

LAW ON TECHNICAL REQUIREMENTS FOR PRODUCTS AND CONFORMITY ASSESSMENT

I. INTRODUCTORY PROVISIONS

Scope

Article 1

This Law governs the manner of prescribing technical requirements for products, manner of conformity assessment of products with the requirements of technical regulations (hereinafter referred to as: conformity assessment), obligations of suppliers and owners of products, presumption of conformity, safeguard clause and single market clause, validity of foreign documents of conformity, notification of technical regulations and conformity assessment procedures, general requirements for designation of conformity assessment bodies and their obligations, notification of conformity assessment bodies and technical regulations, keeping registers and supervision of the implementation of this Law and regulations adopted on the basis on this Law.

Application

Article 2

This Law applies to all products, except to products for which the technical requirements are governed by specific laws and regulations adopted based on such laws.

If special laws and regulations referred to in paragraph 1 of this Article do not govern matters related to specific technical requirements regulated by this Law, the provisions of this Law shall apply to such matters.

The provisions of this Law governing manner of adoption of technical regulations, keeping of registers, Single market clause, procedure and manner of designation of conformity assessment bodies procedure and manner of notification on conformity assessment bodies, the manner of supervision on designated and notified bodies and notification of technical regulations shall also apply to products for which technical requirements are governed by specific laws and regulations adopted based on such laws.

Definitions

Article 3

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

1) *product* shall mean any object, material or the result of certain process, obtained regardless of the level of processing, and is intended for delivery on the market whether new or used

2) *making available on the market* shall mean any making available of products on the market of the Republic of Serbia for the purpose of distribution, consumption or use, within the economic activity, whether in return for payment or free of charge;

3) *placing on the market* shall mean the first making available of a product on the market of the Republic of Serbia;

4) *manufacturer* shall mean a legal -entity or entrepreneur who manufactures a product or has a product designed or manufactured, or a legal entity or entrepreneur who markets that product under his name or trademark;

5) *representative* shall mean a legal entity or entrepreneur registered in the Republic of Serbia, with written authorization from the manufacturer to undertake actions in relation to the placing of the products on the market on his behalf;

- 6) *importer* shall mean a legal entity or entrepreneur registered in the Republic of Serbia, who places on the market the product from other countries;
- 7) *distributor* shall mean a legal entity or entrepreneur registered in the Republic of Serbia, who is part of the supply chain, other than manufacturer or the importer;
- 8) *supplier* shall mean a manufacturer, representative, importer or distributor;
- 9) *conformity assessment* shall mean the process demonstrating whether specified requirements relating to a product, process, service, system, person or body have been fulfilled;
- 10) *conformity assessment body* shall mean a legal entity which performs conformity assessment, which may include calibration, testing, certification and/or inspection;;
- 11) *designation* shall mean an approval granted by the line minister to the conformity assessment body, in accordance with requirements stipulated in the technical regulation;
- 12) *designated body* shall mean a legal entity that performs conformity assessment activities and/or other activities in accordance with requirements stipulated in the technical regulation and has an approval granted by the line minister to perform those activities;
- 13) *notified body* shall mean a conformity assessment body notified to the European Commission and EU Member States as an independent third party to perform the conformity assessment activities in a particular field and which is listed in the NANDO register kept by European Commission;
- 14) notification of bodies is a notification of conformity assessment bodies to the European Commission and EU member states;
- 15) notification of technical regulations is notification of draft technical regulations, in accordance with international agreements covering technical barriers to trade, as well as notification of technical regulations in accordance with EU rules;
- 16) *document of conformity* shall mean a declaration of conformity, a test report, certificate, certificate on inspection or any other document verifying the conformity of a product with the stipulated requirements;;
- 17) *declaration of conformity* is a statement whereby the manufacturer confirms that requirements from a technical regulation applicable to certain product have been fulfilled;
- 18) *technical specification* shall mean a document which defines the technical requirements to be fulfilled by a product, process and service
- 19) *conformity mark* shall mean a mark affixed to the product by the manufacturer which confirms that such product is in conformity with all applicable requirements related to it;
- 20) *control* shall mean an activity of regular or extraordinary verification of the fulfillment of the stipulated technical requirements for products throughout their lifecycle;
- 21) *withdrawal* shall mean any measure aimed at preventing a product in the supply chain from being made available on the market;
- 22) *recall* shall mean any measure aimed at achieving the return of a product that has already been made available to the end user;
- 23) *harmonized standard* shall mean European standard adopted on the basis on a mandate from European Commission for application in the harmonized legislation of the EU;
- 24) *harmonized EU legislation* shall mean EU legislation which aligns conditions for marketing of product;
- 25) *CE mark* shall mean a mark affixed to the product by the manufacturer which confirms that such product is in conformity with all applicable requirements of harmonized EU legislation related to it which stipulate such marking;
- 26) Serbian conformity mark is a mark that confirms that the product being placed on the market or put in use, is in conformity with requirements of Serbian technical regulation, if that regulation prescribes its placing on the product.
- 27) *module* is a type of schematic procedure of conformity assessment as stipulated in the harmonized EU legislation, or in the technical regulation;

- 28) Product owner is a natural person, legal entity or entrepreneur, which has the ownership, in terms of this Law;
- 29) Quality infrastructure is integrated network of institutions and organizations in the field of standardization, metrology, accreditation and conformity assessment with technical regulations and standards, which also includes a legislative framework for their effective functioning

Other terms used in this Law, and are not defined in paragraph 1 of this Article, shall have the meaning as defined in the laws governing general safety of products, standardization, accreditation and market surveillance.

II. TECHNICAL REGULATIONS AND PRODUCT REQUIREMENTS

Technical regulation

Article 4

Technical regulation shall mean any regulation which for product or groups of products governs at least one of the following elements:

- 1) technical requirements to be met by a product which is made available on the market or put in use (hereinafter: technical requirements);
- 2) technical documentation, conformity assessment procedures and other procedures carried out by the supplier in order to meet the requirements of technical regulations;
- 3) requirements for products throughout its lifecycle and the procedures to be carried out in order to ensure compliance with these requirements;
- 4) checks of product throughout its lifecycle;
- 5) documents to be provided with the product when placed on the market or put into use or during the use;
- 6) marks and manner of marking the product;
- 7) requirements that must be met by the designated conformity assessment body or other conformity assessment body;
- 8) requirements with regard to packaging and labeling;
- 9) other requirements for products before or after placing them on the market.

The technical regulation may stipulate obligations of suppliers and other subjects in connection with the requirements of technical regulations as well as enforcement activities and taking measures by market inspectors in accordance with this Law.

Technical regulations are adopted for the purpose of protection of consumers, public health, environment and other public interest.

Manner of adoption of technical regulation

Article 5

Technical regulation shall be prepared and adopted by the ministry within its scope of competences (hereinafter referred to as: the line ministry) or another body or organization in accordance with a special law.

Technical regulation shall be adopted upon previously obtaining of an opinion by the ministry responsible for technical regulation, standardization, accreditation, measures and precious metals (hereinafter: the Ministry).

Technical regulation in the preparation shall be submitted to the Ministry for notification in accordance with the rules of ratified international agreements signed by the Republic of Serbia.

In addition, when preparing, adopting and applying technical regulation, the line ministry shall take into account particularly the following:

- 1) preventing of unnecessary barriers to trade;
- 2) non-discrimination between domestic and foreign products on the market;
- 3) use of published Serbian standards which transpose international standards or European standards , as a basis for preparation of a technical regulation;
- 4) specifying the reasonable period for commencement of application of a technical regulation;
- 5) any changes in the circumstances that occurred after the adoption of a technical regulation, for the purpose of its amendment or abolishing;
- 6) fulfillment of the objectives of technical regulations in the manner that is least trade restrictive and, in that context, it shall amend or abolish technical regulations;
- 7) requirements shall be stipulated primarily in terms of functional characteristics, and not in the terms of appearance or descriptive characteristics of the product.

The manner of prescribing technical requirements

Article 6

When preparing and adopting of technical regulations, the protection of a public interest shall be secured by stipulating of essential requirements which determine the level of such protection and shall express those requirements in terms of the results to be achieved (hereinafter referred to as: essential requirements) or, where this is not possible or not appropriate in order to ensure consumer protection, public health, environment or other public interest, in the form of detailed specifications. The technical requirements shall be stipulated by technical regulation directly, specifying these requirements in the text of the regulations, or indirectly, by referring to a published Serbian standard or other technical specification.

If technical regulation transposes the essential requirements of harmonized EU legislation, a reference is made to the corresponding Serbian standards that transposes relevant EU harmonized standards, and which ensures the presumption of conformity with such essential requirements, whereby the level of protection may be stipulated otherwise.

As an exception from the paragraph 2. of this Article, where there is no published Serbian standard in the relevant field, the technical regulation can made reference to international, European or national standards or other technical specification.

Institute for Standardization of Serbia shall, at the request of the line ministry, provide the information on whether for the product that is regulated by the technical regulation there is a corresponding Serbian standard or its adoption is on the way, or whether there is an appropriate international or European standard.

Presumption of conformity

Article 7

Technical regulation may prescribe that the product complies with the stipulated requirements if it is in conformity with the relevant Serbian standards that transpose harmonized standards or, if no such standard exists in a particular area, the other relevant standard or technical specification for that field.

The minister in charge of the line ministry (hereinafter referred to as: the line minister) shall compose a list of Serbian standards or technical specifications referred to in paragraph 1 of this Article.

The list of Serbian standards is published with technical regulation, covering specific field.

The list of standards referred to in paragraph 2 of this Article shall be published in the „Official Gazette of the Republic of Serbia”.

III. CONFORMITY ASSESSMENT AND SERBIAN CONFORMITY MARK

Stipulating conformity assessment

Article 8

The obligation of conformity assessment shall be stipulated in a technical regulation.

When the technical regulation determines the requirements for conformity assessment, this regulation may prescribe that the manufacturer, the designated or notified body and/or the state administration authority participates in the conformity assessment procedure.

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

The technical regulation may stipulate that certain conformity assessment activities are carried out by a conformity assessment body accredited in accordance with the relevant Serbian standard, which contains requirements for conformity assessment bodies.

Manner of carrying out of the conformity assessment, method and main principles of conformity assessment and the method of determining the cost of conformity assessment, modules and documents of conformity shall be stipulated by the Government.

Conformity assessment procedures

Article 9

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

Conformity assessment procedures are also considered to be procedures for verifying the consistency of product performance.

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

The method of stipulating conformity assessment procedures and modules in the harmonized area

Article 10

The modules for the type of product or group of products which are prescribed in technical regulation to be used shall be governed by the following principles:

1) whether the module concerned is appropriate to the type of product or group of products;

2) whether the module is appropriate in relation to the type, nature and degree of risk that the product represents, or may represent;

3) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules;

4) the need to avoid imposing modules which would be too burdensome in relation to the risks covered by the legislation concerned.

The modules referred to in paragraph 1 of this Article shall be applied to the product which is the subject of conformity assessment, in accordance with the requirements specified in those modules from the technical regulation.

Where a product is subject to several acts consistency among conformity assessment procedures shall be ensured by the legislator.

For custom-made products and small series production, the technical and administrative conditions relating to conformity assessment procedures shall be alleviated.

When applying the modules referred to in paragraph 1, and wherever applicable and relevant, the legislative instrument may:

1) regarding technical documentation, require information additional to that which is already stipulated in the modules;

2) regarding the time for which the manufacturer and/or notified body are obliged to keep any kind of documentation, alter the period stipulated in the modules;

3) specify the manufacturer's choice as to whether the tests are carried out either by an accredited in-house body or under the responsibility of a designated or notified body chosen by the manufacturer;

4) where product verification is performed, specify the manufacturer's choice as to whether the examinations and tests to check the conformity of the products with the appropriate requirements will be carried out, by examination and testing of every product, or by examination and testing of the products on a statistical basis;

5) provide for the type examination certificate to have a period of validity;

6) regarding the type examination certificate, specify relevant information relating to conformity assessment and in-service control to be included in it or its annexes;

7) provide for different arrangements regarding the obligations of the designated or notified body to inform its designation or notifying authorities;

8) if the designated or notified body carries out periodic audits, specify their frequency.

When applying the modules referred to in paragraph 1, and wherever applicable and relevant, the legislative instrument shall:

1) where product checks and/or verification are performed, determine the products concerned, the appropriate tests, the adequate sampling schemes, the operational characteristics of the statistical method to be applied and the corresponding action to be taken by the designated or notified body and/or the manufacturer;

2) where type examination is performed, determine the appropriate manner (design type, production type, design and production type) and the specimens required.

An appeal procedure against decisions of the designated or notified body shall be available.

Exceptionally, technical regulation may prescribe that the competent minister may, on a duly justified request, authorise the placing on the market and putting into service of a product in respect of which prescribed conformity assessment procedure has not been applied, in accordance with the law governing general administrative procedure, where such provision exists in harmonized EU legislation for certain product or group of products, and for the purpose of public interest protection in accordance with such technical regulation.

Conformity assessment carried out by a manufacturer

Article 11

When the technical regulation specifies that conformity assessment is carried out by the manufacturer, such regulation may also prescribe the requirements with respect to the internal or factory production control, particularly regarding technical documentation, manufacturing process, marking and drawing up appropriate documents of conformity.

Internal or factory production control is a conformity assessment procedure, which includes all measures necessary for the production process and monitoring of such process to ensure the conformity of products with the technical regulation.

If the technical regulation transposing the harmonized EU legislation stipulates that an accredited body within the manufacturer may participate in the conformity assessment

procedure, that body must be organized as a separate organizational unit which may not participate in the manufacture, delivery, installation, use or maintenance a product whose conformity it assesses and can provide services exclusively to the manufacturer of which it is a part.

Specific requirements for the accredited in-house bodies specified in paragraph 3 of this Article shall be governed by a regulation adopted by the Government.

Conformity assessment carried out by a designated body

Article 12

A designated body shall carry out conformity assessment in accordance with the conformity assessment procedure determined by the technical regulation.

A designated body shall carry out conformity assessment within the scope needed in accordance with technical regulation, without additional requirements to the applicant for conformity assessment, in accordance with the regulation referred to in article 8. Paragraph 5 of this Law.

A designated body shall perform its activities taking into account the size and structure of the enterprise, the sector in which it operates, the degree of complexity of the product technology in question and the mass or serial nature of the production process, in accordance with the regulation referred to in Article 8. Paragraph 5. of this Law, whereby it must be respected the degree of rigour and the level of protection required for the conformity of the product with the provisions of the applicable technical regulation.

For the product accompanied by a foreign certificate of conformity, the notified body may issue a domestic certificate of conformity without carrying out a conformity assessment procedure, if the designated body and the body that issued the foreign certificate of conformity are signatories to an agreement on mutual acceptance of conformity assessment results or are members of international conformity assessment system.

A designated body may draw up and issue a domestic certificate of conformity without conducting the conformity assessment referred to in paragraph 4 of this Article, also in case when the body that issued the foreign certificate of conformity is entered in the register of notified conformity assessment bodies, kept by the European Commission (NANADO base) or the body that has issued a foreign certificate of conformity is accredited by a national accreditation body that is a signatory to an agreement on the recognition of the technical competence of a conformity assessment bodies.

A designated body for conformity assessment of measuring instruments affixes or secures the affixing of a metrological protective mark.

If the designated body finds that the prescribed requirements, or the requirements of the relevant standards or technical specifications, have not been met, it shall not issue a certificate of conformity and will request that the manufacturer or other applicant for conformity assessment takes the appropriate corrective measures.

Where the designated body, when monitoring the conformity after the issuance of a certificate, finds that prescribed requirements have no longer been met, it shall require the manufacturer, or other person in whose name such a document has been issued, to take appropriate corrective measures and may, temporarily or permanently, to repeal or limit the validity of document of conformity.

Where corrective measures referred to Paragraph 8. of this Article are not taken or do not have the required effect, the designated body shall limit, suspend or repeal any certificates.

The type, form and manner of affixing the mark referred to in paragraph 6 of this Article shall be regulated by a regulation issued by the Minister competent for technical regulations.

Conformity assessment carried out by a state administration authority

Article 13

Where the technical regulation prescribes that conformity assessment shall be carried out by the state administration authority, the competent state administration authority shall carry out conformity assessment in accordance with the procedures prescribed by such regulation.

Where the technical regulation stipulates that conformity assessment is being carried out by the state administration, this regulation may prescribe that for the purposes of this authority, specific conformity assessment activities can be carried out by authorized, approved or other conformity assessment body, entrusted by the authority.

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

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

The costs of conformity assessment referred to in paragraph 1 of this Article shall be borne by the economic operator who has applied for conformity assessment.

To issues not specifically regulated by this law, which refer to the procedure of withdrawing the certificates, or limitation of the validity of certificates, provisions of the law governing general administrative procedure shall apply.

Serbian conformity mark

Article 14

On a product which is in conformity with the technical regulation, Serbian conformity mark shall be affixed, if such provision is specified by the technical regulation.

If the harmonized EU legislation prescribing the affixing of the CE mark is transposed by a technical regulation, this regulation determines the obligation to mark the conformity of the product.

On a product which is not in conformity with the prescribed requirements or on a product for which affixing of Serbian conformity mark is not prescribed, it is prohibited to affix that conformity mark.

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

Shape, appearance, content and manner of placing Serbian conformity mark shall be governed by the regulation adopted by the Government.

IV. DESIGNATED CONFORMITY ASSESSMENT BODY

Requirements for designation

Article 15

Where the technical regulation stipulates that conformity assessment shall be carried out by the designated conformity assessment body, requirements that this body has to fulfill shall be specified by that regulation, particularly with regard to:

- 1) legal status of the body;
- 2) professional competence of personnel and other persons engaged;

- 3) equipment;
- 4) independence, impartiality and absence of conflict of interest in relation to the supplier of the product that is subject to conformity assessment;
- 5) dealing with complaints regarding its performance and decisions;
- 6) observing professional secrecy;
- 7) requirements relating to responsibility for the activities of subcontractors
- 8) liability insurance.

Requirements specified in the paragraph 1 of this Article shall apply to conformity assessment bodies referred to in Article 13, paragraph 2 of this Law.

Procedure for designation of conformity assessment bodies, manner of determining the fulfillment of the prescribed requirements for designated bodies and monitoring of such bodies shall be governed by the regulation adopted by the Government.

Obligations of a designated body in relation to subcontracting

Article 16

A designated body may, with the agreement of the applicant for conformity assessment, subcontract a subcontractor or a legal entity in accordance with the provisions of the law governing companies, to carry out certain activities related to conformity assessment if the subcontractor or related legal entity meets the general requirements of Article 15. of this law.

The designated body may subcontract only for the performance of the tasks for which it has been designated. The designated body shall retain responsibility for the work performed by the subcontractor or related legal entity.

The designated body is obliged to make available to the body responsible for appointment the relevant documentation related to the competence of the subcontractor or related legal entity for the activities referred to in para. 1 and 2 of this Article.

Decision on designation of a conformity assessment body

Article 17

Where the technical regulation stipulates that conformity assessment shall be carried out by the designated conformity assessment body, the decision on its designation shall be made by the line minister in accordance with the law governing general administrative procedure.

The line minister shall issue a decision on designation, if the conformity assessment body which has applied for designation meets the requirements stipulated in the technical regulation in regard of the article 15 of this law.

Certificate of accreditation issued by the Accreditation Body of Serbia shall be taken into account when issuing the decision on designation, to the extent of the prescribed conformity assessment procedures included in the scope of accreditation.

When assessing the fulfillment of the prescribed requirements, the fulfillment of the requirements of Serbian standards transposing relevant harmonized standards, which include requirements for conformity assessment bodies, to the extent that these requirements are covered by the stated standards, shall be taken into account.

If the applicant for the designation hires a subcontractor, in the designation procedure he submits to the Ministry in line all relevant documentation on the subcontractor and his competence.

Decision referred to in paragraph 1 of this article may be time-limited, or issued under a terminating or suspensive condition.

The line ministry, before issuing the final decision on the designation, shall submit the draft decision to the Ministry for an opinion.

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

Information obligation on designated bodies

Article 18

Designated bodies shall meet the requirements for designation according to the technical regulation regarding its competence as determined by the decision on designation, and it shall inform the line minister on the following:

- 1) any refusal, restriction, suspension or withdrawal of a certificate;
- 2) any circumstances affecting the scope of and conditions for notification;
- 3) any request from market surveillance authorities regarding conformity assessment activities;
- 4) subcontracting for the activities referred to in Article 16 of this Law, as well as documentation proving the competence of the subcontractor

In addition to information specified in paragraph 1 of this Article, at the request of the line ministry the body shall deliver information on:

- 1) conformity assessment activities performed within the scope of their designation in the country and abroad;
- 2) any other activities relating to conformity assessment.

When envisaged by a technical regulation, the designated body shall inform the other bodies designated for conformity assessment activities covering the same products according to that technical regulation, with relevant information on issues relating to negative and, on request, positive conformity assessment results.

The designated body is obliged to submit to the market surveillance authority the notifications referred to in paragraph 1, point 1) of this Article, and at the request of that authority, the notifications referred to in paragraph 2 of this Article.

Monitoring the work of designated bodies

Article 19

Line ministry shall perform monitoring the work of designated bodies, the fulfillment of the requirements for designation and the fulfillment of obligations after issuing the decision on designation.

If the designated body has the accreditation certificate covering the conformity assessment activities from its decision on designation, the Accreditation Body of Serbia shall, at least once a year, deliver reports to the line ministry on the assessment conducted in accordance with the law governing the accreditation.

At the request of the line ministry the Accreditation Body of Serbia carries out extraordinary assessment of the accredited bodies referred to in paragraph 2 of this Article.

At the request of the line ministry a representative of that ministry shall participate, as an observer, in an extraordinary assessment referred to in paragraph 3 of this Article.

Supervision over the designated bodies, and fulfillment of obligations after the issuance of the decision on designation, is performed by the competent ministry. Supervision over the designated bodies also includes supervision over the fulfillment of requirements for subcontractors and related legal entities referred to in Article 16 of this Law.

At least once a year, ATS (Accreditation Body of Serbia) shall submit to the competent ministry reports on the status of accreditation of the conformity assessment body, if that body was designated by the ministry on the basis of its accreditation.

Suspension and repeal of designation

Article 20

Where a line minister determines that the designated body no longer meets the prescribed requirements, or that it is failing to fulfil its obligations, or it is fulfilling its obligations in a manner that is inconsistent to the provisions of the technical regulation, he shall issue a decision on suspension or repeal of designation, in accordance with the law governing general administrative procedure in accordance with with legislation referred to Article 15. Paragraph 3 of this Law

Suspension or repeal of designation may be partial in relation to the decision on designation. The Maximal period of suspension is six months from the day the decision on suspension becomes final.

Prior to the decision referred to in paragraph 1 of this Article, a line minister may determine a deadline for elimination of deficiencies which can not be longer than 60 days.

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

In case of repeal of designation referred to in paragraph 1 of this Article, or where the designated body has ceased its activity, the line minister shall instruct that body to transfer the documentation relating to conformity assessment to another designated body or to make it available for the designating authorities and market surveillance authorities.

During suspension of designation, the conformity assessment body shall not carry out conformity assessment activities that are subject to suspension.

In case that conformity assessment body during suspension performs activities referred to in paragraph 6 of this Article, the line minister shall issue a decision on revocation of designation.

In case of repeal of designation, a conformity assessment body can not apply for designation for the same activities for at least one year from the date of the decision on revocation of designation.

Line minister shall decide on the period in which the application for designation under paragraph 8 of this article shall not be allowed. This decision shall be an integral part of the decision on revocation of designation.

Notification of a conformity assessment body to EU Commission and EU members

Article 21

The Ministry is the authority in charge of notification of conformity assessment bodies to the European Commission and the member states of the European Union and shall notify only designated conformity assessment bodies.

The Ministry is responsible for establishing and implementing the necessary procedures for the assessment and notification of conformity assessment bodies, as well as monitoring the work of these bodies, including compliance with the provisions of article 16 of this law.

The Ministry shall inform the Commission about the procedures referred to in paragraph 2 of this article, as well as of all the modifications made to these procedures.

The Ministry shall notify upon the request from the designated conformity assessment body, submitted by the line ministry.

The competent ministry shall determine the fulfillment of the prescribed requirements for notification and shall monitor the notified bodies and inform the Ministry and European Commission.

Articles 12, 15, 16. and 18. of this Law shall be applied to notified bodies.

Requirements for notified bodies, the procedure for notification of conformity assessment bodies, the manner of determining the fulfillment of the prescribed requirements for notified bodies, as well as the monitoring of such bodies shall be governed by a regulation adopted by the Government.

Requirements relating to notifying authority

Article 22

The Ministry shall ensure that:

- 1) no conflict of interest in relation to conformity assessment bodies occurs;
- 2) objectivity and impartiality of its activities;
- 3) it is organized in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried out the assessment;
- 4) it does not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis;
- 5) confidentiality of data of the information obtained in the performance of their duties, including confidentiality of data to be protected in accordance with the law governing the confidentiality of data;
- 6) it has a sufficient number of competent personnel at its disposal for the proper performance of its tasks.

The requirements referred to in paragraph 1 of this Article shall apply accordingly to the relevant ministries which determine the fulfillment of the requirements for notification and monitoring of notified bodies.

V. OBLIGATIONS OF SUPPLIERS AND OWNERS OF PRODUCTS IN USE

Conformity of products

Article 23

Product made available on the market and/or put into service shall comply with requirements of all applicable technical regulations.

Supplier shall be responsible for compliance of the products they make available on the market, in relation to their respective roles in the supply chain, in accordance with this law.

Suppliers shall be responsible for accuracy and completeness of all information they provide with regard to the products they make available on the market and shall ensure that such information is in compliance with requirements of all applicable legislation.

Obligations of manufacturers

Article 24

A manufacturer shall:

- 1) ensure that a product which he places on the market has been designed and manufactured in accordance with the prescribed requirements;
- 2) where prescribed, draw up the required technical documentation and keep it during the prescribed period;
- 3) ensure that the prescribed conformity assessment procedure has been carried out and, where compliance of a product with the applicable requirements has been demonstrated by that

procedure, draw up the prescribed document of conformity and keep it during the prescribed period and affix the prescribed conformity marking and/or other prescribed markings;

4) ensure implementation of procedures for series production to remain in conformity, taking into account changes in product design or characteristics and changes in the applied standards or technical specifications;

5) where prescribed, and where appropriate to the risk posed by the product in order to protect the health and safety of the consumers, carry out sample testing of marketed products, investigate, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and keep distributors informed thereof;

6) where prescribed, ensure that the product bears a type, batch or serial number or other element allowing its identification, or, where that is not possible, that the required information is provided on the packaging or in a document accompanying the product;

7) where prescribed, indicate his name, registered trade name or registered trade mark and the address at which he can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product;

8) ensure that the product is accompanied by prescribed instructions and information in Serbian language and/or other prescribed documents;

9) where he considers or has reason to believe that a product which he has placed on the market is not in conformity with a technical regulation, immediately take the necessary corrective actions to bring that product into conformity, to withdraw it or recall it, if appropriate;

10) where prescribed, provide the competent authority with required information and/or documents; including information to the market surveillance authority, which is necessary to confirm the conformity of the product, upon reasoned request, in the language that is in official use in the Republic of Serbia

11) cooperate with the competent authorities, at their request, on any action taken to eliminate the risks posed by products which he has placed on the market;

12) carry out other activities prescribed by the applicable technical regulation.

Representative

Article 25

A manufacturer may authorise a representative to carry out specified tasks in relation to some of his obligations, by a written mandate which shall allow the representative to do at least the following:

1) keep the prescribed document of conformity and the technical documentation at the disposal of competent authorities *на* during the prescribed period;

2) provide to competent authorities, at their request, with all the information and documentation necessary to demonstrate the conformity of a product;

3) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by products covered by the mandate.

A manufacturer may not authorise a representative to carry out obligations laid down in Article 24 paragraph 1 point 1) of this law, nor to draw up technical documentation.

Authorisation referred to in Paragraph 1 of this Article shall be prescribed in more detail by a technical regulation.

Obligations of importers

Article 26

An importer shall:

1) place on the market only products complying with the prescribed requirements;

- 2) ensure, before placing a product on the market:
 - (1) that the prescribed conformity assessment procedure has been carried out and that the manufacturer has drawn up the required technical documentation;
 - (2) that the product bears prescribed conformity marking and/or other prescribed markings, and that the product is accompanied by the prescribed documents;
 - (3) that the manufacturer has complied with his obligations regarding labelling of the product;
- 3) where he considers or has reason to believe that a product he placed on the market is not in conformity with a technical regulation, place the product on the market only after it has been brought into conformity and, where the product presents a risk, inform the manufacturer and the competent market surveillance authority to that effect;
- 4) where prescribed, indicate his name, registered trade name or registered trade mark and the address at which he can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product;
- 5) ensure that the product is accompanied by prescribed instructions and information in Serbian language and/or other prescribed documents;
- 6) ensure that, while a product is under his responsibility, storage or transport conditions do not jeopardise its compliance with the prescribed requirements;
- 7) where prescribed, carry out sample testing of marketed products, investigate, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and keep distributors informed thereof;
- 8) where he considers or has reason to believe that a product he placed on the market is not in conformity with a technical regulation, immediately take the necessary corrective actions to bring that product into conformity, to withdraw it or recall it, if appropriate; to inform the market surveillance authority of the type of non-compliance and corrective actions taken, if the product poses a risk;
- 9) where prescribed, keep the prescribed document of conformity and ensure that the technical documentation can be made available to competent authorities during the prescribed period;
- 10) where prescribed, provide the competent authority with required information and/or documents; that is, documentation, including information to the market surveillance authority, which is necessary to confirm the conformity of the product, upon a reasoned request, in the language that is in official use in the Republic of Serbia
- 11) cooperate with the competent authorities, at their request, on any action taken to eliminate the risks posed by products which he has placed on the market;
- 12) carry out other activities prescribed by the applicable technical regulation.

Obligations of distributors

Article 27

A distributor shall:

- 1) when making a product available on the market, act with due care in relation to the applicable requirements;
- 2) verify, before making a product available on the market, that it bears the prescribed conformity marking and/or other prescribed markings, that it is accompanied by the prescribed instructions and information in Serbian language and/or other prescribed documents;
- 3) where he considers or has reason to believe that a product he made available on the market is not in conformity with a technical regulation, make the product available on the market only after it has been brought into conformity and, where the product presents a risk, inform the manufacturer or importer and the competent market surveillance authority to that effect;

- 4) ensure that, while a product is under his responsibility, storage or transport conditions do not jeopardise its compliance with the prescribed requirements;
- 5) where he considers or has reason to believe that a product he made available on the market is not in conformity with a technical regulation, make sure that the corrective actions necessary to bring that product into conformity, to withdraw it or recall it, if appropriate, are taken; to inform the market surveillance authority of the type of non-compliance and corrective actions taken, if the product poses a risk;
- 6) where prescribed, provide the competent authority with required information and/or documents; including information to the market surveillance authority, which is necessary to confirm the conformity of the product, upon reasoned request, in the language of the official language in the Republic of Serbia ;
- 7) cooperate with the competent authorities, at their request, on any action taken to eliminate the risks posed by products which he has made available on the market;
- 8) carry out other activities prescribed by the applicable technical regulation.

Specific obligations of importers and distributors

Article 28

An importer or distributor who places a product on the market under his name or trademark, shall be considered a manufacturer and shall take over manufacturer's obligations in relation to placing the product on the market, but technical documentation relating to the product doesn't have to be issued under the name of such importer, distributor or other person who modifies a product.

Article 29

An importer, distributor or other person who modifies a product already placed on the market in such a way that compliance with the applicable requirements may be affected, shall be considered a manufacturer and shall be subject to complete manufacturer's obligations in relation to placing the product on the market, including the obligation that technical documentation relating to product modifications shall be issued under the name of the importer, distributor or other person who modifies a product.

Identification of suppliers

Article 30

A supplier shall keep and, on request of a competent inspector, provide information on any supplier who has supplied him with a product, as well as on any supplier to whom he has supplied a product.

Period of keeping the information referred to in Paragraph 1 shall be prescribed by a technical regulation. For products for which period of keeping and providing such information is not prescribed by a technical regulation, that period shall be for 10 years after the supply.

Obligations of owners of products in use

Article 31

An owner of a product for which technical regulation prescribes obligation of regular or extraordinary checks to verify product's conformity throughout its lifecycle, may put the product into service and/or allow the use of the product only if the prescribed checks have been carried out to verify its conformity.

Technical regulation may stipulate that the prescribed checks shall be carried by designated or accredited conformity assessment body or by a state authority.

Where a technical regulation is applicable to a complex product or an installation, such technical regulation may stipulate obligation of the owner to keep prescribed documentation, as well as to demonstrate conformity in case of reasonable doubt.

VI. VALIDITY OF FOREIGN DOCUMENTS OF CONFORMITY

Article 32

A document of conformity issued by a foreign conformity assessment body (hereinafter referred to as: foreign document) shall be valid in the Republic of Serbia if it has been issued in accordance with ratified international agreements signed by the Republic of Serbia.

Line minister may recognize the validity of a foreign document demonstrating the conformity of such product with a foreign technical regulation, in case there is no appropriate designated body, under condition that:

1) requirements of such regulation ensure at least the same level of protection of safety, human life and health, or the protection of other public interest, as that provided by the requirements of Serbian technical regulation, and

2) requirements laid down in the foreign technical regulation which must be met by the foreign conformity assessment body, ensure at least the same level of fulfillment of requirements laid down by relevant Serbian technical regulation for a body which carries out the conformity assessment.

3) requirements from the foreign technical regulation, which the foreign conformity assessment body must fulfill, ensure at least the same degree of fulfillment of the requirements, which are determined by the Serbian technical regulation for the body conducting the conformity assessment.

On the basis of the decision on the recognition of the foreign document referred to in Paragraph 2 of this Article, the manufacturer, an authorized representative or an importer shall affix Serbian conformity mark, when prescribed by Serbian technical legislation.

Manner of recognition of documents referred to in Paragraph 2 of this Article shall be governed by a decree adopted by the Government.

Any matter in relation to the procedure of recognition of a foreign document, that is not governed by this law, shall be governed by the law governing administrative procedure.

VII. NOTIFICATION

Registers

Article 33

The Ministry shall keep the public registers of:

- 1) current technical regulations;
- 2) designated bodies and authorized, appointed or other bodies entrusted by the state authorities for conformity assessment activities, according to the requirements of the technical regulation;
- 3) technical regulations under preparation;
- 4) recognition of foreign documents of conformity.

The competent state administration authority submits to the Ministry data on current technical regulations, technical regulations in preparation, designated and authorized, appointed or other bodies entrusted for conducting certain conformity assessment activities, as well as on recognized foreign documents, for the purpose of entry in the Register.

Register referred to in paragraph 1 of this Article the Ministry shall keep as a public record, in electronic form, and the data from the registers shall be published on its website.

The procedure of entry in the register, content and manner of keeping the registers referred to in paragraph 1 of this Article shall be prescribed by the Minister in charge of activities related to technical regulations.

Notification of technical regulations under preparation

Article 34

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

Provision of information

Article 35

The Ministry, as an information center for products, upon request by domestic and foreign legal and natural persons and other interested parties, shall provide information about requirements of technical regulations, in accordance with EU rules and concluded international agreements.

The line ministry, upon request, delivers information to the Ministry on requirements of technical regulations within its field of competence.

The procedure for notification of technical regulations referred to in Article 34 and the manner of providing information and type of information referred to in paragraph 1 and 2 of this Article shall be governed by the regulation adopted by the Government.

VIII QUALITY COUNCIL

Article 36

The Government shall establish the Quality Council as an expert advisory body with the aim of developing the area of quality infrastructure in the Republic of Serbia

Quality Council shall:

- 1) monitor and analyze the implementation of activities in the field of quality infrastructure
- 2) give opinions and recommendations
- 3) consider issues of importance for the development and improvement of quality infrastructure in the Republic of Serbia

The Council cooperates with state authorities, autonomous provinces authorities, local self-governments, organizations and other stakeholders in the field of quality infrastructure.

Experts in the field of quality infrastructure, representatives of ministries and representatives of interested parties shall be appointed in the Quality Council.

The Quality Council shall adopt the Rules of Procedure.

Administrative and technical tasks for the needs of the Council are carried out by the Ministry.

VIII. MARKET SURVEILLANCE

Article 37

Market surveillance with regards to implementation of this law and legislation adopted pursuant to provisions of this law, shall be carried out by:

- 1) for radio equipment and telecommunications terminal equipment - inspectors of electronic communications and market inspectors;
- 2) for lifts before their first putting into use and for safety components of lifts - civil engineering inspectors and market inspectors;
- 3) for lifts (already) in use in residential buildings - civil engineering inspectors;
- 4) for lifts (already) in use in office buildings - labour inspectors;
- 5) for equipment and protective systems designed for use in potentially explosive atmospheres - market inspectors;
- 6) for equipment and protective systems put into service in potentially explosive atmospheres - mining inspectors and firefighting inspectors; mining and geological inspectors and other inspectors in accordance with a special law and regulation based on such law;
- 7) for noise-emitting equipment for use outdoors - market inspectors and environmental protection inspectors;
- 8) for pressure equipment - inspectors of pressure equipment;
- 9) for simple pressure vessels when being put into service or when in use - inspectors for pressure equipment;
- 10) for simple pressure vessels when being placed on the market - market inspectors;
- 11) for aerosol dispensers - market inspectors.

In fields not listed in paragraph 1 of this Article, market surveillance shall be carried out by the line ministries in accordance with the law governing market surveillance, or specific law and legislation adopted pursuant to the provisions of such law.

Article 38

Competent authorities shall organise and carry out market surveillance in accordance with the law governing market surveillance, this law, regulations adopted pursuant to provisions of this law and other technical regulations applicable to products governed by this law.

Authorities referred to in Paragraph 1 of this Article shall ensure, through their activities and measures which they adopt in accordance with the law, that the products on the market are safe or that the products, which could endanger the health and safety of its users when they are used in accordance with their intended purpose or under reasonably foreseen conditions and when they are correctly installed and maintained, or products which are in some other manner not complying with the prescribed requirements, are withdrawn or their supply on the market is otherwise prohibited or restricted.

Competent authorities referred to in Paragraph 1 shall be the authorities whose scope of surveillance activities and measures is stipulated by the law governing market surveillance, or other specific law, or other legislation laying down requirements for specific categories of products or stipulating surveillance activities with regards to specific type of risk that a product may present to the health and safety of users, safety at work, environment or to other aspects of public interest protection.

Article 39

The competent authority shall carry out surveillance activities and take measures through inspectors (hereinafter referred to as: competent inspectors) who, besides measures for which they are authorised pursuant to specific legislation, shall be authorised to:

- 1) require suppliers to provide them with information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the product;

2) perform appropriate checks and, where it is necessary and justified, enter the business premises of a supplier, take samples of products and forward them for testing to verify the conformity of products with the prescribed technical requirements;

3) check whether the prescribed checks confirming the safety of products throughout their lifecycle have been performed;

4) instruct the supplier to take corrective action in case of determined non-conformity within a specified deadline;

5) require that products are marked with the prescribed conformity markings, or removal of markings that are not allowed;

6) restrict or prohibit making available of products on the market and implement additional measures, in accordance with law, to ensure that the restriction or prohibition is observed;

7) instruct the withdrawal or recall of products that are not in conformity with prescribed requirements;

8) notify the line ministry which has adopted the technical regulation related to a specific product for the purpose of undertaking the relevant measures;

9) instruct non-conforming products to be destroyed if they present a serious risk for safety, life and health of humans, animals and plants, or environmental protection.

Where the competent authority does not have the necessary resources for performing checks or testing referred to in paragraph 1 point 2) of this Article, it may delegate control and testing to an appropriate conformity assessment body.

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

Appeal against the decision by which the inspector instructed conducting measures referred to in paragraph 1 of this Article shall not suspend the execution of the decision.

Procedure for dealing with products presenting a risk

Article 40

Where the competent market surveillance authority has sufficient reason to believe that the product presents a risk to the health or safety of persons or to other aspects of public interest protection, it shall carry out an evaluation to determine whether the product meets applicable requirements of a technical regulation.

Supplier shall cooperate with the market surveillance authority referred to in paragraph 1 of this article.

Where, in the course evaluation referred to in paragraph 1 of this article, competent inspector determines that the product does not comply with the prescribed requirements, he shall without delay require the supplier to take appropriate corrective action to bring the product into compliance with those requirements, to withdraw the product from the market, or to recall it within a reasonable deadline, commensurate with the nature of the risk, as they may present.

The competent inspector shall provide with information on non-compliance referred to in paragraph 3 of this article, the designated body which has issued a document of conformity for the product or, where appropriate, the state authority which has issued or recognized a document of conformity.

The supplier shall ensure that all appropriate corrective actions have been taken in respect of all the products that he has supplied on the market, and for which it has been determined to present a risk.

Where the supplier does not take adequate corrective action within the period referred to in the paragraph 3 of this article, the competent inspector shall take measures to prohibit or restrict the product being supplied, to withdraw the product or to recall it.

Procedure for dealing with compliant products which present a risk (safeguard clause)

Article 41

Where, having performed an evaluation under article 40 paragraph 1 of this law, the competent inspector determines that although a product is in compliance with the technical legislation, it presents a risk to the health or safety of persons or to other aspects of public interest protection, he shall require the supplier to take appropriate corrective actions to ensure that the product, when placed on the market, no longer presents a risk, to withdraw the product or to recall it within a reasonable deadline, commensurate with the nature of the risk, as it may prescribe.

The supplier shall ensure that appropriate corrective action referred to in paragraph 1 of this article is taken in respect of all the products that he has supplied on the market, and for which it has been determined that they present a risk.

Formal non-compliance

Article 42

Where a competent inspector determines one of the formal non-compliances, he shall require the supplier, in accordance with prescribed obligation, to put an end to the non-compliance within a specified deadline.

Formal non-compliance referred to in paragraph 1 of this article may be:

- 1) the conformity mark has not been affixed;
- 2) the affixing of conformity mark is in violation of provisions of this law and legislation adopted pursuant to provisions of this law;
- 3) the declaration of conformity or other document of conformity in accordance with requirements of a technical regulation has not been drawn up;
- 4) the declaration of conformity or other document of conformity in accordance with requirements of a technical regulation has been drawn up incorrectly;
- 5) technical documentation is either not available or not complete;
- 6) other non-compliance which is prescribed as formal non-compliance in a technical regulation adopted pursuant to provisions of this law.

Where the supplier does not put an end to the formal non-compliance within the deadline referred to in paragraph 1 of this article, competent inspector shall take appropriate measures to restrict or prohibit the product being made available on the market or to withdraw or recall the product.

Article 43

Notwithstanding the provisions of articles 40 to 42 of this law, where competent inspector determines that a product presents a serious risk in accordance with the law governing market surveillance, he shall take all necessary measures to restrict or prohibit the product being supplied on the market or to withdraw or recall the product, without requiring the economic operator to take corrective action.

A supplier for whom it is determined that he made available a formally noncompliant product on the market for the first time, provided that the supplier removed such non-compliance within the period specified by the competent inspector, shall not be fined.

Single market clause

Article 44

Goods lawfully marketed in another Member State of the European Union or in Turkey, or originating and lawfully marketed in an State that is a contracting party to the EEA

agreement shall be presumed to be in conformity with relevant technical regulation that is not harmonized with the EU legislation.

The implementation of technical legislation referred to in paragraph 1 of this Article is subject to the Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008.

The technical regulation referred to in paragraph 1 of this Article may further regulate the manner of application of the single market clause.

IX. PENALTIES

Article 45

Conformity assessment body performing conformity assessment without the decision on designation or authorization, performing conformity assessment outside the scope of designation or authorization or during suspension of designation (Article 17 paragraph 1 and Article 20 paragraph 6), shall be fined in the amount of RSD 1,000,000 to 2,000,000.

A responsible person within the legal entity – conformity assessment body, shall also be fined in the amount of RSD 100,000 to 150,000 for misdemeanor referred to in paragraph 1 of this Article.

Article 46

A legal entity – conformity assessment body shall be fined in the amount of RSD 100,000 to 300,000 for misdemeanor if it:

1) fails to notify the line minister according to the obligations referred to in Article 18 of this Law;

2) fails to act as instructed by the competent minister referred to in Article 20 paragraph 5 of this Law.

A responsible person within the legal entity – conformity assessment body, shall also be fined in the amount of RSD 50,000 to 100,000 for misdemeanor referred to in paragraph 1 of this Article.

Article 47

An economic operator shall be fined in the amount of RSD 50,000 to 2,000,000 if making available on the market a product that is not in conformity with the obligations referred to in Article 23-31 and Article 40-42. or making available on the market a product presenting a risk referred to in Article 43. Of this Law.

A responsible person within the supplier shall be fined in the amount of RSD 5,000 to 150,000 for misdemeanor referred to in paragraph 1 of this Article.

A responsible person within the entrepreneur shall be fined in the amount of RSD 10,000 to 500,000 for misdemeanor referred to in paragraph 1 of this Article.

Article 48

A legal entity – owner of the product shall be fined in the amount of RSD 50,000 to 2,000,000 if it:

- 1) puts in use, or enables the use of a product for which the prescribed inspections were not performed to confirm its safety throughout its lifecycle (Article 31 paragraph 1).

Owner - entrepreneur – of the product shall be fined in the amount of RSD 10,000 to 500,000 for misdemeanor referred to in paragraph 1 of this Article.

Owner - natural person – of the product shall be fined in the amount of RSD 5,000 to 150,000 for misdemeanor referred to in paragraph 1 of this Article.

Article 49

Information on the results of evaluation and on national measures under paragraph 3 of Article 40 of this Law, if it is prescribed by technical regulation, shall be provided to the European Commission and other Member States, in accordance with the Law governing the market surveillance, where the market surveillance authorities consider that noncompliance is not restricted to territory of the Republic of Serbia.

Information on national measures under paragraph 6 of Article 40 and paragraph 1 of Article 41 paragraph 1 of this Law, shall be immediately provided to the European Commission and other Member States, if it is prescribed by technical regulation, in accordance with the Law governing the market surveillance.

Information on national measures under paragraph 6 of Article 40 shall include all available details, in particular the data necessary for the identification of the noncompliant product, the origin of the products, the nature of the alleged noncompliance and the risks involved, the nature and duration of national measures taken, statements and arguments submitted by the supplier, and especially conclusions of the market surveillance authority whether the non-compliance is due to either:

- 1) failure of the product to meet requirements relating to the health or safety of persons or to protection of other aspects of public interest covered by the technical regulation; or
- 2) shortcomings in the standards conferring a presumption of conformity in accordance with the provisions of the technical regulation.

Where prescribed by a technical regulation, if the competent market surveillance authorities are informed that in another Member State a national measure has been taken in accordance with paragraph 6 of Article 40 of this law, they shall inform the European Commission and European Union Member States, in accordance with the Law governing the market surveillance, of any measures adopted and of any additional information at their disposal relating to the non-compliance of the product concerned and, in the event of disagreement with the undertaken national measure, they may submit objections.

Where, within the deadline prescribed by the technical regulation, the European Commission and European Union Member States have not submitted their objections to the national measure taken in accordance with paragraph 6 of Article 40, the measure is considered justified, and where objections have been submitted, European Union safeguard procedure shall be conducted resulting in the decision of the European Commission on whether the national measure is justified or not.

Where the national measure in another European Union Member State is considered justified in accordance with paragraph 5 of this Article, market surveillance authorities shall take appropriate restrictive measures, such as withdrawal of the product from the market of the Republic of Serbia.

Where, after the implementation of the European Union safeguard procedure, the European Commission has decided that national measure taken by the market surveillance authority in accordance with Article 40 paragraph 6, is unjustified, the authority shall withdraw the measure.

Information on national measures under paragraph 1 of Article 41, shall include all available details, in particular the data necessary for the identification of the product, the origin and the supply chain of the product, the nature of the risk involved and the nature and duration of the national measures taken.

X. TRANSITIONAL PROVISIONS

Article 50

Until the adoption of technical and other regulations based on this Law or other laws, technical and other regulations adopted based on the Law on Technical Requirements for Products and Conformity Assessment ("Official Gazette of RS", No. 36/09) shall apply.

Article 51

Until the adoption of technical regulations prescribing the requirements to be met by the designated conformity assessment bodies in accordance with this Law, or until the adoption of regulation referred to 15 in Article of this Law, conformity assessment shall be carried out by conformity assessment bodies which were designated, authorized or accredited by the date of coming into force of this Law, on the basis of the relevant technical or other regulation adopted based on the Law on Technical Requirements for Products and Conformity Assessment ("Official Gazette of RS", No. 36/09).

In the event that a specific law, or a regulation adopted based on such a law, prescribes that procedures for authorization, or approval to perform certain conformity assessment procedures shall be conducted based on the Law on Technical Requirements for Products and Conformity Assessment ("Official Gazette of RS", No. 36/09), from the date of coming into force of this Law, those procedures shall be conducted according to the provisions of this Law, which prescribes procedure for designation of conformity assessment bodies.

The competent ministry shall conclude a protocol on cooperation with the ATS, which will determine mutual cooperation of common interest, especially with regard to supervising the work of accredited designated bodies for conformity assessment referred to in Article 19 of this Law and informing the competent ministry on maintaining the competence of those bodies. assigned scope of accreditation, within 12 months from the date of entry into force of this Law.

Article 52

From the date of coming into force of the ratified international agreement on conformity assessment and acceptance of industrial products with the European Union (hereinafter: ACAA Agreement), or, if such an agreement is not concluded, from the day of coming into force of the Treaty of Accession of the Republic of Serbia to the EU, the term "Serbian language" of Article 24 paragraph 1. point 8), article 26. Paragraph 1. Point 5) and article 27. Paragraph 1. Point 2) of this Law shall be replaced by the phrase "in a language that the competent authority and the consumer or end-user in the EU Member State can easily understand", the term "Republic of Serbia" in Article 3. paragraph 1. point 2), 3) and 5)-7) of this Law shall be replaced by the phrase "European Union", the term "other countries" in Article 3. paragraph 1. point 6) of this Law shall be replaced by the phrase "third countries", the term "designated/notified body" in Article 10. of this Law shall be replaced by the phrase "notified body".

From the date of coming into force of the Treaty of Accession of the Republic of Serbia to the EU, i.e. from the date of coming into force of the relevant provisions of such Agreement, the provisions of Article 12, paragraph 4. And 5. of this Law shall cease to apply.

Article 53

From the date of coming into force of ACAA Agreement, or, if such an agreement is not concluded, from the day of coming into force of the Treaty of Accession of the Republic of Serbia to the EU, on the products to which harmonized EU legislation apply, instead of Serbian conformity mark referred to Article 14 of this Law, CE mark shall be applied, if prescribed by a technical legislation.

Regarding CE marking for products referred to in paragraph 1 of this article, provisions of article 14 of this law shall apply.

Article 54

Until the adoption of bylaws prescribed by this Law, the by-laws adopted based on the Law on Technical Requirements for Products and Conformity Assessment ("Official Gazette of RS", No. 36/09) shall apply, specifically:

1) Regulation on Manner of Performing Conformity Assessment, Content of the Document of Conformity, and Shape, Appearance and Content of Mark of Conformity ("Official Gazette of RS", No. 98/09);

2) Regulation on the Manner of Designation and Authorisation of Conformity Assessment Bodies ("Official Gazette of RS", No. 98/09);

3) Regulation on the Manner of Recognition of Foreign Documents and Marks of Conformity ("Official Gazette of RS", No. 98/09 and 110/16);

4) Regulation on the Manner of Providing Information and Notification of Technical Regulations, Conformity Assessment and Standards ("Official Gazette of RS", No. 45/10 and 114/15).

5) Rulebook on content and manner of keeping the registers referring to technical regulations ("Official Gazette of RS", No. 33/10)

The Government shall adopt bylaws referred to in Article 8, 11, 14-15, 21 and 35, of this Law within 18 months from the day this Law comes into force.

The regulation referred to in Article 12 paragraph 10. and Article 33 paragraph 4 of this Law shall be adopted by the minister in charge of technical regulations within 18 months from the day this Law comes into force.

Article 55

The provisions of Article 21, 44, 49 of this Law shall apply from the day of coming into force of an ACAA Agreement, or, if such an agreement is not concluded, from the day of coming into force of the Treaty of Accession of the Republic of Serbia to the EU

Article 56

Law on Technical Requirements for Products and Conformity Assessment ("Official Gazette of RS", No. 36/09) shall cease to apply on the day this Law comes into force.

Article 57

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.