

STATE STANDARD OF UKRAINE

National system of standartization
RULES FOR THE PROVISION OF INFORMATION
TO THE TRADE PARTNERS OF UKRAINE

Effective as of

1 SPHERE OF APPLICATION

This standard defines basic provisions and requirements as to the processing of inquires and notification of Ukraine's trade partners on technical regulations and standards or conformity assessment procedures (hereinafter — the “Normative Documents”) in effect or under development in Ukraine and which Normative Documents may influence trade relations with other countries. Provisions of this standard shall also extend onto the preparation by governmental authorities and business entities in Ukraine of inquires or comments on the Normative Documents in effect or under development in WTO member-states (the “WTO member”). The standard establishes rules for cooperation between the National Center of the ISONET WTO Information Network (the “ISONET National Information Center”) and information centers of ministries, other central executive agencies, enterprises, institutions, competent certifying authorities, organizations and standardization technical committees (the “Inquiry Service”) in the said activity.

Official publication

2 NORMATIVE REFERENCES

This standard contains references to the following normative documents:

DSTU 1.1-2001 The State Standardization System. Standardization and Related Types of Activity. The Terms and Definitions of Basic Notions;

DC 004-99 Ukrainian Classifier of Normative Documents.

3 DEFINITIONS OF NOTIONS

In this standard terms are used as defined in DSTU 1.1 as well as the following terms:

Technical Regulation

A regulatory act passed by a government authority that set out technical requirements to products, processes or services directly or by reference to the standards or replication of the contents thereof.

Note 1. It may also contain or have only administrative provisions, requirements to terminology, labeling, packaging or marking.

Note 2. A technical regulation may be supplemented by a directive that determines methods for compliance with the requirements set out in the regulation.

Technical Measures in Trade

Measures aimed to enact and give effect to mandatory requirements with respect to the products, processes, services, methods for their production and/or application, mandatory procedures for confirming conformity of the products with these requirements;

Technical Barriers to Trade

Differences between the national technical regulations and standards or conformity assessment procedures and those accepted in international practice that are of significant restrictive influence on foreign trade.

Note 1. Restrictive influence on trade relates to additional costs/time required to sell goods on the market as compared to ordinary business practice.

Note 2. Estimating the importance of influence of technical regulations and standards on the trade, a respective WTO member shall take into account such elements as importance of import for respective WTO members-importers and/or WTO members-exporters, potential growth of import and difficulties for manufacturers in other WTO members related to the compliance with the proposed requirements. Significant influence on trade of other WTO members shall provide for possible consequences on their trade from both increase and decrease in import if such consequences are significant.

Note 3. Significant influence on trade of other WTO members may apply to:

- influence on the trade of a separate technical regulation or a conformity assessment procedure or combination of various technical requirements or conformity assessment procedures;
- a specific product, s group of products or the production process in general;
- trade among two or more WTO members.

4 ACRONYMS AND ABBREVIATIONS

In this standard, the following acronyms and abbreviations were used:

ISONET – International Information Network;

WTO – World Trade Organization;

ISO - International Organization for Standardization;

TBT - Agreement on Technical Barriers to Trade;

GATT - General Agreement on Tariffs and Trade;

CCCN - Customs Cooperation Council Nomenclature;

HS – Harmonized Commodity Description and Coding System;

ICS - International Classification of Standards.

Note. The ISONET is created to coordinate and systemize information on international and national standards and technical regulations as well as related documents, in particular, on conformity assessment, combining the national information centers of ISO members and the information center of the ISO Central Secretariat into a coordinated information system.

The ISONET network is also created to respond to the inquiries of WTO members and interested parties from these WTO members as well as to provide respective document regarding technical regulations, standards, conformity assessment procedures, place for publication of notifications, etc.

5 GENERAL PROVISIONS

5.1 The National Center of the ISONET WTO International Information Network is created and operates pursuant to Ukrainian legislation in force, the TBT Agreement requirements, the Charter of the International Organization for Standardization (ISO) and ISONET directives.

5.2 General management of the Center's activities specified in 5.1 shall be carried out by the State Standardization, Metrology and Certification Committee of Ukraine.

5.3 The main objectives of the ISONET National Information Center are as follows:

- to provide ministries, other central executive agencies, enterprises, institutions and organizations, businesses of all types of ownership, and standardization technical committees with information on the Normative Documents in the area of standardization and conformity assessment;
- to furnish to the WTO Secretary and through it to WTO members notifications on the Normative Documents under development in Ukraine, which may create barriers to trade and which are planned to be introduced in Ukraine, specifying the purpose of their development;

- to provide in response to inquires of WTO members as well as other interested parties in these countries on equal terms detailed descriptions or copies of the Normative Documents in effect in Ukraine and their drafts specifying those parts that differ significantly from the respective international documents;

- to provide to WTO members comments on the normative documents either in effect or under development that may cause technical barriers to trade;

- - to furnish notifications of the WTO Secretariat and comments from WTO members to interested organizations in Ukraine.

5.4 The ISONET National Information Center shall

- perform for other ISONET members functions of the national inquiry service on technical regulations, standards and conformity assessment procedures that are in effect on the territory of Ukraine;

- assist other ISONET members on issues related to services pursuant to the TBT Agreement;

- cooperate with ministries, other central executive agencies, and standardization technical committees, enterprise and organizations of all types of ownership in order to obtain information on effective Normative Documents and those that are planned to be introduced or revised, official copies of Normative Documents or their drafts as well as to provide to all interested parties in Ukraine information on technical regulations, standards and conformity assessment procedures that are used by WTO members;

- arrange for the preparation of comments on draft normative documents that are applied or being developed by WTO members;

- publish and/or place in information networks (on a need-be basis) notifications on draft normative documents of foreign WTO members in order to involve all interested parties in Ukraine for the preparation of comments and prevent the establishment of technical barriers to Ukrainian export;

- send inquires to any ISONET members pursuant to the TBT Agreement and powers of this member.

5.6 The ISONET National Information Center provides services related to the TBT Agreement to business entities pursuant to legislation in force.

6 REQUIREMENTS TO THE PROCESSING OF INQUIRES AND PROVISION OF COMMENTS

6.1 An inquiry for documentation shall contain all elements that allow to identify the document and especially a notification number to which an inquiry refers. The same information shall be specified in documents that are provided in response to such inquiry.

6.2 Any inquiry for documentation shall be processed within five working days. If a delay is envisaged with respect to the provision of documentation requested, the inquirer shall be notified thereof.

6.3 An inquiry shall be considered “acceptable”, if it applies to a specific product or a group of products, rather than an industry or area of activity, aggregate of technical regulations or conformity assessment procedures.

6.4 When an inquiry deals with a compound product, it is recommendable to specify its parts or elements on which information must be provided. When an inquiry deals with the use of a product, it is required to be connected with specific application.

6.5 The ISONET National Information Center and inquiry services shall reply to all inquiries regarding the membership and participation of Ukraine or its respective bodies in international and regional organizations for standardization and conformity assessment systems as well as bilateral agreements on a specific product or a group of products and must be ready to provide sufficient information on provisions of such systems and agreements.

6.6 The ISONET National Information Center and inquiry services shall confirm the receipt of an inquiry without additional request.

6.7 All mandatory marking requirements that significantly differ from requirements of international standards and may significantly influence trade of other WTO members shall be subject to notification. This obligation does not depend on the type of information that is provided on marking, nor does it depend on whether it is a technical requirement.

6.8 With respect to the documents under development, a notification is made when the complete text of a draft technical regulation or conformity assessment procedures is available and when it is still possible to take them into consideration and amend it.

6.9 The ordinary term for provision of comments shall be sixty days. However, if required, the notification may specify that the proposed measures may be introduced in forty five days if no comments or applications to increase the time limits to sixty days are received from other WTO members. A WTO member, who provided the notification, may establish a period longer than sixty days.

6.10 With respect to the received comments, without further request:

- their receipt shall be confirmed;

- explain to any WTO member, from whom comments were received, what measures will be taken to take into account these comments and provide additional relevant information on proposed technical regulations or conformity assessment procedures;

- send to any WTO member, from whom comments have been received, copies of adopted respective technical regulations or conformity assessment procedures, or information that respective technical regulations or conformity assessment procedures are not currently planned for adoption.

7 NOTIFICATION RULES

7.1 The list of items in a notification provided pursuant to the TBT Agreement and requirements for the text and form of information to be furnished are specified in Table 1.

Table 1 — Structure and Text of Notification

List of Items in the Notification	Requirements as to Information to be furnished
1 A notifying member of the TBT Agreement:	Central agencies of executive power in Ukraine that provide notifications;
2 Responsible agency:	An agency that develops a proposal or publishes technical regulations or conformity assessment procedures. If there is an authorized agency to deal work with comments, it should be indicated.
3 Notification is provided pursuant to Articles of the TBT Agreement:	Article 2.9.2: technical regulations proposed by a central government body, or Article 2.10.1: technical regulations adopted by a central government body, or Article 3.2: technical regulations proposed or adopted by a local government (directly subordinated to a central government body), or Article 5.6.2: conformity assessment procedures proposed by a central government body, or Article 5.7.1: conformity assessment procedures adopted by a central government body, or

Table 1 continued

List of Items in the Notification	Requirements as to Information to be furnished
	Article 7.2: conformity assessment procedures proposed or adopted by a local government (directly subordinated to a central government body). Other articles pursuant to which a need may arise to provide notification in urgent cases: Article 8.1: conformity assessment procedures adopted by a non-government body, Article 9.2: conformity assessment procedures adopted by an international or regional organization. A certain article or articles should be indicated.
4 Covered products:	HS or CCCN (section or name and number), if applied, or a heading of the national classifier if it differs from the HS

List of Items in the Notification	Requirements as to Information to be furnished
	or CCCN. In addition, ICS numbers may be indicated. Abbreviations should be avoided.
5 Document title:	The title of proposed or adopted technical regulations and conformity assessment procedures. The number of pages should be indicated in the document, whereof notified is provided. Languages (see 7.3); number of pages.
6 Description of contents:	The annotation of proposed or adopted technical regulations or conformity assessment procedures, which clearly describes contents. Abbreviations should be avoided.
7 Purpose and rationale:	For example, health protection, security, national security etc. should be indicated.
8 Actual (related) documents:	Publications in which notification is published, the date and number should be also indicated for reference. The proposal and the basic document (with a specific number for reverence or other identification) the proposal relates to. The publication in which the proposal will appear upon adoption. If expedient, reference should be made to an international standard. If payment should be made for the document, it should be indicated.

End of Table 1

List of Items in the Notification	Requirements as to Information to be furnished
9 Proposed dates of adoption and entry into force:	The expected date on which technical regulations or conformity assessment procedures will be adopted, and the date as from which the requirements of technical regulations or conformity assessment procedures, as proposed or resolved, will enter into force.
10 Deadline for furnishing of comments:	The specific date by which WTO members may furnish comments.
11 The text that has come from: the National Information Center [] or the address and telefax number of any other agency:	If texts have come from the ISONET National Information Center, a mark “+” should be put in a box. If they have come from any other agency, it is necessary to indicate such agency’s address, telex and telefax numbers and e-mail address. This will in no event release the applicable reference service from responsibility under Article 10 of the TBT Agreement.

7.2 Information that is contained in a notification must be exhaustive, no item thereof must be left uncompleted. If necessary, it should be indicated “unknown” or “not specified”.

7.3 If the translation of a proposed document is available or such document is suggested for translation, it should be indicated in the notification closely near the title of the document. If the translation of a short outline of contents is available, it should be indicated in the notification.

7.4 In response to an inquiry regarding documents, any available translations thereof in the language of the inquiring party or a working language of the WTO¹ must be unconditionally sent, together with the originals of the inquired documents.

7.5 It is necessary to indicate in Item 11 of the notification the exact address, phone and fax number of the agency responsible for the provision of respective documents, if such agency is not the ISONET National Information Center.

7.6 Depending on a document development stage and the nature of tasks to be resolved, notifications are divided into:

1) notification about commencement of development of a document for publication in a periodical (hereinafter referred to as, “notification for publication”);

2) notification about a draft document to be submitted to the WTO Secretariat (hereinafter referred to as, “notification about a draft”).

7.7 All inquiries from WTO members shall be submitted to the ISONET National Information Center. Matters falling outside the sphere of competence of any ministry, other central agency of executive power, an organization, an authorized certification authority, a technical committee for standardization shall be immediately furnished to its reference center, whereof the interested WTO member will be notified.

Reference services shall process an inquiry, furnish comments and provide notifications in accordance with 6 and 7 of this standard.

7.8 Notifications for publication shall be prepared by developers of draft documents at the document drafting stage pursuant to Addendum A.

7.8.1 A developer of draft documents shall provide a notification for publication to the ISONET National Information Center not later than within one month upon commencement of development of the document.

7.8.2 The National Information Center shall control whether a notification is completed in a correct manner, shall, not later than within seven calendar days upon its receipt of the notification, furnish such notification for publication in a regular publication, and shall simultaneously place such notification onto the web-site of the Derzhstandard of Ukraine.

¹ Working languages of the WTO are English, French and Spanish.

7.8.3 The Derzhstandard of Ukraine shall specify the publication in which notifications will be published.

7.8.4 If developing a draft normative document is delayed (suspended, postponed), its developer shall directly provide notification thereof to the ISONET National Information Center, indicating reasons therefor and development stages.

7.9 Notification about a draft in prescribed form (Addendum A) shall be prepared by developers of draft normative documents after their first versions have been developed, if one of the conditions is established:

- there are no international analogues (standards, guidelines, recommendations);
- there is an analogue, but the document being developed does not comply with the international document (a standard, rule, recommendation);
- requirements are specified in the document being developed that differ from the requirements that were earlier in effect in Ukraine.

7.9.1 A developer of a draft normative document shall provide a notification about a draft in the Ukrainian and English languages to the ISONET National Information Center not later than one month prior to the prescribed date on which the draft document should be sent for comment (confirmation).

7.9.2 Not later than 30 calendar days upon its receipt of the notification, the ISONET National Information Center shall verify whether such notification has been completed correctly in compliance with the requirements of the TBT Agreement, whether information provided therein is true, shall verify the translation of the notification text into English, the completed form of notification in English, shall provide the same to the WTO Secretariat, and shall place the notification in the Ukrainian and English languages onto the web-site of the Derzhstandard of Ukraine.

7.9.3 In the event that, upon provision of notification about a draft, information on its further development is not furnished within the specified time, the ISONET National Information Center shall notify the WTO Secretariat of a delay (suspension, postponement) in the development of the relevant normative document.

7.10 Requirements prescribed for providing notifications regarding the TBT Agreement shall apply to the provision of notifications regarding the Agreement on the Application of Sanitary and Phytosanitary Measures to the WTO Committee on Sanitary and Phytosanitary Measures.

In point 7 of a notification in accordance with this Agreement it is necessary to specify the purpose and rationale, in particular: safety of foodstuffs and food, animal and plant health, protection of people, animals and plants against parasites or diseases, protection of territories against damage that may be inflicted by parasites and diseases.

The sphere in which respect notifications are provided pursuant to the Agreement on the Application of Sanitary and Phytosanitary Measures is described in Addendum D.

7.11 In the event that urgent problems of health protection arise or threaten to arise for a WTO member, it may immediately provide to the other WTO members, through the WTO Secretariat, a notification about a regulatory act, planned to be enacted for ensuring an appropriate level of sanitary and phytosanitary protection, and products covered by such act. In such event, it is necessary to provide a short description of measures planned to be accomplished and the rationale for enacting the said act, explaining the nature of urgent problems.

7.12 In the event that changes to a document are prepared, notification shall be provided pursuant to the same rules applicable to the document, with specification in Item 5 of the notification “draft changes No.... to ...”.

Addendum A

(for reference)

Example of how to complete a notification that development of a standard has commenced in Ukraine, which standard does not comply with an international document or does not have such analogue

NOTIFICATION

about development of a draft national standard in Ukraine

1. Developer: TC and/or a developing organization

2. Responsible agency: Derzhstandard of Ukraine

3. Notification provided pursuant to Article 2.9.2 of the TBT Agreement

4. Products covered: machines and technological equipment for keeping and feeding of animals, as well as for stocking up of processed fodder; codes under the ICS and DC 004: 13.110 and 25.020.

5. Document title: Draft national standard "Machines and technological equipment for animal husbandry and fodder processing. General requirements for safety", 20 pages, in Ukrainian.

6. Description of document contents: general requirements for safety of the said products and their components, main constructional elements, electric drives of electric equipment; requirements for safety during transportation and storage.

7. Purpose and rationale: safety

8. Actual (related) documents: no international analogue is available

9. Proposed date of standard adoption: 2003-02-01

Proposed date of entry into force of the standard: 2003-08-01

10. Deadline for furnishing comments and proposals: 2002-10-01

11. Draft standard may be obtained at: the national informational center "ISONET" [+] located at: Ukraine, 03680 MSP, Kyiv-150, Horkoho St., 174; dstu@dstu.gov.ua ; tel.: 8 10 (38044) 268 91 58; fax: 8 10 (38044) 268 70 60.

Addendum B

(mandatory)

FORM OF NOTIFICATION REGARDING THE TBT AGREEMENT**WORLD TRADE ORGANIZATION****G/TBT/Notif (number)****Data****TBT Committee****NOTIFICATION**

This notification is accepted and disseminated pursuant to Article 10

1.	A providing member of the TBT Agreement: If necessary, a notification addressee is indicated additionally (Article 3.2 or 7.2 of the TBT Agreement of the WTO)
2.	Responsible agency: An organization, which is additionally appointed to deal with comments:
3.	Notification is provided pursuant to Articles 2.9.2 [], 2.10.1 [], 3.2 [], 5.6.2 [], 7.2 [], 8.1 [], 9.2 [], others:
4.	Products covered (HS or CCCN, if applicable), product name; Numbers pursuant to the ICS and DC 004 are additionally indicated.
5.	Document title, number of pages and the language(s), in which a document notified of may be obtained:
6.	Description of contents:
7.	Purpose and rationale, especially important requirements raised in the document are additionally specified:
8.	Actual (related) documents:
9.	Proposed date of adoption: Proposed date of entry into force:
10.	Deadline for furnishing remarks (comments):
11.	Document may be obtained at: the ISONET National Information Center [] or at another agency (the address, e-mail address, phone and telefax numbers are to be indicated)

The person responsible for preparing a notification (to be filled out on a draft notification).

Addendum C

(for reference)

Example how to complete a notification regarding the TBT Agreement**WORLD TRADE ORGANIZATION****G/TBT/Notif./045****15 August 2002**

TBT Committee**NOTIFICATION****1. Notifying member of the TBT Agreement:** Ukraine**2. Responsible agency:** Derzhstandard of Ukraine**An organization or government agency that is additionally appointed to deal with comments pursuant to the notification:** TC 27 “Heavy Engineering Products” (address is indicated)**3. Notification is provided pursuant to:** Article 2.9.2 [X], 2.10.1 [], 3.2 [], 5.6.2 [], 7.2 [], others:**4. Covered products (HS or CCCN, if applicable), product name:** Low-powered stationary steam turbines; ICS code and DC 004 – 27.040**5. Document title, number of pages and the language(s), in which the document notified of may be obtained:** Draft national standard “Low-powered steam turbines”; 22 pages, Ukrainian**6. Description of contents:** Comprehensive requirements for stationary steam turbines with power not exceeding 50 megawatt designated for turbogenerator drives of thermoelectric power stations operating on organic fuel**7. Purpose and rationale, especially important requirements raised in the document are additionally specified:** product safety; health protection, environmental protection, compatibility and interchangeability**8. Actual documents:** Draft document is commensurable with Standard IEC 41:1997, which has a broader sphere of application**9. Proposed date of adoption:** 2002-12-01**Proposed date of entry into force:** 2003-06-01**11. Document may be obtained:** at the ISONET National Information Center [+] located at: Ukraine, 03680 MSP, Kyiv-150, Horkoho St., 174; dstu@dstu.gov.ua ukrpack.net; tel.: 8 10 (38044) 268 91 58; fax: 8 10 (38044) 268 70 60.

Addendum D
(for reference)

**Sphere in which respect notifications are provided pursuant
to the Agreement on the Application of Sanitary and Phytosanitary Measures**

A WTO member provides a notification in regard to documents that concern:

- a) any sanitary or phytosanitary regulatory acts, which are adopted or proposed for adoption in its territory;
- b) any control or inspection procedures, production or quarantine regimes, procedures for adopting permissible levels of pesticides and food additions that are in effect in its territory;
- c) procedures for assessing risks and factors to be taken into account, as well as procedures for determining an appropriate level of sanitary and phytosanitary protection;
- d) membership or participation of the WTO member or competent agencies in its territory in international and regional sanitary and phytosanitary organizations and systems, as well as in bilateral and multilateral agreements and understandings within the framework of this Agreement, as well as texts of such agreements or understandings.

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Key words: WTO, TBT Agreement, Agreement on Technical Barriers to Trade, ISONET, notification, provision of notification