

- (3) The standard processing period for each conformity assessment procedure shall be established by the law or a sub-legal act, and upon request, the applicant shall be informed of the anticipated processing period.
- (4) Products originating from a country signatory of the relevant international agreement shall be accorded a treatment no less favorable than that accorded to like products of domestic origin or to like products originating from any other country.
- (5) When preparing technical regulations in the area where relevant international standards exist or their adoption is in its final phase, such standards or the relevant parts thereof shall be used as a basis for technical regulation, except where they would be inefficient or inappropriate way to reach the legitimate goals envisaged.
- (6) Wherever appropriate, technical regulations sh

2) **“Technical regulation”**

the notification under the World Trade Organization Agreement on Technical Barriers to Trade;

- 15) **“Interested Parties”** shall be an interested member or the responsible authority of the member of international organizations, including the World Trade Organization, in accordance with the rules of international agreements.

II. PRESCRIBING TECHNICAL REQUIREMENTS

Responsibility

Article 6

- (1) The ministry responsible for adoption of the technical regulation (hereinafter referred to as: responsible ministry) shall adopt technical regulation in accordance with the principles established by Article 3 of this Law and in compliance with the obligations arising from bilateral and multilateral agreements on preventing and eliminating barriers to international trade.
- (2) The manner of preparation and adoption of technical regulations shall be governed by a regulation issued by the Government of Montenegro (hereinafter referred to as: the Government).
- (3) Technical regulations shall be published in the “Official Gazette of Montenegro” and shall become effective not earlier than six months after their publication.

Notification

Article 7

- (1) Where a proposed technical regulation is not based on or is not in accordance with an international standard, and where such technical regulation may have a significant impact on international trade, the responsible ministry shall:
 - Notify interested parties of commencement of preparation of such a technical

- immediately notify interested parties of the technical regulation and its objectives and rationale, and the nature of the urgent problem;
- upon request of interested parties, provide the copy of the technical regulation;
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**Protective Clause
Article 12**

Where it is determined that products conforming with technical regulations may jeopardize public interest, notably the safety of life, health of humans, animals and plants, environment and property, the responsible ministry shall undertake measures for withdrawing of such products from the market or order prohibition or restriction of their placing on the market and their use, as the case may be.

III. REGISTER OF TECHNICAL REGULATIONS

Article 13

- (1) The Ministry shall maintain the Register of Technical Regulations as a public record.
- (2) The contents and the manner of maintaining the Register of Technical Regulations shall be governed by a regulation issued by the Government.

IV. CONFORMITY ASSESSMENT PROCEDURES

**Obligations of the Supplier
Article 14**

- (1) Technical regulations shall specify the products for which a supplier shall, before placing them into circulation or use:
 - 1) Ensure application of a conformity assessment procedure;
 - 2) Issue or provide a certificate of conformity;
 - 3) Prepare and maintain technical documentation in the prescribed volume, form and deadlines;
 - 4) Mark the products with prescribed conformity marks.
- (2) Conformity assessment procedures may be prescribed directly in technical regulations, or indirectly in standards to which technical regulations refer, or in technical specifications.
- (3) The manner of conformity assessment shall be governed by a regulation issued by the Government.

**Methods of Conformity Assessment
Article 15**

- (1) A conformity assessment referred to in Article 14, paragraph 2 of this Law may be accomplished by application of one procedure, a number of procedures or appropriate combination of different conformity assessment procedures, including the following:
 - 1) An independent conformity assessment of products by the producer;
 - 2) Conformity assessment of products performed by a conformity assessment body on one sample or statistically chosen sample from the production process;
 - 3) A producer's quality management system;

4) Conformity assessment and supervision of quality management system, performed by the conformity assessment body.

(2) When conducting conformity assessment, the conformity assessment body shall:

- promptly examine the completeness of the application and the documentation and inform the applicant in a precise and complete manner of all deficiencies;
- transmit the results of the conformity assessment to the applicant as soon as possible, in a precise and complete manner so that corrective action may be taken if necessary;
- even when the application has deficiencies, proceed as far as practical with the assessment if the applicant so requests;
- upon request, inform the applicant of the stage of the procedure, with any delay being explained.
- respect the confidentiality of information arising from or supplied in connection with conformity assessment of products originating outside Montenegro in the same way as for products originating in Montenegro, and in such a manner that legitimate commercial interests are protected.

(3) Manner and procedures of conformity assessment of products shall be governed by a regulation issued by the Government.

Change of Specification Article 16

Whenever the technical specification of a product is changed subsequent to the determination of its conformity with an applicable technical regulation, the conformity assessment procedure for the modified product shall be limited to determining whether the product still conforms to the technical regulation.

Conformity Mark Article 17

- (1) A conformity mark may be placed on products that conform to technical regulations.
- (2) Conformity marks must be placed on product for which an obligation of placing conformity mark has been prescribed.
- (3) Form, content and appearance of the conformity mark shall be governed by a regulation issued by the Government.

V. CONFORMITY ASSESSMENT BODY

Requirements for Conformity Assessment Body Article 18

A technical regulation shall specify the conditions that must be fulfilled by a relevant conformity assessment body, notably:

- 1) professional competency of personnel;
- 2) equipment;

- (2) In the case certificate of conformity has been issued by a conformity assessment body, the certificate referred to in paragraph 1 of this Article shall be issued upon the application of the person placing the product into circulation.
- (3) The conformity assessment body and the person submitting the application referred to in paragraph 2 of this Article shall regulate by a contract their mutual rights and obligations with regard to the issuing of the certificate of conformity and maintenance of the conditions based on which the certificate of conformity has been issued.

VI. SUPERVISION

Article 23

- (1) Supervision of the implementation of this Law shall be performed by the inspection authorities within the limits of their prescribed responsibilities.
- (2) In addition to the powers referred to in paragraph 1 of this Article, the responsible inspector may:
 - request from the supplier all the necessary information and insight into documents on conformity and technical documentation;
 - perform the appropriate inspection and testing of products with respect to conformity to regulations once they are placed on the market or use;
 - take samples of products and have them tested and assessed for conformity;
 - order rectifying of determined deficiencies;
 - request marking of products with prescribed marks, or removal of illegal marks, as the case may be;
 - prohibit or restrict placing on the market or order removal from the market of non-conforming products and ensure that such prohibition is abided by;
 - inform the responsible state authority that has adopted the regulation applicable to specific product to take action in accordance with the regulation on mutual information;
 - order destruction of non-conforming products if it is necessary to protect human

Article 27

- (1) A state administration authority or a legal person that performs conformity assessment activities without being appointed or authorized shall be fined for the offence in the amount equal to 200 – 300 times the amount of minimal wages in Montenegro (Article 19, paragraph 1).
- (2) The responsible person in state administration authority or in a legal person who performs conformity assessment activities shall be fined for the offence referred to in paragraph 1 of this Article in the amount equal to 10-20 times the amount of minimal wages in Montenegro.

X. TRANSITIONAL AND FINAL PROVISIONS

Article 28

- (1) Technical regulations valid on the day this Law comes into force shall be brought into compliance with this Law within two years from the date this Law comes into force.
- (2) Technical regulations adopted and taken over on the basis of the Law on Standardization (“FRY Official Gazette”, No. 30/96, 59/98, 70/01 and 8/03) and the Law on Technical Requirements for Products and Conformity Assessment of Products with Prescribed Requirements (“Official Gazette of Serbia and Montenegro”, No. 44/05) shall apply until the adoption of technical regulations in accordance with this Law or other laws.

Article 29

- (1) Regulations for the implementation of this Law shall be adopted within four months as of the date this Law comes into force.
- (2) Until the enactment of regulations referred to in paragraph 1 of this Article, regulations issued under the Law on Technical Requirements for Products and Conformity Assessment of Products with Prescribed Requirements (“Official Gazette of Serbia and Montenegro”, No.44/05) shall apply, if they are not in contravention to this Law.

Article 30

On the date this Law becomes effective, the following shall cease to apply: Law on Technical Requirements for Products and Conformity Assessment of Products with Prescribed Requirements (“Official Gazette of Serbia and Montenegro”, No.44/05), Regulation on Determining Authorities that Assume Responsibilities from the Law on Technical Requirements for Products and Conformity Assessment of Products with Prescribed Requirements (“Official Gazette of the Republic of Montenegro”, No.56/06) and the Regulation on Fines Prescribed by the Law on Metrology and the Law on Technical Requirements for Products and Conformity Assessment of Products with Prescribed Requirements (“Official Gazette of the Republic of Montenegro”, No.52/06), in part related to measures prescribed by the Law on Technical Requirements for Products and Conformity Assessment of Products with Prescribed Requirements.

Article 31

This Law shall come into force on the eighth day after the day of its publication in the “Official Gazette of Montenegro”.