

On the basis of Article 6 paragraph 2, Article 10 paragraph 4 and Article 13 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 July 24, 2008 passed the following

**DECREE**  
**ON THE MANNER OF PREPARATION AND ADOPTION OF TECHNICAL**  
**REGULATIONS AND TECHNICAL SPECIFICATIONS AND REGISTER OF**  
**TECHNICAL REGULATIONS\***

**I BASIC PROVISIONS**

*Article 1*

This Decree shall govern the manner of preparing and adopting technical regulations and technical specifications, the content and manner of keeping records of technical regulations in the preparation procedure, and the content and manner of keeping the register of technical regulations.

*Article 2*

Technical regulations shall be prepared and adopted by the ministry responsible for the area to be governed by such regulation (hereinafter referred to as: the responsible ministry).

**II PRINCIPLES FOR ADOPTION OF TECHNICAL REGULATIONS**

*Article 3*

(1) Technical regulations shall be prepared and adopted in accordance with the principles specified in Articles 2 and 3 of the Law on Technical Requirements for Products and Conformity Assessment of Products with Prescribed Requirements ("Official Gazette of Montenegro", No. 14/08) (hereinafter referred to as: the Law).

(2) In the preparation of technical regulations for the area in which relevant international standards exist or adoption of standards is in the final stage, such standards or their relevant parts shall be used as basis for the technical regulation, unless it is ineffective or inappropriate for achieving the legitimate purpose.

(3) Technical regulations shall be prepared and adopted in accordance with the commitments undertaken in international agreements on preventing and eliminating obstacles to free movement of goods, as well as for the purpose of harmonizing technical regulations with

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\* The Decree was published in the "Official Gazette of Montenegro ", No. 55/08.

technical regulations of the European Union and for the purpose of protection of public interest and in particular life, health and security of humans, animals and plants, environment protection and protection of property.

### **III MANNER OF ADOPTING TECHNICAL REGULATIONS**

#### ***Article 4***

(1) The proposal for adopting a technical regulation may be submitted to the responsible ministry by interested authorities, organizations, and other legal and natural persons.

(2) The proposal referred to in paragraph 1 of this Article shall be submitted in writing, with the explanation containing the elements on the basis of which it is possible to assess the grounds or justifiability of the proposal.

(3) After receiving the proposal referred to in paragraphs 1 and 2 of this Article, the responsible ministry shall determine if regulations exist governing relations that should be governed by the proposed technical regulation and shall assess the need of adopting new technical regulation or amending the existing technical regulation, as well as notify the proposing party thereof within 30 days after the date of proposal receipt.

#### ***Article 5***

(1) The draft technical regulation shall be prepared by the working group established by a decision of the responsible ministry, which shall be composed of scientific workers and experts in the field to be governed by the technical regulation, as well as representatives of the responsible ministry and representatives of economic operators.

(2) The working group shall be managed by the representative of the responsible ministry.

#### ***Article 6***

(1) The responsible ministry shall inform the inquiry point responsible for notification of technical regulations and conformity assessment procedure of the commencement of preparation of the draft technical regulation in accordance with the Law.

(2) The responsible ministry shall evaluate the need for notification of technical regulations prior to their adoption in accordance with obligations arising from international agreements.

#### ***Article 7***

(1) The responsible ministry shall submit the draft of the technical regulation to obtain opinion of the economic operators and other interested persons, and it shall publish its title, short description, deadline for submittal of comments and suggestions, as well as the information about how the draft technical regulation may be obtained, at its website.

(2) The deadline for submittal of comments and suggestions referred to in paragraph 1 of this Article may not be shorter than 30 days from the day of publishing the draft technical regulation at the website of the responsible ministry, unless so required by the reasons concerning the protection of life, health and security of humans, animals and plants, environment protection and protection of property, as well as protection of other public interests.

#### ***Article 8***

(1) Upon expiry of the deadline for submittal of comments and suggestions pertaining to the draft technical regulation, the working groups shall consider the submitted comments and suggestions and take a position in that regard.

(2) At the request of the party that has submitted the comments and suggestions, the responsible ministry shall deliver a short description of the reasons of non-acceptance of the comments and suggestions.

### **IV TECHNICAL SPECIFICATIONS**

#### ***Article 9***

(1) Technical regulations may provide for the mandatory application of technical specifications.

(2) The responsible ministry shall prepare technical specification in accordance with Articles 3 to 8 of this Decree.

(3) Technical specification may contain:

- 1) specification of technical requirements that must be met by specific products or groups of products;
- 2) specification of procedures for assessment of conformity with the prescribed technical requirements;
- 3) specification of certificates accompanying goods on placing on the market or use;
- 4) specification of the conformity mark and manner of marking of products.

(4) Technical specification shall be issued as the separate publication and its content shall be published on the website of the responsible ministry.

#### ***Article 10***

The list of adopted technical specifications and technical specifications that are no longer applicable shall be published in the „Official Gazette of Montenegro”.

### **V REGISTER OF TECHNICAL REGULATIONS**

### *Article 11*

- (1) The ministry responsible for quality infrastructure shall keep the Register of Technical Regulations (hereinafter referred to as: the Register).
- (2) The Register referred to in paragraph 1 of this Article shall contain:
  - 1) registration number of the technical regulation;
  - 2) title of the technical regulation;
  - 3) name of the authority that has adopted technical regulation and/or authority responsible for its implementation;
  - 4) legal basis for adoption of the technical regulation;
  - 5) an abstract of the technical regulation, with the list of products covered by the regulation;
  - 6) date of publication of the technical regulation and date of its coming into force;
  - 7) number of the "Official Gazette of Montenegro" in which the technical regulation was published;
  - 8) date the technical regulation ceases to apply.
- (3) Amendments to the technical regulation shall be entered in the Register, along with the publication date, date of coming into force, and number of the "Official Gazette of Montenegro" in which they were published.
- (4) Register referred to in paragraph 1 of this Article shall be kept in electronic form.

### *Article 12*

- (1) The ministry responsible for quality infrastructure shall keep records of the technical regulations in the process of preparation.
- (2) Records referred to in paragraph 1 of this Article shall contain in particular:
  - 1) registration number of the draft technical regulation;
  - 2) title of the draft technical regulation;
  - 3) name of the authority preparing the technical regulations;
  - 4) legal basis for its adoption;
  - 5) abstract and designation of the national standard or related document to which the regulation refers.
- (3) Records referred to in paragraph 1 of this Article shall be kept in electronic form.

## **VI TRANSITIONAL AND FINAL PROVISIONS**

### *Article 13*

The technical regulations applicable in Montenegro shall be entered in the Register on the day of its establishing.

***Article 14***

On the date of coming into force of this Decree, the Decree on the Manner of Preparation and Adoption of Technical Regulations and Register of Such Regulations ("Serbia and Montenegro Official Gazette", No. 17/06) shall cease to apply.

***Article 15***

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