

Pursuant to article 30 paragraph 3 of the Law on the Government of the Republic of Croatia (Official Gazette No. 101/98), with reference to point 3 of the Decision of the Government of the Republic of Croatia, Class: 910-04/98-01/05, No: 5030114-99-Pov.9, from 8 April 1999, the Government of the Republic of Croatia has adopted on its Session held on 27 May 1999 the following

DECISION

1. Ministries and State Administrative Bodies having the competence of adopting regulations on basic requirements for goods, processes and services are obliged to ensure that such regulations are in conformity with the provisions of the World Trade Organization (WTO) Agreement on Technical Barriers to Trade (TBT) and the Agreement on the Application of Sanitary and Phytosanitary measures (SPS).

2. Ministries and State Administrative Bodies shall ensure that regulations on basic requirements are not prepared, adopted and applied with the view to or with the effect of creating unnecessary technical barriers to trade.

Technical regulations incorporated into regulations shall not be more trade-restrictive than necessary to protect human health or safety, animal or plant life or health, or the environment, the prevention of illegal acts and the protection of national security.

When preparing regulations on basic requirements the Ministries and State Administrative Bodies shall ensure that imported goods, processes and services be accorded equal treatment to that accorded to like domestic goods, processes and services. The regulations shall not discriminate between goods, processes and services originating in one WTO Member and like products originating in any other WTO Member.

3. The regulations shall be based on international standards or their relevant parts, except in the case when the application of these standards would be an ineffective or inappropriate means for the fulfillment of the legitimate objectives pursued due to fundamental climatic or geographical factors or fundamental technological reasons specific to Croatia.

4. When preparing and drafting regulations for which relevant standard does not exist or the content of the proposed regulation is not in accordance with relevant international standards, the WTO Secretariat shall be notified through the Enquiry Point of the State Office for Standardization and Metrology on the intention to adopt such regulations, products covered thereto, as well as objectives and justification for their adoption.

The Ministries and State Administrative Bodies shall publish the draft regulations under paragraph 1 above in the Gazette of the State Office for Standardization and Metrology.

In the course of the preparation of such regulations, a 60 days period shall be ensured for other WTO Members to make written comments and remarks on the content of the draft regulation.

The period stipulated under paragraph 3 above may be extended upon request of a WTO Member.

The competent authorities shall examine all comments and remarks received and in case when such comments and remarks are not accepted, shall inform the interested parties on the reasons of such refusal.

Regulations that are adopted and data published in the "Official Gazette" shall be communicated to the WTO Secretariat through the State Office for Standardization and Metrology, in accordance with Agreement on Technical Barriers to Trade (TBT) and the Agreement on the Application of Sanitary and Phytosanitary measures (SPS).

5. In exceptional cases when urgent adoption of a regulation is necessary in order to protect health or safety, the environment, or for reasons of national security, the WTO Secretariat shall be notified immediately through the State Office for Standardization and Metrology, as stipulated in item 4 above.
6. Except in those urgent circumstances referred to in Item 5 of this Decision, an interval of 90 days shall be allowed between the publication of the regulations and their entry into force in order to allow time for producers in exporting Member to the Republic of Croatia to adapt their products or methods of production to the requirements of such regulations.
7. Procedures for assessment of conformity with the regulations shall be equal for domestic producers and for suppliers of like products originating in the territories of other WTO Members. Conformity assessment procedures shall not be stricter than is necessary to give adequate confidence that products conform to the regulations. In that respect, a standard processing period for accomplishing the procedure of compliance with conformity assessment requirement of the regulation shall be ensured, as well as confidentiality of information about products imported from other WTO Members in the same way as for products of domestic producers.

Fees imposed for assessing the conformity of products shall be equal for domestic and imported products.

Whenever specifications of a product are changed subsequent to the determination of its conformity to the applicable technical regulations or standards, the conformity assessment procedure shall be limited to what is necessary to determine whether the product still meets the technical regulations or standards concerned.

The regulation shall ensure the possibility of complaints of the suppliers concerning the operation of the conformity assessment as well as carrying out supervision and market spot checks.

8. In regulations stipulating the application of conformity assessment procedure for products, provisions of items 3, 4, 5 and 6 of this Regulation shall be adequately applied.

9. The Ministries and State Administrative Bodies shall ensure that the regulations on basic requirements contain provisions providing that during the control of conformity assessment, test results and controls carried by the competent authorities of the exporting country are respected based on bilateral agreements on mutual recognition of certificates of conformity signed with other countries and in accordance with the procedure stipulated by the Standardization Act.

10. Regulations shall contain provisions providing for an obligation that legal entities, which are authorized to carry out conformity assessment procedures, shall prior pass the procedure of authorization within the State Office for Standardization and Metrology acting as The National Service for Authorization.

11. The preparation, adoption and application of regulations on basic requirements for products subject to provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary measures, shall be carried in accordance with the provisions of this Decision, except in cases when differences are allowed in accordance with the Agreement on the Application of Sanitary and Phytosanitary Measures with regard to non-application of the most favored nation treatment and non-application of international standards, the possibility of taking into account of relevant economic factors in respect of risk assessment and provisional application of sanitary and phytosanitary measures against imminent spread or threat of a pest and disease when scientific evidence is not yet available.

Sanitary and phytosanitary measures shall be based on scientific principles and evidence. Sanitary measures shall be based on standards, guidelines and recommendations of international organizations and in particular of the Codex Alimentarius Commission of the FAO/WHO and the International Office of Epizootics and phytosanitary measures and regulations shall be based on standards, guidelines and recommendations of the International Plant Convention and the European and Mediterranean Organization for Plant Protection.

12. The Ministries and State Administrative Bodies shall nominated, within a 15 days period from the adoption of this Decision, persons responsible for notifying information on preparation, adoption and amending of regulations on basic requirements to the State Office for Standardization and Metrology.

Class: 910-04/98-01/05

No: 5030114-99-12

Zagreb, 27. May 1999

Prime Minister
Zlatko Mateša