

Law on Metrology

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I. BASIC PROVISIONS

Scope

Article 1

This Law regulates organization of metrology activities, legal units of measurement and measurement standards of the Republic of Serbia, placing on the market and use of measuring instruments, assessment of conformity of measuring instruments with prescribed requirements, pre-packaged products, the validity of documents and foreign conformity marks, supervision, and other metrology-related matters.

Purpose

Article 2

The purpose of this law is to ensure:

- 1) use of measurement units compliant with the International Unit System;
- 2) unique measurement in the Republic of Serbia and the confidence in the results of measurements applied for protection of consumers, the life and health of humans and animals, environmental protection, general safety and protection of natural resources;
- 3) traceability of measurement standards of the Republic of Serbia to international standards and national standards of other countries;
- 4) free trade and prevention of unnecessary barriers to trade;
- 5) support and development of appropriate metrology infrastructure that provides traceability of measurement results;
- 6) direction and funding of metrology research and development activities;
- 7) quick, accurate and easily understandable communication and exchange of information on metrological issues.

Application

Article 3

Provisions of this Law governing legal control of measuring instruments are applied to instruments used for measurement in the field of protection of health and general safety, environmental protection, control and safety of traffic, and trade in goods and services.

Provisions of this Law governing conditions for placing measuring instruments on the market, i.e. delivery on the market and use thereof are applied equally to all measuring instruments regardless of their origin.

Provisions of this Law shall apply also to the field of defence, except from planning, organising, implementing and monitoring the metrology activity performed for specific needs of defence, stipulated by the minister competent for the issues of defence.

Transparency of Measurement Results

Article 4

Results of measurements performed upon a request or for needs of national authorities in public interest, particularly in the field of protection of health and general safety, environmental protection, are available to legal entities and natural persons in accordance with the regulations governing availability of information of public importance.

Meaning of Terms

Article 5

Some of the terms used in this Law shall have the following meaning:

- 1) legal measurement units are units of measurement the use of which is required in the Republic of Serbia;
- 2) measurement standard is a realization of the definition of a given quantity with stated quantity value and associated measurement uncertainty, and is used as a reference.
- 3) international measurement standard is a measurement standard recognised by signatories to an international agreement;
- 4) national measurement standard is the standard of the Republic of Serbia, which was recognized as the basis for allocating quantity value to other standards of certain value by the decision of a state administration authority responsible for metrology issues;
- 5) reference material is a material, sufficiently homogeneous and stable with reference to specified properties, which has been established to be fit for its intended use in measurement or in examination of nominal properties;
- 6) certified reference material is a reference material, accompanied by documentation certificate providing one or more specified property values with associated uncertainties and traceability using valid procedures;
- 7) traceability is a property of the result of a measurement, whereby the result can be related to stated references through an unbroken chain of comparisons all having stated measurement uncertainties;
- 8) calibration is a procedure that establishes, under specified conditions, in the first step the relationship between values of quantities with measurement uncertainties and corresponding indications with associated measurement uncertainties, and in the second step these information are used for obtaining a measurement result;
- 9) measuring instrument is a device intended to be used to make measurements, alone or in conjunction with one or more supplementary devices;
- 10) legal metrological control includes activities of legal metrology including: legal control of measuring instruments, metrological supervision and metrological expertise;
- 11) legal control of measuring instrument includes all legal operations to which measuring instruments may be subjected, such as conformity assessment, type approval, verification, etc.;
- 12) metrological supervision is a procedure of legal metrological control performed in order to check whether they meet the requirements stipulated by legal regulations;

13) metrological expertise includes official measurements conducted by the Directorate for Measurements and Precious metals, which are used as reliable evidence in decision-making procedures of other government authorities or courts;

14) conformity assessment of a measuring instrument is any activity that determines whether the individual measuring instrument, set of measuring instruments or produced series of measuring instruments agrees with all prescribed requirements that apply to this type of measuring instrument;

15) normative document is a document of the International Organization of Legal Metrology confirming the presumption of conformity with the prescribed essential requirements, which is published in the Official Gazette of the European Union;

16) type examination is the procedure of assessing conformity of one or more samples of a specific type resulting in an assessment report and/or certificate;

17) type approval certificate is a certificate confirming that the type of a measuring instrument complies with the relevant stipulated requirements, referring to the previously conducted examination of measuring instrument type, based on which the approval certificate is issued;

18) verification of a measuring instrument is a procedure of assessment of compliance resulting in marking (sealing) of measuring instrument, i.e. issuing the certificate on verification of a measuring instrument;

19) compliance document is a certificate or other document confirming the compliance of a measuring instrument with the prescribed requirements;

20) pre-packaged products are the products which have been packaged without the purchaser being present and where the quantity of the product cannot be altered without altering the package, i.e. by opening it and thus making a visible damage.

21) time distribution includes the exercising of the legal time of the Republic of Serbia and conducting its distribution in the territory of the Republic of Serbia;

22) making the measuring instruments, pre-packed products and measuring bottles available is any delivery of these products for distribution, consumption or use, with or without compensation;

23) placing on the market is the first delivery of measuring instruments, pre-packaged products and measuring bottles on the market of the Republic of Serbia;

24) repair of measuring devices is a set of technological procedures to the measuring device or its assemblies, subassemblies and components, including mechanical damage and software, is supplied from the states of failure in proper conditions so that it can perform the required technical function

25) measuring instrument altering is an activity of changing some of the key technical and metrological characteristics after which it must partial or repeated assessment of a measuring instrument must be conducted, i.e. the assessment measuring instrument compliance.

Other terms used in this law, not defined in paragraph 1 of this Article, have the meaning defined by the laws governing technical requirements for products, standardization and general product safety.

II. ORGANISATION OF METROLOGY ACTIVITIES

Performance of Metrology Activities

Article 6

The metrology activities, in terms of this Law, in the Republic of Serbia are performed by:

- 1) ministry responsible for metrology activities (hereinafter: the Ministry);
- 2) administrative authority responsible for metrology activities, i.e. the Directorate for Measures and Precious Metals (hereinafter: the Directorate);
- 3) commercial entities and other legal persons authorized for performing measuring instruments verification (hereinafter: authorized bodies);
- 4) economic entities and other legal persons designated to perform the measuring instrument conformity assessment activities with the prescribed requirements (hereafter: the designated authorities);
- 5) designated holders of national measurement standards.

The Directorate

Article 7

The Directorate has a legal entity features, with rights and duties established by the law.

The headquarters of the Directorate is in Belgrade.

The Directorate has its organizational units based in Belgrade, Krusevac, Nis, Novi Sad, Zrenjanin and Subotica.

Article 8

The Directorate shall:

- 1) be responsible of the system of legal units of measurement in the Republic of Serbia;
- 2) develop, realize, proclaim, keep, maintain and continuously improve measurement standards of the Republic of Serbia;
- 3) comply and supervise the work of designated holders of national measurement standards
- 4) provide metrological traceability;
- 5) conduct activities of research and development in metrological expertise;
- 6) conduct testing of pre-packaged products in order to check the fulfilment of metrological requirements;
- 7) represent the Republic of Serbia in the international metrological organizations, establish conducting tasks coming from the membership in these organizations, and establish collaboration in the field of metrology;
- 8) perform metrological supervision;
- 9) authorize economic entities and other legal persons for performing the measuring instrument verification activities;
- 10) supervise the work of authorized bodies;
- 11) perform conformity assessment of measuring instruments;
- 12) make decisions in administrative proceedings in the field of metrology;
- 13) perform activities of metrological expertise;
- 14) prepare the strategy and regulations in the field of metrology;
- 15) keep registers of measuring instruments subject to legal control and other prescribed records;
- 16) provide metrological information and publish the Official Gazette;
- 17) perform activities of time distribution;

18) provide professional assistance and perform training for the activities in the field of metrology;

19) perform publishing activities;

20) conduct other activities in the field of metrology in accordance with the law.

Apart from activities referred to in paragraph 1, items 1) to 19) of this Article, the Directorate shall perform the activities of verification of measuring instruments for the verification of which there are no authorized bodies, as well as the measuring instruments for the verification of which there are no authorized bodies.

Authorised Bodies

Article 9

Economic entities and other legal entities may engage in verification of measuring instruments if they meet the requirements, in particular regarding:

1) entry in the relevant register;

2) possession of certificates on accreditation;

3) obtained education, work experience or professional training of employees and other engaged people in the appropriate area which is proved by a passed professional exam, for which the body is authorized;

4) premises and equipment for work;

5) independence and impartiality in relation to entities related to the measuring instrument subject to verification;

6) keeping records of requests for verification of the criteria, planned and performed examinations and marking criteria, as well as its submission to the Directorate;

7) methods of storage, recording and discharging of national marks;

8) acting on complaints and appeals to the work and made decisions;

9) confidentiality and professional secrecy;

10) liability insurance for damages caused to third parties in connection with the activities of measuring instruments verification.

Minister in charge of metrology (hereinafter: the Minister) shall prescribe the conditions which the economic entity must meet in terms of premises, equipment and employees and other people engaged for performing verification of measuring instruments, and the manner of meeting the conditions referred to in paragraph 1 of this Article.

The Minister shall prescribe the program of taking professional exams referred to in paragraph 1. point 3) of this Article, as well as the conditions and manner of taking the exam.

Article 10

The Directorate with the decision determines whether the conditions for performing verification of measuring instruments referred to in Article 9 of this law are met.

In making the decision referred to in paragraph 1 of this Article it shall be deemed that an economic entity or other legal entity meets the requirements in terms of competence, confidentiality, independence and impartiality of employees and contracted individuals as well as the conditions in terms of facilities and equipment for work, if the scope of examinations and tests of measuring instruments are entirely covered by the scope of activities contained in the act on accreditation, which that legal entity obtained in the accreditation process.

Request for determining whether the requirements referred to in paragraph 1 of this Article are met is submitted by the economic entity or other legal entity to the Directorate.

The decision referred to in paragraph 1 of this Article shall be issued for a period of three years.

The decision referred to in paragraph 1 of this Article shall be subject to an appeal to the Ministry, within 15 days from the day of submitting the request.

The Directorate shall revoke the authorization to conduct verification of measuring instruments, if the authorized body fails to meet the prescribed requirements and if it does not enforce the provisions of this Law and other regulations in the field of metrology.

Authorized body applies for renewal of the decision referred to in paragraph 1 of this Article not later than three months before the expiry of the period for which the decision was issued.

If the Directorate fails to make a decision, upon the submitted application within 60 days from the date of application referred to in paragraph 7 of this Article and until the expiry of the period for which the decision was issued, the authorized body may continue to perform the activities of verification of measuring instrument based on the existing decision.

The issues this law does not regulate and which are related to the procedure of adopting the decision on authorization, renewal of authorization or revoking the authorizations are subject to the provisions of the law governing general administrative procedure.

The costs of verification of measuring instruments implemented by the authorized body are borne by the applicant for verification of measuring instruments in the amount determined by the price list, which is determined by the authorized body with the consent of the Ministry, based on the criteria closely defined by the Minister.

The price list referred to in paragraph 10 of this Article must be submitted to the Ministry by the authorised body, for the purpose of obtaining the consent, within one month from the day of obtaining the decision on authorisation.

Any changes of the price list referred to in paragraph 10 of this Article must be submitted to the Ministry by the authorised body, for obtaining the consent.

The activities of verification of measuring instruments the authorized body conducts as entrusted activities.

III. OBLIGATIONS OF THE AUTHORISED BODY

Article 11

The authorized body shall:

- 1) perform the activities in accordance with the regulations and the decision on authorization;
- 2) immediately inform the Directorate of any changes that might affect the fulfilment of the prescribed conditions, and of any changes to the data on the authorized body;
- 3) maintain and regularly submit to the Directorate the records of certified measuring instruments, as well as on measuring instruments whose verification is refused;
- 4) within the set deadlines and in the manner set by the Directorate, submit data for the entry in the register of the certified measuring instrument which are subject to legal control;
- 5) cease to perform the activities of verification of measuring instruments in the period of suspension of the accreditation act.

Article 12

Records referred to in Article 11, paragraph 1, item 3) of this law in particular contains the following information:

- 1) the name and address, i.e. business name and seat of the applicant for the verification of measuring instruments;
- 2) the owner or user of the measuring instruments and his address;
- 3) name, type and number of measuring instrument, as well as the specifics of the measuring instrument;
- 4) the date of the planned inspection;
- 5) the date of the conducted examination and verification of a measuring instrument;
- 6) placed marks or issued certificates of verification of a measuring instrument;
- 7) issued decisions rejecting the verification of a measuring instrument.

The authorized body shall keep a record referred to in paragraph 1 of this Article in the period of marking validity, for at least three years.

At the request of the Directorate, the authorized body shall submit to the Directorate records referred to in paragraph 1 of this Article, as well as other data.

The Minister shall prescribe the content and form of the records referred to in paragraph 1 of this Article, as well as the manner of keeping these records.

Article 13

Directorate shall cancel the decision on authorisation if based on the notification referred to in Article 11, item 2) of this Law it is determined that the authorised body ceased to meet the required conditions.

The Directorate shall fully or partially revoke the decision on authorization if the authorized body completely or partially:

- 1) does not meet the conditions established on the basis of the minutes of metrology inspector;
- 2) does not perform verification of a measuring instrument in a proper manner, in accordance with this Law;
- 3) shows the shortcomings referred to in Article 52, paragraph 3 of this Law in performing the tasks for which it is authorized;
- 4) notify the Directorate that it shall cease to perform the activities of verification of measuring instruments, before the expiry of the period for which the authorisation decision was issued.

In addition to the reasons referred to paragraph 2, of this Article the Directorate shall cancel, i.e. amend the decision on authorisation if the scope of accreditation of the authorised body is changed.

Authorised body which submits the notification referred to in paragraph 2, item 4) of this Article shall be obliged to perform the activities of verification of measuring instruments until the decision on cancellation of the authorisation is made.

The authorized body which is revoked the decision for the reasons referred to in paragraph 2, items 1) and 3) of this Article, cannot submit a new application for authorization within one year from the date of the decision on revoking the decision on authorization, or within three years from the date of the decision revoking the decision on authorization for the reasons referred to in paragraph 2, point 2) of this Article.

Keeping the Register of Authorised Bodies

Article 14

The Ministry, as a public book, shall keep the register of authorised bodies for verification for measuring instruments.

Directorate shall immediately inform the Ministry on all changes of data on authorised body, in relation to the obligations of the authorised body referred to in Article 11, item 2) of this law.

The manner of authorisation, keeping of register of authorised bodies, and other activities regarding the work of authorised bodies shall be closely defined by the Minister.

IV. METROLOGY COUNCIL

Article 15

The Government shall set up a Metrology Council which shall operate as a consulting body providing expert opinion and participating in realization of metrology project tasks.

The Metrology Council shall:

1) advise on the development prospects of the metrology system of the Republic of Serbia;

2) propose scientific and training activities in the field of metrology;

3) propose priorities in scientific, research and development projects in the field of metrology.

The Metrology Council shall, upon a request of the Directorate, provide professional clarification or opinions regarding published metrological information of public interest.

The Metrology Council is composed of eminent experts from the field of metrology, representatives of other ministries, and representatives of the interested parties.

The Metrology Council has a Chair and at least six members.

The Metrology Council shall adopt its Rules of Procedure.

Expert and administrative tasks for the needs of the Metrology Council are carried out by the Directorate.

V. LEGAL MEASUREMENT UNITS

Article 16

The legal measurement units used in the Republic of Serbia are:

1) units of the International Unit System (Système International d'Units, SI);

2) units not included in the International Unit System, which can be used in accordance with this Law.

The legal measurement units referred to in paragraph 1 of this Article, their titles, tags and the manner of their use are more closely regulated by the Government.

VI. MEASUREMENT STANDARDS

Measurement standards in the Republic of Serbia

Article 17

Measurement standard of the Republic of Serbia is a standard that, by a decision on designation, recognized as the basis for assigning quality values to other measurement standards of the same size and by which certain SI unit in the Republic of Serbia is most accurately obtained (hereinafter referred to as the national measurement standard).

The decision referred to in paragraph 1 of this Article is issued by the Director of the Directorate.

The Directorate develops, implements, proclaims, preserves, maintains and improves national measurement standards and ensures their traceability to the international level.

National measurement standards must be traceable to the relevant references, i.e. international measurement standards and national measurement standards of other countries with the appropriate metrological characteristics.

The Minister shall prescribe the conditions and manner of verifying whether the conditions for recognition of national measurement standards for the various sizes referred to in paragraph 1 of this Article are met, manner of verifying the fulfilment of these conditions, the content of the decision on proclamation of national measurement standards, as well as the terms and manner of revoking the decision on proclamation of the national measurement standard.

VII. DESIGNATED HOLDERS OF NATIONAL MEASUREMENT STANDARDS

Article 18

The director of the Directorate may make the decision referred to in Article 17, paragraph 1 hereof for a measuring standard kept, maintained and whose metrological characteristics are improved by another government authority or other legal entity.

The decision referred to in paragraph 1 of this Article, the Director of the Directorate appoints the holder of the national measuring standards specific SI units another state government authority, or other legal entity.

The state government authority, or other legal entity, shall be designated the holder of the national measuring standard if it meets the prescribed requirements, in particular regarding:

- 1) professional training of employees and other engaged persons;
- 2) facilities and equipment for work;
- 3) provision of traceability to international measurement standards and national standards of other countries;
- 4) quality management system.

Minister shall prescribe the manner and conditions for the recognition of national measurement standards for the various values referred to in paragraph 1 of this Article, conditions and manner for appointing the holder of national measurement standards, conditions and manner of use of the national measurement standard, the content of the decision on proclamation of national measurement standards and the appointment of holders of national measurement standards, conditions and manner of revoking the decision on proclamation of the national measurement standard and the appointment of the holder of the national measurement standard.

VIII. LEGAL CONTROL OF MEASURING INSTRUMENTS

Article 19

Legally controlled measuring instruments are used as follows:

- 1) trade in goods and services;

- 2) protection of human and animal health and general safety;
- 3) environmental protection:
- 4) control and safety of traffic;
- 5) testing of pre-packaged products and bottles as measuring containers.

The Minister shall prescribe the types of measuring instruments referred to in paragraph 1 of this Article, for which the implementation of the conformity assessment procedure, measuring instrument type approval, i.e. verification of measuring instruments, periodic intervals of verification of these measuring instruments, the types of measuring instruments whose verification is performed by the Directorate, the types of measuring instruments whose verification is performed by authorized bodies.

IX. PLACING THE MEASURING INSTRUMENTS ON THE MARKET

Article 20

A measuring instrument is placed on the market if it is in conformity with the prescribed requirements, if its compliance is assessed according to the prescribed procedure, if it is labelled in accordance with the regulations, and if it has prescribed documents of conformity and other prescribed documentation.

Minister shall, for specific measuring instruments, prescribe requirements, conformity assessment procedures, or a combination of conformity assessment procedures, labelling, documents of conformity and the documentation referred to in paragraph 1 of this Article.

Regulation referred to in paragraph 2 of this Article can make reference to a Serbian standard in line with the law regulating the technical requirements for products and assessed compliance, as well as to a normative document.

Minister shall make a list of standards, that is, normative documents referred to in paragraph 2 of this Article which shall be published in the "Official Gazette of the Republic of Serbia".

Designated bodies

Article 21

If the act referred to in Article 20, paragraph 2 determined that conformity assessment is conducted by a designated body, this act establishes the conditions which that body must meet

Provisions of the Law regulating technical requirements for the products shall apply to the manner of determination of fulfilment of requirements for designation, manner of designation and work of designated body, keeping the register of designated bodies for conformity assessment of measuring instruments to relevant international organisation, as well as on other activities related to the designation.

Measuring instrument type approval

Article 22

If the prescribed procedure of type approval claims that a certain type of measuring instrument meets the prescribed requirements, the Directorate will issue a certificate of measuring instrument type approval.

If the completed procedure of type approval verifies that this type of measuring instrument does not comply with the prescribed requirements of the decision, the decision denies the issuance of a certificate of measuring instrument type approval.

Certificate of measuring instrument type approval is issued at the request of the national manufacturer, authorized importer or authorized distributor of foreign manufacturers of measuring instruments.

The certificate referred to in paragraph 1 of this Article is published in the official gazette of the Directorate, as well as the notification of withdrawal of certificates.

If it is subsequently determined that the measuring instrument does not meet the requirements, the Directorate shall revoke the certificate of measuring instrument type approval.

The documents referred to in paragraphs 1, 2 and 5 of this Article may be appealed to the Ministry within 15 days from the day of submitting the documents.

The procedure of measuring instrument type approval is subject to the provisions of the law governing general administrative procedure, unless this law provides otherwise.

The Minister shall specify the conditions and manner of measuring instrument type approval, technical documentation which is to be presented, the number of the same type which is to be provided, the content and manner of keeping the report on the conducted investigations, the manner of labelling the approved type, a manner of keeping the technical documentation and examined measuring instrument, as well as conditions and manner of amendments to, or withdrawal of the issued certificates of measuring instrument type approval.

Verification of a measuring instrument

Article 23

Verification of a measuring instrument shall be conducted by an authorised body, and/or the Directorate after the examination of a measuring instrument confirming that the instrument is in accordance with the approved type and prescribed metrological requirements.

If an authorised body and/or the Directorate determines that certain type of a measuring instrument is not in accordance with the approved type of a measuring instrument and does not meet the prescribed metrological requirements, it shall issue a decision rejecting verification of a measuring instrument.

An appeal against the decision referred to in paragraph 2 of this Article may be lodged with the Ministry within 15 days.

Verification of a measuring instrument can be initial, regular or extraordinary.

Verification certificate and date of marking of a measuring instrument shall be issued by an authorised body, and/or the Directorate upon a request of an owner and/or user of a measuring instrument.

Provisions of the Law governing general administrative procedure shall be applied to the matters not specifically regulated by this Law, but that refer to the verification of measuring instruments, issuance of decisions on authorization, issuance of type approval certificates.

The Minister shall prescribe in detail for particular types of measuring instruments the method and conditions for verification, and manner and deadline for keeping the necessary documentation.

Initial verification of a measuring instrument

Article 24

The initial verification shall apply to the new measuring instruments which were subject to the compliance assessment procedure, and issued a certificate of type approval.

The initial verification shall apply to the new measuring instruments which have not been issued a certificate of type approval in accordance with the regulation referred to in Article 19, paragraph 2 thereof.

A measuring instrument is submitted for the initial verification by a national manufacturer, an authorized importer or an authorized distributor.

X. MEASURING INSTRUMENTS IN USE

Article 25

Measuring instruments are used in accordance with their purpose and shall meet the prescribed requirements and comply with the approved type.

The measurement results obtained using the measuring instruments referred to in paragraph 1 of this Article must be traceable to national measurement standards or to national measurement standards of other countries.

The requirements for measuring instruments, inscriptions and markings on the measuring instruments, the manner of determining compliance with these requirements, characteristics of the equipment for determining the fulfilment of the request, the contents of the form for the results of tests and measurements as well as the methods of measurement are set by the Minister.

Obligations of owner, i.e. user of the measuring instruments

Article 26

Owners i.e. users of measuring instruments shall:

1) install and use the measuring instruments in a way that ensures the prescribed measurement accuracy and in this sense are responsible for technical regularity of measuring instruments and accuracy of measurement results;

2) maintain measuring instruments in technical condition that ensures the accuracy of measurements;

3) submit for verification the measuring instruments in accordance with this Law and the regulations issued under this Law;

4) keep records of measuring instruments containing particular information regarding the beginning of the use of measuring instruments, as well as the maintenance and verification of measuring instruments used in accordance with the regulations.

Persons referred to in paragraph 1 of this Article, as well as the owner of the measuring instruments shall place the measuring instrument that is no longer used in a prominent place, marked as "measuring instrument is not in use."

Regular verification of a measuring instrument

Article 27

Measuring instruments in use shall be subjected to regular verification.

Regular verification of a measuring instrument is carried out periodically, at specified intervals for certain type of measuring instrument.

Regular verification of a measuring instrument shall be ensured by its owner and/or its user.

Regular verification of electrical energy meters, measuring transformers, dial indicators, water meters, gas meters and measuring instruments that correct the volume of fluid and/or gas, correctors and thermal energy meters shall be a responsibility of persons authorized for distribution of water and/or persons authorized for measurement of electrical and thermal energy and natural gas in accordance with the provisions regulating this field.

Extraordinary verification of a measuring instrument

Article 28

Extraordinary verification apply to the measuring instruments, which were, due to the failure or other technical insufficiencies, within the validity of the national trademark, repaired, as well as the measuring instruments for which the regular verification is not done within the prescribed period.

The person who repaired the measuring instrument referred to in paragraph 1 of this Article shall file a measuring instrument for the extraordinary verification.

Marking in the verification of a measuring instrument

Article 29

During verification of measuring instruments in the Republic of Serbia, the measuring instruments are marked with national marks.

The type, form and manner of placing state marks, used in verification of a measuring instrument, the period of their validity as well as a closer form and content of the certificate of verification of measuring instruments and the certificate of measuring instrument type approval are set by the Minister.

Expired validity of a mark, i.e. verification certificate

Article 30

Validity period of a measuring instrument mark or verification certificate shall no longer be valid if:

- 1) its validity period has expired;
- 2) an alteration of a measuring instrument can affect its metrological properties;
- 3) a measuring instrument is damaged in such a way that it can lose certain properties essential for its verification;
- 4) a mark has been obliterated, removed, altered or damaged in any other way;
- 5) the characteristics of a measuring instrument have been altered after the measuring instrument has changed its place of installation.

A measuring instrument whose mark or verification certificate is no longer valid shall not be used.

Measurement standards and reference materials

Article 31

Measurement standards and certified reference materials with provided metrological traceability shall be used for the verification of measuring instruments.

Extraordinary inspection of a measuring instruments in use

Article 32

When there is a doubt about the accuracy of the measuring instrument, the interested person can require from the Directorate the extraordinary inspection of measuring instruments in use and issuance of the inspection report.

Costs of extraordinary inspection of measuring instruments shall be borne by the applicant, if the marked measuring instrument with the valid mark meets the defined metrological requirements.

Costs of extraordinary inspection of measuring instruments shall be borne by the person who is responsible for regular verification of measuring instruments, if the measuring instrument fails to meet the defined metrological requirements.

Minister shall define the manner of extraordinary inspection of measuring instruments, the content and the time period for keeping the inspection report.

XI. METROLOGICAL EXPERTISE

Article 33

Metrological expertise is conducted by the Directorate, after which it issues a report on the performed inspection.

Costs of metrological expertise are borne by the applicant.

The Minister shall prescribe the content and the process of metrological expertise.

XII. PRE-PACKED PRODUCTS

Article 34

Pre-packaged products shall only be placed on the market or stored with the intention to be placed on the market only if they meet the prescribed metrological requirements.

Pre-packaged products in terms of this law are not considered free samples which are as previously packaged products used in marketing and service provision.

Packer, an authorized representative of the packer or importer of pre-packaged products shall ensure the implementation of the prescribed procedure for determining fulfilment of metrological requirements, as well as documentation confirming that pre-packaged products meet the prescribed requirements and its placing at the disposal of the competent authority.

The Minister shall prescribe in detail the procedure of examining pre-packaged products in order to check the fulfilment of metrological requirements, requirements for

equipment used for the supervision of the quantities of pre-packaged products, metrological requirements to be met by the quantities of pre-packaged products, manner of indicating the quantities and the permitted tolerance levels of actual quantities when compared with indicated ones.

Conformity marks of quantities of pre-packed products with metrological requirements

Article 35

Packer or the authorized representative of the packer can put the mark of conformity of quantities of pre-packaged products with the metrological requirements only after conducting a due process of determining compliance with these requirements.

Packer, the authorised representative of the packer or importer of pre-packaged products, which are marked with the conformity mark must submit to the Directorate a written notice of such products.

Directorate on the basis of the notification referred to in paragraph 2 of this Article approves the use of conformity mark of the amounts of pre-packaged products with metrological requirements, and keeps a record of it.

The obligation referred to in paragraph 2 of this Article belong to packers who intend to sign the conformity mark of pre-packaged product, i.e. those that use a mark of conformity of the quantities of pre-packaged products with metrological requirements.

Packer, a representative of the packer or importer of pre-packed products marked with conformity mark of the amounts of pre-packaged products with metrological requirements shall ensure the compliance with the specific requirements set for the amount, marking, documenting the compliance of quantities of pre-packaged products with metrological requirements and demands for the equipment to be used in the production of the internal control and the amount of pre-packed products.

The size and shape of the mark of conformity of the amounts of pre-packaged product, method of placing the mark, the statutory procedure for determining fulfilment of metrological requirements, as well as the manner and conditions of documenting the compliance of quantities of pre-packaged products with the metrological requirements are prescribed by the Minister.

Extraordinary testing of conformity of pre-packed products with metrological requirements

Article 36

Extraordinary testing of pre-packaged products to assess conformity with prescribed metrological requirements and provisions of this Law shall be conducted by the Directorate, upon a request from the competent authority, natural person or legal entity.

Measuring bottles

Article 37

Measuring bottles have such metrological characteristics that their contents can be measured with sufficient accuracy when they are filled up to a specified level or to a specified percentage of the total volume.

Measuring bottles can be placed on the market or stored with the intention of placing on the market only if they meet the prescribed metrological requirements, when they have prescribed labels and are marked with the manufacturer and conformity mark.

The manufacturer mark which clearly and unambiguously identifies the manufacturer is approved by the Directorate at the request of the manufacturer.

The Directorate, in accordance with the rules of ratified international agreements signed by the Republic of Serbia, reports to appropriate authorities from those agreements on the approved manufacturer mark.

Measuring bottles intended for placing on the market are subject to statistical verification of compliance with prescribed metrological requirements performed by sampling.

Requirements for measuring bottles, volume tolerances, manner and conditions of approval of the manufacturer mark, the size and shape of the conformity mark, as well as the inscriptions and markings on bottles as measuring containers shall be prescribed by the Minister.

XIII. VALIDITY OF FOREIGN MARKS AND DOCUMENTS

Article 38

Conformity documents and marks of measuring instruments are valid in the Republic of Serbia, as well as the certificates of type approval of measuring instruments, certificates of the initial verification of measuring instruments and marks, if they are issued in accordance with the concluded international agreement signed by the Republic of Serbia.

In addition to the conformity documents and marks referred to in paragraph 1 of this Article, in the Republic of Serbia the Directorate, i.e. designated body can accept the results of measuring instrument assessments, which are conducted by foreign conformity assessment bodies, if they ensure compliance with requirements and procedures prescribed for these measuring instruments in the Republic of Serbia.

XIV. FUNDING AND FEES

Source of funding

Article 39

The Directorate is funded from:

- 1) the budget of the Republic of Serbia and
- 2) other sources, in accordance with the Law.

Fees

Article 40

Fees are paid for the verification of instruments, metrological expertise, testing of a measuring instrument type, testing of pre-packaged products and measuring bottles in order to check the fulfilment of metrological requirements and other activities conducted by the Directorate as stipulated by the Law.

The amount of the fees referred to in paragraph 1 of this Article shall be the same for both domestic and foreign persons.

The amount and mode of payment referred to in paragraph 1 of this Article shall be prescribed by the Government.

The fees referred to in paragraph 1 of this Article shall be paid into the appropriate account of the public revenue budget of the Republic of Serbia.

XV. SUPERVISION

Article 41

Supervision over the implementation of this Law is conducted by the Ministry.

Metrological supervision

Article 42

Metrological supervision includes supervision over the measuring instruments, pre-packaged products and measuring bottles that are placed on the market, and supervision of the measuring instruments in use, as well as control over the proper use of legal measuring units.

Metrological supervision under this law is done by the Directorate through persons authorized to exercise the supervision (hereinafter: the metrology inspector).

The metrology inspector must have passed a professional examination for metrology inspector.

The Minister shall prescribe the content and manner of conducting the professional exam referred to in paragraph 3 of this Article.

Article 43

The metrology inspector must have an official identification card.

The Minister shall prescribe the form and content of the identification card referred to in paragraph 1 of this Article, the conditions under which the identity card issued ceases to be valid, the manner to destroy the identification card which has ceased to be valid, as well as the manner of keeping records on issued official identifications.

Article 44

While performing metrological supervision, persons authorized to perform metrological supervision are entitled and obligated to evaluate:

1) whether a measuring instrument placed on the market is in compliance with the prescribed requirements;

2) whether conformity of a measuring instrument with prescribed requirements is assessed in accordance with the prescribed procedure and whether a measuring instrument is marked in accordance with the regulations;

3) whether a measuring instrument is accompanied by prescribed certificate of conformity and other prescribed documentation;

4) whether a measuring instrument in use meets the requirements prescribed by this Law or by the regulations adopted on the basis of this Law;

- 5) whether the owner or person using the measuring instrument is installing and using that measuring instrument in a manner that ensures the prescribed accuracy of measurement;
- 6) whether the owner or person using the measuring instrument is maintaining that instrument in the technical condition that ensures accuracy of measurement and whether the records on its maintenance and verification are kept;
- 7) whether initial or regular verification of measuring instrument is ensured;
- 8) whether a mark and/or verification certificate on the measuring instrument has expired;
- 9) whether the measuring instrument that had been repaired was submitted to extraordinary verification;
- 10) whether the nominal quantity of pre-packaged product placed on the market is indicated in a precise, visible and unambiguous fashion;
- 11) whether the actual quantity of pre-packaged products is within permitted deviation levels from the indicated nominal quantity;
- 12) whether pre-packaged products bear a conformity mark as prescribed;
- 13) whether a measuring bottle placed on the market meets the prescribed metrological requirements and bears prescribed marks and notices;
- 14) whether the legal units of measurement prescribed by this Law or by the regulations adopted on the basis of this Law are used;

Article 45

Supervision of the measuring instruments and pre-packaged products and measuring bottles placed on the market shall be performed by the Directorate.

Should it be established that, while performing the supervision referred to in paragraph 1 of this Article, a measuring instrument and/or pre-packaged product and/or measuring bottles does not meet the prescribed conditions, the metrology inspector shall order the remedy of established irregularities and deficiencies within the specified deadline and temporarily ban the placement on the market of the measuring instruments and/or pre-packaged products until the established non-conformities are eliminated.

If the non-conformities referred to in paragraph 2 of this Article are not eliminated within the defined deadline, the metrology inspector shall issue a decision instructing the withdrawal of the measuring and/or pre-packaged products and measuring bottles from the market.

An appeal against the decisions referred to in paragraph 3 of this Article may be lodged with the Ministry within 15 days.

The appeal referred to in paragraph 4 of this Article shall not restrain the execution of the decision.

Article 46

Supervision of the instruments in use shall be performed by the Directorate.

Should it be established that, while performing the supervision referred to in paragraph 1 of this Article, a measuring instrument in use does not meet the conditions prescribed by this Law or regulations governing the field of metrology, the metrology inspector shall order the remedy of established irregularities and deficiencies within the defined deadline and temporarily ban the use of measuring instruments until the established non-conformities are eliminated.

If the non-conformities referred to in paragraph 2 of this Article are not eliminated within the defined deadline, the metrology inspector shall issue a decision banning the use of the measuring instrument.

An appeal against the decisions referred to in paragraph 3 of this Article may be lodged with the Ministry within 15 days.

The appeal referred to in paragraph 4 of this Article shall not restrain the execution of the decision.

Article 47

The manner of metrological supervision shall be stipulated by the Government.

Article 48

The competent Customs authority shall collaborate with other competent authorities regarding the control of measuring instruments imported onto the market of the Republic of Serbia by mutual provision of information.

Supervision over the work of designated and authorised bodies

Article 49

Supervision over the work of designated bodies is conducted by the Ministry.

Article 50

Supervision over the work of authorized bodies is conducted by the Directorate.

Article 51

While performing supervision the following shall be evaluated:

- 1) whether an authorized body meets the prescribed conditions;
- 2) whether an authorized body has informed the Directorate about the changes that could affect the fulfilment of prescribed conditions;
- 3) whether an authorized body, while performing verification of measuring instruments, performs examination of measuring instruments according to the prescribed manner and procedure of examination of instruments, and in accordance with the planned date of examination from the records;
- 4) whether an authorized body performs verification of measuring instruments in accordance with the prescribed conditions;
- 5) whether a body authorised for the examination of measuring instruments that are being verified uses prescribed measurement standards and/or reference materials with an appropriate metrological traceability;
- 6) whether an authorised body has and keeps documentation on prescribed manner and within the prescribed deadline;
- 7) whether an authorised body performs the activities of verification of measuring instruments in the period of suspension of the accreditation act.

Article 52

If it is determined that an authorized body or part of the authorized body does not operate in accordance with the regulations, the removal of the irregularities and deficiencies within a specified period shall be ordered.

If within the period referred to in paragraph 1 of this Article, an authorized body does not eliminate the irregularities, or does not provide the evidence of that to the Directorate, the Directorate shall revoke the decision on authorization, completely or partially.

The Directorate will without specifying the time limit for removal of the irregularities and deficiencies revoke the decision on authorization completely or partially, if it is established:

1) that the authorized body has not returned all state marks that it borrowed from the Directorate, or that it has lost the valid national mark, except in case of force majeure ;

2) that the authorized body has repeated the confirmed irregularity which significantly influence the procedure of verification of a measuring instrument;

3) that the authorised body performed the activities of verification of measuring instruments in the period of suspension of the accreditation act.

The decision referred to in paragraphs 2 and 3 of this Article can be subject to an appeal to the Ministry within 15 days from the day of submitting the decision.

The authorized body shall be removed from the register of authorized bodies based on the final decision on revocation of the authorisation decision.

XVI. PENALTY PROVISIONS

Article 53

A fine of between 5000 and 50,000 RSD shall be imposed for the following offences committed by a natural person or a fine of between 10,000 and 500,000 RSD shall be imposed for the following offences committed by an entrepreneur or a fine of between 50,000 and 1,000,000 RSD shall be imposed for the following offences committed by a legal entity if:

1) it does not use the legal units of measurement which are prescribed by this Law or by the regulations adopted on the basis thereof (Article 16);

2) it places on the market a measuring instrument which does not comply with the prescribed requirements the conformity of which is not assessed according to the prescribed procedure, which is not marked in accordance with the regulations and which is not accompanied by certificates of conformity and other prescribed documentation (Article 20);

3) it does not use the measuring instruments in a prescribed manner ensuring the accuracy of measurements, if it does not maintain the measuring instrument in the technical condition ensuring the accuracy of measurement and does not keep the records on its maintenance and verification (Article 26);

4) initial, regular or extraordinary verification of a measuring instrument is not ensured (Articles 24, 27 and 28);

5) it uses a measuring instrument whose mark and/or verification certificate has expired (Article 30);

6) it places on the market or stores with the intention of placing on the market pre-packaged goods the nominal quantity of which is not indicated precisely, visibly, or unambiguously, or if it places on the market a pre-packaged product which does not contain the actual quantity within permitted deviation from the indicated nominal quantity (Article 34);

7) it places on the market or stores with the intention of placing on the market pre-packaged products that do not bear a conformity mark according to the prescribed manner (Article 35);

8) it places on the market a measuring bottle which does not meet the prescribed metrological requirements and does not bear the prescribed marks and notices (Article 37).

9) it does not provide the metrology inspector with the undisturbed supervision and does not provide necessary information and insight in the business documentation (Articles 44, 51 and 52).

A responsible person in the legal persons shall be fined with the amount between 500 and 50,000 RSD for the offence referred to in paragraph 1 of this Article.

XVII. TRANSITIONAL AND FINAL PROVISIONS

Article 54

By-laws referred to in Article 9, paragraphs 2 and 3, Article 10, paragraph 10, and Article 14, paragraph 3 of this law, shall be adopted within six months from the date of entry into force of the law hereof.

By-laws referred to in Article 12, paragraph 4, Article 16, paragraph 2, Article 17, paragraph 5, Article 18, paragraph 4, Article 19, paragraph 2, Article 20, paragraph 2, Article 22, paragraph 8, Article 23, paragraph 7, Article 29, paragraph 2, Article 32, paragraph 4, Article 33, paragraph 3, Article 34, paragraph 4, Article 35, paragraph 6, Article 37, paragraph 6, Article 40 paragraph 3, Article 42 paragraph 4, Article 43 paragraph 2 and Article 47 of this law shall be adopted not later than one year from the date of entry into force of the law hereof.

Article 55

Until the adoption of by-laws prescribed by this law, all regulations brought based on the Law on Metrology ("Official Gazette of RS", No. 30/10) shall apply, unless they are contrary to this law.

Article 56

Certificates of type approval and verification of measuring instruments, as well as marks issued before the entry into force hereof, shall be valid until the expiration of the period for which they were issued.

Decisions which refer to the authorisation of economic entities and other legal persons for performance of the activities of verification of measuring instruments, and for recognition of the validity of foreign certificates, trademarks and conformity marks issued until the day of entry into force shall continue to be valid until the expiry of the time period for which they were issued.

Article 57

The procedures of conformity assessment, procedures of testing and approval of the measuring instrument type, i.e. verification of the measuring instrument initiated before the day of entry into force of this law hereof shall be terminated in line with the provisions of the Law on Metrology ("Official Gazette of RS", No 30/10).

Article 58

The procedures of authorization of economic entities and other legal entities for performing verification of measuring instruments prior to the entry into force of the law hereof shall be terminated in accordance with the provisions of this law.

Procedures of recognition of validity of foreign certificates, marks and conformity marks initiated prior to entry into force of this law shall be terminated in line with the provisions of this law.

Article 59

The metrology inspectors who have not passed the professional exam, and who are organized for the performance of metrological supervision shall pass the exam within one year from the date of entry into force of the bylaw regulating taking the professional exam.

Article 60

The authorized bodies who were, prior the entry into force of the law hereof, authorized to perform the activities of verification of measuring instruments, shall, within one year from the date of entry into force hereof, comply with this law.

Employees and other persons engaged in the authorized body referred to in paragraph 1 of this Article shall pass the professional examination within one year from the date of entry into force of the bylaw regulating the taking of the professional exam.

Article 61

As on the date this Law enters into force, the Law on Metrology ("Official Gazette of RS", No. 30/10) ceases to be valid.

Article 62

This law enters into force on the eighth day from its publication in the "Official Gazette of the Republic of Serbia".