

## Chairman's Decree No ( ) of 2007 on the Regulation to Set Yemeni Standards

### The Chairman:

With consideration to :

- Republican Decree on the Law No. (3) of 2006 on the Cabinet,
- Law No. (44) of 1999 on Standardization, Metrology and Quality Control,
- Republican Decree No. (52) of 2000 Establishing YSMQCO,
- Republican Decree No. (50) of 2007 Establishing the Cabinet and Naming its Members,
- Republican Decree No. (51) of 2007 Appointing the Minister of Industry and Trade,
- Chairman's Decree No. (21) of 2003 on the regulatory bylaw,

And under the presentation by the DG of YSMQCO

### It is decided:

#### Chapter One

#### Section One

#### Definitions & Appellations

Article (1): This Decree shall be called " The Decree on the Regulation to Set Yemeni Standards ".

Article(2): The following words and phrases shall have their corresponding meaning unless indicated otherwise in the context:

- **Authority:** The Yemeni Standardization, Metrology and Quality Control Organization.
- **Board of Directors:** YSMQCO board of directors.
- **Chairman:** Chairman of the board of directors of YSMQCO.
- **Director General:** DG of YSMQCO- Head of the executive arm.
- **Standard:** A document which defines regulations, guidelines and qualities for the product or service, its production methods or management systems designed for public and recurrent use. It might include as well terms, codes, data, packing and labeling in addition to description card requirements which apply to the product, its production methods or which can be restricted to any of them and

whose compliance is not mandatory. By standard, we mean here the Yemeni Standard.

- **Mandatory Standard** (Technical Rule): A document which defines qualities of the product or service, its production methods and management systems. It might include as well terms, codes, data, packing and labeling in addition to description card requirements which apply to the product, its production methods or which are restricted to any of them to which compliance is mandatory.
- **Draft Standard**: A proposed paper for a standard to receive comments by or to vote on by relevant agencies.
- **Final draft**: The draft standard in its final formulation.
- **International Standard**: A standard approved by an international organization for public use.
- **Regional Standard**: A standard approved by a regional organization for public use.
- **Adoption**: Approval and publication of a standard document based on an international, regional or national standard for another country but with clear definition of technical differences which come up of the applied standard.
- **Updating**: Amendment (addition or emission) of certain parts of a specific standard's contents.
- **Revision**: The process to study a standard document to decide whether to be kept, amended, corrected, withdrew or to be re-published.
- **Correction**: Removal of print and linguistic mistakes and other similar ones spelt out in the standard.
- **Re-publishing**: Re-printing of the standard without inserting any changes except the issuance date.
- **Technical Committee (TC)**: A committee to be set up by the authority involving representatives of all agencies relevant to one of the standardization sectors.
- **Sub-committee**: A committee that emanates from the technical committee and is assigned with definitive tasks and responsibilities within the frame of TC's program.
- **Working group**: A group of members to be formed by the TC representing all standardization sectors involved in a certain issue.

Article(3): Standards can be classified as follows:

- 1- Goods and materials standards
- 2- Inspection methods standards (testing and examination) which might include as well obtaining and collection of samples.
- 3- Standards for measurement equipment and instruments.

- 4- Testing standards and standardization methods for measurement equipment and instruments.
- 5- Standards related to terms, codes, definitions, measuring units ...etc.
- 6- Other standards of specific nature and apart from the above-mentioned ones.

## Section Two

### Key Objectives and Principles to Set Yemeni Standards

#### First: Objectives

Article(4): This regulation aims to achieve the following:

- 1- Regulating standard-setting.
- 2- Fulfilling standards is a recognized need for one of the key sectors of life like industry, trade and technology.
- 3- For the standard to be fully agreed upon by all stakeholders.
- 4- Fulfilling the national economic needs and to ensure the optimal benefit for the national economy.
- 5- Promoting standards and developing the most efficient economic practices and to leave the door open for development and innovation.

#### Second: Principles

Article (5): The following principles shall be considered while setting the standard:

- 1- To fulfill all conditions, to the best possible extent, within its competence area.
- 2- To be clear, precise and coherent.
- 3- To take into account preventing all sorts of adulteration and deception.
- 4- To form no obstacle in the way of modern developments.
- 5- To be apprehensible for relevant persons and other who did not take part in its preparation.
- 6- To have compact style and formulation in terms of organization drafting, numbering and terminology according to "Manual of Yemeni Standards Formulation and Obtrusion".
- 7- The translated standard into Arabic should reflect the exact meaning of the foreign text.
- 8- To be set in an applicable manner.

- 9- The regional and international standard should be the reference while setting standards with consideration to the following:
- A- To have no contradiction with applicable laws and legislations or with previously approved standards.
  - B- Not to be contradictory with geographical and economic circumstances.
  - C- The regional or international standard to be adopted should not be inefficient or proved to have been updated.
  - D- Reference should not create any problems related to publishing rights.
  - E- It should not create any real technological problems.
  - F- References should depend on national or international documentation.
  - G- It should provide enough amount of protection.

Article (6): The status of the regional or international standard should be indicated i.e., standard number and the date of adoption as well as any technical changes to such standard.

Article (7): The standard should be balanced and of equal interest to all parties.

Article (8): It should be considered that the implementation serves the vast majority of citizens , examples of sacrifices have to be introduced and that achieving this principle requires maximum care in terms of the selection of the standard topic and aspects it tackles with priorities always in mind.

Article (9): Agencies relevant to standardization issues have no right to reject the draft standard in all but they can suggest amendments to certain articles given certain rationale which are to be discussed and either adopted or rejected.

Article (10): Upon standard-setting, the most appropriate logical and rational solutions should be considered to ensure that the standard is in practice for enough period of time so that no need for the standard to be reviewed or modified after a short time.

Article (11): The standard for any commodity or material should indicate as well the necessary testing to ensure it conforms to the commodity.

Article (12): The national standard should not be written as to discriminate between products based on the country of origin.

Article (13): Standard requirements should be identified according to the performance and not design, or distinctive qualities to allow further technical development.

## **Chapter Two**

### **Section One**

#### **Standard-setting Needs Assessment**

Article (14): Criteria for standard-setting:-

While preparing the annual standardization program, the following criteria should be met:

- A- Existing industries
- B- Imported goods
- C- The State Five-Year Plan
- D- Needs and suggestions by producers, importers and consumers or other stakeholders.
- E- Needs by the government ministries and departments.
- F- Suggestions by regional standardization authorities.
- G- Suggestions by the standardization department in the authority, standardization committees, and individuals concerned with standardization activities, or suggestions by the authority's staff.
- H- Revision of the standards issued during the past five years to catch up with new technological developments and circumstances or to coordinate between it, regional and international standards (alignment between standards) to facilitate and promote trade, transfer of technology...etc.

Article (15): The Survey and questionnaire

A letter enclosed with a special form " Proposed draft standard" is to be sent to relevant agencies upon their request to get their suggestions ahead of preparing the annual standardization program. All proposals by respondents shall be collected and listed according to their priority to select topics of the program.

Article (16): Rules to prepare the standardization annual program:-

Priority topics selected for the annual program should be based on precise study for each suggestion separately under the following considerations:

**First consideration:** Objectives of the proposed standard and its expected outcome can be achieved through fulfilling one or more of the following goals, which form as a whole the first consideration:

- A- Common understanding
- B- Health, safety and environmental requirements.
- C- Certification (documentation)
- D- Diversification control

**Second consideration:** Government needs and requirements

**Third consideration:** Coordination with regional and international standardization authorities.

**Fourth consideration:** Economic factors

**Fifth consideration:** Available human and material capabilities

**Sixth consideration:** Relevance to other standards

Article (17): Priority issues to be included in the standardization program should be identified according to the six considerations spelt out in article (16). Every topic that covers most of the above considerations is worthy to be set as a priority. It must be taken into account that all the six considerations vary in terms of importance.

## Section Two

### Committees' Setting up and Duties

Article (18): Each committee should be formed of at least 4 members; specialists in the authority along with representatives of other competent agencies like:

- A- Representative of the industrial sector
- B- Representative of trade sector
- C- Representative of consumer sector
- D- Representative of all government sectors (ministry, corporation or authority) relevant to standardization.
- E- representative of universities and scientific centers

Article (19) The Technical Committee should be formed under a decree by the DG of the authority after presentation by the director of standardization department showing names of the members and its term of assignment.

Article (20): The Technical Committee is assigned with the following duties:

- 1- Setting national standards
- 2- Studying draft regional and international standards and providing technical comments. By so doing, authority can participate in the regional and international standardization with the national viewpoint and so as to facilitate the adoption process of that standard as a national, if interested.
- 3- Setting up a sub-committee or a working group directly out of it. It is allowed to set up one or more working group (s) subsidiary to previously formed sub-committee to study a certain topic.

Article (21): Technical Committee's meetings and working system:

Following to the formation of the committee, an invitation is to be extended by the reporter to initiate its activities attached with the agenda of the first meeting.

- A- First meeting:  
Agenda of the first meeting should include:

- 1- Election of the Head from its members

- 2- Apprising the committee of its competence area
- 3- Distribution of its agenda represented by proposed standards to be set and proposed timeline to achieve them.
- 4- Approval of the program by all members.
- 5- Emphasizing the need to abide by attendance dates on the part of the committee to achieve its works on time.
- 6- Distribution of the organizational charter and other applicable governing procedures as well as guidelines related to the setting, formulation and obtrusion of the Yemeni standard with stress to abide by content of those regulations, procedures and guidelines.
- 7- The technical reporter shall prepare minutes of the meeting to be signed by all attendants. The reporter shall also prepare a report on what has been agreed to by the committee and submits it to the DG for approval.

B- Subsequent meetings:

- 1- The committee reporter shall circulate the prepared initial draft to members ahead of distributing it to other competent agencies.
- 2- The committee shall study items related to draft standards prepared by the technical reporter one by one so as to finalize each draft separately. The agenda for each meeting should include the following:
  - 1- Review of the minutes for the last session and endorsing it.
  - 2- Continuation to consider items of the submitted draft.
  - 3- Setting up a sub-committee out of the technical committee or the working group to be assigned with studying part of the committee's activities to speed up the process at any work stage.
  - 4- The meeting of the technical committee shall be deemed legal if attended by the majority of members. Meanwhile, decisions by the committee shall be adopted by the majority and in case votes are even, the chairman side is won.
- 5- Meetings of the committee shall not exceed three for each single draft.



## Chapter Three

### Procedures to Implement the Annual Program, Select Committee Reporters and Defining their Duties

Article (22) after the approval of the standards program by the Director of Standardization Department and the ratification of the DG of the authority, the existing technical committees can be assigned with as much topics as possible. But if certain topics do not relate to their competence areas, new committees can be formed and technical reporters for them have to be selected.

Article (23): Technical reporters shall be selected from the staff of the Standardization Department under a decree by the DG of the Authority.

Article(24): Duties and Responsibilities of the Technical Committee's Reporter:

- 1- Preparation of the committee's agenda, its action plan and time schedule for and its duration.
- 2- To be in charge of all works and activities by the Committee and to coordinate them with the Committee Head.
- 3- To deputize the Head of the technical committee in case of his absence.
- 4- Collection, analysis and keeping all technical and administrative documentation related to the committee's work at all stages.
- 5- Coordination between his committee and other relevant committees in collaboration with Committees' Follow-up Section.
- 6- Organization of meetings, invitation of the committee members, preparation of the initial draft to be presented to committee besides preparation of meeting minutes in coordination with Committees Follow-up Section.
- 7- Following up the committee's activities and preparation of the relevant reports to be submitted to the committee for revision and to take the necessary action.
- 8- Following up the Committee with regard to projects' progress on timely manner and preparation of memos regarding any problems or obstacles hindering the process to be removed by his superiors.
- 9- Setting draft standards including drawings, illustrations ad formulation according to guidelines concerning setting and obtrusion of Yemeni standards.

- 10- Taking the necessary actions to copy, print correct and distribute the draft to the members and other relevant agencies for their take.
- 11- Collection of remarks by other agencies to be studied jointly with the Head of the Committee and representative of agency which raised up the remarks to be discussed. The whole committee should be invited to discuss comments once approved.
- 12- Reporting absent members or those lingering to perform their duties in order to be replaced by other ones by agencies they represent.
- 13- Preparation of final drafts and handed them over to the Committees Follow-up Section within the Department to put their numbers under signatures of the Head of the technical committee and its technical reporter and enclosed with reports about the committee works and minutes showing key information related to voting process on comments and so on.
- 14- Providing a quarterly report about the activities of the committee to the Committees Follow-up Section signed by him and the Head of the TC, and about activities by the TC ,sub-committees and their relevant working groups as well as suggestions to develop the process including the formation of additional sub-committees, new working groups or the termination of groups due to completion of their missions.
- 15- Preparation of a media briefing about the new standard.

Article (25): Requirements need for the reporter:

- 1- Having appropriate regulatory ability.
- 2- A personality able to be gain trust and respect of committee members.
- 3- Well-trained on standardization activities with methodic mentality able to sensitize team work.
- 4- Sufficient linguistic and technical command to bring clear text of the standard.

## **Section Four**

### **Stages and Steps to Set Yemeni Standards**

#### Article (26): Desk Field Studies

The reporter of the Technical Committee shall conduct desk studies in order to collect documentation and information available related to the standards topic. He can pay field visits to competent agencies like production plant and the laboratory to gather information related to draft standards.

Article(27): If a regional, international or a national standard for another country exists or proposed by any standards-related agency but similar to the one proposed in the authority plan, the introduced standard shall - after re-formulating and translating it- be the draft standard to be set. It should then be registered and circulated to the relevant agencies by the reporter of the respective committee. Once comments on it received, they should be discussed by the committee, but if no comments - during the given span of time – the committee then submits the draft for approval.

#### Article (28): Preparation of the Initial Draft:

The technical reporter shall prepare the standard initial draft taking into account guidelines related to the setting , formulation and obtrusion of the standard. Then, copies of the standard should be made. This can also be done by the TC under whose competence area falls such assignment or by any other standardization-related agency. The TC shall consider the draft standard before either approves or rejects it.

#### Article (29): TC meetings:

The TC shall convene its first meeting under article (21) Para A and under article (21) Para B for periodical meetings.

#### Article (30): Draft standard:

After the committee finalizes studying and formulating of the draft standard, copies of it shall be made and distributed.

Article (31): Draft standard distribution and dissemination:

The draft standard shall be widely distributed and disseminated to all interested parties concerned with the draft standard using the different means like Internet and normal mail attached with a covering letter. The purpose is to notify concerned parties on the content of the draft standard, inviting them to make in-depth study and to express their comments on it ahead of setting the final formulation of the standard to be publicly accepted. The covering letter enclosed with the draft shall also indicate the given period to receive comments. If no comments received from the committee during the defined period, then, the draft standard shall be deemed accepted by the respective party.

Article (32):- Collection and Discussion of Comments:

The technical reporter shall receive comments and present them to the head of the TC for further discussion and consideration. The committee has the right to invite a technical representative from the agency commenting on the draft standard, when necessary. If the comments are accepted, they have to be presented to the entire TC.

Article (33): Final Draft:

After considering the incoming comments by the committee, the reporter shall prepare the final formulation of the draft, make enough copies of it and to prepare minutes showing the following:

- Draft name
- Name of the preparing committee
- Number of meetings held to prepare the draft
- List of agencies which received copies of the draft.
- Comments by agencies and subsequent recommendations
- Approved amendments to the draft

**Chapter Six**  
**Final Provisions**

Article( 34): The new standard shall be approved under a Board of Directors' decree.

Article(35): Standards related to sanitary, safety and protection of environmental use are mandatory (technical rules).

Article(36): An announcement via the appropriate mass media should be published indicating activities related to the new and existing standards as well as standards under preparation and changes made to them to provide an opportunity for respective persons and agencies to participate in such an activity.

Article(37): Standards shall be revised with the objective to be corrected, updated, withdrawn, or re-issued, when necessary, and within a timeline not exceeding five years from the date of their approval.

Article (38): The Standardization Department in the authority shall prepare data related to the codes of approved Yemeni standards, their addresses, enforcement dates and their prices in the official gazette.

Article (39): The Information Center shall publish these data in two daily and widely -read newspapers for five consecutive days.

Article (40): This regulation is followed by a manual called " the standard formulation and obtrusion, standard form design manual as well as methodic standardization manual.

Article (41): Members of the committee are entitled to session allowance against each organized meeting having minutes. Disbursement of these allowances shall be made according to an approved financial regulation.

Article (42): The Follow-up and Printing Committee is entitled to session allowance against each standard it prints to be disbursed according to an approved financial regulation.

Article (43): This Decree is effective from the date of its issuance.

Article (44): This Decree shall be notified to all implementing agencies.

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