

THE LAW ON METROLOGY IN THE FEDERATION OF BOSNIA AND HERZEGOVINA

I - GENERAL PROVISIONS

Article 1

This Law regulates: unique system of legal metrology in the Federation of Bosnia and Herzegovina (hereinafter: Federation) during inspection, verification and use of gauges, supervision of the quantity of prepackaged products, and control and imprinting stamp on the articles of noble metals and supervision on implementation of this Law and regulations arising under this Law.

Article 2

Regulations of this Law refer to criteria applicable in the area of:

- a) protection of human and animal health;
- b) environmental protection and technical safety;
- c) the supply of goods and services and protection of consumers;
- d) procedure before administrative and judicial authorities.

Article 3

In legal metrology only prescribed units of International System of Units SI have to be used.

Article 4

Terms used in this Law have the following meaning:

- "legal metrology" is area of metrology that deals with units of measurement, methods of measurement and gauges related to application of mandatory technical and legal requirements in order to achieve safety and accuracy of measurement;
- "metrological supervision" is a set of procedures implemented in order to maintain the accuracy measurement and / or reference materials;
- "etalon" is gauge, measure or measuring system meant for determination, deposition and reproduction of some unit of measurement in order to transfer its value to other gauges to serve as reference, and based on the place in traceability chain, accuracy and uncertainty of measurement etalons are ranked as: international, state, primary, secondary and operating etalons;
- "reference material" is material or substance which one or more value characteristics are sufficiently homogeneous and well defined and can be used in calibration of gauges, for the evaluation of measurement method and determination of the value of materials;
- "certified reference material" is reference material for which there is a certificate on value characteristics;
- "traceability" is characteristic of measurement results or etalon value by which they can be related to the named referents, usually state or international etalon by unbroken chain of comparisons;
- "appointed metrology laboratory" is laboratory that previously passed accreditation procedure according to ISO 17025 or procedure equal to accreditation procedure and meets the requirements of the Law on Metrology of Bosnia and Herzegovina that can perform

tests, calibrations and verifications of etalon, measurements, reference materials and equipment for the verification;

- "type approval" is document based on evaluation report that type of gauge meets the prescribed legal requirements or it is suitable for use in the prescribed space in a manner in which reliable results of measurement are expected within a certain period of time;
- "compatibility evaluation" is any activity that directly or indirectly applies to determination of specific requirements that are met ;
- "certificate on compatibility" is a document that confirms that particular gauge, or measuring party or produced series of gauges meets any prescribed metrological requirements for that type of gauge, and that is proved by compatibility evaluation pursuant to appropriate law regulations;
- "certificate on fulfillment of metrological and other conditions" is a document that is issued by Bureau of Metrology of the Federation of Bosnia and Herzegovina for gauges that are imported and that require mandatory metrological control and based on such certificate imports could be allowed;
- "calibration" is a set of procedures that regulates relation between value of size that some gauges show or value that is represented by some reference materijal and appropriate values accomplished by elaton;
- m) "certificate on calibration" is a document in which the results of calibration are entered and confirmed;
- n) "verification of gauges or reference materijals" is a set of procedures that serve to determine if gauge or reference materijal meet the prescribed metrological requirements, includes examination of gauge and imprinting stamp and it can be: the first, subsequent and extraordinarily;
- "certificate on verification" is a document that confirms that verification was executed specifying results of examinatin of gauge and in which the instructions can be given and dates for the next verification;
- "date of verification" is prescribed time period between subsequent verifications in order to ensure prescribed insecurities of measuring of gauges;
- "control of articles of noble metals" is a set of procedures that are performed with the task of determination and confirmation of fulfillment of legal regulations with the stamp for such articles;
- "stamp imprinting" is a set of procedures by wich the stamp is imprinted in a prescribed way and on a prescribed place on the gauge or mark corresponding to the stamp;
- "verificational stamp" is a mark that is imprinted on the gauge to verify the validity of gauge and / or to prevent separation, movement, substitution or replacement of some of the constituent elements of the gauge;
- "prepackaged products" are products in any package that are packed and closed without the presence of the customer and which amount is not posible to change without opening and damaging the packaging.

II - THE SYSTEM OF LEGAL METHROLOGY

Article 5

Professional and organizational tasks from the area of legal methrology in the Federation is performed by Bureau of Metrology of the Federation of Bosnia and Herzegovina (hereinafter: Bureau) in cooperation and coordination with the Institute for Standards,

Metrology and Intellectual Property of Bosnia and Herzegovina (hereinafter: Institute) and Council of Metrology of Bosnia and Herzegovina (hereinafter: Council).

Article 6

From the metrology area in the Federation Bureau brings: technical rules on verification of gauges; performs examination and verification of gauges; issues confirmations of the fulfillment of metrological and other conditions for gauges and certificates on accuracy of gauges; participates in performance, preservation, maintenance and use of etalon and reference materials; keeps appropriate registers at the area of the Federation; performs metrological supervision over the use of gauges and marks the packaged products; performs direct control of articles of noble metals and imprinting the stamp on them; cooperates with appropriate institutions in Bosnia and Herzegovina and performs other tasks from the metrology area that are not responsibility of the institutions of Bosnia and Herzegovina. For performance of tasks and authorization of verification of gauges, supervision of prepackaged products, direct control of noble metals and supervision of the implementation of legal metrology regulations in the Federation, Bureau forms verification centres and supervision of gauges (hereinafter: centres) which number and organisational structure are prescribed by the Rules on Internal Organisation of the Federal Ministry of Energy, Mining and Industry.

III - ETALONS, REFERENCE MATERIALS AND VERIFICATION EQUIPMENT

Article 7

By performing tasks, businesses and authorisation of verification and supervision Bureau uses reference and working etalons, samples of reference materials and verification equipment that compares to etalons of higher rank, which are preserved and maintained by the Institute.

Etalons, reference materials and equipment that the Bureau owns are calibrated and verified by Institute in accordance with international metrological recommendations and documents.

Article 8

Calibration and verification of etalon and verification equipment from Article 7 of this Law are performed by the Institute in the way and according to methods that are prescribed by director of Institute in the form of metrological instructions. Procedure of providing traceability to etalons and / or reference materials of higher metrological quality is performed according to methods prescribed by director of Institute in the form of metrological instructions.

IV - GAUGES

Article 9

Legal and natural persons have to own and use gauges that are prescribed for performance of their activities in accordance with the Law on Metrology of Bosnia and Herzegovina and this Law.

Only those gauges that fulfill legal, metrological and technical requirements contained in appropriate regulations and which require compatibility by prescribed methods and procedures of compatibility assessment can be put into circulation.

Only those gauges that own certificate on compatibility or certificate on authorisation of the type and that are marked in appropriate way can be put into circulation.

Marked gauge indicates gauge which may have the following marks:

- a) Marks for compatibility for gauges that don't need mandatory verification and for gauges that need to be verified after assessment;
- b) Marks for existence or nonexistence of importer/holder of gauge to test the type and / or to verify the gauge after issuing certificate on export;
- c) Prescribed stamp of verification after the gauge verification.

Director of the Institute for particular types of gauges prescribes methods of compatibility assessment, types and methods for labeling gauges, and content and form of the certificate of compatibility with metrological regulations.

Article 10

Only certificates issued by the Institute and legal persons appointed by the director are recognized as certificates on compatibility of gauges.

Article 11

If, during the use of gauges, Bureau determines that gauge for which the certificate on compatibility was previously issued or approval of the type is not appropriate for further use, director of the Bureau shall warn the Institute about that.

Article 12

Gauges that are imported and for which the metrological supervision is mandatory have to have certificate on fulfillment of metrological and other conditions issued by the Bureau. Certificate can be issued if the gauge previously passed the compatibility assessment procedure and has certificate on compatibility or type approval issued or recognised by the Institute and for gauges that are imported for the first time.

This certificate defines obligation of the importer or holder of the gauge before putting into circulation or before the use of gauge above (certification, type approval, verification or without obligations). This certificate is used for performance of customs operations during the import of gauges for the purpose of protection of the industry, market, health and safety of the industry and customers from import of gauges that don't comply with metrological and technical requirements.

Request for certificate on fulfillment of metrological and other conditions submits the importer of the gauge, or representator of the foreign company, and the request must be accompanied by the necessary technical documentation.

Bureau keeps the register of issued certificates on fulfillment of metrological and other conditions as a public book, and delivers the list of issued certifications to the Institute.

V - VERIFIKATION OF GAUGES

Article 13

The gauges, for which the metrological supervision is mandatory pursuant to the Law on Metrology of Bosnia and Herzegovina and this Law, are subjected to the first, the subsequent and the extraordinary verification.

The verification of gauges, respecting the applicable technical regulations, is performed by the Bureau and its centres or nominated legal persons that previously passed accreditation procedures or procedures equal to accreditation.

Federal Minister of Energy, Mining and Industry (hereinafter: federal minister) issues technical and other rules on metrological conditions for gauges, examination and verification method of gauges and certification for fulfillment of metrological conditions for import of gauges.

The owners of gauge or its users are obligated to take care of the accuracy of the gauges in use.

Article 14

New gauges of domestic or foreign manufacture are subjected to the first verification.

The first verification is performed before the gauge is put into use or circulation.

Manufacturer of gauge files a claim for the first verification of gauges manufactured in the Federation, and for the first verification of imported gauges claim is filed by the importer or representator of the foreign company that sells gauges from consignment stock.

Bureau can entrust the first verification of gauge to the manufacturer of gauge, if the process of mass production or gauge testing is automated.

Article 15

The gauges that are in use or that are stored for use or circulation are subjected to the subsequent verification.

The subsequent verification of gauges has to be done before the date of the previous verification.

The owner or user of the gauge files a claim for the subsequent verification.

The subsequent verification is performed in time period that is prescribed by the director of Institute. The gauge for which validity period of verification has passed cannot be used.

Article 16

Gauges on which repairment or some technical modification were performed are subjected to extraordinary verification.

Legal person that performed repairment or modification of gauge files a claim for extraordinary verification of measure.

If an extraordinary verification establishes that the gauge does not comply with prescribed metrological requirements, authorised employee of the Bureau shall annul the stamp on the gauge and the director of Bureau shall annul the previously issued certificate on gauge accuracy by a decision on the refusal of verification.

Article 17

Types and forms of stamps that are used by the Bureau and appointed legal persons in the Federation for verification of gauges are prescribed by the federal minister at the proposal of director of the Bureau.

Stamps used in verification of gauges cease to be valid if:

- validity period of the previous verification stopped;
- the stamp is changed, damaged or removed;
- the stamp is annulled.

By termination of stamp validity the certificate on verification of gauge also ceases to be valid.

VI - ARTICLES OF NOBLE METALS

Article 18

The Bureau performs immediate control of articles of noble metals. Control of articles of noble metals includes control of the type of the base metal (platinum, palladium, gold and silver) and its weight share in the alloy (fineness).

Article 19

Control of the articles of noble metals is performed in accordance with the special law.

VII - SUPERVISION, QUANTITY AND MARKING OF PREPACKED PRODUCTS

Article 20

Prepacked products (domestic and foreign), according to this Law, are products in any packaging, that are packed and closed without the presence of the customer and which quantity cannot be changed without opening and damaging the packaging.

Prepacked products (domestic and foreign), according to this Law, can be put into circulation only if they have quantity mark, or if the real quantity is within the permissible limits of deviation from the marked quantity.

In the circulation of prepacked products their quantities have to be under the metrological supervision.

Article 21

Supervision on the quantities of prepacked products that are in the circulation or that are yet to be put into circulation is performed by authorised employees of the Bureau, market inspection or legal person that is appointed by the Institute.

Legal persons that deal with prepacking of products have to inform the Bureau about their activities.

Article 22

Director of the Institute prescribes the method of control of prepacked products, method of marking the quantities and allowed deviation of real from marked quantity.

If it is determined by the supervision that prepacked products deviate from prescribed requests, that there is no appropriate quantity mark or that the real quantity is not within the limits of permissible deviation from the marked quantity, the Bureau or market inspection shall issue a decision on prohibition of their sale.

It can be appealed to the Federal Ministry of Energy, Mining and Industry on the decision from paragraph 2 of this Article within eight days from the date of this decision. The appeal does not dispose the execution of the decision.

VIII - METROLOGICAL SUPERVISION

Article 23

Supervision on implementation of this Law and regulations adopted for its implementation are performed by Bureau and market inspection within their authorisation.

Article 24

Institute performs supervision on appointed metrological laboratories and legal persons appointed for supervision, and director of the Institute prescribes manner of metrological supervision on metrological laboratories and legal persons appointed for supervision.

Director of the Institute prescribes gauges, etalons and reference materijals which are subjected to metrological supervision.

Article 25

If authorised employee of the Bureau establishes by performing supervision that gauge does not have the correct stamp or certificate on verification, director of the Bureau shall issue the decision on prohibition of use of gauge.

If authorised employee of the Bureau establishes by performing supervision that gauge is not correct although it has correct verification stamp or valid certificate on verification, director of the Bureau shall issue the decision on prohibition of use of gauge.

It can be appealed to the Federal Ministry of Energy Mining and Industry on desision from paragraphs 1 and 2 of this Article within eight days from the date of this decision. The appeal does not dispose the execution of the decision.

If the gauge prescribed by decision from the paragraphs 1 and 2 of this Article is not implemented in the manner and within the period prescribed by this decision, employee can ensure its implementation by temporary confiscation of gauge, and he is obligated to issue the confirmation on confiscated gauge.

Article 26

Implementation of this Law during supervision: if the gauge has the correct stamp or valid certificate on verification, if the stamps on the articles of noble metals that are put into circulation or that are yet to be put into circulation are valid, if the prepacked products are correct and declared quantities are performed by the market inspection.

Market inspection authorities shall issue the decision that prohibits the use and release of unverified and incorrect gauges, without imprinted stamp or with inadequate imprinted stamp of the article of noble metals and incorrect or incorrectly declared prepacked products.

Market inspection authorities are obligated to deliver to the Bureau a copy of decision from paragraph 2 of this Article.

Article 27

Employees of Bureau authorised for the supervision have official legitimation that is issued and verified by director of the Bureau.

Content and form of official legitimations and method of issuing and keeping records on official legitimations are prescribed by the federal minister.

Article 28

Authorised employees of the Bureau have the right to perform inspection of gauges that are in use, no matter that validity period of verification stamp has not expired yet.

By performing the metrological supervision authorised employee of the Bureau have the right of free access to business or production premises and vehicles containing gauges, articles of noble metal and prepacked products or for which they assume to be there.

IX - FUNDS FOR BUREAU FINANCING

Article 29

The funds for Bureau financing shall be provided in the budget of the Federation.

Article 30

The amount and method of payment of charges for examination of gauges and in connection with the examination of gauges are prescribed by the federal minister.

Article 31

Costs from Article 30 of this Law that are made in a connection with the verification of gauges are paid by manufacturers, importers, servicers or owners or users of the gauges. Party pays the costs of supervision that ended unfavorably for the party from paragraph 1 of this Article.

PENALTY PROVISIONS

Article 32

Legal person shall be fined for economic offense with penalty in the amount from 2,000.00 BAM to 20,000.00 BAM for:

- the use of gauge that does not express measurement results in units of measure prescribed by the law (Article 3)
- the use of gauge for which the certificate on evaluation and compatibility is not issued or the certificate on compatibility of gauges is cancelled (Article 9, paragraph 3);
- putting into circulation or using imported gauge which does not have certificate of the Bureau of meeting metrological and other conditions (Article 12, paragraph 1);
- putting into circulation or using gauge that hasn't been properly verified (Article 13, paragraph 2).

Responsible person within the legal person shall be fined for economic offense with penalty in the amount from 120.00 BAM to 1,200.00 BAM.

Article 33

Legal person shall be fined for offense with penalty in the amount from 600.00 BAM to 2,000.00 BAM if:

- it does not perform the first, the subsequent or the extraordinary gauge verification (Article 13, paragraph 1);
- it uses gauge that expired prescribed date of periodic verification (Article 15, paragraph 5);
- it puts into circulation prepacked product without quantity mark or if the real quantity is not within the tolerance of the marked quantity (Article 20, paragraph 2).

Natural person and responsible person within the legal person shall be fined for the offence from paragraph 1 of this Article with penalty in the amount from 200.00 BAM to 500.00BAM.

Article 34

Legal person shall be fined for offense with penalty in the amount from 250.00 BAM to 600.00 BAM if:

- it does not possess the gauge prescribed for activity performance (Article 9, paragraph 1);
- it uses incorrect gauge or uses it in the way that does not ensure needed exactness (Article 25, paragraph 2);
- it does not inform the Bureau about prepacking activity (Article 21, paragraph 2);
- it does not allow unobstructed supervision or does not provide information needed for performance of supervision (Article 28, paragraph 2).

Natural person and responsible person within the legal person shall be fined for the offence from paragraph 1 of this Article with penalty in the amount from 50.00 BAM to 100.00 BAM. Protective measures of permanent confiscation of gauge with which the offence was committed can be imposed for repeated offenses from Article 32 and 33 of this Law, and besides that, protective measure of permanent or temporary prohibition of activities in a period of six months can be imposed.

XI - TRANSITIONAL AND FINAL PROVISIONS

Article 35

Regulations that are appropriate for implementation of this Law shall be adopted within a period of 90 days from the date of entry into force of this Law.

Article 36

Regulations that were applied until the entry into force of this Law shall be applied until adoption of regulations from Article 35 of this Law. All approvals, certificates, authorizations and decisions adopted before entry into force of this Law remain in effect within the period of six months from the date of adoption of the regulations from paragraph 1 of this Article. Stamps on the gauges that were verified before entering into force of this Law remain in effect until expiry date.

Article 37

This Law enters into force on the eighth day from the publication date in Official Gazette of the Federation of Bosnia and Herzegovina.

CHAIRMAN OF
HOUSE OF PEOPLES OF
PARLIAMENT OF THE FEDERATION OF BIH

Slavko Matić

CHAIRMAN OF
HOUSE OF REPRESENTATIVES OF
PARLIAMENT OF THE FEDERATION OF BIH

Muhamed Ibrahimović

Explanation of the Law on Metrology in the Federation of Bosnia and Herzegovina

Constitutional basis

Constitutional basis for adoption of this Law is contained in the regulations of point c) of Amendment VIII to the Constitution of the Federation of BiH, according to which the specific responsibility of the Federation is to determine economic policy and Article IV A 20 (1) d) of Constitution of the Federation of BiH according to which the Parliament of the Federation of

BiH is responsible for adoption of the laws on the exercise of the functions of the federal government.

Reasons for adoption

Adoption of the law governing unique system of legal metrology in the Federation of BiH in the review, verification and use of gauges, supervision on quantity of prepacked products, and control and stamping the articles of noble metals, arises from the Law on metrology of BiH and the Law on Establishing the Institute for Standards, Metrology and Intellectual Property of BiH (both published in Official Gazette of BiH, number 29/00 and Official Gazette of BiH, number 19/01). These two laws with a number of their provisions obligate entities in Bosnia and Herzegovina on the establishment of institutions for metrology and regulate basis of their jurisdiction.

Explanation of some provisions

Articles 1 to 3 of the Law determine content of the Law and application of regulations on: measures in the area of protection of human and animal health, environmental protection and technical safety, the supply of goods and services and protection of consumers, procedure before administrative and judicial authorities and application of units of International System of Units.

Article 4 gives the meaning to terms used in the Law.

Articles 5 and 6 regulate the system of legal metrology. Professional and organisational affairs from the area of legal metrology in the Federation and supervision on performing the legal metrology in the Federation of BiH are performed by the Bureau **of Metrology of the Federation of BiH**. Centers for verification and control of gauges are established by the Bureau and conditions for activities of the centre are ensured by the Bureau in coordination with the Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina. Bureau proposes and issues regulations, instructions, commands and decisions for their work, prepares development program, annual plans and reports on work of the Bureau and other.

In the area of verification of gauges Bureau performs: the first and the subsequent verification of gauges, issues certificates on fulfillment of metrological and other conditions for gauges that are imported, issues technical regulations on verification of gauges, performs examination and verification of gauges in appointed centres and metrological laboratories in consultation with the director of the Institute, performs marking and stamping of verified gauges, issues appropriate certificates and reports on test results, performs metrological supervision on the use of gauges that are subjected to legal metrology, issues certificates on accuracy of gauges and issues decisions on prohibition of gauges.

Article 6 determines the formation of the centre by the Bureau for performing activities and authorisation of verification of gauges, supervision of prepacked products, direct control of articles of noble metals and supervision on implementation of legal metrological regulations in the Federation.

Articles 7 and 8 define etalons, reference materials and equipment for verification that are used for supervision of implementation of this Law.

Article 9 determines that legal and natural persons have to own and use gauges that are prescribed for performance of their activities pursuant to the Law on Metrology of BiH and this Law and only those gauges that fulfill legal, metrical and technical requirements contained in appropriate regulations can be put in circulation, that own certificate on compatibility or certificate on type approval and that are marked in appropriate way.

If the Bureau finds, during the use of gauge, that gauge for which the certificate on compatibility was previously issued or type approval is not appropriate for the further use, director of the Bureau shall, according to regulations from Article 11 of the Law, warn the Institute.

According to regulations of Article 12 gauges that are imported and that require mandatory metrological supervision have to have certificate on fulfillment of metrological and other conditions issued by the Bureau, if gauge previously passed conformity assessment procedure, or if they own the certificate on compatibility or type approval issued and recognised by the Institute and for gauges that are imported for the first time. It is regulated by the same Article that the Bureau keeps a register of issued certificates on fulfillment of metrological and other conditions as a public book, and it delivers the list of issued certifications to the Institute.

Article 13 determines that gauges that need mandatory metrological supervision according to the Law on Metrology of BiH and this Law are subjected to the first, the subsequent and the extraordinary verification, performed by the Bureau and its centres or appointed legal persons that previously passed accreditation procedure or procedure equal to accreditation.

Technical regulations on verification of gauges would be adopted by federal minister at the proposal of director of the Bureau, in consultation with director of the Institute in order to comply with the relevant regulations of the European Union or documents of the International Organisation of Legal Metrology (OIML).

The owners of the gauges or their users are obligated to take care of the accuracy of gauges that are in use.

Rights, the subsequent and the extraordinary verification of the gauges are regulated more precise, according to Articles 14 to 16.

Article 17 provides basic regulations on types and forms of stamps that are used in verification of gauges and Articles 18 and 19 related to direct control of articles of noble metals just point to the application of the special law in this matter. Articles 20 to 22 treat supervision on quantity and marking of prepacked products.

Regulations of Articles 23 to 28 treat metrological supervision. Supervision on implementation of this Law is done by the Bureau and market inspection.

Pursuant to article 29 the Bureau ensures financial funds in the budget of the Federation.

Articles 32 to 34 determine actions that, according to this Law, have characteristics of offence or economic offence.

Transitional provisions of Articles 35 to 37 determine implementation of previous regulations from the area of metrology until the adoption of new regulations and federal minister is authorised for their adoption.

Financial funds

For implementation of this Law (Article 29) it is necessary to ensure financial funds in the budget of the Federation of BiH.