

# REGULATION

## ON MANNER OF RECOGNITION OF FOREIGN DOCUMENTS OF CONFORMITY AND MARKS OF CONFORITY

*("Official Gazette of RS ", No. 98/2009)*

### Article 1

This Regulation sets out the manner of recognition of validity, in the Republic of Serbia, of documents of conformity issued by foreign conformity assessment bodies (hereinafter referred to as: foreign documents), and marks of conformity issued in other countries (hereinafter referred to as: foreign marks of conformity).

### Article 2

Foreign documents shall include: Certificate of Conformity, Test report, Declaration of Conformity, Certificate on Control, or other document verifying the conformity of products with requirements of foreign technical regulation.

Foreign marks of conformity shall include: CE marking and other marks of conformity affixed on product in accordance with requirements of foreign technical regulation.

### Article 3

Foreign document or mark of conformity issued in line with a ratified international agreement signed by the Republic of Serbia shall be valid in the Republic of Serbia.

At the request of legal entities or natural persons, the Ministry competent for preparation and adoption of technical regulations governing products to which the foreign document or mark of conformity applies (hereinafter referred to as: competent Ministry), shall provide an opinion whether the ratified international agreement exist in terms of Paragraph 1 of this Article, or whether a certain foreign document or mark of conformity has been issued in accordance with such agreement.

### Article 4

If a foreign document or mark has not been issued in accordance with the agreement under Article 3 (1) of this Regulation, the procedure for recognition of validity of foreign document or mark of conformity shall be initiated prior to the product being placed on the market or put to use in the Republic of Serbia, upon application for recognition submitted by the foreign manufacturer or his representative or importer (hereinafter referred to as: Applicant).

The application referred to in Paragraph 1 of this Article shall be communicated to the competent Ministry.

The Applicant shall bear process costs for recognition, which include performance-related costs for the Commission for recognition of validity of foreign documents or marks of conformity under Article 7 of this Regulation (hereinafter referred to as: Commission).

## **Article 5**

The application under Article 4 of this Regulation shall contain:

- 1) Business name, or title and address and legal form of the Applicant;
- 2) Type of foreign document or mark of conformity for which recognition is requested ;
- 3) Name of country where the foreign document or mark of conformity was issued;
- 4) Title of foreign technical regulation which was the basis for issuing of foreign document or affixing of mark of conformity, as well as the title of the Official Gazette where the regulation had been published;
- 5) Type or name of product and other information for more accurate identification of product which the foreign document or mark of conformity refers to;
- 6) Business name or title and address and legal form of business entity that issued the foreign document or affixed the mark of conformity on the product;
- 7) Name of country where the designated or authorized conformity assessment body that issued the foreign document is established;
- 8) Name of a authority that designated or authorized the conformity assessment body under Point 7 of this Article;
- 9) Other information significant for recognition of validity of the foreign document or mark of conformity.

## **Article 6**

Attached to the Application under Article 5 of this Regulation, the following evidence shall be submitted:

- 1) Copy of Extract from the Economic Operator Register of the Applicant, certified by the relevant authority, and a certified translation of said extract into Serbian language, by certified court translator, if the Applicant is a foreign manufacturer;
- 2) Original foreign document or copy thereof, certified by the relevant foreign authority and a certified translation of said document into Serbian language, by certified court translator;
- 3) Copy of the original text of the technical regulation under Article 5 (4) of this Regulation and a certified translation of said regulation into Serbian language, by certified court translator;
- 4) Copy of Extract from the Economic Operator Register of the entity referred to in Article 5, Point 6, certified by the relevant foreign authority and a certified translation of said extract into Serbian language, by certified court translator;
- 5) Copy of document on designation or authorization or other relevant document issued by the authority under Article 5, Point 8 of this Regulation , certified by the relevant foreign authority and a certified translation of said document into Serbian language, by certified court translator;
- 6) Proof of administrative fee paid, as per the act;
- 7) other documents substantiating facts stated in the Application.

## **Article 7**

Compliance with conditions for recognition of validity of foreign certificate shall be determined (affirmed) by a Commission formed by the Minister of the Ministry competent for the area of one or more technical regulations (hereinafter referred to as: competent Minister).

The Commission shall include a minimum of three members, at least one of which shall be a representative of the competent Ministry, representative of the Accreditation Board of Serbia and an expert representative for the area regulated by the corresponding Serbian technical regulation.

Members of the Commission may have deputies.

As appropriate, other experts, outside the competent Ministry, may take part in the performance of the Commission for the area governed by the corresponding Serbian technical regulation.

A representative of the competent Ministry shall manage the performance of the Commission.

## **Article 8**

On the basis of the Application for recognition and evidence submitted, the Commission shall determine whether:

- 1) Requirements of the foreign technical regulation provide at least the equivalent degree of protecting the safety, life and health of humans, protecting animals and plants, environment protection, protection of consumers and other users and protection of property , as regulated in requirements of the corresponding Serbian technical regulation;
- 2) Requirements of the foreign technical regulation which the foreign conformity assessment body shall comply with in order to perform the conformity assessment procedure of product, provide at least the equivalent degree of compliance with requirements as determined in the corresponding Serbian technical regulation for the designated or authorized conformity assessment body.

## **Article 9**

On the basis of the Application for recognition, evidence submitted, and facts established, the Commission shall determine whether foreign document or mark of conformity complies with requirements under Article 8 of this Regulation.

The competent Minister, at the proposal of the Commission, shall issue a decision on recognition of validity of foreign document or conformity mark, if it is determined that said foreign document or mark of conformity complies with stipulated conditions.

The competent Minister, at the proposal of the Commission, shall issue a decision on rejection of the application for recognition, if it is determined that said foreign document or mark of conformity does not comply with stipulated conditions.

Proposals under Paragraphs 2 and 3 of this Article shall be justified.

## **Article 10**

Prior to issuing a decision on recognition of validity of foreign document or conformity mark, the competent Minister shall obtain the opinion of the Ministry competent for activities relating to technical regulations.

Along with the opinion under Paragraph 1 of this Article, the competent Ministry shall submit a draft decision on recognition of validity of foreign document or conformity mark, including a justification.

The Ministry referred to in Paragraph 1 of this Article shall submit an opinion in writing to the competent Ministry within 10 days upon receipt of the application for providing opinion.

If the opinion fails to be submitted within the period as per Paragraph 3 of this Article, it shall be considered as there is no remark.

## **Article 11**

The decision under Article 10 of this Regulation shall remain valid until expiry of validity of the foreign document, if said expiry is duly determined by the document.

If the expiry is not duly determined by the foreign document, the decision on recognition of validity of foreign document shall remain valid for the maximum period of three years from its issuing.

## **Article 12**

The decision referred to in Article 10 (1) of this Regulation shall include, in particular:

- 1) Type of foreign document or conformity mark;
- 2) Business name, title and address of the economic operator that issued the foreign document or affixed mark of conformity on product;
- 3) Name of country of where the foreign document or mark of conformity was issued;
- 4) Title of foreign technical regulation which was the basis for issuing of foreign document or affixing of conformity mark, as well as the title of the Official Gazette where the regulation had been published;
- ;
- 5) Type or name of product and other information for more accurate identification of product which the foreign document or mark of conformity refers to;
- 6) Validity period.

## **Article 13**

The decision under Article 12 of this Regulation shall be communicated to the Ministry competent for maintaining the Register of foreign documents and marks of conformity valid in the Republic of Serbia by the competent Ministry, for entry into said Register, in accordance with the act governing technical requirements for products and conformity assessment and the regulation issued on the basis of said act.

For subsequent deliveries of imported product for which a decision on recognition of validity of foreign document or mark of conformity has been entered into the Register under Paragraph 1 of this Article, submission of a new application is not required.

When importing product referred to in Paragraph 2 of this Article, as an evidence of validity of foreign documents and marks of conformity accompanying said product, a relevant excerpt from the Register under Paragraph 1 of this Article shall apply.

#### **Article 14**

From the date when this Regulation comes into force, provisions of the Regulation on manner of authorization of conformity assessment bodies, register of notified conformity assessment bodies, records on conformity documents, marks of conformity and conformity assessment bodies, and conditions for application of technical regulations of other countries ("Official Gazette of Serbia and Montenegro", No. 22/06) shall cease to have effect, in parts which establish the conditions for application of technical regulations from other countries and provisions of Article 19 of said Regulation, as well as provisions of Article 16 of the Regulation on conformity assessment manner and procedures ("Official Gazette of Serbia and Montenegro, No. 22/06).

#### **Article 15**

This Regulation shall enter into force on the eight day following its publication in the Official Gazette of the Republic of Serbia" and shall apply from 1st March 2010.