

Law of Ukraine

On Standardization

No.6130

October 5, 2000

This law sets up general legal and organizational framework for standardization in Ukraine and is intended to ensure the uniform technical policy in this sphere.

Chapter 1. General provisions

Article 1. Main terms and their definitions

In this law terms are used in the following meaning:

standardization – activity that consists in setting up provisions for general and multiple application with regard to existing or possible tasks with the purpose of reaching an optimal level of order in a certain sphere;

international standardization – standardization, participation in which is open for relevant bodies of all the countries;

regional standardization – standardization, participation in which is open for relevant bodies of the countries of certain geographical, political or economic space;

national standardization – standardization, which is conducted at the level of one country;

standardization body – a body that deals with standardization, recognized at the national, regional or international level, with the key functions of development, approval or adoption of standards, accessible for a wide range of users;

normative document – a document that sets up rules, general principles or characteristics of various types of activity or their results. This term is a generic term that incorporates such notions as “standard”, “technical specifications”, “code of practice” and “technical regulation”;

standard – a document that sets up rules for general and multiple application, general principles or characteristics related to an activity or its results with the purpose of reaching an optimal level of order in a certain sphere, developed on the basis of consensus and approved by the recognized standardization body;

code of practice (collection of the rules) – a document that contains practical rules or procedures of design, manufacturing, mounting, technical maintenance, use of the equipment, constructions or products. Code of practice may be a standard, a part of a standard or a separate document;

technical specifications – a document that sets up technical requirements the products, processes and services must conform to. Technical specifications may be a standard, a part of a standard or a separate document;

technical regulation – a document adopted by body of power that sets up technical requirements directly or through references to standards, technical specifications or codes of practice, or through incorporation of their contents. Technical regulation is a legal and normative act.

adoption of international (regional) standard – publication of national standard that is based on relevant international (regional) standard or confirmation of the international (regional) standard

having the same status as the national one with pointing out any departures from the international (regional) standard.

Article 2. The scope of this law

The scope of this law regulates relations, connected with standardization activity and application of its results, and extends to economic operators notwithstanding the type of ownership and activity types, bodies of executive power as well as public organizations and unions.

This law does not apply to pharmaceutical products, nuclear materials, standards of medical service, education, accounting and other social standards, whose scope is regulated by other laws.

Article 3. Legislation of Ukraine in the field of standardization

Legislation of Ukraine in the field of standardization consists of this law and other normative and legislative acts that do not contradict this law.

Article 4. Objects of standardization

The objects of standardization are products, processes and services (hereafter – products), in particular raw materials, component parts, equipment, systems, their compatibility, rules, procedures, functions, methods or activity.

Article 5. Goal and basic principles of state policy in the field of standardization

The goal of standardization in Ukraine is to ensure safety for the health and life of a person, environment, to create conditions for rational utilization of all kinds of national resources as well as for conformity of objects of standardization to their intended use, to eliminate technical barriers to trade.

The state policy in the field of standardization is based on the following principles:
voluntary participation of all interested parties in the development and application of standards;

openness and transparency of the procedures for development and application of standards on the basis of consensus;

accessibility of standards and of information about them to users;

conformity of standards to legislation;

adaptation to the state of the art taking into account the state of the national economy;

priority of direct introduction in Ukraine of international and regional standards;

compliance with international and European rules and procedures;

participation in international (regional) standardization.

Chapter 2. Organization of standardization

Article 6. Participants of the process of standardization

The participants of the process of standardization are:

National standardization body of Ukraine;

Standardization Council;

technical committees for standardization.

other bodies that deal with standardization.

Article 7. National standardization body

National standardization body is a specially authorized central body of executive power that organizes, coordinates and carries out activities in development, approval, adoption, revision and withdrawal of national standards according to the scope of this law.

The key functions of the National standardization body are as follows:

- ensuring implementation of state policy in the field of standardization;
- undertaking measures for harmonization of the national standards with relevant international and regional (European) ones;
- participation in development and approval of technical regulations and other legislative acts;
- setting up rules for development, revision and withdrawal of the national standards, their designation, classification according to the types and other criteria, their codification and registration;
- representation of Ukraine in international and regional organizations for standardization and taking measures for meeting obligations, imposed by the membership in those organizations;
- cooperation with relevant bodies of other countries in the field of standardization;
- elaboration of the work program on standardization, coordination of its implementation;
- making decisions on the creation and cancellation of activities of technical committees for standardization, setting up of their authority and the procedure of their creation;
- creation and upholding of the national archive of normative documents and the national information center of the International information network ISONET WTO;
- providing information services in the field of standardization.

National standardization body of Ukraine can have other functions and rights that are determined by the regulations for this body, which are approved according to the procedure.

National standardization body has a right to delegate its functions of organization of development, approval, adopting and distribution of the national standards in the field of construction and construction products to another body or organization, which is recognized in this field of activity.

Article 8. Standardization Council

Standardization Council (hereafter – the Council) is a collective consultative and advisory body under the Cabinet of Ministers of Ukraine.

The Council's members and the Council's Regulations are approved by the Cabinet of Ministers of Ukraine.

The principal objective of the Council's activities is to develop an interaction between manufacturers, consumers of products and government agencies, agreement of interests in the field of standardization, encouragement of the development of standardization.

The Council is formed on the parity basis from the representatives of executive power bodies, national standardization body, economy subjects, National academy of sciences of Ukraine, academies of sciences and public organizations. Council's activities are based on the principles of transparency and publicity.

The key functions of the Council are:

- study, analysis and elaboration of propositions regarding improvement of the operation of the National standardization body;
- providing recommendations to the National standardization body regarding the setting up of technical committees for standardization and determining their scope of work;

agreement of the decision of the National standardization body of Ukraine regarding refusal of adoption of an international or regional standard as national standard;
participation in the expertise of the draft technical regulations and other normative documents in the field of technical regulation;
consideration of the work program of the National standardization body;
consideration of appeals on the creation and functioning of technical committees for standardization, development and application of national standards.
The Council has the right to:
obtain from government agencies information and materials on the issues within its scope of work;
authorize its representatives to take part in consultations on the issues of standardization in the bodies of executive power.

Article 9. Technical committees for standardization

Technical committees are formed by the National standardization body for conducting activities in development, consideration and agreement of international (regional) and national standards.

Technical committees for standardization are formed on the principle of representation of all interested parties. Authorized representatives of government agencies, local government, entrepreneurs and their associations, scientific and engineer fellowships (unions), consumer associations and other public organizations, eminent scientists and professionals can participate in the activities of the technical committees for standardization on the voluntary basis.

Technical committees for standardization can be legal entities.

Profit, obtained by a technical committee for standardization from development or expertise of the draft standards, is directed at covering the expenses of the technical committee for standardization and its development.

Article 10. Other bodies that deal with standardization

Central and local bodies of executive power, local governments, entrepreneurs and their associations, scientific and engineer fellowships (unions), consumer associations, other public organizations have a right to organize and conduct activities in standardization in the fields within their scope and within the framework, established by this law and other normative and legislative acts of Ukraine, with regard to their business and professional interests, including:

development, approval or adoption of standards of relevant level, setting up rules for development, designation and application of those standards;

preparation and submission to the National standardization body of the propositions regarding the setting up of technical committees for standardization and the development of national standards or adoption of international (regional) or their own standards as national ones;

representation of Ukraine in international and regional specialized organizations for standardization, meeting obligations, imposed by the membership in those organizations;

setting up and upholding of information archives of normative documents for their activities and information exchange;

publication and distribution of their own standards, documents of specialized international (regional) organizations for standardization, wherein they are members (on the basis of the statutes of those organizations) or they collaborate with (on the basis of treaties or agreements), delegation of the above-mentioned rights to other legal entities;

keeping National standardization body informed on their activities in standardization, if standards, developed by them, are likely to create technical barriers to trade.

Any persons can deal with standardization, consider drafts national standards and submit to the developer relevant propositions and comments on them.

In accordance with this law and taking into account the specificity of the military sphere the Ministry of Defense of Ukraine, in addition to the rights and functions of other bodies for standardization:

sets the rules for application of standards in the interests of the Armed Forces of Ukraine in accordance with its functions;

organizes and conducts activities in codification in the sphere of defense, provides services in codification to other organizations.

Chapter 3. Standards and their application

Article 11. Development and adoption of standards

Depending on the level of the body that adopts or approves the standards, standards are subdivided into:

national standards and codes of practice, adopted or approved by the national standardization body, classifications, catalogues, registers of general use all over the country;

standards, codes of practice and technical specifications adopted or approved by other bodies that deal with standardization.

Standards shall meet the market needs, encourage the development of free trade and shall be written in such a way that it would be impossible to apply them for deception of consumers of a product, covered by the standard, or for giving preference to the producer of a product or a product on the basis of the place of its manufacturing.

Object of standardization can be an object of industrial property, if the developer of a standard according to established procedure obtained permission from the owner of the rights on this object.

Annually the National standardization body elaborates the work program (hereafter-program) for standardization activities. The program is formed taking into account state priorities, propositions of the technical committees for standardization and other interested parties. The program contains a list of national standards that have been accepted for development. The program shall be published no less than once half a year in the official publication of the National standardization body, accessible to all interested parties, and placed in information networks.

National standards are developed by technical committees for standardization and in the case of their absence – by other bodies of standardization that have relevant scientific and technical potential.

The rules of development, revision and withdrawal of national standards, which are set up by national standardization body, have to provide:

criteria of adoption and rejecting propositions concerning development of national standards;

criteria of determination of developers of national standards;

procedure for determination of priorities concerning application of international (regional) standards;

procedure for appeals;

procedure for informing interested bodies, organizations, institutions and persons on the works in the field of national standardization. The term of preview of a draft national standard and submission of comments cannot be less than 60 days from its publication date.;

familiarization of all interested parties on equal basis with drafts national standards;

procedure for approval and adoption of a national standards;

procedure for revision, amendment and withdrawal of national standards.

The list of national standards, approved and adopted within a month, is published next month in the official publication of the National standardization body.

International (regional) standards become effective as national ones provided they have been adopted by the National standardization body.

Article 12. Application of standards

Standards are applied on voluntary basis.

Standards are applied either directly or through references to them in other documents.

Application of standards or their certain provisions can become mandatory:

for all entrepreneurs, if standards are referred to in technical regulations and other normative and legislative acts;

for parties of an agreement (contract) on the design, manufacturing or supply of a product, if standards are referred to in this agreement (contract);

for producer or supplier of a product if he filled in the declaration of conformity of product to certain standards or used designation of those standards in product's marking;

for producer or supplier of product if his product has been certified with regard to the requirements of those standards.

International (regional) standards and standards of other countries, if their provisions do not contradict the legislation, can be applied in Ukraine according to the established procedure through references to them in national standards and other standards.

Standards that have been applied during the manufacturing of a product shall be kept for 10 years after the manufacturing of the last item of the product.

Article 13. Application of standards in technical regulations and other normative and legislative acts

Technical regulations and other normative and legislative acts set up mandatory requirements for:

protection of life, health or property of a person;

environmental protection;

safety of products, processes or services;

preventing deception regarding the intended use and safety of products;

elimination of a threat to the national security.

In the case of reference to standards in technical regulations or normative and legislative acts it is pointed out whether the compliance with certain standards is the only or just one of the ways of meeting the requirements of these documents. In the latter case manufacturer or supplier has to prove that products, manufactured without application of standards, meet the requirements of certain technical regulations or other normative and legislative acts.

In case of arising of objective obstacles to application of mandatory requirements of the national standards the National standardization body can permit a temporary aberration from those standards, based on the appeal of the representatives of manufacturers, suppliers or other interested parties. If necessary this decision can be made with the agreement of interested central bodies of executive power.

In case of manufacturing the products for export and if the agreement (contract) contains other requirements than those, set up in the technical regulations or other normative and legislative

acts of Ukraine, it is permitted to apply the requirements of the agreement (contract), if they do not contradict the legislation in the part that regulates the process of production, storage and transportation on the territory of Ukraine.

State monitoring of the compliance with the requirements of technical regulations or other normative and legislative acts of Ukraine is implemented in accordance with the legislation.

Liability for violation of the requirements of technical regulations or other normative and legislative acts is determined by the legislation.

Article 14. Marks of conformity to national standards

The National standardization body has a right to introduce marks of conformity to national standards.

Marks of conformity to national standards is a property of the National standardization body and is protected according to the established procedure.

Conformity of product to national standards can be voluntarily assured according to the procedure, established by the National standardization body. Afterwards manufacturer or his proxy can obtain the right to use those marks.

Chapter 4. Provision of information

Article 15. Publication and distribution of normative documents

Standards, codes of practice and technical specifications are published, republished and distributed by the bodies that have property rights to those normative documents.

National standards, codes of practice, classifications and catalogues are published, republished and distributed by the National standardization body.

Publication and distribution of documents of international (regional) organizations for standardization, wherein Ukraine is a member, is implemented by the National standardization body on the basis of the statutes of these organizations.

Full or partial reproduction, copying and distribution as an official editions of any standards, codes of practice, technical specifications or their parts is forbidden without the permission from the body, which has property rights to those documents or that can dispose of those rights.

In case of reproduction or distribution of a standard, code of practice, technical specifications without the permission of the body, which has property rights to those documents or that can dispose of those rights, this body is not held responsible for non-conformity of the text of the distributed document to its official text or for any consequences that the use of such distributed document may entail.

The body, which has property rights to a standard or which is the distributor of the rights for a standard, code of practice, technical specifications, in accordance with the legislation, has a right to indemnity of damages, entailed by the unsanctioned distribution of a document in accordance with the legislation.

The procedure for publication and distribution of technical regulations is established by other normative and legislative acts.

Article 16. Provision of information services

Provision of information services is implemented through the publication of official texts of standards, information and reference materials as well as distribution via information networks either on one's own initiative or on request.

National standardization body of Ukraine provides information to domestic as well as foreign users of standards through the main information archive of normative documents and National information center of the International information network ISONET WTO.

For provision of information to users the National standardization body forms the catalogue of normative documents in the field of standardization on the national level and sets up rules for its creation and upholding.

The body, responsible for the development and adoption of standards that are likely to create technical barriers to trade, provides relevant information to the National standardization body, which transfers this information to users through the information network ISONET WTO within the terms, established by the “Code of Good Practice”.

Chapter 5. International cooperation

National standardization body according to the legislation represents interests of Ukraine in the international standardization bodies, takes measures for the adaptation of the Ukrainian legislation on standardization with the legislation of European Union, cooperates in this sphere with relevant bodies of other countries, makes decisions on the accession of Ukraine to the international (regional) standardization systems, concludes treaties on cooperation and implementation of works in the sphere of standardization.

If international treaties of Ukraine, ratified by the Ukrainian Parliament, contain other provisions than those contained in this law, the provisions of an international treaty are applied.

Chapter 6. Financing of the standards works

Standards works are financed by the customer of these works.

The expenses of enterprises related to the development of standards are included into the expenses on scientific and technical ensuring of their business activity.

Expenses on standards works of the budget financed institutions and organizations are reimbursed through the funds, allocated for their maintenance.

The customers of standards works, financed through the state budget, are the central bodies of executive power, responsible for technical regulation in certain spheres of activity in accordance with the legislation.

The sources of the payment of fees to the budgets of international organizations in the field of standardization are determined separately in a concrete case.

Chapter 7. Final provisions

1. This law becomes effective on the day of its publication.

2. Establish that:

interstate and state standards of Ukraine are valid until their withdrawal or the development of respective national standards;

mandatory requirements of interstate and state standards of Ukraine are valid until the development of relevant technical regulations and other normative and legislative acts which have to regulate these issues;

all sectoral standards of the former USSR are valid for one year from the date this law has become effective. Central bodies of executive power and other entrepreneurs within this period of time have to announce their rights to the existing sectoral standards of the USSR and provide information on the list of such standards to the National standardization body. All sectoral standards of the USSR,

the rights to which have not been announced within a year from the date this law has become effective, are rendered invalid on the territory of Ukraine.

3. The Cabinet of Ministers of Ukraine within a year after this law has become effective shall:

- prepare and submit to the Parliament of Ukraine propositions on bringing the laws of Ukraine into correspondence with this law;

- bring its legislative acts into correspondence with this law.