

Based on items 4 and 5 of the Decision on Proclamation of Independence of the Republic of Montenegro („RM Official Gazette “, No. 36/06) an Article 12 of the Regulation on the Government of the Republic of Montenegro („RM Official Gazette “, No. 15/94 and 4/97), in relation with Article 6 of the Law on Technical Requirements for Products and Conformity Assessment of the Products with Prescribed Requirements („Official Gazette of Serbia and Montenegro“, no 44/05), and Article 6, item 10 of the Law on Standardization („Official Gazette of Serbia and Montenegro“, no 44/05), the Government of Montenegro on its session held on \_\_\_\_\_2008, has adopted

## **R E G U L A T I O N**

### **ON PROCEDURE OF NOTIFICATION OF TECHNICAL REGULATIONS, STANDARDS AND CONFORMITY ASSESSMENT PROCEDURES**

#### **I. BASIC PROVISIONS**

##### **Article 1**

This Regulation shall regulate the procedure of notification of technical regulations, standards and conformity assessment procedures in accordance with relevant international agreements binding on Montenegro.

##### **Article 2**

Provisions of this Regulation shall be applicable to all products, including industrial and agricultural products.

#### **II. RESPONSIBLE AUTHORITIES**

##### **Article 3**

- (1) The enquiry point responsible for notification of technical regulations and related conformity assessment procedures (hereinafter referred to as: technical regulation) and for providing information shall be the Ministry for Economic Development (hereinafter referred to as: the Ministry).
- (2) The enquiry point responsible for notifications of standards and related conformity assessment procedures (hereinafter referred to as: standards) and for providing information shall be the Institute for Standardization of Montenegro (hereinafter referred to as: the Institute).

##### **Article 4**

- (1) The Ministry, acting as the enquiry point, shall provide answers to all reasonable enquiries from other countries, members of relevant international organizations and other interested parties and provide copies of relevant documents regarding the following:
  - 1) any technical regulations adopted or proposed in Montenegro ;

- 2) any conformity assessment procedures, or proposed conformity assessment procedures that are operated in Montenegro;
  - 3) the membership and participation of Montenegro in international and regional standardizing bodies and conformity assessment systems or in relevant bilateral and multilateral arrangements.
- (2) Where available, the Ministry may provide any other relevant information.
  - (3) The Ministry shall have the power to refuse to furnish any information the disclosure of which would be contrary to security interests of the Republic.

#### **Article 6**

- (1) Where copies of documents are requested by interested parties, such copies shall be supplied upon payment of a fee reflecting actual costs of the service rendered, and shall, apart from the real cost of delivery, be the same for domestic and foreign persons.
- (2) Any copies of documents referred to in paragraph 1 of this Article shall be supplied in their original language.

### **III. NOTIFICATION**

#### **NOTIFICATION OF TECHNICAL REGULATIONS**

#### **Article 7**

- (1) Commencement of preparations of the technical regulations shall be notified to the Ministry by the authority responsible for preparation of the technical regulation.
- (2) Where the prospective technical regulation contains sanitary and phytosanitary measures, the authority responsible for preparation of such technical regulation shall notify the inquiry point responsible for notification of sanitary and phytosanitary measures of the commencement of preparations of the technical regulation.

#### **Article 8**

- (1) The notice referred to in Article 7 of this Regulation shall include at least the following:
  - Legal grounds for the preparation of technical regulations;
  - Information on the person appointed to liaise with the Ministry;
  - Information on the products covered by the technical regulation;
  - Purpose and justification for the technical regulation;
  - Information on international standards, technical regulations, guidelines or recommendations that will be used for creation of the technical regulation;

- Information on relevant international standards, technical regulations, guidelines or recommendations that will not be used for creation of the technical regulation, and the rationale for their non-use;
  - Opinion on the need for the technical regulation to be notified under the procedure stipulated by the WTO Agreement on Technical Barriers to Trade;
  - Opinion on the need for the technical regulation to be notified under the procedure stipulated by the WTO Agreement on Sanitary and Phytosanitary Measures;
  - Information on whether the prospective technical regulation contains sanitary and phytosanitary measures; and
  - Brief description of the prospective technical regulation.
- (2) The form of the notice referred to in paragraph 1 of this Article which shall be printed as an addendum to this Regulation and shall be its integral part.
- (3) The notice referred in paragraph 1 of this Article shall be accompanied by a draft of the prospective technical regulation.

#### **Article 9**

Notification procedure shall be administered where the prospective technical regulation is not based on an international standard or is not compliant to such standard, if it can have significant impact on international trade, or where due to urgent problems of safety, health of humans, animals and plants and environmental protection that have arisen or threaten to arise, the notification procedure has not been administered prior to adoption of the technical regulation.

#### **Article 10**

- (1) After receiving the information referred to Article 7, paragraph 1 of this Regulation, the Ministry shall consider the need for notification.
- (2) In the case of instigation of the notification procedure, the authority responsible for preparation and subsequent adoption of the technical regulation shall delay the adoption of the technical regulation for a period of not less than 60 days.
- (3) The notification of relevant international organizations, including the WTO Secretariat, shall be made in accordance with the rules of such organizations.
- (4) Upon the request of the Ministry, the authority responsible for preparation and subsequent adoption of the technical regulation may extend the period of time referred to in paragraph 2 of this Article.
- (5) If the Ministry, within 10 days from receiving the notice referred to in Article 7, paragraph 1 of this Regulation, does not inform the authority responsible for preparation and subsequent adoption of the technical regulation that the notification procedure has been instigated, it shall be deemed that the notification is not necessary.

### **Article 11**

- (1) Upon the request of the members of an international organization, the Ministry shall submit the copy of the technical regulation and its translation into English, or where the greater volume of the draft so warrants, translation of the summary thereof.
- (2) The translation referred to in paragraph 1 of this Article shall be provided by the authority responsible for preparation and subsequent adoption of the technical regulation.
- (3) The Ministry shall deliver any comments received from the members of relevant international organizations related to the draft technical regulation to the authority responsible for preparation and subsequent adoption of the technical regulation, for the purpose of providing answers. The answer shall contain a statement that the comments will be considered in the development of the technical regulation, or reasons for not considering them, as the case may be.
- (4) The answers to comments, translated into English, shall be forwarded to the member of an international agreement who has submitted them.
- (5) Where the rules of the international organization so provide, any negotiations with the member whose comments have not been accepted shall be conducted by the Ministry, in cooperation with authority responsible for preparation and subsequent adoption of the technical regulation

### **Article 12**

Articles 7-11 of this Regulation shall apply to any significant change or amendment of the technical regulation, including any change of scope of products covered by the technical regulation.

### **Article 13**

- (1) The Ministry shall be responsible to receive notifications of a draft technical regulations from any member of relevant international organizations, in accordance with the rules of such organizations.
- (2) A copy of any notification received the Ministry shall forward to the administrative authority responsible for the subject matter of the draft technical regulation and to those interested parties who have requested for information related to the products concerned.

### **Article 14**

- (1) If the administrative authority or any other interested party finds that the adoption of a draft technical regulation notified by another country may cause unnecessary barriers to international trade, it may inform the Ministry in writing, substantiate its findings and suggest necessary changes in the draft technical regulation.
- (2) Information referred in paragraph 1 of this Article may include a proposal that the Ministry request the adoption of the draft technical regulation to be delayed and to initiate negotiations on the issue, if available under the rules of the relevant international organization.

## **PUBLICATION OF NOTIFICATIONS**

### **Article 15**

All notifications, both provided and received, shall be publicized on the Internet website of the Ministry.

## **IV. NOTIFICATION OF STANDARDS**

### **Article 16**

- (1) Articles 7-15 of this Regulation shall apply *mutatis mutandis* to the notification of standards.
- (2) In addition, the Institute shall apply the rules set out in the Code of Good Practice for the Preparation, Adoption and Applications Standards, which is included as Annex 3 to the WTO Agreement on Technical Barriers to Trade.

## **V. FINAL AND TRANSITIONAL PROVISION**

### **Article 17**

The Ministry for economic development and the Institute for Standardization of Montenegro shall enable operation of the inquiry point referred to in this Regulation, not later than six months after its entry into force.

### **Article 18**

This Regulation shall enter into force on the eighth day after its publication in „Official Gazette of Montenegro“.