

DRAFT CONTENTS OF THE LAW ON STANDARDIZATION

I. GENERAL PROVISIONS

Article 1

This Law lays down the objectives and principles of the Macedonian national standardization, the status of the Macedonian national standards body; its assignments; membership and funding, and regulates preparation, adoption and issuing of the Macedonian national standards, and their application.

Article 2

The terms used in this Law shall mean:

1. Standardization – activity aimed at the establishment of the rules for common and repeated use, for the purpose the achievement of the optimum degree of order in a given context;
2. International standardization – activity in the field of standardization in which involvement is open to relevant national standardization bodies from member countries in international community;
3. European standardization - activity in the field of standardization in which involvement is open to relevant national standardization body from European countries;
4. National standardization - activity in the field of standardization at the level of one specific country;
5. Standards body – body recognized at national, European or international level, that has as a principal function the preparation, adoption and publishing of standards;
6. National standards body – standards body recognized at national level;

7. International standards organization – standards organization whose membership is open to the relevant national standard body from all members country in international community, such as:
 - ISO International Organization for standardization;
 - IEC International Electrotechnical Commission;
 - ITU International Telecommunication Union.
8. European standards organization – standards organization whose membership is open to relevant national standards body from European countries, such as:
 - CEN European Committee for Standardization
 - CENELEC European Committee for Electrotechnical Standardization;
 - ETSI European Telecommunication Standards Institute;
9. Standard is a document, prepared and unanimous adopted by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context;
10. International standard – standard that is adopted by international standards organization and published in appropriate manner;
11. European standard – standard that is adopted by a European standards organization and published in appropriate manner;
12. National standard – standard that is adopted by a national standards body and published in appropriate manner.

II. OBJECTIVES AND PRINCIPLES OF MACEDONIAN NATIONAL STANDARDIZATION

Article 3

The general objectives of Macedonian standardization shall include improvement of:

- Quality of products, procedures and services, by defining their characteristics which determine their capacity to meet the specified needs;
- Quality of life and human health, safety of property and the protection of the environment;

- Economic and rational use of human resources, materials and energy and interchangeability of business operations; and
- International trade of goods and services by elimination or preventing the barriers of trade, deriving from unjustified differences in business operations at a national level.

Macedonian national standardization is an activity of public interest.

Article 4

Macedonian national standardization shall be based on the following principles:

- The right of voluntary participation by all interested parties in the preparation and adoption of Macedonian national standards;
- Voluntary use of the Macedonian standards;
- Consensus, meaning general consent of a significant part of interested parties to the contents of the Macedonian standards;
- Preventing predomination of individual interests over common interest, concerning the procedure for preparation of Macedonian national standards;
- Transparency in the procedure for preparation and adoption of Macedonian national standards and their mandatory publishing;
- Conformance to the development stage and the rules of the International and European standardization.

III. MACEDONIAN INSTITUTE FOR STANDARDIZATION

Article 5

For the achievement of the objectives laid down in the Article 3 of this Law, Macedonian Institute for Standardization shall be established in the Republic of Macedonia, (hereinafter referred to as “the Institute”) as a public institution, with duties and responsibilities defined in this Law, Law for public institution, Foundation document and Statute.

The funds for Institute's foundation and beginning of work will be obtained from the budget of the Republic of Macedonia.

The Government of the Republic of Macedonia shall adopt the Institute's Foundation Document.

The Institute's Foundation Document shall include provisions for:

- The seat and activities of the Institute;
- The amount of the funds, obtained by the Republic of Macedonia, intended for foundation and beginning of work;
- The sources, conditions and manners of providing the Institute's operating funds, as well as the manner of disposal with assets, obtained by surplus of the Institute's revenues in ratio to its expenditures;
- The rights and obligations of the Republic of Macedonia, regarding performance of the Institute activities;
- The legal rights and obligations of the Institute;
- The term for the Statutes adoption; and
- Other provisions in compliance with the law.

In the Foundation Document, the Director of the Institute, as a temporary executive manager, shall be appointed and authorized according to directives of the Government of the Republic of Macedonia, to execute the preparations for the beginning of the Institute's activities.

Article 6

The Institute shall perform the following assignments:

1. Preparation and adoption of Macedonian national standards and other documents of the Macedonian national standardization;
2. Keeping a register of the Macedonian national standards;
3. Representing the interests of the Macedonian national standardization in the International and European standards organization;
4. Collecting, keeping data and providing the interested parties with International, European and national standards and other standardization

documents from other national standards organizations; in accordance with the work programme;

5. Establishing and maintaining data bases on standards and other standards documents and providing the interested parties with information from the data bases, in accordance with work programme;
6. Publishing a bulletin intended for publication of the Macedonian national standards and other standards document of the Macedonian national standardization as well as information on International, European standards and other standardization documents and selling the text of Macedonian standards and other standards documents of the Macedonian national standardization;
7. Promoting application of the Macedonian national standards;
8. Performing other assignments and tasks in accordance this and other Laws, as well as performing the obligations in the field of standardization in accordance with the international treaties concluded by Republic of Macedonia.

The Institute shall have exclusive right to performed the assignments stated under indents 1-6, paragraph 1 of this Article.

For the performance of the assignments under Article 6 paragraph 2 of this Article, the Institute shall have the right to use the coat of the arms of the Republic of Macedonia on its seal.

The Institute shall also perform other assignments laid down in its Foundation Document and Statute.

The assignments and tasks performed by the Institute are not aimed at making profit.

Article 7

In case when the regulations for technical requirements for products laid down mandatory use of particular standard or standardization document, aimed at assuring safety of property, protecting health and life of people and protecting of the

environment, the Institute shall, upon instruction of the Government of the Republic of Macedonia, prepare, adopt and publish the national standard or standardization document.

Article 8

The Institute shall have Statute, where its organization, governing and managing bodies and their authorities and responsibilities, authorities and responsibilities of the Technical Committees, rights and obligations of the employees of the Institute, and other issues regarding the activities the Institute, will be regulated, in accordance with this and other laws and the Foundation Document.

IV. MEMBERSHIP OF THE INSTITUTE

Article 9

Any citizen of the Republic of Macedonia or any legal or natural person established under the law of Republic of Macedonia or based in the Republic of Macedonia, in order to materialize its interests regarding the Macedonian national standardization, may become a member of the Institute.

Any member of the Institute shall be entitled to participate without limits in the Institute's work and management.

Article 10

The interested party shall achieve the membership in the Institute by submitting the application.

The contents of the application under paragraph 1 of this Article shall be specified in the Institute's Statute.

Article 11

Membership shall terminate in the following cases:

- Subject to notice by member;
- By ceasing of existence of a member;
- Upon decision on expulsion adopted by the Institute's Assembly, for non-payment of membership fee, or for seriously breaking the operation rules of the Institute established with the Statute or other general act adopted by responsible governing body of the Institute.
- In other cases specified with the Statute.

Membership shall terminate on the date a member files the notice for termination of membership, on the date of his ceasing of existence, or on the date the Institute's Assembly adopts the decision of expulsion.

Article 12

A member shall pay a membership fee to the Institute, which shall be fixed with regard to the nature of the member's activity, the scope of his activities regard to the operation of the Institute, his annual income or budget, and number of employees.

The amount of membership fee as well the method of payment shall be specified by a general act adopted by the Institute's Council.

Article 13

The Institute's bodies shall be:

- The Assembly of the Institute;
- The Chairman of the Institute;
- The Management Board;
- The Director.

Article 14

The Assembly of the Institute (hereinafter referred as Assembly) shall consist of one representative of each member of the Institute and one representative of Government of the Republic of Macedonia.

The representatives in Assembly will be appointed for the period of four years.

Article 15

The Assembly shall:

- Adopt the Statute of the Institute and decide about changes and amendments of the Statute;
- Adopt the Institute's annual programme in coordination with Founder;
- Adopt other programme acts, which specified the operation of the Institute;
- Electing the Institute's Chairmen from among its members;
- Electing the representatives in the Management Board;
- Adopt the manual for his work; and
- Performing other task laid down in the Law, the Foundation Document and the Statutes.

Article 16

The Assembly shall meet at least once a year.

The Chairman of the Institute shall summon the Assembly meeting.

The Chairman of the Institute has obligation to summon the Assembly meeting on request of the two thirds of the members of the Assembly or on the Founder's request.

The Council shall decide if majority of members are present.

The decisions shall be considered as adopted in case the majority of the present members have declared for it.

The Institute's annual working programme and other programme acts referred to operation of the Institute shall be considered as adopted if the representative of the Founder have declared for it.

The Institute's Statute and decisions for change and amendment of the Statute will be considered as adopted if two third of the members have declared for it.

Article 17

The Chairmen of the Institute shall represent the Institute in country and abroad, shall summon and govern the Assembly meetings and shall perform other assignments specified in the Foundation Document and the Institute's Statute.

The Chairmen of the Institute shall be appointed for the period of four years and after this mandate he may be nominated again if he is still the representative in the Assembly.

Article 18

The Management Board of the Institute shall consist of representatives of the members of the Institute, representatives of the Founder and Institute's employees.

The Chairmen is a member of the Institute's Management Board.

The number of members of the Institute's Management Board, as well as the number of the representatives of the Institute's members, the Founder and the Institute's employees in the Management Board shall be specified in the Institute's Foundation Document.

Article 19

The Management Board of the Institute shall:

- Be in charge for performing of the annual work programme and other general acts of the Institute;
- Adopt Institute's general acts, except when provided by this Law, the Foundation Document and the Statute that particular act should be adopted by some other body;
- Propose to the Assembly adoption of the general acts and be in charge for the preparation of the Assembly's meetings;
- Adopt the general act which laid down the procedure for elaboration, adoption and publishing of the Macedonian national standards and other standard's documents of the national Macedonian standardization;
- Adopt general act specifying the rates of services performed by the Institute;
- Decide about the Institute's operation;
- Decide about the amount of the member fee for each year;
- Appoint the members of the Technical Committees;
- Appoint and release the Director of the Institute;
- Decide on the Institute's employees demands for protection of the rights and complains about adopted decisions referred to their rights, obligations and responsibilities;
- Perform other assignments and tasks in accordance with this Law, the Foundation Document and the Statute.

Article 20

The Director of the Institute (hereinafter referred to as Director) shall be nominated and released by the Management Board, by public announcement.

The decision regarding appointment of the Director shall be considered as adopted, in case two thirds of the members of the Management Board, including the representatives of the Founder, have declared for it.

The Director shall be appointed for period of five years and after this mandate has expired he may be elected again.

Article 21

The Director shall organize and manage the Institute's work, shall represent the Institute in front of third party, and shall be responsible for legal performance of the Institute's activities.

Article 22

For providing guidance in expert work, in the Institute shall be established two Technical Committees, namely:

1. Technical committee for the general field; and
2. Technical Committee for electrotechnical, information technology and telecommunication.

The number of members of each Technical Committee shall be specified in the Statute.

The members of each Technical Committee shall be appointed by the Management Board from among recognized experts and scientists in the field or field for which the Technical Committee has been set up.

The Founder of the Institute shall appoint a member in each Technical Committee.

The members of the Technical Committee shall be appointed for period of four years, and can be renewed (after the term has expired).

Article 23

The Technical Committee shall perform the following tasks:

- Being responsible for implementation of the Institute's annual work programme and other programme acts which laid down the operation of the Institute;

- Adopting the Macedonian national standards and other standardization documents concerning the Macedonian national standardization;
- Making decisions on expert issues within the Institute's framework of activities;
- Preparing expert basis for preparation of Institute's annual work programme and other programme acts laying down the operation of the Institute;
- Giving to the Management Board and the Director its proposals and opinions concerning improvement and development of organization and work of the Institute;
- Setting up the necessary technical subcommittees for the implementation of the Institute's annual programme;
- Performing other tasks in compliance with this Law, the Foundation Document and Statute.

V. FUNDING OF THE INSTITUTE

Article 24

The funds for the work of the Institute shall be obtained through:

- Membership fees paid by members;
- The sale of the standards and standardization documents and Institute's bulletin.
- The budget of the Republic of Macedonia;
- Services and;
- Copyrights, grants, donations from country and abroad, and other recourses in compliance with this Law.

Article 25

The funds from budget of the Republic of Macedonia shall be provided for implementation of the assignments and tasks under Article 6 of this Law.

The amount of funds under paragraph 1 of this Article shall be defined with reference to the scope of assignments and tasks, in compliance with Institute's annual work programme.

The anticipated amount of funds under paragraph 1, 2, 4 and 5 of Article 24 shall be taken into account when specifying the amount of funds under paragraph 1 of this Article.

VI. PREPARATION, ADOPTION AND ISSURANCE OF THE MACEDONIAN NATIONAL STANDARDS

Article 26

The Macedonian national standards and other standardization documents referred to Macedonian national standardization shall be prepared and adopted by the Technical Committee concerned, in accordance with the general act under line 4 of Article 19 in this Law.

The Macedonian national standard shall be marked with abbreviation **MKS**.

The Macedonian national standard may also be prepared on the basis of an international standard, a European standard or a foreign national standard.

The Macedonian national standard under paragraph 3 of this Article, after its adoption, may be publishing in Macedonian or in a foreign language.

Article 27

The Macedonian national standard shall be issued as a separate publication and may be reproduced and distributed in accordance with the Law for copyright.

Reproduction and distribution of complete Macedonian national standard or parts therefore without the Institute's consent shall be prohibited.

VII. APPLICATIONS OF MACEDONIAN NATIONAL STANDARD

Article 28

Use of the Macedonian national standard shall be voluntary, except in the case where its mandatory use is defined by the regulation.

The regulation under paragraph 1 of this Article shall make reference to the Macedonian national standard.

Article 29

Conformity of a product, a procedure or a service with Macedonian national standard, on request of the interested party, can be confirmed by a declaration of conformity, a certificate of conformity, or a mark of conformity.

A declaration of conformity, a certificate of conformity, or a mark of conformity under paragraph 1 of this Article shall be given at the issuer's sole responsibility.

Article 25

The national mark of conformity with Macedonian national standards shall be issued in accordance with the rules drawn up by the Management Board.

The national mark of conformity with Macedonian standards shall be protected in accordance with the regulations on industrial property.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 26

The Government of the Republic of Macedonia shall adopt the Foundation document of the Institute within six months at the latest after effective date of this Law and shall appoint Director, as temporary executive manager.

The Director, as temporary executive manager, in term of tree months of adoption of Foundation document, shall have to call, by public announcement, all interested parties to apply for membership in the Institute.

If less then fifteen applications will be submitted on base of the public announcement under paragraph 2 of this Article, the public announcement shall be repeated.

Within six months at the latest after closing of successfully performed public announcement, The Director, as a temporary executive manager, shall have to summon Assembly's Foundation meeting for adoption of the Statute of the Institute.

Article 32

For the performing of assignments and tasks of Macedonian national standardization, the Founder shall provide premises for the work of the Institute, and shall transfer into its unredeemable use the tangible assets, equipment and archive of the Bureau of standardization and metrology intended for the performance of standardization tasks.

Employees of the Bureau of standardization and metrology, who are performing the standardization tasks, shall continue to perform these tasks in the Institute.

Article 33

Until the adoption of regulations for technical requirements for products, the standards and regulations adopted according the Law on standardization (Official Gazette of RM no.23/95) shall be applied in the Republic of Macedonia, as well regulations and standards that are applied in accordance with provision of this Law.

Article 34

Until the foundation of the Institute, the Bureau of standardization and metrology shall perform assignments in the field of standardization.

Article 35

On the effective day of this Law, the Law on standardization (Official Gazette of RM no.23/95) shall cease to apply.

Article 36

This Law shall become effective on the eighth day after publication in the Official Gazette of the Republic of Macedonia.