Decision imposing the BiH Law on Metrology, 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 aimed at strengthening the whole system of standardisation in Bosnia and Herzegovina of which the Law on Metrology is an inseparable and logical part.

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 Metrology 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, as is the case with the Law on Measuring Units and Measuring Instruments of the Republika Srpska (Official Gazette of the Republika Srpska No 37/99) such changes are to be effected no later than six months after the entry into force of the said Law on Metrology of Bosnia and Herzegovina.

I further enjoin the Governments of the Federation of Bosnia and Herzegovina and of the Republika Srpska to issue special regulations, in accordance with the procedure referred to in

article 27 of the Law on Metrology of Bosnia and Herzegovina hereinafter set out, prescribing the kinds and shapes of the seals used in the verification of measuring instruments. Such regulations are to be issued no later than six months after the entry into force of the said Law.

I further specifically require Entity Institutions for Metrology to operate in accordance with mutually harmonised Entity Laws on the control of articles of precious metals in which the technical requirements of such articles must have identical wording. I likewise require that Entity Institutions for Metrology shall perform the immediate control of such articles as set out in article 41. For the avoidance of doubt I hereby confirm that such Institutions are accorded all such rights and are subject to all such duties as are set out in the said Law on Metrology of Bosnia and Herzegovina. Such Institutions shall be financed from the budgets of the respective Entities.

DECISION

ON LAW ON METROLOGY OF BOSNIA AND HERZEGOVINA

I – GENERAL PROVISIONS

Article 1.

1. This Law defines the legal metrology system in Bosnia and Herzegovina which ensures correct and internationally harmonised measuring, realization, conservation and usage of standards and reference materials; usage, testing, verification and metrological control of measuring instruments; implementation of legal metrology in Bosnia and Herzegovina; participation of Bosnia and Herzegovina in international co-operation and co-operation between countries in the field of metrology; scientific-research and professional activities in the field of metrology.

2. The system of legal metrology is harmonised with the

corresponding European Union system, (which is a precondition for integration in the Internal Market of the Union).

Article 2.

1. Provisions of this Law apply only to measuring instruments used in the following areas:

a) human and animal health protection,
b) protection of environment and technical safety,
c) circulation of goods and services and consumer protection,
d) administrative and judicial proceedings.

Article 3.

1. The terms and definitions used in this Law have the following meanings:

1) **Metrology**

a) **Metrology** is a scientific-expert field concerned with measurement.
b) **Legal metrology** is a branch of metrology dealing with units of measurement, methods of measurement and measuring instruments from the point of view of application of mandatory technical and legal requirements in order to provide trustworthy and accurate measurements.
c) **Measurement** is a set of operations having the object of determining a value of a quantity.
d) **Metrological control** is a set of operations having the objective of ensuring the proper functioning of measuring instruments and/or reference materials.
e) **Measurement requirement** is a set of metrological characteristics that measuring instruments and/or reference materials are to comply with in order to verify appropriate measuring quality on the basis of applicable regulations.
f) **Measurement quality** is a set of metrological characteristics that measuring instruments and/or reference materials are to comply with in order to provide repeated results of measurement and/or comparison with measuring standards in a range of verification, and within limits of specified measuring uncertainty of measuring instruments

and/or reference materials.

2) **Standards and measuring instruments**

a) **Standard** is a measure, measuring instrument or measuring system intended to define, conserve or reproduce a measuring unit in order to transpose its value to other measuring instruments to serve as a reference.

b) **International standard** is a standard recognized by an international agreement to serve internationally as the basis for assigning values to other standards of the quantity concerned.

c) **National standard** is a standard of the highest metrological quality in Bosnia and Herzegovina, serving as the basis for assigning values to other standards of the quantity concerned.

d) **Primary standard** is a standard of a particular quantity, which has the highest metrological qualities in one field. Sometimes, national standard may be adopted as a primary one.

e) **Secondary standard** is a standard whose value is assigned by calibration with a primary standard.

f) **Working standard** is a standard calibrated with a standard of a higher level.

g) **Reference material** is material or substance one or more of whose property values are sufficiently homogenous and well established to be used for the calibration of an apparatus, the assessment of a measuring method or of assigning values to materials.

h) **Certified reference material (CRM)** is reference material, accompanied by a certificate, one or more of whose property values are certified by a procedure which establishes traceability to an accurate realization of the unit in which the property values are expressed, and for which each certified value is accompanied by an uncertainty at a stated level of confidence. Certified reference material is used as working standard.

i) **Materialized measure** is a device intended to reproduce or supply, in a permanent manner during its use, one or more known values of a given quantity.

j) **Calibration** is a set of operations that establishes, under specified conditions, relationship between values of quantity indicated by a measuring instrument or values represented by a reference material, and the corresponding values realized by standards.
k) **Traceability** is a property of the result of a measurement whereby it can be related to corresponding national or international standards through an unbroken chain of comparisons.
l) **Measuring instrument** is a device intended to be used to make measurements, alone or in conjunction with complementary devices. m) **Measurement system** is a functionally connected set of measuring instruments and other equipment assembled to carry out specified measurements.

3) **Verification and testing of measuring instrument**

Verification of measuring instruments or reference materials is a set of operations having the objective of determining whether the measuring instrument or reference material complies with specified measurement requirements.

a) **Initial verification** is the verification of a new measuring instrument manufactured in Bosnia and Herzegovina or abroad prior to releasing it for official use.
b) **Repeated verification** is any verification performed after the first verification due to expiration of the verification period, repair and/or modification of the measuring instrument and upon particular request of the user of the measuring instrument.
c) **Verification period** is the prescribed interval between consecutive verifications of a measuring instrument to ensure prescribed measuring uncertainty of a measuring instrument.
d) **Verification seal** is a mark placed on the measuring instrument to verify proper functioning of the measuring instrument and/or prevent separation, moving, change or replacement of some integral elements of the measuring instrument.
e) **Sealing** is a set of operations performed during the

putting of the verification seal in the prescribed way and on the prescribed place on the measuring instrument.

f) **Pattern evaluation** is testing of one or more measuring instruments of the same pattern in order to obtain "Pattern approval".

g) **Pattern approval** is a document issued by the Institute for Metrology of Bosnia and Herzegovina (hereinafter referred to as the Institute) and confirming that a pattern of the measuring instrument complies with prescribed measurement requirements.

h) **Measuring instrument conformity** is a characteristic of the measuring instrument to comply with all of the prescribed metrological requirements for the corresponding kind of measuring instruments, and is proved by the procedure for the assessment of conformity with applicable regulations and directives.

i) **Conformity assessment** is any activity that directly or indirectly relates to determining whether applicable requirements have been fulfilled.

4) **Pre-packed products**

According to this Law, pre-packed products are products in packaging of any nature, which were packed and closed without the purchaser being present, and the quantity of which cannot be changed without opening and damaging the packaging.

II – SYSTEM OF LEGAL METROLOGY

Article 4.

1. The Institute for Metrology (hereinafter referred to as the Institute) performs administrative, professional and organizational operations in the field of legal metrology in Bosnia and Herzegovina, as defined by this Law, and supervises its implementation.

2. The Institute realizes the base of the standards in Bosnia and Herzegovina, develops, creates, declares and maintains the national standards of legal units of measurement, provides traceability of the national standards against international

standards, prescribes metrological requirements for standards, reference materials and measuring instruments, brings decisions on recognition of standards as national standards, performs the conformity assessment including the pattern evaluation and pattern approvals of measuring instruments.

3. Institutions for Metrology of the Entities, under the auspices of the Governments of the Federation of Bosnia and Herzegovina and of the Republika Srpska, perform the initial and repeated verifications of measuring instruments that have successfully undergone the conformity assessment procedure and perform all other tasks from the field of metrology, which do not fall under the authority of the Institute, and which shall be prescribed by special Entity Laws.

4. Standards, reference materials and verification equipment owned by Institutions for Metrology of the Entities are calibrated and verified by the Institute in accordance with regulations harmonised with the recommendations and documents of the OIML – International Organisation for Legal Metrology.

5. The Institute deals with research and development in the field of metrology, proposes the development projects and defines priorities in their realization in the field of legal metrology, and participates in the activities of international organizations for legal metrology representing Bosnia and Herzegovina therein. The Institute implements international agreements on co-operation in the field of metrology.

6. The Director of the Institute, with the consent of the Council, notifies accredited metrological bodies and verification centres that have previously undergone the accreditation procedures according to series EN 45000 of European Standards, or the ISO 17025, or the procedure of an equal value to the accreditation procedure.

Article 5.

1. The Council for Metrology (hereinafter called: the

Council), operating within the Institute, directs the development of the Institute activities.

2. Responsibilities of the Council are as follows:

a) to act as an expert counselling body,
b) to propose ways of satisfying the metrological needs of Bosnia and Herzegovina, in agreement with the Institutions for Metrology of the Entities,
c) to participate in forming expert metrological commissions which shall analyse certain aspects of legal metrology and present results to the Council,
d) to propose scientific and educational activities in the field of metrology,
e) to provide expert assessment of the annual plans and reports on the work of the Institute and Institutions for Metrology of the Entities in the Federation of BiH and the Republika Srpska, upon request of the Council of Ministers of BiH or the Department Minister.

3. Members of the Council are appointed by the Council of Ministers of Bosnia and Herzegovina on proposal of the Director of Institute and Institutions for Metrology of the Entities in the Federation of BiH and the Republika Srpska.

4. The Council consists of experts coming from both Entities of Bosnia and Herzegovina.

5. The Council brings the Book of Ordinance on its operation.

6. Corresponding expert services of the Institute provide professional and technical support to the Council.

Article 6.

1. The Institute publishes the Journal of the Institute that contains:

a) decisions on declaring the national standards of Bosnia and Herzegovina,
b) official announcements on decisions issued in accordance with this Law,

c) decisions on appointment of the members of the Council and expert commissions for metrology,

d) professional guidance, opinions and explanations from the field of legal metrology,

e) information on local and international scientific and professional gatherings in the field of legal metrology.

Article 7.

1. The Institute participates in the activities of international organizations and associations in the field of metrology, appoints representatives who will participate in their activities or observe them, and represent Bosnia and Herzegovina therein.

2. Financial resources for the activities mentioned in paragraph 1 of this article are provided for from the budget of Bosnia and Herzegovina.

Article 8.

1. The Institute organizes and directs scientific research activities in the field of metrology.

2. Realization of projects or their parts in the field of metrology is performed within the Institute in association with competent scientific research organizations, institutions and individuals from the country and abroad.

III – LEGAL MEASUREMENT UNITS

Article 9.

1. The SI units of the international system of measurement units are used in Bosnia and Herzegovina.

2. Legal measurement units, their definition, titles and symbols, fields and manner of application are prescribed by the particular law.

3. Only prescribed measurement units may be applied in legal metrology.

IV – STANDARDS AND REFERENCE MATERIALS

Article 10.

1. According to purpose and measurement properties the standards can be: international, primary, national, secondary and working standards.

2. The director of the Institute declares, by his or her decision, the standard for certain measurement units as the national standard.

3. The director of the Institute, in consultation with the Council, issues regulations defining in detail the realization, conservation, and maintaining of national standards and other standards, conditions for declaration of the standards as the national ones, procedure of calibrations and methods of measurement.

4. If the national standard does not exist in Bosnia and Herzegovina for a particular measurement unit, the director of the Institute will approve the procedure of providing the traceability of measurement units against the standard of higher metrological quality of another state. The standard verified in such manner will become the basis for verification of other standards of lower metrological quality.

Article 11.

1. The Institute realizes, conserves and maintains the national standards providing at the same time their traceability at the international level.

2. Nominated legal persons which comply with prescribed measurement requirements may also realize, conserve and maintain the standards, and the Institute may recognize such standards as the national ones.

3. Applications for declaring the existing standard as the national one shall be gathered by the Institute in a public invitation for tender procedure.

4. The funds from the budget of Bosnia and Herzegovina will be allocated for co-financing of the realization of the standards, their traceability at the international level, as well as their conservation and maintenance.

Article 12.

1. The Institute shall perform the verification of national standards in such way and according to such method of measurement as prescribed by the director of the Institute, in consultation with the Council, in the form of metrological prescriptions.

2. Should it be found in the course of calibration that a national standard does not comply with prescribed measurement requirements, the director of the Institute shall declare the act on declaration of the standard as the national one null and void by a decision.

3. No appeal may be lodged with the Institute against such decision, but an administrative procedure may be initiated.

Article 13.

1. The Institute or nominated legal person will realize, conserve and maintain the samples of certified reference materials of specified metrological properties, and compare them with international samples.

2. The Director of the Institute, in consultation with the Council, issues regulations defining properties of certified reference materials and their application in calibration and verification of the measuring instruments.

Article 14.

1. Metrological control of reference materials used for the verification of measuring instruments and verification of methods of measurement shall be performed by the Institute.

2. The properties and usability of samples of reference materials shall be tested by nominated legal persons.

V – LABORATORIES

Article 15.

1. Testing and verification of standards and measuring instruments shall be performed in metrological laboratories and centres for the verification of measuring instruments nominated by the director of the Institute.

2. The Director of the Institute may nominate only such legal persons which have previously successfully undergone the accreditation procedure according to the Series EN 45000 of European Standards or the ISO 17025, or a procedure of an equal value to the accreditation procedure.

Article 16.

1. The Director of the Institute, in consultation with the Council, prescribes requirements for the metrological laboratories and the centres for the verification of measuring instruments which are to be complied with in order to obtain the status of nominated laboratories or centres for the verification of measuring instruments.

Article 17.

1. Independent scientific laboratories, laboratories of the Institute and other laboratories in the capacity of legal persons may be nominated, as well as the centres for verification of measuring instruments belonging to Institutions for Metrology of the Entities in the Federation of Bosnia and Herzegovina and the Republika Srpska.

Article 18.

1. Nominated legal persons referred to in Article 17 shall be independent.

Article 19.

1. If manufacturers of the measuring instruments dispose of their own laboratories, they may be nominated, but only in the case where they are independent from manufacturing and commercial facilities of the company, thus being able to function as independent, third parties.

Article 20.

1. If the process of the mass production or testing of measuring instruments is automated, the Institute may entrust the manufacturer with the initial verification.

VI – MEASURING INSTRUMENTS

Article 21.

1. Legal and physical entities in Bosnia and Herzegovina shall own and use in accordance with this Law the measuring instruments prescribed for the performance of their activity.

2. Only measuring instruments which comply with the requirements of this Law and metrological and technical requirements comprised in applicable regulations and for which conformity was required in accordance with the prescribed ways and procedures for conformity assessment, shall be put in circulation in Bosnia and Herzegovina.

3. Only the measuring instruments that have the certificate of conformity and have been marked accordingly shall be put into circulation.

4. Measuring instruments which have not undergone conformity assessment in accordance with the prescribed ways and

procedures for conformity assessment, which have not been marked, and for which a certificate of conformity with metrological regulations has not been issued, shall not be used.

5. The Director of the Institute, in consultation with the Council, prescribes the ways of conformity assessment for particular types of measuring instruments, types and ways of marking of measuring instruments, and the contents and the form of the certificate of conformity with metrological regulations.

Article 22.

1. The Director of the Institute nominates the legal person for conformity assessment, whose competencies have been checked in accordance with the accreditation rules or the rules of the same value as the accreditation rules, and which fulfil additional requirements for conformity assessment prescribed by the Director of the Institute.

2. The Director of the Institute, in consultation with the Council, prescribes the procedure of nomination of legal entities which participate in the conformity assessment procedure.

Article 23.

1. Assessment of conformity of measuring instruments with metrological requirements is performed by the Institute or the nominated legal person, upon request of the manufacturer or the representative of a foreign company performing consignation sales.

2. The request for a conformity assessment of a measuring instrument shall be filed with the Institute, and the prescribed technical documentation and applicable number of samples of such measuring instrument shall accompany such request.

Article 24.

1. If, in the course of the conformity assessment procedure, it is established that the measuring instruments meet the prescribed metrological requirements, the Director of the Institute shall issue a certificate of conformity.

2. If, during the use of the measuring instrument, the corresponding Entity Institution for Metrology determines that the measuring instrument for which a certificate of conformity has previously been issued, is not suitable for further use, the director of the Institute shall issue a decision declaring the prior certificate of conformity null and void.

3. No appeal shall be permitted against the decisions referred to in paragraphs 2 and 3 of this article, but the applicant may initiate an administrative procedure.

Article 25.

1. All measuring instruments which were modified are subjected to renewed assessment of conformity with metrological requirements.

Article 26.

1. The Director of the Institute may recognize a foreign certificate of conformity of the measuring instrument with metrological requirements if it was issued by an authorized body of legal metrology of the country in which conformity assessment has been performed, on condition that the Institute has signed a bilateral or multilateral agreement with such body on mutual recognition of conformity assessment results.

2. The Director of the Institute may exceptionally allow the use of certain kinds of measuring instruments without previously carrying out the pattern evaluation procedure, upon which he shall issue a written decision.

VII – VERIFICATION OF THE MEASURING INSTRUMENTS

Article 27.

1. The measuring instruments subjected, according to this Law, to mandatory metrological control are subjected to the initial, periodical, and extraordinary verifications.

2. Verification of the measuring instruments is performed, in accordance with the applicable technical requirements, by the Institutions for Metrology of the Entities in the Federation of Bosnia and Herzegovina and the Republika Srpska, or the nominated legal persons, which have previously undergone the accreditation procedure or the procedure of an equal value to the accreditation procedure.

3. Technical requirements on verification (initial, periodical, and extraordinary verification) shall be issued by the Directors of the Institutions for Metrology of the Entities, with prior consultations with the Director of the Institute.

4. It shall be the responsibility of the Director of the Institute to warn the Governments of the Federation of Bosnia and Herzegovina and the Republika Srpska if draft regulation is not harmonised with the applicable European Union regulation or the applicable OIML document.

5. The owners and the users shall be responsible for the proper functioning of the measuring instruments they use.

Article 28.

1. New measuring instruments manufactured in Bosnia and Herzegovina or abroad are subjected to initial verification.

2. The initial verification shall be done before putting the measuring instrument in use or circulation.

3. Request for the initial verification of measuring instruments manufactured in Bosnia and Herzegovina shall be made by the manufacturer, and for imported measuring

instruments by the importer, or the representative of the foreign company selling measuring instruments from the consignment stock.

4. Measuring instruments that are to be imported, and for which metrological control of the State is compulsory, shall have the certificate issued by the relevant Institution for Metrology of the Entity on compliance with required measurement and other conditions. The request for an issuing certificate on compliance with measurement and other conditions shall be made by the importer of the measuring instrument or by the representative of the foreign company.

Article 29.

1. Measuring instruments in use or those being kept ready for use and putting in circulation are subjected to periodical verification.

2. Periodical verification shall be performed before the expiry of validity of previous verification.

3. The request for periodical verification of a measuring instrument shall be made by the owner or user of the measuring instrument.

4. Periodical verification shall be performed in periods prescribed for each particular kind of measuring instrument by the director of the Institute, in consultation with the Council.

5. A measuring instrument for which the verification period has expired shall not be used.

Article 30.

1. The measuring instruments that are repaired or technically modified are subjected to extraordinary verification.

2. The request for an extraordinary verification of measuring

instruments shall be made by legal persons carrying out the repair or modification of the measuring instrument.

3. If, during the extraordinary verification, it should be determined that the measuring instrument does not comply with prescribed measurement requirements, the authorised official of the Institution for Metrology of the Entity in the Federation of Bosnia and Herzegovina or the Republika Srpska shall destroy the seal on the measuring instrument and declare the previously issued decision on proper functioning of the measuring instrument null and void by a decision on refusal of verification.

Article 31.

1. The seals used in the verification of measuring instruments become null and void:

a) if the term of validity of the former verification has expired,
b) if the seal is changed, damaged or removed,
c) if the seal is cancelled.

2. The decision on the proper functioning of the measuring instrument also expires with the expiration of the validity of the seal.

VIII – METROLOGICAL CONTROL AND INSPECTION

Article 32.

1. The Institute and the Institutions for Metrology of the Entities in the Federation of Bosnia and Herzegovina and the Republika Srpska control the implementation of this Law and regulations introduced for its implementation.

Article 33.

1. The Director of the Institute, in consultation with the Council, prescribes measuring instruments, standards and reference materials that are subjected to the metrological control, as well as the ways and scope of this control.

2. The Institute controls nominated laboratories, and the Director of the Institute, in consultation with the Council, prescribes the ways of metrological control of these laboratories.

Article 34.

1. Entity Institutions for Metrology shall have the right to carry out check-up verifications of the measuring instruments in use, regardless of the date of expiry of validity of the verification seal.

Article 35.

1. If the authorized official, during the control of the proper functioning of the measuring instrument finds that it does not have a proper seal or certificate on compliance with measurement requirements, the corresponding Entity Institution for Metrology shall issue a decision that bans the use or sale of it.

2. If the authorized official, during the control of the proper functioning of the measuring instrument, finds that it does not function properly despite the fact that it has a correct verification seal or an appropriate certificate on compliance with measurement requirements, the corresponding Entity Institution for Metrology shall issue a decision that bans the use or sale of it.

3. If the Institute, during the control, finds out that a nominated legal person does not act in accordance with regulations and does not comply with the prescribed requirements for nomination, the Director of the Institute shall make the decision that cancels the nomination.

4. Appeal against the decisions under paragraphs 1, 2 and 3 of this Article shall not be permitted, but an administrative procedure may be initiated.

Article 36.

1. Control of the implementation of this Law in the domain of the control of correctness of the seal on the measuring instrument and the validity of the certificate on compliance with measurement requirements and correctness of pre-packed products, shall be carried out by a Market Surveillance inspection.

2. The Market Surveillance authority will make the decision that bans the use and sale of unverified and improperly functioning measuring instruments in terms of this Law.

IX – CONTROL OF QUANTITIES AND MARKING OF PRE-PACKED PRODUCTS

Article 37.

1. Pre-packed products in terms of this Law may be released on market only if the quantity is marked on them and if the real quantity is within the permissible range of the deviation from the marked quantity.

Article 38.

1. The authorized official of the Institution for Metrology of the Entity, inspection or legal person nominated by the Institute performs the control of quantities of pre-packed products that are released on the market or will be released on the market.

2. Legal persons dealing with pre-packed products shall inform the Entity Institution for Metrology responsible for Measuring Instruments as to such activities.

Article 39.

1. The director of the Institute, in consultation with the Council, prescribes the way in which the control of pre-packed products is performed, the manner in which the quantity has to be marked, and as to permissible deviation of real quantity

from marked quantity.

2. If it should be found during control that the pre-packed products do not comply with the prescribed requirements, or that real quantity marking is missing, or that actual quantity is not within the permissible range of deviation from the marked quantity, the appropriate Entity Institution for Metrology or inspection, shall issue a decision that bans the sale of these products.

3. It shall not be allowed to appeal against this decision, but an administrative procedure may be initiated.

X – ARTICLES OF PRECIOUS METALS

Article 40.

1. The Institute performs the following tasks in the field of control of articles of precious metals:

a) creating draft regulations on control of the articles of precious metals, including ways of assessing the conformity of articles of precious metals with regulations,
b) ensuring international traceability of the equipment for testing of the articles of precious metals,
c) co-ordination of activities of the Entity institutions for legal metrology in the field of control of articles of precious metals,
d) international co-operation in the field of control of articles of precious metals.

Article 41.

1. The immediate control of the articles of precious metals is performed by the Entity Institutions for Metrology.

XI – FINANCIAL PROVISIONS

Article 42.

1. Operations of the Institute are financed from two sources: from the budget of Bosnia and Herzegovina, and from the income

derived from services the Institute provides to third parties.

2. Activities resulting from the explicit orders of this Law (Article 6; Article 7, paragraph 1; Article 8, paragraph 2; Article 11, paragraph 4) shall be financed from the budget of Bosnia and Herzegovina.

Article 43.

1. The director of the Institute, in consultation with the Council, makes and issues regulations together with the tariff defining the amounts and the method of payment of services provided by the Institute to the third parties.

Article 44.

1. Expenses referred to in Article 43. shall be borne by the manufacturer of the measuring instruments, importers, service organizations or owners or users of measuring instruments and reference materials.

XII – PENAL PROVISIONS

Article 45.

1. A legal person shall be fined between 2.000 KM and 20.000 KM in cash for the following economic violations:

a) if it releases on the market or uses a measuring instrument that is not verified in the proper way (Article 27, paragraph 1),

b) if it uses a measuring instrument for which a certificate on conformity assessment has not been issued or the certificate of the conformity of the measuring instrument was declared null and void (Article 21, paragraph 2),

c) if it releases on the market or uses an imported measuring instrument for which a certificate of the Entity

Institution for Metrology of compliance with required measurement and other conditions (Article 28, paragraph 4) has not been obtained,

d) If it uses the measuring instrument that does not indicate the measurement results in measuring units as prescribed by law (Article 9, paragraph 3).

2. The individual responsible for a legal person shall also be fined between 120 KM and 1.200 KM in cash for violations referred to in paragraph 1 of this Article.

Article 46.

1. A legal person shall be fined between 600 KM and 2.000 KM in cash for the following violations:

a) If it fails to carry out the initial, periodical or extraordinary verification of the measuring instrument (Article 27, paragraph 1),
b) If it uses the measuring instrument for which the prescribed term of periodical verification has expired, (Article 29, paragraph 5),

c) If it releases a pre-packed product on the market without any mark of quantity on it, or if the real quantity is not within the permissible limits of deviation from the marked quantity (Article 37, paragraph 1).

2. Individuals, including those responsible for a legal person will be fined between 200 KM and 500 KM in cash for violations referred to in paragraph 1 of this Article.

Article 47.

1. A legal person shall be subject to an on the spot fine of 250 KM in cash, in the following cases:

a) If it fails to inform the competent Entity Institution for Metrology on pre-packing activities (Article 38, paragraph 2),

b) If it fails to keep the records on testing of standards, measuring instruments and samples of reference materials (Article 35, paragraph 3),

c) If it does not allow unimpeded control or fails to provide data required for carrying out of the control (Article 34, paragraph 1),

d) If it uses a measuring instrument that is not functioning properly, or if it uses the instrument in a manner which does not ensure the required accuracy of measurement (Article 35, paragraph 2),

e) If it does not have at its disposal at all the measuring instrument prescribed for performing the activity (Article 21, paragraph 1).

2. Individuals, including those responsible for a legal person shall be subject to an on the spot fine of 50 KM in cash for violations under paragraph 1 of this Article.
3. For repeated violations as referred to under Articles 46 and 47 of this Law, a protective measure of permanent confiscation of the measuring instrument by the use of which the violation had been committed may also be imposed, and in addition the protective measure of a temporary ban of six months duration, or a permanent ban on performance of the activity could be imposed.

XIII – TRANSITIONAL AND FINAL PROVISIONS

Article 48.

1. Regulations previously brought under the Law on Measuring Units and Measuring Instruments ("Official Gazette of SFRJ", No 9/84, 18/84, 59/86, 20/89 and 9/90) shall remain in force pending the issue of the new regulations that will define in details the issues related to metrology.

2. All approvals, certificates, authorizations and decisions issued prior to the entry into force of this Law shall remain

in effect until the new regulations referred to in paragraph 1 of this Article are issued.

3. The seals on measuring instruments, which were verified prior to the entry into force of this Law, shall remain in force until the deadline defined by the Entity Institutions for Metrology.

4. The Law on Measuring Units and Measuring Instruments ("Official Gazette of RBiH" Nos.14/1993 and 13/1994) is hereby revoked as of the day of entry into force of this Law.

Article 49.

1. In accordance with Article 13 paragraph 3 of the Law on establishing the Institute for Standards, Metrology and Intellectual Property, during the transitional period of three years starting from the date of adoption of the above mentioned Law, the tasks of the Institute for Metrology of Bosnia and Herzegovina shall be performed by the Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina.

Article 50.

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