

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, withdrawal, 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 16 and 17 of this Law which constitute the basis for adoption of Serbian standards.

This Law shall have no effect on branch standards and company standards as well as related documents for all products, processes and services in the fields of national defense, railway traffic, air and inland waterway traffics, accounting services and in other fields in which the government bodies, companies and other legal subjects may develop for their own purposes.

Specific laws and other regulations shall govern the adoption, designation and application of standards and related documents, as well as other matters of importance to the standardization in the fields referred to in paragraph 2 of this Article.

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 technical specification adopted by a national standardization body, for repeated or continuous application, with which conformity of products, processes and services is not compulsory;
- 3) *international standard* shall mean a standard adopted by an international standardization body;
- 4) *European standard* shall mean a standard adopted by the European organization for standardization;
- 5) *harmonized standard* shall mean a European standard adopted on the basis of a request made by the European Commission for the application within the European Union harmonisation legislation;
- 6) *national standard* shall mean a standard adopted by the national standardization body;
- 7) *Serbian standard* shall mean a standard adopted by the national standardization body in the Republic of Serbia;
- 8) *related document* shall mean any technical specification adopted by an international or European organization for standardization, and/or national standardization body, for general or multiple use, with which the conformity of products, processes and services is not mandatory, and which does not meet requirements to be adopted as a standard;

- 9) *draft standard* shall mean a document containing the text of technical specifications concerning a given subject, which is being considered for adoption in accordance with the relevant standards procedure, as that document stands after the preparatory work and as circulated for public comment or scrutiny;
- 10) *technical specification* shall mean a document that prescribes technical requirements to be fulfilled by a product, process or service and which lays down one or more of the following:
- the characteristics required of a product including levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and including the requirements applicable to the product regarding the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures and other similar elements;
 - production methods and processes used for agricultural products, products intended for human and animal consumption, and medicinal products, as well as production methods and processes pertaining to other products affecting the characteristics of the product;
 - required characteristics for services, such as the level of quality, performance, interoperability, environmental protection, protection of health and safety, including the requirements applicable to the service providers pertaining to the data to be made available to the recipient;
 - methods and criteria for performance assessment of construction products.
- 11) *interested party* shall mean a government administration authority, provincial or communal authority, company, entrepreneur, consumers' organization or other legal or natural person expressing interest for standardization;
- 12) *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;
- 13) *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;
- 14) *assessment of products conformity, processes and services with Serbian standards* shall mean an activity whereby it is established whether the requirements contained in Serbian standards are met;
- 15) *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;
- 16) *international organizations for standardization* are:
- International Standardization Organization (ISO);
 - International Electro-technical Commission (IEC);
 - International Telecommunication Union (ITU);
- 17) *European organizations for standardization* are:
- European Committee for Standardization (CEN);
 - European Committee for Electro-technical Standardization (CENELEC);
 - European Telecommunication Standards Institute (ETSI);
- 18) *national standardization body* shall mean the organization for standardization recognized by the state, whereby it can be a member of the relevant international or European organization for standardization;

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 environmental protection;
- 2) improving the quality of products, processes and services, their typification, compatibility and replaceability;
- 3) ensuring unified 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, materials and energy;
- 5) improvement of international trade, through the prevention and elimination of unnecessary technical barriers.

II. NATIONAL STANDARDIZATION BODY

Article 6

The Institute for Standardization of Serbia (hereinafter referred to as: the Institute), is the only standardization body in the Republic of Serbia.

The founder of the Institute is the Republic of Serbia, for which the founding rights are executed by the Government, in accordance with the law.

The ministry responsible for standardization shall inform international and other organizations about the national standardization body in the Republic of Serbia, in accordance with the regulation governing the procedure for reporting and manner of information on technical regulations and standards.

The Institute shall be an institution entered into 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 information point for standards, for provision of 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 within 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;
 - 15a) provide technical assistance for implementation, i.e., compliance with Serbian standards;
 - 15b) duties related to certification of products, system management and individuals;
- 16) perform other tasks in the area of standardization, in accordance with the law and the founding act.

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

The tasks referred to in items 15a) and 15b) the Institute shall not perform for purposes of the same legal subject.

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 Decision on Establishing and the 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 as well as to other benefits in accordance with the Decision on Establishing and the Statute of the Institute.

A member of the Institute shall pay the membership fee, participate in accomplishing the objectives, programmes and plans of the Institute, promote the application of Serbian standards and related documents, in accordance with the Decision on Establishing and the 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 Decision on Establishing and the 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.

The necessary funds for the Institute operation shall be determined by the financial plan as an integral part of the annual work programme.

The funds accumulated by income referred to in paragraph 1 item 3) of this Article belong to the budget of the Republic of Serbia and are used in accordance with the law governing the budgetary system.

Content of the annual work programme shall be closely regulated by the Decision on Establishing the Institute.

The funds for the membership of the Institute in European and international organizations for standardization, which are determined in the annual work programme 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 Decision on Establishing.

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 committees, as expert bodies, shall be set up within the Institute.

The 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 Decision on Establishing and the Statute of the Institute.

The committees 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 committees, as well as other matters of importance for their operation, shall be governed by the Decision on Establishing and the Statute of the Institute.

III. ADOPTION, PUBLICATION, WITHDRAWAL AND DESIGNATION OF SERBIAN STANDARDS

Article 12

Serbian standards shall be adopted, withdrawn 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.

Serbian standards shall be adopted on the basis of the plan for the adoption of Serbian standards that is determined at least once a year and is publicly available on the Institute's website.

The plan for the adoption of Serbian standards shall, based on available data of European and international organizations for standardization, contain the information on the number of European and international standards that are expected to be taken over by the Institute into the national standardization system as well as the dynamics of drafting and adoption of Serbian standards that are not result of identical or equivalent adoption of international or European standards.

The plan for the adoption of Serbian standards also contains information on the number of international and European standards, based on available data of international and European standardization organization expected to be taken over by the Institute into the national standardization system.

The content of the plan referred to in paragraph 2 of this Article shall be specified by the Decision on Establishing the Institute.

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

The Institute shall publish in its official journal the notice on the instigation of procedure for adoption of a Serbian standard and, when necessary, of a related document, as well as the notice on the placement of a standard or related document under the public enquiry procedure and shall provide to all interested parties the access to those draft standards and related documents.

The Institute shall allow all interested parties to participate in the process of adoption of standards and related documents, as well as to have access to adopted standards and related documents.

The way of participation of all interested parties in the process of adoption of standards and related documents and the access to adopted standards and related documents, as well as stimulations and incentives for small and medium enterprises and entrepreneurs, consumers' organizations and non-governmental organizations, shall be specified by the general act of the Institute.

The Institute shall exchange its best practices with the aim of encouraging the participation of small and medium enterprises in standardization activities.

Article 13

The act on adoption, as well as the act on withdrawal of Serbian standards or related documents, shall be adopted in the form of a resolution by the director of the Institute.

Information on adoption and on withdrawal of Serbian standards and related documents, along with the date of adoption and the reference number of the act referred to in paragraph 1 of this Article, shall be published in the journal and on the website of the Institute.

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 the designation of 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 a 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.

Technical or any other regulation may only be referred to published Serbian standards.

Notwithstanding paragraph 2 of this Article, if such a technical regulation is not published in relevant area in technical or other regulation of the Republic of Serbia, such regulation may refer to international, European or national standard of other countries.

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 designation 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 regarding 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.

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 rulebook 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 enter into force on the eighth day following the day of its publication in the “Official Gazette of the Republic of Serbia”.

Independent Articles of the Law on Amendments to the Law on Standardization (Official Gazette of the Republic of Serbia, No. 46/2015)

Article 12

Decision on Establishing the Institute for Standardization of Serbia shall be harmonized with the provisions of this Law within six months from the date of its entry into force.

Article 13

This Law shall enter into force on the eighth day following the day of its publication in the “Official Gazette of the Republic of Serbia”.