

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

- 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** shall mean any procedure used, directly or indirectly, to determine that relevant requirements in standards are fulfilled;
- 11) **Mark of conformity** 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 a relevant international agreement is accorded the identical treatment as that accorded to the similar domestic product or service, and/or to the similar product or service from any other country;

- 8) ensuring that standards are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to international trade;
- 9) use of international standards or their relevant parts, when they exist or their completion is imminent, as the basis for Montenegrin standards;
- 10) where appropriate, the use in standards 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 an 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,
MEMBERSHIPS 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

Activities of the Institute
Article 6

The Institute shall perform the following activities:

1)

- (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 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 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 according to the applicable regulations of Montenegro, or 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 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 designated by annual plans for adoption of standards and related documents;
 - payment of membership fees in international and European organizations for standardization; and
 - 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 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 Montenegro".

Report

Article 11

- (1) At least once in every six months, the Institute shall publicize 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 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.

- (3) The period for comments referred to in paragraph 1 of this Article may be shortened or eliminated in the case that urgent problems related to safety, health or environment arise.
- (4) The Institute shall take into account, in the further processing of the standard, the comments received during the period for comments, and shall provide replies to any comments received, 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 applicable 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 implemented 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 competent inspection authorities, in accordance with the applicable law.
- (2) In addition to the powers referred to in paragraph 1 of this Article, inspectors in charge may:
- take samples and have them analyzed and assessed for conformity;
 - request removal of illegal marks.

VI. TRANSITIONAL AND FINAL PROVISIONS

