

**DECREE
OF THE CABINET OF MINISTERS OF UKRAINE**

On Standardization and Certification

(Vidomosti Verkhovnoyi Rady (Verkhovna Rada Journal) (VVR), 1993, No. 27, article 289)

*(As amended according to Laws
No. 333/97-BP of June 11, 1997, VVR, 1997, No. 31, article 201
No. 1288-XIV (1288-14) of December 14, 1999, VVR, 2000, No. 5, article 34
No. 2134-III (2134-14) of December 7, 2000, VVR, 2001, No. 4, article 16
No. 2779-III (2779-14) of November 15, 2001, VVR, 2002, No. 9, article 68
No. 540-IV (540-15) of February 20, 2003, VVR, 2003, No. 16, article 126
No. 543-IV (543-15) of February 20, 2003, VVR, 2003, No. 16, article 128
No. 1407-IV (1407-15) of February 3, 2004, VVR, 2004, No. 16, article 238
No. 2863-IV (2863-15) of September 8, 2005, VVR, 2005, No. 51, article 557)*

(In the text of the Decree, words “State Committee of Ukraine on Standardization, Metrology and Certification” in all cases shall be replaced by words “central executive body on matters of technical regulation” in respective case according to Law No. 2863-IV (2863-15) of September 8, 2005)

This Decree determines legal and economic bases of the systems of standardization and certification, establishes organizational forms of their operation on the territory of Ukraine.

Section I

GENERAL PROVISIONS

Article 1. Scope of Activity of the Decree

The scope of this Decree shall cover enterprises, institutions and organizations regardless of their forms of ownership and types of activity which act on the territory of Ukraine, as well as citizens-entrepreneurial bodies.

(Article 2 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

(Article 3 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

Section II

NORMATIVE DOCUMENTS ON STANDARDIZATION AND REQUIREMENTS TO THEM

Article 4. Categories of Normative Documents on Standardization

1. Normative documents on standardization shall be divided into the following:

- state standards of Ukraine;
- branch standards;
- standards of scientific, technical and engineering (designing) companies and associations;
- technical conditions;
- standards of enterprises.

Building norms and rules, as well as state classifiers of technical, economic and social information shall be related to state standards of Ukraine. The procedure of division and application of state classifiers shall be established by the central executive body on matters of technical regulation.

2. International, regional and national standards of other countries shall be used in Ukraine according to its international treaties.

Interstate standards stipulated by the Agreement on conduction of coordinated policy in the sphere of standardization, metrology and certification signed in Moscow on March 13, 1992 (hereinafter referred to as "Interstate Standards") shall be also applied as state standards of Ukraine.

Republican standards of Ukrainian SSR shall be applied as state standards until they are replaced or abolished.

The rules of application of standards stipulated by this Article on the territory of Ukraine shall be established by the central executive body on matters of technical regulation.

Article 5. State Standards of Ukraine

1. State standards of Ukraine shall be elaborated for:

- organizational, methodical and generally technical objects, namely:
 - organization of conduction of works on standardization, scientific and technical terminology, classification and coding of technical, economic and social information, technical documents, informational technologies, organization of works on metrology, accurate information about properties of materials and substances;
 - products of general machine-building application (bearings, instruments, fastening items etc.);
 - components of common public objects of state importance (banking and financial system, transport, communication, energy system, environmental protection, defense etc.);
 - products of interbranch assignment;
 - products for population and public economy;
 - methods of testing.

2. State standards of Ukraine contain mandatory and recommended requirements.

Mandatory requirements are:

- requirements that ensure safety of products for life, health and property of citizens, their compatibility and interchangeability, protection of environment, and requirements to methods of testing these indices;
- requirements of safety rules and hygiene of labour with reference to respective sanitary norms and rules;
- metrological norms, requirements, rules and provisions that provide for accuracy and unity of measurements;
- provisions that provide for technical unity during elaboration, production, operation (application) of products;
- notions and terms that are used in the sphere of waste treatment, requirements to classification of wastes and their certification, means to determine contents of wastes and their hazardousness, methods of control of condition of waste treatment objects, requirements with regard to waste treatment which is safe for environment and health, as well as requirements with regard to wastes as secondary raw materials.

(Clause 2 of Article 5 is supplemented with a paragraph according to Law No. 1288-XIV (1288-14) of December 14, 1999)

3. Mandatory requirements of state standards shall be executed by state executive bodies, all enterprises, their associations, institutions, organizations and citizens-entrepreneurial bodies, the activity of which is covered by the mentioned standards.

Recommended requirements of state standards of Ukraine shall be executed obligatorily if:

- such is stipulated by legislative acts currently in force;
- these requirements are included in agreements on elaboration, production and supply of products;
- the manufacturer (supplier) of products made an announcement on conformity of products with these standards.

4. State standards of Ukraine shall be approved by the central executive body on matters of technical regulation, and state standards in the branch of building and building materials industry – by the specially authorized central executive body on building and architecture.

(Paragraph one of clause 4 of Article 5 is amended according to
Law No. 543-IV (543-15) of February 20, 2003)

State standards of Ukraine shall be subject to state registration in the central executive body on matters of technical regulation and shall be published in Ukrainian with an authentic text in Russian.

*(Clause 5 of Article 5 is excluded on the basis of
Law No. 1407-IV (1407-15) of February 3, 2004)*

Article 6. Branch Standards, Standards of Scientific, Technical and Engineering (Designing) Companies and Associations

1. Branch standards shall be elaborated for products if state standards of Ukraine are not available or in case of necessity to establish requirements that exceed or supplement requirements of state standards.

Mandatory requirements of branch standards shall be subject to unconditional execution by enterprises, institutions and organizations that are included in the sphere of administration of the body that approved them.

2. Standards of scientific, technical and engineering companies and associations shall be elaborated in case of need to spread results of fundamental and applied research received in individual branches of knowledge or spheres of professional interests. These standards may be used on the basis of voluntary consent of users.

3. Standards specified in clauses 1 and 2 of this Article shall not contradict mandatory requirements of state standards of Ukraine and shall be subject to state registration in the central executive body on matters of technical regulation.

The procedure of elaboration, approval and use of these standards shall be established by the body the sphere of administration of which includes enterprises, institutions and organizations, as well as by statutory bodies of scientific, technical and engineering companies and associations the competence of which includes matters of organization of standardization works.

4. Ownership part of copyright to normative documents specified in clauses 1 and 2 of this Article shall belong to the bodies that approved them.

Article 7. Technical Conditions and Standards of Enterprises

1. Technical conditions shall contain requirements that regulate relations between supplier (developer, manufacturer) and consumer (customer) of products.

2. To organize information for consumers (customers) about nomenclature and quality of products being released, control of conformity of technical conditions with mandatory requirements of state and branch standards (in cases stipulated by legislation), technical conditions (terms) for products and changes in them shall be subject to state registration in territorial bodies of central executive body on matters of technical regulation. Technical conditions and changes in them which have not been registered by the state shall be deemed void.

3. A registration fee, the amount of which shall be established by the central executive body on matters of technical regulation with the approval of the Ministry of Economy of Ukraine, shall be charged for state registration of technical conditions and changes in them.

4. Standards of enterprises shall be elaborated for products which are used only at specific enterprise.

5. Ownership part of the copyright to technical conditions and standards of enterprises shall belong to enterprises or bodies that approved (established) them.

Article 8. Liability for Elaboration and Approval of Normative Documents

Liability for conformity of normative documents with requirements of legislative acts, as well as for their scientific and technical level shall be born by developers, organizations and institutions which performed expertise and bodies, enterprises, institutions, organizations and citizens-entrepreneurial bodies that approved such documents.

Article 9. Use of Normative Documents

Normative documents shall be used at stages of elaboration, manufacture, sale, operation (use), repair, storage, transportation and utilization of products.

The agreement on supply of products shall contain references to normative documents that have been registered by the state, according to which such products shall be supplied.

Section III

ORGANIZATION OF STANDARDIZATION WORKS

(Article 10 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

(Article 11 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

(Article 12 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

Section IV

CERTIFICATION OF PRODUCTS

Article 13. Types of Certification and Its Aim

Certification of products in Ukraine is divided into mandatory and voluntary.

Certification of products shall be performed by authorized bodies on certification – enterprises, institutions and organizations – with the following purposes:

- prevention of sale of products which are hazardous for life, health and property of citizens and the environment;

- assistance for the consumer in competent choice of products;
- establishment of conditions for participation of entrepreneurial bodies in the international economic, scientific, technical cooperation and international trade.

Article 14. State System of Certification

1. The state system of certification shall be established by the central executive body on matters of technical regulation – the national body of Ukraine on certification which performs and coordinates works with regard to provision of its operation, namely:

- determines the main principles, structure and rules of the certification system of Ukraine;
- approves lists of products subject to mandatory certification and determines terms of their introduction;
- appoints bodies on product certification;

(Paragraph five of Article 14 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

- establishes rules of acknowledgment of certificates of other countries;
- considers disputable matters on testing and keeping to the rules of product certification;
- keeps Register of state certification system;
- organizes informational provision on matters of certification.

The central executive body on matters of technical regulation, within the frameworks of its competence, shall be held liable for keeping to the rules and procedure of product certification.

Article 15. Mandatory Certification

1. Certification on conformity with mandatory requirements of normative documents shall be performed only in the state certification system.

2. Mandatory certification in all cases shall include inspection and testing of products to determine their characteristics and further technical supervision of certified products.

3. Testing with the purpose of mandatory certification shall be performed by accredited testing laboratories (centers) with the help of methods determined by respective normative documents, and if such documents are not available – by methods determined by the certification body or a body that performs its functions. The results of tests performed by the specified laboratories (centers) shall require no further confirmation by other accredited testing laboratories (centers). Repetitive testing by determined characteristics of these products shall not be performed, except for cases when inauthenticity of such testing results is established according to legislation. Certification of food raw materials and food products of animal origin shall be performed after veterinary and sanitary expertise and issue of respective veterinary documents.

(Clause 3 of Article 15 is amended according to Law No. 540-IV (540-15) of February 20, 2003)

Article 16. Certificate and Mark of Conformity of State Certification System

During certification and in case of positive decision of the body of certification, the applicant shall receive a certificate and right to mark products with a special mark of conformity. The form, size and technical requirements to such mark of conformity shall be determined by the state standard.

The mark of conformity cannot be used if rules of its use are violated.

(Article 17 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

Article 18. Certification of Imported Products

Conformity of products (goods) which are imported and sold on the territory of Ukraine with standards valid in Ukraine shall be confirmed by certificate of conformity or a certificate on acknowledgment of conformity, issued or acknowledged by the central executive body on matters of technical regulation or accredited by the certification body which is authorized to perform such activity in legislatively regulated sphere according to the established procedure.

Confirmation of conformity of food products, food raw materials, related materials which are imported to the customs territory of Ukraine shall be performed according to the procedure established by the law.

The central executive body on matters of technical regulation or a certification body which is accredited according to the established procedure and authorized to perform such activity in legislatively regulated sphere shall include certified products to the Unified Register of products certified in Ukraine on the basis of the following:

- 1) declaration on conformity issued by manufacturer of products for each batch of food products, food raw materials, related materials or
- 2) certificates of conformity or certificates of acknowledgment of conformity.

Sale of food products produced with the use of imported food raw materials and related materials imported to Ukraine on the basis of declaration on conformity issued by the products manufacturer for each batch of food products, food raw materials, related materials, shall be allowed only on availability of certificate of conformity or certificate on conformity acknowledgment issued or acknowledged by the central executive body on matters of technical regulation or accredited certification body authorized to perform such activity in legislatively regulated sphere.

The bodies of customs control shall perform customs registration of imported goods on the basis of specified Unified Register according to the procedure established by the Cabinet of Ministers of Ukraine.

The central executive body on matters of technical regulation shall exercise control over availability of certificates for goods which are sold by legal entities or natural persons at the customs territory of Ukraine.

*(Article 18 in the wording of Laws
No. 333/97-BP (333/97-BP) of June 11, 1997,
No. 2863-IV (2863-15) of September 8, 2005)*

Article 19. Payment for Works Related to Mandatory Certification of Products

1. All types of works related to mandatory certification of products shall be subject to payment: preparation, expertise, accreditation, testing, control and registration works.
2. Funds spent by the applicant on mandatory certification of products shall be included in their prime cost.
3. The value of works related to mandatory certification of products shall be determined in the agreement concluded between the customer and the supplier.

Article 20. Liability of Bodies of Product Certification and Testing Laboratories (Centers) Which Perform Mandatory Certification

1. The products certification body shall be held liable for the following when performing mandatory certification:

- unstipulated or illegal issue of certificate of conformity;
- violation of certification rules.

The accredited testing laboratory (center) shall be held liable for inauthenticity of testing results.

2. If actions specified in clause 1 of this Article have not caused damage to any consumer, citizens, their property and the environment, the body which is guilty of violation of rules shall pay double value of executed works to the state budget of Ukraine on the basis of decision of the central executive body on matters of technical regulation. At repetitive similar violation of certification rules, the product certification body and the testing laboratory (center) shall be deprived of their accreditation in the state certification system.

Losses and damages (including expected and lost profit) caused by the manufacturer to consumers, their property, and damage caused to the environment by actions specified in clause 1 of this Article shall be subject to reimbursement at the expense of the body that performed mandatory certification, according to the procedure established by legislation currently in force, and this body shall be deprived of its accreditation in the state certification system.

(Article 21 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

(Article 22 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

Section V

FINANCING OF STANDARDIZATION WORKS, STIMULATION OF APPLICATION OF STATE STANDARDS

(Article 23 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

(Article 24 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

Section VI

INTERNATIONAL RELATIONS IN STANDARDIZATION AND CERTIFICATION

(Article 25 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

(Article 26 is excluded on the basis of Law No. 543-IV (543-15) of February 20, 2003)

Section VII

FINAL PROVISIONS

Article 27. Entrance into Force

This Decree shall enter into force on the date of its publication

New and used transport means, as well as units, aggregates and parts to them which are imported to the customs territory of Ukraine by entrepreneurial bodies or natural persons shall be subject to mandatory certification according to legislation currently in force. At that, bodies and

chassis of transport means with codes 87.06 and 87.07 according to the Ukrainian classification of external economic activity goods shall be subject to certification as assembled transport means.
(Article 27 is supplemented with a paragraph according to
Law No. 2134-III (2134-14) of December 7, 2000,
in the wording of Law No. 2779-III (2779-14) of November 15, 2001)

Prime Minister of Ukraine

L. KUCHMA

Minister of the Cabinet of Ministers of Ukraine

V. PUSTOVOITENKO

Kyiv, May 10, 1993

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