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Pursuant to Article 95 item 3 of the Constitution of Montenegro, I hereby pass

ORDINANCE

PROMULGATING THE LAW ON METROLOGY

("Official Gazette of Montenegro", No. 79/08 dated 23.12.2008)

I hereby promulgate the Law on Metrology adopted by the Parliament of Montenegro of 23rd convocation, at the sixth sitting of the second ordinary session in 2008, on 17 December 2008.

Number: 01-2114/2

Podgorica, 22 December 2008

President of Montenegro,
Filip Vujanović

LAW ON METROLOGY

I. GENERAL PROVISIONS

Subject matter of the Law

Article 1

This Law shall govern the system of units of measurement and measurement standards of Montenegro, the procedures for assessment of conformity of measuring instruments with the prescribed requirements, authorities in the field of metrology and other issues relevant for metrology.

Article 2

Within the meaning of this Law, metrology shall include ensuring of accurate measuring instruments and units of measurements harmonized with the measuring instruments established at an international level and the International System of Units, traceability of national measurement standards to international measurement standards and uniform measurement in Montenegro.

Article 3

A system of units of measurement and measurement standards of Montenegro and the procedures for the assessment of conformity of measuring instruments with the prescribed requirements shall apply to domestic and foreign legal and natural persons, and in particular in the fields of:

- protection of human and animal health;
- protection of the environment and general technical safety;
- trade in goods and services;
- proceedings before the administrative and judicial authorities;
- ensuring free trade.

Transparency of measurement results

Article 4

Measurement results related to human and animal health, public safety, environment and economy, shall be available to the public in accordance with the law.

Definitions

Article 5

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

- 1) “Legal units of measurement” shall mean units of measurement prescribed by this Law;
- 2) “Calibration” shall mean a set of operations that establish, under specified conditions, the relationship between values of quantities indicated by a measuring instrument or measuring system, or values represented by a material measure or a reference material, and the corresponding values realised by standards;
- 3) “Traceability” shall mean the property of the result of a measurement or the value of a standard whereby it can be related to stated references, national or international standards, through an unbroken chain of comparisons all having stated uncertainties;
- 4) “Measuring instrument” shall mean a device intended to be used to make measurements, alone or in conjunction with supplementary device(s);
- 5) “Legal measuring instrument” shall mean a measuring instrument complying with the requirements prescribed by this Law;
- 6) “Assessment of conformity of a measuring instrument with the prescribed metrological requirements” shall mean the activity to ascertain indirectly or directly whether a measuring instrument complies with the metrological requirements prescribed for measuring instruments;
- 7) “Certificate of approval of the type of a measuring instrument” shall mean a document issued based on previous evaluation, certifying that the type of a measuring instrument complies with the prescribed metrological requirements and is suitable for use over a defined period of time;
- 8) “Verification of a measuring instrument” shall mean a procedure which includes the examination and marking and/or issuing of a verification certificate, that ascertains and confirms that the measuring instrument complies with the prescribed metrological requirements;
- 9) a sample of a reference material is a sample of material or substance one or more of whose properties have been confirmed empirically, for the purpose of examination of measuring instruments and checking of methods of measurement;
- 10) “Pre-packaged products” shall mean products that have been packed without the purchaser being present and the quantities of those products may not be altered without the product either being opened, which incurs perceptible damage, or being re-packaged;
- 11) “Measurement standard (etalon)” shall mean material measure, measuring instrument, reference material or measuring system intended to define, realise, conserve or reproduce a unit of measurement or one or more values of a quantity to serve as a reference.

II. ORGANIZATION OF METROLOGY ACTIVITIES

1. Administration body competent for metrology

Article 6

- (1) The ministry competent for the activities of metrology (hereinafter referred to as the “Ministry”) shall monitor the state of carrying out of the activities in the field of metrology.

- (2) Technical and related administrative activities in the field of metrology laid down by the law shall be carried out by the administration body competent for metrology activities (hereinafter referred to as the “Office”).
- (3) Some activities referred to in Article 8 paragraph 1 of this Law may be carried out by companies, other legal persons which are, in accordance with this Law, authorised to carry out activities in the field of metrology (hereinafter referred to as the “authorised persons”).

Competences of the Office

Article 7

In performance of the activities referred to in Article 6 paragraph 2 of this Law, the Office shall in particular:

- 1) be responsible for the system of legal units of measurement in Montenegro;
- 2) realise, conserve, maintain and improve national measurement standards;
- 3) ensure metrological traceability;
- 4) organise the calibration activity;
- 5) carry out the assessment of conformity of a measuring instrument with prescribed metrological requirements: type approval and verification of a measuring instrument;
- 6) examine pre-packaged products;
- 7) give expert opinion for the authorisation of persons to carry out activities in the field of metrology;
- 8) represent Montenegro in international and regional metrology organizations and establish cooperation in the field of metrology;
- 9) perform metrological supervision;
- 10) collaborate with competent inspection bodies and provide technical assistance in the field of metrology;
- 11) decide in administrative proceedings in the field of metrology;
- 12) prepare technical bases for the development of draft legislation in the field of metrology;
- 13) provide metrological information and publish official journal;
- 14) perform other activities related to metrology in accordance with the law.

Authorised persons

Article 8

- (1) Persons satisfying prescribed requirements in the field of metrology may carry out the following activities:
 - 1) national calibration laboratory for specified quantities,
 - 2) verification of specified kinds of measuring instruments;
 - 3) preparation of measuring instruments for verification.
- (2) Technical and metrological requirements, necessary qualified staff and the procedure for authorisation shall be prescribed by the Ministry.
- (3) The Ministry shall assess the compliance with the prescribed requirements and decide on the award of authorisation for the performance of activities referred to in paragraph 1 of this Article, after having obtained the opinion from the Office.
- (4) The decision referred to in paragraph 3 of this Article shall be valid for three years from the date of issuance and it may be extended upon the request of the authorised person if it satisfies the prescribed requirements.
- (5) The authorised person who no longer satisfies the prescribed requirements shall be obliged to inform the Office thereof without delay.
- (6) The kinds of measuring instruments referred to in paragraph 1 items 2 and 3 of this Article shall be prescribed by the Ministry.

2. Metrology Council

Article 9

- (1) The minister competent for metrology activities shall form a Metrology Council to provide expert assistance in the field of metrology.
- (2) Persons who possess qualification in the field of metrology shall be appointed to the Metrology Council.
- (3) The Metrology Council shall propose to the Ministry:
 - 1) development activities in the field of metrology;
 - 2) scientific and educational activities in the field of metrology;
 - 3) priorities in scientific projects of research and development in the field of metrology.
- (4) The Metrology Council shall adopt its Rules of Operation.
- (5) Technical and administrative services for the Metrology Council shall be performed by the Office.
- (6) The Metrology Council shall have a Chairperson and six members.

III. LEGAL UNITS OF MEASUREMENT

Article 10

- (1) The legal units of measurement in Montenegro shall be:
 - 1) the units of the International System of Units (Systeme International d' Unites SI);
 - 2) units that are not covered by the International System of Units but may be used in accordance with this Law.
- (2) The units of measurement referred to in paragraph 1 of this Article used in Montenegro and their use shall be prescribed by the Government of Montenegro (hereinafter referred to as the "Government").

IV. MEASUREMENT STANDARDS

National measurement standard

Article 11

- (1) National measurement standard of a unit of a specified quantity is a standard having the best metrological properties in Montenegro and serving as the basis for assigning values to other measurement standards for the kind of quantity concerned.
- (2) National measurement standards are traceable to the international measurement standards or national measurements standards of other countries having appropriate metrological characteristics. National measurement standard need not be set up for each quantity.
- (3) The requirements for declaring a reference measurement standard to be a national measurement standard, the method of declaring a national measurement standard, the end of status of a national measurement standard, the obligation of maintenance and use of a national measurement standard shall be prescribed by the Ministry.
- (4) National measurement standards shall be set up by the Ministry.

National calibration laboratory

Article 12

- (1) The Office shall function as a national calibration laboratory realising, developing and maintaining national measurement standards.

- (2) National calibration laboratory shall maintain measurement traceability of the national measurement standard, participate in metrological development of particular physical quantity, participate in international metrology projects and inter-laboratory comparisons.
- (3) The activities of a national calibration laboratory for specified quantities may be entrusted to an authorised person referred to in Article 8 paragraph 3 of this Law by a regulation of the Government.

V. MEASURING INSTRUMENTS

Use of legal measuring instruments

Article 13

Measuring instruments referred to in Article 5 item 5 of this Law shall be used for the purpose of:

- 1) trade in goods and services;
- 2) protection of human and animal health, general security, property, environment and natural resources, safety at work, transport and protection from accidents;
- 3) checking of pre-packaged products and bottles as measuring containers.

Article 14

- (1) Measuring instruments shall be put into use only if they satisfy prescribed metrological requirements and if they are verified and if carrying prescribed marking.
- (2) Legal measuring instruments shall be used in accordance with their purpose.
- (3) Legal measuring instruments subject to mandatory verification and/or approval of the type of a measuring instrument shall be prescribed by the Government.
- (4) Metrological requirements and the method of determining the compliance with the metrological requirements for legal measuring instruments shall be prescribed by the Ministry.

Obligations of the persons using legal measuring instruments

Article 15

Persons using legal measuring instruments shall be obliged to:

- 1) install and use legal measuring instruments in a manner ensuring the prescribed accuracy of measurement and shall be responsible for proper operational status of measuring instruments and accuracy of measurement results;
- 2) keep legal measuring instruments in operating condition which ensures the accuracy of measurement;
- 3) present legal measuring instruments for verification in accordance with this Law and the regulations adopted on the basis of this Law;
- 4) keep record on maintenance and verification of legal measuring instruments in use, in accordance with the law.

Approval of the type of a measuring instrument

Article 16

- (1) The compliance with technical and metrological requirements prescribed for a type of measuring instruments shall be ascertained by the Office.
- (2) If the Office finds that a certain type of a measuring instrument does not comply with prescribed technical and metrological requirements, it shall issue a decision rejecting the approval of the type of a measuring instrument.

- (3) More detailed procedure for and the method of examination and approval of the type of a measuring instrument shall be regulated by a regulation adopted by the Ministry.

VI. VERIFICATION OF LEGAL MEASURING INSTRUMENTS

Article 17

- (1) If, after having examined the measuring instrument, the Office ascertains that the measuring instrument complies with the approved type of the measuring instrument and that it complies with the prescribed metrological requirements, the Office or the authorised person shall verify the measuring instrument.
- (2) Verification of measuring instruments may be initial, periodic or extraordinary verification.
- (3) The Office or the authorised person shall also be obliged to issue a certificate of verification of measuring instrument when the measuring instrument has been marked upon the request of the owner or the user of the measuring instrument.

Initial verification of measuring instruments

Article 18

- (1) Initial verification shall apply to new measuring instruments, as well as to measuring instruments which have not been verified previously.
- (2) Domestic manufacturer, importer, authorised representative of a foreign manufacturer or a natural person shall present measuring instruments for initial verification.
- (3) The method of attesting the equivalence of examination procedure of a competent metrology body of another country shall be prescribed by the Ministry, in accordance with the relevant legislation.

Periodic verification of measuring instruments

Article 19

- (1) Periodic verification of measuring instruments is a verification carried out periodically at specific intervals prescribed for a certain type of measuring instrument.
- (2) The owner or the user of a measuring instrument shall present the measuring instrument for periodic verification.
- (3) The persons selling electrical energy, water, gas and heat shall be responsible for the periodic verification of electrical energy meters, water meters, gas meters, conversion devices and heat meters.
- (4) Time limits for periodic verification of measuring instruments shall be prescribed by the Ministry.

Extraordinary verification of measuring instruments

Article 20

- (1) Extraordinary verification of measuring instruments is a verification carried out after re-modelling, or after the elimination of a malfunction or other technical deficiencies of a measuring instrument or when periodic verification was not carried out within the specified period.
- (2) The person who has repaired or re-modelled a measuring instrument referred to in paragraph 1 of this Article shall be obliged to present measuring instrument for extraordinary verification.

Marks

Article 21

- (1) Marks used in verification of measuring instruments in Montenegro shall be national marks.
- (2) The Ministry shall prescribe the types, forms and the method of affixing marks used in verification of measuring instruments, as well as more detailed forms and contents of verification certificate and type approval certificate.

Expiration of validity of certificate of verification of a measuring instrument

Article 22

A certificate of verification of a measuring instrument shall cease to be valid, if:

- 1) its period of validity has expired;
- 2) the measuring instrument was modified in a way that may affect its metrological characteristics;
- 3) the measuring instrument was damaged to such extent that it could have lost a property important for verification;
- 4) the mark has been destroyed, removed, altered, or damaged in any other way;
- 5) the measuring instrument lost necessary metrological properties even though its verification mark was not damaged;
- 6) the place of installation of the measuring instrument was changed.

Measurement standards and reference materials

Article 23

- (1) Only calibrated measurement standards and/or certified reference materials must be used in verification of legal measuring instruments.
- (2) The calibration of measurement standards and/or certification of reference materials for the verification of legal measuring instruments shall be carried out by the Office or the authorised person.
- (3) Time limits for calibration of measurement standards used for the verification of legal measuring instruments shall be prescribed by the Ministry.

Extraordinary inspection of legal measuring instruments in use

Article 24

- (1) In case of doubt about the operational status of a legal measuring instrument, an interested party may request the Office to carry out extraordinary inspection of the measuring instrument and to issue the evaluation report.
- (2) The costs of extraordinary inspection of a legal measuring instrument shall be borne by the applicant if a verified legal measuring instrument bearing a valid mark complies with the prescribed metrological requirements.
- (3) The costs of extraordinary inspection of a legal measuring instrument shall be borne by the person responsible for periodic verification of a measuring instrument if the measuring instrument does not comply with the prescribed metrological requirements.
- (4) The method of extraordinary inspection of measuring instruments, the contents and the period of keeping of the evaluation report shall be prescribed by the Ministry.

VII. PRE-PACKAGED PRODUCTS

Article 25

- (1) Pre-packaged products shall only be allowed to be placed on the market or stored with the intention to be placed on the market when their nominal quantity is accurately, clearly and unambiguously indicated, and when their actual quantity lies within the permitted tolerance from the indicated nominal quantity.
- (2) The metrological requirements to be met by the quantities of pre-packaged products, the method of indicating the quantities and the permitted tolerance of actual quantities from the indicated nominal quantities, and a list of nominal quantities of pre-packaged products shall be prescribed by the Ministry.

The mark of conformity of the quantity of a pre-packaged product with metrological requirements

Article 26

- (1) The producer shall affix the mark of conformity of the quantity of a pre-packaged product with the metrological requirements only after the producer properly documented the conformity of the quantity of a pre-packaged product with the prescribed metrological requirements.
- (2) The size and form of the mark of conformity of the quantity of a pre-packaged product, the method of affixing, and the manner of documenting the conformity of the quantity of a pre-packaged product with the metrological requirements shall be prescribed by the Ministry.

Bottle as measuring container for pre-packaged products

Article 27

- (1) Bottle as measuring container, within the meaning of this Law, is a container that retains a stable container form and that complies with the prescribed metrological requirements.
- (2) Metrological requirements for bottles as measuring containers, the permitted tolerance of capacity, as well as inscriptions and marks on bottles as measuring containers, shall be prescribed by the Ministry.

VIII. FOREIGN MARKS AND DOCUMENTS

Article 28

Type approval certificates, verification certificates and conformity marks issued abroad shall be valid in Montenegro if they were issued in accordance with a concluded international agreement.

IX. FINANCING AND FEES

Sources of financing

Article 29

- (1) The Office shall be financed from:
 - 1) the budget of Montenegro;
 - 2) fees charged for metrology activities;
 - 3) other sources in accordance with the law.
- (2) The funds received from the fees referred to in paragraph 1 item 2 of this Article shall be considered revenue of the budget of Montenegro and may be used only for the development of metrology activity in Montenegro.

Fees

Article 30

- (1) Fees shall be charged for the carrying out of procedures of authorisation of persons referred to in Article 8 of this Law, conformity assessment procedures, expertise, calibration, examination and certification of reference materials, examination of the type of measuring instrument, examination of pre-packaged products and bottles as measuring containers which are carried out in accordance with this Law.
- (2) The amount of the fee referred in paragraph 1 of this Article shall be equal to actual costs incurred both for domestic and foreign persons.
- (3) The amount and the method of payment of fees referred in paragraph 1 of this Article shall be prescribed by the Government.

X. SUPERVISION

1. Supervision of the application of the Law

Article 31

Supervision of the application and implementation of the laws and other regulations in the field of metrology, as well as the supervision of expert activities of authorised persons, shall be performed by the Office.

2. Metrological supervision

Article 32

- (1) Metrological supervision is a supervision of circulation, installation, use, maintenance and repair of measuring instruments, performed in order to check that they are used in accordance with this Law and other regulations governing metrology, as well as checking the correctness of quantities indicated on and contained in pre-packaged products, and undertaking of administrative and other measures and actions with the aim to rectify the irregularities found and bring them into line with the law.
- (2) The Office shall perform the supervision referred to in paragraph 1 of this Article through metrology inspectors in accordance with this Law and the law governing inspection control.

Powers of metrology inspector

Article 33

In performance of metrological supervision, metrology inspector shall be authorised to control:

- 1) the use of legal units of measurement;
- 2) the use of legal measuring instruments;
- 3) method of conserving, maintenance and use of national measurement standards of Montenegro;
- 4) legality and professionalism of work in the procedure for ascertaining the conformity of measuring instruments with the metrology regulations;
- 5) carrying out of official measurement;
- 6) correctness of quantities indicated on and contained in pre-packaged products;
- 7) legality and professionalism of work of authorised persons.

Article 34

In addition to the metrology inspector, the inspection control over the use of legal units of measurement and measuring instruments, as well as the marks on pre-packaged products, shall be also performed, within their respective competences, by: market inspector, sanitary inspector, transport inspector, sanitation inspector, electrical energy inspector, thermal energy inspector,

telecommunication inspector, postal inspector, inspector for medicines and inspector for medical devices.

Administrative measures and actions

Article 35

- (1) In addition to administrative measures and actions laid down by the law governing inspection control, metrology inspector shall prohibit the use of measuring instruments, units of measurement and placing on the market of pre-packaged products which do not comply with the prescribed requirements.
- (2) In addition to administrative measures and actions laid down by the law governing inspection control, the inspectors referred to in Article 34 of this Law shall prohibit the use of measuring instruments, legal units of measurement and placing on the market of pre-packaged products which do not comply with the prescribed requirements.

Article 36

Metrological supervision shall be performed in accordance with the law governing inspection control and the law governing general administrative procedure.

XI. PENAL PROVISIONS

Article 37

- (1) A fine ranging from fifty-fold to 300-fold amount of the minimum wage in Montenegro shall be imposed on a company or another economic entity for an offence if:
 - 1) it uses the legal units of measurement not prescribed by this Law or by regulations adopted pursuant to this Law (Article 10);
 - 2) it does not use legal measuring instruments in the trade in goods and services and in measurements related to the protection of human and animal health, general safety, safety of property, environment and natural resources, safety at work, transport and protection from accidents, as well as in checking of pre-packaged products and bottles as measuring containers (Article 13);
 - 3) it puts into use measuring instruments that do not comply with the metrological requirements prescribed (Article 14);
 - 4) legal measuring instruments are used without conforming to their prescribed conditions of use ensuring the accuracy of measurement (Article 15);
 - 5) it does not ensure initial, periodic or extraordinary verification of measuring instruments (Articles 18, 19 and 20);
 - 6) it places on the market, or stores with the intention to place on the market, pre-packaged products the nominal quantities of which are not indicated accurately, clearly and unambiguously, or the actual quantities of which are not within the permitted tolerance from their indicated nominal quantities (Article 25);
 - 7) it places on the market, or stores with the intention to place on the market, pre-packaged products which have not been affixed a mark of conformity in a manner prescribed (Article 26).
- (2) A fine ranging from ten-fold to twenty-fold amount of the minimum wage in Montenegro shall be imposed on a responsible person of a company or another economic entity for the offence referred to in paragraph 1 of this Article.
- (3) A fine ranging from five-fold to ten-fold amount of the minimum wage in Montenegro shall be imposed on a natural person if it commits the offence referred to in paragraph 1 of this Article.

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XII. TRANSITIONAL AND FINAL PROVISIONS

Article 38

- (1) The regulations based on the authorities from this Law shall be adopted within two years from the date of entry into force of this Law.
- (2) The regulations adopted on the basis of the Law on Metrology (Official Gazette of Serbia and Montenegro, No. 44/05) shall apply until the regulations referred to in paragraph 1 of this Article are adopted unless they are contrary to this Law.

Article 39

- (1) Type approval certificates and verification certificates and marks issued prior to entry into force of this Law shall remain in force until the expiration of the period of their validity.
- (2) Persons authorised to examine measuring instruments pursuant to the regulations ceasing to be valid on the date of entry into force of this Law, may continue to operate until the expiration of validity of their authorisation but no later than 31 December 2010.

Article 40

The Law on Metrology (Official Gazette of Serbia and Montenegro, No. 44/05) shall cease to be valid on the date of entry into force of this Law.

Article 41

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.

SU-SK No. 01-976/12
Podgorica, 17 December 2008

Parliament of Montenegro
Speaker
Ranko Krivokapić