

LAW ON STANDARDIZATION*

I. GENERAL PROVISIONS

Subject-matter of the Law

Article 1

This Law shall govern the principles and objectives of standardization in Montenegro, the establishment, organization and activities of the organization for standardization of Montenegro, the adoption, issuing and application of Montenegrin standards and related documents in the standardization area, as well as inspectoral supervision of the implementation of this Law.

Definitions

Article 2

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

- 1) **Standardization** shall mean activities aimed at defining provisions for general and multiple use, related to actual or potential problems, for the purpose of achieving the optimum level of orderliness in a given area;
- 2) **Standard** shall mean a document established by consensus and adopted by a recognized body, which provides, for common and repeated use, rules, guidelines or characteristics for the activities or the results thereof, for the purpose of achieving optimal level of orderliness in a given area. Standard may also contain or exclusively relate to terminology, symbols, requirements in respect of packaging, marking or labeling if they apply to a product, method of production or processing;
- 3) **International standard** shall mean a standard adopted by an international organization (international body) for standardization that is available to the public;
- 4) **European standard** shall mean a standard adopted by European organizations for standardization that is available to the public;
- 5) **Montenegrin standard** shall mean a standard adopted by the organization for standardization of Montenegro that is available to the public;
- 6) A **related document in the area of standardization** (hereinafter referred to as: **related document**) shall mean a document adopted by the organization for standardization that is available to the public, but does not meet the requirements to be adopted as a Montenegrin standard;
- 7) **Adoption of a standard or a related document** shall mean the set of coordinated activities beginning with the adoption of a proposal for adopting the standard or the related document, and ending with the adoption of an act on its promulgation;

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- 8) **Interested party** shall mean any company, other legal person, entrepreneur, or natural person that is interested in standardization;
- 9) **Consensus** shall mean a general agreement on any important issue achieved in such a way as to take into account the views of all the interested parties and to harmonize all the conflicting views, however **consensus** shall not mean unanimity;
- 10) **Conformity assessment with prescribed requirements** shall mean any procedure used, directly or indirectly, to determine whether relevant requirements are fulfilled;
- 11) **Conformity mark** shall mean a mark or an indication affixed to a product in accordance with the rules of the organization for standardization of Montenegro, demonstrating its conformity with the requirements of a standard;
- 12) **International organizations for standardization** shall mean organizations for standardization which allow the membership of the relevant national bodies of any country, including the following:
 - International Organization for Standardization (ISO);
 - International Electro-technical Commission (IEC);
 - International Telecommunications Union (ITU).
- 13) **European organizations for standardization** shall mean organizations for standardization in which it is possible for relevant national bodies from European countries to become members, including the following:
 - European Committee for Standardization (CEN);
 - European Committee for Electro-technical Standardization (CENELEC);
 - European Telecommunication Standards Institute (ETSI).

II. PRINCIPLES AND OBJECTIVES OF STANDARDIZATION

Principles

Article 3

Standardization in Montenegro shall be based on the following principles:

- 1) the right to voluntary participation and contribution of all interested parties in the process of adopting Montenegrin standards and related documents;
- 2) consensus of interested parties;
- 3) prevention of domination of individual interests over the common interest of the interested parties;
- 4) transparency of the standardization procedure and the availability to the public of Montenegrin standards and related documents;
- 5) mutual conformity of Montenegrin standards and related documents;
- 6) taking into account the stage of development of technology and rules of international and European organizations for standardization and relevant international agreements;
- 7) that the product or service from a country that is a signatory to the relevant international agreement is accorded the identical treatment as that accorded to the

- similar domestic product or service, and to the similar product or service from any other country;
- 8) ensuring that standards are not prepared, adopted or applied with a view to create unnecessary obstacles to international trade;
 - 9) use of international standards or their relevant parts as the basis for Montenegrin standards;
 - 10) where appropriate, specifying standards based on product requirements in terms of performance rather than design or descriptive characteristics.

Objectives

Article 4

The objectives of standardization shall be:

- 1) The promotion of protection of human, animal and plant life, health and safety, and of the environment;
- 2) The promotion of quality of products, processes and services, determining their purpose, unification, compatibility and commutability;
- 3) The provision of a uniform technical basis;
- 4) The development and promotion of production and trade in goods, performing construction works, or providing services through development of internationally harmonized standards and related documents aimed at the rational use of labor, materials and energy;
- 5) The promotion of international trade through preventing or eliminating unnecessary technical barriers.

III. ESTABLISHMENT, ACTIVITIES, GOVERNING BODIES, MEMBERSHIP AND FUNDING OF THE INSTITUTE FOR STANDARDIZATION OF MONTENEGRO

Establishment of the Institute

Article 5

- (1) For the purpose of achieving the objectives referred to in Article 4 of this Law and adopting Montenegrin standards and related documents, the Institute for Standardization of Montenegro (hereinafter: the Institute) shall be established as an independent non-profit organization.
- (2) The Government of Montenegro (hereinafter referred to as: the Founder) shall adopt the founding act of the Institute.
- (3) The Institute shall be a legal person registered in the Central Register of the Commercial Court.

- (4) The Institute may have organizational units detached from its headquarters.

Activities of the Institute
Article 6

The Institute shall perform the following activities:

- 1) Adopting, developing, reviewing, amending and withdrawing Montenegrin standards and related documents;
- 2) Ensuring the compliance of Montenegrin standards and related documents with international and European standards;
- 3) Maintaining the register of Montenegrin standards and related documents in all development phases;
- 4) Participating in preparing and reviewing of standards and related documents adopted by international and European organizations for standardization in the areas for which the needs and interests of Montenegro exist, and for which the review or adoption of Montenegrin standards and related documents is expected;
- 5) Cooperating with international and European organizations for standardization and national standardization bodies of the countries that are signatories of relevant agreements related to standardization;
- 6) Performing other tasks in accordance with obligations arising from international agreements related to standardization that are binding on Montenegro;
- 7) Providing Montenegrin standards, related documents and publications to the public, as well as standards and publications of the relevant international and European organizations and other countries, and selling their copies;
- 8) Providing a basis for the preparation of technical regulations;
- 9) Preparing annual plans for adoption of Montenegrin standards;
- 10) Acting as an information center in accordance with the requirements of the relevant international agreements and obligations arising from membership in the relevant international and European organizations for standardization;
- 11) Representing interests of Montenegro in the area of standardization in international and European organizations and bodies for standardization;
- 12) Approving the use of a mark of conformity with Montenegrin standards and related documents in accordance with its rules;
- 13) Engaging organizations and associations for the preparation of Montenegrin standards and related documents in specific areas, in accordance with its rules;
- 14) Promoting the application of Montenegrin standards and related documents;
- 15) Performing other activities related to standardization in accordance with this Law and the founding act.

Governing Bodies of the Institute
Article 7

- (1) The governing bodies of the Institute shall be: the Assembly, the Managing Board, and the Director.

- (2) The founding act and the Statute of the Institute shall govern the manner in which the governing bodies referred to in paragraph 1 of this Article shall be established, their election, mandate, manner of decision making and other issues relevant for the operation of the Institute.
- (3) The Statute of the Institute shall be adopted by the Assembly of the Institute, upon the proposal of the Managing Board and subject to approval of the founder.

Article 8

- (1) A member of the Institute may be: a company, other legal person or entrepreneur established and registered according to the regulations of Montenegro, as well as a natural person who is a citizen of the Montenegro (hereinafter referred to as: an Institute member).
- (2) An Institute member participates in the operation and management of the Institute in accordance with this Law, the founding act and the Statute of the Institute.
- (3) The rights and obligations of Institute members, as well as the amount of the membership fee, shall be regulated by the founding act and the Statute of the Institute.

Funding the Activities of the Institute

Article 9

- (1) The Institute activities shall be funded from the following sources:
 - 1) The sale of standards, related documents and other publications;
 - 2) Membership fees;
 - 3) Fees for services rendered;
 - 4) The Budget of Montenegro;
 - 5) Other sources.
- (2) The funds referred to in paragraph 1, item 4 of this Article shall be provided for the following:
 - activities determined in annual plans for adoption of standards and related documents;
 - payment of membership fees in international and European organizations for standardization;
 - international cooperation of Montenegro in the area of standardization, including representing Montenegro in international (ISO, IEC, ITU) and European (CEN, CENELEC, ETSI) organizations for standardization.

IV. ADOPTION, ISSUANCE AND APPLICATION OF MONTENEGRIN STANDARDS AND RELATED DOCUMENTS

Adoption of Standards and Providing of Information

Article 10

- (1) Montenegrin standards and related documents shall be adopted and issued in accordance with this Law and the rules of the Institute. The rules of the Institute must be in compliance with the rules of international and European organizations for standardization, as well as the Code of Good Practice for the Preparation, Adoption and Application of Standards of the World Trade Organization Agreement on Technical Barriers to Trade.
- (2) Montenegrin standards and related documents may be adopted based on international or European standards and related documents, or national standards and related documents of other countries.
- (3) The Institute shall publish in its official journal notification of the initiation of a procedure for adoption of Montenegrin standards, and, if necessary, for related documents, as well as notifications on their publication or withdrawal.
- (4) Acts on adopting or withdrawing Montenegrin standards shall be published in the "Official Gazette of Montenegro".

Report

Article 11

- (1) At least once in every six months, the Institute shall publish a report that will include the standards being prepared and the standards that have been adopted in the previous period.
- (2) The report referred to in paragraph 1 of this Article shall be publicized on the Internet website of the Institute and the information on report in the official journal of the Institute.

Publicizing

Article 12

- (1) Prior to adopting a standard, the Institute shall allow a minimum of 60 days for the submission of comments on the draft standard by interested parties.
- (2) Upon the request of interested party, the Institute shall provide a draft standard without delay. Any fees charged for this service, apart from the real cost of delivery, shall be the same for foreign and domestic persons.

- (3) The period referred to in paragraph 1 of this Article may be shortened or terminated in the case that urgent problems related to safety, health or environment arise or threaten to arise.
- (4) The Institute shall take into account, in the further preparation of the standard, the comments received during the period for public discussion and shall provide replies as quickly as possible, with an explanation of reasons for deviation from international standards, if any.

Marking of the Standard

Article 13

- (1) Montenegrin standards and related documents shall be marked with a designation beginning with the acronym MEST, which may not be used for marking other documents.
- (2) The mark MEST may be used only in accordance with the Institute rules.
- (3) The mark referred to in paragraph 2 of this Article shall be the intellectual property of the Institute.

Language of the Standard

Article 14

- (1) Montenegrin standards and related documents shall be adopted and published in the Montenegrin language.
- (2) Notwithstanding the provision of paragraph 1 of this Article, Montenegrin standards and related documents may also be published in one of the official languages of European organizations for standardization, in accordance with the Institute rules.

Publication of Standards

Article 15

- (1) Montenegrin standards and related documents shall be published as separate publications that are protected, in accordance with the regulations of Montenegro.
- (2) Montenegrin standards and related documents shall be published in separate editions of the Institute.
- (3) The Institute shall hold the copyright for Montenegrin standards and related documents.
- (4) The reproduction, in whole or in part, and the distribution of Montenegrin standards and related documents shall be allowed only subject to approval of the Institute and in accordance with its rules.

Application of Standards

Article 16

- (1) The application of Montenegrin standards and related documents shall not be mandatory.
- (2) Notwithstanding the provision of paragraph 1 of this Article, when a technical regulation refers to a Montenegrin standard, such standard shall be mandatory and shall be applied as a technical regulation.

Conformity

Article 17

The conformity of products, processes and services with Montenegrin standards or related documents shall be conducted in accordance with provisions of the law governing conformity assessment of products with technical requirements.

V. INSPECTORIAL SUPERVISION

Article 18

- (1) Supervision of the implementation of this Law shall be carried out by the inspection authorities within their prescribed responsibilities.
- (2) In addition to the powers referred to in paragraph 1 of this Article, inspectors in charge may:
 - take samples of products and have them tested and assessed for conformity;
 - request removal of illegal marks.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 19

The Institute for Standardization of Montenegro shall continue its operations in accordance with this Law and the Decision on the Foundation of the Institute for Standardization of Montenegro (“Official Gazette of the republic of Montenegro” No. 21/07).

Article 20

Yugoslav standards or related documents whose designation begins with the acronym JUS, and Serbian-Montenegrin standards or related documents whose designation begins

with the acronym SCS may be applied in Montenegro until the adoption of appropriate Montenegrin standards and related documents.

Article 21

- (1) Yugoslav standards (JUS) the application of which is mandatory shall become voluntary on the day of adoption of the appropriate technical regulations, unless they have become technical regulations.
- (2) All standards the application of which is mandatory, except standards referred to in Article 16, paragraph 2 of this Law, shall become voluntary on the day of accession of Montenegro to the World Trade Organization.

Article 22

On the effective date of this Law, the Law on Standardization ("Official Gazette of Serbia and Montenegro", No. 44/05) shall cease to apply.

Article 23

This Law shall become effective on the eighth day after being published in the "Official Gazette of Montenegro".