

# LAW ON TECHNICAL REQUIREMENTS FOR PRODUCTS AND CONFORMITY ASSESSMENT

## I. INTRODUCTORY PROVISIONS

### Scope

#### Article 1

This Law shall govern the manner of prescribing technical requirements for products and adoption of technical regulations, assessment of conformity of products with prescribed technical requirements (hereinafter referred to as: conformity assessment), obligations of suppliers of products and owners of products in use, validity of foreign documents of conformity and conformity markings, notification of technical regulations and conformity assessment procedures and supervision of the implementation of this Law and regulations adopted based on this Law.

### Application

#### Article 2

This Law shall apply to all products, excluding products for which technical requirements are governed by specific laws and regulations adopted based on such laws.

If specific laws and regulations referred to in paragraph 1 of this Article do not govern matters related to the appointment and/or authorization of conformity assessment bodies and validity of foreign documents of conformity and conformity markings, the provisions of this Law shall apply to such matters.

The provisions of this Law governing notification of appointed and authorized conformity assessment body, keeping of registers and notification of technical regulations shall also apply to the products for which technical requirements are governed by specific laws and regulations adopted based on such laws.

### Meaning of Terms

#### Article 3

The terms as used in this Law shall have the following meaning:

- 1) **product** shall mean any product which is, as the result of certain process, made or in any other manner obtained, regardless of the level of processing, if it is intended for placement on the market or making available on the market;
- 2) **making available on the market** shall mean any making available of products on the market of the Republic of Serbia for the purpose of distribution, consumption or use, whether in return for payment or free of charge;
- 3) **placing on the market** shall mean the first making available of products on the market of the Republic of Serbia;
- 4) **manufacturer** shall mean a legal person, entrepreneur or natural person that makes a product, or person claiming to be manufacturer by placing on the product its business name, name or title, trademark or other distinctive mark or in any other manner;

- 5) **representative** shall mean a legal person or entrepreneur that is registered in the Republic of Serbia, or a natural person with residence in the Republic of Serbia, that has been authorized by the manufacturer to, on its behalf, undertake actions according to the authorization, with regard to the placement of products on the market of the Republic of Serbia;
- 6) **importer** shall mean a legal person or entrepreneur that is registered in the Republic of Serbia, or a natural person with residence in the Republic of Serbia, that places on the market the product from other countries;
- 7) **distributor** shall mean a legal person or entrepreneur that is registered in the Republic of Serbia, or a natural person with residence in the Republic of Serbia, which is part of the supply chain and which, when performing its business activity, makes the product available, but is neither manufacturer nor importer;
- 8) **supplier** shall mean a manufacturer, representative, importer or distributor;
- 9) **conformity assessment** shall mean any activity whereby it is determined whether a product or production process is in compliance with the prescribed technical requirements;
- 10) **conformity assessment body** shall mean a company, institution or other legal person performing conformity assessment, and/or performing activities of technical valuation, including calibration, testing, certification and control;
- 11) **document of conformity** shall mean a declaration of conformity, a testing report, certificate, certificate on control or any other document verifying the conformity of products with the prescribed requirements;
- 12) **appointment** shall mean an approval granted by the competent minister to the conformity assessment body for performing conformity assessment for the needs of the manufacturer, in accordance with requirements contained in the technical regulation;
- 13) **authorization** shall mean an approval granted by the competent minister to the conformity assessment body for performing the activities of technical valuation for the needs of the state administration authority conducting conformity assessment, in accordance with requirements contained in the technical regulation;
- 14) **technical valuation** shall mean the testing and/or control of products in accordance with the requirements of the technical regulation, that is performed by the authorized conformity assessment body for the needs of state administration authority;
- 15) **technical specification** shall mean a document that defines technical requirements for products and conformity assessment procedures, which is prepared by the expert commission established by the competent ministry, and which is adopted by the minister in charge of the ministry;
- 16) **inspection** shall mean an activity of regular or extraordinary control of the fulfillment of the prescribed safety requirements for products throughout their lifecycle;
- 17) **conformity marking** shall mean a designation affixed to the product by the manufacturer which confirms that such product is in conformity with the prescribed technical requirements.

Other terms used in this Law, other than those defined in paragraph 1 of this Article, shall have the meaning as defined in the laws governing general safety of products, standardization and accreditation.

## **II. TECHNICAL REQUIREMENTS FOR PRODUCTS AND TECHNICAL REGULATIONS**

### **Manner of Prescribing Technical Requirements**

#### Article 4

Technical requirements for individual products or groups of products (hereinafter referred to as: technical requirements) shall be prescribed in a technical regulation directly, by specifying such requirements in the text of the regulation, or indirectly, by the reference in the technical regulation to the Serbian standard or technical specification.

### **Technical Regulation**

#### Article 5

Technical regulation shall mean any regulation which, for individual product or groups of products (hereinafter referred to as: the product) governs at least one of the following elements:

- 1) Technical requirements that must be met by a product being made available on the market;
- 2) Conformity assessment procedures;
- 3) Safety requirements for product, throughout its lifecycle;
- 4) Regular and extraordinary inspection of product, throughout its lifecycle;
- 5) Documents that accompany product when placed on the market or put to use;
- 6) Marking and manner of marking the product;
- 7) Requirements that must be met by the conformity assessment body;
- 8) Requirements with regard to packaging and labeling.

Technical regulations and technical requirements contained therein shall be adopted for the purpose of protecting the safety, life and health of humans, protecting animals and plants, environment protection, protection of consumers and other users and protection of property.

### **Adoption of Technical Regulation**

#### Article 6

Technical regulation shall be prepared and adopted by the ministry within its scope of competences (hereinafter referred to as: the competent ministry).

When preparing, adopting and applying technical regulation, the competent ministry shall take into account particularly the following:

- 1) Preventing unnecessary barriers to trade;
- 2) Non-discrimination between domestic and foreign products on the market;
- 3) Use of Serbian standards that incorporate international standards as basis for preparation of a technical regulation;
- 4) Specifying the reasonable period for commencement of application of a technical regulation;
- 5) Any changes in the circumstances that occurred after the adoption of a technical regulation, for the purpose of its amendment or abolishing;
- 6) Fulfillment of the objectives of technical regulations in the manner that is least trade-restrictive and, in that context, it shall amend or abolish technical regulations;

- 7) The requirements that must be met by the product primarily in terms of performance rather than design or descriptive characteristics of the product.

### **Prescribing Technical Requirements Indirectly**

#### Article 7

Technical regulation may refer to Serbian standard in two manners:

- 1) technical regulation may define that the only manner of ensuring compliance with the requirements of such regulation is to comply with the requirements of the Serbian standard to which the technical regulation refers;
- 2) technical regulation may define that one of the possible manners of ensuring compliance with the requirements of such regulation is to comply with the requirements of the Serbian standard to which the technical regulation refers.

The Institute for Standardization of Serbia shall, upon request of the competent ministry, submit information whether for the product being governed by a technical regulation relevant Serbian standard exists or its adoption is pending, or whether relevant international or European standard exists.

The minister in charge of the competent ministry (hereinafter referred to as: the competent minister) shall compose a list of standards referred to in paragraph 1 item 2 of this Article to which the technical regulation prepared and adopted by that ministry refers.

The list of standards referred to in paragraph 3 of this Article shall be published in the „Official Gazette of the Republic of Serbia“ on the form the content of which shall be prescribed by the minister competent for standardization.

#### Article 8

Technical regulation may specify that the only manner of achieving compliance with the requirements of such regulation is to meet the requirements of the technical specification to which the technical regulation refers.

The competent minister shall specify the list of technical specifications referred to in paragraph 1 of this Article which shall be published in the „Official Gazette of the Republic of Serbia“.

Technical specification shall be published on the website of competent ministry.

## **III. ASSESSMENT OF CONFORMITY OF PRODUCTS**

### **Prescribing Conformity Assessment**

#### Article 9

The obligation of conformity assessment shall be prescribed in the technical regulation.

Technical regulation shall prescribe that, prior to placing a product on the market or in use, the conformity assessment may be conducted and/or participated by:

- 1) manufacturer;
- 2) appointed conformity assessment body;

3) state administration authority.

Technical regulation shall specify the type of the document of conformity which the supplier is obliged to issue or provide for the product prior to its placing on the market or in use.

The content of the document of conformity shall be governed by the regulation adopted by the Government.

### **Conformity Assessment Procedures**

#### Article 10

Technical regulation shall define the manner of conformity assessment which may include application of a single procedure, several procedures or a combination of different conformity assessment procedures.

Conformity assessment procedures referred to in paragraph 1 of this Article may also be defined indirectly, in the standard or technical specification to which the technical regulation refers.

### **Conformity Assessment Conducted by the Manufacturer**

#### Article 11

When the technical regulation specifies that conformity assessment is conducted by the manufacturer, such regulation shall also prescribe the requirements with respect to the internal production control.

Internal production control shall include all measures that are necessary for the production process and monitoring of such process to ensure the conformity of products with the technical regulation.

The manufacturer shall issue a declaration of conformity and provide technical documentation, in accordance with the prescribed requirements, which must be made available to the competent inspector for the purpose of supervision.

### **Conformity Assessment Conducted by the Appointed Conformity Assessment Body**

#### Article 12

When the technical regulation specifies that conformity assessment is conducted by the appointed conformity assessment body, such regulation shall also specify the requirements to be met by such body, particularly with respect to:

- 1) professional capacity of employees and other contracted persons;
- 2) equipment;
- 3) independence and impartiality with respect to the persons related to the product which is subject to conformity assessment;
- 4) procedures with objections with regard to its operations and any decisions that were issued;
- 5) business secrecy;
- 6) insurance against liability for damage.

### Article 13

When the technical regulation specifies that conformity assessment is conducted by the appointed conformity assessment body (hereinafter referred to as: appointed body), decision on its appointment shall be issued by the competent minister, in accordance with the law governing general administrative procedure.

The competent minister shall issue a decision on appointment, provided the conformity assessment body which submitted an application for appointment meets the requirements from the technical regulation in the context of Article 12 of this Law.

When assessing the compliance with the prescribed requirements, the competent minister shall also take into account the act on grant of accreditation which the conformity assessment body has obtained within the accreditation procedure.

The decision referred to in paragraph 1 of this Article shall be final.

### Article 14

The appointed body referred to in Article 13 paragraph 1 of this Law shall, based on the contract with manufacturer, conduct conformity assessment in accordance with the procedures specified in the technical regulation.

Prior to the issuance of document of conformity, the appointed body shall request the manufacturer that failed to meet the prescribed requirements to undertake appropriate corrective measures.

Where the appointed body, during the control of conformity, after the document has been issued, finds that a product no longer meets the prescribed requirements, it shall request the manufacturer to undertake appropriate corrective measures and, if necessary, it may temporarily or permanently seize the document of conformity or limit validity of such document.

The appointed body may, with the consent of the manufacturer, delegate certain tasks with regard to conformity assessment to the subcontractor, provided the subcontractor meets the requirements from the same technical regulation as the appointed body.

The appointed body may delegate to the subcontractor only those tasks for which such body has been appointed. The appointed body shall retain the responsibility for the tasks delegated to the subcontractor.

The manner of conducting conformity assessment referred to in paragraph 1 of this Article shall be governed by the regulation adopted by the Government.

### Article 15

The appointed body shall notify the competent minister of:

- 1) refusal to issue, restriction, temporary or permanent seizure of the document of conformity;
- 2) any changes in circumstances from the decision on its appointment that may affect the scope and requirements of the appointment;
- 3) a request of the competent inspector related to the conformity assessment;
- 4) delegation of tasks to the subcontractor referred to in Article 14 paragraph 4 of this Law;

- 5) conducted conformity assessment within the scope of its appointment, in the country or abroad;
- 6) other conformity assessment related activities.

The notices referred to in paragraph 1 items 5 and 6 of this Article shall be submitted upon request of the competent ministry.

#### Article 16

If the competent minister finds that the appointed body no longer meets the prescribed requirements or no longer performs its duties, it shall issue a decision on withdrawal of the approval for conducting conformity assessment, in accordance with the law governing general administrative procedure.

Before issuing the decision referred to in paragraph 1 of this Article, the competent minister may, taking into account the significance of deficiencies with respect to compliance with the requirements or performance of duties, warn the appointed body in writing about the deficiencies with respect to the compliance with requirements or performance of duties, and set the deadline for elimination of such deficiencies, which may not exceed 60 days.

The decision referred to in paragraph 1 of this Article shall be final.

In the event of issuance of the decision on withdrawal of the approval referred to in paragraph 1 of this Article or in the event that the appointed body ceases operations, the competent minister shall instruct such body to transfer the conformity assessment related documentation within the specified period to another appointed body, as chosen by the manufacturer, namely to allow access to such documentation to the competent authorities.

### **Conformity Assessment Conducted by the State Administration Authority**

#### Article 17

Where the technical regulation prescribes that conformity assessment is conducted by the state administration authority, the competent state administration authority shall, at the request of the manufacturer, conduct conformity assessment in accordance with the procedures prescribed by such regulation.

Before issuing a document of conformity, the state administration authority shall order the manufacturer that failed to meet the prescribed requirements to undertake appropriate corrective measures.

If the state administration authority, during the control of conformity, after issuing the document of conformity, finds that the product no longer meets the prescribed requirements, it shall instruct the manufacturer to undertake appropriate corrective measures and, if necessary, issue a decision seizing the document of conformity, temporarily or permanently, or restricting the validity of such document.

The decision referred to in paragraph 3 of this Article shall be final.

The costs of conformity assessment referred to in paragraph 1 of this Article shall be borne by the manufacturer.

The manner of conducting conformity assessment referred to in paragraph 1 of this Article and the manner of determining and covering the costs of conformity assessment referred to in paragraph 5 of this Article shall be governed by the regulation adopted by the Government.

## Article 18

Where the technical regulation prescribes that conformity assessment is conducted by the state administration authority, and if the conformity assessment body performs technical valuation for the needs of such authority, such body must meet the requirements from the technical regulation in the context of Article 12 of this Law.

The competent ministry shall publish a public invitation for submittal of applications for the authorization of conformity assessment bodies for performing technical valuation.

The public invitation shall particularly specify the number and type of conformity assessment bodies that the state administration authority needs for the performance of technical valuation, as well as requirements from the technical regulation that must be met by such body.

The competent minister shall issue a decision on authorization of conformity assessment body referred to in paragraph 1 of this Article in accordance with the law governing general administrative procedure.

Decision referred to in paragraph 4 of this Article shall be final.

If the competent minister finds that the authorized body referred to in paragraph 4 of this Article no longer meets the prescribed requirements and/or no longer performs its duties, as well as if there is no longer need for performing technical valuation, the competent minister shall act in accordance with Article 16 paragraphs 1 and 2 of this Law.

## **Role of Accreditation**

### Article 19

When issuing a decision referred to in Articles 13 and 18 of this Law, it shall be deemed that a conformity assessment body holding an act on accreditation meets the prescribed requirements to the extent in which they fall within the scope of accreditation, taking into account the conformity assessment procedures and the products covered by the accreditation.

Technical regulation may prescribe that, during the procedure of conformity assessment, certain activities may be conducted by an accredited body within the manufacturer instead of the appointed body.

The body referred to in paragraph 2 of this Article must be an independent organizational unit of the manufacturer, may not take part in the production, making available on the market, assembly, use or maintenance of the products whose conformity it is assessing and may provide services only to the manufacturer within which it operates.



## **Notification of Conformity Assessment Bodies**

### **Article 20**

The Ministry competent for issues related to technical regulations (hereinafter referred to as: the Ministry), upon the proposal of the competent ministry, shall notify the appointed or authorized conformity assessment body to the relevant international organization, in accordance with the rules of ratified international agreements of which the Republic of Serbia is a signatory.

The manner of appointment, authorization, withdrawal of the approval for performing conformity assessment, notification of conformity assessment bodies, as well as the manner of determining the fulfillment of the prescribed requirements for appointment or authorization of conformity assessment bodies shall be governed by the regulation adopted by the Government.

## **IV. OBLIGATIONS OF PRODUCT SUPPLIERS AND OWNERS OF PRODUCTS IN USE**

### **Conformity of Products**

#### **Article 21**

A product may be placed on the market or made available on the market only if it is in conformity with the prescribed technical requirements, if its conformity was assessed according to the prescribed procedure, if it is marked in accordance with the regulations, and if it accompanied with the prescribed documents of conformity and other prescribed documentation.

### **Safeguard Clause**

#### **Article 22**

The competent inspector shall undertake appropriate measures restricting the making available on the market, prohibiting the placement of products on the market or making available on the market, withdrawing or recalling the products in accordance with the law, if it is found that a product conforming with the technical regulation may threaten public interest, and particularly if it threatens safety, human life and health, safety and health of animals and plants, environment, safety of consumers and other users and property.

The competent minister shall remove the Serbian standard from the list of standards referred to in Article 7 paragraph 3 of this Law, if it is found that non-safety of the product referred to in paragraph 1 of this Article is a result of inadequate technical solutions of such standard.

### **Obligations of Manufacturers**

#### **Article 23**

The manufacturer shall:

- 1) ensure that the product is made in accordance with the prescribed requirements;
- 2) draw up the required technical documentation and keep it in the prescribed period;
- 3) ensure implementation of the prescribed conformity assessment procedure, prepare the declaration of conformity and keep it in the prescribed period, and affix to the product the prescribed conformity marking;

- 4) where such is prescribed, test the samples of products on the market, process the information, keep the register of complaints, and inform distributors about the non-conforming products, as well as about any corrective measures undertaken on its own initiative, as instructed or in cooperation with competent authorities, with the purpose of eliminating the risks posed by the non-conforming product;
- 5) perform other activities prescribed by the technical regulation for specific products.

The manufacturer may authorize a representative to perform its obligations by a written authorization, which must enable the representative to at least:

- 1) keep the declaration of conformity and technical documentation in the prescribed period;
- 2) provide the competent authorities with all the information and documentation necessary to demonstrate product conformity;
- 3) cooperate with competent authorities in all corrective measures undertaken for the purpose of eliminating the risks posed by the product.

The manufacturer may not transfer to the authorized representative its obligations referred to in paragraph 1 item 1 of this Article, nor the drawing up of technical documentation.

#### Article 24

The manufacturer shall affix the conformity marking on the product that is in conformity with the technical regulation if such is specified in the technical regulation.

It shall be prohibited to affix the conformity marking on a product that is not in conformity with the prescribed requirements or on a product for which affixing of the conformity marking is not prescribed.

It shall be prohibited to affix on a product any other marking that is not a conformity marking but is of similar content or form, which could mislead the consumers or other users to believe that it is a conformity marking, or if affixing of other marking on a product would impair the visibility or legibility of the conformity marking.

Form, appearance and content of the conformity marking shall be governed by the regulation adopted by the Government.

### **Obligations of Importers**

#### Article 25

The importer shall:

- 1) check if the declaration of conformity was issued for a product and/or if a product is accompanied with other prescribed document of conformity, whether it bears the prescribed conformity marking, whether it is labeled in a manner enabling identification of a product and manufacturer, and whether it is accompanied with the prescribed documentation;
- 2) keep, in the prescribed period, a copy of the declaration of conformity and technical documentation, and make them available to the competent authorities at their request;
- 3) if there is reason to believe that a product is not in conformity with the prescribed requirements, place the product on the market only after the manufacturer brings the product in conformity with such requirements, as well as inform the competent authority to that effect, where the product is unsafe;

- 4) ensure that, prior to placing the product on the market, the conditions of storage or transportation do not adversely affect the conformity of products with the prescribed requirements;
- 5) perform other activities prescribed by the technical regulation for specific products.

The importer shall be deemed to be the manufacturer and assume its obligations when it places a product on the market under its name or trademark, namely if it modifies a product that was already placed on the market to the extent which affects the conformity with the prescribed requirements.

### **Obligations of Distributors**

#### Article 26

Distributor shall:

- 1) check whether the prescribed conformity marking is affixed to the product and whether it is accompanied with the prescribed documentation;
- 2) if there is reason to believe that a product is not in conformity with the prescribed requirements, make the product available on the market only after the manufacturer brings the product in conformity with such requirements, and inform the manufacturer or importer and competent authorities to that effect, where the product is unsafe;
- 3) ensure that, prior to making the product available on the market, the conditions of storage and transportation do not adversely affect the conformity of products with the prescribed requirements;
- 4) perform other activities prescribed by the technical regulation for specific products.

The distributor shall be deemed to be the manufacturer and assume its obligations when it places on the market a product under its name or trademark, namely if it modifies a product that was already placed on the market to the extent which affects the conformity with the prescribed requirements.

### **Obligations of the Owner of Product in Use**

#### Article 27

Owner of a technically complex product for which the technical regulation provides for mandatory regular or extraordinary inspection with the purpose of confirming the product safety throughout its lifecycle, may put in use such product, namely enable the use of such product, only if the prescribed inspections confirming its safety have been performed.

Technical regulation may specify that the prescribed inspection is performed by the appointed body or state administration authority.

The provisions of Articles 12 to 19 of this Law shall apply *mutatis mutandis* to the manner of performing the prescribed inspection referred to in paragraph 2 of this Article.

## **V. VALIDITY OF FOREIGN DOCUMENTS AND MARKINGS OF CONFORMITY**

### Article 28

Documents of conformity issued by a foreign conformity assessment body and conformity markings issued abroad (hereinafter referred to as: foreign documents and markings of conformity) shall be valid in the Republic of Serbia if they were issued in accordance with ratified international agreements to which the Republic of Serbia is a signatory.

The competent minister may recognize the validity of foreign documents and markings of conformity which confirm the conformity of product with foreign technical regulation, under the condition that requirements of such regulation provide at least the same level of protection of safety, human life and health, protection of animals and plants, environment protection, protection of consumers and other users and protection of property, as that provided by the requirements of Serbian technical regulation.

### Article 29

In the process of recognition of the validity of foreign documents and markings of conformity, in addition to the conditions referred to in Article 28 paragraph 2 of this Law, it shall be determined whether the requirements from a foreign technical regulation which must be met by the foreign conformity assessment body to perform the conformity assessment procedure for the product provide for at least the same level of fulfillment of the requirements as that defined in the Serbian technical regulation for the appointed body.

### Article 30

The act on recognition of the validity of documents and markings of conformity referred to in Article 28 paragraph 2 of this Law shall be issued upon the previously obtained opinion of the Ministry.

The manner of recognition of documents and markings of conformity referred to in Article 28 paragraph 2 of this Law shall be governed by the regulation adopted by the Government.

## **VI. NOTIFICATION**

### Registers

### Article 31

The Ministry shall keep as a public book the registers of:

- 1) current technical regulations and appointed and authorized conformity assessment bodies;
- 2) technical regulations under preparation;
- 3) foreign documents and markings of conformity valid in the Republic of Serbia.

The registers referred to in paragraph 1 of this Article shall particularly include: name of the competent ministry that has adopted the technical regulation; title of the technical regulation; business name, corporate domicile and business activity of the appointed or authorized conformity assessment body, and other data relevant for the operation of such bodies; name of the competent ministry that has prepared the technical regulation and title of such regulation; type of foreign

documents and markings of conformity that are valid in the Republic of Serbia, business name and corporate domicile of foreign conformity assessment bodies which have issued the document of conformity, and other data relevant for the operation of such foreign bodies, as well as other data relevant for foreign documents and markings of conformity.

The content and manner of keeping the registers referred to in paragraph 1 of this Article shall be prescribed by the minister competent for activities related to technical regulations.

### **Notification of Technical Regulations Under Preparation**

#### Article 32

The Ministry, in accordance with the rules of ratified international agreements to which the Republic of Serbia is a signatory, shall notify the relevant authorities from such agreements the technical regulations under preparation and related conformity assessment procedures.

The procedure of notification of technical regulations referred to in paragraph 1 of this Article shall be governed by the regulation adopted by the Government.

### **Provision of Information**

#### Article 33

Upon request of domestic and foreign legal and natural persons, the Ministry shall provide information and relevant documentation with regard to:

- 1) current technical regulations or technical regulations under preparation;
- 2) current conformity assessment procedures or conformity assessment procedures under preparation;
- 3) membership of the Republic of Serbia in international and regional cooperation programs in the field of conformity assessment, or in bilateral and multilateral agreements related to the technical regulations and conformity assessment procedures.

The manner of providing information and documentation referred to in paragraph 1 of this Article shall be governed by the regulation adopted by the Government.

## **VII. INSPECTION SUPERVISION**

#### Article 34

Inspection supervision over the implementation of the provisions of this Law and regulations adopted on the basis of this Law, as well as technical regulations applied based on Article 41 of this Law, shall be performed by the competent ministries through the inspectors in accordance with the law.

When performing supervision, in addition to the measures for which he is authorized by virtue of other regulations, the competent inspector shall be authorized to:

- 1) request from suppliers all the necessary information and access to the documents of conformity and prescribed technical documentation;
- 2) perform relevant controls, take product samples and forward them for testing to verify the conformity of products with the prescribed technical requirements;

- 3) check whether the prescribed inspections confirming the safety of products throughout their lifecycle have been performed;
- 4) instruct elimination of established non-conformity within a specified period;
- 5) request that the products be marked with the prescribed conformity markings, or removal of markings that are not allowed;
- 6) restrict or prohibit the making available of products on the market and implement additional measures, in accordance with law, to ensure that the restriction or prohibition is observed;
- 7) instruct the withdrawal or recalling of products that are not in conformity with the prescribed requirements;
- 8) notify the competent ministry which has adopted the technical regulation related to a particular product for the purpose of undertaking the relevant measures;
- 9) instruct destroying of non-conforming products if they present a serious risk to the safety, life and health of humans, animals and plants, as well as the environment protection.

When performing inspection supervision, the competent inspector shall be authorized to inspect the supplier's business premises and facilities.

If the competent inspection authority does not have the necessary expert knowledge or equipment for performing controls or testing referred to in paragraph 2 of this Article, it may delegate control and testing to the relevant conformity assessment body.

Costs of control and testing of the conformity of products, as well as other costs incurred in the procedure of inspection supervision, shall be borne by the supplier if it is established that the product is not in conformity with the prescribed requirements.

An appeal against the decision by which the inspector instructed undertaking of measures referred to in paragraph 2 of this Article shall not stay the execution of the decision.

## **VIII. PENAL PROVISIONS**

### Article 35

A legal person – conformity assessment body shall be fined in the amount of RSD 100,000 to 1,000,000 for misdemeanor if it:

- 1) performs conformity assessment and/or performs technical valuation of products without the decision on appointment or authorization (Article 13 paragraph 1 and Article 18 paragraph 4);
- 2) fails to notify the competent minister in accordance with the obligations referred to in Article 15 of this Law;
- 3) fails to act as instructed by the competent minister referred to in Article 16 paragraph 2 of this Law.

A responsible person within the legal person – conformity assessment body shall also be fined in the amount of RSD 20,000 to 50,000 for misdemeanor referred to in paragraph 1 of this Article.

### Article 36

A legal person – supplier shall be fined in the amount of RSD 100,000 to 1,000,000 for misdemeanor if it:

- 1) places on the market and/or makes available on the market a product that is not in conformity with the prescribed technical requirements, if the product conformity is not assessed in accordance with the prescribed procedure, if it is not marked in accordance with regulations, or if it is not accompanied with the prescribed documents of conformity or other prescribed documentation (Article 21).

A responsible person within the legal person – supplier shall also be fined in the amount of RSD 20,000 to 50,000 for misdemeanor referred to in paragraph 1 of this Article.

An entrepreneur – supplier shall also be fined in the amount of RSD 100,000 to 500,000 for misdemeanor referred to in paragraph 1 of this Article.

A natural person – supplier shall also be fined in the amount of RSD 10,000 to 50,000 for misdemeanor referred to in paragraph 1 of this Article.

#### Article 37

A legal person – manufacturer or its representative shall be fined in the amount of RSD 100,000 to 1,000,000 for misdemeanor if it:

- 1) fails to draw up and provide for keeping of the necessary technical documentation, fails to prepare and/or keep the declaration of conformity, fails to affix on the product the prescribed conformity marking (Article 23 paragraph 1 items 2 and 3 and paragraph 2 item 1);
- 2) fails to, for the products for which such is prescribed, perform the testing of product samples on the market and fails to perform other activities and measures for products for which such is prescribed, and/or does not cooperate with the competent authorities in all the corrective measures undertaken with the aim of preventing the risk posed by the product (Article 23 paragraph 1 item 4 and paragraph 2 item 3);
- 3) affixes conformity marking on the product which is not in conformity with the prescribed requirements or affixes conformity marking on the product for which the affixing of conformity markings is not prescribed (Article 24 paragraph 2);
- 4) affixes on the product a marking that is not a conformity marking but is of similar content or form, which could lead consumers or other users to believe that it is a conformity marking, or if affixing of other marking on a product would impair the visibility or legibility of the conformity marking (Article 24 paragraph 3).

A responsible person within the legal person – manufacturer or representative shall also be fined in the amount of RSD 20,000 to 50,000 for misdemeanor referred to in paragraph 1 of this Article.

An entrepreneur – manufacturer or representative shall also be fined in the amount of RSD 100,000 to 500,000 for misdemeanor referred to in paragraph 1 of this Article.

#### Article 38

A legal person – importer shall be fined in the amount of RSD 100,000 to 1,000,000 for misdemeanor if it:

- 1) in the prescribed period, fails to keep a copy of the declaration of conformity and technical documentation or fails to make them accessible to competent authorities, at their request (Article 25 paragraph 1 item 2);
- 2) if there is reason to believe that a product is not conforming with the prescribed requirements, places such product on the market before it is rendered in conformity

with such requirements, and if it fails to notify the competent authorities accordingly in the event that the product is unsafe (Article 25 paragraph 1 item 3).

A responsible person within the legal person - importer shall also be fined in the amount of RSD 20,000 to 50,000 for misdemeanor referred to in paragraph 1 of this Article.

An entrepreneur – importer shall also be fined in the amount of RSD 100,000 to 500,000 for misdemeanor referred to in paragraph 1 of this Article.

#### Article 39

A legal person – distributor shall be fined in the amount of RSD 100,000 to 1,000,000 for misdemeanor if it:

- 1) if there is reason to believe that a product is not conforming with the prescribed requirements, places such product on the market before it is rendered in conformity with such requirements, if it fails to notify accordingly the manufacturer or importer, as well as competent authorities in the event that the product is unsafe (Article 26 paragraph 1 item 2).

A responsible person within the legal person – distributor shall also be fined in the amount of RSD 20,000 to 50,000 for misdemeanor referred to in paragraph 1 of this Article.

An entrepreneur – distributor shall also be fined in the amount of RSD 100,000 to 500,000 for misdemeanor referred to in paragraph 1 of this Article.

A natural person – distributor shall also be fined in the amount of RSD 10,000 to 50,000 for misdemeanor referred to in paragraph 1 of this Article.

#### Article 40

A legal person – owner of the product shall be fined in the amount of RSD 50,000 to 500,000 for misdemeanor if it:

- 1) places or enables the use of a product for which the prescribed inspections were not performed to confirm its safety throughout its lifecycle (Article 27 paragraph 1).

An entrepreneur – the owner shall also be fined in the amount of RSD 50,000 to 100,000 for misdemeanor referred to in paragraph 1 of this Article.

A natural person – the owner shall also be fined in the amount of RSD 10,000 to 50,000 for misdemeanor referred to in paragraph 1 of this Article.

### **IX. TRANSITIONAL AND FINAL PROVISIONS**

#### Article 41

Until the adoption of technical and other regulations on the basis of this Law, or other laws, technical and other regulations adopted and taken over based on the Law on Technical Requirements for Products and Conformity Assessment of Products with the Prescribed Requirements ("Official Gazette of Serbia and Montenegro", No. 44/05) shall apply.



#### Article 42

Until the adoption of technical regulations prescribing the requirements that must be met by appointed and/or authorized conformity assessment bodies, in accordance with this Law, namely until the adoption of regulations referred to in Article 20 paragraph 2 of this Law, conformity assessment shall be performed by the conformity assessment bodies which were authorized, namely accredited by the day this Law came into force.

#### Article 43

Until the adoption of by-laws prescribed by this Law, the by-laws adopted based on the Law on Technical Requirements for Products and Conformity Assessment of Products with the Prescribed Requirements ("Official Gazette of Serbia and Montenegro", No. 44/05) shall apply, specifically:

- 1) Decree on the Manner of Preparing and Adopting Technical Regulations and the Register of Such Regulations („Official Gazette of Serbia and Montenegro”, No. 17/06);
- 2) Decree on the Manner of Authorizing Conformity Assessment Bodies, Register of Authorized Conformity Assessment Bodies, Records of Documents of Conformity, Conformity Marks and Conformity Assessment Bodies and on the Conditions for Application of Technical Regulations of Other Countries („Official Gazette of Serbia and Montenegro”, No. 22/06);
- 3) Decree on the Manner and Procedures of Conformity Assessment („Official Gazette of Serbia and Montenegro”, No. 22/06);
- 4) Decree on the Manner of Providing Information and Notifications of Technical Regulations, Standards and Conformity Assessment („Official Gazette of RS”, No. 126/07).

The Government shall adopt acts referred to in Article 9 paragraph 4 and Articles 14, 17, 20, 24 and 30 of this Law within six months from the day this Law comes into force.

The Government shall adopt acts referred to in Articles 32 and 33 of this Law within one year from the day this Law comes into force.

The content of the form referred to in Article 7 paragraph 4 of this Law shall be prescribed by the minister competent for standardization within six months from the day this Law comes into force.

The regulation referred to in Article 31 paragraph 3 of this Law shall be adopted by the minister competent for the activities related to technical regulations within one year from the day this Law comes into force.

#### Article 44

On the day this Law comes into force, the Law on Technical Requirements for Products and Conformity Assessment of Products with the Prescribed Requirements ("Official Gazette of Serbia and Montenegro", No. 44/05) shall cease to apply.

#### Article 45

This Law shall come into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of Serbia".