

LAW ON STANDARDIZATION

I. GENERAL PROVISIONS

Subject-matter of the Law

Article 1

This Law shall govern the principles and objectives of standardization in the Republic of Montenegro (hereinafter referred to as: 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 order in a given area;
- 2) **Standard** shall mean a document established by consensus and adopted by a recognized body, that 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 regulation in a certain area.;
- 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 an European organization 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 from 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 approval of a proposal for adopting the standard or the related document, and ending with the adoption of an act on its promulgation;
- 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, but **consensus** does not mean unanimity;

10) where appropriate, the use in standards of performance rather than design or descriptive characteristics.

Objectives
Article 4

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 European and international standards;
- 3) maintaining the register of Montenegrin standards and related documents in all development phases;
- 4) participating in preparing and reviewing standards and related documents adopted by European and international 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 European and international organizations for standardization and national standardization bodies of the countries that are signatories of relevant agreements related to standardization;
- 6) performing other activities 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 European and international organizations and other countries, and engaging in their sale;
- 8) providing a basis for the preparation of technical regulations;
- 9) preparing programs and annual plans for adoption of Montenegrin standards;
- 10) acting as an information center in accordance with the requirements defined by relevant international agreements and obligations arising from membership in the relevant European and international organizations for standardization;
- 11) representing the interests of the Republic in the area of standardization in European and international 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 foundation act.

Governing Bodies of the Institute
Article 7

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

- (2) The foundation 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 operation, manner of decision making and other issues relevant for the activities of the Institute.
- (3) The Statute of the Institute shall be adopted by the Assembly of the Institute, upon the

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 Institute rules, which shall be in compliance with the rules of European and international 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 European or international 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 a Montenegrin standard, and, if necessary, for related documents, as well as notifications on their publication or withdrawal.
- (4) Acts adopting or withdrawing Montenegrin standards shall be published in the «Official Gazette of the Republic of Montenegro».

Work Program of the Institute

Article 11

- (1) At least once every six months, the Institute shall publicize a work program that will include the standards it is currently preparing and the standards that it has adopted in the previous period.
- (2) The work program referred to in paragraph 1 of this Article shall be publicized on the Internet website of the Institute and the information on the program in the official journal of the Institute.

Publicizing

Article 12

- (1) Before 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) On the request of any interested party, the Institute shall provide a draft standard that it has submitted for comment. Any fees charged for this service, aside from the real cost of delivery, shall be the same for foreign and domestic persons.

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

