

On the basis of Article 14 paragraph 3, 15 paragraph 3, 17 paragraph 3, 20 and 21 paragraph 2 of the Law on Technical Requirements for Products and Conformity Assessment of Products with Prescribed Requirements («Official Gazette of Montenegro», No. 14/08), the Government of Montenegro on the meeting held on 30 October 2008 has adopted the following

DECREE ON MANNER AND PROCEDURES OF ASSESSMENT OF CONFORMITY OF PRODUCTS WITH PRESCRIBED REQUIREMENTS¹

Subject –matter of the Decree

Article 1

This Decree shall govern manner and procedures of conformity assessment of products with prescribed requirements, form, content and appearance of conformity marks, , the procedures of appointing and authorizing of conformity assessment bodies, and content and manner of keeping the register.

The Manner and the Procedures for the Conformity Assessment

Article 2

- (1) Assessment of conformity of products with the prescribed requirements shall be conducted on the basis of the following :
 - 1) self-assessment,
 - 2) testing of type in accordance with EC (European Commission),
 - 3) type conformity,
 - 4) providing the quality of production,
 - 5) providing the quality of the product,
 - 6) verification of the product,
 - 7) individual verification,
 - 8) providing of comprehensive quality.
- (2) Methods referred to in paragraph 1 of this Article (hereinafter referred to as: conformity assessment methods) shall be applied separately or combined in accordance with the technical regulation in question.

Criteria for Selecting the Conformity Assessment Method

Article 3

- (1) Conformity assessment methods shall be specified in line with the technical regulation according to:
 - 1) type of the product,

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- 2) level of risk that may be caused by the product,
- 3) need for conformity assessment of the product by the third party,
- 4) choice of the producer regarding providing the quality of the production of the product,
- 5) selecting adequate methods corresponding to the recognized risks in accordance with the technical regulation.

(2) Where several technical regulations apply to one product, conformity assessment must be coherent.

Article 4

(1) Conformity assessment of products with the prescribed requirements shall be performed upon the application for the conformity assessment, which shall be submitted to the conformity assessment body.

(2) The application referred to in paragraph 1 of this Article shall include the following:

- 1) name or the corporate name of the applicant;
- 2) the name of the person representing the applicant;
- 3) the field and extent of the subject of the assessment;
- 4) title of the technical regulation setting the requirements.

(3) Attached to the application referred to in paragraph 2 of this Article shall be the proof of payment of costs for the conformity assessment.

Article 5

If the conformity assessment body determines that the product conforms to the technical regulation, it shall issue a document on conformity of the product with prescribed technical requirements.

Article 6

(1) A document referred to in Article 5 of this Decree, which certifies that the product conforms to the technical requirements shall be any of the following: certificate, report on examination of the product or declaration of conformity.

(2) The certificate and the report on examination of the product referred to in par

Article 7

Declaration of conformity shall be a document issued by the manufacturer or supplier, certifying that:

- 1) the manufacturer or supplier, as the case may be, performs control over all the activities that influence the safety of products;
- 2) it has appropriate documentation on examination, which, without any doubt, confirms the conformity of a product with technical requirements; and
- 3) the manufacturer or supplier, as the case may be, assumes responsibility for the safety of the product.

Article 8

Declaration referred to in Article 7 of this

Mandatory Conformity Marks

Article 10

Before placing it in the market or in use, the product that conforms to prescribed technical requirements shall be marked by the conformity mark:

- 1) "CE" mark,
- 2) homologation mark for parts of motor vehicles "E",
- 3) other marks in accordance with technical regulation.

General Principles for Placing CE Mark

Article 11

- (1) CE mark shall be placed by the producer or supplier, as the case may be.
- (2) The mark referred to in paragraph 1 of this Article may be accompanied by the pictogram (picture sign) or any other mark indicating special risk.
- (3) CE mark shall be placed on the visible place in a manner allowing it to stay permanently on the product and preventing it to be damaged.
- (4) If it is not possible to place the CE mark directly on the product due to the nature of the

- (2) The application referred to in paragraph 1 of this Article shall be submitted to the ministry that has adopted the relevant technical regulation (hereinafter referred to as: the responsible ministry)

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- (3) Decision on appointing shall be communicated to the ministry responsible for the quality infrastructure (hereinafter referred to as: the Ministry) for the purpose of registering it in the register referred to in Article 17 of this Decree.

Register of Appointed Conformity Assessment Bodies

Article 17

The Ministry shall maintain the Register of Appointed Bodies (hereinafter referred to as: the Register), which shall contain, in particular:

- 1) identification number of the appointed body, name of the appointed body, corporate domicile and address;
- 2) title of the technical regulation based on which the body has been appointed;
- 3) area, scope and types of products to which the appointing refers to;
- 4) number and date of the decision on appointing.

Notification of the Appointed Body

Article 18

The Ministry shall notify the appointed body to the relevant international organization in accordance with the international agreement.

Manner of Authorizing Bodies

Article 19

- (1) The authorizing of bodies shall be performed upon the public invitation.
- (2) The public invitation shall contain:
 - 1) title of the technical regulation to which the public invitation refers to,
 - 2) area and scope of authorization and types of products,
 - 3) number of necessary conformity assessment bodies,
 - 4) conditions that should be met by applicants,
 - 5) time limit for submitting the request, and
 - 6) the documentation that should be submitted with the application.
- (3) Public invitation referred to in paragraph 1 of this Article shall be made by the Ministry.

Article 20

- (1) Public invitation procedure shall be administered by the Commission for the Administration of the Public Invitation (hereinafter referred to as: the Commission), appointed by the responsible minister, which shall determine fulfillment of conditions for authorization of conformity assessment bodies.
- (2) The conformity assessment body shall be authorized by the decision issued by the

Conformity Assessment ("Serbia and Montenegro Official Gazette", No. 22/06) shall cease to apply.

Article 24

This Decree shall come into force on the eighth day from the day of its publishing in the "Official Gazette of Montenegro".

ANNEX 1



If CE mark is reduced or increased, the proportions specified in the drawing rendered above must be observed. If the technical regulation does not prescribe dimensions, CE mark shall be at least 5 mm high.

CE mark shall be accompanied with the identification number of the conformity assessment body if such body participates in the production control stage. Identification number of such body shall be pmbs