

LAW ON STANDARDIZATION
OF THE REPUBLIC OF TAJIKISTAN

This law shall regulate legal and organizational relations with regard to standardization, main principles of standardization, rights and obligations of participants of standardization works in the Republic of Tajikistan and shall be aimed at ensuring the single policy in this area.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Basic Definitions

The terms used in this Law shall have the following meaning:

- Standardization – an activity aimed at adoption of standards and standardization documents as well as setting technical requirements (norms, rules, characteristics and other requirements to the objects of standardization) for the purpose of general and repeated application in regard of constantly recurring tasks aimed at achieving optimal level of regulation in the area of development, production, operation, storage, transportation and disposal of products, performance of works and services;
- Standard - a document adopted by the authorized standardization body containing, for common and repeated use, rules, guidelines and characteristics applicable to goods and processes related thereof and production methods the selection of which shall be voluntary if used. It may also include or solely contain requirements with regard to terminology, symbols, packaging, marking and labeling to the extent which they are applied to goods, process or production method;
- Objects of standardization - products, the process of their development, production, operation, storage, transportation and disposal, performance of works and services;
- State standard of the Republic of Tajikistan (hereinafter referred to as the state standard) - a standard adopted by the authorized state body of the Republic of Tajikistan responsible for standardization;
- National standard of the other country - a standard approved (adopted) by the authorized state body responsible for standardization of the other country;
- Regional interstate standard - a standard approved (adopted) by the regional (interstate) organization responsible for standardization;
- International standard - a standard approved (adopted) by the International Organization for Standardization (ISO);
- Registration of standards and standardization documents - assignment of registration numbers to standards and standardization documents for the purpose of their record-keeping and identification by the authorized body responsible for standardization.
- Standardization documents - documents (rules and recommendations on standardization, compilation of norms and rules, technical standards) adopted by international and regional organizations on standardization, authorized body for standardization, other state bodies of the agency, organizations and enterprises;
- Interested party - central bodies of the executive power, natural persons and legal entities who are interested in standardization;

- Consensus - a general agreement on any important issue achieved in such a way as to take into account the views of all the interested parties and to harmonize all the conflicting views, whereas consensus shall not mean unanimity;
- Technical Committee for Standardization - the working group established by the authorized body for standardization responsible for development of standards.

Article 2. Legislation of the Republic of Tajikistan on Standardization

The legislation of the Republic of Tajikistan on standardization shall be based on Constitution of the Republic of Tajikistan and shall comprise this Law, other normative and legal acts of the Republic of Tajikistan and international legal acts recognized by Tajikistan.

Article 3. Principles and Objectives of Standardization

1. The objectives of standardization in the Republic of Tajikistan shall be the following:
 - Ensuring the protection of the life, health and safety humans, animals and plants, and that of the environment;
 - Ensuring the quality and safety of products and related processes as well as performance of works;
 - Ensuring the compatibility and interchangeability of products and related processes and performance of works;
 - Development of production and trade in goods through development of standards and standardization documents harmonized with international standards;
 - Support for the improvement of competitiveness of domestic products;
 - Support for the scientific and technical progress;
 - Elimination of technical barriers to trade;
 - Protection of consumers' interests.
2. Standardization in the Republic of Tajikistan shall be based on the following principles:
 - Transparency of development processes of standards and standardization documents;
 - The right to participate in the process of standards development of all interested parties;
 - Consensus of all interested parties in the process of development and adoption of standards;
 - Harmonization of state standards with international and regional (interstate) standards;
 - Compliance of standardization documents with state standards;
 - Access of all interested parties to information on standards;
 - Impermissibility of unnecessary barriers to international trade that would exceed the minimum required for fulfillment of objectives of standardization;
 - Voluntary selection of standards;
 - Mandatory fulfillment of requirements of the standards selected;
 - The application of international standards or of their relevant parts, when they exist or when their completion is imminent, as the basis for development of state standards except when such international standards or their relevant parts would be an ineffective or inappropriate means for the fulfillment of the legitimate objectives pursued by this Law, for instance because of fundamental climatic or geographical factors or fundamental technical problems;

- Taking into account the stage of development of technologies and rules of international and regional organizations for standardization and other relevant international agreements in the process of development of standards;
- Develop requirements of standards based on performance to the extent possible, rather than on design or descriptive characteristics.
- Equal treatment of foreign products and identical or similar domestic products in accordance with international agreements recognized by the Republic of Tajikistan.

Article 4. Powers of the Government of the Republic of Tajikistan in the area of Standardization

In the area standardization, the Government of the Republic of Tajikistan shall have the power to:

- Ensure the single state policy;
- Designate the authorized state body for standardization;
- Establish the state standardization system and ensure its activity;
- Maintain exchange of information on standardization at the intergovernmental, international, regional (interstate) and national level.
- Ensure material and financial solution of state objectives in the area of standardization;
- Set the manner of establishing and maintaining of the stock of state standards.

CHAPTER 2. ORGANIZATION OF STANDARDIZATION

Article 5. State Standardization System

1. The state standardization system shall be a complex of participants in standardization activities, standards and standardization documents as well as rules and procedures for the operation of the system as a whole.

2. The participants of standardization activities shall be the following:

- The authorized body for standardization;
- Other state bodies within the limits of their powers in the area of standardization;
- Scientific organizations and agencies;
- Technical committees on standardization;
- Natural persons and legal entities of the Republic of Tajikistan;
- Foreign citizens, persons without citizenship, foreign legal entities;
- Other entities whose activity is connected with standardization.

Article 6. Competence of the Authorized State Body for Standardization

The competence of the authorized state body for standardization shall include the following:

- Implementation of a single state policy on standardization;
- Coordination of activities of central executive bodies responsible for standardization;

- Development and approval of programs of development state standards based on proposals made by technical committees for standardization and interested parties and control over their implementation;
- Development, approval, revision, amending and abolition of state standards;
- Establishment of procedures for approval and abolition of state standards;
- Ensuring compliance of state standards with international and regional (interstate) standards;

Establishment of general rules applicable to standardization activities and forms and methods of interaction of participants of the state standardization system.

- Organization of state, regional (interstate) and international standardization activities, conducting the research on standardization by involving technical committees on standardization, sectoral research institutes to perform these activities;
- Examination and registration of drafts of state standards and standardization documents subject to registration and determination of the time-frame of their entering into force;
- Maintenance of the register of adopted (abolished) state standards and standardization documents subject to registration;
- Concluding agreements with international, regional organizations on standardization and national bodies on standardization of the other countries in a manner provided by the legislation of the Republic of Tajikistan;
- Registration and establishing the manner of application of international, regional and national standards of the other countries within the territory of the Republic of Tajikistan unless otherwise provided for in international agreements (treaties).
- Record keeping and maintaining of international, regional (interstate) and state standards, rules and recommendations on standardization, ensuring their availability to interested parties;
- Establishing and maintaining the stock of international, regional (interstate), state standards, rules and recommendations on standardization;
- Dissemination of international, regional (interstate) and state standards, rules and recommendations on standardization, annual preparation of the catalogue of state standards;
- Establishing of the state standards data base and the single standardization data system;
- Deciding on establishing technical committees on standardization;
- Adopting provisions on technical committees on standardization and coordination of their activity;
- Representing the Republic of Tajikistan in the international and regional organizations on standardization;
- Participation in development of international and regional standards and ensuring the interests of the Republic of Tajikistan to be taken into account in the process of their adoption;
- Approval of the image of conformity mark with state standards and determination of the manner of its use;
- Ensuring the exchange of standardization related data on international, regional (interstate) and national levels;

- Making proposals for material and financial support for the solution of the state goals in the area of standardization;
- Performing the role of the information center for standardization in accordance with requirements of relevant international agreements and obligations arising from membership in regional and international organizations;
- Carrying out of other activities in compliance with obligations arising from international agreements on standardization binding on the Republic of Tajikistan;
- Fulfillment of other standardization related activities in accordance with the legislation of the Republic of Tajikistan.

Article 7. Competence of Other State Bodies in the Area of Standardization

The competence of other state bodies in the area of standardization shall include the following:

- Pursuing a state policy within the limit of their powers;
- Preparation of proposals for standardization programs taking into account of provisions of this Law;
- Development adoption, maintenance, application, registration, official publication, dissemination and keeping of standardization documents within the limit of their powers;
- Participation in the activity of technical committees on standardization;
- Making proposals to the authorized state body on standardization to establish technical committees on standardization;
- Ensuring the participation of experts in area the area of international and regional standardization within the limit of their powers;
- Establishing and maintaining the stock of standardization documents within the limit of their powers.

Article 8. Functions of Scientific Organizations and Institutions

Scientific organizations and institutions shall:

- Be involved in developing and implementation the priority directions of standardization;
- Analyze the existing stock of standards for compliance with the current level of development of the national economy, development of material and technical base as well as the level of scientific and technical development;
- Participate in activity of technical committees on standardization;
- Ensure operation of the secretariat of technical committees on standardization in coordination with the authorized state body on standardization;
- Prepare the annual report on the status and the process of development of standardization activities;
- Perform scientific and research activities in the area of standardization;
- Prepare a system for training and accreditation of experts on standardization;
- Develop and implement educational programs aimed at training of specialists for standardization.

Article 9. Organization of Activity, Functions and Powers of Technical Committees on Standardization

1. Technical committees on standardization shall be established with an objective of organization and conducting of works on state, regional (interstate) and international standardization in the specific area of activity.

2. The manner of establishing and activity of technical committees on standardization shall be determined by the authorized body for standardization;

3. The structure of technical committees on standardization may, on a parity and voluntary basis, include the representatives of central executive bodies, scientific organizations and institutions, professional unions, public organizations and association of entrepreneurs and consumers, commercial and non-commercial organizations as well as natural persons.

4. Technical committee on standardization shall have the power to:

- Organize the development of state standards taking into account current international and regional standards as well as characteristics of the state, special geographic and climatic characteristics of the state, level of its economic development, as well as make proposals for their abolition;
- Examine drafts of documents on standardization related to the area of its activity;
- Make proposals for development of international, regional (interstate) standards.

CHAPTER 3. DEVELOPMENT, APPROVAL AND APPLICATION OF STANDARDS

Article 10. Approval of State Standards

1. State standards shall be approved in accordance with this Law and the rules of state standardization system, which shall be in compliance with international and regional rules of organization of standardization.

2. State standards and standardization documents shall not be in conflict with the legislation of the Republic of Tajikistan, technical regulations and other normative and legal acts of the Republic of Tajikistan.

3. State standards and standardization documents may be approved based on international, regional standards and standardization documents or national standards of other countries.

4. The authorized state body for standardization shall publish, in its official edition, the notification on commencing the procedure for approval of the state standard as well as notification on approval or abolition of the state standard.

5. Acts on approval or abolition of state standards shall be published in one of the official publications of the Republic of Tajikistan.

Article 11. Development and Approval of State Standards

1. Any natural person and legal entity, public organization and association as well as other organizations and associations may be the developer of the state standard in compliance with development program of state standards.

2. The authorized state body for standardization shall, within 60 days, receive and review comments of interested parties prior to approval of the state standard. This period may be excluded for reasons of an emergency threat to safety, health and environment.

3. Upon request of the interested parties, the authorized state body for standardization shall provide the draft of state standard being subject to review. Payment for draft of the state standard provided shall, apart from delivery costs, be equal for both foreign natural persons and legal entities and natural persons and legal entities of the Republic of Tajikistan.

4. the Manner of publication of the notification on development of the draft state standard and the notification on the completion of the related public discussion shall be determined by the authorized state body for standardization.

5. In further development of a state standard the authorized state body for standardization shall take into account the comments submitted by the interested parties during the review period. In case of discrepancies of comments with international standards, the authorized state body for standardization shall, within the set time-limits, provide its conclusions with the detailed explanation to the interested parties.

6. Amendments to the state standard shall be made in a manner provided for development and approval of the state standard.

Article 12. Review of State Standards

1. Review of the current state standards for compliance with the legislation, needs of consumers, level of development of science and technology, requirements of international and regional (interstate) standards shall be performed by relevant technical committees for standardization.

2. State standards shall be reviewed at least once every five years.

3. The manner of reviewing of state standards shall be established by the authorized state body for standardization.

Article 13. Application of Standards

1. Application of standards shall be voluntary. Where the technical regulation makes reference to standard and where compliance with the standard is the only way to achieve conformity with technical regulation, then such standard shall be applied as a technical regulation. Where the technical regulation does not refer to standard and where there is no safety requirement in such a standard, only then the application of this standard shall be voluntary and fulfillment of its requirements shall be non-mandatory.

2. Regional (interstate) and state standards shall be applied directly, as well as by reference to them in the applicable legislation of the Republic of Tajikistan, agreements, contracts, treaties adopted in an established procedure.

3. In case of their compliance with the legislation of the Republic of Tajikistan, regional (interstate) standards shall be directly applicable in the territory of the Republic of Tajikistan (standards adopted without the effective date) upon expiration of six months upon reception of their official publication.

4. International and national standards of other countries shall be adopted on the basis of international agreements (treaties) on cooperation or agreements (treaties) of the authorized state body for standardization with relevant international, regional organizations for standardization and national bodies for standardization of other countries.

5. The manner of application of international, regional standards and national standards of other countries shall be set established by the authorized state body for standardization.

Article 14. Publication and Distribution of Standards

1. The authorized state body for standardization shall have the exclusive right to publication and distribution of state standards, in an established manner.

2. State standards shall be published in the state language as well as in one of the official international language.

3. Publication and distribution of national standards of other countries shall be organized and implemented by the authorized state body for standardization in compliance with the agreements and contracts made with national bodies for standardization of other countries.

4. Publication and distribution of documents of international and regional organizations for standardization member of which is the Republic of Tajikistan shall be implemented by the authorized state body for standardization in a manner, and based on conditions determined by the relevant international or regional organization for standardization.

5. Publication and distribution of documents for standardization shall be performed by organizations that have approved them.

6. State standards shall be subject to open access and shall be, upon payment, provided in accordance with the manner established by the authorized state body for standardization.

Article 15. Providing Information in the area of Standardization

The information for the state standardization system shall be provided fulfilled through the following:

- State information stock of standards;
- Single standardization information system;
- Official publication of standards.

Article 16. State Standards Conformity Mark

1. The mark of conformity with state standards shall mean the single mark throughout the Republic of Tajikistan, which is protected in accordance with the legislation and indicate the compliance of labeled objects of standardization with state standards requirements.

2. Description and the manner of application of the mark of compliance with state standards shall be established by the authorized state body for standardization. The manner of application of the mark of conformity with state standards shall provide for the voluntary principle of applying the mark.

3. The authorized state body for standardization shall be responsible for granting the right to apply the mark of conformity with state standards of products and works.

4. The compliance of objects of standardization labeled with conformity mark with requirements of state standards shall be approved in a manner provided by the authorized state body for standardization.

5. Manufacturer (vendor) of objects of standardization labeled by the conformity mark, and also when apply the mark of conformity with regional (interstate) and state standard and accompanying documents, shall be responsible for fulfilling requirements of relevant standards.

6. State control over mandatory fulfillment of selected standards shall be performed by the authorized state body responsible for organization of work on technical regulating.

Article 17. Funding of Standardization Activities

1. Funding sources of standardization works shall be the following:
 - Means of state budget of the Republic of Tajikistan;
 - Sale of standards;
 - Rendering services in the area of standardization;
 - Other sources in conformity with the legislation of the Republic of Tajikistan.
2. The manner of financing of standardization activities shall be determined by the Government of the Republic of Tajikistan;

CHAPTER 4. FINAL PROVISIONS

Article 18. Culpability for Violation of this Law

Natural persona and legal entities who violate the requirements of this Law shall be culpable in accordance with the legislation of the Republic of Tajikistan.

Article 19. Repealing of the Law of the Republic of Tajikistan on Standardization.

The Law of the Republic of Tajikistan on Standardization of 14 December 1996 (Majlisi Oli of the Republic of Tajikistan, 1996, No.23, art.358; 2002, No.4, para.1, art.230) shall cease to be effective.

Article 20. The Manner of Entering into Force of this Law

This Law shall enter into force upon its official publication.

President of the Republic of Tajikistan

Emomali Rahmon

Dushanbe, 29 December 2010

No.668