

THE LAW OF THE REPUBLIC OF TAJIKISTAN

On the Technical Regulation

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The present Law establishes the legal fundamentals of state system of technical regulation ensuring safety of products and processes of manufacture in the Republic of Tajikistan.

The present Law regulates the relations under:

- the development, adoption, applying and implementation of mandatory requirements to products and processes of manufacture, operation, storage, transportation, sale, disposal;
- the development, adoption, applying and implementation of free will requirements to operation, storage, transportation, sale, disposal, execution of works and services;
- conformity assessment.

Present Law does not cover state education standards, provisions (standards) on accounting and on rules (standards) of auditing, standards of paper issue and prospects of paper issue.

Section I. General Provisions

Article 1. Basic Notions.

The following terms are applied for the purposes of the present Law:

Accreditation – assurance of conformity by the third side being the body on conformity assessment, which is the official evidence of its competence to perform specific, works in conformity assessment;

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Declaration of conformity – a document with which the manufacturer (supplier) certifies that sold product meets the requirements of the technical regulations;

Mark of circulation on the market – a designation used to inform buyers on products conformity to the requirements of technical regulations;

Mark of conformity - a designation used to inform buyers that the object of certification meets the requirements set by the voluntary certification system, or those set by a national standard;

Inspection control – systematic iteration of conformity assessment activities as a basis for maintaining the validity of the statement of conformity;

Testing laboratory (center) (furthering after laboratory) – is a laboratory including the laboratory of state bodies which tests the products on conformity assessment according to the requirements provided by the normative acts on standardization;

Control (supervision) over maintenance of requirements of technical regulations – control over implementation of requirements of technical regulations to the products, processes of manufacture, operation, storage, transportation, sale, disposal by a legal entity or individual entrepreneur and taken measures upon the outcomes of inspection.

National standard – a standard adopted by the national standardization body;

Area of accreditation – special services of conformity assessment that require accreditation or accreditation is issued;

Accreditation Body – authorized competent body, which conducts accreditation

Certification Body - accredited in the determined order legal entity that carries out certification;

Conformity assessment - activity proving the requirements to products, process, system and person or body are implemented;

Assurance of conformity – issue of an application based on adopted after inspection decision that implementation of requirements is proved.

Products issued into circulation – finished products sold by its manufacture located on the territory of the Republic of Tajikistan or imported into the territory of the republic products issued within the customs regime of issue for free circulation in accordance with the rules of Customs Code of the RT.

Risk – probability of inflicting harm to life and health of individuals and the environment, life and health of animals and plants taking into account the severity of this harm;

Conformity certificate – is a document certifying that certified products, processes (methods) of (buy to)T16.24 0 Twiti3246 Twarm2D.00042i Tmwiti37o0.47 0 Tmpiw(hao-pectm)9 to

Technical regulations – a document adopted by an international agreement and empowered in the determined by legislation of the Republic of Tajikistan order, a Law of the Republic of Tajikistan, or a Resolution of the Government of the Republic of Tajikistan establishing mandatory requirements of applying and maintenance with regard to objects of technical regulation;

Technical regulation - legal regulation of the relations in the area of establishment, application, and fulfillment of mandatory requirements to products, processes of manufacture, operation, storage, transportation, sale, and disposal, and also in the area of establishment and application, on a voluntary basis, of requirements to produc

3. Ministries, state committees, other bodies of executive power and local self-government have the right to issue in the area of technical regulation acts of only a recommendatory nature.

4. If an international agreement of the Republic of Tajikistan in the area of technical regulation establishes rules other than those contained in the present Law and the technical regulations adopted according to it, then those rules of the international agreement shall be applied.

5. The procedure for the development, adoption and application of documents on standardization, conformity assessment, and issues of government supervision and inspection regarding defense-related products and those products information on which is a state secret are set by the Government of the Republic of Tajikistan.

Article 4. Jurisdiction of an Authorized Body for Technical Regulating

With the purpose of implementation of a unified policy in the field of technical regulating, ensuring transparency and consistency of actions on development, implementation and review of regulations according to the requirements of the present Law, the Government of the Republic of Tajikistan authorizes an executive power body to accomplish the following functions:

- implementation of state policy in the area of technical regulating;
- implementation of intersectoral coordination of state bodies, individuals and legal entities activity in the area of technical regulation;
- Coordination of activity for development of technical regulations by creation of annual Program for development of technical regulations on the basis of state executive bodies' and bodies' of local self-administration, scientific institutions', citizens' and their unions' proposals and its submission to the Government of the Republic of Tajikistan for approval;
- ensure organization of works on implementation of analysis and expertise of draft technical regulations in expert commissions;
- ensure organization of works for development, adoption, implementation and reviewing technical regulations;
- cooperation of individuals and legal entities with technical committees on standardization and technical regulating;
- maintenance of register of state system of technical regulating;
- organization and coordination of work of state fund of normative legal acts in the area of technical regulating and standards;
- providing the functioning of Informational Center on technical barriers to trade, sanitary and phytosanitary measures (further –Information Center);
- development of proposals on development of international cooperation in the area of technical regulation

The Authorized Body on Technical Regulation is not entitled to perform the functions of state supervision over requirements of technical regulations.

Section II. Technical Regulations

Article 5. Purposes for Adopting Technical Regulations

1. Technical regulations shall be adopted only with the purpose to provide for safety in following areas:

- Protection of life and health of individuals, including separate categories;

Prevention of activities deceiving consumers of products
Protection of environment;
Protect life and health of animals and plants.

2. Adoption of technical regulations for other purposes is not allowed.

Article 6. Kinds of Technical Regulations.

1. In the Republic of Tajikistan, there shall be adopted :

General technical regulations;

Special technical regulations.

2. A general technical regulation contains requirements mandatory for application and observance regarding all kinds of products, processes (methods) of manufacture, storage, transportation, sale, operation and disposal shall be adopted to address the following issues:

Safe operation and disposal of machinery and equipment;

Safe construction of buildings and installations;

Biological safety;

Explosion-proof safety;

Non-nuclear radiation safety;

Mechanical safety;

Fire safety;

Thermal safety;

Electrical safety;

Ecological safety;

Electromagnetic compatibility;

Industrial safety;

Chemical safety;

Toxicological safety

Nuclear and radiation safety;

A general technical regulation can be adopted only by a law.

3. A special technical regulation contains the requirements, which take into account the technological and other features of separate kinds of products, processes of manufacture, operation, storage, transportation, sale, and disposal.

4. A special technical regulation is adopted only in the event and in regard to only those individual types of products or processes (methods) of manufacture, operation, storage, transportation, sale and disposal if the goals defined by the present Law for adoption of technical regulations are not ensured by the requirements of a general technical regulation, and in regard to which the extent of risk of inflicting harm is higher than the extent of risk covered by the general technical regulation. The necessity for Safe operal technical

Special requirements scientifically proven to products, processes (methods) of manufacture, storage, transportation, sale, operation and disposal, which ensure the protection of specific categories of individuals (minors, pregnant women, lactating mothers, and invalids);

Special requirements scientifically proven to products, processes (methods) of manufacture, storage, transportation, sale, operation and disposal in specific locations if the absence of such special requirements, by virtue of climatic and geographical features, will not bring to achieving the purposes specified in point 1, Article 5 of the present Law.

3. Technical regulations shall be developed and applied identically and equally regarding a given or similar product, processes (methods) of manufacture, storage, transportation, sale, operation and disposal irrespective of a country and/or location of their origin (performance), the nature or features of transactions and/or persons who are manufacturers, performers, sellers, and buyers, with the exceptions provided for by point 2 of this Article.

4. International standards, norms, and rules must be used in full or in part as a basis for developing draft technical regulations.

5. The testing and measurement rules and methods are applied in the order determined by special technical regulations.

6. The necessity to develop a technical regulation, and also a choice of conformity assessment methods and schemes shall be determined in view of the degree of risk of not

2. The developer (requester) of a draft technical regulation shall publish at his/her own expense a notice on the development of a technical regulation in an official printed publication and/ or in the electronic informational system of common use.

The official printed publication is obliged to publish the notice on the development of a draft technical regulation submitted by the developer (requester) within thirty days from the moment of its receipt.

return a draft technical regulation to the to the developer (requester) for fulfilling designated procedures.

2. Based on the procedure established, the subject vested with the right for the legislative initiative considers the draft general technical regulation and takes a decision to submit it to the Majlisi Namoyandagon Majlisi Oli of the Republic of Tajikistan.

3. Based on the procedure established by the legislation of the Republic of Tajikistan, Majlisi Namoyandagon Majlisi Oli of the Republic of Tajikistan considers the draft general technical regulation.

4. A general technical regulation cannot be put into effect earlier than six months from the moment it was officially published.

Article 11. Procedure for Adoption of a Special Technical Regulation

1. The developer (requester) of a draft special technical regulation submits it along with all accompanying documents to the Authorized Body for Technical Regulating.

In case of violation of the technical regulations development procedure, set by Article 9 of the present Law, the Authorized Body for Technical Regulation is obliged to return a draft technical regulation to the to the developer (requester) for fulfilling designated procedures.

2. The Authorized Body for Technical Regulation is obliged to submit the draft special

Article 13. Special Procedure of Developing and Adopting Technical Regulations

1. If at a proven, direct, and immediate threat to life and health of individuals, animals and plants, to the environment, in order to insure safety of products, processes (methods) of manufacture, storage, transportation, sale, operation and disposal it is necessary to adopt immediately a technical regulation, the Government of the Republic of Tajikistan adopts a technical regulation without its public discussion.

In this event the technical regulation is put into force by a resolution of the Government of the Republic of Tajikistan, which must contain the justification of the necessity for the urgent enactment of the technical regulation. The period of effect of the given technical regulation cannot exceed one year.

2. In the case the technical regulation mentioned in point 1 of the present Article complies with the requirements of point 2 of Article 6 of the present Law, then, simultaneously with the introduction into action of the given technical regulation, the

It shall not be permitted to create barriers to manufacturing and circulation of products, works and services;

On ensuring the conditions for uniform application of standards.

2. Standards are developed and applied in the same way and to the equal extent in respect to given or similar products, processes (methods) of manufacture, storage, transportation, sale, operation and disposal disregarding the country and/or location of origin (performance), the nature or peculiarities of transactions, and/or persons who are the manufacturers, executors, sellers, and buyers.

Article 16. Documents on Standardization

The documents on standardization effective on the territory of the Republic of Tajikistan are:

National standards of the Republic of Tajikistan;

Standardization rules, norms and recommendations in the area of standardization;

International (regional) standards;

National standards of other countries;

Standards of organizations.

International (regional) standa

to the public. The composition of the technical committees on standardization shall include equal and balanced representatives of bodies of executive power, scientific and technical organizations, associations of entrepreneurs and consumers.

Article 18. Development, Adoption and Application of National Standards

In accordance with the provisions of Article 14 of the present Law, and based on the provisions of the Agreement on Technical Barriers to Trade of the World Trade Organization, rules, norms, and recommendations for standardization adopted by international (regional) standardization organizations, the National Standards Body establishes the procedure for development, adoption, application, and registration, as well as change and revocation of national standards.

Article 19. Standards of Organizations

Organizations develop, approve, and apply their standards independently.

Section IV. Assurance of Conformity

Article 20. Objectives of Assurance of Conformity.

Assurance of conformity is to be carried out with the following purposes:

To confirm conformity of a product, processes (methods) of manufacture, storage, transportation, sale, operation and disposal to requirements of technical regulations or provisions of standards and to conditions of contracts;

To confirm conformity of performance of works or rendering of services to provisions of standards and conditions of contracts;

To assist buyers in choosing products, works and services;

To increase the competitiveness of products, works and services in the domestic and international markets;

To create conditions for ensuring a free movement of goods in the Republic of Tajikistan, and also to participate in international economic, scientific and technical cooperation and international trade.

Article 21. Principles of Assurance of Conformity.

1. Assurance of conformity is to be carried out based on the following principles:

Openness and availability to all interested persons of information about the procedure of conducting assurance of conformity;

Impermissibility of application of mandatory assurance of conformity to objects for which there are no requirements in technical regulations;

Independence of certification bodies from product manufacturers, sellers, and buyers;

Establishment of the complete list of methods and schemes of mandatory assurance of conformity in appropriate technical regulations concerning specific products;

Opportunity for the applicant to choose the method and schemes of mandatory conformity assurance regarding specific products;

Minimization of the time and the applicant's expenses required while going through the procedures of assurance of conformity;

It shall not be permitted to require applicants to go through the procedures of voluntary conformity assurance;

Protection of property interests of applicants, including the confidentiality of trade secrets concerning the data received during the passage of mandatory assurance of conformity procedures;

Impermissibility of overlapping certification activities with state supervision activities.;

Impermissibility of overlapping certification activities on accreditation;

2. Procedures for assurance of conformity are developed and applied equally and to the same extent in regard to these or similar products, processes (methods) of production, storage, transportation, sale, operation and disposal disregarding the country and/or location of origin (performance), the nature or peculiarities of transactions and/or persons which are the manufacturers, performers, sellers, and buyers.

3. The rules and procedures of assurance of conformity are developed, adopted and applied in the same way both for imports and products manufactured domestically.

Article 22. Methods of Assurance of Conformity

1. On the territory of the Republic of Tajikistan assurance of conformity can be of either voluntary or mandatory nature.

2. Voluntary assurance of conformity is performed through the method of voluntary certification.

3. On the territory of the Republic of Tajikistan mandatory assurance of conformity is performed through the following methods:

Issue of a declaration of conformity (declaring conformity); and

Certification.

4. Schemes of declaring conformity are approved by the Government of the Republic of Tajikistan.

Article 23. Voluntary Assurance of Conformity

1. Voluntary assurance of conformity is performed by the initiative of the applicant based on conditions of a contract between the applicant and the certification body. Voluntary assurance of conformity can be performed to establish compliance with standards, certification

4. It is forbidden to mark objects with the marks of conformity if conformity is not assured.

Article 24. Mandatory Assurance of Conformity.

1. Mandatory assurance of conformity shall be carried out only in cases established by an appropriate technical regulation.

2. Only a product arriving in circulation on the territory of the Republic of Tajikistan can be an object of mandatory assurance of conformity, and exclusively under requirements of technical regulations.

3. Products, which are subject to mandatory assurance of conformity, are allowed onto the market of the Republic of Tajikistan upon condition that their conformity to requirements of technical regulations has been assured.

It is forbidden to advertise products subject to mandatory assurance of conformity, which do not have documents attesting that conformity has been assured.

4. The method of mandatory assurance of conformity regarding specific products, procedures and schemes for assurance of conformity can be established only in a technical regulation considering the extent of the risk that the purposes of technical regulations may not be attained.

5. The declaration of conformity or certificate of conformity has equal legal effect throughout the territory of the Republic of Tajikistan.

6. Payment for works shall be performed by the applicant and is formed together from actual costs for performing works on mandatory assurance of conformity. Cost of such works shall be the same for local manufacturers and importers.

Article 25. Declaring Conformity

1. Declaring conformity, if it is provisioned by a technical regulation, is carried out in the following ways:

Issue of the declaration of conformity on the basis of one's own verifications;

Issue of the declaration of conformity on the basis of one's own verifications and the verifications received with the participation of a third party.

The way of declaring conformity of a specific product is to be established by the appropriate technical regulation only.

2. When declaring on the basis of one's own verifications, the manufacturer (supplier), issuing the declaration, shall independently form an evidentiary base aimed at the product's assurance of conformity to the requirements of technical regulations. As a verification, one can use technical documentation, the results of one's own tests and measurements, and/or other documents which have served as the basis for making the statement about the conformity of the product being declared to the requirements of technical regulations.

3. When declaring conformity on the basis of one's own verifications and the verifications received with the participation of a third party, the manufacturer (supplier) issuing the declaration can, at his/her own choice, use one of the following schemes:

In addition to his/her own verifications, generated in the manner stipulated by point 2 of the present Article, the person issuing the declaration shall include in the set of technical documentation the test reports on the product being declared, which have been carried out in an accredited testing laboratory.

In addition to one's own verifications, generated in the manner stipulated by point 2 of the present Article, the manufacturer (supplier) issuing the declaration shall submit the quality system certificate issued in the appropriate certification system that would allow for the inspection over the object of certification by the body which has issued the certificate. The quality system certificate can be used as part of the verifications when issuing the declaration concerning any products.

4. The declaration of conformity shall contain the following:

Name of a product;

Name and location of the applicant (making a declaration);

Name and location of the manufacturer of the products;

Name of the technical regulation (its international (regional) equivalent), conformity to which is to be assured;

Statement of the manufacturer (supplier) who issues the declaration that the product is safe if used according to its intended designation, and he/she has taken measures to ensure the product's conformity to the requirements of technical regulations;

Indication of the scheme used for declaring assurance of conformity;

Information on tests carried out, the quality system certificate, and also documents used to prove the conformity of products to a respective technical regulation;

Signature of an applicant (making a declaration);

Other data stipulated by the technical regulation.

A technical regulation determines the period of validity of a declaration of conformity.

5. The Government of the Republic of Tajikistan determines the format of a declaration of conformity.

Article 26. Certification, as a Method of Mandatory Assurance of Conformity

1. Certification, as a method of mandatory assurance of conformity, is to be carried out by a certification body at the request of the applicant. The certification schemes being used for certification of a specific product are to be determined by the appropriate technical regulation.

The certificate of conformity issued to the applicant by the certification body shall confirm the product's conformity to the requirements of technical regulations.

2. The certificate of conformity shall specify the following:

Applicant's name and location;

Name of conformity assessment object;

Name and location of the manufacturer of the product, which has been certified;

Name and location of the certification body, which has issued the certificate of conformity;

Information on the object of certification that would allow for identifying it;

Information on tests carried out;

Information on documents submitted by the applicant to a certification body to prove the conformity of products to a respective technical regulation;

Name of the technical regulation in conformity to which certification has been carried out;

Period of the validity of the certificate of conformity.

The technical regulation establishes the period of validity of a conformity certificate.

3. The format of the certificate for mandatory assurance of conformity is approved by the Government of the Republic of Tajikistan.

Article 27. Organization of Certification as a Form of Mandatory Assurance of Conformity

1. Certification as a method of mandatory assurance of conformity is to be carried out by accredited certification bodies.

2. Certification body:

Sample products to be certified to perform tests if it is stipulated by the relevant certification scheme;

Use accredited testing laboratories to carry out the tests of a product to be certified;

Supervise over certified objects, if such supervision is stipulated by the appropriate scheme of certification;

Suspend or revoke a conformity certificate issued by it;

Inform applicants on the certification procedure;

Maintain the register of conformity certificates issued;

3. When performing certification as a method of mandatory assurance of conformity tests are to be carried out by accredited testing laboratories.

Testing laboratories shall carry out product tests within the limits of their accreditation.

4. The results of tests are to be formalized by appropriate reports on the basis of which the certification body makes a decision on the issuance of the certificate of conformity or

documents. The Government of the Republic of Tajikistan shall form and, when necessary, but at least once a year, publish the lists of the products, which require the representation of documents on their conformity, specified in the first point of the present Article, at their release on the customs territory of the Republic of Tajikistan.

3. Subject to mandatory assurance of conformity products imported onto the customs territory of the Republic of Tajikistan and placed under customs regimes, which are not to be alienated in accordance with the customs regime “release for free circulation”, are released by the customs authorities of the Republic of Tajikistan without producing documents on conformity specified in point 1 of this Article.

4. The procedure of import on the customs territory of the Republic of Tajikistan of the products subject to mandatory assurance of conformity, shall be approved by the Government of the Republic of Tajikistan.

Article 30. Recognition of Results of Assurance of Conformity

1. Recognition of the results of assurance of conformity of products, being imported to the territory of Republic of Tajikistan, is to be carried out based on the principles of

It is not permitted to create unnecessary barriers to trade;

Establishing simplified, distinct and clear procedures and minimizing terms and costs that bear the applicant while passing these procedures;

It is not permitted to introduce additional requirements and tests, as well as duplication of activities on the part of state or other authorized bodies.

2. Documents on assurance of conformity, marks of conformity, product test reports received outside the territory

State supervision related to a specific type of producti

Article 40. Responsibility of Conformity Assessment Bodies

Bodies for conformity assessment, their directors, and also experts and specialists guilty of infringement of the provisions of this Law and technical regulations bear responsibility according to the legislation of the Republic of Tajikistan.

Section VIII. Information on Technical Regu

Article 44. Financing in the Field of Technical Regulation.

The following expenditures are financed from the means of the Republican budget:

Creation and implementation of technical regulations development program including performing expertise of draft technical regulations;

Creation and implementation of national standards development program, in case the state is the requester, including performing expertise of draft national standards;

Implementation of the state supervision over the observance of requirements of technical regulations;

Formation and maintenance of the National Information Fund of Technical

Regarding products, which are not on the list approved by the Government of the Republic of Tajikistan, assurance of conformity is allowed exclusively on a voluntary basis;

The list of products subject to mandatory assurance of conformity is specified and detailed yearly;

b) bodies of state supervision and inspection of the safety measures in the area of veterinary science, quarantine of plants, epidemiology, sanitation and ecology shall establish:

- the complete list of objects subject to mandatory assessment of conformity to requirements, set by point 2 of Article 6 and point 1 of Article 7 of the present Law that would include the codes of commodity nomenclature of the external economic activity at the

Law of the Republic of Tajikistan “On Certification of goods and services” as of December 13, 1996 #313

Law of the Republic of Tajikistan “On Standardization” as of December 14, 1996 #333;

Law of the Republic of Tajikistan “On changes into the Law of the Republic of Tajikistan “On certification of goods and services” as of May 3, 2002, #24;

The Law of the Republic of Tajikistan “On Changes into the Law of the Republic of Tajikistan “on Standardization” as of May 3, 2002 #25.

**President
of the Republic of Tajikistan**