

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
TBT/Spec/14
2 August 1985

Committee on Technical Barriers to Trade

Original: Spanish

ROYAL DECREE 734/1985 ON STANDARDIZATION AND TYPE APPROVAL

The following communication, dated 5 June 1985, has been received from the delegation of Spain.

Our communication, dated 22 February 1985, included a notification of Royal Decree 2584/81 establishing general regulations for proceedings of the Ministry of Industry and Energy in the field of standardization and type approval.

In that same communication, and in the relevant notification circulated in document TBT/Spec/12, it was indicated that new provisions amending that Royal Decree would be issued shortly.

I have pleasure in forwarding herewith for circulation the notification of Royal Decree 734/1985 of 20 February (Official Gazette of 23 May 1985) amending Royal Decree 254/81.

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.4.

1.	Party to Agreement notifying: SPAIN
2.	Agency responsible: Ministry of Industry and Energy
3.	Notified under Article 2.5.2 <input type="checkbox"/> , 2.6.1 <input checked="" type="checkbox"/> , 7.3.2 <input type="checkbox"/> , 7.4.1 <input type="checkbox"/> , Other:
4.	Products covered (CCCN where applicable, otherwise national tariff heading):
5.	Title: Royal Decree 734/1985, of 20 February
6.	Description of content: Partial amendment of Royal Decree 2584/1981 establishing regulations for proceedings of the Ministry of Industry and Energy in the field of standardization and type approval.
7.	Objective and rationale: Protection of consumer interests. General framework regarding product standards and type approval. Accreditation of testing and analysis laboratories.
8.	Relevant documents: Official Gazette No. 123 of 1985
9.	Proposed dates of adoption and entry into force: Twenty working days following publication in the Official Gazette.
10.	Final date for comments:
11.	Texts available from: National enquiry point <input type="checkbox"/> or address of other body:

MINISTRY OF INDUSTRY AND ENERGY

9396 ROYAL DECREE 734/1985 of 20 February amending the General Regulations for Proceedings of the Ministry of Industry and Energy in the field of standardization and type approval, approved by Royal Decree 2584/1981 of 18 September.

Experience acquired since the entry into force of the above-mentioned regulations, and the trend in international trade in manufactures, have shown the need for some amendments to the above-mentioned regulations.

These amendments improve the procedures, simplify certain documentary aspects and take account of the specific characteristics of the various industrial sectors.

Accordingly,

I HEREBY DECREE AS FOLLOWS:

Sole Article: The following paragraphs of the above-mentioned regulations shall be amended to read as follows:

"5.1.2. The model on the basis of which type approval was granted shall be held on the manufacturer's premises, duly sealed or stamped by the competent services.

Other equivalent procedures may nevertheless be established by specific regulations.

5.1.4. In the case of one-off constructions or products with special functional characteristics or applications, the competent Directorate-General shall act in accordance with the specific characteristics of each case.

5.2.1. Application for type approval of a prototype, type or model shall be made by the domestic manufacturer, or by the representative or importer in the case of products manufactured abroad, and shall be addressed to the Director-General whose field of competence covers the product concerned.

The application, together with the documentation mentioned below, shall be presented in triplicate directly to the Directorate-General, or as provided in Article 66.3 of the Law on Administrative Procedures.

5.2.2. The application must give the following particulars:

- (a) Identity of the applicant. If the product is a domestic manufacture, the registration number in the Industrial Register of the establishment in which it is manufactured or, if manufactured abroad, the tax identification number of the representative or importer.
- (b) The percentage of national content of the product and the origin of its technology in the case of domestic products.

5.2.3. The documentation referred to in 5.2.1 is as follows:

- (a) Technical report from one of the laboratories accredited for the required tests, recording the results of the analyses and tests to which the prototype, type or model has been subjected. The sample shall be selected as determined by the relevant specific regulations;
- (b) Verification report on the integrated quality-control system in the manufacturing process, carried out by the Ministry of Industry and Energy or by an entity co-operating in the field of standardization and type approval.

This verification report must include a report on the way in which the undertaking carries out calibration in respect of all its measuring components and equipment;

- (c) Documentation, in Spanish, explaining the characteristics of the product and of the installation where it was manufactured, in accordance with specific regulations.

5.3.1. For the purpose of deciding on the application, the Directorate-General may request co-operation from consumers' or users' organizations, as well as from bodies or entities concerned with research and technological development and, where relevant, according to the nature of the product, a report from the Directorate-General for Consumption Inspection of the Ministry of Health and Consumption. In all cases, a report shall be requested from the Supervision and Certification Commission.

If additional tests are considered necessary, such decision shall be notified to the applicant so as to formalize acceptance of the new tests.

6.1.1. When regulations have established that production is to be monitored to ensure continuing compliance with the conditions on which type approval was based, the manufacturers, representatives and importers of the products concerned shall present the following documentation to the Supervision and Certification Commission with the frequency or at the intervals specified in the type-approval decision:

- (a) A statement that manufacture of the said products has continued;
- (b) A certificate by an entity co-operating in the field of standardization and type approval regarding the continued adequacy of the quality-control system used and regarding identification of the sample selected for testing;
- (c) A technical report by an accredited laboratory on the results of the analyses and tests to which the sample selected to the co-operating entity has been subjected.

The Supervision and Certification Commission may order a repetition of the sampling and testing procedures if it deems appropriate.

If the instrument establishing type approval does not stipulate the sampling methodology to be used, the UNE standards published to date shall be applied.

6.1.3. Where the above-mentioned conformity certificate has been granted, the products concerned may be required, if so established by specific regulations, to bear a mark or label distributed by the Supervision and Certification Commission, the content of which is described in Section 2."