

LAW ON STANDARDIZATION

I. BASIC PROVISIONS

Article 1

This Law governs the principles and objectives of standardization in the Republic of Serbia, organization and activity of the national standardization body, and the adoption, publication and application of Serbian standards and related documents.

Article 2

This Law shall apply to standards and related documents that are adopted and published by the national standardization body in the Republic of Serbia, as well as to international standards and related documents of the recognized international and European organizations for standardization referred to in Article 3 items 12 and 13 of this Law which constitute the basis for adoption of Serbian standards.

Article 3

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

- 1) *standardization* shall mean a set of coordinated activities aimed at adoption of standards and related documents;
- 2) *standard* shall mean a publicly available document, defined by a consensus and adopted by a recognized body, which determines, for general and multiple use, the rules, requirements, characteristics, instructions, recommendations or guidelines for the activities or their results with the aim of achieving the optimal level of regulation in a specific area in relation to the current or potential problems;
- 3) *international standard* shall mean a standard adopted by the international organization for standardization;
- 4) *European standard* shall mean a standard adopted by the European organization for standardization;
- 5) *Serbian standard* shall mean a standard adopted by the national standardization body in the Republic of Serbia;
- 6) *related document* shall mean a document (e.g. technical specification, technical report, guideline) adopted by an international or European organization for standardization, and/or national standardization body in the Republic of Serbia and which is publicly available and does not meet the requirements to be adopted as a Serbian standard;
- 7) *interested party* shall mean a state administration authority, company, entrepreneur, consumers' organization or other legal or natural person expressing interest for standardization;
- 8) *consensus* shall mean an in-principle agreement on any significant matter that is achieved by taking into account the views of all interested parties and reconciling any conflicting views; however, a consensus shall not be deemed to mean unanimity in adoption of standards;
- 9) *adoption of a standard or related document* shall mean a set of coordinated activities that commence with the enactment of a proposal for adoption of a standard or related

- document, and end with the adoption of an act promulgating the adoption of a standard or related document;
- 10) *assessment of conformity of products, processes and services with Serbian standards* shall mean an activity whereby it is established if the requirements contained in Serbian standards are met;
 - 11) *national conformity mark* shall mean a designation which, in accordance with the rules of the national standardization body in the Republic of Serbia, confirms the conformity of products, processes or services with the Serbian standard;
 - 12) *international organizations for standardization* shall mean the organizations to which relevant national bodies for standardization of any country may become members, specifically:
 - International Standardization Organization (ISO);
 - International Electro-technical Commission (IEC);
 - International Telecommunication Union, Telecommunication Standardization Sector (ITU).
 - 13) *European organizations for standardization* shall mean the organizations to which relevant national bodies for standardization of European countries may become members, specifically:
 - European Committee for Standardization (CEN);
 - European Committee for Electrotechnical Standardization (CENELEC);
 - European Telecommunication Standards Institute (ETSI).

Article 4

Standardization in the Republic of Serbia shall be based on the following principles:

- 1) the right of all interested parties to voluntarily take part in adoption of Serbian standards;
- 2) consensus of interested parties;
- 3) prevention of the precedence of individual interests over the common interest of the interested parties;
- 4) transparency of the standardization procedure and public availability of Serbian standards and related documents;
- 5) mutual consistency of Serbian standards and related documents;
- 6) taking into account development of technology and rules of international and European organizations for standardization and relevant international agreements;
- 7) non-discriminatory treatment of foreign products or services and same or similar domestic products or services, in accordance with ratified international agreements to which the Republic of Serbia is a signatory.

Article 5

The objectives of standardization in the Republic of Serbia shall include:

- 1) improvement of the protection of life, health and safety of humans, animals and plants, as well as the environment protection;
- 2) raising the quality of products, processes and services, their typification, compatibility and substitutability;
- 3) ensuring a unique technical basis;
- 4) developing and improving the production and circulation of products, construction works, namely provision of services through the development of internationally harmonized standards with the aim of efficient use of labor, material and energy;

- 5) improvement of international trade, through the prevention and elimination of unnecessary technical barriers.

II. NATIONAL STANDARDIZATION BODY

Article 6

For the purpose of accomplishing the objectives referred to in Article 5 of this Law, the Government shall issue a decision establishing the Institute for Standardization of Serbia (hereinafter referred to as: the Institute), as the national standardization body in the Republic of Serbia.

The Institute shall be an institution entered in the court register.

The assets used by the Institute shall be in the state ownership.

The provisions of the law governing public services shall apply to the issues related to establishing, organization and operation of the Institute which are not governed by this Law.

Article 7

The Institute shall perform the following tasks:

- 1) adopt, publish, review and withdraw Serbian standards, in accordance with the rules of the Institute;
- 2) provide the interpretation of Serbian standards, as well as interpretation of the application of Serbian standards, at the request of the interested parties;
- 3) ensure the compliance of Serbian standards with international and European standards;
- 4) keep the register of adopted and withdrawn Serbian standards, in accordance with the rules of the Institute;
- 5) participate in the preparation and review of international and European standards in the areas of interest for the Republic of Serbia;
- 6) cooperate with the international and European organizations for standardization and national bodies for standardization of countries signatory of relevant agreements in the area of standardization;
- 7) perform the standardization related tasks, in accordance with the obligations arising from ratified international agreements to which the Republic of Serbia is a signatory;
- 8) ensure the public availability of adopted and withdrawn Serbian standards, publications, as well as standards and publications of relevant international, European and national bodies for standardization, and carries out their sale;
- 9) at the request of the state administration authority, provides the information whether a relevant Serbian standard has been adopted in the area that is being regulated by a technical regulation, or its adoption is pending, namely whether relevant international or European standard exists;
- 10) act as an enquiry point for standards, for providing information and notifications related to standards, in accordance with the requirements provided for in the relevant international agreements and the obligations arising from the membership in relevant international and European organizations for standardization;
- 11) represent and act in the interest of the Republic of Serbia in the area of standardization in the international and European organizations for standardization;
- 12) approve the use of national mark of conformity with the Serbian standards, in accordance with the rules of the Institute;

- 13) issue the rules based on which Serbian standards are adopted, published, reviewed and withdrawn;
- 14) delegate to the interested parties, in accordance with its rules, preparation of proposals of Serbian standards in specific areas;
- 15) promote the application of Serbian standards;
- 16) perform other tasks in the area of standardization, in accordance with the law and articles of association.

The tasks performed by the Institute referred to in paragraph 1 items 1, 2, 4, 8, 13, 14 and 15 of this Article shall include related documents.

The Institute shall not perform tasks referred to in paragraph 1 of this Article with the aim of acquiring profit.

The manner of providing information and notifications referred to in paragraph 1 item 10 of this Article shall be governed by a regulation adopted by the Government.

Article 8

Companies, other legal persons or entrepreneurs established according to the regulations of the Republic of Serbia, as well as natural persons with the citizenship of the Republic of Serbia, may be members of the Institute.

Membership in the Institute shall be voluntary.

A member of the Institute shall be entitled to participate in the work of the Institute's bodies and in the management of the Institute, in accordance with this Law, the articles of association and statute of the Institute.

A member of the Institute shall be entitled to a special discount for: purchase of standards, related documents and other publications; payment of the fee for other services provided by the Institute when performing standardization related tasks; payment of the fee for participation on seminars, conferences, conventions and other expert gatherings organized by the Institute independently or in cooperation with other legal persons and organizations, as well as to other benefits in accordance with articles of association and statute of the Institute.

A member of the Institute shall pay the membership fee, participate in accomplishing the objectives, programs and plans of the Institute, promote the application of Serbian standards and related documents, in accordance with the articles of association and statute of the Institute.

Rights and obligations of the Institute members, the manner of acquiring and termination of the status of a member of the Institute, criteria for determining the level of membership fee, as well as criteria for determining the special discount referred to in paragraph 4 of this Article shall be governed by the articles of association and statute of the Institute.

Article 9

Funds for the operation of the Institute shall be provided:

- 1) by charging the membership fee;
- 2) from sale of Serbian standards, related documents and other publications;
- 3) by charging for the services;
- 4) from the budget of the Republic of Serbia;
- 5) from other sources, in accordance with law.

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The necessary funds for the operation shall be determined in the annual work program of the Institute, in accordance with the articles of association.

The funds for the membership of the Institute in European and international organizations for standardization, which are determined in the annual work program of the Institute, shall be provided from the budget of the Republic of Serbia.

Article 10

The bodies of the Institute shall be:

- 1) assembly;
- 2) managing board;
- 3) director;
- 4) supervisory board.

The manner of establishing bodies referred to in paragraph 1 of this Article, their scope of work, election and term of office of the members of bodies, the manner of decision making and other matters of importance for the operation of bodies shall be governed by the articles of association.

Operation and management of the Institute, as well as the manner of work of bodies referred to in paragraph 1 of this Article, shall be governed by the statute of the Institute.

Article 11

The expert councils and commissions, as expert bodies, shall be set up within the Institute.

Expert councils referred to in paragraph 1 of this Article shall be set up for the purpose of directing the expert work in specific areas of standardization, in accordance with the articles of association and statute of the Institute.

The commissions referred to in paragraph 1 of this Article shall be set up for the purpose of adopting standards and related documents, in accordance with the rules of the Institute.

The areas of standardization for which the expert councils are set up, manner of setting up expert councils and commissions, as well as other matters of importance for their operation, shall be governed by the articles of association and statute of the Institute.

III. ADOPTION AND PUBLICATION OF SERBIAN STANDARDS

Article 12

Serbian standards shall be adopted and published in accordance with this Law and the rules of the Institute, which are harmonized with the rules of international and European organizations for standardization and the Code of Good Practice for the Preparation, Adoption and Application of Standards from the Agreement on Technical Barriers to Trade of the World Trade Organization.

As a rule, international standards and related documents shall be used as the basis for adoption of Serbian standards. In the event that international standard does not exist in particular area or the existing international standard is unsuitable, European or national standards and related documents of other countries may be used as a basis.

The Institute shall publish in its official journal the notice on the instigation of procedure for adoption of a Serbian standard and, when it is necessary, for related document, as well as the notice on the placement of a standard or related document in the public discussion process.

Article 13

The act promulgating the adoption of a standard or related document, as well as the act on withdrawal of Serbian standard or related document, shall be adopted in the form of a decision by the responsible body of the Institute, in accordance with the articles of association.

The act referred to in paragraph 1 of this Article shall be published in the “Official Gazette of the Republic of Serbia”.

On the date of publication of the act promulgating the adoption of a standard or related document, such standard or related document shall become publicly available.

Article 14

Serbian standard or related document shall be marked with the designation beginning with the abbreviation SRPS, in accordance with the rules of the Institute.

It shall not be allowed to use the abbreviation SRPS for marking other documents.

Article 15

Serbian standards shall be adopted and published in the Serbian language and alphabet, in accordance with the law governing official use of the language and the alphabet.

Exceptionally, where the standard or related document referred to in Article 12 paragraph 2 of this Law is a basis for adoption of Serbian standard, Serbian standard may also be published in one of the official languages of the European organizations for standardization.

Article 16

Serbian standard and related document shall be published as special editions of the Institute in hardcopy or in electronic format.

The Institute shall hold the copyright for Serbian standard and related document, in accordance with the law governing copyright and related rights.

Any reproduction, in whole or in part, and any distribution of Serbian standards and related documents shall be allowed only with the consent of the Institute.

IV. APPLICATION OF SERBIAN STANDARDS

Article 17

Application of Serbian standards and related documents shall be voluntary.

Notwithstanding paragraph 1 of this Article, if a technical regulation refers to Serbian standard in such a way that the compliance with the requirements of such standard is the only

way to achieve the compliance with the requirements of the technical regulation, such standard shall be applied as a technical regulation.

Article 18

Conformity of products, processes and services with Serbian standard referred to in Article 17 paragraph 1 of this Law may be confirmed by the declaration on conformity issued by the manufacturer or service provider.

Provider of the declaration on conformity shall confirm that it has met all the requirements from a standard.

The declaration on conformity referred to in paragraph 2 of this Article shall be deemed to include the attachment of the mark of standard to a product, its packaging or accompanying documentation.

Article 19

The Institute shall approve the use of national conformity mark, in accordance with the rules of the Institute.

The conformity assessment body that carries out certification may, in accordance with its rules, approve the use of its conformity mark verifying that products, processes and services are in conformity with Serbian standards.

V. SUPERVISION

Article 20

Supervision of operation of the Institute with regard to the performance of standardization tasks referred to in Article 7 of this Law, shall be conducted by the ministry responsible for standardization.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 21

On the day this Law comes into force, the Institute for Standardization of Serbia, established by the Decision on Establishing the Institute for Standardization of Serbia (“Official Gazette of RS”, No. 16/07), shall continue its operation.

The Decision on Establishing the Institute for Standardization of Serbia referred to in paragraph 1 of this Article shall be brought into compliance with the provisions of this Law within six months from the day this Law comes into force.

Article 22

The existing Serbian-Montenegrin standards and related documents whose designation begins with the acronym SCS, and which were adopted before the day this Law comes into force, shall become Serbian standards and related documents.

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Designations of existing standards and related documents, marked with the abbreviation JUS and the acronym SCS, shall be replaced with the designation beginning with the abbreviation SRPS by the day of adoption of their amendments at the latest.

Article 23

Serbian standards with mandatory application, other than standards referred to in Article 17 paragraph 2 of this Law, shall become voluntary on June 30, 2009.

The provisions of rulebooks or decisions on Yugoslav standards that were adopted before the day the Law on Standardization (“Official Gazette of FRY”, No. 30/96, 59/98, 70/01 and 8/03) came into force, which prescribe the mandatory application of Yugoslav standards, in whole or in part, shall cease to apply on June 30, 2009.

Article 24

Until the adoption of the by-law referred to in Article 7 paragraph 4 of this Law, the Decree on the Manner of Providing Information and Notification of Technical Regulations, Standards and Conformity Assessment (“Official Gazette of RS”, No. 126/07) shall apply.

The Government shall adopt the by-law referred to in Article 7 paragraph 4 of this Law within six months from the day this Law comes into force.

Article 25

On the day this Law comes into force, the Law on Standardization (“Official Gazette of S&M”, No. 44/05) shall cease to apply.

Article 26

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”.