

On the basis of Article 24 paragraph 3 and Article 25 paragraph 2 of the Law on Technical Requirements for Products and Conformity Assessment of Products with Prescribed Requirements («Official Gazette of Montenegro», No. 14/08), the Government of Montenegro on the meeting held on _____2008 passed the following

DECREE ON CONDITIONS FOR APPLICATION OF TECHNICAL REGULATIONS OF OTHER COUNTRIES AND RECORDS OF FOREIGN CERTIFICATES OF CONFORMITY

I GENERAL PROVISIONS

Article 1

This Decree shall govern conditions for application of technical regulations of other countries as equivalent, content and manner of keeping records of types of valid certificates of conformity and conformity marks issued abroad, conformity assessment bodies that took part in the relevant conformity assessment procedures.

II MANNER AND PROCEDURES FOR ASSESSING EQUIVALENCE OF FOREIGN TECHNICAL REGULATIONS

Article 2

(1) Technical regulations of other countries which are signatories of relevant international agreements (hereinafter referred to as: foreign technical regulations) may be applied as equivalent even if such technical regulations differ from technical regulations of Montenegro, provided they enable fulfillment of objectives of technical regulations of Montenegro in the adequate manner.

(2) The procedure of recognizing equivalence of foreign technical regulation shall be initiated on request of the interested party or ex officio. The procedure shall be administered by the ministry responsible for the adoption of technical regulations in the area covering the foreign technical regulation in question (hereinafter referred to as: the responsible ministry).

(3) The request and/or decision on initiating the procedure ex officio referred to in paragraph 2 of this Article must contain at least the following:

- 1) data on the international agreement which is the basis for recognition;
- 2) data on the technical regulation subject to the procedure;
- 3) data on types of products covered by the technical regulation;
- 4) data on conformity assessment procedures used for determining the fulfillment of the prescribed technical requirements (if they are prescribed).

Article 3

(1) The minister of the responsible ministry (hereinafter referred to as: the responsible minister) shall establish the working group for giving proposal decision on recognition of equivalence.

(2) The working group shall, on the basis of the submitted documentation and established facts, determine if the technical regulation of other country fulfills the requirements for the purpose of equivalent application of the technical regulation in Montenegro.

Article 4

(1) Decision on recognition of equivalence of the foreign technical regulation (hereinafter referred to as: the decision on recognition) shall be adopted by the responsible minister. The decision on recognition of the minister shall be published in the “Official Gazette of Montenegro”.

(2) Decision on recognition referred to in paragraph 1 of this Article shall be submitted to the ministry responsible for quality infrastructure, for the purpose of entering the necessary data in the register of technical regulations or the records referred to in Article 5 of this Decree.

III RECORDS ON TYPES OF VALID CERTIFICATES OF CONFORMITY AND CONFORMITY MARKS ISSUED ABROAD

Article 5

The ministry responsible for quality infrastructure shall, as a public book, keep the Records on Types of Valid Certificates of Conformity and Conformity Marks Issued Abroad in accordance with the international agreements binding for Montenegro, as well as on the conformity assessment bodies, containing the following information:

- 1) type of the certificate of conformity and technical regulation in which it has been prescribed;
- 2) country in which the certificate of conformity was issued;
- 3) type of the conformity mark;
- 4) country in which the conformity mark was issued;
- 5) name of the conformity assessment body;
- 6) country in which the conformity assessment body was appointed or authorized;
- 7) name of the authority which has appointed or authorized the conformity assessment body.

IV TRANSITIONAL AND FINAL PROVISIONS

Article 6

On the day of coming into force of this Decree, the Decree on the Manner of Authorizing Conformity Assessment Bodies, the Register of Authorized Conformity Assessment Bodies, Records on Certificates of Conformity, Conformity Marks and Conformity Assessment Bodies, and the Conditions for Application of Technical Regulations of Other Countries ("Serbia and Montenegro Official Gazette", No. 22/06) shall cease to apply.

Article 7

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