

Decree of the Cabinet of Ministers of Ukraine

On Standardization and Certification

No.46-93

June 11, 1997

Amended by the law of Ukraine of June 11, 1997
No. 333/97-BP, Golos Ukrainy of 27.06.97.

This Decree determines legal and economic aspects of the standardization and certification systems, establishes orTdecs7pcel fatoatof tathe sir fatuncv8.ing athe strm

State Committee on Standardization, Metrology and Certification shall determine rules for the application of standards provided by this Article at the territory of Ukraine.

Article 5. State standards of Ukraine

1. State standards of Ukraine shall be developed for the following:

organizational, methodological and general technical objects, namely, organization of the standardization works, scientific and technical terminology, classification and codes of the technical, economic and social information, technical documents, informational technologies, organization of the metrology works, reliable reference information about properties of the materials and substances;

products for the general machinery engineering utilization (bearings, instruments, bindings, etc.);

components of the national economic objects (banking and financial system, transport, communication, energy system, environmental protection, defense, etc.);

intersectoral products;

products for the population and national economy;

examination methods.

2. State standards of Ukraine contain obligatory and recommended requirements.

Obligatory requirements contain the following:

requirements providing safety of products for the life, health and property of the population, their compatibility and interchangeability, environmental protection and requirements regarding examination methods for these properties;

requirements of the technical safety and hygiene of the labor with references to the respective sanitary norms and rules;

metrology norms, rules, requirements and provisions providing for reliability and uniformity of the measurements;

provisions providing for technical uniformity when developing, manufacturing and utilizing products.

3. Obligatory requirements of the national standards must be observed by the state executive bodies, all enterprises, their associations, institutions, organizations and citizens - agents of the entrepreneurial activity, which activity is covered by the standards.

Recommended requirements of the state standards of Ukraine must be observed in the following cases:

if this is provided by the current legislative acts;

if these requirements are included into the contracts for the development, manufacturing and supply of products;

if manufacturer (supplier) of products announced about compliance of products to these standards.

4. State standards of Ukraine shall be adopted by the State Committee of Ukraine on Standardization, Metrology and Certification, and state standards in the area of construction and construction materials industry - by the Ministry of Construction and Architecture of Ukraine.

State standards of Ukraine shall be registered by the State Committee of Ukraine on Standardization, Metrology and Certification and published in Ukrainian and Russian, both texts are authentically equal.

5. Property part of the copyright for the state standards of Ukraine belongs to the state regardless of the sources of financing of their development.

Article 6. Sectoral standards, standards of the scientific, research and engineer associations and unions.

- 1.

2. State Committee of Ukraine on Standardization, Metrology and Certification shall register in its regional bodies technical terms and conditions for the products and amendments to them with the purpose of informing consumers (customers) about nomenclature and quality of manufactured products and to perform control over compliance of the technical terms and conditions with obligatory requirements of the state and sectoral standards. Technical terms and conditions and amendments to them not registered by the state shall be considered not valid.
3. State Committee of Ukraine on Standardization, Metrology and Certification by the consent of the Ministry of Economy of Ukraine shall determine registration fee payable for the state registration of the technical terms and conditions and amendments to them.
4. Standards of the enterprises shall be developed for the products utilized only at the definite enterprise.
5. Property part of the copyright for the technical terms, conditions and standards of the enterprises shall belong to the enterprises or bodies adopting them.

Article 8. Responsibility for the development and adoption of the normative documents

Organizations and institutions which have conducted examination and bodies, enterprises, institutions, organizations and citizens – agents of the entrepreneurial activity which have adopted these documents shall bear responsibility for the compliance of the normative documents with requirements of the legislative acts and also for their scientific and technical level.

Article 9. Application of the normative documents

Normative documents shall be applied when developing, manufacturing, selling, using, repairing, storing, transporting and utilizing products.

Supply contract shall include references to the normative documents registered by the state covering supply of products.

Chapter III. Organization of the standardization works

Article 10. Management of the activity in the area of standardization

1. State Committee of Ukraine on Standardization, Metrology and Certification shall organize and coordinate standardization works and functioning of the state standardization system. It shall establish general organizational and technical rules of standardization, perform intersectoral coordination of these works including planning, development, publication, distribution and application of state standards. State Committee of Ukraine on Standardization, Metrology and Certification shall determine procedure for the state registration of the normative documents and shall participate in the international and regional standardization pursuant to the international agreements of Ukraine, organize education and professional training of the experts in the area of standardization.
2. Ministry of Construction and Architecture of Ukraine shall organize work in the area of construction and construction materials industry. Developed and adopted by this

Ministry rules for the structure, wording and registration of standards shall comply with the state standardization system.

Other bodies of the state executive power shall participate in the standardization and organize this activity within their competence.

Article 11. Technical Committees on Standardization

1. Technical Committees on standardization shall be established to provide and ensure development, studying, examination, coordination and preparation for the adoption of the state standards of Ukraine, other normative documents in the area of standardization. Technical Committees on standardization shall be established also to

2. State Committee of Ukraine on Standardization, Metrology and Certification shall manage property part of the copyrights in respect of state standards of Ukraine and also standards, rules, instructions and recommendations of the international and regional organizations on standardization which Ukraine is a participant of if this is provided by its international agreements. This refers also to the interstate standard.

Ministry of Construction and Architecture of Ukraine shall manage property part of the copyrights in respect of state and interstate standards in the area of construction and construction materials industry.

3. Property part of the normative documents indicated in the Articles 6 and 7 of this Decree shall be managed by the enterprise or body that have adopted these normative documents.

Chapter IV. Certification of products

Article 13. Types of certification and its purpose

Certification of products in Ukraine may be subdivided into the obligatory and voluntary certification.

Certification of products shall be performed by the authorized certification bodies - enterprises, institutions and organizations with the following purposes:

to prevent sale of products dangerous for the life, health, property of citizens and environment;

to assist consumer to chose products;

to create conditions for the agents of the entrepreneurial activity to participate in the international economic, scientific and technical cooperation and international trade.

Article 14. State certification system

1. State certification system shall be established by the State Committee of Ukraine on Standardization, Metrology and Certification - national body of Ukraine on Certification which shall perform and coordinate activity with the purpose of ensuring its functioning, namely:

determines basic principles, structure and rules of the certification system of Ukraine;

adopts lists of products subject to obligatory certification and determines its application;

appoints certification bodies;

accredits certification bodies and experimental laboratories (centers), attests experts-auditors;

determines rules of recognizing certificates of other countries;

considers disputes regarding testing and observance of certification rules;

keeps Register of the state certification system;

provides information in respect of the certification issues.

State Committee of Ukraine on Standardization, Metrology and Certification within its competence shall bear responsibility for the observance of certification rules and procedure.

Article 15. Obligatory certification

1. The compliance with obligatory requirements of the normative documents shall be certified only by the state certification system.
2. Obligatory certification in all cases shall include examination and testing of products to determine its properties and further state technical supervision over the certified products.
3. The accredited experimental laboratories (centers) using methods determined by the respective normative documents shall conduct testing for the purposes of obligatory certification. If there are no normative documents, methods shall be determined by the certification body or by the body acting on its behalf.

Article 16. Certificate and conformity mark of the state certification system

After certification and in case of the positive decision of the certification body applicant shall receive certificate and the right to mark products with special conformity mark.

Design, size and technical requirements in respect of the conformity mark shall be determined by the state standard.

Conformity mark may not be applied if the rules of its utilization are violated.

Article 17. Obligations of the manufacturers, suppliers, executors and sellers of products under obligatory certification

Manufacturers, suppliers, executors, sellers of products subject to the obligatory certification which are sold at the territory of Ukraine have the following obligations:

to certify products within determined period and according to the established procedure;

to ensure manufacturing of products in accordance with requirements of the normative document pursuant to which they were certified;

to sell products only if conformity certificate is available;

to suspend or stop sale of certified products if it is discovered that these products do not comply with requirements of the normative document pursuant to which they were certified or if the certificate has expired or its validity was suspended or stopped by the decision of the certification body.

Article 18. Certification of the imported products

Compliance of the products (goods) imported and sold at the territory of Ukraine with obligatory requirements of the norms and standards currently valid in Ukraine shall be confirmed either by the certificate or paper about recognition of the foreign certificate issued or acknowledged by the State Committee of Ukraine on Standardization,

Losses (including expected and not-received profit) caused by the manufacturer to the consumers, their property and harm caused to the environment by the actions indicated in the paragraph 1 of this Article shall be compensated by the body which have performed obligatory certification according to the procedure determined by the current legislation. Moreover, this body shall be deprived of the accreditation in the state certification system.

Article 21. Responsibility of the manufacturer (seller, executor) for the violation of the obligatory certification rules

Manufacturer (seller, executor) bears responsibility for the violation of the obligatory certification rules in accordance with the current legislation.

Article 22. Voluntary certification

1. Voluntary certification may be performed to examine conformity of products to the requirements not included by the legislative acts and normative documents to the obligatory requirements. Voluntary certification may be initiated by the manufacturer, seller, consumer, state executive power bodies, public organizations and separate citizens on the contractual basis between applicant and certification body.
2. Enterprises, organizations, other legal entities that have undertaken functions of the voluntary certification body and also accredited in the state certification system bodies have the right to perform voluntary certification.
3. Voluntary certification rules shall be established by the voluntary certification bodies submitting to the State Committee of Ukraine on Standardization, Metrology and Certification information for their registration according to the established by the Committee procedure.

Chapter V. Financing of the standardization works, encouragement of the application of the state standards

Article 23. Sources of financing

1. There are following sources of financing of the state standardization works and participation in the international cooperation:

funds of the state budget of Ukraine and currency appropriations provided for these purposes to the State Committee of Ukraine on Standardization, Metrology and Certification and for the Ministry of Construction and Architecture of Ukraine – only assets of the state budget of Ukraine;

assets provided for the execution of the social and economic, scientific and research programs and projects;

assets of the enterprises, institutions and organizations or other customers intended for the development of standards;

bank loans;

2. Scientific and research works in the ar

Chapter VII. Final provisions

Article 27. Validity of the Decree