

Based on Article 7 paragraph 4 of the Law on Technical Requirements for Products and Conformity Assessment of Products with Prescribed Requirements („Official Gazette of Montenegro“, no. 14/08), and Article 6, item 10 of the Law on Standardization („Official Gazette of Montenegro“, no. 13/08), the Government of Montenegro on the session held on July 24, 2008 passed the following

D E C R E E

ON PROCEDURE OF NOTIFICATION IN THE AREA OF TECHNICAL REGULATIONS, STANDARDS AND CONFORMITY ASSESSMENT PROCEDURES

I BASIC PROVISIONS

Article 1

This Decree shall govern the procedure of notification of technical regulations, standards and conformity assessment procedures and the manner of providing information, in accordance with relevant international agreements binding on Montenegro.

Article 2

Provisions of this Decree 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 conformity assessment procedures (hereinafter referred to as: the 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 notification of standards and related conformity assessment procedures (hereinafter referred to as: the standard) 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 information and copies of documents to all reasonable enquiries from members of relevant international organizations and other interested parties (hereinafter referred to as: the interested parties) 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 of Montenegro in international and regional conformity assessment systems or in bilateral and multilateral agreements related to technical regulations.
- (2) Where available, the Ministry may provide any other relevant information upon request of the interested party.
- (3) The Ministry shall not furnish information the disclosure of which would be contrary to security interests of Montenegro.

Article 5

Institute, acting as the enquiry point, shall provide information and copies of documents to all reasonable enquiries from members of relevant international agreements and other interested parties regarding the following:

- 1) any standards adopted or proposed for adoption in Montenegro or standards adopted or proposed for adoption by regional standardizing bodies in which Montenegro is a member or participates therein,
- 2) any conformity assessment procedures, or proposed conformity assessment procedures, that are operated in Montenegro,
- 3) the membership or participation of Montenegro in the work of international and regional bodies for standardization and participation in relevant bilateral and multilateral arrangements, including information on rules of such organizations or arrangements.

Article 6

- (1) For supplying copies of documents upon request of interested parties, a fee may be imposed, which shall reflect actual costs of the service rendered and, 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 preparation of the technical regulation shall be notified to the Ministry by the authority responsible for preparation and adoption of the technical regulation.

- (2) Where the technical regulation shall contain sanitary and phytosanitary measures, the authority responsible for preparation and adoption of such technical regulation shall also notify the enquiry point responsible for providing information and notification of sanitary and phytosanitary measures of the commencement of preparation of the technical regulation.

Article 8

- (1) The notice referred to in Article 7 paragraph 1 of this Decree shall contain in particular:
- Legal basis for the adoption of technical regulation;
 - Information on the person appointed to liaise with the Ministry;
 - Information on the products covered by the technical regulation under preparation;
 - Purpose and justification for preparing the technical regulation;
 - Information on international standards, technical regulations, guidelines or recommendations that will be used as basis for preparation of the technical regulation;
 - Information on international standards, technical regulations, guidelines or recommendations related to products covered by the technical regulations under preparation, and which will not be used as basis for its preparation, as well as the reasons for their non-use;
 - Opinion on the need for the technical regulation under preparation to be notified under the procedure stipulated by the World Trade Organization Agreement on Technical Barriers to Trade;
 - Opinion on the need for the technical regulation under preparation to be notified under the procedure stipulated by the World Trade Organization Agreement on Application of Sanitary and Phytosanitary Measures;
 - Information on whether the technical regulation under preparation contains sanitary and phytosanitary measures;
 - Brief description of the content of technical regulation under preparation.
- (2) The notice referred to in paragraph 1 of this Article shall be submitted on the form that is printed as an annex to this Decree and represents its integral part.
- (3) The notice referred in paragraph 1 of this Article shall be accompanied by a draft of the technical regulation.

Article 9

Notification procedure shall be administered where the proposed technical regulation is not based on an international standard or is not compliant to such standard, and may have significant impact on international trade, or where due to urgent problems of safety, health of humans, animals and plants and the environmental 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 notice referred to in Article 7, paragraph 1 of this Decree, the Ministry shall consider the need for notification.
- (2) In the case of instigation of the notification procedure, the authority responsible for preparation and adoption of the technical regulation shall upon notice from the Ministry delay the adoption of the technical regulation for a period of not less than 60 days from the day of notification.
- (3) The notification of the relevant international organizations, including the Secretariat of the World Trade Organization, shall be made in accordance with the rules of such organizations.
- (4) Upon the request of the Ministry, the authority responsible for preparation and adoption of the technical regulation may extend the period referred to in paragraph 2 of this Article.
- (5) If the Ministry, within 10 days from the day of receipt of the notice referred to in Article 7, paragraph 1 of this Decree, does not inform the authority responsible for preparation and adoption of the technical regulation that the notification procedure has been instigated, it shall be deemed that the notification of the technical regulation is not necessary.

Article 11

- (1) Upon a request of the member of an international organization, the Ministry shall submit the copy of the draft 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 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 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 Ministry shall forward the answers to comments, translated into English, to the member of the international organization that has submitted such comments.
- (5) Where the rules of the international organization provide for negotiations or consultations with the member of the international organization whose comments have not been accepted, such negotiations or consultations shall be conducted by the Ministry, in cooperation with authority responsible for preparation and adoption of the technical regulation.

Article 12

Provisions of Articles 7 to 11 of this Decree 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 draft technical regulations from members 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 state administration authorities responsible for the subject matter of the draft technical regulation and to those interested parties who have requested information related to the products covered by the technical regulation.

Article 14

- (1) If the state administration authority or any other interested party finds that the adoption of a draft technical regulation notified by another member of the international organization may cause unnecessary barriers to international trade, it may submit to the Ministry in writing a proposal for changes in the notified draft technical regulation with explanation.
- (2) Proposal referred in paragraph 1 of this Article may include a request for delaying the adoption of the draft technical regulation, as well as proposal for negotiations or consultations, if provided for under the rules of the relevant international organizations.

PUBLICATION OF NOTIFICATIONS

Article 15

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

IV NOTIFICATION OF STANDARDS

Article 16

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

V TRANSITIONAL AND FINAL PROVISIONS

Article 17

On the day this Decree comes into force, the Decree on Procedure of Notification in the Area of Technical Regulations, Standards and Conformity Assessment Procedures (“Official Gazette of Montenegro”, No. 13/08) shall cease to apply.

Article 18

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

FORM

NOTICE ON COMMENCEMENT OF PREPARATION OF A TECHNICAL REGULATION

1. Responsible ministry
2. Contact person (name, surname, telephone, facsimile, e-mail)
3. Title of document
4. Group of products covered by the document ¹
5. Preparation stage document under preparation <input type="checkbox"/> amendments <input type="checkbox"/>
6. Legal basis for preparation of document
7. Objective and reasons for preparation of document
8. Short description of content of the document
9. Document refers to standards yes <input type="checkbox"/> no <input type="checkbox"/> Standard codes and their title
10. Relation with international/European legislation

¹Groups of products are defined in EU document “Pink Book”

11. Titles of documents from the area of European legislation			
12. If document differs from requirements of international standards or agreements, what are the reasons thereof:			
13. Does the product (group of products) fall under the new approach area?			
	yes	<input type="checkbox"/>	no <input type="checkbox"/>
14. Language in which document is available			
	me	<input type="checkbox"/>	en <input type="checkbox"/>
15. Explanation of proposal with additional clarifications submitted in electronic form			
	yes	<input type="checkbox"/>	no <input type="checkbox"/>
16. Assessment of need for prospective authorizing/appointing of conformity assessment bodies			
	yes	<input type="checkbox"/>	no <input type="checkbox"/>
17. Prescribed customs procedure			
	yes	<input type="checkbox"/>	no <input type="checkbox"/>
18. Planned date for preparation of draft document			
19. Planned date for publishing document			
20. Need for notification			
- according to Agreement WTO/TBT	yes	<input type="checkbox"/>	no <input type="checkbox"/>
- according to Agreement WTO/SPS	yes	<input type="checkbox"/>	no <input type="checkbox"/>

Signature of responsible person