

LAW OF THE REPUBLIC OF ARMENIA

Approved by National Assembly
on 9 November 1999

**ON THE CONFORMITY ASSESSMENT OF PRODUCTS AND SERVICES TO
NORMATIVE REQUIREMENTS**

Article 1. Scope of the Law effect

This law regulates the organization of activities for voluntary and compulsory conformity assessment of production, goods (hereinafter products), labors and services (hereinafter services) to normative requirements, as well as establishes legal bases for state control in this field, determines modules for conformity assessment, conditions of product marketing, the rights and obligations of parties to conformity assessment.

Article 2. Basic concepts used in the Law

For the purposes of this law, the following basic concepts shall be used:

- a) **Conformity assessment** - an activity as a result of which by means of declaration on conformity or certificate on conformity it is certified that product or service conforms to normative requirements;
- b) **Compulsory conformity assessment** - a conformity assessment that is instituted by the Laws of the Republic of Armenia or other legal acts on certain products or services and is carried out mandatory in conformity with normative requirements ensuring safety of this products or services.
- c) **Conformity mark** - a duly registered mark used in compliance with the rules of the system for conformity assessment and affixed to the product that demonstrates the conformity of the product to normative requirements.
- d) **Declaration on conformity** - an authenticated document whereby product producer or service provider on the bases of evidences in his disposal assesses in writing the conformity of product or service he provided to normative requirements.
- e) **Normative requirements** - requirements towards products or services, expressed in a normative document, to which the characteristics of product or service are compared in the course of product conformity assessment.
- f) **Normative documents** – technical regulations, standards, other documents adopted by established order, whereby normative requirements towards products or services are presented.
- g) **Safety** – absence of impermissible risk related with possible damage to life, health, property and environment caused by product or service.
- h) **Conformity certificate** - a document issued by certification body, which assesses that product or service, identified in accordance with established regulation, conforms to the normative requirements.
- i) **Product identification** – procedure whereby, by the rules of the system for conformity assessment, the identity of product presented for conformity assessment to its name and description is attested.
- j) **Certification** - procedure of conformity assessment whereby certification body confirms in writing the compliance of product or service to the normative requirements.
- ja) **National body for conformity assessment** – state body authorized by the Government of the Republic of Armenia to govern the system for conformity assessment.

jb) **Certification body** –legal entity accredited to conduct conformity assessment works for given products or services.

jc) **Testing laboratory** – legal entity accredited to carry out given testing.

jd) **Applicant** - products producer, seller or services provider or their proxy that applied to the certification body for attestation of products or services conformity.

je) **Conformity assessment scheme** - certain complex of operations, the positive outcomes of which are recognized as assurance of compliance of product or service to normative requirements.

jf) **Accreditation** – procedure whereby an Accreditation Board recognizes officially the technical competence of legal entity to operate in the certain area of conformity assessment, as well as recognizes officially the independence of this entity from the products producer (seller) or services provider.

jj) **Voluntary conformity assessment** - conformity assessment initiated by the applicant and carried out in compliance with his /her announced normative and technical requirements.

Article 3. Legislation on Product or Service Conformity Assessment to Normative Requirements

Relations concerning product or service conformity assessment to normative requirements are regulated by the laws of the Republic of Armenia and other legal acts.

Article 4. International Treaties of the Republic of Armenia

Should the international treaties of the Republic of Armenia stipulate otherwise rules than the product conformity assessment legislation of the Republic of Armenia, the provisions of international treaties shall prevail.

Article 5. Objectives of compulsory conformity assessment

The objectives of compulsory conformity assessment are:

- a) ensuring safety of products for the life and health of consumers;
- b) protection of environment, flora and fauna;
- c) protection of consumer from deceptive practice,
- d) harmonization of conformity assessment rules with the rules of international, regional conformity assessment systems, as well as elimination of unjustified technical obstacles.

Article 6. Normative Documents Applied for the Conformity Assessment

1. Normative documents applied for the conformity assessment shall contain normative requirements towards products or services and methods of their conformity determination.

Requirements towards products or services may be contained within one or several normative documents.

2. International, regional, interstate and national of other countries normative documents, applied in accordance with the procedure established in the Republic of Armenia, can be used for the products or services conformity assessment.

3. Technical regulations on product or service shall be applied for the compulsory conformity assessment.

Article 7. Products or services subject to compulsory conformity assessment

The list of products and services subject to compulsory conformity assessment shall be prepared by national body for conformity assessment jointly with interested state bodies and approved by the Government of the Republic of Armenia.

Article 8. System for Conformity Assessment

1. System for conformity assessment is the entirety of conformity assessment subsystems, their related procedures, rules.
2. By the conformity assessment subsystems the conformity assessment of products or services, to which the same normative documents and same procedures are applied, shall be established.

Article 9. Conformity certificate and conformity mark

1. Form of conformity certificate (hereinafter - certificate), as well as requirements towards certificate shall be established by the system for conformity assessment.
2. Design of conformity mark, technical requirements thereto and procedure of application thereof shall be established by the Government of the Republic of Armenia.

Article 10. . Declaration on conformity

1. To submit application for issuing declaration on conformity of product and service (hereinafter – declaration) have the right products manufacturers, importers, services providers.
2. Declaration shall be based on the evidences got in accordance with the products and services conformity assessment schemes, hygiene control conclusions, veterinary, phytosanitary certificates and data laid down by normative documents of given product or service.
3. The application for declaration shall contain the following information:
 - a) name and address of the applicant submitted application for declaration;
 - b) designation or classification code of product or service;
 - c) obligation of the applicant to ensure the conformity of product or service to the normative requirements;
 - d) on normative documents to which requirements the mentioned in declaration product or service shall conform;
 - e) on hygienic conclusions, veterinary, phytosanitary certificates, testing conducted and availability of other documents stipulated by the legislation of the Republic of Armenia on given product or service, confirming the quality and safety thereof.Application for declaration shall be signed by the manager of the applicant organization or his trustee.
4. Declaration shall be registered and authenticated in the certification body.
The copies of registered declaration one at a time shall be provided to the certification body and applicant and shall be submitted to the state control bodies upon the request.
5. Declaration on conformity and certificate on conformity shall have equal juridical value in the territory of the Republic of Armenia.

Article 11. Conformity Assessment Schemes

1. The product or service conformity assessment is conducted under the schemes of conformity assessment.
2. The schemes for conformity assessment of products or services, as well as their identification codes use in the Republic of Armenia, are designed by the rules of the system for conformity assessment.
3. For products or services subject to compulsory conformity assessment several schemes of conformity assessment may be designed, which are of equivalent significance.

Article 12. Accreditation of legal entities

1. Accreditation of legal entities as certification bodies or testing laboratories, laying claims to conduct the conformity assessment activities, shall be carried out by accreditation board authorized by the Government of the Republic of Armenia in accordance with the procedure established by the Government of the Republic of Armenia.
2. Accreditation board on the bases of positive outcomes of accreditation shall officially recognize the competence of legal entity to conduct conformity assessment activities in certain sphere, as well as officially recognize the independence of this legal entity on the product manufacturer (seller, buyer) or service provider.
3. Accreditation board, in the case of unavailability for the time being of the relevant certification body or testing laboratory in specific area of activities, is in a position to authorize a competent body, that is not accredited, for conducting compulsory conformity assessment, for a period not exceeding 1 year.

Article 13. Participants of Compulsory Conformity Assessment

Participants of compulsory conformity assessment are national body for conformity assessment, certification bodies, testing laboratories, applicants.

Article 14. National Body for Conformity Assessment

1. National body for conformity assessment (hereinafter referred to as national body) is a state governance body authorized for conformity assessment by the Government of the Republic of Armenia.
2. National body:
 - a) pursues a public policy in conformity assessment;
 - b) establishes rules for conformity assessment activities in the Republic of Armenia;
 - c) carries out state control over compliance of products or services to requirements stipulated by normative documents and observance of rules for compulsory conformity assessment;
 - d) prepares, by established order, recommendations on accession to international, regional conformity assessment systems;
 - e) concludes, by established order, agreements with international, regional, interstate organizations on mutual recognition of conformity assessment results;
 - f) represents the Republic of Armenia in international, regional organizations on issues of product conformity assessment.
 - g) publishes official information on general rules and procedures for conformity assessment, on accredited certification bodies and testing laboratories, as well as on conformity marks

applied in the Republic of Armenia, and duly provides this information to international, regional conformity assessment organizations.

- h) realizes other activities empowered to its competence by the legislation of the Republic of Armenia.

Article 15. Certification Body

1. Certification body within the scope of its accreditation field shall:
 - a) consider applications for conformity assessment;
 - b) register and authenticate declaration of conformity submitted by the applicant;
 - c) conduct control over conformity of certified products and services according to the scheme of conformity assessment and contract concluded between applicant and certification body;
 - d) conduct product sampling;
 - e) conduct compulsory conformity assessment activities in compliance with conformity assessment scheme envisaged for given product or service;
 - f) conduct certification of products or services and grant certificate;
 - g) cancel or cease the validity of declaration or conformity certificates in the case of infringement of conformity assessment rules.
2. Certification body shall make decision on authentication (refusal) of declaration within two days.
3. In the case of non-compliance of products or services certification body shall immediately inform relevant body of state control authorities.
4. Officials of certification body shall bear responsibilities for the infringements of the rules for conformity assessment according to the procedure established by the legislation of the Republic of Armenia.

Article 16. Testing Laboratory

1. Testing laboratory, within the scope of its accreditation field, shall conduct tests or types of tests of products or services and issue test protocols to present to certification bodies.
2. Officials of testing laboratories shall bear responsibilities for the infringements of conformity assessment rules in accordance with the procedure established by the legislation of the Republic of Armenia.

Article 17. Applicant

1. Applicant for compulsory conformity assessment of products or services shall:
 - a) identify the conformity assessment scheme and submit application to a certification body for conducting certification works or for granting declaration;
 - b) market or provide the product or service subject to compulsory conformity assessment only in the case of availability of declaration or certificate;
 - c) ensure conformity of the product or service to the normative requirements stipulated by the declaration on conformity or certificate on conformity;
 - d) terminate marketing of the product or providing of service that passed the compulsory conformity assessment in cases it no longer conforms to the normative requirements stipulated by the declaration on conformity or certificate on conformity and bear responsibilities in the case of non-termination in accordance with the legislation of the Republic of Armenia;
 - e) inform the certification body conducting conformity assessment on changes in the technical documents or production technological processes that may affect the conformity of the certified product or service to the normative requirements;

- f) in the course of conformity control, ensure uninterrupted exercise of duties of official representatives of the certification body;
 - g) effect payments for the compulsory conformity assessment works according to the procedure established by the Government of the Republic of Armenia.
2. The applicant shall have the right to submit an application for declaration or for conformity assessment works to the certification body selected by himself.

Article 18. Conditions of marketing of products subject to compulsory conformity assessment

1. The products subject to compulsory conformity assessment enter the market of the Republic of Armenia on the condition of attestation of conformity of the product to the established normative requirements.
2. The products subject to compulsory conformity assessment marketed in the Republic of Armenia and products in circulation shall bear the conformity mark or be accompanied by declaration on conformity or certificate on conformity.

Article 19. Conditions of import of products subject to compulsory conformity assessment to the territory of the Republic of Armenia

1. In the event of import to the territory of the Republic of Armenia of products subject to compulsory conformity assessment, the custom authorities shall be furnished with declaration on conformity or certificate on conformity registered in certification bodies, or an evidence of availability of conformity mark.
2. The recognition of foreign certificates on conformity or conformity marks of products shall be envisaged by the bilateral agreements of the Republic of Armenia on mutual recognition of the conformity assessment results or unilateral recognition in the Republic of Armenia.
3. The procedure of the mutual recognition or unilateral recognition of foreign certificates and conformity marks in the course of import of products subject to compulsory conformity assessment to the territory of the Republic of Armenia shall be established by the Government of the Republic of Armenia.

Article 20. Voluntary Conformity Assessment

1. The voluntary conformity assessment is conducted upon initiative of an applicant on the basis of requirements envisaged in standards, technical conditions, specifications and other documents, selected by the applicant, to which the conformity the products or services shall be attested, including also quality and environment management systems.
The voluntary conformity assessment is conducted by the certification body in the frames of its accreditation, on the bases of contract concluded between applicant and certification body.
2. The voluntary conformity assessment of products or services subject to compulsory conformity assessment shall not replace compulsory conformity assessment of such products or services.

Article 21. Appellation of activities on conformity assessment

The activities of participants for conformity assessment can be appealed to national body, court.

Article 22. Field of State Control

1. State control over observance of the mandatory requirements to products or services stipulated by normative documents and of compulsory conformity assessment rules shall be conducted at the stages of product production, realization, use (exploitation), storage, transportation and utilization, as well as services providing.
2. The procedure of state control over the observance of mandatory requirements and rules stipulated by paragraph 1 of this article shall be established by the Government of the Republic of Armenia.
3. Legal entities and sole entrepreneur shall provide with necessary conditions for the conduction of the state control.

Article 23 Bodies for State Control

1. State control over the observance of requirements and rules stipulated by the article 22 of this law shall be conducted by the national body.
2. State control shall be conducted by chief state inspector and by state inspectors of the national body.
3. Competence of chief state inspector and state inspectors shall be established by the Government of the Republic of Armenia.

Article 24. The Appeal of the Actions of the Chief State Inspector and State Inspectors

1. The actions of the Chief State Inspector can be appealed to the court. The appellation of the actions of the Chief State Inspector shall not suspend the implementation of his decision.
2. The actions of state inspectors can be appealed to the Chief state inspector or to the court.

Article 25. Closing Provisions

Conformity assessment of products and services subject to compulsory conformity assessment, if their related technical regulations do not exist, shall be conducted, until 31 December 2004, according to mandatory requirements stipulated by normative documents adopted before the entrance of this law into force.

Article 26. Entry into Force of the Law

1. This law shall enter into force since date of its promulgation.
2. The law of the Republic of Armenia on “Standardization and Certification” approved by the National Assembly on 30 April 1997 shall be invalidated since this law enforcement.

President of the Republic of Armenia

R. Kocharyan

Yerevan
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