HOUSE OF REPRESENTATIVES OF THE CROATIAN PARLIAMENT

1068

On the basis of Article 89 of the Constitution of the Republic of Croatia I have made a

DECISION

TO PROMULGATE THE STANDARDIZATION ACT

I hereby promulgate the Standardization Act passed by the House of Representatives of the Croatian Parliament at its session held on 28 June, 1996.

Number: 01-96-1252/1
Zagreb, 2 July, 1996

President of the Republic of Croatia
Franjo Tuđman, Ph.D.

STANDARDIZATION ACT

1. GENERAL PROVISIONS

Article 1

(1) This Act regulates the system of standardization; essential requirements for products, processes and services; the system of conformity assessment; the documents required for products in circulation; adoption of regulations for the implementation of this Act; as well as the supervision of its implementation.

(2) The systems, essential requirements, regulations and standards specified in Item 1 of this Article shall be adopted and issued to ensure:

1. The development of the Croatian market, removal of technical barriers in the trade and services turnover with foreign countries, and an unimpeded participation of the republic of Croatia in the international economic flows;
2. The protection of the life and health of people, protection of the environment, as well as other objects both natural and man-made;
3. Protection of product and service users,
4. Setting up norms and standards for products, processes and services and reasonable utilization of natural goods and energy,
5. Data processing as well as quick, accurate and easily comprehensible notification and data transmission.

Article 2

(1) The standardization system in the sense of this Act means the preparation, issuing, publishing, and implementation of standards in the Republic of Croatia.

(2) A standard is a document indicating the general and multiple-use rules, instructions and characteristics of products, services and related processes for the purpose of achieving the highest level of regulation, unless otherwise stipulated by this Act.

Article 3

In the sense of this Act:
1. Products are raw materials, semi-products, parts, assemblies, finished industrial and hand-made products, agricultural and food products, soft and alcoholic drinks, natural substances, spices, seeds and planting material of agricultural and forest plants, buildings, plants, apparatus, equipment, and other means of production.
2. Services are activities carried out by legal and natural persons within the scope of their service delivery.
3. Processes are a set of interrelated means and actions used in the course of assembly, technical protection, repairs, reworks, and technical inspections as well as in industry, power supply, building construction, mining, agriculture, transportation, communications and telecommunications: processes are likewise a set of interrelated

means and actions carried out to protect the life and health of people, to protect the environment, and to reasonably use natural resources and energy.

4. Supplier is a legal or natural person in the Republic of Croatia responsible for the product, process or service. Suppliers can be: manufacturers, distributors, importers, representatives or appointed agents of foreign firms, contractors, service providers, and accredited representatives of manufacturers in the Republic of Croatia.

Article 4

(1) Essential requirements are the requirements which a product, process or service has to satisfy in order to ensure the protection of life and health of people, protection of the environment and the protection of users.

(2) Compliance with the essential requirements specified in Point 1 of this Article is mandatory.

Article 5

(1) The conformity assessment system is introduced in order to determine the conformity of products, processes and services with essential requirements. It includes testing, certification, supplier's declaration of conformity, technical inspection, as well as the accreditation of laboratories and legal persons for performing certification and accreditation of legal persons for performing technical inspection.

(2) Director General of the State Standardization and Measuring Institute (hereinafter: Director General of the Institute) prescribes the general requirements which have to be met by the legal persons and laboratories given the accreditation for performing activities specified in Point 1 of this article.

(3) The State Standardization and Measuring Institute (hereinafter: the Institute) performs the tasks of the national accreditation service. Its Director General by his decision determines which legal persons and laboratories fulfill the prescribed requirements, unless otherwise stipulated by another Act.

(4) No complaint is allowed against the decision of the Institute's Director General mentioned in Point 3 of this Article. However, an administrative dispute can be started against this decision.

(5) The requirements contained in the regulations from point 2 of this Article shall be in conformity with the requirements contained in the corresponding Croatian standards.

Article 6

(1) The National Accreditation Council (hereinafter: the Council) shall be founded for the purpose of coordination of activities in the development of the accreditation system and for planning and programming in the field of accreditation.

(2) The Council shall have the following tasks:
.Evaluation of the state of accreditation in the Republic of Croatia
.Discussion of the accreditation issues important for the economic development of the Republic of Croatia
Considering and, if needed, suggesting to the Director General of the Institute measures necessary for the development and improvement of accreditation.

(3) The Council shall have fifteen members appointed for a period of four years by the Government of the Republic of Croatia and upon proposal by the Director General of the Institute.

(4) The manner of work of the Council shall be determined by the Rules of Procedure.

(5) The Institute shall perform professional and technical jobs for the Council.

Article 7

(1) This Act defines the products which must have appropriate documents, technical instructions or instructions for use, and a written guarantee. It also prescribes the markings, data specification, declaration and the manner of packaging.

(2) Documents, technical instructions, instructions for use, written guarantees and declarations from Point 1 of this Article must be written in the Croatian language and in the Latin script.

Article 8

(1) The provisions of this Act and of the regulations passed on the basis of this Act apply to domestic products, processes and services as well as to imported products and products taken under lease from abroad in order to be used in the Republic of Croatia.

(2) The provisions of this Act and of the regulations passed on the basis of this Act which refer to the written guarantee, servicing, provision of spare parts and certification do not apply to the goods of customs origin or to products of unprofessional make as well as to products which are imported individually upon request and for the use of natural persons, unless otherwise stipulated by a regulation passed on the basis of this Act, another law, or regulations passed on the basis of that other law.

II - STANDARDS

Article 9

(1) The Croatian standards are adopted, issued and published by the Institute.

(2) The designation of the Croatian standard is HRN.

(3) The Croatian standards can be adopted by accepting international standards, European standards, or standards issued by the standardization institutions of other states.

(4) The Croatian military standards marked "HRVN" are issued by the Institute, but with previous approval by the Minister of Defense.

(5) The Minister of Defense determines and prescribes regulations related to the manner of issuing and publishing of the Croatian military standards, on the content, conditions and manner of implementation of the Croatian military standards, as well as on the procedure for determining conformity and performing supervision in the production process of the military armament and equipment.

(6) The regulation based on this Act determines the manner of adoption, issuing and publishing of the Croatian standards.

(7) The application of the Croatian standards is not mandatory.

(8) The Croatian standards can be determined as mandatory by a regulation derived from this or another law.

(9) If the sub-legal normative documents proposed by other bodies of state administration refer or are related to the Croatian standards, they can be adopted only if the opinion of the Director General of the Institute has been previously obtained.

(10) The regulation referred to in Point 6 of this Article is passed by the Director General of the Institute.

(11) The regulation specified in Point 8 of this Article is passed by the Director General of the Institute unless otherwise prescribed by another law or the regulation derived from that law.

Article 10

(1) Technical committees shall be formed for the preparation of drafts of the Croatian standards.

(2) Technical committees are professional working bodies of the Director General of the Institute, and their members are renowned experts proposed for the office by legal entities from economic, competent bodies of state administration, chambers of commerce, various interested institutions and other legal persons.

(3) The Director General of the Institute determines the manner of establishment and work of the technical committees by a regulation based on this Act.

Article 11

The Institute issues the Croatian standards according to the annual and long-term standardization programs brought by the Director General of the Institute and according to the needs of the Croatian economic and social spheres.

Article 12

(1) Croatian standards are issued as separate publications of the Institute.

(2) The information about the issued Croatian standards is made public in the Institute's official bulletin.

(3) When necessary, the Croatian military standards are issued and published by the Ministry of Defense.

(4) The Director General of the Institute determines the price of the special publication from Point 1 of this Article.

(5) It is forbidden to reproduce and distribute the Croatia standards or parts thereof intended for the market without the consent of the Director General of the Institute.

III - CONFORMITY ASSESSMENT SYSTEM

Article 13

(1) The Conformity assessment system is established in order to determine conformity with the essential requirements for products, processes and services; this system contains regulations which on one hand determine the characteristics which have an

essential influence on the life, safety and health of people, on the environment, and on the protection of users, and which ensure its implementation on the other.

(2) The Director General of the Institute determines the regulations from Point 1 of this Article unless otherwise stipulated by another law or the regulation deriving from that law.

1- CERTIFICATION

Article 14

(1) Certification is a procedure by which conformity with the prescribed requirements is certified. In the sense of this Act it includes certification of products, processes and services, assessment and certification of the supplier's quality system, and the assessment of the qualification or competence of persons performing activities related to the testing, certification and assessment of the supplier's quality system.

(2) Certification of conformity of the road vehicles, tractors, machinery for agriculture and forestry, and the parts thereof with the requirements of the regulation on mandatory approval based on this Act and on the regulations which represent a constituent part of international agreements binding for the Republic of Croatia is called approval.

1. Certification of Products, Processes and Services

Article 15

Certification of products is carried out by:

1. Confirming conformity of the product with regulations
2. Confirming conformity of the product with the requirements stemming from international agreements binding for the Republic of Croatia and with the documents and markings foreseen in those international agreements.

Article 16

(1) Certification of a product in the sense of this Act is performed by an accredited legal person who satisfies the prescribed requirements or the Institute.

(2) The Institute can entrust laboratories, test stations and other professional institutions which do not have the character of a legal person with the testing of certain products or certain types of product testing for which the Institute issues conformity certificates and carries out technical and administrative work providing they satisfy other requirements stated in Articles 24 and 25 of this Act.

(3) If the Institute provides product certification, testing within the framework of the certification procedure can be performed on the manufacturer's premises, providing supervision of this testing is carried out by an accredited professional or by a professional commission of the Institute.

Article 17

(1) For the products which have to be certified, there are regulations for the manner of assessment of product conformity with the essential requirements, standards if they are applied in the certification of these products, and the special requirements for certification of certain products.

(2) The Director General of the Institute determines the regulations described in Point 1 of this Article, unless otherwise stipulated by another law or a regulation deriving from that law.

Article 18

The supplier is obliged to provide a certificate of conformity for products which are subject to certification according to the provisions of this Act before putting these products in circulation or while keeping them prepared for putting them in circulation in the Republic of Croatia.

Article 19

(1) A certificate of conformity is a document by which it is confirmed on the basis of the test report by an accredited laboratory and the performed procedure that the product conforms with the regulations or the international agreements binding for the Republic of Croatia.

(2) A certificate of conformity is issued by an accredited legal person or by the Institute.

(3) The form and content of the certificate of conformity is determined by the Director General of the Institute.

(4) The certified products are marked with conformity markings (certification mark, harmonization mark, etc.) which designate that the product has been tested in a prescribed way and that it is in conformity with the regulations and/or stipulations of international agreements binding for the Republic of Croatia.

(5) The Director General of the Institute prescribes the appearance and use of the marks of conformity.

Article 20

The products for which the certificate of conformity has been issued shall not undergo any changes in materials or structure, or any other changes which could influence the change of characteristics and properties on the basis of which such a certificate of conformity was issued.

2. Certifying the Supplier's quality system

Article 21

(1) Certification of the supplier's quality system in the sense of this Act implies a procedure in which it is determined that the supplier's quality system is in conformity with the requirements contained in the corresponding standards for quality systems.

(2) The supplier's quality system is assessed and certified by an accredited legal person.

(3) The accredited legal person issues a certificate of conformity for the quality system for which this legal person has determined satisfies the requirements given in Point 1 of this Article and keeps records of such certificates.

3. Assessment of qualification/competence of persons

Article 22

(1)The evaluation of competence of the persons carrying out activities related to the testing, certification and assessment of quality systems is a procedure determining competence of such persons for a professional performance of certain tasks in compliance with the requirements contained in the corresponding standards.

(2) The competence of persons from Point 1 of this Article is assessed by an accredited legal person.

(3) The accredited legal person from Point 2 of this Article issues a certificate of competence to the person for which it was determined satisfied the requirements contained in Point 1 of this Article.

2. TESTING

Article 23

(1) In the context of this Act testing is a technical activity comprising the determination of one or more characteristics of a specific product, process or service in compliance with the prescribed and other determined procedures and with the utilization of certain testing methods.

(2) Test results and other data relevant to this testing are determined and presented in the test report.

(3) The method of testing in the sense of this Act means the carrying out of certain activities to perform testing.

(4) The Director General of the Institute prescribes the procedures and methods of testing, unless otherwise prescribed by another law or a regulation deriving from that law.

3. ACCREDITATION OF LABORATORIES

Article 24

Accreditation of laboratories is a procedure for determining the capability and equipment of a laboratory for carrying out specific tests under the conditions and in the manner prescribed for the work of laboratories and for the methods of testing products as well as in accordance with the regulations of international testing systems and standards applied in these systems providing they are adopted in the republic of Croatia.

Article 25

(1) A laboratory in the sense of this Act is a legal entity or a part thereof or a natural person engaged in independent trade which performs testing within the certification procedure as determined by this Act.

(2) The accredited laboratory is the laboratory for which it is determined, after the completed accreditation procedure, fulfills the prescribed conditions for performing specific tests.

Article 26

(1) The Institute supervises the accredited legal persons specified in Article 16 Point 1, Article 21 Point 2, and Article 22 Point 2 and accredited laboratories specified in Article 25 of this Act with regard to the fulfillment of the prescribed conditions for performing activities for which these legal persons and laboratories were accredited; it gives them instructions for carrying out these activities and keeps evidence of their work.

Article 27

(1) Accredited legal persons and accredited laboratories are obliged to allow the Institute to perform unobstructed supervision as defined in Article 26 of this Act.

(2) If in the course of supervision the Institute determines that the accredited legal person or the accredited laboratory do not meet some of the prescribed requirements, it will identify the non-conformities and define the term by which the identified non-conformities should be removed, that is the term by which the prescribed requirements should be met.

(3) Should the accredited legal person or accredited laboratory fail to act according to the provision contained in Point 2 of this Article, or should the Institute, in performing supervision, determine that the accredited legal person or laboratory does not perform the tasks for which it was accredited in compliance with this Act and the regulations deriving from it, it will bring a decision to withdraw the given accreditation from that legal person or laboratory and to remove it from the register.

(4) If the accredited legal person from Article 22 Point 2 of this Act in performing supervision determines that the person to which a certificate of competence defined in Article 22 Point 3 of this Act has been issued does not satisfy the conditions set in Article 22 point 1 of this Act, it will bring a decision to annul the issued certificate of competence and erase this person from the register.

(5) The person specified in Article 22 Point 1 of this Act can file a complaint against the decision specified in Point 4 of this Article within fifteen days from the receipt of the said decision.

Article 28

(1) The legal or natural person manufacturing, importing or putting in circulation the certified products is due to allow the accredited legal person or the Institute to perform an unhindered supervision of products subject to certification.

(2) If it is determined through supervision that the product does not comply with the prescribed conditions, the accredited legal person or the Institute determines in a decision in what respect and to what extent the product does not satisfy the required technical conditions and sets the deadline within which these defects should be removed.

(3) If the legal or natural person mentioned in Point 1 of this Article fails to act in compliance with the decision mentioned in Point 2 of this Article, the accredited legal person or the Institute will bring a decision to nullify the certificate of conformity for that product.

(4) The legal or natural person mentioned in point 1 of this article is obliged to allow the accredited legal person or the Institute an unobstructed supervision of the manufacturing of these products if it is foreseen by a regulation passed on the basis of this Act.

(5) The provisions of Points 1, 2 and 3 of this Article are applied in a corresponding way during the production supervision stipulated in Point 4 of this Article.

Article 29

The register of legal persons and laboratories accredited for certification as well as the list of legal persons and laboratories from whom this accreditation has been withdrawn are published in "Narodne Novine", the Croatian official gazette.

Article 30

(1) It is not allowed to use the certificate of conformity and to mark products with conformity marks if they are contrary to the provisions of this Act and regulations deriving from this Act.

(2) Provisions of this Act referring to the certification of products are applied in a corresponding way for the certification of processes and services.

Article 31

(1) The costs of procedures specified in Articles 16, 18, 21 and 24 of this Act shall be borne by the applicant.

(2) The costs in Point 1 of this Article refer to the costs of product testing and certification and performing actions in the process thereof.

(3) The amount of remuneration mentioned in Point 1 of this article is determined by the Director General of the Institute on the basis of the previously obtained opinion of the Minister of Finance.

4. SUPPLIER'S DECLARATION OF CONFORMITY

Article 32

(1) The declaration of conformity is a written guarantee by the supplier issued at his own responsibility, stating that a product, process or service complies with certain regulations and/or standards.

(2) The regulation derived from this Act determines the conditions under which the supplier can issue the declaration of conformity.

(3) The supplier can issue the declaration of conformity in the sense of Point 2 of this article if he can provide proof that the prescribed criteria have been fulfilled.

5. RECOGNITION OF DOCUMENTS ON CONFORMITY ISSUED ABROAD

Article 33

(1) The certificate of conformity, the report on the testing of products and other corresponding documents issued abroad and which form a basis for obtaining the certificate of conformity are recognized in the Republic of Croatia:

1. If these documents have been issued on the basis of international and bilateral agreements concluded or accessed by the Republic of Croatia,
2. If these documents have been issued within the international systems of accreditation, certification, recognition of test results or other international systems, providing that the Institute or the accredited legal person are members of these systems,
3. If the test report was issued by a laboratory abroad which fulfills the conditions prescribed for such laboratories in the Republic of Croatia.

(2) Documents listed in Point 1 of this Article are recognized by the Institute.

(3) Recognition of documents from Point 1 of this Article does not exclude the checking of conformity and the testing of products in the republic of Croatia.

6. TECHNICAL INSPECTION

Article 34

Subject to the technical inspection in manufacture, trading and use in compliance with the provisions of this Act and the regulations deriving from it are plants, apparatus, equipment, and other means of work in buildings and rooms threatened by explosive or volatile mixtures of gases, vapors and dust which can cause great material damage, and be threatening to the life and health of people, to the environment, and to other objects both natural and man-made, as well as the materials, parts and assemblies needed for their fabrication (hereinafter: special equipment).

Article 35

(1) The tasks of technical inspection in the production and use of plants, devices, equipment and other means of production in buildings and rooms threatened by explosive and volatile mixtures of gases, vapors and dust and by other hazards which can cause great material damage, represent a threat to the life and health of people, to the environment, and other objects both natural and man-made, inspection of materials, parts and assemblies for their fabrication, as well as the certification of such products and devices, are performed by a public institution established by the interested legal entities and obliged to fulfill the prescribed requirements.

(2) The Government of the Republic of Croatia can be the founder of the institution specified in Point 1 of this Article on behalf of the Republic of Croatia.
In performing technical inspection and certification, the institution as defined in Item 1 of this Article is obliged:
. To assess testing and provide certificates for electrical devices and products intended for operation in a hazardous environment,
. To carry out technical inspection of production and use of products intended for operation in areas threatened by explosive and hazardous environments,
. To give expert advice on the implementation of regulations regarding certification of devices and products intended for operation in rooms threatened with dangerous conditions

(3) The Institute supervises the work of the institution specified in point 1 of this Article.

Article 36

(1) Provisions on technical inspection specifically determine and refer to: the special equipment which is subject to technical inspection; types, content, procedure and manner of performing technical inspection or certain activities within technical inspection; the scope of technical inspection depending on the type of special equipment and the conditions in which it is used; terms within which certain activities of technical inspection are performed; the keeping and completion of minutes about the

performed technical inspection; the data which the minutes must contain; and the supplier's obligation to provide reports about the special equipment.

(2) By the provisions of Point 1 of this Article it is possible to determine the manner of keeping records and of performing professional and technical activities related to technical inspection

(3) The Director General of the Institute in agreement with the Minister in charge of the area for which technical inspection is prescribed, determines provisions mentioned in Point 1 of this article.

Article 37

(1) Provisions of Articles 26 and 27 of this Act apply in an adequate manner to the supervision of work of the accredited legal person from article 35 of this Act.

(2) The costs of work of the experts of the accredited legal person specified in Article 35 of this Act are borne by the manufacturer, contractor, importer, investor or the user of equipment.

(3) The amount in remuneration for work as specified in point 2 of this article is determined by the Director General of the Institute upon obtaining the opinion of the Minister of Finance.

IV - TECHNICAL INSTRUCTIONS, INSTRUCTIONS FOR USE, SERVICING, SPARE PARTS, WRITTEN GUARANTEES

Article 38

(1) Technically complex products must have technical instructions, and the products whose characteristics during operation and use might be hazardous for the user, other

persons and the environment must have instructions for use formulated to be easily understood by the user.

(2) Technical instructions and instructions for use have to be written in the Croatian language and in the Latin script.

(3) Unless otherwise stipulated by another law or a regulation deriving from that law, the Director General of the Institute will prescribe which products may be considered technically complex products and which products are classified as products whose characteristics may create danger for the user, other persons, and the environment. He also prescribes the content of the technical instructions and the instructions for use mentioned in Point 1 of this Article.

Article 39

(1) For technically complex products the manufacturer, importer, agent or accredited representative of a foreign firm is obliged to determine and specify in the technical instruction or declaration the period for which they will provide servicing and the supply of spare parts, accessories and other products without which that product could not be used according to its intended use.

(2) The term from Point 1 of this Article cannot be shorter than three years for household appliances, or five years for other technically complex products unless otherwise stipulated by the provision based on this Act.

(3) If the manufacturer, importer, agent or accredited representative of a foreign firm does not have their own service in the Republic of Croatia, they are obliged to provide with the technically complex product the list of legal and natural persons whom they have accredited for providing repair and maintenance services in the Republic of Croatia (hereinafter: accredited servicer).

(4) The manufacturer, importer, agent or accredited representative of a foreign firm is obliged to regularly supply their services or accredited servicers as well as the market with the required type and quantity of spare parts, accessories and other products

without which a technically complex product cannot be used according to its intended use.

(5) For certain products it is possible to determine the terms of providing service and spare parts, accessories and other products without which they cannot be used according to their intended use, i.e. terms during which the service or accredited servicer have to respond to the request by the product user to provide services of maintenance or repair of the product and the terms during which these services have to be completed.

(6) The Director General of the Institute passes regulations from Point 5 of this Article unless otherwise provided for by another law or a regulation derived from that law.

Article 40

(1) It is determined through regulations which products must have a written guarantee, the content of the written guarantee, and the obligations of the manufacturer, importer or the representative of a foreign firm as a guarantor.

(2) The written guarantee has to be in the Croatian language and in Latin script.

(3) The guarantor bears the costs of providing guarantee.

(4) The regulation specified in point 1 of this Article is passed by the Director General of the Institute, unless otherwise determined by another law or a regulation deriving from that law.

(5) The amount described in Point 3 of this Article is determined by the Director General of the Institute after consulting the Minister of the Finance.

V - DECLARING, MARKING AND PACKING OF PRODUCTS

Article 41

(1) The declaring of products under this Act implies that the product's identification data, the product's conformity with the prescribed requirements and characteristics, as well as the data about the manufacturer or the legal or natural person putting the product in circulation, shall be indicated on the product itself, on its packaging, or in some other convenient way.

(2) The declaration as a declaration document in the sense of Point 1 of this Article has to contain at least the following data:
. name of product
. type of product
. name and address of manufacturer and the importer.

(3) The declaration has to be written in the Croatian language and in Latin script.

(4) The marking of products under this Act refers to the marks of conformity or some other markings provided by this Act or by regulations issued on the basis thereof, signs of certain technical and other characteristics of the product, caution signs and symbols, markings and symbols for handling consignments during transport and for handling products during storage or keeping, and putting on the product a tag with the information about the characteristics, hazards, warning and proceeding in the case of an accident shall be applied on the product itself, on its packaging, or in some other convenient way.

Article 42

(1) The regulation of marking or another regulation issued on the basis of this Act for certain products the manner of declaring and additional elements of the declaration can be determined in more detail.

(2) By the regulation regarding the marking of products or by another regulation issued on the basis of this Act, for certain products the manner of marking of the product as well as the technical conditions and requirements referring to the application of these marks on the products and packing etc., and the manner of their application are determined.

(3) The regulations in Item 1 and 2 of this article are determined by the Director General of the Institute unless otherwise provided by another law or the regulations issued on the basis thereof.

VI - INTERNATIONAL COOPERATION AND NOTIFICATION

Article 44

(1) The Institute represents the Republic of Croatia in the international organizations for standardization, certification and accreditation (ISO, IEC, etc.), cooperates with international and other foreign organizations and associations in the field of standardization, certification and accreditation, becomes a member of those institutions if required, and appoints professional representatives to participate in the work of those organizations or associations or to monitor their work.

(2) The Institute performs obligations deriving from international agreements signed by the Republic of Croatia in the field of standardization, accreditation and certification.

Article 45

(1)The Institute provides notification and information in the field of standardization and certification:

1. By issuing the official bulletin of the Institute
2. By providing data on the issued Croatian standards, international standards and standards of other states
3. By establishing a documentation system
4. By collecting, processing and providing information upon the request of the users of information.

(2) The users of information and information means from Point 1 of this article pay a fee.

(3) The amount to be paid for the fee mentioned in Point 2 of this article is determined by the Director General of the Institute on the basis of the opinion of the Minister of Finance.

VII - FINANCING

The financial means for the work of the Institute are provided from the budget of the Republic of Croatia as well as through the activity of the Institute itself. The funds are used for the standardization, certification and accreditation activities, for membership of various international organizations for standardization, certification and accreditation, for subscription to official bulletins and professional magazines, for connecting the Institute with the international systems, and for the cost of the participation of its employees and appointed representatives in the work of the bodies and boards of international organizations and associations.

VIII - SUPERVISION AND MEASURES

Article 47

Supervision over the implementation of this Act and the regulations issued on the basis thereof will be performed by the relevant inspection body in compliance with the law.

Article 48

(1) Should during its supervision the relevant inspection body specified in Article 47 of this Act determine that there has been an infringement of the provisions of this Act or of the regulations issued on its basis, it shall bring a decision to order the legal or natural person who did not implement those provisions to correct its activities within a given period of time.

(2) Should the relevant inspection body specified in Article 47 of this Act in performing its supervisory function determine that the products, processes or services do not correspond to the provisions of this Act or the regulations issued on its basis, and if due to that there arises a hazard to the life and health of persons and to the environment, or there is a possibility of significant material damage, it will bring a decision to immediately ban the manufacture, import or use of such products or the further implementation of processes or providing of services.

Article 49

(1) If during its supervisory function the relevant body of the market inspection determines that the products which have been put in circulation do not comply with the provisions of this Act or the regulations issued on its basis, that they are not packed, declared or marked in the prescribed way, that they have no prescribed documents, that for them, contrary to the provisions of this Act and the regulations issued on its basis no service, spare parts, accessories or other materials have not been provided, that they have no technical instructions, that they have incorrect marks, data or signs, it will bring the decision to order the correction of the determined defects or irregularities within a certain period of time and immediately ban the circulation of such products until all such defects and irregularities are corrected.

(2) The complaint against the decision defined in Point 1 of this article does not defer its implementation.

Article 50

(1) The officials of the Institute for Supervision from Articles 26 and 27 of this Act and the officials of the legal person from Article 35 of this Act will be given official identity cards in order to perform their function.

(2) The official identity card mentioned in point 2 of this Article is issued by the Director General of the Institute.

(3) The form, content and manner of issuing and use of the identity card and the manner of keeping a record of these identity cards will be prescribed by the Director General of the Institute.

PENALTIES IX -

Article 51

(1) Any legal or natural person will be fined 15,000 to 70,000 kunas in the following cases:

1. If they fail to apply provisions of this Act and the regulations issued on its basis to domestic products, processes and services as well as to imported products and products taken under lease abroad to be used in the republic of Croatia (Article 8, Point 1)
2. If they reproduce and distribute the Croatian standards or pats thereof which are issued as separate publications of the Institute (Article 12, Point 5)
3. If they issue certificates of conformity without the accreditation of the Director General of the Institute (Article 16, Point 1)
4. If they do not mark the confirmed product with the mark of conformity (Article 19, point 4)
5. If they do not provide the certificate of conformity for a product which is subject to certification according to the provisions of this Act (Article 18)
6. If on the products for which the certificate of conformity has been issued they change the materials, structure or make some other changes which influence the change of characteristics on the basis of which the said certificate was given (Article 20)
7. If they use the certificate of conformity and mark the product with conformity marks contrary to the provisions of this Act and the regulations issued on its basis (Article 30, point 1).

8. If the supplier issues a declaration of conformity contrary to the provisions of this Act and the regulations issued on its basis (Article 32, point 1)

9. If they act contrary to the regulations on technical inspection(Article 36, Point 1)

10. If a technically complex product is not provided with technical instructions or if a product whose properties could, during use, cause danger for the user, other persons and the environment is not supplied with the instructions for use (Article 38, Point 1)

11. If for the technically complex products they do not determine and specify in the technical instructions or declarations the term of ensured servicing and if they do not supply their services, accredited servicers or the market with the required type and quantity of spare parts, accessories and other products without which the technically complex product cannot be utilized according its intended use (Article 39)

12. If for the products for which it is prescribed by this Act, they do not issue a written guarantee, or if the written guarantee does not have the prescribed content, or if the guarantor acts contrary to the obligations determined by the regulation issued on the basis of this Act (Article 40).

(2) For the violation specified in Point 1 of this Article the responsible legal person will also be fined 5,000 to 15,000 kunas.

Article 52

(1) Legal or natural persons will be fined 3,000 to 10,000 kunas in the following cases:

1. If the products do not have prescribed documents, technical instructions, instructions for use, a written guarantee, prescribed marks, data and declarations, if they are not properly packed and if these documents are not written in the Croatian language and in the Latin script (Article 7, point 1 and 2).

2. If the Institute is prevented from the unimpeded performance of supervision as determined in Article 26 of this Act (Article 27, Point 1).

3. If the Institute or the accredited legal person is prevented from performing unimpeded supervision of products subject to certification (Article 28, Point 1).

4. If the Institute or the accredited legal person is prevented from carrying out unimpeded supervision of manufacture of the products subject to certification, if it is provided by the regulation issued on the basis of this Act (Article 28, Item 4).

5. If an official or the legal person from Article 35 of this Act is prevented from unimpeded performing of technical inspection (Article 36, Point 1).

6. If they do not act in accordance with the decision on correcting defects and irregularities determined in the course of supervisory activity (Article 49, Item 1).

(2) The responsible person in the legal entity will be fined for a violation defined in Point 1 of this Article 3,000 to 10,000 kunas.

X - TRANSITIONAL AND FINAL PROVISIONS

Article 53

(1) The Director General of the Institute will issue the regulations on the basis of the accreditation derived from this Act within three years from the date of its becoming effective.

(2) The Director General of the Institute is accredited to determine violations and prescribe fines for these violations according to the stipulations in Point 1 of this Article.

(3) Until regulations specified in Point 1 of this article come into effect, except for the regulations contrary to the provisions of this Act, the regulations issued on the basis of the Standardization Act ("Narodne Novine" 53/91, 26/93, 29/94 and 25/96) remain in effect.

(4)In the regulations from Point 3 of this Article the name of the superseded JUS standards changes to "The Croatian Standard" with the mark "HRN", while the letter and the numerical designation remain the same.

(5) In the regulations in Point 3 of this Article the provisions which determine that the application of the Croatian standards is completely or partially mandatory remain in effect until 31 December 1996.

Article 54

(1) The public institution specified in Article 35 of this Act will be established within six months from the date of this Act coming into effect.

(2) Until the public institution specified in Article 35 of this Act starts working, technical inspection will be performed according to the regulations which were in effect until this Act became effective.

Article 55

(1) The accreditations for certification and testing given on the basis of the regulations which were in effect prior to this Act becoming effective, are still in effect for certain legal persons or laboratories until adequate documents are obtained according to the provisions of this Act, and at the latest until 31 December 1997.

(2) Certificates issued on the basis of accreditation in Point 1 of this article will remain valid until expiration of that Certificate.

Article 56

(1) Legal proceedings for economic violations and offenses committed before the date of this Act coming into effect will be completed according to the provisions of the regulations which were in effect prior to this Act.

(2) The legal proceeding in the sense of Point 1 of this Article is considered to be started by the date of the inspection review.

Article 57

With the coming of this Act into effect the Standardization Act ceases to be effective ("Narodne Novine" 53/91, 26/93, 29/94 and 25/96),

Article 58

This Act becomes effective eight days after its publication in "Narodne Novine".

Class: 383-01/95-01/03
Zagreb, 28 June 1996

PARLIAMENT OF THE REPUBLIC OF CROATIA
HOUSE OF REPRESENTATIVES

President of the House of Representatives
Vlatko Pavletić, Member of the Academy