

LAW ON STANDARDIZATION

I. GENERAL PROVISIONS

Subject-matter of the Law

Article 1

This Law shall govern the principles and objectives of standardization in the Republic of Montenegro (hereinafter referred to as: Montenegro), the establishment, organization and activities of the organization for standardization of Montenegro, the adoption, issuing, and application of Montenegrin standards and related documents in the standardization area, as well as inspectoral supervision of the implementation of this Law.

Definitions

Article 2

The terms used in this Law shall have the following meanings:

- 1) **Standardization** shall mean activities aimed at defining provisions for general and multiple use, related to actual or potential problems, for the purpose of achieving the optimum level of order in a given area;
- 2) **Standard** shall mean a document established by consensus and adopted by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for the activities or the results thereof, for the purpose of achieving optimal level of regulation in a certain area.;
- 3) **International standard** shall mean a standard adopted by an international organization (international body) for standardization that is available to the public;
- 4) **European standard** shall mean a standard adopted by an European organization for standardization that is available to the public;
- 5) **Montenegrin standard** shall mean a standard adopted by the organization for standardization of Montenegro that is available to the public;
- 6) A **related document from the area of standardization** (hereinafter referred to as: **related document**) shall mean a document adopted by the organization for standardization that is available to the public, but does not meet the requirements to be adopted as a Montenegrin standard;
- 7) **Adoption of a standard or a related document** shall mean the set of coordinated activities beginning with the approval of a proposal for adopting the standard or the related document, and ending with the adoption of an act on its promulgation;
- 8) **Interested party** shall mean any company, other legal person, entrepreneur, or natural person that is interested in standardization;
- 9) **Consensus** shall mean a general agreement on any important issue achieved in such a way as to take into account the views of all the interested parties and to harmonize all the conflicting views, but **consensus** does not mean unanimity;

- 10) **Conformity assessment** shall mean any procedure used, directly or indirectly, to determine that relevant requirements in standards are fulfilled;
- 11) **Mark of conformity** shall mean a mark or an indication affixed to the on a product in accordance the rules of the organization for standardization of Montenegro, demonstrating its conformity with the requirement of a standard;
- 12) **European organizations for standardization** shall mean organizations for standardization in which it is possible for relevant national bodies from European countries to become members, including the following:
 - European Committee for Standardization (CEN);
 - European Committee for Electro-technical Standardization (CENELEC);
 - European Telecommunication Standards Institute (ETSI);
- 13) **International organizations for standardization** shall mean organizations for standardization which allow the membership of the relevant national bodies of any country, including the following:
 - International Organization for Standardization (ISO);
 - International Electro-technical Commission (IEC);
 - International Telecommunications Union (ITU).

II. PRINCIPLES AND OBJECTIVES OF STANDARDIZATION

Principles

Article 3

Standardization in Montenegro shall be based on the following principles:

- 1) the right to voluntary participation and contribution of all interested parties in the process of adopting Montenegrin standards and related documents;
- 2) consensus of interested parties;
- 3) prevention of domination of individual interests over the common interest of the interested parties;
- 4) transparency of the standardization procedure and the availability to the public of Montenegrin standards and related documents;
- 5) mutual conformity of Montenegrin standards and related documents;
- 6) taking into account the stage of development of technology and rules of international and European organizations for standardization and relevant international agreements;
- 7) that the product or service from a country that is a signatory to a relevant international agreement is accorded the same treatment as that accorded to the similar domestic product or service, and/or to the similar product or service from any other country;
- 8) ensuring that standards are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to international trade;
- 9) use of international standards or their relevant parts, when they exist or their completion is imminent, as the basis for Montenegrin standards;

- 10) where appropriate, the use in standards of performance rather than design or descriptive characteristics.

Objectives
Article 4

The objectives of standardization shall be:

- 1) the promotion of protection of human, animal and plant life, health and safety, and of the environment;
- 2) the promotion of quality of products, processes and services, determining their purpose, unification, compatibility and commutability;
- 3) the provision of an uniform technical basis;
- 4) the development and promotion of production and trade in goods, performing construction works, or providing services through development of internationally harmonized standards and related documents aimed at the rational use of labor, materials and energy;
- 5) the promotion of international trade through preventing or eliminating unnecessary technical barriers.

**III. ESTABLISHMENT, ACTIVITIES, GOVERNING BODIES,
MEMBERSHIPS AND FUNDING OF THE INSTITUTE
FOR STANDARDIZATION OF MONTENEGRO**

Establishment of the Institute
Article 5

- (1) For the purpose of achieving the objectives referred to in Article 4 of this Law and adopting Montenegrin standards and related documents, the Institute for Standardization of Montenegro (hereinafter: the Institute) shall be established as an independent non-profit organization.
- (2) The Government of the Republic of Montenegro (hereinafter referred to as: the Founder) shall adopt the foundation act of the Institute.
- (3) The Institute shall be a legal person registered in the Central Register of the Commercial Court .

Activities of the Institute
Article 6

The Institute shall perform the following activities:

- 1) adopting, developing, reviewing, amending and withdrawing Montenegrin standards and related documents;
- 2) ensuring the compliance of Montenegrin standards and related documents with European and international standards;
- 3) maintaining the register of Montenegrin standards and related documents in all development phases;
- 4) participating in preparing and reviewing standards and related documents adopted by European and international organizations for standardization in the areas for which the needs and interests of Montenegro exist, and for which the review or adoption of Montenegrin standards and related documents is expected;
- 5) cooperating with European and international organizations for standardization and national standardization bodies of the countries that are signatories of relevant agreements related to standardization;
- 6) performing other activities in accordance with obligations arising from international agreements related to standardization that are binding on Montenegro;
- 7) providing Montenegrin standards, related documents and publications to the public, as well as standards and publications of the relevant European and international organizations and other countries, and engaging in their sale;
- 8) providing a basis for the preparation of technical regulations;
- 9) preparing programs and annual plans for adoption of Montenegrin standards;
- 10) acting as an information center in accordance with the requirements defined by relevant international agreements and obligations arising from membership in the relevant European and international organizations for standardization;
- 11) representing the interests of the Republic in the area of standardization in European and international organizations and bodies for standardization;
- 12) approving the use of a mark of conformity with Montenegrin standards and related documents in accordance with its rules;
- 13) engaging organizations and associations for the preparation of Montenegrin standards and related documents in specific areas, in accordance with its rules;
- 14) promoting the application of Montenegrin standards and related documents;
- 15) performing other activities related to standardization in accordance with this Law and the foundation act.

Governing Bodies of the Institute
Article 7

- (1) The governing Bodies of the Institute shall be: the Assembly, the Managing Board, the Director.

- (2) The foundation act and the Statute of the Institute shall govern the manner in which the governing bodies referred to in paragraph 1 of this Article shall be established, their operation, manner of decision making and other issues relevant for the activities of the Institute.
- (3) The Statute of the Institute shall be adopted by the Assembly of the Institute, upon the proposal of the Managing Board and the approval of the founder.

Article 8

- (1) For the purpose of exercising their interests with regard to standardization, a member of the Institute may be: a company, other legal person or entrepreneur established according to the applicable regulations of Montenegro, or a natural person who is a citizen of the Republic (hereinafter referred to as: an Institute member).
- (2) An Institute member participates in the operation and management of the Institute in accordance with this Law, the foundation act and the Statute of the Institute.
- (3) The rights and obligations of Institute members, as well as the membership fee, shall be regulated by the foundation act and the Statute of the Institute.

Funding the Activities of the Institute

Article 9

- (1) The Institute activities shall be funded from the following sources:
 - 1) the sale of standards, related documents and other publications;
 - 2) membership fees;
 - 3) fees for services rendered;
 - 4) the Budget of Montenegro;
 - 5) other sources.
- (2) The amount of funds allocated from the Budget of Montenegro shall be determined based on the activities designated by the program and the annual plans for adoption of standards and related documents.
- (3) The funds for the membership fees of the Institute in European and international organizations for standardization shall be provided from the Budget of Montenegro.

IV. ADOPTION, ISSUANCE AND APPLICATION OF MONTENEGRIN STANDARDS AND RELATED DOCUMENTS

Adoption of Standards and Providing of Information

Article 10

- (1) Montenegrin standards and related documents shall be adopted and issued in accordance with this Law and the Institute rules, which shall be in compliance with the rules of European and international organizations for standardization, as well as the Code of Good Practice for the Preparation, Adoption and Application of Standards of the World Trade Organization Agreement on Technical Barriers to Trade.
- (2) Montenegrin standards and related documents may be adopted based on European or international standards and related documents, or national standards and related documents of other countries.
- (3) The Institute shall publish in its official journal notification of the initiation of a procedure for adoption of a Montenegrin standard, and, if necessary, for related documents, as well as notifications on their publication or withdrawal.
- (4) Acts adopting or withdrawing Montenegrin standards shall be published in the «Official Gazette of the Republic of Montenegro».

Work Program of the Institute

Article 11

- (1) At least once every six months, the Institute shall publicize a work program that will include the standards it is currently preparing and the standards that it has adopted in the previous period.
- (2) The work program referred to in paragraph 1 of this Article shall be publicized on the Internet website of the Institute and the information on the program in the official journal of the Institute.

Publicizing

Article 12

- (1) Before adopting a standard, the Institute shall allow a minimum of 60 days for the submission of comments on the draft standard by interested parties.
- (2) On the request of any interested party, the Institute shall provide a draft standard that it has submitted for comment. Any fees charged for this service, aside from the real cost of delivery, shall be the same for foreign and domestic persons.

- (3) The period of comment referred to in paragraph 1 of this Article may be shortened or eliminated in the case that urgent problems of safety, health or environment arise.
- (4) The Institute shall take into account, in the further processing of the standard, the comments received during the period for commenting, and comments shall be replied to as promptly as possible, with an explanation of why any deviation from international standards is necessary.

Marking of the Standard **Article 13**

- (1) Montenegrin standards and related documents shall be marked with a designation beginning with the acronym MEST which may not be used for marking other documents.
- (2) The mark MEST may be used only in accordance with the Institute rules.
- (3) The mark referred to in paragraph 2 of this Article shall be the intellectual property of the Institute.

Language of the Standard **Article 14**

- (1) Montenegrin standards and related documents shall be adopted and published in the official language of Montenegro.
- (2) Notwithstanding the provision of paragraph 1 of this Article, Montenegrin standards and related documents may also be published in one of the official languages of European organizations for standardization, in accordance with the Institute rules.

Publication of Standards **Article 15**

- (1) Montenegrin standards and related documents shall be published as separate publications that are protected in accordance with the regulations of Montenegro.
- (2) Montenegrin standards and related documents shall be published in separate editions of the Institute.
- (3) The Institute shall hold the copyright for Montenegrin standards and related documents.
- (4) The reproduction, in whole or in part, and the distribution of Montenegrin standards and related documents shall be allowed only upon approval of the Institute and in accordance with its rules.

Application of Standards

Article 16

- (1) The application of Montenegrin standards and related documents shall not be mandatory.
- (2) Notwithstanding the provision of paragraph 1 of this Article, when a technical regulation refers to a Montenegrin standard, such standard shall be mandatory and shall be implemented as a technical regulation.

Conformity

Article 17

The conformity of products, processes and services with Montenegrin standards or related documents shall be conducted in accordance with provisions of the law governing conformity assessment of products with technical requirements.

V. INSPECTORIAL SUPERVISION

Article 18

Supervision of the implementation of this Law shall be carried out by the competent inspection authorities, in accordance with the law.

VI. PENAL PROVISIONS

Article 19

- (1) Any company, other legal person or an entrepreneur who, in contravention of the provisions in force, affixes a mark indicating conformity with the relevant standard or any similar mark to a product that is not in conformity with such a standard and places it into circulation, shall be fined for the offence in the amount equal to 200 – 300 minimal wages in the Republic (Article 13, paragraph 2 and Article 17).
- (2) The responsible person in a company or other legal person shall be fined for the offence referred to in paragraph 1 of this Article in the amount equal to 10-20 minimal wages in the Republic

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 20

The Institute for Standardization of Montenegro has been founded by the Decision on the Foundation of the Institute for Standardization of Montenegro (Official Gazette of the republic of Montenegro No. 21/07) and shall be established in accordance with that decision.

Article 21

The founder shall provide premises, assets and equipment necessary for the operation of the Institute.

Article 22

Yugoslav standards or related documents whose designation begins with the acronym JUS, and Serbian-Montenegrin standards or related documents whose designation begins with the acronym SCS may be applied in Montenegro before adoption of appropriate Montenegrin standards and related documents.

Article 23

- (1) Yugoslav standards the application of which is mandatory shall become voluntary on the day of adoption of the appropriate technical regulations.
- (2) All standards the application of which is mandatory shall become voluntary on the day of accession of Montenegro to the World Trade Organization.

Article 24

On the effective date of this Law, the Law on Standardization ("Official Gazette of Serbia and Montenegro," No. 44/05) shall cease to apply.

Article 25

This Law shall become effective on the eighth day after being published in the "Official Gazette of the Republic of Montenegro".