

RUSSIAN FEDERATION

F E D E R A L L A W

No. 184-FZ, dated 27.12.2002

"On Technical Regulating"

Adopted 15.12.2002 by the State Duma

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Chapter 1. **GENERAL PROVISIONS**

Article 1. Scope of This Federal Law

1. This Federal law regulates the relations arising during:
development, adoption, application and execution of mandatory requirements for products, processes of production, operation, storage, transportation, marketing and utilization;
development, adoption, application and fulfillment on a voluntary basis of the requirements for products, processes of production, operation, storage, transportation, marketing and utilization, carrying out of works or rendering of services;
conformity assessment.

This Federal law also defines the rights and duties of those whose relations are regulated by this Federal law.

2. The requirements for operation of uniform telecommunication network of the Russian Federation and for products in connection with ensuring of integrity, stability of operation of the abovementioned communication network and its safety, the relations connected with ensuring of integrity of the uniform communication network of the Russian Federation and using of radio frequency spectrum, are respectively established and regulated by the legislation of the Russian Federation on telecommunications.

3. This Federal law does not apply to the state educational standards, to provisions (standards) for accounting and rules (standards) for auditing, to standards of securities issue and securities issue outlines.

Article 2. Basic Definitions

The following basic definitions are used for the purposes of this Federal law:

Accreditation – official recognition, by accreditation body, of the competence of a natural or legal person to perform operations in definite area of conformity assessment;

Safety of products, processes of production, operation, storage, transportation, marketing and utilization (hereinafter referred to as safety) – situation where there is no inadmissible risk of causing of damage to human life or health, to property of natural or legal persons, to state or municipal property, to environment, to life or health of animals and plants;

Veterinary-sanitary and phytosanitary measures – mandatory requirements and procedures, established for the purpose of protection against the risks, arising in connection with penetration, assimilation or spreading of harmful organisms, diseases, carriers of sicknesses or pathogenic organisms, including the cases of their transfer or spreading by animals and (or) plants, products, cargoes, materials and vehicles, in connection with the presence of additives, contaminants, toxins, pests, weeds, pathogenic organisms, including those in foodstuffs or forages, and also mandatory requirements and procedures established with a view of preventing any other damage connected with spreading of harmful organisms;

Declaring of conformity – form of conformity confirmation of products to the requirements of technical regulations;

Declaration of conformity – document confirming the conformity of the released product to the requirements of technical regulations;

Applicant – natural or legal person carrying out the mandatory confirmation of conformity;

Mark of market circulation - designation intended to inform purchasers that the product released is in conformity with the requirements of technical regulations;

Mark of conformity - designation intended to inform purchasers that an object of certification is in conformity with the requirements of voluntary certification system or a national standard;

Identification of products – ascertaining of identity of product characteristics to its essential attributes;

Control (supervision) over observance of the technical regulation requirements – inspection of fulfilling by a legal person or individual entrepreneur of the technical regulation requirements for products, processes of production, operation, storage, transportation, marketing and utilization, and taking appropriate measures depending on inspection results;

International standard – standard adopted by an international organization;

National standard – standard approved by National standardization body of the Russian Federation;

Certification body – legal person or individual entrepreneur accredited in accordance with the established procedure for carrying out of certification works;

Conformity assessment – direct or indirect determination of observance of the requirements being lodged for an object;

Conformity confirmation – documentary certifying of conformity of products or other objects, processes of production, operation, storage, transportation, marketing and utilization, carrying out of works or rendering of services to the requirements of technical regulations, provisions of standards or terms of contracts;

Product – a material result of an activity intended for further use with economic and other purposes;

Risk – probability of causing damage to human life or health, to property of natural or legal persons, to state or municipal property, to environment, life or health of animals and plants, account taken of the seriousness of the damage;

Certification - form of conformity confirmation of objects to the requirements of technical regulations, to provisions of standards or terms of contracts, fulfilled by a certification body;

Conformity certificate - document certifying the conformity of an object to the requirements of technical regulations, to provisions of standards or terms of contracts;

Certification system – combination of: rules of carrying out of certification works, participants thereto, and rules of operation of the certification system as a whole;

Standard – document, that provides, for voluntary repeated use, the product characteristics, the rules for and the characteristics of processes of production, operation, storage, transportation, marketing and utilization, carrying out of works or rendering of services. The standard may also include terminology, symbols, packaging, marking or labeling requirements, and the rules for their affixing;

Standardization – activity consisting in establishing of rules and characteristics for voluntary repeated use, aimed at achievement of consistency in the spheres of production and circulation of products, and at increasing of competitiveness of products, works or services;

Technical regulating – legal regulating of relations in the field of establishing, application and fulfilling of mandatory requirements for products, processes of production, operation, storage, transportation, marketing and utilization, and also in the field of establishing and application, on a voluntary basis, of the requirements for products, processes of production,

operation, storage, transportation, marketing and utilization, executing of works or rendering of services, and legal regulating of relations in the field of conformity assessment;

Technical regulation – document, which is adopted either by the Russian Federation international treaty ratified in accordance with the legislation of the Russian Federation, or by the federal law, or by decree of President of the Russian Federation, or by decree of the Government of the Russian Federation, and which establishes mandatory requirements for objects of technical regulating (products, e.g., buildings and constructions, processes of production, operation, storage, transportation, marketing and utilization);

Form of conformity confirmation – definite rules of documentary confirming of conformity 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 terms of contracts.

Article 3. Principles of Technical Regulating

The technical regulating shall be carried out in accordance with the principles of:

application of uniform rules for establishing of the requirements for products, processes of production, operation, storage, transportation, marketing and utilization, carrying out of works or rendering of services;

compatibility of technical regulating to the performance of national economy, condition of technical infrastructure and achieved level of technological development;

independence of accreditation and certification bodies from manufacturers, sellers, providers and purchasers;

uniform system and rules of accreditation;

unity of rules and methods of researches (tests) and measurements used in procedures of mandatory conformity assessment;

unity of application of the technical regulation requirements irrespective of types or peculiarities of deals;

inadmissibility of competition limitation while carrying out accreditation and certification;

inadmissibility of combining the functions of state control (supervision) body and certification body;

inadmissibility of combining the accreditation and certification functions by one body;

inadmissibility of off-budget financing of the state control (supervision) over observance of the technical regulations requirements.

Article 4. Legislation of the Russian Federation on Technical Regulating

1. The legislation of the Russian Federation on technical regulating consists of this Federal law, the federal laws adopted according to it and other normative legal acts of the Russian Federation.

2. Provisions of the federal laws and other normative legal acts of the Russian Federation, regarding the sphere of application of this Federal law (including those directly or indirectly providing for control (supervision) over observance of the technical regulation requirements), shall be applicable as long as they do not contradict to the provisions of this Federal law.

3. In the sphere of technical regulating federal executive bodies have the right to issue only the acts of recommendatory nature, except for the cases referred to in Article 5 of this Federal law.

4. If an international treaty of the Russian Federation establishes in the sphere of technical regulating other rules, than those stipulated by this Federal law, then the rules of the international treaty shall be applied. And if the international treaty provides for issuing of a national act for application of that treaty, then the rules of the international treaty and the Russian Federation legislation adopted on its basis shall be applied.

Article 5. Peculiarities of technical regulating regarding national defense-related and state secret-safeguarded products (works, services)

1. In case if there is no technical regulation requirements for national defense-related products (works, services) delivered for federal state needs under the state defense procurement order, for products (works, services) used for the purpose of safeguarding the state secret data or categorized as the information of restricted access and safeguarded according to the legislation of the Russian Federation, and for the state secret-safeguarded products (works, services), mandatory requirements shall be those for products, their characteristics and requirements for processes of production, operation, storage, transportation, marketing and utilization, provided for by federal executive bodies being the state customers of the state defense procurement order within the limits of their competence, and (or) by the state contract.

2. The rules of development, adoption and application of documents on standardization regarding the products (works, services), referred to in Paragraph 1 of this Article, shall be provided for by the Government of the Russian Federation.

3. The conformity assessment (including the state control (supervision) over observance of mandatory requirements for products (works, services), referred to in Paragraph 1 of this Article), shall be carried out according to the rules provided for by the Government of the Russian Federation.

4. The mandatory requirements for products (works, services), provided for in Paragraph 1 of this Article, shall not contradict the technical regulation requirements.

Chapter 2. TECHNICAL REGULATIONS

Article 6. The Purposes of Technical Regulations

1. The technical regulations shall be adopted for the purposes of:
 - protection of human life or health, property of natural or legal persons, state or municipal property;
 - protection of the environment, life or health of animals and plants;
 - prevention of practices misleading the purchasers.
2. Adoption of technical regulations for other purposes shall be prohibited.

Article 7. The Content and Application of Technical Regulations

1. The technical regulations, taking into account the risk level of causing damage, shall provide for the minimum necessary requirements ensuring:

- emanation safety;
- biological safety;
- explosion safety;
- mechanical safety;
- fire safety;
- industrial safety;
- thermal safety;
- chemical safety;
- electrical safety;
- nuclear and radiation safety;
- electromagnetic compatibility regarding safety operation of devices and equipment;
- uniformity of measurements.

2. The requirements of technical regulations shall not be more business-restrictive than a minimum necessary to achieve the purposes referred to in Paragraph 1 of Article 6 of this Federal law.

3. The technical regulation shall contain the exhaustive list of products, processes of production, operation, storage, transportation, marketing and utilization, covered by its

requirements, and the rules of identification of an object of technical regulation for the purposes of application of a technical regulation. The technical regulation, with a view of its application, may contain the rules and forms of conformity assessment (including the schemes of conformity confirmation), defined subject to the level of risk, time limits for conformity assessment procedures for each particular technical regulating object and (or) requirements for terminology, packaging, marking or labeling and the rules of their affixing.

The conformity assessment shall be carried out in the form of state control (supervision), accreditation, testing, registration, conformity confirmation, acceptance and commissioning of an object whose construction is completed, and in other forms.

The mandatory requirements, contained in technical regulations, for products, processes of production, operation, storage, transportation, marketing and utilization, the rules and forms of conformity assessment, the rules of identification, the requirements for terminology, packaging, marking or labeling and the rules of their affixing shall be exhaustive, shall have direct action within the whole territory of the Russian Federation and may be changed only by making amendments and addenda to the relevant technical regulation.

The requirements for products, processes of production, operation, storage, transportation, marketing and utilization, the rules and forms of conformity assessment, the rules of identification, the requirements for terminology, packing, marking or labeling and the rules of their affixing, not included into technical regulations, may not be of mandatory nature.

4. The technical regulation shall contain the requirements for product characteristics, processes of production, operation, storage, transportation, marketing and utilization, but shall not contain the requirements in terms of design and descriptive characteristics, except for the cases, when the reaching of the purposes of the technical regulations referred to in Paragraph 1 of Article 6 of this Federal law and subject to the level of risk, is not possible if there is no requirements in terms of design and descriptive characteristics .

5. The technical regulations may, subject to the level of risk, contain special requirements for products, processes of production, operation, storage, transportation, marketing and utilization, the requirements for terminology, packaging, marking or labeling and the rules of their affixing, providing the protection of individual groups of population (minors, pregnant women, nursing mothers, invalids).

6. The technical regulations shall be applied in the same way and to the same extent irrespective of the country and (or) area of origin of product, carrying out of processes of production, operation, storage, transportation, marketing and utilization, and also irrespective of types or peculiarities of deals and (or) natural and (or) legal persons being manufacturers, executors, sellers, purchasers, taking into account the provisions of Paragraph 9 of this Article.

7. The technical regulation may not contain requirements for the products, causing damage to human life or health, if the damage is accumulated in long-term use of these products and depends on other factors thus not allowing determining the level of admissible risk. In these cases the technical regulation may contain the requirement concerning the informing of the purchaser on possible damage and on factors upon which it depends.

8. The international standards and (or) national standards may be used in full or in part as a basis for development of draft technical regulations.

9. The technical regulation may contain special requirements for products, processes of production, operation, storage, transportation, marketing and utilization, terminology, packaging, marking or labeling and the rules of their affixing, to be applicable in individual areas of the products origin, if the absence of such requirements can result, taking into account the climatic and geographical peculiarities, in non-reaching of the purposes referred to in Paragraph 1 of Article 6 of this Federal law.

The technical regulations shall also establish the minimum necessary veterinary-sanitary and phytosanitary measures in relation to products originating from individual countries and (or) areas, including restrictions of imports, use, storage, transportation, marketing and utilization, to provide biological safety (irrespective of the manufacturer's method of safety control).

The veterinary-sanitary and phytosanitary measures may provide for the requirements for products, for methods of product processing and production, for procedures of product testing, inspection, conformity confirmation, quarantine treatments including relevant requirements associated with the transport of animals and plants, with the materials necessary for their survival or health during transport, and also for sampling procedures, for methods of research and risk assessment and other requirements contained in technical regulations.

The veterinary-sanitary and phytosanitary measures shall be developed and applied on the basis of scientific data, and also taking into account the appropriate international standards, recommendations and other documents of the international organizations with a view of observing the appropriate level of veterinary-sanitary and phytosanitary protection, which is determined subject to the level of actual scientifically justified risk. When assessing the level of risk may be taken into consideration: the provisions of international standards, recommendations of international organizations, of which the Russian Federation is a member, prevalence of diseases and pests, and also the measures taken by suppliers for struggle against diseases and pests, the ecological conditions, the economic consequences connected with potential causing of damage, the volume of expenses for preventing the damage.

In cases where the urgent application of veterinary-sanitary and phytosanitary measures is necessary for achievement of the purposes of veterinary-sanitary and phytosanitary protection, and the relevant scientific evidence is insufficient or can not be obtained in proper time, the veterinary-sanitary and phytosanitary measures, provided for by technical regulations in relation to certain products, may be applied on the basis of available information, including the information obtained from the relevant international organizations, authorities of the foreign states, information on appropriate measures applied by others states or other information. Before adoption of the appropriate technical regulations in the cases, referred to in this Paragraph, veterinary-sanitary and phytosanitary measures shall be applied according to Paragraph 5 of Article 46 of this Federal law.

The veterinary-sanitary and phytosanitary measures shall be applied taking into account the relevant economic factors - potential damage in terms of loss of production or sales in the event of entry, establishment or spread of a pest or disease, the costs of their control or eradication, the relative effectiveness of alternative approaches to limiting risks, and also the need of minimizing the effect of the pest or disease on environment, production and circulation of products.

10. The technical regulation, adopted by federal law or by decree of the Government of the Russian Federation, shall enter into force not earlier than six months after the date of its official publication.

11. The rules and methods of researches (tests) and measurements, and also the rules of sampling for carrying out the researches (tests) and measurements, necessary for application of technical regulations, shall be developed, with due account of provisions of Article 9 of this Federal law, by federal executive bodies within the limits of their competence within six months from the date of official publication of technical regulations, and shall be approved by the Government of the Russian Federation.

12. The Government of the Russian Federation shall develop proposals on ensuring of conformity of technical regulating to interests of the national economy, to the condition of technical infrastructure and achieved level of technological development, and also to the international norms and rules. In this respect the Government of the Russian Federation shall approve the programme of development of technical regulations, which is reviewed and published yearly.

The Government of the Russian Federation shall administer the ongoing registration and analysis of all the cases of causing, as a result of violation of requirements of technical regulations, of damage to human life or health, property of natural or legal persons, state or municipal property, environment, life or health of animals and plants, taking into account the level of this damage, and also shall administer the informing of purchasers, manufacturers and sellers on the situation in the field of observance of technical regulation requirements.

Article 8. Types of Technical Regulations

1. The following technical regulations are valid in the Russian Federation:

general technical regulations;

special technical regulations.

Mandatory requirements for particular types of products, processes of production, operation, storage, transportation, marketing and utilization shall be composed of requirements of general technical regulations and special technical regulations.

2. The requirements of a general technical regulation shall be applicable to any kind of products, processes of production, operation, storage, transportation, marketing and utilization.

3. The requirements of a special technical regulation shall take into account technological and other peculiarities of particular products, processes of production, operation, storage, transportation, marketing and utilization.

4. General technical regulations shall be adopted regarding:

safe operation and utilization of machines and equipment;

safe operation of buildings, constructions and safe use of adjacent plots of land;

fire safety;

biological safety;

electromagnetic compatibility;

ecological safety;

nuclear and radiation safety.

5. Special technical regulations shall provide for the requirements only for those particular products, processes of production, operation, storage, transportation, marketing and utilization, in relation to which the purposes, envisaged by this Federal law for adoption of technical regulations, are not achievable with the requirements of general technical regulations.

Special technical regulations shall establish the requirements only for those particular products, processes of production, operation, storage, transportation, marketing and utilization, where the level of damage risk is higher than the risk level taken into account by a general technical regulation.

Article 9. Rules of Developing, Adoption, Amending and Cancellation of a Technical Regulation

1. The technical regulation shall be adopted by a federal law according to the rules existing for adoption of federal laws, taking into account the provisions of this Federal law.

2. Any person may develop a draft technical regulation.

3. The notification of development of draft technical regulation shall be published in the print of federal executive body on technical regulating and in information system of general use in electronic format.

The notification about development of draft technical regulation shall contain the information on products, processes of production, operation, storage, transportation, marketing and utilization, to which the requirements being developed shall be applicable, with summary of the purpose of this technical regulation, with substantiation of the reasons of its development and with specifying of those requirements being developed which differ from provisions of the relevant international standards or mandatory requirements, which are valid in the territory of the Russian Federation at the moment of development of this draft technical regulation, and also the reference to the mode of providing information on draft technical regulation, the denomination or surname, name and patronymic of the developer of the draft technical regulation, the postal and e-mail (if any) addresses for receipt of written comments from the interested persons.

4. From the date of publication of the notification on development of draft technical regulation this draft shall be available to the interested persons for information. At the request of

the interested person the developer shall provide it with a copy of draft technical regulation. The payment for this copy may not exceed its cost. The developer shall amend draft technical regulation taking into account the written comments of the interested persons, shall carry out public discussion of draft technical regulation and make the list of written comments of the interested persons with summarized contents of these comments and results of the discussion.

The developer shall save written comments of the interested persons up to the date of coming into force of technical regulation, adopted by the appropriate normative legal act, and to provide them upon request to members of the State Duma, to representatives of federal executive bodies and expert commissions on technical regulating, referred to in Paragraph 9 of this Article.

The period of public discussion of draft technical regulation from the date of publication of the notification about development of draft technical regulation up to the date of publication of the notification about completion of public discussion may not be less than two months.

5. The notification about completion of public discussion of draft technical regulation shall be published in the print of federal executive body on technical regulating and in general-use information system in electronic format.

The notification about completion of public discussion of draft technical regulation shall include the reference to the mode of providing information on draft technical regulation and the list of written comments of the interested persons, and also the reference to the surname, name and patronymic of the developer of draft technical regulation, the postal and e-mail (if any) addresses for contact with the developer.

From the date of publication of notification about completion of public discussion of draft technical regulation the updated draft technical regulation and the list of written comments of the interested persons shall be available to the interested persons for information.

6. The federal executive body on technical regulating shall publish in the print the notification of the development of draft technical regulation and of completion of public discussion of this draft within ten days from the date of payment for publication of the notification. The rules of publication of notifications and fees for their publication shall be provided for by the Government of the Russian Federation.

7. The submission by a holder of the right of legislative initiative of a draft federal law on technical regulation to the State Duma shall be subject to the availability of the following documents:

- substantiation of the reasons for adoption of federal law on technical regulation with specifying of those requirements, which differ from provisions of the appropriate international standards, or from mandatory requirements in force on the territory of the Russian Federation at the time of development of draft technical regulation;

- financial and economic substantiation of adoption of federal law on technical regulation;

- documents confirming the publication of notification about development of draft technical regulation according to Paragraph 3 of this Article;

- documents confirming the publication of notification about completion of public discussion of draft technical regulation according to Paragraph 5 of this Article;

- list of written comments of the interested persons referred to in paragraph 4 of this Article.

Upon submission to the State Duma, draft federal law on technical regulation accompanied by documents referred to in this Paragraph shall be forwarded by the State Duma to the Government of the Russian Federation. In one month time the Government of the Russian Federation shall send back to the State Duma its comments, prepared with due regard for a conclusion of the expert commission on technical regulating.

8. Draft federal law on technical regulation, adopted by the State Duma in the first reading, shall be published in the print of federal executive body on technical regulating and in general-use information system in electronic format.

The proposed amendments to draft federal law on technical regulation, adopted in the first reading, shall, after expiration of the period of their submission, be published in general-use

information system in electronic format not later than one month prior to consideration by the State Duma of the draft federal law on technical regulation in the second reading.

Federal executive body on technical regulating shall publish in its print the draft federal law on technical regulation within ten days from the date of payment for its publication. The rules of publication of draft federal law on technical regulation and fees for its publication shall be established by the Government of the Russian Federation.

Draft federal law on technical regulation, ready for the second reading, shall be sent by the State Duma to the Government of the Russian Federation not later than one month before the date of its consideration by the State Duma in the second reading. In one month time the Government of the Russian Federation shall send back to the State Duma its comments on the draft federal law on technical regulation, prepared with due regard for the conclusion of the expert commission on technical regulating.

9. The expertise of draft technical regulations shall be carried out by expert commissions on technical regulating, which consist, on an equal footing, of representatives of federal executive bodies, scientific organizations, self-regulated organizations, public associations of businessmen and consumers.

The rules of establishment and operation of expert commissions on technical regulating shall be approved by the Government of the Russian Federation. The Federal executive body on technical regulating shall approve the membership of expert commissions on technical regulating and shall provide for their functioning. The meetings of expert commissions on technical regulating shall be public.

The conclusions of expert commissions on technical regulating shall be published in the print of federal executive body on technical regulating and in general-use information system in electronic format. The rules of publication of such conclusions and fees for their publication shall be provided for by the Government of the Russian Federation.

10. In case of non-compliance of technical regulation with the interests of the national economy, condition of technical infrastructure and achieved level of technological development, and also with the international norms and rules, the Government of the Russian Federation shall start the procedure of making amendments into the technical regulation or procedure of cancellation of the technical regulation.

The making of amendments and addenda into technical regulation or its cancellation shall be carried according to the rules provided for in this Article and Article 10 of this Federal law with regard to development and adoption of technical regulations.

Article 10. Special rules of development and adoption of technical regulations

1. In exceptional cases where there is direct threat to human life or health, to environment, life or health of animals and plants, and in cases when for ensuring safety of products, processes of production, operation, storage, transportation, marketing and utilization it is necessary to promptly adopt the appropriate normative legal act on technical regulation, the President of the Russian Federation has the right to issue the technical regulation without its public discussion.

2. Technical regulation may be adopted by an international treaty (including with the CIS (Commonwealth of the Independent States) countries) subject to its ratification according to the legislation of the Russian Federation. In this case the draft technical regulation shall be developed according to the rules provided for by Paragraphs 2 to 6 of Article 9 of this Federal law.

3. Before coming into force of federal law on technical regulation the Government of the Russian Federation shall have the right to issue a decree on the relevant technical regulation, developed according to the rules provided for by Paragraphs 2 to 6 of Article 9 of this Federal law.

Draft decree of the Government of the Russian Federation on technical regulation, ready for consideration at the meeting of the Government of the Russian Federation, shall be not later

than one month before its consideration sent for expertise to appropriate expert commission on technical regulating, which is established and operates according to the rules provided for by Paragraph 9 of Article 9 of this Federal law. The draft decree of the Government of the Russian Federation on the technical regulation shall be considered at the meeting of the Government of the Russian Federation with due regard for the conclusion of the appropriate expert commission on technical regulating.

Draft decree of the Government of the Russian Federation about technical regulation shall be published in the print of federal executive body on technical regulating and in general-use information system in electronic format not later than one month before its consideration at the meeting of the Government of the Russian Federation. The rules of publication of the abovementioned draft decree shall be provided for by the Government of the Russian Federation.

4. The technical regulation issued by decree of the President of the Russian Federation or by decree of the Government of the Russian Federation, shall cease to apply from the date of coming into force of the relevant federal law on technical regulation.

Chapter 3. **STANDARDIZATION**

Article 11. **The Purposes of Standardization**

Standardization shall be carried out for the purposes of:

heightening the safety of human life or health , property of natural or legal persons, state or municipal property, ecological safety, safety of life or health of animals and plants and assisting to observance of the requirements of technical regulations;

heightening the safety level of objects taking into account the risk of arising of emergency situations of natural and technical character;

fostering of scientific and technical progress;

raising the competitiveness of products, works and services;

efficient use of resources;

technical and information compatibility;

compatibility of results of researches (tests) and measurements, technical and economic-statistical data;

interchangeability of products.

Article 12. **Principles of Standardization**

Standardization shall be carried out according to the principles of:

voluntary application of standards;

full account of lawful interests of the interested persons while developing of standards;

use of international standards as a basis for development of national standards, except for the cases when such application is recognized to be impossible as a result of non-compliance of requirements of the international standards with climatic and geographical conditions in the Russian Federation, with technical and (or) technological conditions, or for other reasons, or if the Russian Federation opposed, in accordance with the established procedures, to the adoption of the international standard or part of it.

inadmissibility of creating the barriers to production and circulation of products, executing of works and rendering of services in the greater degree, than a minimum necessary to achieve the purposes specified in Article 11 of this Federal law;

inadmissibility of establishing such standards which contradict technical regulations;

creating conditions for uniform application of standards.

Article 13. Documents in the Field of Standardization

The following documents shall be referred to as documents in the field of standardization in use on the territory of the Russian Federation:

- national standards;
- rules of standardization, norms and recommendations in the field of standardization;
- classifications applied in accordance with the established procedure, all-Russian classifiers of technical and economic and social information;
- standards of organizations.

Article 14. National Standardization Body of the Russian Federation, Technical Committees on Standardization

1. National standards body of the Russian Federation (hereinafter referred to as National standardization body) shall:

- approve national standards;
- adopt the programme of development of national standards;
- organize the expertise of draft national standards;
- ensure the conformity of national standardization system to the interests of the national economy, to condition of technical infrastructure and achieved level of technological development;
- register national standards, rules of standardization, norms and recommendations in this area and make them available to the interested persons;
- create technical committees on standardization and coordinate their activities ;
- organize publication and distribution of national standards;
- participate, according to statutes of the international organizations, in development of the international standards and ensure the taking into account of interests of the Russian Federation in process of their adoption;
- approve the picture of the mark of conformity to national standards;
- represent the Russian Federation in the international organizations carrying out activities in the field of standardization.

2. The Government of the Russian Federation shall define the body, authorized for execution of functions of National standardization body.

3. For the purposes of this Article the publication of the national standard by National standardization body shall be understood to be the publication of the national standard in Russian in the print and in general-use information system in electronic format.

4. The technical committees on standardization may include, on an equal footing and voluntary basis, the representatives of federal executive bodies, scientific organizations, self-regulated organizations, public associations of businessmen and customers.

The rules of establishment and operation of technical committees on standardization shall be approved by National standardization body.

The meetings of technical committees on standardization shall be public.

Article 15. National Standards, All-Russian Classifiers of Technical and Economic and Social Information

1. The national standards and all-Russian classifiers of technical and economic and social information, including the rules of their development and application, form the national standardization system.

2. The national standards shall be developed according to the rules provided for by this Federal law. National standards shall be approved by National standardization body according to the rules of standardization, norms and recommendations in this area.

The national standard shall be applied on a voluntary basis in the same way and to equal extent irrespective of the country and (or) area of origin of products, processes of production, operation, storage, transportation, marketing and utilization, carrying out of works and rendering of services, types or peculiarities of deals and (or) the persons being manufacturers, executors, sellers, purchasers.

Application of the national standard shall be confirmed by a mark of conformity to the national standard.

3. The all-Russian classifiers of technical and economic and social information (hereinafter referred to as all-Russian classifiers) are the normative documents arranging the technical and economic and social information according to its classification (classes, groups, types, etc.). The classifiers are mandatory when creating the state information systems and information resources and during interdepartmental information interchange.

The rules of development, adoption, enactment, operation and application of all-Russian classifiers in socio economic area (including forecasting, statistical account, bank activity, taxation, interdepartmental information exchange, creation of information systems and information resources) shall be provided for by the Government of the Russian Federation.

Article 16. Rules of Development and Approval of National Standards

1. The National standardization body shall develop and approve the programme of development of national standards. The National standardization body shall ensure the availability of the programme of development of national standards to the interested persons for information.

2. Any person may be the developer of the national standard.

3. The notification of development of the national standard shall be addressed to the National standardization body and shall be published in general-use information system in electronic format and in the print of federal executive body on technical regulating. The notification about development of the national standard shall contain the information on those provisions, contained in draft national standard, which differ from provisions of the appropriate international standards.

The developer of the national standard shall ensure availability of draft national standard to the interested persons for information. The developer shall, at the request of the interested person, provide him with the copy of draft national standard. The payment for providing of the copy may not exceed costs of its production.

In case the developer of the national standard is the federal executive body, the payment for the copy of draft national standard shall be effected to the federal budget.

4. The developer shall amend draft national standard with due regard for the written proposals of the interested persons, shall carry out public discussion of the draft national standard and shall make the list of written proposals of the interested persons with summary of the proposals and results of their discussion.

The developer shall keep written proposals of the interested persons up to approval of the national standard and provide them to the National standardization body and technical committees on standardization upon request.

The period of public discussion of draft national standard from the date of publication of notification of development of draft national standard up to the date of publication of notification of completion of public discussion may not be less than two months.

5. The notification about completion of public discussion of draft national standard shall be published in the print of federal executive body on technical regulating and in general-use information system in electronic format.

From the date of publication of notification of completion of public discussion of draft national standard the updated draft national standard and the list of written comments of the interested persons shall be available to the interested persons for information.

6. The rules for publication of notification about development of draft national standard and notification of completion of public discussion of draft national standard and the amount of payment for their publication shall be provided for by the Government of the Russian Federation.

7. Draft national standard together with the list of written proposals of the interested persons shall be submitted by the developer to technical committee on standardization, which organizes the expertise of the draft.

8. On the basis of documents, referred to in Paragraph 7 of this Article, and taking into account the results of their expertise, the technical committee on standardization shall draft the motivated proposal as to approve or reject the draft national standard. The proposal shall be submitted to the National standardization body together with the documents and expertise results referred to in Paragraph 7 of this Article.

The National standardization body having viewed the documents submitted by technical committee on standardization shall make a decision on approval or rejection of the draft national standard.

The notification of approval of the national standard is subject to publication in the print of federal executive body on technical regulating and in general-use information system in electronic format within thirty days from the date of the approval of the national standard.

In case the draft national standard is rejected, the motivated decision of the National standardization body accompanied by the documents, referred to in Paragraph 7 of this Article, shall be sent to the developer of the draft national standard.

9. The National standardization body shall approve and publish in the print of federal executive body on technical regulating and in general-use information system in electronic format the list of national standards which may be applied on a voluntary basis for achieving the requirements of technical regulations.

Article 17. Standards of Organizations

1. Standards of organizations, including commercial, public, scientific, self-regulated organizations and associations of legal persons may be developed and approved by them independently if needed for the purposes referred to in Article 11 of this Federal law, for improving production and quality of products, carrying out of works, rendering of services, and also for spreading and using of results of researches (tests), measurements and developments, obtained in different fields of knowledge.

The rules of development, approval, registration, amendment and cancellation of standards of organizations shall be established by them independently with due regard for the provisions of Article 12 of this Federal law.

The draft standard of organization may be submitted by the developer to technical committee on standardization, which organizes the expertise of the draft. On the basis of results of expertise the technical committee on standardization shall prepare the conclusion, which is sent to the developer of the draft standard.

2. Standards of organizations shall be applied in the same way and to equal extent irrespective of the country and (or) place of the origin of products, processes of production, operation, storage, transportation, marketing and utilization, carrying out of works and rendering of services, types or peculiarities of deals and (or) persons being manufacturers, executors, sellers or purchasers.

Chapter 4. **CONFORMITY CONFIRMATION**

Article 18. The Purposes of Conformity Confirmation

Conformity confirmation shall be carried out with the purposes of:

- confirming the conformity of products, processes of production, operation, storage, transportation, marketing and utilization, works, services or other objects to technical regulations, standards, terms of contracts;
- assisting the purchasers in competent choice of products, works and services;
- raising of competitiveness of products, works and services in the Russian and international markets;
- providing conditions for free circulation of goods within the territory of the Russian Federation, and also for international economic, scientific and technical cooperation and international trade.

Article 19. Principles of Conformity Confirmation

1. Conformity confirmation shall be carried out on the basis of:

- availability of information on procedure of conformity confirmation to the interested persons;
- inadmissibility of application of mandatory conformity confirmation to the objects, in relation to which the requirements of technical regulations are not established;
- providing for the list of forms and schemes of mandatory conformity confirmation in relation to particular types of products in relevant technical regulation;
- reducing time limits for mandatory conformity confirmation and applicant's expenditures ;
- inadmissibility of imposing voluntary conformity confirmation, including any particular system of voluntary certification;
- protection of property interests of applicants, respect of commercial secrets in relation to data obtained while carrying out conformity confirmation ;
- inadmissibility of substitution of mandatory conformity confirmation by voluntary certification.

2. Conformity confirmation shall be developed and applied in the same way and to equal extent irrespective of the country and (or) place of a product origin, processes of production, operation, storage, transportation, marketing and utilization, carrying out of works and rendering of services, types or peculiarities of deals and (or) persons being manufacturers, executors, sellers or purchasers.

Article 20. Forms of Conformity Confirmation

1. Conformity confirmation in the territory of the Russian Federation may be either voluntary or mandatory.

2. Voluntary conformity confirmation shall be carried out in the form of voluntary certification.

2. Mandatory conformity confirmation shall be carried out in the forms of:

- making a declaration of conformity (hereinafter declaring of conformity);
- mandatory certification.

4. The rules of application of forms of mandatory conformity confirmation are provided for by this Federal law.

Article 21. Voluntary Conformity Confirmation

1. Voluntary conformity confirmation shall be carried out on an applicant's initiative subject to terms of contract between the applicant and certification body. Voluntary conformity confirmation may be carried out for the ascertaining of conformity to the national standards, to standards of organizations, systems of voluntary certification or terms of contracts.

The objects of voluntary conformity confirmation shall be products, processes of production, operation, storage, transportation, marketing and utilization, works and services, and also other objects in relation to which standards, systems of voluntary certification and contracts provide for requirements.

Certification body shall:

carry out conformity confirmation of objects of voluntary conformity confirmation;

issue certificates of conformity for objects that have passed the voluntary certification;

grant to applicants the right to use a mark of conformity if using such a mark is foreseen by the relevant system of voluntary certification;

suspend or terminate the certificates of conformity.

2. Voluntary certification system may be created by legal person and (or) by individual entrepreneur or by several legal persons and (or) individual entrepreneurs.

The person or persons having created a voluntary certification system, shall establish the list of objects liable to certification, and their characteristics for compliance with which the voluntary certification is being carried out, the rules of carrying out of works provided for by the voluntary certification system and the terms of payment for these works, and shall determine participation in the voluntary certification system. The voluntary certification system may provide for use of a mark of conformity.

3. Federal executive body on technical regulating may register voluntary certification system.

The following documents shall be submitted to the federal executive body on technical regulating for registration of a voluntary certification system:

certificate of the state registration of legal person and (or) individual entrepreneur ;

rules of operation of the voluntary certification system which implement the provisions of Paragraph 2 of this Article;

picture of the mark of conformity applied in the voluntary certification system, if application of the mark of conformity is provided for, and the rules of use of the mark of conformity;

the proof of payment for registration of the voluntary certification system.

The registration of voluntary certification system shall be carried out within five days from the date of submission of the documents provided for by this Paragraph for registration of voluntary certification system, to federal executive body on technical regulating. The Government of the Russian Federation shall provide for the rules of registration of voluntary certification system and amount of payment for registration. The payment for registration of voluntary certification system is subject to transfer into the federal budget.

4. The rejection of application for registration of a voluntary certification system is allowed only in case of non-submission of the documents, provided for by Paragraph 3 of this Article, or in case of coincidence of the system's name and (or) picture of its mark of conformity with system's name and (or) picture of the mark of conformity of any voluntary certification system registered at an earlier date. The notification of rejection of application for registration of a voluntary certification system shall be sent to the applicant within three days from the date of making decision on rejection of application for registration of this system with specifying of reasons for this rejection.

The rejection of application for registration of voluntary certification system may be challenged in the court.

5. Federal executive body on technical regulating shall maintain the uniform register of registered voluntary certification systems, containing information on legal persons and (or) individual entrepreneurs having created voluntary certification systems, on the rules of operation of voluntary certification systems implementing the provisions of Paragraph 2 of this Article, on marks of conformity and the rules of their use. Federal executive body on technical regulating shall ensure availability of information, contained in the uniform register of registered voluntary certification systems, to the interested persons.

The rules of maintaining the uniform register of registered voluntary certification systems and the rules of granting the information, contained in this register, shall be established by federal executive body on technical regulating.

Article 22. Marks of Conformity

1. The certification objects, certified in voluntary certification system, may be labeled with a mark of conformity of voluntary certification system. The order of use of such mark of conformity shall be provided for by the rules of appropriate system of voluntary certification.

2. The use of a mark of conformity to the national standard shall be carried out by an applicant on a voluntary basis by any way convenient for the applicant according to the rules provided for by National standardization body.

3. The objects, whose conformity is not confirmed according to the rules provided for by this Federal law, may not be labeled with a mark of conformity.

Article 23. Mandatory Conformity Confirmation

1. Mandatory conformity confirmation shall be carried out only in the cases provided for by relevant technical regulation and only for conformity with the requirements of a technical regulation.

The object of mandatory conformity confirmation may only be the product to be released for circulation within the territory of the Russian Federation.

2. The form and schemes of mandatory conformity confirmation may be established only by technical regulation with due regard for the risk level of non-reaching the purposes of technical regulations.

3. The declaration of conformity and the certificate of conformity have equal legal force irrespective of the schemes of mandatory conformity confirmation and are valid in the whole territory of the Russian Federation.

4. The works on mandatory conformity confirmation shall be paid for by applicant.

The Government of the Russian Federation shall provide for the method of assessing the costs of mandatory conformity confirmation works applying uniform rules and principles of fixing prices for identical or similar products irrespective of the country and (or) area of their origin, and irrespective of the persons being applicants.

Article 24. Declaring of Conformity

1. Declaring of conformity shall be carried out using one of the following schemes:

making the declaration on the basis of applicant's own proofs;

making the declaration on the basis of applicant's own proofs and the proofs obtained with participation of certification body and (or) accredited test laboratory (center) (hereinafter referred to as third party).

When declaring the conformity the applicant may be legal person or natural person in capacity of individual entrepreneur, both registered according to the legislation of the Russian Federation in its territory, either being the manufacturer or seller, or assuming the functions of a

foreign manufacturer on the basis of contract with regard to securing conformity of products delivered to the requirements of technical regulations and with regard to the responsibility for non-conformity of products delivered to the requirements of technical regulations (the person assuming the functions of a foreign manufacturer).

The range of applicants shall be provided for by the relevant technical regulation.

The scheme of declaring of conformity with participation of a third party shall be established in technical regulation in case when the absence of the third party would result in non-reaching of the purposes of conformity confirmation.

2. When declaring the conformity on the basis of own proofs the applicant shall independently form the evidentiary materials for the purpose of confirmation of conformity of products to the requirements of technical regulations. The technical documentation, the results of own researches (tests) and measurements and (or) other documents, which can serve as the motivated basis for conformity confirmation of products to the requirements of technical regulations, shall be used as evidentiary materials. The set of evidence dossier shall be defined by appropriate technical regulation.

3. When declaring the conformity on the basis of both own proofs and those obtained with participation of a third party, an applicant, at his own discretion and in addition to his own proofs formed according to the rules provided for in Paragraph 2 of this Article, shall either:

include in evidence dossier the reports of researches (tests) and measurements carried out in an accredited test laboratory (center);

or provide the certificate of quality system presuming control (supervision) of certification body, having had issued the certificate, over certification object.

4. The certificate of a quality system may be used as an element of proof when declaring of conformity of any products, except for the cases when another form of conformity confirmation is provided for a product by technical regulation.

5. Declaration of conformity shall be made in Russian and shall contain:

name and location of the applicant;

name and location of the manufacturer;

information on conformity confirmation object, allowing to identify this object;

reference to technical regulation with which conformity is being confirmed;

reference to scheme of declaring of conformity;

applicant's statement of product's safety when used in the appropriate way, and of applicant's measures to provide for product's conformity to the requirements of technical regulations;

information on researches (tests) and measurements, on quality system certificate if any, and also on documents which the confirmation of conformity of products to the requirements of technical regulations was based on;

period of validity of the conformity declaration;

other information as requested by the appropriate technical regulations.

Period of validity of the conformity declaration shall be defined by the technical regulation.

The specimen of the supplier's declaration shall be approved by federal executive body on technical regulating.

6. The conformity declaration, made out according to established rules, is subject to registration by federal executive body on technical regulating within three days.

For registration of the conformity declaration the applicant shall submit to federal executive body on technical regulating the conformity declaration made out according to the requirements of Clause 5 of this Article.

The order of maintenance of the conformity declarations register, rules of granting the information contained in the register, and rules of payment for granting of this information shall be provided for by the Government of the Russian Federation.

7. The conformity declaration and attached evidentiary documents shall be kept by the applicant within three years from the expiry date of the declaration. The second copy of the conformity declaration shall be stored in federal executive body on technical regulating.

Article 25. Mandatory Certification

1. Mandatory certification shall be carried out by certification body on the basis of the contract with the applicant. The schemes of certification, applied for certification of particular types of products, shall be provided for by appropriate technical regulation.

2. Conformity of product to the requirements of technical regulations shall be proved by conformity certificate, given to the applicant by certification body.

The conformity certificate shall include:

name and location of the applicant;

name and location of the manufacturer of certified products;

name and location of certification body, which has issued the conformity certificate;

information on certification object, allowing to identify this object;

name of technical regulation, with which conformity is confirmed;

information on researches (tests) and measurements;

information on documents, submitted by the applicant to certification body as a proof of products' conformity to the requirements of technical regulations;

period of validity of conformity certificate.

Period of validity of conformity certificate shall be defined by appropriate technical regulation.

The specimen of conformity certificate shall be approved by federal executive body on technical regulating.

Article 26. Administration of Mandatory Certification

1. Mandatory certification shall be carried out by certification body accredited according to the rules provided for by the Government of the Russian Federation.

2. Certification body shall:

engage in carrying out of researches (tests) and measurements on contractual basis the test laboratories (centers) accredited according to the rules provided for by the Government of the Russian Federation (hereinafter referred to as accredited test laboratories (centers));

manage control of certification objects if such control is provided for by appropriate scheme of obligatory certification and the contract;

maintain the register of conformity certificates issued ;

inform the appropriate bodies of the state control (supervision) over observance of the requirements of technical regulations about products submitted for certification, but failed to get it;

suspend or terminate the conformity certificate issued by it;

ensure granting to applicants of the information on the rules of mandatory certification;

fix the price of works on certification on the basis of a technique for definition of cost of such works approved by the Government of the Russian Federation.

3. Federal executive body on technical regulating shall maintain the uniform register of conformity certificates issued.

The rules of maintenance of the uniform register of conformity certificates issued, rules of granting the information contained in the uniform register and rules of payment for granting the information contained in the register shall be provided for by the Government of the Russian Federation.

Federal executive body on technical regulating shall provide for the rules of inclusion of information on conformity certificates to the uniform register.

4. Accredited test laboratories (centers) shall carry out the researches (tests) and measurements of products for the purposes of mandatory certification.

Accredited test laboratories (centers) shall carry out researches (tests) and measurement of products within the area of their competence according to the terms of their contracts with certification bodies. Certification bodies have no right to grant to accredit test laboratories (centers) information on the applicant.

Accredited test laboratory (center) shall put the results of researches (tests) and measurements in the appropriate reports on the basis of which the certification body makes a decision about granting or refusal to grant the conformity certificate. The accredited test laboratory (center) shall ensure reliability of results of researches (tests) and measurements.

Article 27. Mark of Market Access

1. Products, whose conformity to the requirements of technical regulations is confirmed according to the rules provided for by this Federal law, shall be marked with a mark of market access. The Government of the Russian Federation shall provide for the picture of the mark of market access. The mark is not a special protected mark and is affixed for information purposes.

2. The applicant shall independently carry out marking with a mark of market access by any convenient way.

Products, whose conformity to the requirements of technical regulations is not confirmed according to the rules provided for by this Federal law, may not be marked with a mark of market access.

Article 28. Rights and Obligations of Applicant in the Field of Mandatory Conformity Assurance

1. The applicant has the right:

to choose the form and scheme of conformity confirmation, provided for particular types of products by appropriate technical regulation;

to address its request of mandatory certification to any certification body whose area of accreditation covers the products which the applicant intends to certify;

to address to accreditation bodies with complaints against wrongful actions of certification bodies and accredited test laboratories (centers) according to the legislation of the Russian Federation.

2. The applicant is obliged:

to ensure products conformity to the requirements of technical regulations;

to release the products, subject to mandatory conformity confirmation, for circulation only after its conformity is confirmed;

to specify the information on conformity certificate or conformity declaration in accompanying technical documentation and while marking of products;

to submit the documents, testifying for conformity confirmation of products to the requirements of technical regulations (conformity declaration, conformity certificate or their copies), to state control (supervision) bodies over observance of the requirements of technical regulations, and also to the interested persons;

to suspend or terminate the sale of products if the validity period of conformity certificate or conformity declaration has expired, or the validity of conformity certificate or conformity declaration is suspended or terminated;

to inform certification body on the amendments inserted into technical documentation or into production processes of certified products;

to suspend on the basis of decisions of state control (supervision) bodies over observance of the requirements of technical regulations manufacturing of products, which have passed the conformity confirmation but do not meet the requirements of technical regulations.

Article 29. Import of Products, Liable to Mandatory Conformity Confirmation , into the Territory of the Russian Federation

1. The conformity declaration, conformity certificate or documents about their recognition in accordance with Article 30 of this Federal law, together with the customs declaration, shall be submitted by an applicant or his authorized representative to the customs bodies for submitting the products subject to mandatory conformity confirmation, under the customs regimes, providing for possibility of sale or use of products according to their purpose in the customs territory of the Russian Federation. Submitting of such documents shall not be required in case of placing the products under the customs regime of refusal in favor of the state.

The lists of products, covered by the first intent of this Paragraph, with specifying of TN VED (Customs Nomenclature for Foreign Economic Activities) codes, shall be approved for the customs purposes by the Government of the Russian Federation on the basis of technical regulations.

2. The products subject to mandatory conformity confirmation and defined in accordance with provisions of the second intent of Paragraph 1 of this Article, imported into the customs territory of the Russian Federation and submitted under the customs regimes, not providing for possibility of their sale, shall be released by the customs bodies of the Russian Federation into the territory of the Russian Federation without submission of the conformity documents, referred to in the first intent of Paragraph 1 of this Article.

3. The rules of importation into the customs territory of the Russian Federation of products subject to mandatory conformity confirmation and defined according to provisions of the second intent of Paragraph 1 of this Article and taking into account the provisions of Paragraph 2 of this Article, shall be approved by the Government of the Russian Federation.

Article 30. Recognition of Conformity Confirmation Results

Conformity confirmation documents, marks of conformity, reports of researches (tests) and measurements of product, obtained outside the Russian Federation territory, may be recognized according to the international treaties of the Russian Federation.

Chapter 6. STATE CONTROL (SUPERVISION) OVER OBSERVANCE OF TECHNICAL REGULATION REQUIREMENTS

Article 32. Bodies of State Control (Supervision) over Observance of Technical Regulation Requirements

1. The state control (supervision) over observance of technical regulation requirements shall be carried out by federal executive bodies, by executive bodies of the Russian Federation subjects, and by official state bodies subordinated to them and authorized for conducting the state control (supervision) according to the legislation of the Russian Federation (hereinafter referred to as state control (supervision) bodies).

2. The state control (supervision) over observance of technical regulation requirements shall be carried by officials of state control (supervision) bodies according to the rules established by the legislation of the Russian Federation.

Article 33. Objects of State Control (Supervision) over Observance of Technical Regulation Requirements

1. The state control (supervision) over observance of technical regulation requirements shall extend to products, processes of production, operation, storage, transportation, marketing and utilization exclusively regarding the observance of the requirements of relevant technical regulations.

2. In relation to products the state control (supervision) over observance of technical regulation requirements shall be carried out exclusively at the stage of products circulation.

3. When carrying out activities of state control (supervision) over observance of technical regulation requirements, there shall be used the rules and methods of researches (tests) and measurements, established for appropriate technical regulations according to the rules provided for by Paragraph 11 of Article 7 of this Federal law.

Article 34. Powers of State Control (Supervision) Bodies

1. On the basis of provisions of this Federal law and technical regulation requirements the state control (supervision) bodies shall have the right to:

Request the manufacturer (the seller or the person executing the functions of the foreign manufacturer) the presentation of the conformity declaration or conformity certificate, confirming the conformity of products to technical regulation requirements, or their copies, if the application of such documents is stipulated by relevant technical regulation;

take measure of state control (supervision) over observance of technical regulation requirements according to the rules provided for by the legislation of the Russian Federation;

issue orders on elimination of violations of technical regulation requirements within the time period, established with due account of the violation character;

take motivated decisions on interdiction of products transfer, and also on total or partial suspension of processes of production, operation, storage, transportation, marketing and utilization, if it is impossible to eliminate the violations of technical regulation requirements by any other measures;

suspend or terminate the conformity declaration or conformity certificate;

call the manufacturer (the executor, the seller, the person executing the functions of the foreign manufacturer) to account, provided for by the legislation of the Russian Federation;

take any other measures, provided for by the legislation of the Russian Federation, to prevent causing damage.

2. State control (supervision) bodies shall:

while taking measures of state control (supervision) over observance of technical regulation requirements, conduct awareness raising work on application of the legislation of the Russian Federation on technical regulating, inform on technical regulations in force;

keep commercial secrets and other secrets safeguarded by the law;

abide by the rules of state control (supervision) over observance of technical regulation requirements and registering its results as established by the legislation of the Russian Federation;

take measures on elimination of consequences of violations of technical regulation requirements on the basis of results of state control (supervision) over observance of technical regulation requirements;

provide information on products non-conformity to technical regulation requirements according to provisions of Chapter 7 of this Federal law;
exercise other powers, provided for by the legislation of the Russian Federation.

Article 35. Responsibility of State Control (Supervision) Bodies and Their Officials exercising State Control (Supervision) over Observance of Technical Regulation Requirements

1. The state control (supervision) bodies and their officials in case of inadequate exercising of state control (supervision) over observance of technical regulation requirements and in case of performance of illegal actions (or inaction) shall bear responsibility according to the legislation of the Russian Federation.

2. The state control (supervision) bodies are obliged to inform within one month the legal person and (or) individual entrepreneur, whose rights and lawful interests have been violated, on the measures taken in relation to officials of state control (supervision) bodies who committed violation of the legislation of the Russian Federation.

Chapter 7. INFORMATION ON VIOLATION OF TECHNICAL REGULATION REQUIREMENTS AND THE RECALL OF PRODUCTS

Article 36. Responsibility for Non-conformity of Products, Processes of Production, Operation, Storage, Transportation, Marketing and Utilization to Technical Regulation Requirements

1. The manufacturer (developer, seller or person executing functions of the foreign manufacturer) shall bear responsibility according to the legislation of the Russian Federation for violation of technical regulation requirements.

2. In case of non-execution of prescriptions and decisions of state control (supervision) body the manufacturer (developer, seller or person executing functions of the foreign manufacturer) shall bear responsibility according to the legislation of the Russian Federation.

3. If damage 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, or there is a threat of causing such damage as a result of nonconformity of products to technical regulation requirements, violations of technical regulation requirements during conducting of processes of production, operation, storage, transportation, marketing and utilization, the manufacturer (developer, seller, person executing functions of the foreign manufacturer) shall compensate the damage and take measures to prevent causing damage to other persons, their property, and environment according to the legislation of the Russian Federation.

4. The obligation to compensate damage may not be limited by a contract or by declaration of a party. Agreements or declarations of limitation of responsibility shall be considered nil and void.

Article 37. Information on Product Non-conformity to Technical Regulation Requirements

1. The manufacturer (developer, seller or person executing functions of the foreign manufacturer) who got information about non-conformity of products released into sale to technical regulation requirements shall provide it to the competent state control (supervision) body within ten days from the date of getting such information.

The seller (developer or person executing functions of the foreign manufacturer) who got the abovementioned information shall inform the manufacturer accordingly within ten days.

2. The person not being the manufacturer (developer, seller or person executing functions of the foreign manufacturer) having got information about non-conformity of products, released into sale, to technical regulation requirements, has the right to provide the information on nonconformity of products to technical regulation requirements to state control (supervision) body.

Upon receipt of such information the state control (supervision) body shall within five days notify the manufacturer (seller or person executing functions of the foreign manufacturer) about this receipt.

Article 38. Obligations of Manufacturer (Seller or Person Executing Functions of the Foreign Manufacturer) in Case of Getting the Information on Non-conformity of Products to Technical Regulation Requirements

1. Within ten days from the date of getting the information on product non-conformity to technical regulation requirements, unless this period has to be extended resulting from the character of measures to be taken, the manufacturer (seller or person executing functions of the foreign manufacturer) shall check the accuracy of the information got. At the request of state control (supervision) body the manufacturer (seller or person executing functions of the foreign manufacturer) shall provide the state control (supervision) body with the results of the check.

In case of getting information on product non-conformity to technical regulation requirements the manufacturer (seller or person executing functions of the foreign manufacturer) shall take appropriate measures preventing eventual damage resulting from circulation of this product from increase up to completion of the check, provided for by the first intend of this Paragraph.

2. In case if the information on product non-conformity to technical regulation requirements is confirmed, the manufacturer (seller or person executing functions of the foreign manufacturer) shall within ten days from the date of confirming such information develop the programme of measures for preventing of causing damage, and to coordinate it with the competent state control (supervision) body.

The programme shall include measure of notification of purchasers on the actual threat of causing damage and ways of its preventing, and also the implementation schedule of such measures. In case when preventing of causing damage entails additional expenses, the manufacturer (seller or person executing functions of the foreign manufacturer) shall take all the measures of preventing of causing harm at his expense, and if he is not in a position to do so, shall announce the recall of products and indemnify the purchasers for losses in connection with recall of the products.

Elimination of defects and also transportation of products to the place of elimination of defects and back to purchasers shall be carried out by the manufacturer (seller or person executing functions of the foreign manufacturer) at his expense.

3. In case the threat of causing damage can not be eliminated by taking the measures referred to in Paragraph 2 of this Article, the manufacturer (seller or person executing functions

of the foreign manufacturer) shall without delay suspend production and sale of products, recall the products and indemnify the purchasers for losses in connection with recall of the products. 4. Within the whole period of operation of the programme of measures for preventing of causing damage the manufacturer (seller or person executing functions of the foreign manufacturer) shall, at his own expense, provide the purchasers with the access to ongoing information on appropriate actions.

Article 39. Rights of State Control (Supervision) Bodies in Case of Getting the Information on Product Non-conformity to Technical Regulation Requirements

1. State control (supervision) bodies in case of getting the information on product non-conformity to technical regulation requirements shall verify that information at the earliest possible date.

In the course of verification the state control (supervision) bodies shall have the right:

to request from the manufacturer (seller or person executing functions of the foreign manufacturer) the results of inspection of the product non-conformity to technical regulation requirements;

to request from the manufacturer (executor, seller or person executing functions of the foreign manufacturer) and other persons additional information on products, processes of production, operation, storage, transportation, marketing and utilization, including the results of researches (tests) and measurements which have been carried out in connection with mandatory conformity confirmation;

to address inquiries to other federal executive bodies;

if necessary, to invite experts to examine obtained materials.

2. Upon confirmation of accuracy of the information on product non-conformity to technical regulation requirements the state control (supervision) body shall, according to its competence, issue within ten days an order for the manufacturer (seller or person executing functions of the foreign manufacturer) to develop a programme of measures for preventing of causing damage, shall offer assistance in its implementation and carry out control of it.

State control (supervision) body:

promotes dissemination of information on time schedule and the order of measures taken to prevent of causing damage;

requests the manufacturer (seller or person executing functions of the foreign manufacturer) and other persons to provide documentation confirming implementation of measures referred to in the programme of measures for preventing of causing damage;

checks the observance of the time schedule envisaged in the programme of measures for preventing of causing damage;

makes a decision to go to court to claim the recall of the products.

Article 40. Coercive Recall of Products

1. In case of non-fulfillment of the order provided for by Paragraph 2 of Article 39 of this Federal law, or non-implementation of the programme of measures for preventing of causing damage, the state control (supervision) body according to its competence, and other persons who have got to know about manufacturer's (seller's or person's executing functions of the foreign manufacturer) to implement the programme of measures for preventing of causing damage, are free to go to court to claim coercive recall of products.

2. In case of positive judgement of the coercive recall case the court shall oblige the respondent to undertake specific measures connected with recall of products within the period established by the court and also to inform purchasers on the court decision not later than one month from the date of its coming into legal force via mass media or by another way.

In case the respondent does not execute the court judgement within the established time limit, the claimant shall have the right to undertake these measures at the respondent's expense by imposing of necessary charges on it.

3. The measures of criminal and administrative prosecution may be applied according to the legislation of the Russian Federation for violation of the provisions of this Federal law on products' recall.

Article 41. Responsibility for Violation of Rules of Carrying out of Certification Works

Certification body and certification body official having violated the rules of carrying out of certification works shall, if such violation has caused the release into sale of products not corresponding to technical regulation requirements, bear responsibility according to the legislation of the Russian Federation and the contract for certification works.

Article 42. Responsibility of Accredited Test Laboratory (Center)

The accredited test laboratory (center) and experts shall, in accordance with the legislation of the Russian Federation and the contract, bear responsibility for non-reliability or non-objectivity of results of researches (tests) and measurements.

Chapter 8. INFORMATION ON TECHNICAL REGULATIONS AND STANDARDIZATION DOCUMENTS

Article 43. Information on Standardization Documents

1. The national standards and all-Russian classifiers, and also the information on their development shall be accessible to the interested persons.

2. The National standardization body in accordance with the established procedure shall administer official publication of the national standards and all-Russian classifiers. The Government of the Russian Federation shall provide for the rules for publication of the national standards and all-Russian classifiers.

Article 44. Federal Information Database of Technical Regulations and Standards

1. Technical regulations, documents of national standardization system, international standards, standardization rules, norms of standardization and recommendations for standardization, national standards of foreign countries and the information on international contracts in the area of standardization and conformity confirmation and on rules of their application constitute the Federal information database of technical regulations and standards.

The Federal information database of technical regulations and standards is the state information resource.

The rules for establishment and operation of the Federal information database of technical regulations and standards and also the rules for use of this database shall be established by the Government of the Russian Federation.

2. The unified information system, designed for provision of the interested persons with information on documents, included in the Federal information database of technical regulations and standards, shall be established and operate in the Russian Federation according to the rules and subject to the conditions provided for by the Government of the Russian Federation.

Access of interested persons to information resources being created, shall be non-limited except for the cases when such access is restricted for the sake of keeping state, official or commercial secret.

Chapter 9. **FINANCING IN THE FIELD OF TECHNICAL REGULATING**

Article 45. Rules for Financing the Expenditures in the Field of Technical Regulating at the Expense of Federal Budget

1. The following expenditures may be financed at the expense of federal budget:
conducting at the federal level of state control (supervision) of observance of technical regulation requirements;

establishment and operation of the Federal information database of technical regulations and standards;

implementation of the programme of development of technical regulations and programme of development of national standards, provided for by Paragraph 12 of Article 7 and Paragraph 1 of Article 16 of this Federal law, and also expertise of particular draft technical regulations and national standards;

development of all-Russian classifiers;

payment of fees to the international standards organizations.

2. The rules for financing the expenditures, referred to in Paragraph 1 of this Article, shall be provided for by the Government of the Russian Federation.

Chapter 10. **FINAL AND TRANSITIONAL PROVISIONS**

Article 46. Transitional Provisions

1. From the date of coming into force of this Federal law up to coming into force of the appropriate technical regulations, the requirements for products, processes of production, operation, storage, transportation, marketing and the utilization, established by normative legal acts of the Russian Federation and normative documents of federal executive bodies, are mandatory only in their part corresponding to the purposes of:

protection of human life or health, property of natural or legal persons, state or municipal property;

protection of the environment, life or health of animals and plants;

prevention of practices misleading the purchasers.

2. From the date of coming into force of this Federal law the mandatory conformity confirmation shall be carried out only in relation to products being released into circulation in the territory of the Russian Federation.

3. The Government of the Russian Federation, before coming into force of the relevant technical regulations, shall on the yearly basis define and amend the list of particular products, in relation to which declaring of conformity carried out according to the rules provided for by this Federal law shall substitute for mandatory certification.

4. Before coming into force of the relevant technical regulations, the scheme of declaring of conformity on the basis of own proofs is allowed for application only for the manufacturers or only by the persons executing functions of the foreign manufacturer.

5. Before approving of the relevant technical regulations, the technical regulating in the sphere of veterinary-sanitary and phytosanitary measures shall be carried out according to the Federal law "On Quarantine of Plants" and the Law of the Russian Federation "On Veterinary".

6. Before approving of the general technical regulation on nuclear and radiation safety, the technical regulating in the field of nuclear and radiation safety shall be carried out according to the Federal law "On Use of Atomic Energy" and the Federal law "On Radiation Safety of the Population".

7. The technical regulations shall be approved within seven years from the date of coming into force of this Federal law.

The mandatory requirements for products, processes of production, operation, storage, transportation, marketing and utilization, in relation to which the technical regulations will not be adopted within the above-mentioned period of time, shall be terminated on its expiration.

8. Accreditation documents, issued in accordance with the procedure in force to certification bodies and accredited test laboratories (centers) before coming into force of this Federal law, and also the documents confirming the conformity (conformity certificates, conformity declarations) and adopted before coming into force of this Federal law, shall continue to be valid up to their official expiry date.

Article 47. Bringing of Normative Legal Acts in Compliance with This Federal Law

The following documents shall be recognized invalid from the date of coming into force of this Federal law:

The law of the Russian Federation No. 5151-I, dated 10.06.93 "On Certification of Products and Services" (Bulletin of Congress of People's Deputies and Supreme Soviet of the Russian Federation, 1993, No. 26, Article 966);

Decree of Supreme Soviet of the Russian Federation No 5153-I, dated 10.06.93 "On Enactment of the Law of the Russian Federation "On Certification of Products and Services" (Bulletin of Congress of People's Deputies and Supreme Soviet of the Russian Federation, 1993, No. 26, Article 967);

The law of the Russian Federation N 5154-I, dated 10.06.93 "On standardization" (Bulletin of Congress of People's Deputies and Supreme Soviet of the Russian Federation, 1993, No. 25, Article 917);

Decree of Supreme Soviet of the Russian Federation 1993 N 5156-I, dated 10.06.93 "On Enactment of the Law of the Russian Federation "On Standardization" (Bulletin of Congress of People's Deputies and Supreme Soviet of the Russian Federation, 1993, No. 25, Article 918);

Clauses 12 and 13 of Article 1 of the Federal law No. 211-FZ, dated 27.12.95 "On Inserting the Amendments and Addenda in Separate Legislative Acts of the Russian Federation in Connection with Adoption of the Federal law "On Fire Safety" (Code of Laws of the Russian Federation, 1996, No. 1, Article 4);

Clause 2 of Article 1 of the Federal law No. 30-FZ, dated 03.03.98 "On Inserting the Amendments and Addenda in Separate Legislative Acts of the Russian Federation in Connection with Adoption of the Federal law "On Advertising" (Code of Laws of the Russian Federation, 1998, No. 10, Article 1143);

The Federal law No. 154-FZ, dated 31.07.98 "On Inserting the Amendments and Addenda in the Law of the Russian Federation "On Certification of Products and Services" (Code of Laws of the Russian Federation, 1998, No. 31, Article 3832);

Article 2 of the Federal law No. 87-FZ, dated 10.07.2002 "On Inserting the Amendments into Article 6 of the Federal law "On Fundamentals of Social Servicing of Population in the Russian Federation" and addenda into Article 2 of the Law of the Russian Federation "On Standardization" (Code of Laws of the Russian Federation, 2002, No. 28, Article 2791);

Articles 13 and 14 of the Federal law N 116-FZ, dated 25.07.2002 "On Inserting the Amendments and Addenda in Some Legislative Acts of the Russian Federation in Connection with Perfecting of Governmental Management in the Field of Fire Safety" (Code of Laws of the Russian Federation, 2002, No. 30, Article 3033).

Article 48. Coming into Force of This Federal Law

This Federal law shall come into force after expiration of six months from the date of its official publication.

President of the Russian Federation

V. Putin

Moscow, Kremlin
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