

STATE STANDARD OF UKRAINE

National system of standardization
RULES FOR THE PROVISION OF INFORMATION
TO THE TRADE PARTNERS OF UKRAINE

Effective as of

1 SPHERE OF APPLICATION

This standard defines basic provisions and requirements as to the processing of inquiries and notification of Ukraine's trade partners on technical regulations and standards or conformity assessment procedures (hereinafter — the “Normative Documents”) in effect or under development in Ukraine and which Normative Documents may influence trade relations with other countries. Provisions of this standard shall also extend onto the preparation by governmental authorities and business entities in Ukraine of inquiries or comments on the Normative Documents in effect or under development in WTO member-states (the “WTO member”). The standard establishes rules for cooperation between the National Center of the ISONET WTO Information Network (the “ISONET National Information Center”) and information centers of ministries, other central executive agencies, enterprises, institutions, competent certifying authorities, organizations and standardization technical committees (the “Inquiry Service”) in the said activity.

Official publication

2 NORMATIVE REFERENCES

This standard contains references to the following normative documents:

DSTU 1.1-2001 The State Standardization System. Standardization and Related Types of Activity. The Terms and Definitions of Basic Notions;

DC 004-99 Ukrainian Classifier of Normative Documents.

3 DEFINITIONS OF NOTIONS

In this standard terms are used as defined in DSTU 1.1 as well as the following terms:

Technical Regulation

- to provide in response to inquires of WTO members as well as other interested parties in these countries on equal terms detailed descriptions or copies of the Normative Documents in effect in Ukraine and their drafts specifying those parts that differ significantly from the respective international documents;

- to provide to WTO members comments on the normative documents either in effect or under development that may cause technical barriers to trade;

- - to furnish notifications of the WTO Secretariat and comments from WTO members to interested organizations in Ukraine.

5.4 The ISONET National Information Center shall

- perform for other ISONET members functions of the national inquiry service on technical regulations, standards and conformity assessment procedures that are in effect on the territory of Ukraine;

- assist other ISONET members on issues related to services pursuant to the Agreement;

- cooperate with ministries, other central executive agencies, and standardization technical committees, enterprise and organizations of all types of ownership in order to obtain information on effective Normative Documents and those that are planned to be introduced or revised, official copies of Normative Documents or their drafts as well as to provide to all interested parties in Ukraine information on technical regulations, standards and conformity assessment procedures that are used by WTO members;

- arrange for the preparation of comments on draft normative documents that are applied or being developed by WTO members;

- publish and/or place in information networks (on a need-be basis) notifications on draft normative documents of foreign WTO members in order to involve all interested parties in Ukraine for the preparation of comments and prevent the establishment of technical barriers to Ukrainian export;

- send inquires to any ISONET members pursuant to the Agreement and powers of this member.

5.6 The ISONET National Information Center provides services related to the Agreement to business entities pursuant to legislation in force.

6 REQUIREMENTS TO THE PROCESSING OF INQUIRES AND PROVISION OF COMMENTS

- their receipt shall be confirmed;

- explain to any WTO member, from whom comments were received, what measures will be taken to take into account these comments and provide additional relevant information on proposed technical regulations or conformity assessment procedures;

- send to any WTO member, from whom comments have been received, copies of adopted respective technical regulations or conformity assessment procedures, or information that respective technical regulations or conformity assessment procedures are not currently planned for adoption.

7 NOTIFICATION RULES

7.1 The list of items in a notification provided pursuant to the TBT Agreement and requirements for the text and form of information to be furnished are specified in Table 1.

Table 1 — Structure and Text of Notification

List of Items in the Notification	Requirements as to Information to be furnished
1 A notifying member of the TBT Agreement:	Central agencies of executive power in Ukraine that provide notifications;

List of Items in the Notification	Requirements as to Information to be furnished
	or CCCN. In addition, ICS numbers may be indicated. Abbreviations should be avoided.
5 Document title:	The title of proposed or adopted technical regulations and conformity assessment procedures. The number of pages should be indicated in the document, whereof notified is provided. Languages (see 7.3); number of pages.
6 Description of contents:	The annotation of proposed or adopted technical regulations

7.2 Information that is contained in a notification must be exhaustive, no item thereof must be left uncompleted. If necessary, it should be indicated “unknown” or “not specified”.

7.3 If the translation of a proposed document is available or such document is suggested for translation, it should be indicated in the notification closely near the title of the document. If the translation of a short outline of contents is available, it should be indicated in the notification.

7.4 In response to an inquiry regarding documents, any available translations thereof in the language of the inquiring party or a working language of the WTO¹ must be unconditionally sent, together with the originals of the inquired documents.

7.5 It is necessary to indicate in Item 11 of the n

7.8.3 The Derzhstandard of Ukraine shall specify the publication in which notifications will be published.

7.8.4 If developing a draft normative document is delayed (suspended, postponed), its developer shall directly provide notification thereof to the ISONET National Information Center, indicating reasons therefor and development stages.

7.9 Notification about a draft in prescribed form (Addendum A) shall be prepared by developers of draft normative documents after their first versions have been developed, if one of the conditions is established:

- there are no international analogues (standards, guidelines, recommendations);
- there is an analogue, but the document being developed does not comply with the international document (a standard, rule, recommendation);
- requirements are specified in the document being developed that differ from the requirements that were earlier in effect in Ukraine.

7.9.1 A developer of a draft normative document shall provide a notification about a draft in the Ukrainian and English languages to the ISONET National Information Center not later than one month prior to the prescribed date on which the draft document should be sent for comment (confirmation).

7.9.2 Not later than 30 calendar days upon its receipt of the notification, the ISONET National Information Center shall verify whether such notification has been completed correctly in compliance with the requirements of the TBT Agreement, whether information provided therein is true, shall verify the translation of the notification text into English, the completed form of notification in English, shall provide the same to the WTO Secretariat, and shall place the notification in the Ukrainian and English languages onto the web-site of the Derzhstandard of Ukraine.

7.9.3 In the event that, upon provision of notification about a draft, information on its further development is not furnished within the specified time, the ISONET National Information Center shall notify the WTO Secretariat of a delay (suspension, postponement) in the development of the relevant normative document.

7.10 Requirements prescribed for providing notifications regarding the TBT Agreement shall apply to the provision of notifications regarding the Agreement on the Application of Sanitary and Phytosanitary Measures to the WTO Committee on Sanitary and Phytosanitary Measures.

In point 7 of a notification in accordance with this Agreement it is necessary to specify the purpose and rationale, in particular: safety of foodstuffs and food, animal and plant health, protection of people, animals and plants against parasites or diseases, protection of territories against damage that may be inflicted by parasites and diseases.

The sphere in which respect notifications are provided pursuant to the Agreement on the Application of Sanitary and Phytosanitary Measures is described in Addendum D.

7.11 In the event that urgent problems of health protection arise or threaten to arise for a WTO member, it may immediately provide to the other WTO members, through the WTO Secretariat, a notification about a regulatory act, planned to be enacted for ensuring an appropriate level of sanitary and phytosanitary protection, and products covered by such act. In such event, it is necessary to provide a short description of measures planned to be accomplished and the rationale for enacting the said act, explaining the nature of urgent problems.

7.12 In the event that changes to a document are prepared, notification shall be provided pursuant to the same rules applicable to the document, with specification in Item 5 of the notification “draft changes No.... to ...”.

Addendum A

(for reference)

Example of how to complete a notification that development of a standard has commenced in Ukraine, which standard does not comply with an international document or does not have such analogue

NOTIFICATION

about development of a draft national standard in Ukraine

1. Developer: TC and/or a developing organization

2. Responsible agency: Derzhstandard of Ukraine

3. Notification provided pursuant to Article 2.9.2 of the TBT Agreement

4. Products covered: machines and technological equipment for keeping and feeding of animals, as well as for stocking up of processed fodder; codes under the ICS and DC 004: 13.110 and 25.020.

5. Document title: Draft national standard "Machines and technological equipment for animal husbandry and fodder processing. General requirements for safety", 20 pages, in Ukrainian.

6. Description of document contents: general requirements for safety of the said products and their components, main constructional elements, electric drives of electric equipment; requirements for safety during transportation and storage.

7. Purpose and rationale: safety

8. Actual (related) documents: no international analogue is available

9. Proposed date of standard adoption: 2003-02-01

Proposed date of entry into force of the standard: 2003-08-01

10. Deadline for furnishing comments and proposals: 2002-10-01

11. Draft standard may be obtained at:

Addendum B

(mandatory)

FORM OF NOTIFICATION REGARDING THE TBT AGREEMENT**WORLD TRADE ORGANIZATION****G/TBT/Notif (number)****Data****TBT Committee****NOTIFICATION**

This notification is accepted and disseminated pursuant to Article 10

1.	A providing member of the TBT Agreement: If necessary, a notification addressee is indicated additionally (Article 3.2 or 7.2 of the TBT Agreement of the WTO)
2.	Responsible agency: An organization, which is additionally appointed to deal with comments:
3.	Notification is provided pursuant to Articles 2.9.2 [], 2.10.1 [], 3.2 [], 5.6.2 [], 7.2 [], 8.1 [], 9.2 [], others:
4.	Products covered (HS or CCCN, if applicable), product name; Numbers pursuant to the ICS and DC 004 are additionally indicated.
5.	Document title, number of pages and the language(s), in which a document notified of may be obtained:
6.	Description of contents:
7.	Purpose and rationale, especially important requirements raised in the document are additionally specified:
8.	Actual (related) documents:
9.	Proposed date of adoption: Proposed date of entry into force:
10.	Deadline for furnishing remarks (comments):
11.	Document may be obtained at: the ISONET National Information Center [] or at another agency (the address, e-mail address, phone and telefax numbers are to be indicated)

The person responsible for preparing a notification (to be filled out on a draft notification).

Addendum C

(for reference)

Example how to complete a notification regarding the TBT Agreement

WORLD TRADE ORGANIZATION

G/TBT/Notif./045

15 August 2002

Addendum D
(for reference)

**Sphere in which respect notifications are provided pursuant
to the Agreement on the Application of Sanitary and Phytosanitary Measures**

A WTO member provides a notification in regard to documents that concern:

- a) any sanitary or phytosanitary regulatory acts, which are adopted or proposed for adoption in its territory;
- b) any control or inspection procedures, production or quarantine regimes, procedures for adopting permissible levels of pesticides and food additions that are in effect in its territory;
- c) procedures for assessing risks and factors to be taken into account, as well as procedures for determining an appropriate level of sanitary and phytosanitary protection;
- d) membership or participation of the WTO member or competent agencies in its territory in international and regional sanitary and phytosanitary organizations and systems, as well as in bilateral and multilateral agreements and understandings within the framework of this Agreement, as well as texts of such agreements or understandings.

