

THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN

**THE DECREE ON THE ADOPTION OF THE STRATEGY OF DEVELOPMENT OF
THE NATIONAL QUALITY INFRASTRUCTURE OF THE REPUBLIC OF
TAJIKISTAN FOR THE PERIOD OF 2010-2012 AND THE ACTION PLAN ON THE
REFORM OF THE SYSTEM OF TECHNICAL REGULATION
IN THE REPUBLIC OF TAJIKISTAN**

of February 12, 2010

No.54

Dushanbe

In accordance with the Article 14 of the Constitutional Law of the Republic of Tajikistan on the Government of the Republic of Tajikistan, the Government of the Republic of Tajikistan decrees the following:

1. Adopt the Strategy of Development of the National Quality Infrastructure of the Republic of Tajikistan for the Period of 2010 – 2012 and the Action Plan on the Reform of the System of Technical Regulation in the Republic of Tajikistan.
2. The necessary measures for the purpose of fulfillment of this decree shall be taken by the Agency for Standardization, Metrology, Certification and Trade Inspection under the Government of the Republic of Tajikistan.

The Chairman of the Government
of the Republic of Tajikistan

Emomali Rahmon

Approved by
the Decree of the
Government of the
Republic of Tajikistan
No.54 of February 12, 2010

**THE DECREE ON THE ADOPTION OF THE STRATEGY OF DEVELOPMENT OF
THE NATIONAL QUALITY INFRASTRUCTURE OF THE REPUBLIC OF
TAJIKISTAN - THE FIRST STAGE (2010 - 2012)**

1. INTRODUCTION

The Strategy of Development of the National Quality Infrastructure has been developed in accordance with the Decree of the Government of the Republic of Tajikistan on Approval of the Program of the Improvement of Entrepreneurship – 200 Days of Reform” No.386 of July 2, 2009.

In the environment of market relations and fierce aggravated competition among manufacturers of goods, the quality is becoming the determining factor of the economic development and the free movement of goods and trade in the world market, on both regional and international markets. High quality, acceptable prices, balanced policy of movements of goods and entry into sale markets are the key factors that ensure competitiveness and well-being of our nation.

2. ARGUMENTS FOR THE NECESSITY OF DEVELOPMENT OF THE STRATEGY OF THE NATIONAL QUALITY INFRASTRUCTURE

The dynamics of the world economy evolution as well as the importance of the globalization process will inevitably lead to the necessity of harmonization of the system of response and appropriate infrastructure for the purpose of promotion of manufacturing and trade in the world market. Thus, Tajikistan's adherence to a number of countries that pledged to implement and observe the WTO rules in international trade prompts the review the System of National Quality Infrastructure itself, which is one of fundamentals for the functionality of trade relations. The principle of free movement of goods requires the logical development of legislative – normative basis that will ensure the elimination of restrictive barriers to trade, not only related to the tariffs and quantitative restrictions but also related to all measures having similar results, in particular the results related to the quality infrastructure through the establishment of competitive and effective quality assessment system, which inspires confidence and takes as a basis the reliable determination of fundamental principles. The creation of a positive environment for the establishment of preconditions for achieving the superiority of quality of goods inevitably leads, in this respect, to the promotion and advanced culture in this sphere.

Optimization of the technical regulation mostly depends on the quality infrastructure the key elements of which are the following: technical regulations; standardization (related to rules); inspection and accreditation (related to monitoring); certification (related to the conformity and non-conformity assessment); testing (related to the characteristics monitoring under the laboratory conditions); and metrology (for the purpose of ensuring the uniformity and precision of measurement). The system being in conformity with the all these elements is named The National Quality Infrastructure (NQI).

The advanced measuring systems are one of the driving forces for the development of industry in most of the countries. Meanwhile many possibilities are used to manufacture a new product. Active system of the National Quality Infrastructure also facilitates the progress of sector of manufacturing of the measuring equipment.

For the purpose of creation of a positive environment where the entrepreneurship and public administration will have a desire to achieve superior quality of goods for the benefit of the entire community, there is a necessity to promote the advanced international culture through the development of technical methods, labor resources and industry, as well as through the application of research results in scientific and innovative spheres.

Nowadays, when the world globalization appears to be more and more necessary, all industrial countries must harmonize its regulation systems and quality infrastructure for the purpose of industry and trade development. The Republic of Tajikistan intends to implement WTO rules in this area.

Currently, the state authorities carry out their activities related to establishment of mandatory norms and rules, as well as conformity assessment and state control over their implementation by entities of entrepreneurship based on their own views, as a result of which, the normative acts of ministries, state committees, agencies, inspectorates and boards have the strongly-marked official nature. It leads to disagreement and duplication among government institutions.

All state authorized agencies, having powers to set mandatory norms, carry out, at the same time, the supervising functions over the implementation of these standards, and also, independently or through its organization departments, assess the activity of entrepreneurs for conformity with these indicators, which is obviously in conflict with the international standards and rules. It seems to be the conflict of interests. There is a need to carry out the institutional reform of the National Quality Infrastructure and government agencies involved in the technical regulation. The improvement of the system requires substantial investments in equipment and development of human resources, as well as reorganization of the existing agencies and legislative amendments related to the National Quality Infrastructure. First of all, the improved infrastructure requires conceptually new development of technical regulations and the system of consumers' protection. Taking into account the current situation, there is a feeling of a great need of funding from the international organizations.

All proposals and measures, which will be developed in this Strategy will, first and foremost, take into account interests of manufacturers and, to the extent possible, remove barriers for the movement of domestic goods into the national market.

3. STRATEGY, AIM AND OBJECTIVE

1) The strategic objective of the National Quality Infrastructure Development – shall mean ensuring the favorable regulatory environment in the sphere of technical regulation enabling the development and production of competitive and qualitative domestic products and its promotion to the regional and international markets that meet the expectations and requirements of consumers and the interests of the business environment.

2) The main objective of the national policy on standardization, metrology and certification shall be the establishment of a National System based on the principles of market economy, which is harmonized with the international rules and standards.

3) The strategy of national policy on standardization, metrology and certification shall be a concentration of efforts of the Government of the Republic of Tajikistan, the local executive state authorities, entities of standardization, metrology and certification, in a legally regulated as well as in the unregulated spheres, aimed at the gradual achievement of indicators ensuring the minimum necessary resources for the purpose of achieving the main goal.

4) The reform of the National Quality Infrastructure shall be undertaken in three stages.

The first stage: (2010-2012) - harmonization of basic laws that determine the rules of the operation of the National Quality Infrastructure. The required agencies and organizations (Appendix 1) will be established and the work to meet the international requirements will start. The elements of the National Quality Infrastructure operate on the basis of the existing Agency for Standardization, Metrology, Certification and Trade Inspection under the Government of the Republic of Tajikistan (Tajikstandard).

The second stage: (2013-2019) - conflicts of interests in the National Quality Infrastructure will be fully resolved with the agencies and organizations gaining independency (Appendix 2); the international rules and standards will be implemented to a large degree and the work on the international recognition will begin.

4. THE PRIORITY DIRECTIONS OF DEVELOPMENT AND OBJECTIVES

The Strategy of Development of National Quality Infrastructure is itself the priority and interrelated activity in the system of technical regulation and is directed to the elimination of technical barriers to mutual trade with other countries and contributes to the following:

- Reduction of unreasonable expenses of manufacturers and increase of volume of exported goods;
- Creation of clear and transparent rules of the game in the sphere of technical regulation and attraction of foreign investments;
- Provision of the effective and reliable safety of products and processes of their production for the life and health of consumers, protection of flora, fauna and the environment.

5. PRIORITY DIRECTIONS OF THE INFRASTRUCTURE DEVELOPMENT

1) In the legislative sphere:

- Development of the laws in the sphere of standardization, metrology, conformity assessment and accreditation (Law Standardization, Law on Conformity Assessment) in accordance with the established international practice;
- Harmonization of the existing normative-legal acts in the sphere of technical regulation in accordance with the requirements of the Law of the Republic of Tajikistan on Technical Regulating, and in accordance with the requirements of the international practice and the WTO;
- Review of all previous adopted and current departmental normative acts in the sphere of technical regulation;
- The implementation of the institutional reform of public authorities (ministries, agencies) in the sphere of technical regulation (accreditation, certification, supervision).

2) In the sphere of technical regulation and standardization shall include the following:

- Improvement of the legislation to ensure the harmonization of technical regulations of the Republic of Tajikistan with the international and regional technical requirements;
- Implementation of a thorough inventory of normative legal acts establishing mandatory requirements for the objects of technical regulating;
- Preparation and conclusion of international agreements on technical harmonization and standardization for direct implementation of international normative documents in the territory of the country;
- Preparation of normative-legal acts related to the inclusion of separate progressive provisions of technical regulations of other states into the technical regulations of the Republic of Tajikistan as the indicative references;
- Development and promotion of single technical regulations in the regional political and economic unions (CIS, EurAsEC, SCO).

3) Development of national standardization system in accordance with a progressive international practice:

- Adoption and application of international standards and national standards of other states that are major trading partners of the Republic of Tajikistan as national standards;
- Introduction of international practices in the area of harmonization of standards that providing presumption of compliance with the requirements of technical regulations and those compliant with the provisions of EU directives;
- Establishment of voluntary application of standards;
- Promotion of the national standards and samples for certain types of exported goods as the regional ones, primarily at the inter-state level;
- Enabling enforcement of the provisions of the WTO Agreement on Technical Barriers to Trade including the Code of Good Practice on the development, approval and application of standards (the Uruguay Round of multilateral trade negotiations of the GATT 1994 - General Agreement on Tariffs and Trade);
- Establishment of the National Agency on Standardization without having the powers of the standardization authority and the certification authority combined in one organization;
- Establishment of an integrated data system in the area of technical regulation with the application of advanced computer technologies (website, portal, etc.), creating and updating the National Data Collection of standards and technical regulations;
- Promoting and enhancing the technical and personnel capabilities of technical committees on standardization;
- Involvement of all interested parties (manufacturers, government agencies, NGOs and others) in the process of national standards developing and their adoption on the basis of consensus;
- Active participation of the National Agency on Standardization in the activities of relevant international and regional organizations;

4) In the sphere of ensuring the unity of measurements:

- Developing the national system on ensuring the unity of measurements in accordance with the international practice;
- Establishing the National Metrology Agency;
- Rise of scientific and technical level of national base of standard measure units of the Republic of Tajikistan, secondary and working standard measure units in accordance with the needs of the economy;
- Ensuring the traceability and metrological equivalence of national and reference standard measure units of the Republic of Tajikistan to the international and national standard measure units of developed countries;
- Increasing the participation of metrological laboratories in the programs of international and regional inter-laboratory verifications;
- Achieving mutual recognition of national standard measure units, calibration and measurement certificates issued by national metrology institutes through the signing of the appropriate agreement (MRA - Mutual Recognition Agreement) and accession to the Metric Convention as an associated member of the General Conference on Weights and Measures;
- Harmonization of the national normative legal base in the area of metrology with the recommendations of the International Organization on Legal Metrology through the activation of work in the activities of international and regional metrology organizations, technical committees and working groups.

5) In the sphere of conformity assessment:

a) Accreditation of conformity assessment agencies

Improving the national system of accreditation:

- Introduction of the principles of voluntariness, competence and independence of the agencies responsible for accreditation and ensuring the equal conditions for all persons applying to obtain accreditation;
- Improving the national system of accreditation in line with the economic and trade policies of the country.

b) The National Accreditation Agency and improvement of its recognition at the international, regional and national levels

- Establishment of a single national accreditation agency, and conformity with the international standard (ISO 17011), setting the requirements related to the accreditation agencies;
- Avoidance of having the powers of the accreditation agency and certification agency in one organization;
- Involvement of all interested parties (manufacturers, consumers, government agencies, public organizations, insurers and others) in the promotion of the accreditation process;
- Establishment of the register of independent auditors and experts on accreditation;
- Achievement of full membership in the international accreditation organizations;
- Activation of provision of accreditation services to the conformity assessment agencies from other countries;
- Promotion of the establishment of a regional accreditation organization on within the Central Asian region.

6) In the sphere of conformity assessment:

- Mutual recognition of documents and marks confirming the compliance with technical requirements of mutually delivered goods;
- Increasing the participation in the implementation and promotion of the Agreement on the Application of a Single Form of Conformity Certificate, Declaration on Conformity and a Single Mark for Circulation of Goods in the markets of the CIS and the Eurasian Economic Community Member States;
- Increasing activities related to mutual recognition of products conformity documents and marks confirming compliance with technical regulations;
- Increasing the participation of accredited laboratories in the programs of international and regional inter-laboratory verifications.

7) In the sphere of supervision and control:

- Increase of the effectiveness of state supervision over the compliance with the mandatory technical requirements for products;
- Excluding the possibility of providing services on conformity assessment and production control by state agencies responsible for control over compliance with technical regulations for the purpose of avoiding the conflict of interests;
- Assignment of a single authorized agency responsible for the state supervision of mandatory technical requirements for products;

- Introduction of the system of appointment (authorization) of government agencies responsible for the state control over the compliance with requirements of technical regulations and conformity assessment agencies;
- Creation of normative-legal and institutional prerequisites and conditions in order to enable activities of supervision agencies in accordance with the requirements of relevant international standards;
- Ensuring the funding of the authorized agency responsible for state control over the compliance with the technical regulations exclusively by the national budget.

8) In the sphere of implementation of the systems of quality management:

- Promoting the introduction of the series of international standards on Quality Management System ISO 9000, Environmental Management System - ISO 14000, Food Safety Management System - ISO 22000, in enterprises and organizations;
- Development of the Draft Concept of Development of Quality Management Systems in the Republic of Tajikistan;
- Supporting business entities for implementation of international quality management standards through the provision of grant support, including from the state funds;
- Inclusion into tender conditions on public procurement the condition for the participants to have conformity certificates for international standards ISO 9000.

9) In the sphere of personnel capacity building:

- Capacity building of specialists in the sphere of technical regulation and metrology;
- Carrying out the specialized training of experts and specialists of the public and private sector in the area of technical regulation and metrology;
- Permanent professional development of specialists and experts of public and private sector;
- Attracting the international assistance and experience in training and professional development of existing specialists;
- On-line access to the international and national data systems in the area of technical regulation and metrology.

6. PROPOSED STRUCTURE OF THE NATIONAL QUALITY INFRASTRUCTURE

1) In accordance with the analysis made, the following variant of the National Quality Infrastructure is considered as preferable:

- The Government of the Republic of Tajikistan
- Technical Regulation Agency
 - a) The National Standardization Agency
 - b) The National Metrology Agency
 - c) The National Accreditation Agency
 - d) Testing and Certification Center

2) The Government of the Republic of Tajikistan implements a single state policy in the area of technical regulating and ensures the establishment and functioning of the system of technical regulation.

3) The Technical Regulation Agency carries out the implementation of a single policy in the area of technical regulating and coordinate the activities of the members of the National Quality Infrastructure System, ensures the transparency and consistency of activities on preparation,

enforcement and revision of technical regulations, makes rules for the functioning of the uniform system of measurement and rules of carrying out activities in this area.

- a) The National Standardization Agency implements the state policy in the area of standardization and establishes the general rules for carrying out the activity on standardization, forms and methods of interaction between members of national standardization system.
- b) The National Metrology Agency implements the single policy in the area of metrology, establishes the rules on creation, approval, keeping and application of standard measurement units, carries out the state metrological control over measuring devices and maintains a register of approved measuring devices.
- c) The National Accreditation Agency of the Republic of Tajikistan provides development and improvement of regulations, accreditation procedures based on international standards and ensures the organization and maintenance of the accreditation of agencies responsible for certification and laboratories.
- d) Testing and certification centers carry out product testing and mandatory product certification in accordance with the List of Products and Services Subject to Mandatory Certification approved by the Government of the Republic of Tajikistan, and in accordance with a List of the Provisional Technical Regulations.

7. IN THE FIELD OF INSTITUTIONAL REFORM OF OTHER STATE AUTHORITIES IN THE SPHERE OF TECHNICAL REGULATING

There is a need to implement an institutional reform not only in "Tajikstandard", but also in other government agencies involved in technical regulating. In order to fulfill that, an analysis of normative legal acts of these departments for the purpose of making the appropriate changes and amendments shall be made. This analysis shall be made on the basis of the following principles:

- Avoidance of having the powers of authorized state executive agency for control of compliance with the requirements of technical regulations and powers of certification agency in one organization;
- Avoidance of having the powers of Accreditation Agency and Certification Agency in one organization;
- Prohibition of non-government funding of state control over compliance with technical regulations requirements;
- Single-system, single agency and single set of accreditation rules;
- Uniformity of the system of measures;
- Uniformity of rules, testing and measuring methods applicable to conformity assessment;
- Uniformity of application of technical regulations requirements;
- Prohibition of restrictions of competition in the area of certification.

8. BENEFITS

1) This Strategy of Development of the National Quality Infrastructure is developed to provide the following positive developments and opportunities:

- Building an effective chain of services rendered by public and private organizations of the Republic of Tajikistan for the purpose of promotion of introduction of domestic products to foreign markets;
- Infrastructure optimization with an appropriate development in accordance with the international practice and WTO requirements, its improvement with the specification of functions and powers of the National Quality Infrastructure members;

- Orientation of necessary sectors of the National Quality Infrastructure to the priority directions of domestic business having an export potential and having intentions for its expansion;
- Introduction of modern principles, procedures, technologies and innovations when implementing the National Quality Infrastructure services;
- Creation of legislative and normative conditions for attracting new investments into the economy of the Republic of Tajikistan;
- Enhancement of other participants' access to market services of the National Quality Infrastructure.

2) The implementation of this Strategy will provide the following benefits:

a) For the State:

- Improvement the image of the system of the National Quality Infrastructure of the Republic of Tajikistan, adhering to the commitments made under the international agreements;
- Identification of the direction of state policy adopted in the area of the National Quality Infrastructure;
- Timely development of strategic directions of development of the National Quality Infrastructure Development in a timely manner;
- Introduction of the best international practice through harmonization with international requirements and standards into the practice of the system of the National Quality Infrastructure of the Republic of Tajikistan;
- Increase of competitiveness of the industry of the Republic of Tajikistan;
- Improvement of the business environment rating indicator;
- Increase of the quality of services rendered by state and private organizations of the Republic of Tajikistan for the purpose of promotion of introduction of domestic products into foreign markets;
- Increase of the degree of confidence in the quality of services rendered by state and private organizations in the Republic of Tajikistan;
- Increase the manufacturers' responsibility for marketed products;
- Reduction of corruption;
- Exclusion of conflict of interests among ministries and agencies;
- Increase of the level of protection of human life and health, and protection of environment, flora and fauna of the Republic of Tajikistan against the potentially dangerous effects of the products and production processes, by the optimization of technological processes through the introduction of the latest technologies and processing equipment by the advanced world manufacturers; systems of quality management.

b) For consumers:

- Provision of the possibility to have safe and quality products in the market;
- Prevention of misleading actions;
- Assistance in the protection of consumers' rights;
- Access to the information on the National Quality Infrastructure, products and services.

c) For manufacturers (suppliers):

- Clear, transparent and predictable rules of doing business in the Republic of Tajikistan and minimization of government intervention in private economic activities of entrepreneurs;
- Increase of the potential for the access of domestic products to regional and international markets;
- Reduction of expenses of access to the regional and international markets;
- Acceleration of the conformity assessment process for the purpose of access to international markets;

- Recognition of conformity assessment results;
- Increase of competitiveness and improvement of the quality of products;
- Access to information on current international and national requirements for products;
- Additional incentives for the protection of investments;
- Reduction of business risks.

9. EXPECTED RESULTS

- In the short term, until 2013, the transition and harmonization of the current system of technical regulation with the systems applicable within the European Union, the CIS and international organizations;
- Removal of technical barriers to trade;
- Creation of conditions for free movement of quality goods, works and services and recognition of national certificates by other countries;
- Creation of conditions for the formation and development of market relations, including those in the international market, ensuring the equal legal and economic functioning conditions of business entities within the state;
- Increase the competitiveness of manufactured products in the domestic and foreign markets;
- Development of export potential and favorable investment climate;
- Organization of agencies and organizations of the National Quality Infrastructure based on the market economy model and create conditions for the second stage of implementation of the institutional reform (2013-2019) for the purpose of achieving the absence of conflict of interests;
- Compliance with the requirements in the area of standardization and technical regulating for the purpose of the accession Republic of Tajikistan to the WTO.