

DRAFT-November 12, 2012

**DRAFT LAW OF THE ISLAMIC REPUBLIC OF AFGHANISTAN
ON STANDARDS AND TECHNICAL REGULATIONS**

Chapter 1. General Provisions

Article 1. Basis

This law is formulated in the light of the provisions of the Article 11 and 13 of the Afghanistan Constitution.

Article 2. Scope of the Law

1. This law applies to procedures for development, adoption and application of standards, technical regulations and conformity assessment procedures, as well as to metrology and calibration services.
2. This law applies on governmental and non-governmental entities, enterprises, organizations, companies, export & import companies, producing and service entities and other natural and legal persons both national and foreign residing in Afghanistan.
3. All products, including industrial and agricultural products, shall be subject to the provisions of this Law.
4. This law does not apply to food safety, sanitary and phyto-sanitary measures as defined in the relevant legislation of Afghanistan.
5. Purchasing specifications prepared by governmental bodies for production or consumption requirements of governmental bodies are not subject to the provisions of this Law but are addressed in the government procurement legislation.
6. All references in this Law to technical regulations, standards and conformity assessment procedures shall be construed to include any amendments thereto and any additions to the rules or the product coverage thereof, except amendments and additions of an insignificant nature.

Article 3. Definitions

For the purpose of this Law the following definitions shall apply:

Technical regulation – Document, which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labeling requirements as they apply to a product, process or production method. Standards that contain mandatory requirements shall fall under the definition of the technical regulation.

Standard: is a document that has been established by consensus and approved by a recognized body that provides, for the common and repeated use, rules, guidelines or characteristics for products and related processes and production methods aimed at the achievement of the optimum degree of order in a given context based on scientific knowledge, technology and experiences, and compliance with which is not mandatory.

National Standard: is a document, which is formulated after consultation with the technical experts to protect the national interests and approved by the Supreme Council of Standard (see Chapter 5).

Regional Standard: is a document, which is formulated jointly by the standard bodies of two or more countries in a specific geographic area and approved by a regional standards body in order to facilitate the technical and trade affairs.

International Standard: is a document, which is approved and published by international standardization organizations.

Safety – is the condition during which there is no inadmissible risk connected with causing of harm to life or health of people, to property of natural or legal persons, to environment, to life or health of animals and plants;

Risk – is the probability of causing harm to life or health of people, to property of natural or legal persons, to state or municipal property, to environment, life or health of animals and plants, taking into account the severity of this harm;

Conformity assessment - any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled.

Certification – the form of conformity assessment of objects to the requirements of technical regulations, to provisions of standards or conditions of contracts, conducted by certification body;

Applicant – is the natural or legal person carrying out the obligatory assessment of conformity;

Certification body – is a legal person, accredited in accordance with the established procedure for executing of works on certification;

Form of conformity assessment – is the specific order of documentary confirmation that of

products or other objects, processes of production, operation, storage, transportation, marketing and utilization, executing of works or rendering of services to the requirements of technical regulations, to provisions of standards or conditions of contracts.

Supplier's declaration – is the document issued and signed by the supplier of a product certifying the conformity of the released product to the requirements of technical regulations;

Standard mark – is the designation intended for informing of purchasers on conformity of certification object to the requirements of standards;

State Control (supervision) – is the inspection of execution by a natural or legal person of the technical regulation requirements for products, processes of production, operation, storage, transportation, marketing and utilization, and taking appropriate measures by inspection results;

Norm - An absolute quantity that is determined by the technical committee based on scientific research and experience and approved by the Afghan National Standards Authority (ANSA) (see Chapter 5).

Label - is information affixed to a product or a package that indicates its specifications, or other characteristics according to relevant standards.

Specifications - is a definition or explanation of a product or its process. It distinguishes specifications, such as quality, resistance, purity, ingredients, quantity, size, dimensions, weight, stability, production and expiration dates, origin, method of production of a certain product from other products.

Quality Control – is a test, inspection, observation or a combination of methods for understanding the quality of domestically produced or importing product and services and in comparison of their quality with standards.

Code of Practices - is a written document that covers scientific principles or certain executive processes of a product, technical procedures, and methods of using equipment's, products structures, related terms, applicable mechanisms, guidelines, applicable procedures and other requirements covers.

Article 4. General Principles

1. Technical regulations, standards and conformity assessment procedures shall not be more trade-restrictive than necessary to fulfill a legitimate objective, taking account of the risks non-fulfillment would create.
2. Limitation of competition in the area of certification shall not be allowed.
3. Combining the powers of accreditation body and certification bodies shall not be allowed.

4. Certification bodies cannot provide consultancy services in the areas where they provide certification services.

5. Certification bodies and inspection bodies shall be independent from manufacturers, sellers, performers and buyers.

Article 5. Prohibition of non-compliant goods

Domestically produced and imported goods can be placed on the domestic market and/or put into service only if they comply with the requirements of the technical regulations. Goods non-compliant with the technical regulation may be recalled, seized, destroyed or deported according to established procedures.

Chapter 2. Standardization

Article 6. Objectives of Standardization

Standardization is aimed at:

- Stimulating scientific and technical progress;
- Increasing the competitiveness of products, works and services according to the level of development of science, engineering and technology;
- Increasing the level of safety of objects considering the extent of risk of emergency situations arising from natural and man-made origin;
- Saving and rational use of resources;
- Ensuring technical and information compatibility;
- Providing a comparability of test and measurement results; Interchangeability of products;
- Enhancing the level of safety, life, health of individuals, as well as life and health of animals and plants, property of legal entities and individuals, state and municipal property, the environment, including assisting in implementation of requirements of technical regulations.

Article 7. Principles of Standardization

1. Preparation, adoption and application of Standards shall be carried out according to the internationally accepted guides and codes of best practices including the Code of Good Practice for the Preparation, Adoption and Application of Standards in Annex 3 of the WTO Agreement on Technical Barriers to Trade.

2. ANSA approves a procedure for standards development, adoption and application, as well as for creation and operation of technical committees on standardization. The sessions of technical committees shall be open to the public. The composition of the technical committees

on standardization shall include representatives of bodies of executive power, scientific and technical organizations, associations of entrepreneurs and consumers.

Article 8. Adoption of international, regional standards and standards of other countries

1. International, regional standards and national standards of other countries are adopted in Islamic Republic of Afghanistan as national documents on standardization according to methodology and procedures established by the ANSA.

2. The international, regional standards and national standards of other countries will be applicable after the assessment of the Technical Committee and approval of the Supreme Council of Standard.

Chapter 3. Preparation, Adoption and Application of Technical Regulations

Article 9. Principles for developing technical regulations

1. Technical regulation may be prepared and adopted only for national security considerations, countering fraudulent acts against consumers, fulfilling halal requirements or protection of life and health of people, including health and safety of animals, plants, and environment.

2. On the basis of international agreements of Afghanistan, products imported from the territory of any member to such agreement shall be accorded treatment no less favourable than that accorded to like products of national origin and to like products originating in any other country.

3. Requirements in technical regulations shall be based on product requirements in terms of performance rather than design or descriptive characteristics unless purposes for which the technical regulation has been developed cannot be achieved.

4. Technical regulations shall be prepared based on approved or being finalized relevant international standards or parts thereof, except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued because of fundamental climatic or geographical factors or fundamental technological problems.

5. If no international standards are available or existing standards are deemed ineffective or inappropriate, technical regulations may be prepared based on standards and technical regulations of regional standardization bodies.

6. Technical regulations shall not be maintained if the circumstances or objectives giving rise to their adoption no longer exist or if the changed circumstances or objectives can be addressed in a less trade-restrictive manner. Periodical reviews of technical regulations shall be conducted for this purpose.

Article 10. Notification, comments and entry into force of technical regulations

1. A notice shall be published an early stage stating that the draft technical regulation is being developed, shall identify the products covered by the proposed regulation with a description of the objective and rationale for the technical regulation.
2. From the moment of publication of the notification on development of draft technical regulation this draft shall be available to the interested persons for familiarization. Interested persons have a right to obtain a copy of the draft technical regulation. A cost of delivery of the document shall be charged.
3. A notification, prepared early in the process of developing the proposed technical regulation, shall be sent to relevant international organizations where Afghanistan is a member.
4. At least 60 days shall be allowed for all interested parties to make written comments about the proposed technical regulation and non-discriminatory consideration of comments in the preparation of a final regulation shall be afforded.
5. Technical regulations shall enter into force after 6 month from the date of publication of adopted technical regulations.
6. In cases where urgent problems of safety, health, environmental protection or national security arise or threaten to arise, time frames established in paragraphs 1 through 5 of this Article may be reduced or omitted, provided that upon adoption of the procedure, notification and/or publication are made promptly and copies provided to interested parties upon request.

Article 11. Equivalence of foreign technical regulations

1. Foreign technical regulations may be adopted as equivalent to national technical regulations in the following cases:
 - they are consistent with the laws of the Islamic Republic of Afghanistan;
 - they adequately reflect the objectives of the national technical regulations.
2. Criteria on applying for recognition of foreign technical regulations, access to information, recognition of equivalents and procedures on filing complaints shall be transparent and non-discriminatory.
3. The rules on defining equivalence of a foreign technical regulation to the national technical regulation are adopted by ANSA and approved by Council of Ministers after confirmation of Supreme Council of Standards.

Article 12. Determining standards as mandatory technical regulations

1. The ANSA has the responsibility to determine as mandatory the application of standards of the products and goods or a part of standard or code of practices including the Code of Good Practice for the Preparation, Adoption and Application of Standards in Annex 3 of the WTO Agreement on Technical Barriers to Trade. This should be done with consideration of the

principles and rules for preparation and adoption of technical regulations set forth in Articles 6, 7 and 8 of this Law.

2. The technical regulation is approved by the Council of Ministers after the confirmation of the Supreme Council of Standard.

3. All provisions of this law on technical regulations shall apply to mandatory standards and code of practices.

Chapter 4. Conformity Assessment Procedures

Article 13. General rules for preparation and adoption of conformity assessment procedures

1. On the basis of international agreements of Afghanistan, in cases where a positive assessment of conformity with technical regulations or standards is required, conformity assessment procedures shall be prepared and adopted so as to grant access for suppliers of like products originating in the territories of other members to such agreements under conditions no less favourable than those accorded to suppliers of like products of national origin or originating in any other country, in a comparable situation.

2. Where relevant guides or recommendations issued by international standardizing bodies exist or their completion is imminent, they, or the relevant parts of them, shall be used as a basis for their conformity assessment procedures, except when such guides or recommendations or relevant parts are inappropriate for the use in Afghanistan for, *inter alia*, such reasons as: national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment; fundamental climatic or other geographical factors; fundamental technological or infrastructural problems.

3. The standard processing period of each conformity assessment procedure shall be published or anticipated processing period shall be communicated to the applicant upon request.

4. In preparation of the draft conformity assessment procedures:

- reasonable time shall be allowed for interested parties to make comments in writing; - opportunity shall be provided to discuss these comments upon request, and;

- these written comments and the results of these discussions shall be taken into account.

5. In cases where urgent problems of safety, health, environmental protection or national security arise or threaten to arise time frames provided in paragraph 5 of this Article may be omitted,

provided that upon adoption of the procedure, notification and/or publication are made promptly and copies provided to interested parties upon request.

Article 14. Application of conformity assessment procedures

1. Conformity assessment procedures shall be undertaken and completed as expeditiously as possible and in a no less favourable order for products originating in the territories of other Members than for like domestic products.

2. When receiving an application, the competent body promptly:

- examines the completeness of the documentation and informs the applicant in a precise and complete manner of all deficiencies;
- the competent body transmits as soon as possible the results of the assessment in a precise and complete manner to the applicant so that corrective action may be taken if necessary;
- even when the application has deficiencies, the competent body proceeds as far as practicable with the conformity assessment if the applicant so requests; and that,
- upon request, the applicant is informed of the stage of the procedure, with any delay being explained.

3. The siting of facilities used in conformity assessment procedures and the selection of samples are not such as to cause unnecessary inconvenience to applicants or their agents;

Article 15. Information and confidentiality in application of conformity assessment

1. Information requirements in application of conformity assessment procedures shall be limited to what is necessary to assess conformity and determine fees.

2. The confidentiality of information about products arising from or supplied in connection with such conformity assessment procedures is respected in the same way as for domestic products and in such a manner that legitimate commercial interests are protected;

Article 16. Fees

1. On the basis of international agreements of Afghanistan, any fees for assessing the conformity of products imported from the territory of any member to such agreement shall be imposed in a fashion no less favorable than to like products of national origin and to like products originating in any other country, except in cases where necessary to take into account communication, transportation and other costs arising from differences between location of facilities of the

applicant and the conformity assessment body.

2. The works on mandatory conformity assessment shall be paid by an applicant.

Article 17. Change of specifications of a product

Whenever specifications of a product are changed subsequent to the determination of its conformity to the applicable technical regulations or standards, the conformity assessment procedure for the modified product is limited to what is necessary to determine whether adequate confidence exists that the product still meets the technical regulations or standards concerned.

Article 18. Forms of Conformity Assessment

1. Conformity assessment in the territory of the Afghanistan may be voluntary or obligatory. Voluntary conformity assessment shall be carried out in the form of voluntary certification. Obligatory conformity assessment shall be carried out in the forms of:

- supplier's declaration;
- obligatory certification.

2. The order of application of specific schemes of obligatory conformity assessment procedures is established by this law and relevant implementing regulations.

Article 19. Obligatory Conformity Assessment

1. Obligatory conformity assessment shall be carried out only in the cases established by appropriate technical regulation, and only for conformity to the requirements of technical regulation. The object of obligatory conformity assessment may be only the product produced or imported for circulation in the territory of Afghanistan.

2. The form and schemes of obligatory conformity assessment may be established only by technical regulation taking into account the risk level of non-reaching the purposes of technical regulations.

Article 20. Voluntary Conformity Assessment

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

2. Certification body:

- Performs assessment of conformity of objects of voluntary assessment of conformity;
- Issues certificates of conformity for objects, which have passed voluntary certification;
- Entitles the applicant to apply the standard mark, if the application of such a - standard mark is provided by the relevant system of voluntary certification;
- Suspends or cancels the certificates of conformity issued by it.

3. A voluntary certification system can be created by a legal entity and/or an individual entrepreneur, or by several legal entities and/or individual entrepreneurs. The person or persons who have created a voluntary certification system establish a list of objects subject to certification and their characteristics for conformance to which the voluntary certification is performed, as well as the rules for performance of works provided for by this certification system, the payment procedure for them, and identify the participants of the given voluntary certification system. A certification system may have a standard mark for application.

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

5. Procedures for application of voluntary conformity assessment is established by a separate rules adopted by the Government of Afghanistan.

Article 21. Standard mark to standards

1. The product, compliance of which with the requirements of standards has been assured, may be marked with the standard mark to standards. The image of the standard mark to standard is to be established by ANSA and approved by the Supreme Council of Standards.

2. Legal and natural persons shall independently affix the standard mark by any way convenient for them according to point 1 of the present Article.

3. It is forbidden to affix the standard mark to a product, for which compliance with the requirements of standards has not been assured.

4. Standard mark may not be affixed to a product if certification bodies, which conducted conformity assessment, are not accredited.

Article 22. Equivalence

Results of conformity assessment procedures in other countries shall be accepted under international agreements of Afghanistan, even if such procedures differ from those applied in Afghanistan, provided that those procedures offer an assessment of conformity with applicable technical regulations or standards equivalent to procedures adopted in Afghanistan.

Article 23. Right of appeal

Results of a conformity assessment procedure can be appealed to courts under relevant procedures or to an independent administrative appeal process to be elaborated under regulations.

Article 24. Reasonable time for entry into force

Except in cases where urgent problems of safety, health, environmental protection or national security arise or threaten to arise, a 6 months period between the publication of requirements concerning conformity assessment procedures and their entry into force shall be provided.

Chapter 5. Authorities and responsibilities of state bodies

Article 25. Supreme Council of Standards

The Supreme Council of Standards is as the highest decision making authority related to standardization is established with the following composition:

1. Head of Economic Committee of Minister's Council as Chairman
2. Minister of Commerce and Industry- as Deputy Chairman
3. Director General of Science Academy- as member
4. Head of National Drug Board of Ministry of Public Health as member
5. Director General of ANSA- as Member
6. Director General of National Environmental Protection Authority - as member
7. Deputy Minister of Economy- as Member
8. Deputy Minister of Finance (Revenue and Customs Affairs)- as member
9. Deputy Minister of Higher Education- as member
10. CEO of Afghanistan Chamber of Commerce and Industries as member
11. Deputy Minister of Agriculture, Irrigation and Livestock as member
12. Technical Deputy Minister of the Ministry of Urban Development – as member
13. Technical Deputy Director General of ANSA- as secretary

Article 26. Responsibilities and Authorities of Supreme Council of Standard

1. Supreme Council of Standard has the following duties and authorizes:

- (1) Approval of the general policies and strategies of the ANSA and monitoring of application of these policies and strategies;

- (2) Approval, amendment, suspension, exclusion and alternation developing, revising, suspension, withdrawal and replacement of the national standards based on the provisions of this law;
 - (3) Approval of proposed technical regulations;
 - (4) Approval of the Work Plan of the ANSA;
 - (5) Approval of standards costs, all sellable publications and services provided by the ANSA;
 - (6) Approval of agreements, Memorandum of Understandings, conventions; accession of ANSA with the International and Regional Organizations;
 - (7) Approval of the proposal for the amendment, or addition to this law.
 - (8) Approval of rules and related procedures in the area of technical regulations, standards and conformity assessment procedures;
 - (9) Assuring of implementation of technical regulation and publication of their results.
 - (10) Attracting support from the donor and supporter communities.
2. All details including duties, authorities and other related affairs of the Supreme Council of Standards would be regulated through approval of separate work procedures by the Supreme Council of Standards.

Article 27. Duties and authorities of ANSA

1. Implementation of a unified policy in the field of standardization, technical regulations, metrology and conformity assessment, ensuring transparency and consistency of actions of standardization works according to the requirements of the present Law is carried out by ANSA.
2. The ANSA has the following duties and authorities:
 - (1) Preparation, adoption and publication of the National Standards and Technical regulations as well as oversight of their application inside the country.
 - (2) Providing technical advice and guidance to the private and government entities that are willing to formulate standards.
 - (3) Setting criteria and procedures for formulating and application of standards, technical regulations and conformity assessment.
 - (4) Adoption and adaptation of standards, technical regulations, guidelines and recommendations from the international, regional or a particular country's standard bodies.
 - (5) Establishment of National Metrology System with all the services included in the area of measurement and calibration.
 - (6) Issuing conformity quality certificate for products and services
 - (7) Establishing standard mark and monitoring its application.
 - (8) Testing and application of the samples of products with standards, and specifications as well as making comments on results of comparison and issuance of related certificate.

- (9) Setting consumption, waste and dissipate norms with the help of scientific research and project designing organizations.
- (10) Determination of consumption norms to utilize financial and economical resources of the government effectively.
- (11) Establishing of Information center for standards, technical regulations, conformity assessment procedures and other related documents according to Article 37 of this Law.
- (12) Establishing periodic publication and maintaining official web-site where notices on new technical regulations, standards and conformity assessment procedures being developed and work programs are published at an early stage as to enable interested parties to become acquainted with it and to provide comments.
- (13) Representing the government in the international, regional and national organizations, in the areas related to standards and metrology.
- (14) Conducting and supporting studies and research in the fields related to standard, metrology, conformity assessment and other related issues.
- (15) Providing opportunity for privates sector to invest and operate and providing services expertise and advise in field of preparation and implementation of standards.
- (16) Presenting proposals to the Supreme Council of Standard.
- (17) Getting specialized and professional advises from governmental and nongovernmental related entities.
- (18) Imposing and receiving cash penalty and implementing the provisions of this law.
- (19) Suspending or revocation of certificate conformity, right to use from standard mark, and other privileges in accordance to this law.
- (20) Introducing the offender of this law to the legal and judicial institutions.
- (21) Regulating affairs related to right to use standard mark through adopting of procedures and rules.
- (22) Adoption of other related rules and procedures for implementation of provisions of this law.

Article 28. Receiving of Administrative Fee

1. The ANSA will charge a reasonable fee for providing laboratory and research services, certification, as well as training, using of the standard mark, issuance of certificate and license, selling of standard and publication and providing copies of documents related to conformity assessment and technical regulations, offering of professional training.

2. In publication and dissemination of the National Standards, standard mark, guidelines and related documents that have been formulated and published by ANSA, copyrights shall be protected.

3. Standards that have been developed by the natural or legal persons (of government or non-government) belong to themselves.

Article 29. Technical Committees

1. In order to give scientific and technical inputs regarding formulation, adoption, revision, amendment and withdrawal of standards, according the need to establish the technical committees, sub committees and working groups.

2. The technical committees mentioned in the first paragraph of this article include representatives from the government and nongovernment organizations, experts and academia representatives.

3. Membership requirements, responsibilities and authorities of the technical committees, sub committees and working groups will be regulated in separate work procedure.

Article 30: Inspection and Control of Goods

1. Control of safety and quality of trading goods in the market places (import and export goods), manufactured goods and services, except for food, pharmaceuticals, cosmetics and medical equipments, will be conducted by Afghan National Standards Authority (ANSA).

2. Authorities and responsibilities of ANSA with respect to inspections will be determined in a separate regulation adopted by Council of Ministers.

Chapter 6. Prohibitions and Penalties

Article 31: Prohibitions

1. Committing the following actions are prohibited:

- (1) Production, import and supply of products, goods and services in contrary with technical regulations.
- (2) Sale, marketing, and buying and exhibiting products, goods and services that are inconsistent with technical regulations.
- (3) Concealment, delay or failure to present documents, evidences, samples or creating obstacles and resistance towards inspecting operations.
- (4) Change, altering, fraud or unauthorized use of stamp, mark, label, sealing, specification mark, certificate, license, test papers.
- (5) Changing specifications of products or goods, which are included in technical regulations after provision and production or bringing changes in can, package, box, or carton of products with intention to fraud.
- (6) Supply or selling of other products or goods under the name of standardized products or goods.
- (7) Supply or selling of expired products and unauthorized mixture.
- (8) Disclosure of confidential information and reports of ANSA

2. In addition to prohibitions mentioned in paragraph 1 of this Article, ANSA has the right to identify other prohibitions and determine amount of fine and punishment for them subject to approval of the Supreme Council of Standards.

Article 32. Responsibility for non-compliance with the requirements of technical regulations

1. The manufacturer (developer, seller or person representing the foreign manufacturer) shall bear responsibility according to the legislation of the Islamic Republic of Afghanistan for violation of technical regulation requirements.

2. If harm is caused to life or health of people, property of natural or legal persons, state or municipal property, environment, life or health of animals and plants as a result of nonconformity of products to technical regulation requirements, the manufacturer (developer, seller, person representing the foreign manufacturer) is obliged to compensate this harm and to take measures with the purpose of eliminating violations.

3. The duty to compensate harm may not be restricted by the contract or announcement of one of the parties. Agreements or announcements for limitation of the responsibility shall be considered as null and void.

Article 33. Penalties

1. When a natural or legal person commits any of actions written under clause (1) of paragraph 1 of article 35 of this law, he or she will be punished to pay cash amount of not less than five million and not more than ten million Afghanis.

2. If a natural or legal person commits any of the actions mentioned in clauses of 2, 7, and 8, paragraph 1 of article 35 of this law, he/she will be punished to pay cash amount of not less than ten thousand and not more than hundred thousand Afghanis.

3. If a natural or legal person commits any of the actions mentioned in clause 3, paragraph 1 article 35 of this law, he/she will be punished to pay cash amount of not less than five thousand and not more than twenty thousand Afghanis.

4. If a natural or legal person commits any of the actions mentioned in clauses of 4, 5, 6, paragraph 1 article 35 of this law, he/she will be punished to pay cash amount of not less than fifty thousand and not more than two hundred thousand Afghanis.

5. In case of finding of prohibitions of article 35 of this law and as the report by Inspection Panel, ANSA can suspend or cancel license, certificate, right to use the standard mark and other issued privileges for a period of not less than a month.

6. Cash penalties of the paragraph 1 of this Article will be received by Inspection Panel of ANSA and will be transferred to bank account based on related procedures and in accordance with article 24 of this law.

Article 34. Decision making on goods not compliant with technical regulations

1. The ANSA has the right to collect products and goods, mentioned in clauses (1,2,5 and 7) of article 33 of this law, from production, supply and sales centers, and other locations used for keeping or packaging of commercial domestic, export or import goods. To prevent the continuation of mentioned products and goods production, the ANSA can seal machinery and production equipment for up to one month.

2. The collected products and goods (domestic, exports and imports) mentioned in paragraph 1 of this article will be technically assessed by inspectors and experts of ANSA. In case products and goods are worth consumption for humans and animals, or they get that quality after being improved, can be used as essential stuffs. The products and goods will be sold and the received amounts shall be paid to the government revenue account, otherwise the mentioned goods will be discarded in presence of representatives from Ministries of Finance, Interior Affairs, Attorney General Office, Municipality, National Environment Protection Authority and ANSA

3. Decision of the panel included in paragraph (2) on collected goods in contrary with technical regulations can be appealed to courts according to established procedures.

Article 35. Judicial Prosecution

In case committing one of the actions mentioned in this law causes illness, disability, infirmity or death of a person, the offender based on reports from health entities, in addition to compensation of loss, will be under judicial prosecution as well.

Article 36. Revenues from Fine penalties

The ANSA shall receive revenues derived from the fine and fees of service delivery and shall add them into government account in bank.

Chapter 7. Final provisions

Article 37. Information Center for Standards and Technical regulations

1. Information Center established under Afghan National Standards Authority shall have the following responsibilities:

- publication of notices for draft technical regulations and conformity assessment procedures being proposed to be introduced;

- receive comments to draft technical regulations and conformity assessment procedures and pass them to relevant bodies developing them;

- timely submission of necessary notifications under the international agreements of Afghanistan;

- upon request, provide to interested parties particulars or copies of the proposed technical regulations and conformity assessment procedures;

- provide answers all reasonable inquiries from interested parties regarding technical regulations, standards, conformity assessment procedures, as well as Afghanistan's membership in international and regional standardizing bodies and conformity assessment systems, and other bilateral and multilateral arrangements within the scope of this law.

- Collecting information in respect to related standards activities inside or outside the country and publication of that.

2. The procedure for activity of the Information Center shall be established by the ANSA.

Article 38. Entry Into Force

1. The present Law comes into force after 6 months from the date of its official publication in the Official Gazette.

2. From the date entry into force of this Law, Afghanistan National Standards Law published in Official Gazette #1038 on 28.6.1389, and amendments thereof are repealed.

3. All laws and regulations shall be adjusted to comply with this law.

4. All provisions of other laws and regulations contradicting this law shall be considered null and void from the date of entry into force of this law.