsidies and Countervailing Measures, and the subsidies, without having been made legally contingent upon export performance, is in fact tied to actual or anticipated exportation or export earnings as well as subsidies contingent upon the use of domestic over imported goods, shall always be considered specific.
- (3) Competent authority, when determining specific subsidies, may on its own judgment investigate other factors, and especially:
  - a) use of a subsidy program by a limited number of certain enterprises;
  - b) predominant use of a subsidy by certain enterprises;
  - c) the length of time during which the subsidy program has been in operation; and

- d) the extent of diversification of economic activities within the jurisdiction of the authority granting subsidies, as well as the manner in which discretion has been exercised by the granting authority.

### **Non-actionable subsidies**

#### **Article 16**

- (1) The following subsidies shall not be subject to countervailing measures:
  - 1) Assistance for research activities conducted by businesses or by higher education or research establishments on a contract basis with firms, if such assistance covers not more than 75% of the costs of industrial research or 50% of the costs of pre-competitive development activity;
  - 2) Assistance to disadvantaged regions within the territory of the country of origin and/or export, given pursuant to a general framework of regional development, and
  - 3) Assistance to promote adaptation of existing facilities to new environmental requirements imposed by law and/or regulations which result in greater constraints and financial burden on businesses.
- (2) Subsidy shall not be deemed specific if the authority competent for granting subsidies, or legislation pursuant to which the granting authority operates, establishes objective criteria or conditions governing the eligibility for, and the amount of a subsidy, provided that the eligibility is automatic and that such criteria and conditions are strictly adhered to. mean criteria or conditions which are neutral, which do not favor certain enterprises over others, and which are economic in nature (e.g. number of employees or the size of enterprise).
- (3) Determination or change of generally applicable tax rates shall not be deemed to be a specific subsidy.

### **Recipients of non-actionable subsidies**

#### **Article 17**

The benefits conferred to the recipient of subsidy shall not be considered as specific subsidy, within the meaning of this Regulation, where:

- 1) provision of equity capital by the state body is consistent with the usual investment practice of private investors in the territory of the country of origin and/or export;
- 2) There is no difference between the amount that the firm receiving the loan pays on the government loan and the amount the firm would pay on a comparable commercial loan which the firm could actually obtain on the market. If the

expenses of the loan for which the state body guarantees are lower than expenses of the commercial loan for which the state body does not guaranty, such difference shall be considered as benefit conferred to the recipient;

- 3) There is no difference between the amount of a loan for which the state body guaranties and the amount of commercial loan for which the state body does not guaranty. If the expenses of the loan for which the state body guarantees are lower than expanses of the commercial loan for which the state body does not guaranty, such difference shall be considered as benefit conferred to the recipient; and
- 4) the provision of goods or services or purchases of goods by a government is not made for less than adequate remuneration, or the purchase is made for more than adequate remuneration at the market.

### **Calculation of specific subsidies**

#### **Article 18**

- (1) The amount of specific (actionable) subsidies shall be determined according to the amount of the benefit conferred to the recipient during the subsidizing period which is the subject matter of the investigation. Calculation shall be made, as a rule, on the basis of data for the last business year of the subsidy recipient.
- (2) If data referred to in paragraph 1 of this Article are not available, the basis for calculation may represent other available financial or relevant data, for the period not shorter than six month before initiation of investigation procedure.
- (3) The amount of subsidy shall be determined per unit of the subsidized product exported to the Republic.
- (4) The amount of subsidy may be deduced for the amount of:
  - 1) costs necessarily incurred in order to qualify for, or to obtain, the subsidy;
  - 2) export taxes, duties or other charges levied on the export of the product to the Republic specifically intended to offset the subsidy;
- (5) Where the subsidy is not granted by reference to the quantities manufactured, produced, exported or transported the amount of subsidy shall be determined by allocating the value of the subsidy, as appropriate, over the level of production, sales or exports of the products concerned during the investigation period for subsidization.

### **Determination and application of antidumping and countervailing measures**

#### **Examination of the impact on the industry**

## **Article 19**

The examination of the impact of the dumped and subsidized imports on the industry suffering damage from such import shall include an evaluation of all relevant economic factors having a bearing on the state of the industry, including *inter alia*:

- 1) The fact that an industry is still in the process of recovering from the effects of past subsidization or dumping;
- 2) The magnitude of margin of dumping or the amount of subsidies;
- 3) Actual and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity;
- 4) Factors affecting the prices on the domestic market;
- 5) Actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital or investments.

## **Material injury from dumped or subsidized imports**

### **Article 20**

- (1) A determination of a threat of material injury shall be based on facts, and/or change in circumstances which is unquestionable and direct.
- (2) Existence of material injury may also be determined on the basis of the following factors:
  - 1) A significant increase of dumped or subsidized imports, especially if the imports are increased in absolute terms or in relation to production or consumption in the Republic;
  - 2) Available capacity, or expected substantial increase in capacity of the exporter indicating the likelihood of substantially increased subsidized imports to the Republic;
  - 3) Impact of dumped and./or subsidized imports to prices, especially if it has significantly impacted the level of prices in the Republic; and
  - 4) negative influence on the industry which is expressed in real and potential economic indicators such as e.g. lower level of sales, market share, productivity, profits, or in the negative influence at the business, employment,

salaries, liquidity, level of prices, inventories of products subject to investigation and similar.

### **Application for initiation of the investigating procedure**

#### **Article 21**

- (1) The application for initiation of an investigation shall contain sufficient evidence of the existence of dumping or subsidization as well as the injury resulting thereof, and a causal link between the dumped and/or subsidized imports and the alleged injury.
  - 1) In cases of any alleged dumping the application shall also contain the information on normal value of goods, sale price of goods in the market of the country of origin or third country, export price, as well as sale price of goods at which the product is first resold to an independent buyer in the territory of the Republic.

### **Prior notification on initiation of investigation procedure**

#### **Article 22**

- (1) After the receipt of a properly documented application and before the initiation of an investigation, the Competent Authority shall notify of the submitted application:
  - 1) In cases of alleged dumping: the government of the country of export of the concerned product;
  - 2) In cases of alleged subsidized import - the government of the country of origin and/or export which shall be invited for consultations with the aim of clarifying the situation and arriving at a mutually agreed solution.

### **Period of time**

#### **Article 23**

- (1) When the application for initiation of procedure for investigation of dumping or subsidized imports does not contain sufficient evidence, the competent authority may, within 8 days of the receipt of application request from applicant to submit necessary evidence and set a period of time for such corrections.

### **Termination of the proceedings**

#### **Article 24**

- (1) The competent authority shall not propose to the Government the application of anti-dumping and/or countervailing duty if in the investigation procedure it is determined that that the margin of dumping or the amount of subsidy is *de minimis*, or where the volume of dumped and/or subsidized imports, actual or potential, or the injury, is negligible.
- (2) The margin of dumping shall be considered to be *de minimis* if this margin is less than 2 per cent, expressed as a percentage of the export price, whereas the amount of the subsidy shall be considered to be *de minimis* if the subsidy is less than 1 per cent *ad valorem*.

### **Conditions for termination and/or continuation of proceedings**

#### **Article 25**

If the competent authority determines in the investigation procedure that exports of dumped products from one particular country constitute less than 3% of the total imports of the like product in the Republic, it shall not propose to the Government the application of anti-dumping and/or countervailing duty, except where the imports from more country collectively account for more than 7% of the total import of the like product in the Republic.

### **Notification of initiation of the proceedings**

#### **Article 26**

- (1) The notification of initiation of the proceedings for investigation of the existence of dumped or subsidized imports , shall contain:
  - 1) The name of the exporting country or countries and the product involved;
  - 2) The date of initiation of the investigation;
  - 3) Evidence on the existence of dumping or subsidy;
  - 4) A summary of the factors on which the allegation of injury is based;
  - 5) The address to which representations by interested parties should be directed;  
and
  - 6) The time limits allowed to interested parties for making their views known.

- (2) The notification referred to in paragraph 1 of this Article shall be published in official Gazette of the Republic of Montenegro.

### **Notification of interested persons**

#### **Article 27**

Notification on initiation of investigation procedure under Article 26 of this Regulation shall be submitted to the known exporters and authorities of the country of export and/or origin, and to other interested parties on their request, provided the confidentiality of information is secured.

### **Activities in the Investigation Procedure**

#### **Article 28**

In carrying out an investigation, the Competent Authority may:

- 1) Seek evidence and information it deems to be necessary for the investigation;
- 2) Examine and verify the data supplied by the interested parties;
- 3) Where necessary, carry out investigation and inspection; and
- 4) Inspect the records kept by the importers, exporters, traders, agents, producers, trade organizations and associations.

### **Restrictions on Investigation Procedure**

#### **Article 29**

- (1) In cases where the number of applications, exporters or importers, types of product or transactions is large, the competent authority may, taking into account the opinion of interested persons, limit the investigation to:
  - 1) A reasonable number of persons, products or transactions by using samples which are statistically valid on the basis of information available or;
  - 2) The volume of the production, sales or exports which can reasonably be investigated within the time limit available.
- (2) In cases where the examination has been limited under the provisions of paragraph 1 of this Article, an individual amount of subsidy or dumping margin shall be calculated for any exporter or producer not initially selected who submits the necessary information within the time limits provided for in this Regulation.

## **Examination of Accuracy of Information**

### **Article 30**

- (1) If the interested person refuses access to, or otherwise does not provide necessary information within a period determined in notification referred to in Article 27 of this Regulation, the competent authority shall conduct the investigation on the basis of the facts available..
- (2) When determining the amount of the normal value or the value of the subsidy, the competent authority may check information from other available sources, besides information referred to in paragraph 1 of this Article.

## **Confidential Information**

### **Article 31**

Any information received by the Competent Authority shall be used only for the purposes for which it has been requested, and shall not be disclosed without specific written permission of the party submitting it.

## **Notification before a final decision**

### **Article 32**

- (1) The Competent Authority shall, not later than 15 days before final determination is made on the existence of dumping and/or subsidy, inform all interested persons of the essential facts under consideration which form the basis for the decision.

## **Voluntary undertakings**

### **Article 33**

- (1) An investigation may be terminated without the imposition of provisional or definitive antidumping and/or countervailing duties upon acceptance of satisfactory **voluntary undertakings by interested person**, approved by the Competent Authority under which:
  - 1) In cases of dumped import the exporter concerned undertakes to raise its prices or to cease exports in question at dumped prices so that the Competent Authority is satisfied that the injurious effect of the dumping is eliminated in such manner.
  - 2) In cases of subsidized import:

- the government of the country of export agrees to eliminate or limit the subsidy or take other measures concerning its effects; or
  - the exporter undertakes to raise its prices so that the Competent Authority is satisfied that the injurious effect of the subsidy is eliminated in such manner.
- (2) Price increases under paragraph 1 shall not exceed an amount of dumping margin or the amount of subsidies respectively, but can be less, if such lesser increases would be adequate to remove the injury.

### **Continuation of the investigation procedure**

#### **Article 34**

Despite the acceptance of undertakings, the investigation shall be continued if required by exporters or by decision of the Competent Authority.

### **Imposition of antidumping and/or countervailing duty**

#### **Article 35**

- (1) The decision on imposition of antidumping or countervailing duties shall specify the type and the rate of the duty applicable, tariff line and tariff code of the product, country of origin and/or country of export and duration of the application.
- (2) The decision referred to in paragraph 1 of this Article shall also specify any supplier or suppliers subject to the measure.
- (3) If a provisional duty referred to in Article 41 of the Law is applied, imposition of the antidumping and/or countervailing duty and/or proposal for determination of a definitive duty shall be made not later than 30 days before the time period for the application of the provisional duty elapses.
- (4) Anti-dumping or countervailing duties shall be imposed on an *ad valorem* basis simultaneously with the customs duties.
- (5) No product shall be subject to both anti-dumping and countervailing duties.

### **Notification on expiry of period of application**

### **Article 36**

Six months before the expiration of the period set out for the application of anti-dumping and/or countervailing duties, a public notice of impending expiry shall be published in the RM Official Gazette.

### **Determination of origin of goods**

### **Article 37**

While determining the origin of goods for the purposes of imposing antidumping and/or countervailing duties, the general non-preferential rules of origin shall apply.

## **CHAPTER II**

### **SAFEGUARD MEASURES**

#### **Threat of serious injury in the case of increased imports**

### **Article 38**

"Threat of serious injury" shall mean serious injury that is clearly imminent based on the facts, that could not be avoided, and that is a consequence of increased imports.

#### **Determination of serious injury**

### **Article 39**

- (1) Safeguard measures shall be imposed if it is determined in the investigation procedure that increased imports of a certain product have caused or are threatening to cause serious injury to a domestic industry.
- (2) In the investigation to determine whether the existence or threat of serious injury the competent authority shall evaluate all relevant factors, in particular:
  - 1) the rate and amount of the increase in imports of the product concerned in absolute and relative quantities and values with respect to domestic production and consumption
  - 2) prices of the imported goods, especially if there has been a significant decrease of the price compared to the price of competitive product
  - 3) impact to the domestic production expressed in the following:

- change of share of the domestic market taken by increased imports
- changes in the level of sales, production, productivity, capacity utilization, profits and losses, and impact of the increased imports on employment in specific production activity;
- the impact of import to the supply of the domestic market and the increased level of dependence from imports;
- reduction of price of the same goods, equally competitive, or prevention of raise of prices that would normally occur; and
- increase of supplies of the imported goods at the domestic market.

(3) Factors referred to in paragraph 1 of this Regulation must demonstrate the existence of the direct causal link between increased imports and the effect to domestic production.

### **Content of a decision to initiate proceedings**

#### **Article 40**

Decision to initiate proceedings for determination of serious injury shall contain:

1. date of initiation of the procedure
2. data on goods under investigation
3. designation of goods, as well as the list of exporting countries subject to investigation.

### **Report on the state of domestic industry**

#### **Article 41**

- 1) Based on the facts gathered and evidence obtained the competent authority shall prepare a report on the state of domestic industry, especially with respect whether the increased imports are causing serious injury or there is a threat thereof and proposal for possible imposition of safeguard measure,
- 2) The report referred to in paragraph 1 of this Article the competent authority shall submit to the government.
- 3) Provisions of Article 31 of this Regulation shall apply *mutatis mutandis* to the issue of confidentiality of information gathered in the investigation procedure.

### **Termination of the proceedings**

#### **Article 42**

If on the basis of the conducted investigation procedure it is determined that there is no serious injury or threat thereof, the competent authority shall ex officio publish the decision on termination of the proceedings in the RM Official Gazette.

## **PART FOUR**

### **FINAL PROVISION**

#### **Entering into force**

#### **Article 43**

This Regulation shall come into force on the eighth day from the day of its publishing in the “Official Gazette of the Republic of Montenegro”.