

# GENERAL SAFETY OF GOODS

## CURRENT SITUATION

In late spring of 2009, Serbian Lawmakers have passed the new Law on General Safety of Goods. However, the commencement of its application has been postponed for mid-December 2009. The law systematically regulates for the first time ever the duties and obligations of manufacturers and distributors in relation to safety of goods. In essence, the law is an adoption of relevant EU legislation and standards.

## POSITIVE DEVELOPMENTS

The enacting of the law is a positive development in its own. Its adoption is one of the conditions ranking highest on the list for further EU accession of the country. The law introduces EU standards and rules regulating free trade of goods on the market. It is drafted up in the image of its older European counterparts. It regulates the future relationship between Serbia and the EU, by introducing, for example, provisions regarding RAPEX, the EU rapid alert system for all dangerous consumer products. Furthermore, it stipulates significant duties of manufacturers and disturbers, alike, relating to safety of goods, providing information, supervisory control of state

authorities, customs issues and public disclosure of information. Breach of its major provisions is sanctioned with pecuniary fines.

Interestingly, in accordance with further EU integration, the new law provides for the enforcement of decisions issued by the European Commission.

## REMAINING ISSUES

It remains to be seen how will the provisions of the new law be applied and enforced in the future. Furthermore, positive enforcement of the law highly depends on the pace in which relevant state authorities will get familiar with this new legal framework and the accompanying standards.

Regarding enforcement, it is especially important that a good practice is established, particularly in relation to rapid warning of endangered consumers, public disclosure, and issuance of measures and pecuniary fines against proven offenders.

Finally, the full scope of the law will come into effect only upon full accession of Serbia into the EU.

## FIC RECOMMENDATIONS

- Enactment, as soon as possible, of the secondary legislation necessary for the law to become fully operational;
- Training and preparation of state enforcers in cooperation with the EU for the application of the law in order to secure effective results;
- Speeding up the process of harmonization of Serbian standards with those of the EU;
- Timely performance of duties under prescribed deadlines by the Serbian Government;
- Campaigning in order to raise the level of general public awareness in respect if consumer rights under the new law.