

Decision imposing the BiH Law on Standardisation, introducing EU standards

In the exercise of the powers vested in me by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Art. II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre, regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement, in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) “measures to ensure the implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Considering the seriousness of the problems faced by Bosnia and Herzegovina arising out of the absence of legislation in the field of standardisation, and in particular the difficulties facing producers wishing to export their products to markets within the European Union;

Noting that the European Union “Road Map” for Bosnia and Herzegovina recommends the establishment of a single Bosnia and Herzegovina Institute for Standards;

Noting further that in the Annex to the Declaration of the Peace Implementation Council which met in Brussels on 23 and 24 May 2000 it was stated that the authorities of Bosnia and Herzegovina should act promptly as to the adoption of a Law on Standardisation, including the creation of a Bosnia and Herzegovina Institute for Standards;

All this considered, borne in mind and noted, I hereby issue the following decision which shall enter into force with immediate effect on an interim basis, until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts this Law in due form, without amendments and with no conditions attached.

Pursuant to, and as an integral part of this my Decision herein, I require the appropriate authorities of the Federation of Bosnia and Herzegovina and of the Republika Srpska to take all necessary steps to ensure that the laws and regulations of the Federation of Bosnia and Herzegovina and of the Republika Srpska respectively are and remain fully harmonised with the Law on Standardisation of Bosnia and Herzegovina hereinafter set out. In the event that changes are required to be made to the laws and/or regulations of the Entities in consequence thereof, such changes are to be effected no later than six months after the entry into force of the said Law on Standardisation of Bosnia and Herzegovina.

DECISION

ON THE LAW ON STANDARDISATION OF BOSNIA AND HERZEGOVINA

I GENERAL PROVISIONS

Article 1

1. This Law establishes the aims and principles of national standardisation of Bosnia and Herzegovina (hereinafter referred to as BiH national standardisation), and regulates the preparation, adoption, publication and use of national standards of Bosnia and Herzegovina (hereinafter referred to as BiH national standards).

Article 2

1. The terms used in this Law or, the terms most frequently used in connection with standardisation, have, in accordance with the European standard EN 45020, the following meanings:

a) standardisation

the activity of establishing provisions, with regard to actual or potential problems, for common and repeated use, aimed at the achievement of the optimum degree of regulation in a given field;

b) international standardisation

standardisation in which involvement is open to relevant bodies from all countries;

c) European standardisation

standardisation in which relevant bodies from European countries are involved;

d) national standardisation

standardisation at the level of one specific country;

e) standards body

standardising body, recognised at national, European or international level, whose principal function is the preparation and adoption of standards that are made available to the public;

f) national standards body

standardising body recognised at national level as eligible to be the national member of the corresponding international and European standards organisations;

g) national standards body of Bosnia and Herzegovina

standardising body recognised in Bosnia and Herzegovina as eligible to be the national member of the corresponding international and European standards organisations;

h) international standardising organisation

standardising organisation whose membership is open to relevant national bodies from any country:

1. ISO – International Organisation for Standardisation,
2. IEC – International Electrotechnical Commission,
3. ITU – International Telecommunication Union;

i) European standardising organisation

standardising organisation whose membership is open to relevant national bodies from European countries:

1. CEN – European Committee for Standardisation
2. CENELEC – European Committee for Electrotechnical Standardisation
3. ETSI – European Telecommunication Standards Institute;

j) consensus

general agreement, characterised by the absence of sustained opposition to substantial issues of the discussion by any party concerned, achieved through a process that involves seeking to take into account the views of all parties to the discussion and to reconcile any conflicting arguments;

Consensus need not imply unanimity.

k) standard

document, established by consensus and approved by a recognised body, that provides, for common and repeated use, rules, guidelines, or characteristics for activities and their results, aimed at the achievement of the optimum degree of regulation in a given field;

l) international standard

standard available to the public and adopted by an international standardising organisation;

m) European standard

standard available to the public and adopted by a European standardising organisation;

n) **national standard**

standard available to the public and adopted by a national standards body;

o) **national standard of Bosnia and Herzegovina**

standard that is adopted by a national standards body of Bosnia and Herzegovina and made available to the public.

p) **province standard**

standard available to the public and adopted at the level of a part of the country.

II - NATIONAL STANDARDISATION OF BOSNIA AND HERZEGOVINA

Article 3

1. The aims of BiH national standardisation are:

- a) enhancement of international trade with prevention and elimination of the barriers resulting from unfounded differences existing when conducting business at national level;
- b) increasing the levels of safety, of health and life protection and of environmental safety;
- c) promotion of a purposeful exploitation of work, material and energy in production processes;
- d) improvement of production efficiency along with management of variety, conformity and interchangeability;
- e) promotion of quality of products, processes and services, with establishing of their characteristics enabling them to fulfil defined requirements, or to serve a defined purpose;

Article 4

1. The principles on which the BiH national standardisation is based are:

- a) voluntary involvement and contribution of all parties concerned in preparation and adoption of BiH national standards;
- b) voluntary application and use of BiH national standards;
- c) consensus, which means a general agreement of a significant portion of parties concerned with the contents of the BiH national standard;
- d) priority of common interests of parties concerned over the individual interests;
- e) transparency of preparatory work and availability of BiH national standards to the public;
- f) inter-conformity of BiH national standards;
- g) complying with the state of art achieved and with the rules of international and European standardisation.

III - STANDARDISING BODIES IN BOSNIA AND HERZEGOVINA

Article 5

1. Programming and performing of standardisation tasks in BiH are done by:

- a) The Institute for Standardisation, Metrology and Intellectual Property (hereinafter referred to as the Institute), with the support of the Institutions for Standardisation of the Entities in accordance with Article 10 of this Law,
- b) The Council for Standardisation (hereinafter referred to as the Council)

Article 6

1. The Institute performs the following duties and tasks in the field of national standardisation:

- a) prepares, adopts, publishes and maintains BiH national standards and other documents from the field of BiH national standardisation;

- b) keeps the register of BiH national standards;
- c) forms permanent and temporary expert technical bodies, coordination committees and standing working groups in charge of performing work programs in the matters from standardisation field;
- d) participates in the work of international and European standardising organisations and represents the interests of BiH national standardisation therein;
- e) collects, arranges and distributes standards and other documents and information from the standardisation field, in accordance with the work program, and establishes, keeps and maintains relevant databases;
- f) pronounces the use of BiH national standards on the proposal of the relevant technical committee;
- g) publishes the Journal intended for publishing of the adopted BiH national standards and information on other documents from standardisation field;
- h) performs other tasks in accordance with the regulations and international obligations of Bosnia and Herzegovina in the field of standardisation;
- i) performs expert – administrative tasks for the needs of the Council.

Article 7

1. The Council performs the following duties and tasks:

- a) establishes long term and annual work plans for standardisation;
- b) monitors the realisation of the annual work plan and other program acts relating to the preparation and adoption of the BiH national standards;
- c) adopts the general act on the procedure of preparation, adoption and publication of BiH national standards;
- d) proposes the establishing of permanent and temporary expert technical bodies in charge of carrying out work programs in matters from the standardisation field;
- e) presents proposals and suggestions with regard to membership of international and European organisations to the Council of Ministers of BiH and to the Institute;
- f) the Council elects the Chairman and adopts the Book of Ordinance on its operation;
- g) performs other tasks in the standardisation field, in accordance with this Law, the instructions by the Council of Ministers and its own Book of Ordinance.

Article 8

1. The Council consists of a total of twenty-five members.
2. The Council of Ministers of Bosnia and Herzegovina, upon the proposal of the Director of the Institute, appoints Council members amongst prominent experts for a term of four years. The Director of the Institute and his deputy for standardisation are members of the Council by virtue of their position.
3. The Council performs a part of duties and tasks through three Commissions, namely:
 - a) Commission for the general field, consisting of thirteen members;
 - b) Commission for electro-technique, consisting of seven members;
 - c) Commission for telecommunications, consisting of five members;

Article 9

1. The Law on establishing the Institute determines the sources of funding for the financing of standardisation work.

2. The work of the Council and its Commissions is financed through the Institute.

Article 10

1. The Entities of Bosnia and Herzegovina, namely the Federation and the Republic of Srpska, (hereinafter referred to as the Entities) may, in accordance with their needs, organise the work in certain fields of standardisation.

2. The Institutions for Standardisation of the Entities may perform the following tasks:

- a) facilitating the transmission of information on standards and processes of their adoption to the final users;
- b) taking over the sponsorship of the work of the Technical Committees of the Institute that are of special interest for the Entity;
- c) adopting, distributing and selling of the province standards for which interest exists only on the side of subjects of the Entity adopting such standard;
- d) offering help to companies in creation of internal standards;
- e) organisation of translation of standards into the language of special interest for the Entity, and forwarding these translations into the procedure of preparation and adoption of national standards;
- f) selling standards in the language of the special interest of the Entity in accordance with the applicable agreement with the Institute,
- g) participating in proposing the members of Technical Committees from the Entities,
- h) engaging in publishing activities in the field of standardisation,
- i) performing the supervision in the Entity over the implementation of the State and Entity Law on Standardisation,
- j) carrying out the education of interested parties from the field of standardisation,
- k) Performing other tasks from the standardisation field which have not been mentioned in this Law.

3. The Entities shall establish a suitable infrastructure for the realisation of the tasks mentioned in paragraph 2., and shall define its functioning by a separate Law.

IV PREPARATION, ADOPTION AND PUBLICATION OF BIH NATIONAL STANDARDS

Article 11

1. The Institute adopts national standards for Bosnia and Herzegovina in accordance with a special procedure established by the Council.

2. BiH national standard is designated with BAS abbreviation, (hereinafter referred to as BAS standard).

3. BAS standard is printed in Bosnian, Croatian and Serbian languages and published in the Journal of the Institute.

4. BAS standard may also be prepared on the basis of, or by accepting fully an international or European standard or other document from the standardisation field. BAS standards prepared in this way may be published in languages as referred to in paragraph 3, or in a foreign language.

5. When Bosnia and Herzegovina does not have a special interest in a specific standard, whose adoption is proposed by one of the Entities, this Entity may initiate the procedure of adoption of such standard in the form of the province standard.

Article 12

1. BAS standard is published as a separate publication and is considered to be an authors' work in accordance with the Copyright Law.
2. Copying or distribution of the standard or its parts without the consent of the Institute is prohibited.

V THE USE OF BAS STANDARDS

Article 13

1. The use of BAS standard is voluntary, except when compulsory application is prescribed by a separate regulation.
2. Regulation prescribing the compulsory use of a standard must contain reference to BAS standard.

Article 14

1. The conformity of products, processes and services with BAS standards can be acknowledged by a statement, a certificate or a mark of conformity.
2. The person, who gives the statement of conformity with BAS standard, does so on his own responsibility.

VI TRANSITIONAL AND FINAL PROVISIONS

Article 15

1. JUS standards, that are in use in Bosnia and Herzegovina on the basis of the Statutory decree on taking over of the Laws and By-Laws of former SFRY ("The Official Gazette of RBiH", No. 2/92, 13/93 and 13/94), and have not been replaced with BAS standards, can be used in Bosnia and Herzegovina until their replacement, and until 31 December 2003 at the latest, unless JUS standards with compulsory use have not been replaced with applicable regulations.

Article 16

1. BAS standards, including transposed international and European standards, which were published before the entry into force of this Law shall remain in force.
2. The Council shall verify the list of previously published BAS standards.
3. The Council shall define priorities for the translation of BAS standards into the official languages of Bosnia and Herzegovina and shall publish standards so translated within 12 months.

Article 17

1. The Council referred to in Article 5 of this Law shall be constituted within three months from the date of entry into force of this Law.

Article 18

1. Expert working bodies, coordination committees, technical committees and standing working groups for preparation of standards existing on the date of entry into force of this Law, shall carry on with their work, with their current membership status and in accordance with current rules, until harmonisation of their work with provisions of this Law, and within six months from the date of entry into force of this Law at the latest.

Article 19

1. Provisions related to standardisation from the Law on Standardisation ("The Official Gazette of RBiH" No. 13/93, 13/94 and 9/95) are hereby repealed with effect from the date of entry into force of this Law.

Article 20

1. This Law shall be published without delay in the Official Gazette of Bosnia and Herzegovina and shall enter into force on the eighth day following the date of such publication.

2. This Law shall likewise be published without delay in the Official Gazettes of the Federation of Bosnia and Herzegovina and of the Republika Srpska.

Sarajevo, 12 November 2000

Wolfgang Petritsch
High Representative

Office of the High Representative