

Draft

Republic of Lithuania

Law on Standardisation

Chapter 1. General Provisions

Article 1. The Scope of Application and the Objective of the Law

1. This Law shall establish basic objectives and principles of national standardisation, the procedure for the drafting and application of the Lithuanian standards, the relation between the standards and technical regulations, basic provisions for the establishment of the Lithuanian Standards Association and the activities thereof, and sources of financing national standardisation.

2. The purpose of the Law shall be to create the conditions for the implementation of the objectives of national standardisation and to adhere to the essential principles of standardisation.

3. This law shall not apply to standardisation in enterprises and the military field.

Article 2. Main definitions

As used in this Law:

1. **“Standardisation”** means activity of establishing, with regard to actual or potential problems, provisions for common and repeated use, aimed at the achievement of the optimum degree of order in a certain field (industry, transport, agriculture, etc.).

2. **“National standardisation”** means standardisation on the specific state level.

3. **“Standard”** means a document drafted by consensus and approved by a recognised standards body, that provides, for common and repeated use, rules, guidelines or characteristics, aimed at the achievement of the optimum degree of order in a certain field:

1) international standard is a standard adopted by an international standards organisation and made available to the public;

2) regional standard is a standard adopted by a regional (European) standards organisation and made available to the public;

3) national standard is a standard adopted by a national standards body and made available to the public.

4. **“Standards Body”** means an institution recognised on the national, European or other regional, as well as international level the main function of which is the drafting and adoption of standards made available to the public.

5. **“National Standards Body”** means the only institution recognised on the national level possessing the right to be a member of a relevant international or regional (European) standards organisation.

6. **“Standards programme”** means a working plan of a standards body listing the types of activities performed by it the field of standardisation.

7. **“Technical regulation”** means a legal act that provides technical requirements, either directly or by referring to or incorporating the content of a standard, technical specification or code of practice.

8. **“Technical specification”** means a document that prescribes technical requirements to be fulfilled by a product, process or service.

9. **“Product”** means the result of activities or processes.

10. **“Process”** means a set of activities which transform (reprocess) inputs into outputs.

11. **“Service”** means the result of a supplier’s internal activities to meet the needs of a customer.

12. **“Code of practice”** means a document that recommends practices and procedures for the design, manufacture, installation, technical maintenance or utilisation of equipment, structures or products.

13. **“Reference to standards (contained in legal acts)”** means a reference to one or several standards to avoid detailed repetition of their provisions.

14. **“Indicative reference (to standards)”** means a reference to standards that states that one way to meet the relevant requirements of a technical regulation is to comply with the standard(s) referred to.

15. **“Exclusive reference to standards”** means a reference to standards that states that the only way to meet the relevant requirements of a technical regulation is to comply with the standard(s) referred to.

Chapter 2

Objectives and Principles of the Lithuanian National Standardisation

Article 3. Objectives of the Lithuanian National Standardisation

The objectives of the Lithuanian national standardisation shall be:

- 1) protecting the health and life of the people and animals, material wealth, consumers’ interests and ensuring their safety;
- 2) ensuring the free movement of goods and services;
- 3) improving the quality of products with the aim of achieving the competitiveness thereof on the domestic and foreign markets;
- 4) representing the interests of the national economy on the international and European standardisation levels;
- 5) ensuring efficient utilisation and conservation of the state resources.

Article 4. Essential Principles of the Lithuanian National Standardisation

The essential principles of the Lithuanian national standardisation shall be:

- 1) participation of all interested subjects, i.e. producers and service providers, state and municipal institutions, research and study institutions, consumer, public, professional and other organisations (hereinafter referred to as the interested parties) in the process of standardisation on a voluntary and equal basis;

- 2) drafting and adoption of the standards by consensus;
- 3) voluntary application of the standards;
- 4) transparency of the standards;
- 5) application of the principle of priority of the international and European standardisation;
- 6) meeting the needs of the national economy and the public;
- 7) application of modern scientific and technological innovations;
- 8) continuous accumulation of the national standards' fund.

Chapter 3

Lithuanian standards, their drafting, application, accumulation and distribution

Article 5. Lithuanian Standards

1. A Lithuanian standard shall be a standard adopted by the Lithuanian National Standards Body (hereinafter referred to as the National Standards Body) and meant for the public. A harmonised Lithuanian standard shall be a harmonised European standard drafted and adopted by a European Standards Body on the instruction of the European Commission and transposed as a Lithuanian standard.

2. Lithuanian standards shall conform to the legislation of the Republic of Lithuania.

3. A Lithuanian standard shall be identified by the abbreviation "LST" followed by a number. An international or European standard transposed as a Lithuanian standard may be identified by the abbreviation, which bears the following elements: the abbreviation "LST" followed by the abbreviation of the international or European standard transposed as a Lithuanian standard and a relevant number.

4. The abbreviation "LST" of a Lithuanian standard and a number shall not be used for the identification of any other publication.

5. Publications and their collections of the National Standards Body may be marked by the copyright notice in the manner prescribed by laws. The making of the copies, reproduction, reprinting and distribution of the aforementioned publications or the parts thereof in any means or form (electronic, mechanical, including photocopying, microfilming, Internet, etc.) without the written consent of the National Standards Body shall be prohibited.

6. Lithuanian standards shall be drafted in the national language. Standards and other publications of international and European standards organisations transposed into the Lithuanian standards system may be in one of the languages of those organisations until the official translation into the Lithuanian language is made.

7. Standards of international and European standards organisations shall be transposed into the Lithuanian standards system in the manner prescribed by the National Standards Body.

Article 6. Drafting of the Standards and the Dissemination of the Information Related thereto.

1. Lithuanian standards shall be drafted according to the standards programme which shall be prepared and approved in the manner prescribed by the National Standards Body. Information about the standards programme shall be published in the periodical of the National Standards Body.

2. Proposals to the standards programme may be submitted by all interested parties. In preparing the programme, priority shall be given to the transposition of the harmonised and other European and international standards.

3. In the absence of the relevant European or international standards Lithuanian standards shall be drafted in accordance with the provisions of the legal acts regulating the procedure for the provision of information about the standards.

4. The National Standards Body shall give priority to the preparation of the drafts of the Lithuanian standards ordered by the state institutions.

5. Lithuanian standards shall be drafted by agreement consensus and approved by the technical committees of the National Standards Body (hereinafter referred to as the technical committees), in which representatives of all interested parties shall participate on a voluntary and equal basis in the manner prescribed by the National Standards Body.

6. The drafting of the Lithuanian standards shall be ascribed to creative activities. Lithuanian standards may be drafted according to the copyright contracts.

7. Authors of the drafted Lithuanian standards shall transfer their economic rights to the National Standards Body in the manner prescribed by laws, other legislation and contracts concluded with the authors.

8. Lithuanian standards shall be adopted, published and reviewed in the manner prescribed by the National Standards Body.

9. The National Standards Body shall publish information about the published Lithuanian standards in its periodical.

Article 7. Application of the Standards

1. All Lithuanian standards shall be applied on a voluntary basis, except when the legislation contains the exceptional reference to the standards.

2. To the subjects, which have chosen the standards on a voluntary basis and have declared in the manner prescribed by laws the products or services to be in conformity with the Lithuanian standards, the technical requirements of the declared standards shall become mandatory.

3. The National Standards Body shall establish the procedure for the application of the standards and publications of international, European and other regional standards organisations, as well as standards of the foreign states. The standards applied in the Republic of Lithuania shall be in conformity with the legislation of the Republic of Lithuania.

4. The National Standards Body shall have the right to invalidate the standards existing in the Republic of Lithuania.

Article 8. Accumulation of the Fund of Publications and the Distribution thereof

1. The National Standards Body shall develop and improve the standards information system, and shall accumulate the public fund of standards, their collections, catalogues and other publications (hereinafter referred to as the publications), which comprises:

- 1) publications of the National Standards Body;
- 2) publications of the international and European standards organisations of which the National Standards Body is a member;
- 3) publications of the foreign national standards bodies and other standards organisations with which the relevant contracts have been signed;

2. The National Standards Body shall have the exclusive right to publish and distribute the Lithuanian standards, as well as to publish the standards and other publications of its member international and European standards organisations and of those international, regional standards

organisations and national standards bodies of the foreign states with which the relevant contracts have been signed.

3. The National Standards Body shall publish and distribute periodical publications.

Article 9. Participation of the Authorities and Public Administration Institutions in Drafting and Applying the Standards

In acknowledging the importance, necessity and benefit of voluntary Lithuanian standards to the administration of the state and meeting of the needs of the public, the authorities and public administration institutions:

1) may assign funds from the State Budget to the activities of the National Standards Body in the manner prescribed by laws and other legislation;

2) shall appoint representatives into the respective technical committees corresponding to the type of their activity in the manner prescribed by the National Standards Body;

3) shall submit proposals to the National Standards Body with regard to the Lithuanian standards programmes being prepared and the opinion of the respective authority or public administration institution on the Lithuanian, international and European standards being drafted;

4) shall inform the National Standards Body about the international agreements related to standardisation and all technical regulations being drafted;

5) in dealing with standardisation-related issues important to their type of activity, shall maintain contacts with the National Standards Body.

Chapter 4

The Relation between the Standards and Technical Regulations

Article 10. Standards and Technical Regulations

1. Standards and technical regulations shall be drafted by the authorities and public administration institutions within the field of their competence in the manner prescribed by laws and other legislation.

2. If the technical requirements for a product or service are stipulated by a Lithuanian standard (standards), a technical regulation may contain only a reference to the Lithuanian standard (standards).

3. Indicative and exclusive references contained in a technical regulation shall be made only to the Lithuanian standards.

4. Technical regulations and the relevant Lithuanian standards shall aim to create the conditions ensuring that the products placed on the market, when used and treated in accordance with the producer's requirements, and the services provided would be safe, not harmful to the health and life of the people and animals, consumers, environment and material wealth. The aforementioned conditions are said to be created in the following cases:

1) if it has been declared in the manner prescribed by legislation that a product or service meets the requirements of a technical regulation and the product is marked in the manner prescribed by legislation; or if a technical regulation provides for the compulsory

product conformity assessment procedures – upon the presentation of the documents confirming conformity assessment.

2) if it has been declared in the manner prescribed by legislation that a product or service conforms to a Lithuanian standard related to a technical regulation. A Lithuanian standard shall be considered to be related to a technical regulation if it is a harmonised Lithuanian standard or a Lithuanian standard a technical regulation contains a reference to;

3) in the absence of a relevant technical regulation, if it has been declared in the manner prescribed by legislation that a product or service conforms to a Lithuanian standard.

4) if a producer voluntarily chooses a case other than the one stipulated in point 2 or 3 of paragraph 4 of this Article satisfying the contemporary level of science and technology, it has been proved in the manner prescribed by legislation that a product produced or a service provided in accordance with the mentioned case conforms to a technical regulation, or, in the absence of a technical regulation, if the product or a service is safe and not harmful to the health and life of the people and animals, consumers, environment and material wealth.

5. If it has been declared in the manner prescribed by legislation that a product or service conforms to a harmonised Lithuanian standard (standards), it shall be considered that the product or service conforms to the technical regulation to which the harmonised Lithuanian standard (standards) is related.

Chapter 5

National Standards Body

Article 11. The Status of the National Standards Body

1. The National Standards Body shall be an association established by this Law and other laws. The association shall be a non-profit organisation named “Lithuanian Standards Association”. The Lithuanian Standards Association shall be prohibited from engaging in commercial activities.

2. The Lithuanian Standards Association shall be a voluntary union of the subjects listed in paragraph 1 of Article 13 of this Law performing the function of public administration – national standardisation in the Republic of Lithuania.

3. The purpose of the activities, basic functions and objectives of the Lithuanian Standards Association shall be related to the sphere of activities and needs of its respective members and shall be laid down in its statutes.

4. The Lithuanian Standards Association shall enjoy freedom of action, initiative and decisions granted by the Constitution of the Republic of Lithuania, this and other laws of the Republic of Lithuania and resolutions of the Government of the Republic of Lithuania, and in its activities shall abide by the statutes of the Lithuanian Standards Association (hereinafter referred to as the Association statutes) registered in the procedure established by laws.

5. The Law on Associations shall apply to the Lithuanian Standards Association unless the provisions of this Law provide to the contrary.

6. The Lithuanian Standards Association shall have the right to use the armorial bearing of the Republic of Lithuania on its seal, document forms, covers of publications and title pages.

7. The Lithuanian Standards Association, as an institution exercising the powers of public administration, shall administer by the right of trust and use the state property transferred to it and shall have this property at its disposal to the extent and in accordance

with the terms and procedure established by the contract on the transfer of property by the right of trust.

Article 12. Main objectives and functions of the Lithuanian Standards Association

1. The main objective of the Lithuanian Standards Association shall be the implementation and development of national standardisation in the Republic of Lithuania.

2. The Lithuanian Standards Association shall perform the following functions of the National Standards Body:

- 1) drafting of the Lithuanian standards;
- 2) participation in the activities of international and European standards organisations as a representative of the Republic of Lithuania;
- 3) provision of information about the technical regulations, standards and conformity assessment procedures of the Republic of Lithuania in the manner prescribed by the Government of the Republic of Lithuania, as well as provision of information on the issues of standardisation to the public as well as state and municipal institutions;
- 4) co-ordination of the standardisation work in all spheres of activities, upgrading and development of national standardisation;
- 5) formation of the technical committees and the ensuring of the participation of all interested parties in their work;
- 6) creation of the terms used in the Lithuanian standards, conducting of the examination of the terms and management thereof;
- 7) organisation and execution of the courses of in-service training on the issues of standardisation for the specialists, establishment of mass media facilities, enterprises and organisations acting according to the laws applicable to enterprises and organisations of a certain type, as well as execution of other functions stipulated in the Association statutes.

Article 13. Members of the National Standardisation Association

1. Legal persons of the Republic of Lithuania, enterprises bearing no rights of a legal person, state and municipal institutions may become members of the Lithuanian Standards Association.

2. The rights and responsibilities of the members shall be defined in the Association statutes.

Article 14. Establishment of the Lithuanian Standards Association

1. The Lithuanian Standards Association shall be established on the initiative of the Lithuanian Standards Board and the subjects listed in paragraph 1 of Article 13 of this Law.

2. The initiators of the establishment of the Lithuanian Standards Association must convene a constituent assembly at which the persons listed in paragraph 1 of Article 13 of this Law or their representatives, who have declared in writing their desire to become members of the Lithuanian Standards Association which is being established, shall have the right to vote. The constituent assembly shall adopt the decision concerning the establishment of the Lithuanian Standards Association, its statutes and shall elect a collective managing body – the Standardisation Council.

3. The constituent assembly shall have all the rights of the general meeting of members.

Article 15. Management of the Lithuanian Standards Association

1. The managing bodies of the Lithuanian Standards Association shall comprise:

- 1) the general meeting of the members;
- 2) the Standardisation Council;
- 3) the administration.

2. The general meeting of the members shall be the supreme managing body of the Lithuanian Standards Association the powers of which shall be established by the Law on Associations and the Association statutes.

3. The Standardisation Council shall be the managing body responsible for guiding the activities of the Lithuanian Standards Association during the period between the general meetings of the members. The powers of the Standardisation Council shall be defined by the Law on Associations. The Standardisation Council shall be elected in the procedure established by the Association statutes and for the set period of time.

4. The operative activities of the Lithuanian Standards Association shall be organised and carried out by the administration the structure and powers of which shall be defined by the Association statutes.

Article 16 Technical committees

1. The Lithuanian Standards Association shall set up technical committees in which all interested parties shall participate on a voluntary and equal basis. Technical committees may have separate registered offices and secretariats. A technical committee shall not have the status of a legal person and shall use the name of the Lithuanian Standards Association as a legal person in its activities.

2. The main function of the technical committees shall be the drafting of the Lithuanian standards and the participation in the drafting of the international and European standards.

3. The procedure for the formation of the technical committees and the operation thereof shall be defined by the Association statutes.

Article 17. Commissions of the Lithuanian Standards Association

1. The commissions of the Lithuanian Standards Association representing the interested parties listed in paragraph 1 of Article 4 of this Law shall be established for the purpose of co-ordinating and developing the activities of the Lithuanian Standards Association.

2. The Standardisation Council shall appoint permanent electrotechnical and consumer commissions. The Standardisation Council may also appoint other permanent and ad hoc commissions.

3. The procedure for the establishment of the commissions and the operation thereof shall be defined by the Association statutes.

Article 18. Property of the Lithuanian Standards Association

1. The Lithuanian Standards Association may by the right of ownership possess buildings, means of transportation and other fixed and short-term tangible property, which may be:

- 1) transferred to it as an initial contribution;
- 2) acquired from the sources of funds provided for in Article 19 of this Law.

2. The state and municipal institutions may transfer fixed and short-term tangible property to the Lithuanian Standards Association as an initial contribution.

3. Upon the liquidation of the Lithuanian Standards Association, the state property transferred to it by the right of trust to administer, use and dispose of shall be conveyed to the relevant state institutions on the decision of the Government of the Republic of Lithuania in the manner prescribed by laws.

Article 19. Sources of Income of the Lithuanian Standards Association

1. Income sources of the Lithuanian Standards Association shall be as follows:

- 1) initial contributions of the members, membership fees and special-purpose contributions for carrying out the activities related to standardisation;
- 2) special-purpose appropriations from the State Budget to finance the programmes supported by the State, which are listed in Article 20 of this Law;
- 3) funds of contracting authorities for the drafting of the Lithuanian standards and the execution of other activities related to standardisation;
- 4) funds and property donated by natural and legal persons;
- 5) profit of the enterprises established by the association;
- 6) income from the distribution of the standards and other publications;
- 7) funds raised as support, gift or testamentary bequest;
- 8) other legally obtained funds.

2. For the utilisation of the funds obtained from the State Budget the estimate of expenditure shall be drawn up, and these funds shall be entered into a separate account of funds.

3. Funds raised as support or testamentary bequest shall be used for carrying out activities provided for in the Association statutes on the instruction of the person giving support or the testator, and shall be entered into a separate account of funds.

Article 20. Special-purpose appropriations from the State Budget

Special purpose appropriations from the State Budget shall be made for the following purposes provided for in the programmes supported by the State:

- 1) drafting of the Lithuanian standards if this type of work is related to the implementation of legislation, or when international and European standards are to be adopted as Lithuanian standards;
- 2) membership fees for the participation in international and European standards organisations and costs for the participation in the activities of the said organisations;
- 3) provision of information on the Lithuanian technical regulations, standards and conformity assessment procedures in the manner prescribed by the Government of the Republic of Lithuania;
- 4) co-ordination of the standardisation work in all spheres of activities, upgrading and development of national standardisation;
- 5) creation, examination and management of the terms used in the Lithuanian standards;
- 6) execution of other activities related to standardisation provided for in the programmes supported by the State.

Article 21. Control of Financial Activities

Financial activities of the Lithuanian Standards Association shall be controlled by the examiner (auditor, auditing committee) in the manner prescribed by the Law on Associations.

Article 22. Supervision of the legality of the activities of the Lithuanian Standards Association

1. The Government of the Republic of Lithuania shall appoint a public administration institution (hereinafter referred to as the authorised institution) authorised to supervise the compliance of the activities of the Lithuanian Standards Association with the provisions of this Law.
2. The Lithuanian Standards Association must submit to the authorised institution the annual account in the form defined by the Standardisation Council.
3. The authorised institution shall have the right to have its own representative in the Standardisation Council.
4. The authorised institution shall represent the Government of the Republic of Lithuania in international and regional institutions dealing with standardisation issues on the intergovernmental level.
5. The authorised institution shall submit to the Government of the Republic of Lithuania the drafts of the legal acts prepared in the field of standardisation the drafting of which shall be initiated by the Lithuanian Standards Association.

Chapter 6

Final provisions

Article 23. Liability for the Infringements of the Law on Standardisation

Natural and legal persons shall be liable for the infringements of this Law in the manner prescribed by the laws of the Republic of Lithuania.

Article 24. Succession of rights

1. Before the establishment of the Lithuanian Standards Association, the functions of the National Standards Body shall be performed by the Lithuanian Standards Board.

2. Upon the establishment of the Lithuanian Standards Association:

1) the Government of the Republic of Lithuania, with the aim of ensuring public interests in the sphere of standardisation and having regard to the works of the state significance being performed, shall transfer by the right of trust non-residential premises used by the Lithuanian Standards Board and fixed and short-term tangible property possessed by the Lithuanian Standards Board to the Lithuanian Standards Association, as an institution performing the function of public administration, to administer, use and dispose of in the manner prescribed by paragraph 7 of Article 11 of this Law.

2) The Government of the Republic of Lithuania shall give authorisation to the Lithuanian Standards Association to perform the functions of the National Standards Body.

3) The Lithuanian Standards Board shall transfer to the Lithuanian Standards Board its trademark (service mark) registered in the manner prescribed by laws, and shall assign copyright owned by the former on the Lithuanian standards, their collections and publications, as well as obligations imposed on the Lithuanian Standards Board by the founder.

4) The Lithuanian Standards Board shall be liquidated in accordance with the procedure for the reorganisation and liquidation of budgetary institutions established by the Government of the Republic of Lithuania.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

VALDAS ADAMKUS
President of the Republic