

THE LAW
ON AMENDMENTS TO THE LAW ON CONSTRUCTION PRODUCTS
(“Official Gazette of Montenegro”, No. 15/25)

Article 1

Article 1 of the Law on Construction Products (“Official Gazette of Montenegro”, No. 18/14 and 51/17) shall be amended as follows:

“This Law shall lay down the conditions for placing or making available on the market of construction products, as well as other matters of importance for placing or making available on the market of the construction products”.

Article 2

In Article 5, paragraph 2, after the word “level,” the words: “threshold levels,” shall be added.

Paragraph 3 shall be amended as follows:

“The essential characteristics of the construction product, which refer to the basic requirements for the construction works, shall be determined by the harmonized technical specification. Except from paragraph 3 of this Article, reference to a relevant harmonized technical specification is not required in the cases of the following essential characteristics:

- 1) Reaction to fire,
- 2) Resistance to fire,
- 3) External fire performance,
- 4) Acoustic performance,
- 5) Emissions of dangerous substances.“

After paragraph 4, a new paragraph shall be added as follows:

“Threshold level means a minimum or maximum performance level of an essential characteristic of a construction product.”

The previous paragraph 4 and 5 shall become paragraph 5 and 7.

Article 3

Article 7 paragraph 1 shall be amended as follows:

“The technical regulation referred to in Article 6 of this Law shall state the designation and name of the Montenegrin standard by which:

1. the harmonized standard has been recognized (hereinafter: the harmonized Montenegrin standard); or
2. the harmonized standard has not been recognized.”

In paragraph 3, the words: “standard referred to in paragraph 1 of this Article” shall be replaced by the words: “harmonized Montenegrin standards”.

Article 4

In the title of Article 8, the words: “and use” shall be deleted.

Paragraph 1 shall be amended as follows:

“A construction product may be placed on the market:

- 1) for which a declaration of performance has been made, with the exception of a construction product that:
 - is individually manufactured or custom-made in a non-series process in response to a specific order, and installed in a single identified construction work, by a manufacturer who is responsible for the safe incorporation of the product into the construction works, in compliance with the applicable law governing construction works;
 - is manufactured on the construction site for its incorporation in the respective construction works in compliance with the applicable law governing construction works; or
 - is manufactured in a traditional manner or in a manner appropriate to heritage conservation and in a non-industrial process for adequately renovating construction works protected by law, as part of a designated environment or because of their special architectural or historic merit, in compliance with audited final design or technical specification and law.
- 2) if marked with a conformity mark;
- 3) if accompanied by a technical instruction.”

In paragraph 2 the words: “a confirmation of its conformity or demonstration of its usability” shall be replaced by the words: “a confirmation of its conformity.”

Article 5

Article 9 shall be deleted.

Article 6

In Article 11, paragraph 1, after point 2, a new point shall be added as follows:

“2a) construction works means buildings and civil engineering works;”

In point 5, after the word “standardization bodies”, the semicolon is replaced by a comma and the words: “on the basis of a request issued by the European Commission” shall be added.

After point 6, a new point shall be added as follows:

“6a) non-harmonized technical specification means a Montenegrin standard that is not a harmonized Montenegrin standard, or that is an assessment document that does not recognize a European Assessment Document;”

In point 20, after the word “designed”, the comma is deleted and the words: “or manufactured,” shall be added.

After point 26, a new point shall be added as follows:

“26a) life cycle means the consecutive and interlinked stages of a construction product’s life, from raw material acquisition or generation from natural resources to final disposal;”

Article 7

In Article 12 paragraph 2, points 5 and 6, the words: “for the intended” shall be replaced by the words: “for the declared intended use”.

In point 7, the words: “according to the product-type” shall be deleted.

Points 9 and 10 shall be amended as follows:

“9) for the essential characteristics of the construction products referred to by the list from point 5 of this paragraph, the letters ‘NPD’ (No Performance Determined);

10) when a Technical Assessment recognizing European Technical Assessment has been issued for that product, the performance, by levels or classes, or in a description, of the construction product in relation to all essential characteristics contained in the corresponding Technical Assessment.”

After point 10, a new point shall be added as follows:

“11) the reference number of the Special Technical Documentation used and the requirements with which the manufacturer claims the product complies, if applicable.”

Paragraph 3 shall be amended as follows:

“A copy of the declaration of performance of each product which is made available on the market shall be supplied either in paper form or by electronic means, while a construction product from the group of chemicals must be accompanied by a safety data sheet for chemicals in accordance with the law governing chemicals.”

Article 8

In Article 15, paragraph 1, the words: “placed on the market and in use” shall be replaced by the words: “made available on the market”.

Article 9

In Article 17, paragraph 1, after point 1, a new point shall be added, as follows:

“1a) provide information on performance of the construction product in relation to the essential characteristics contained in the declaration of performance, if that product is covered by a harmonized Montenegrin standard or harmonized with a Technical Assessment recognizing the European Technical Assessment that was issued for that product, except for exceptions referred to in Article 8 paragraph 1 point 1 of this Law;”

In point 3, the words “on the basis of the declaration of performance” are replaced by the words: “based on which declaration of performance is drawn up”.

In point 4, the words: “ensure continuous compliance” are replaced by the words: “establish a procedure to ensure continuously”.

In point 5, the words: “is placed on the market and in use,” are replaced by the words: “placed or made available on the market, investigate whether the end user deems the product compliant with the declared performance.”

Article 10

In Article 18, paragraph 1, point 2 shall be amended as follows:

“2) further to a reasoned request from a competent inspection, provide that authority with all the information and documentation necessary to demonstrate the conformity of the construction product with the declaration of performance and compliance with other applicable requirements in this Law;”

After point 2, a new point shall be added as follows:

“3) cooperate with the inspection, at their request, on any action taken to eliminate the risks posed by construction products placed on the market.”

Article 11

In Article 19, paragraph 1, point 8, after the word “market,” the words: “investigate whether the end user deems such product compliant with declared performance,” shall be added.

Point 12 shall be amended as follows:

“12) further to a reasoned request from a competent inspection, provide it with all the information and documentation necessary to demonstrate the conformity of the construction product with the declaration of performance and compliance with other applicable requirements in this Law;”

After point 12, a new point shall be added as follows:

“13) cooperate with the inspection, at its request, on any action taken to eliminate the risks posed by construction products which they have placed on the market.”

Article 12

In Article 20, paragraph 1, after point 1, a new point shall be added as follows:

“1a) when making a construction product available on the market, act with due care;”

Point 5 shall be amended as follows:

“5) where a distributor considers or has reason to believe that a construction product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Law, the distributor shall take corrective measures, to place it on the market;”

In point 6, after the word “inform”, the words: “the manufacturer, the importer thereof, and” shall be added.

In point 7, a comma shall be added after the word “market”, and the words: “in compliance with” shall be replaced by the words: “not in compliance with”.

Article 13

In Article 23, paragraph 1, after point 2, a new point shall be added as follows:

“2a) the intended use of the construction product is harmonized with the notified body;”

In paragraph 2, after the word “foreseen”, the comma shall be deleted and the words: “and harmonized,” shall be added.

Article 14

In Article 24, paragraph 5 shall be deleted.

The previous paragraph 6 becomes paragraph 5.

Article 15

In Article 37, paragraph 1, the word “conditions” is replaced by the word “requirements”.

Article 16

In Article 42, paragraph 2, the words: “by special technical documentation, demonstrate the compliance of the construction product with applicable requirements,” shall be replaced by the words: “shall demonstrate the compliance of the construction product with the applicable requirements by means of the special technical documentation.”

Article 17

After Article 43, a new article shall be added as follows:

“Related application

Article 43a

The provisions of Article 8, paragraph 1 indents 1 and 3 and paragraph 2, Articles 10, 12, 14, 15 and 16, Article 17, paragraph 1, points 1, 1a and points 3 to 12, Article 18, Article 19 paragraph

1 point 1, point 2 indents 1, 2, 3, 5 and 6 and points 3 to 13, Article 20 paragraph 1 points 1a to 10 and Articles 21 to 43 of this Law, shall be applied accordingly to the placing or making available on the market of construction products manufactured in accordance with non-harmonized technical specifications.”

Article 18

In Article 46, paragraph 2, the words: “for the construction product covered by the harmonized technical specification,” shall be deleted.

Article 19

After Article 46, a new article shall be added as follows:

“Application of requirements for construction products in a non-harmonized area

Article 46a

Construction products placed on the market in accordance with the regulations of a member state of the European Union or the Republic of Turkey, or a signatory state of the European Free Trade Association Agreement, may be placed on the market of Montenegro.

If the competent inspection determines that the product referred to in paragraph 1 of this Article does not meet the conditions in accordance with this Law, it can restrict its placing on the market or demand the withdrawal of such product from the market.”

Article 20

In Article 47, paragraph 2 shall be amended as follows:

“The tasks of inspection supervision are performed by the market inspection in relation to the manufacturing, placing on the market and distribution of the construction product, and the spatial planning - and construction inspector in relation to the use of the construction product (hereinafter: competent inspector).”

Article 21

In Article 49, paragraph 1, point 2, the words: “to withdraw the construction product from the market and/or use” shall be replaced by the words: “to withdraw and/or recall the construction product from the market”.

Article 22

In Article 50, paragraph 1, indents 1 and 3, the words: "Article 9" are replaced by the words: "Article 8".

Article 23

In Article 52, paragraph 1, point 2 shall be amended as follows:

“2) withdraw and/or recall the construction product from the market.”

Article 24

In Article 55, paragraph 1, after the word: “product”, the comma shall be deleted, and the words: “confirms its conformity or proves its usability.” shall be replaced by the words: “or a confirmation of its conformity.”

Article 25

In Article 57, paragraph 1, point 1, the words: “for which usability has not been proven (Article 8 paragraph 1);” shall be replaced by the words: “that fails to comply with Article 8 of this Law;”.

After point 4, a new point shall be added as follows:

“4a) provides information on performance of the construction product in relation to essential characteristics that are not contained in the declaration of performance, if that product is covered by a harmonized Montenegrin standard or harmonized with a Technical Assessment recognising the European Technical Assessment issued for it, except for exceptions referred to in Article 8 paragraph 1 point 1 of this Law (Article 17 paragraph 1 point 1a);”

In point 6, the words “on the basis of the declaration of performance” are replaced by the words: “based on which declaration of performance is drawn up”.

In point 7, the words: “ensure continuous compliance” shall be replaced by the words “establish a procedure to ensure continuously”.

In point 8, the words: “placed on the market and in use” shall be replaced by the words: “placed or made available on the market, investigate whether the end user deems the product compliant with the declared performance,”.

In point 13, the words: “does not bring into conformity” are replaced by the word “bring into conformity”.

Article 26

In Article 58, paragraph 1, item 2 shall be amended as follows:

“2) further to a reasoned request from a competent inspection, fails to provide that authority with all the information and documentation necessary to demonstrate the conformity of the construction product with the declaration of performance and compliance with other applicable requirements in this Law (Article 18 paragraph 1 point 2);”

After point 2, a new point shall be added as follows:

“3) fails to cooperate with the inspection, at their request, on any action taken to eliminate the risks posed by construction products placed on the market, (Article 18 paragraph 1 point 3).”

Article 27

In Article 59, paragraph 1, point 8, after the words: “placed or made available to the market,” the words: “fails to examine whether the end user considers the product to be in compliance with the declared performance” shall be added.

In point 10, a comma shall be added after the word “market” and the words: “which is not” shall be added, and the words: “is not brought into conformity “ shall be replaced by the word “ is brought into conformity “.

Point 12 shall be amended as follows:

“12) fails to submit information and documentation demonstrating the compliance of the construction product with the declaration of performance and other requirements in accordance with this Law at the reasoned request from the competent inspection (Article 19 paragraph 1 point 12);

After point 12, a new point shall be added as follows:

- 1) “13) fails to cooperate with the inspection, upon request, in undertaking activities in order to eliminate the risks posed by construction products placed on the market (Article 19 paragraph 1 point 13).”

Article 28

In Article 60, paragraph 1, after point 1, a new point shall be added as follows:

“1a) fails to ensure, before making a construction product available on the market, that the product bears the conformity marking (Article 20 paragraph 1 point 1a);”

In point 5, the words: "did not take corrective measures" shall be replaced by the words:: "without taking corrective measures".

In point 6, after the words: “notify”, the words: “the manufacturer, importer and” shall be added.

In point 7, the words: “in accordance with,” shall be replaced by the words: “does not meet the conditions prescribed,” and the words: “does not conform” shall be replaced by the word “conforms.”

Article 29

In Article 62, paragraph 1, the words: “Article 8, paragraph 1, indent 2, Article 9, paragraph 2, indent 2,” shall be replaced by the words: “8, paragraph 1, point 2, and paragraph 2,” and after the words: “Article 20, paragraph 1, point 1 ,” the words: “Article 46a,” shall be added.

Article 30

This Law shall enter into force on the eighth day following the day of its publication in the “Official Gazette of Montenegro”.

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Podgorica, 12 February 2025

The 28th convocation of the Parliament of Montenegro

President,

Andrija Mandić, s.