

MINISTRY OF ECONOMY

LAW ON STANDARDIZATION

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Skopje, 4 July 2002

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 Institute for standardization of the Republic of Macedonia; its assignments, membership and funding; and regulates preparation, adoption and issuance of the Macedonian national standards, and their application.

Article 2

The terms used in this Law shall mean:

1. Standardization – activity of establishing the rules for common and repeated use, aimed at 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 – standard body recognized at national level;
7. International standards organization – standards organization whose membership is open to the relevant national standard bodies from all member countries in the 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 bodies from any European country:
- CEN European Committee for Standardization
 - CENELEC European Committee for Electrotechnical Standardization;
 - ETSI European Telecommunication Standards Institute;
9. Standard is a document, established by consensus and approved by the 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 made available to the public;
11. European standard – standard that is adopted by a European standards organization and made available to the public;
12. National standard – standard that is adopted by a national standards body and made available to the public.

Article 3

Macedonian national standardization is an activity of public interest.

II. OBJECTIVES AND PRINCIPLES

Article 4

The general objectives of Macedonian standardization are improvement of:

- Quality of products, procedures and services, by defining their characteristics which determine their capacity to meet the specified requirements;
- Quality of life and human health, safety of property and the protection of the environment;
- Economic and rational use of human effort, materials and energy in the production and exchange of products;

- Industrial efficiency by means of reduction and adjustment of the variety of products, processes and services, as well as improving the possibility to replace a product, process or service with another, subject to all other requirements;
- International trade in goods and services, by eliminating the barriers to trade.

Article 5

Macedonian national standardization shall be based on the following principles:

- Voluntary use of the Macedonian standards;
- Right of all interested parties to participate in the development of the Macedonian standards, protection against the domination of the individual over the common interests in the procedure of Macedonian standards preparation;
- Consensus by interested parties on the contents of the Macedonian standards;
- Transparency of the procedure for the development of the Macedonian national standards;
- Mandatory publishing of adopted Macedonian standards;
- Adjustments to the scientific and technological degree of development and experience, and compliance with the rules of the international and European standardization.

III. INSTITUTE FOR STANDARDIZATION

Article 6

For performing of the assignments and tasks in the field of standardization defined in this Law and other law, The Government of Republic of Macedonia hereby establishes the Institute for Standardization of the Republic of Macedonia (hereinafter referred to as “the Institute”) as a separate public institution.

The law governing public institutes shall apply to the Institute, when not otherwise regulated by this Law.

The Institute shall be a legal person.

Article 7

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 standards;
3. Representing the interests of the Macedonian national standardization in the international, European and regional organizations, as well as in the standards organizations of other countries;
4. Collecting international, European standards and other standardization documents, establishing and maintaining their data bases, as well as collecting standards and other standardization documents from other national standards organizations;
5. Providing the interested parties with information from the data bases;
6. Publishing a bulletin providing information on the procedure for development and adoption of Macedonian standards and other documents of the Macedonian national standardization; as well as information on International and European standards and other standardization documents;
7. Publishing and selling Macedonian national standards and other documents of the Macedonian national standardization, as well as selling international, European and other standards and standardization documents;
8. Promoting the application of the Macedonian national standards;
9. Participation in the work of international and regional standards body;
10. Selling of standards and other standardization documents in accordance with the agreements and membership in international, regional organizations and other standards body;
11. Performing the obligations in the field of standardization resulting from the international treaties concluded by the Republic of Macedonia; and
12. Performing other assignments and tasks in accordance with this Law and other Laws.

For the performance of its assignments, the Institute shall have the right to use the coat of arms of the Republic of Macedonia on its documents and in its seal.

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

Article 8

The Enquiry point shall be established, as a part of the Institute, and shall provide the information related to:

- Proposed and/or adopted national technical regulation and standards;
- Bodies responsible for adoption of technical regulation;
- Proposed and/or adopted procedures for conformity assessment;
- Membership and participation in the work of international and regional standardization bodies and conformity assessment systems; supply of copies of the documents to the interested parties; in accordance with the WTO TBT Agreement.

Article 9

For the needs of preparing regulations which regulate the technical requirements for products, the Institute shall prepare, adopt and publish the national standard or standardization document, upon instruction of the Government of the Republic of Macedonia, aimed at assuring safety of property, protecting health and life of people and protecting of the environment.

Article 10

The Institute's Foundation Document shall include provisions for:

- The seat and activities of the Institute;
- The amount of the funds, allocated by the Government of Republic of Macedonia, for the foundation and beginning of work of the Institute;
- The sources, conditions and manner of providing the Institute's operating funds, as well as the manner of funds disposal;
- The bodies of the Institute;

- The rights and obligations of the founder, regarding performance of the Institute activities, as well as the relations between the founder and the Institute;
- The legal rights and obligations of the Institute;
- The period for the adoption of the Statute; and
- Other provisions under the Law.

The Government of the Republic of Macedonia shall appoint a Director of the Institute, as a temporary executive manager, to perform the preparations for the beginning of the Institute's activities.

Article 11

The Institute shall have Statute, passed by the Assembly of the Institute, regulating the name, seat and its organization, the bodies and their authorities and responsibilities, authorities and responsibilities of the members of the Institute, and other issues regarding the activities the Institute, in accordance with this and other laws and the Foundation Document.

The Minister of Economy shall approve the Statute.

Article 12

The Institute's bodies shall be:

- The Assembly;
- The Council
- The Director
- The Board for financial control.

Article 13

The Assembly shall consist of representatives of Institute's members.

The Chairman shall chair the Assembly.

The Assembly shall appoint the Chairman of the Institute.

Article 14

The Council shall be the governing body of the Institute.

The Assembly of the Institute shall appoint and release the Chairman and members of the Council, from the experts in the field of standardization, with the four years term of office.

Article 15

The Director shall manage the Institute.

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

The Director of the Institute shall be appointed and released by the Council.

The Government of the Republic of Macedonia shall approve the Decision regarding appointment and release of the Director of the Institute.

The Director shall be appointed for period of four years and may be re-elected after this mandate has expired.

Article 16

The Board for financial control shall be established to supervise the financial activities in the Institute.

The Government of the Republic of Macedonia shall appoint the members of the Board for financial control.

Article 17

The Council shall establish Technical committees to perform expert work.

IV. MEMBERSHIP OF THE INSTITUTE

Article 18

Any legal or natural person may become a member of the Institute for the purposes of achieving its interests regarding the Macedonian national standardization.

V. FUNDING OF THE INSTITUTE

Article 19

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

- The budget of the Republic of Macedonia;
- Membership fees;
- The sale of the standards and standardization documents and Institute's bulletin
- The sale of the international standards and standardization documents in accordance with agreements and membership in international standards body;
- Services, training, seminars and other;
- Copyrights, grants, donations from country and abroad, and other recourses in compliance with this Law.

Article 20

The funds from budget of the Republic of Macedonia shall be provided for implementation of the assignments and tasks under Article 7 and 8 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.

At least once per year, the Institute shall report the Government of Republic of Macedonia for the performing of the assignments defined in Institute's annual work programme.

Article 21

Assets for payment the membership fees and representing the Institute in the international and European standards institutions shall be ensured from the Budget of the Republic of Macedonia.

VI. THE MACEDONIAN STANDARDS

Article 22

The Macedonian national standard shall be marked with the abbreviation **MKS**. This abbreviation shall be protected in accordance with the regulations on industrial property.

The Macedonian national standards may be developed on basis of a national, European or international standard, or other standardization document.

The Macedonian national standard may be published both in Macedonian language and in a foreign language.

Transposition of the foreign standard into a national standard may be performed by translation into Macedonian language of the full text or only the cover page, or transposition of the complete foreign standard in the foreign language.

Article 23

The Macedonian national standard shall be published as a separate publication and the copyright holder for it shall be the Institute, pursuant to the Law on Copyright and related rights.

Partial or complete reproduction or distribution of the Macedonian standard without the Institute's prior consent is forbidden.

VII. APPLICATIONS OF MACEDONIAN NATIONAL STANDARD

Article 24

Use of the Macedonian national standards shall be voluntary.

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

The responsibility for the declaration, certificate or mark referred to in paragraph 1 of this Article, shall fall on the issuer.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 25

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

Article 26

For the performance of the assignments and tasks in Macedonian national standardization, the Government of Republic of Macedonia shall provide premises for the work of the Institute, and shall transfer to its unredeemable use the tangible

assets, equipment and archive of the Bureau of standardization and metrology intended for the performance of standardization tasks.

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

Article 27

Application of standards in existence upon the entry into force of this Law shall be voluntary.

Standards adopted or applied under the Law on standardization (Official Gazette of RM No.23/95) shall be applied in the Republic of Macedonia until the adoption of the standards in accordance with this Law.

Article 28

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

Article 29

On the effective day of this Law, the Law on standardization ("Official Gazette of Republic of Macedonia", No.23/95) shall cease to apply.

Article 30

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