

DRAFT LAW ON METROLOGY

I. GENERAL PROVISIONS

Subject to the Law

Article 1

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

Purpose

Article 2

The purpose of this Law is to ensure unified measurements and the use of accurate measuring instruments in the Republic of Serbia as well as compatibility of the national units of measurement with the International System of Units, traceability of standards of Republic of Serbia to the international standards or national standards of other countries.

Application

Article 3

Provisions of this Law, regulating legal control of measuring instruments, are applied on instruments used for measurement in the field of protection of health and general safety, protection of environment, control and safety of traffic as well as in transaction of goods and services.

Provisions of this Law laying down conditions for placing measuring instruments on the market and use are applied equally on all measuring instruments regardless of their origin.

Transparency of measurement results

Article 4

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

Meaning of terms

Article 5

Some of the terms used in the text of this Law are of the following meaning:

- 1) **legal units (of measurement)** are units of measurement whose use is required in Republic of Serbia;
- 2) **(measurement) standard** is material measure, measuring instrument, reference material or measuring system which presents a realization of the definition of a given quantity, with stated quantity value and associated measurement uncertainty, used as a reference.
- 3) **measurement standard of Republic of Serbia** is a measurement standard which is by a decision of government body competent for metrological activities recognized to serve as the basis for assigning values to other measurement standards of quantity concerned;
- 4) **international measurement standard** is a measurement standard recognized by signatories to an international agreement;
- 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 providing one or more specified property values with associated uncertainties and traceabilities;
- 7) **metrological traceability** is a property of the result of a measurement or the value of a standard, whereby the result and standard can be related to stated references (usually national or international standards) through unbroken chain of comparisons, all having stated uncertainties;
- 8) **calibration** is a set of operations that under specified conditions, establish a relation between the quantity values with measurement uncertainties provided by measurement standards and corresponding indications, with associated measurement uncertainties, for obtaining a measurement result;
- 9) **measuring instrument** is device used for making measurements, alone or in conjunction with one or more supplementary devices;
- 10) **legal metrological control** includes 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 type approval, verification, etc.;
- 12) **metrological supervision** control exercised in respect of the manufacture, import, installation, use, maintenance and repair of measuring instruments, performed in order to check that they are used correctly as regards the observance of this Law and other regulations and it includes checking the correctness of quantities indicated on and contained in pre-packages;
- 13) **metrological expertise** includes all the operations for the purpose of examining and demonstrating, for e.g., to testify in a court of law, the condition of a measuring instrument and to determine its metrological properties, among others by reference to the relevant statutory requirements;
- 14) **conformity assessment of a measuring instrument** is testing and evaluating measuring instruments to ascertain whether or not a single instrument, an instrument lot or a production series of instruments are complied with all prescribed requirements applicable to this instrument type;
- 15) **type approval certificate** is a record or a document issued on a basis of previous examination of a measuring instrument type, confirming that the type of a measuring instrument

complies with the relevant metrological and technical requirements and is suitable for use in the regulated area in such a way that it is expected to provide reliable measurement results over a defined period of time;

16) *verification of a measuring instrument* is a procedure which includes the examination and marking and/or issuing of a verification certificate, that ascertains and confirms that the measuring instrument complies with the prescribed metrological requirements;

17) *pre-packaged products* are the products which have been packaged without the purchaser being present and where the quantity of the product contained in the package cannot be altered without the package either being opened or undergoing a modification.

II. ORGANIZATION OF METROLOGY ACTIVITIES

Performing of metrology activities

Article 6

Ministry in charge of metrology performs activities related to strategy of development of metrology, monitors and coordinates performance of activities in the field of metrology (hereinafter referred to as: the Ministry).

Technical and their related executive activities in the field of metrology shall be performed by the Directorate for measures and precious metals, an administrative authority responsible for metrology activities (hereinafter: the Directorate).

Activities of verifying measuring instruments are performed by economic operators and/or other legal persons that are in accordance with this Law authorized to perform such activities (hereinafter: Authorized bodies).

Activities of conformity assessment of measuring instruments are performed by economic operators and/or other legal persons that are in accordance with this Law designated to perform such activities (hereinafter referred to as: Designated bodies).

The Directorate

Article 7

Directorate shall in particular:

- 1) be responsible of the system of legal units of measurement in Republic of Serbia;
- 2) develop, realize, keep, proclaim, maintain and continuously improve measurement standards of Republic of Serbia;
- 3) provide metrological traceability;
- 4) conduct activities of metrological expertise;
- 5) conduct testing of pre-packaged products in order to check the fulfillment of metrological requirements;
- 6) represent Republic of Serbia in the international metrological organizations and establish collaboration in the field of metrology;
- 7) perform metrological supervision;
- 8) perform conformity assessment of measuring instruments;

- 9) make decision in administrative proceedings in the field of metrology;
- 10) take part in preparation of regulations in the field of metrology;
- 11) keep registers of measuring instruments that subject to legal control;
- 12) provide metrological information and publish Official Gazette;
- 13) perform activities of distribution of time;
- 14) conduct other activities in the field of metrology in accordance with the law.

Apart from activities referred to in paragraph 1 point 1 to 13 of this Article the Directorate shall perform the activities of verification of measuring instruments for whose verification there are no authorized bodies, in a manner which ensures impartiality of performing these activities.

Authorized bodies

Article 8

Economic operator and other legal persons can perform activities of verifying measuring instruments if they have Act on accreditation acquired in the accreditation procedure and if they fulfill prescribed conditions, especially regarding:

- 1) professional competencies of their employees and other contracted persons;
- 2) premises and working equipment;
- 3) scope of verification of measuring instruments;
- 4) independence and impartiality with respect to the persons related with the measuring instrument which is a subject of verification;
- 5) proceedings upon appeals related to work and issued decisions;
- 6) confidentiality, that is keeping of trade secrecy;
- 7) insurance against liability for damage.

Minister in charge of metrology (hereinafter referred to as: the Minister) shall issue a regulation laying down in detail conditions referred to in paragraph 1 of this Article.

Article 9

Minister shall issue a decision determining the fulfillment of conditions for performing verification activities referred to in Article 8 of this Law.

The issuance of the decision referred to in paragraph 1 of this Article shall consider that economic operator and/or other legal person fulfills prescribed conditions for verification of measuring instruments if the scope of activities of examining and testing of a measuring instrument is fully covered by the scope of activities referred to in the Act of accreditation, which has been acquired by that legal person in the accreditation procedure.

Economic operator and other legal person shall submit request for determining fulfillment of the conditions referred to in paragraph 1 of this Article to the Ministry.

Decision referred to in paragraph 1 of this Article is valid for three years.

Decision referred to in paragraph 1 of this Article is final and administrative dispute can be initiated against it.

Authorized body may submit a request for reissuing a decision referred to in paragraph 1 of this Article at least three months before the expiry of the issued decision.

If Ministry delivers no decision within 60 days from the day of submitting the request referred to in paragraph 6 of this Article and latest till the end of expiry period of the issued

decision, authorized body is allowed to continue performing verification activities on the basis of existing decision.

Provisions of the Law that regulates general administrative procedure are applied to the matters that have not been separately regulated by this Law but they refer to the procedure of issuing decisions on authorization, reissuing of authorization and/or cancellation of authorization.

The expenses of verification of instruments performed by authorized body are borne by applicant of the request in the amount specified in the price list determined by the authorized body and approved by the Government.

Activities of verification of measuring instruments performed by authorized body are entrusted activities.

Article 10

Authorized body is obliged to keep the records on following data:

- 1) name and address, that is trading style and seat of applicant of the request for verification of measuring instruments;
- 2) date of performed examination and verification of measuring instruments;
- 3) issued mark and/or verification certificate;

Authorized body is obliged to hold records referred to in paragraph 1 of this Article for at least three years.

Upon request of the Directorate, authorized body is obliged to deliver record data referred to in paragraph 1 of this Article to the Directorate.

The Minister shall issue a provision laying down in detail the content and the form of records referred to in paragraph 1 of this Article and the method of keeping the records.

Article 11

Authorized body is obliged to inform the Ministry, without delay, if prescribed requirements are no longer met or if any changes that could influence the fulfillment of prescribed requirements occur.

Authorized body may cease to perform activities of verification before the expiry date of the issued decision on verification, on which the Ministry is informed, considering obligation to perform activities of verification within a period which cannot be shorter than 90 days from the date of delivering notification to the Ministry.

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

The Minister shall issue a provision laying down the method of authorization, keeping of register of authorized bodies, as well as other matters relevant to the work of authorized bodies.

Metrology Council

Article 12

The Government shall set up a Metrology Council which shall operate as a consulting body in view of conferring expert opinion and participating in realization of project assignments from field of metrology.

Metrology Council assignments are to:

- 1) advise in identifying the metrology needs of the Republic of Serbia;
- 2) propose scientific and training activities in the field of metrology;
- 3) propose priorities in scientific and research-development projects in the field of metrology.

Metrology Council, upon a request of the Ministry, shall provide professional clarification, that is assessments regarding published metrological information of public interest.

Metrology Council comprises eminent experts from field of metrology, as well as the stakeholders for metrology.

Metrology Council consists of a Head and at least six members.

Metrology Council issues the Rules of Procedure.

Expert and administrative assignments for needs of Metrology Council are carried out by the Ministry.

III. LEGAL MEASUREMENT UNITS

Article 13

Legal measurement units in Republic of Serbia are:

- 1) units of the International System of Units (Système International d'Unités, SI);
- 2) measurement units that are not included in the International System of Units, but are allowed to use in the accordance with this Law.

Legal measurement units referred to in paragraph 1 point 2 of this Article as well as the manner of their use are regulated by the Government.

IV. MEASUREMENT STANDARDS

Standards of Republic of Serbia

Article 14

Measurement standard of Republic of Serbia National standard is a measurement standard recognized by a decision of the director of the Directorate to serve as the basis for assigning values to other measurement standards of quantity concerned (hereinafter referred to as: National standard).

The Directorate shall realize, maintain, keep, proclaim, develop and continuously improve national standards and ensure their traceability to the international level.

Decision referred to in paragraph 1 of this Article is issued under condition that standard presents a realization of the definition of a given quantity, with stated quantity value and

associated measurement uncertainty used as a reference and that it is traceable to international standards or national standards of other countries with proper metrological properties.

Exceptionally, the director of the Directorate may recognize the decision referred to in paragraph 1 of this Article for standard that is kept, maintained and whose metrological properties are improved by other government body, and/or other legal person that fulfills prescribed requirements, especially regarding:

- 1) professional competencies of their employees and other contracted persons;
- 2) premises and working equipment;
- 3) ensuring traceability to international standards or national standards of other countries.

National standards must be traceable to international standards or national standards of other countries with proper metrological properties.

The Minister shall issue a provision laying down the conditions for recognizing national standards for certain quantities referred to in paragraph 1 of this Article.

V. CONFORMITY ASSESSMENT OF MEASURING INSTRUMENTS WITH PRESCRIBED REQUIREMENTS

Article 15

Measuring instrument is placed on the market only, if it is conformed to prescribed requirements, if its conformity has been assessed according to a prescribed procedure, if it is marked in accordance with regulations and if it is accompanied by prescribed records of conformity and other prescribed documentation.

The Minister shall, for particular types of measuring instruments, prescribe in detail requirements, procedures of conformity assessment, records of conformity, marking and documentation referred to in paragraph 1 of this Article.

Should regulation referred to in paragraph 2 of this Article require conformity assessment to be performed by designated body, the regulation shall also lay down conditions that have to be fulfilled, especially regarding:

- 1) professional competencies of their employees and other contracted persons;
- 2) premises and working equipment;
- 3) independence and impartiality with respect to the persons related with the measuring instrument which is a subject of conformity assessment;
- 4) confidentiality, that is keeping of trade secrecy;
- 5) proceedings upon appeals related to work and issued decisions;
- 6) insurance against liability for damage.

Article 16

Minister shall issue a decision determining the fulfillment of conditions referred to in Article 15 of this Law.

Economic operator and other legal person shall submit request for determining fulfillment of the conditions referred to in paragraph 1 of this Article to the Ministry.

Decision referred to in paragraph 1 of this Article is final and administrative dispute can be initiated against it.

Decision referred to in paragraph 1 of this Article is valid for three years.

Designated body may submit a request for reissuing a decision referred to in paragraph 1 of this Article at least three months before the expiry of the issued decision.

If Ministry delivers no decision within 60 days from the day of submitting the request referred to in paragraph 6 of this Article and latest till the end of expiry period of the issued decision, designated body is allowed to continue performing activities of conformity assessment of measuring instruments on the basis of existing decision.

Provisions of the Law that regulates general administrative procedure are applied to the matters that have not been separately regulated by this Law but they refer to the procedure of issuing decisions on designation, reissuing of designation and/or cancellation of designation.

The Ministry shall keep the register of designated bodies as a public register.

The expenses of conformity assessment performed by designated body are borne by applicant of the request for conformity assessment in the amount specified in the price list determined by the designated body and approved by the Government.

The Minister shall issue a provision laying down the method of determining the fulfillment of conditions for designation, keeping of register of designated bodies for conformity assessment of instruments as well as notification of designated bodies for conformity assessment of instruments to the relevant international organization.

VI. LEGALLY CONTROLLED MEASURING INSTRUMENTS

Use

Article 17

Legally controlled measuring instruments (hereinafter: instruments) are used in the field of:

- 1) transaction of goods and services;
- 2) protection of health and general safety;
- 3) protection of environment;
- 4) control and safety of traffic;
- 5) testing of pre-packaged products and bottles as measuring containers.

The Minister shall issue a provision laying down in detail types of instruments referred to in paragraph 1 of this Article, as well as types of their periodic verification.

Article 18

Instrument is placed on the market or into use only if it fulfills requirements in accordance with this Law.

Results of measurement obtained from the use of instrument referred to in paragraph 1 of this Article must be traceable up to the national measurement standards or national measurement standards of other countries included in the Mutual Recognition Agreement and certificates of calibration and measurement issued by national metrological institutes (CIPM MRA) or up to the international measurement standards.

Measuring instruments are used in accordance with their purpose.

The following principles are applied for prescription of metrological requirements:

- 1) to apply metrological requirements from compatible international and European organizations and institutions;
- 2) to contain time limit for mandatory periodic calibration of standards used for verification of instruments and for certain metrological requirements for those standards when that is necessary;
- 3) not to impose unnecessary barriers to trade;
- 4) to apply same procedures on measuring instruments of country with which compatible international agreement has been signed as on measuring instruments of domestic origin or measuring instruments originating from any other country.

Metrological requirements and method of determining the realization of metrological requirements for instruments, as well as methods of measurement are prescribed by the Minister.

Obligations of persons using legally controlled measuring instruments

Article 19

Persons using measuring instruments are responsible for:

- 1) setting up and using instrument in a manner that ensures prescribed accuracy of measurement and accuracy of measurement results;
- 2) maintaining instrument in technical condition that ensures accuracy of measurement;
- 3) submitting to verification of a instrument in accordance with this Law and regulations adopted on the basis of this Law;
- 4) keeping the records of maintenance and verification of legal instruments in use, in accordance with the regulations.

Persons referred to in paragraph 1 of this Article, as well as an owner of an instrument are obliged to mark an instrument whose validity has expired with a sign of its cancellation of use within a visible area.

VII. TYPE APPROVAL AND VERIFICATION OF A MEASURING INSTRUMENT

Type approval

Article 20

Type approval certificate is issued by the designated body and/or the Directorate, upon a request of domestic manufacturer, authorized importer and/or authorized dealer of foreign manufacturer of measuring instrument.

Certificate referred to in paragraph 1 of this Article that ascertains and confirms that the measuring instrument complies with prescribed technical and metrological requirements is issued after conducted testing procedure of type of a measuring instrument.

If it is determined, after conducted examination procedure of measuring type, that the type of a measuring instrument is not in compliance with prescribed technical and metrological requirements, a decision rejecting type approval of the measuring instrument shall be passed.

Activities referred to in paragraph 1 of this Article performed by designated body are entrusted activities.

Designated body is obliged to notify the Directorate on issued type approval certificates, on amendments regarding already issued certificates as well as on withdrawal of certificates.

The certificate referred to in paragraph 1 of this Article is published in the Official Gazette of the Directorate, including notification on withdrawal of certificate.

An appeal against the decision referred to in paragraphs 2 and 3 of this Article may be lodged with the Ministry within a period of 15 days.

Provisions of the Law that regulates general administrative procedure are applied to the method of examining measuring type, unless regulated differently by this Law.

The Minister shall issue a provision laying down, for particular types of measuring instruments, a method of examining of a measuring instrument type.

Verification of a measuring instrument

Article 21

Verification of a measuring instrument includes the examination and marking and/or issuing of a verification certificate.

Verification of a measuring instrument is conducted by authorized body, and/or the Directorate after examination procedure of a measuring instrument which ascertains and confirms that the instrument is in accordance with the approved type and prescribed metrological requirements.

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

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

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

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

Provisions of the Law that regulates general administrative procedure are applied to the matters that have not been separately regulated by this Law but they refer to the verification of measuring instruments, issuing decisions on authorization, issuing type approval certificates.

The Minister shall issue a provision laying down in detail, for particular types of measuring instruments, method and conditions for verification, as well as manner and time limit of preserving necessary documentation.

Initial verification of a measuring instrument

Article 22

Initial verification includes verification of new measuring instruments and instruments which have not been verified previously.

Domestic manufacturer, authorized importer and/or authorized dealer, natural or legal person shall subject its measuring instrument to initial verification.

Regular verification of a measuring instrument

Article 23

Measuring instruments in use are 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 is a responsibility of authorized persons for distribution of water and/or authorized persons for measurement of electrical and thermal energy and natural gas, in accordance with the provisions regulating the field of Energy.

Regular verification of weight measuring instruments on markets is a responsibility of market administration office which rents space for sale.

Extraordinary verification of a measuring instrument

Article 24

Measuring instruments, which have been withdrawn from use due to malfunction or other technical deficiencies and which have been repaired, measuring instruments which have been repaired and measuring instruments for which regular verification has not been performed in prescribed period of time, shall be subjected to extraordinary verification.

The person who has repaired or re-modelled a measuring instrument referred to in paragraph 1 of this Article shall ensure its extraordinary verification.

Marks

Article 25

Marks used in verification of a measuring instrument in Republic of Serbia are national marks.

Minister in charge shall prescribe the types, formats and method of affixing national marks in verification of measuring instruments, as well as the content and format of certificates of verification of a measuring instrument and certificates of type approval.

Obliteration of a verification mark and verification certificate

Article 26

Measuring instrument mark, verification certificate shall lose its validity, if:

- 1) its validity has expired;
- 2) a measuring instrument has been altered in a way which influences its metrological properties;
- 3) a measuring instrument is damaged in such a way that it may lose some properties essential for its verification;
- 4) mark is obliterated, removed, altered or damaged;
- 5) the characteristics of an instrument has been altered by changing its place of installation.

A measuring instrument whose mark, that is, verification certificate has lost validity shall not be used.

Standards and reference materials

Article 27

Calibrated working standards and certified reference materials must be used for verification of measuring instruments.

Extraordinary examination of a measuring instrument in use

Article 28

Where any doubt arises in accuracy of a measuring instrument, an interested party can make a request from authorized body, and/or the Directorate, to perform an extraordinary examination of a measuring instrument and to issue a report on examination.

The expenses of extraordinary examination of a measuring instrument shall be borne by the applicants, if verified measuring instrument with valid mark complies with prescribed metrological requirements.

The expenses of extraordinary examination of a measuring instrument shall be borne by a person responsible for regular verification, if a measuring instrument does not comply with prescribed metrological requirements.

The minister in charge shall issue a regulation whereby he shall lay down the method of extraordinary examination of a measuring instrument, content and time limit of keeping examination reports on measuring instruments.

VIII. PRE-PACKAGED PRODUCTS

Article 29

Pre-packaged products shall only be allowed to be placed on the market or stored with the intention of placing on the market when their nominal quantity is accurately, clearly and unambiguously indicated, and when their actual quantity lies within the permitted tolerance of indicated nominal quantity.

The provisions of this Law shall not apply to pre-packaged products being labelled as free samples which are used, as a part of their service, by airplanes, ships and trains.

The Minister shall issue a provision whereby he shall lay down procedure of examining pre-packaged products in order to check the fulfillment of metrological requirements, requirements for equipment used in 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 of actual quantities from indicated ones and a list of nominal quantities of pre-packaged products.

Conformity mark of quantities of pre-packaged products with metrological requirements

Article 30

The manufacturer may place a conformity mark of quantity of a pre-packaged product with metrological requirements only after a prescribed documentation of conformity of quantity of a pre-packaged product with prescribed metrological requirements is conducted.

Minister in charge shall prescribe the size and format of mark of conformity of a pre-packaged product quantity, method of installing, as well as the method of documenting conformity of a pre-packaged product quantity with metrological requirements.

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

Article 31

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

Standard volume and measuring bottle

Article 30

Standard volume, which in context of this Law, is used for testing pre-packaged products, must have such metrological properties that it can be used as volume measuring instrument which fulfills prescribed metrological requirements.

Measuring bottle must be labelled with prescribed signs and notices.

The Minister shall prescribe metrological requirements for measuring bottles, permitted volume tolerance, as well as signs and notices on bottles as measuring containers.

IX. VALIDITY OF DOCUMENTS AND MARKS OF CONFORMITY OF FOREIGN ORIGIN

Article 33

Certificates on type approval of the measuring instruments and verification of the measuring instruments, that is, marks used for verification of measuring instruments and marks of conformity issued abroad shall be valid in Republic of Serbia if they have been issued in accordance with the international agreement concluded by Republic of Serbia.

The Minister has the right to recognize certificates on type approval, verification certificate and/or marks and other signs of conformity of foreign origin, provided that these documents have been issued in accordance with conditions regulated by Republic of Serbia.

Manner of determining fulfillment of the conditions referred to in paragraph 2 of this Article is regulated by an act prescribed by the Minister.

X. FUNDING AND FEES

Sources of funding

Article 34

The Directorate is funded from:

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

Fees

Article 35

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

The amount of benefits referred to in paragraph 1 of this Article is same for both domestic and foreign persons.

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

Fees referred to in paragraph 1 of this Article are paid into the appropriate account of public revenue budget of Republic of Serbia.

XI. SUPERVISION

Supervision of implementation of the Law

Article 36

Supervision of implementation and application of this Law and other regulations in the field of metrology, as well as supervision of professional work of authorized and designated bodies shall be performed by the Ministry.

Metrological supervision

Article 37

Metrological supervision is a monitoring of manufacture, traffic, import, installation, use, maintenance and repair of instruments, performed in order to check whether those instruments fulfill prescribed requirements, that is, whether they are used in accordance with this Law and other regulations in field of metrology, including the checking the accuracy of quantities indicated on and contained in pre-packaged products.

Supervision referred to in paragraph 1 of this Article also includes supervision of instruments and pre-packaged products placed on the market and supervision of instruments in use.

Metrological supervision and supervision of use of legal measurement units in the context of this Law are performed by the Directorate through bodies authorized for performing metrological supervision.

Article 38

Authorized body performing metrological supervision must possess an official identification card.

Content and format of an official identification card, as well as the method of keeping the register of issued official identification cards referred to in paragraph 1 of this Article shall be prescribed by the Minister.

Article 39

While performing metrological supervision, person authorized to perform metrological supervision is entitled and obligated to evaluate:

- 1) whether manufacturer of measuring instrument performs prescribed procedure of conformity assessment of measuring instruments;
- 2) whether measuring instrument placed on the market is in compliance with prescribed requirements;
- 3) whether conformity of measuring instrument with prescribed requirements is assessed in accordance with prescribed procedure and whether measuring instrument is marked in accordance with the provisions;
- 4) whether measuring instrument is accompanied by prescribed document of conformity and other prescribed documentation;

- 5) whether measuring instrument in use fulfils requirements prescribed by this Law or by the regulations issued on the basis of this Law;
- 6) whether person using measuring instrument is placing and using that measuring instrument in a manner that ensures prescribed accuracy of measurement;
- 7) whether person using measuring instrument is maintaining that instrument in technical condition that ensures accuracy of measurement and whether the records on its maintenance and verification are kept;
- 8) whether initial, regular or extraordinary verification of measuring instrument is ensured;
- 9) whether mark and/or verification certificate on measuring instrument measuring has expired;
- 10) whether measuring instrument that has been repaired or re-modelled has been submitted to extraordinary verification;
- 11) whether nominal quantity of pre-packaged product placed on the market is indicated precisely, visibly, unambiguously;
- 12) whether the actual quantity of pre-packaged products is within permitted deviation from the indicated nominal quantity;
- 13) whether pre-packaged products bear a sign of conformity according to the prescribed manner;
- 14) whether measuring bottle placed on the market meets prescribed metrological requirements and bears prescribed signs and notices;
- 15) whether legal units of measurement prescribed by this Law or regulations issued on the basis of this Law are used;

Article 40

Supervision of measuring instruments and pre-packaged products placed on the market, is performed by the Directorate.

Should it be established that, while performing supervision referred to in paragraph 1 of this Article, a measuring instrument and/or pre-packaged product do not fulfill prescribed conditions, an authorized person for performing metrological supervision shall order the remedy of established irregularities and deficiencies within a specified term and temporarily ban the placement on the market of measuring instruments and/or pre-packaged products until the established non-conformities are eliminated.

If established non-conformities referred to in paragraph 2 of this Article are not eliminated within a certain period of time, authorized person for performing metrological supervision shall issue a decision instructing the withdrawal of the measuring and/or pre-packaged product from the market.

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

The appeal shall not restrain the execution of the decision.

Article 41

Supervision of instruments in use is performed by the Directorate.

Should it be established that, while performing supervision referred to in paragraph 1 of this Article, a measuring instrument in use does not fulfill conditions prescribed by this Law or regulations relevant to the field of metrology, an authorized person for performing metrological supervision shall order the remedy of established irregularities and deficiencies within a specified term and temporarily ban the use of measuring instruments until the established non-conformities are eliminated.

If established non-conformities referred to in paragraph 2 of this Article are not eliminated within a certain period of time, an authorized person for performing metrological supervision shall issue a decision banning the use of the measuring instrument.

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

The appeal shall not restrain the execution of the decision.

Article 42

Supervision of professional work of authorized and designated bodies is performed by the Directorate through authorized persons for performing metrological supervision.

Article 43

While performing supervision over expert work of authorized and designated bodies, person authorized to perform metrological supervision is entitled and obligated to evaluate:

- 1) whether designated and/or authorized body ceases to meet the prescribed requirements;
- 2) whether designated and/or authorized body has informed the Ministry about changes that could affect the fulfilment of prescribed conditions;
- 3) whether authorized body while performing verification of measuring instruments performs examination of measuring instruments according to the prescribed manner and procedure of examination of instruments;
- 4) whether authorized body performs verification of measuring instruments in accordance with prescribed conditions;
- 5) whether authorized body for examination of measuring instruments that are being verified uses calibrated working standards and/or certified reference materials;
- 6) whether authorized body keeps documentation on prescribed manner and within prescribed terms;
- 7) whether designated body performs conformity assessment according to the prescribed procedure;
- 8) whether designated body after performed procedure of conformity assessment has issued prescribed document of conformity;
- 9) whether designated keeps documentation on prescribed manner and within prescribed term;

Article 44

Should a person authorized to perform metrological supervision find out that authorized body and/or designated body does not perform its work in accordance with the regulations, he/she shall order an elimination of established irregularities and deficiencies, imposing the period within they must be regulated.

If authorized body and/or designated body does not eliminate established irregularities within a certain period of time referred to in paragraph 1 of this Article, the Directorate shall make a request to the Ministry to repeal the decision on authorization and/or designation.

If minister repeals the decision on authorization and/or designation, the authorized body and/or designated body shall be deleted from the register of authorized and/or designated bodies.

Decision referred to paragraph 3 of this Article is final and administrative dispute can be initiated against it.

Article 45

The manner of performing metrological supervision and supervision of use of legal units of measurement is regulated by the Government.

Article 46

Relevant Custom authority shall collaborate with other relevant authorities regarding control of measuring instruments imported on the market of Republic of Serbia, by exchanging information.

XII. PENALTY PROVISIONS

Article 47

A fine of 500 to 50.000 RSD shall be imposed on natural person, a fine of 5000 to 500000 RSD shall be imposed on entrepreneur and a fine of 10.000 to 1.000.000 RSD shall be imposed on legal person for having committed an offence related to performance of activities, namely:

1) for using, legal units of measurement which are not prescribed by this Law or by the regulations issued on the basis hereof (Article 13);

2) for placing on the market measuring instrument which does not comply with prescribed requirements, whose conformity is not assessed according to the prescribed procedure, which is not marked in accordance with the regulations and which is not accompanied by proper documents of conformity and other prescribed documentation (Article 15);

3) for placing on the market or putting into use measuring instrument: which do not fulfill requirements of this Law, metrological or technical requirements prescribed in accordance with this Law (Article 18);

4) if measuring instruments are not used on prescribed manner which ensures accuracy of measurement and if measuring instrument is not kept in technical condition which ensures accuracy of measurement, and if records on its maintenance and verification is not kept (Article 19);

5) if initial, regular or extraordinary verification of measuring instrument is not ensured (Articles 22, 23 and 24);

6) for using a measuring instrument whose mark and/or verification certificate has expired (Article 26);

7) for placing on the market or storing with the intention of placing on the market pre packaged goods whose nominal quantity is not indicated precisely, visibly, unambiguously, or for placing on the market pre-packed product which does not contain the actual quantity within permitted deviation from the indicated nominal quantity (Article 29);

8) for placing on the market or storing with the intention of placing on the market pre-packaged products that do not bear sign of conformity according to the prescribed manner (Article 30);

9) for placing on the market measuring bottle which does not meet prescribed metrological requirements and does not bear prescribed signs and notices (Article 32).

A fine of 500 to 50.000 RSD shall be imposed on the responsible person of the legal person who has committed an offence referred to in paragraph 1 of this Article.

XIII. TRANSITIONAL AND FINAL PROVISIONS

Article 48

The bylaws prescribed by this Law shall be issued within two years after the effective date hereof.

Until the issue of the bylaws prescribed by this Law, regulations issued on the basis of the Law on Metrology („Official Gazette of S&M”, No. 44/05) shall remain effective if not in collision with this Law.

Article 49

Certificates of type approval, verification of a measuring instrument and marks issued before the effective date of this Law shall remain in force until the specified term they were issued for.

Decisions on fulfillment of requirements for examination of measuring instruments that have been issued to legal persons before the effective date of the Law on Metrology („Official Gazette of S&M”, No. 44/05) are valid for no longer than a year after the effective date hereof, under condition that those persons have submitted application for accreditation to the Accreditation Board of Serbia and application for determining the fulfillment of requirements prescribed by this Law to the Ministry.

Article 50

On the effective date of this Law, the Law on Metrology („Official Gazette of S&M”, No. 44/05) shall cease to apply.

Article 51

This Law shall become effective on the eighth day after its publication in the „Official Gazette of the Republic of Serbia”.