

On Certification Of Products, Works And Services

Law of the Republic of Belarus

Nº 3849-XII, of September 5, 1995

The present law establishes the legal base for the mandatory and voluntary certification of the products, works and services in the Republic of Belarus, regulates the legal relations emerging in the process of certification, as well as the rights and liability of the certification participants.

Chapter 1. General Provisions

Article 1. The Scope of Application of the Present Law

The present Law is related to the enterprises, institutions, organizations regardless of the form of ownership and types of activity existing on the territory of the Republic of Belarus, as well as to the citizens - the subjects of the entrepreneur's activity.

Article 2. Legislation on Certification

Relations in the field of certification are to be regulated with the given Law and other legislative acts of the Republic of Belarus issued in compliance with them.

Article 3. Notions Applied in the Present Law

Certification of the products is the activity of the corresponding bodies and economic entities for confirming the compliance of the products with the requirements set up in the normative acts and the specific standards or other normative documents on standardization.

The products are considered to be the result of the activity or the processes.

The service is the result of the direct interaction of the supplier and the consumer and the internal activity of the supplier aimed at meeting the requirements of the consumer.

The mandatory certification is the activity of the respective bodies and economic entities for confirming the compliance of the products with the indices ensuring the safety for the life, health and property of the citizens, as well as environment protection, and other indices set up in the legislation of the Republic of Belarus.

The voluntary certification is the activity of the respective bodies and economic entities for confirming the compliance of the products with the indices in relation to which the legislation of the Republic of Belarus does not foresee performance of the mandatory certification.

The compliance certification is the document issued as per rules of the certification system for confirming the compliance of the certified products with the requirements of the normative acts and the specific standards or other normative documents on standardization.

The compliance mark is the mark registered in the established order which is to confirm the compliance of the marked products with the requirements of the normative acts and the specific standards on standardization in accordance with the rules of the certification system.

The certification system is the system having the own rules of the procedure and control for certification of the products.

The National Certification System of the Republic of Belarus is the certification system set up by the republican body of standardization, metrology and certification and existing on the territory of the republic.

The certification body is the body certifying the products in the national certification system of the Republic of Belarus.

The republican body of standardization, metrology and certification is the body of the state administration of execution of the single state policy in the field of standardization, metrology and certification authorized by the President of the Republic of Belarus in accordance with the regulations on this body approved by the Cabinet of Ministers of the Republic of Belarus.

The accredited testing laboratory is the testing laboratory having obtained the official permit for performance of the specific tests with the aim of certification.

Article 4. Aims of Certification

Certification of the products is to be carried out with the aim of:

ensuring the safety of products for the life, health and property of the population, as well as for the protection of the environment;

confirming the compliance of the indices of the production quality declared by the manufacturer (the seller) with the specific normative acts and normative documents on standardization;

setting up the conditions for participation of the manufacturers (sellers) of the products in the international trade and improving the competitiveness of the products;

protection of the republican market from substandard and unsafe imported products.

Article 5. Certification Systems

The National Certification System exists in the Republic of Belarus established by the republican body on standardization, metrology and certification, and another production certification systems established by another legal entities may exist in relation to the indices which do not foresee the mandatory certification in accordance with the legislation of the Republic of Belarus.

Within the National System the certification is to be performed both as the mandatory and as the voluntary certification, and certification systems may be established as per types of products and as per individual requirements.

The certification systems for the products have their own compliance marks.

The certification systems and the compliance marks are to be registered in accordance with the procedure set up by the republican body of standardization, metrology and certification.

Chapter 2. Mandatory Certification

Article 6. Mandatory Certification

The mandatory certification is to be carried out in the cases foreseen in the legislation of the Republic of Belarus.

The products in relation to which the safety requirements for the life, health and property of the citizens, as well as the environment protection are set up in the normative acts and specific standards and other normative documents, are subject to the mandatory certification of the Republic of Belarus.

The nomenclature of the products subject to the mandatory certification and the dates of introduction of the certification are to be established in accordance with the procedure to be defined by the Cabinet of Ministers of the Republic of Belarus.

The sales on the territory of the Republic of Belarus and the import of the products subject to the mandatory certification are prohibited in the republic without the compliance certificate and /or mark confirming the compliance of the products with the said requirements.

Organization and performance of the works of the mandatory certification are imposed on the republican body of standardization, metrology and certification, and in cases foreseen in the legislation of the Republic of Belarus in relation to certain types of the products of individual indices may be imposed to another bodies of the state administration of the republic.

Article 7. The Participants of the Mandatory Certification

The participants of the mandatory certification are represented by the republican body on standardization, metrology and certification, the bodies on certification, accredited testing laboratories, manufacturers (sellers) of the products.

Article 8. Obligations of the Bodies on Certification and Accredited Testing Laboratories

The bodies on certification:

are to perform the works on certification;

are to provide the required information within their competence to the applicants as per the demand of the latter.

The accredited testing laboratory (the center) is to carry out the tests of the specific products or perform the concrete types of the tests and provide the protocols of the tests for the aims of certification.

Article 9. Obligations of Manufacturers (Sellers) of the Products

The manufacturers (sellers) of the products subject to the mandatory certification on the territory of the Republic of Belarus shall:

perform the works of the certification of the products in compliance with the present Law;
sell the products only if a certificate is available provided or acknowledged by the authorized body;

ensure compliance of the products to be sold with the requirements of the normative acts and the specific standards or other normative documents on standardization - the basis of the certification - and its marking as per established order with the compliance mark;

indicate the data on certification, normative acts and normative documents on standardization in the accompanying documents reflecting the compliance of the products, ensure the provision of this information to the consumer (purchaser, customer);

terminate or cancel the sales of the certified products if they do not meet the requirements of the normative acts and normative documents on standardization in accordance with which they are certified, as well as after completion of the validity period of the certificate or in case if the validity of the certificate is terminated or cancelled by the decision of the certification body;

assist to the officials of the republican body on standardization, metrology and certification and of the other certification bodies in performance of the mandatory certification and control of the certified products;

notify the certification bodies in the established order on the changes introduced to the technical documentation or to the technological process of the output of the certified products.

Article 10. Conditions of the Production Import

The products subject to the mandatory certification in compliance with the legislation of the Republic of Belarus at the import to the republic shall be accompanied with the compliance certificate and/or mark acknowledged or issued by the certification bodies.

In the contracts (agreements) to be concluded for the delivery of the products subject to the mandatory certification in the Republic of Belarus the availability of the compliance certificate and/or mark shall be foreseen in order to confirm its compliance with the safety requirements for the life, health and property of the citizens, as well as the environment protection, set up in the legislation of the Republic of Belarus.

The certificates on their acknowledgement are to be provided to the customs bodies of the Republic of Belarus along with the freight customs declaration, and they are the mandatory documents for obtaining a permit for import of the products to the territory of the Republic of Belarus.

The procedure of import of the products subject to the mandatory certification to the territory of the Republic of Belarus is to be set up by the bodies of the state administration responsible for the customs control and certification.

Article 11. Control of Observance of the Rules of the Mandatory Certification and of the Certified Products

Control of observance of the rules of the mandatory certification by the certification bodies and accredited testing laboratories is to be executed by the officials of the republican bodies of standardization, metrology.

Control of the certified products is to be executed by the officials of the republican bodies of standardization, metrology and certification and certification and of the bodies on certification.

Control of the observance of the requirements of the legislation of the Republic of Belarus on the mandatory certification of the products by the manufacturers (sellers) is to be executed by the republican body on standardization, metrology and certification and other bodies of the state administration and public organizations within their competence.

The bodies executing the control of the observance the certification rules and the certified products in compliance with parts two and three of the present Article are entitled to enter proposals to the republican body of standardization, metrology and certification on termination or prohibition of the activities in the field of certification and sales of the certified products.

The republican body of standardization, metrology and certification is entitled to terminate or prohibit the activity in the field of certification if the rules of the National Certification System of the Republic of Belarus, as well as the sales of the certified products not complying with the requirements of the normative acts and the specific standards or other normative documents on standardization in accordance with which it is certified.

The officials of the republican body on standardization, metrology and certification, the bodies of the production certification and other bodies of the state administration carrying out the control

of the certified products and observance of the requirements of the legislation of the Republic of Belarus on the mandatory certification of the products, are entitled to freely visit the enterprises and institutions with their operation modes taken into account.

Article 12. Financing of Works of Certification and State Control of the Certified Products

Expenses of the labour payment for the employees performing the state control of the products subject to the mandatory certification are to be paid from the funds of the republican budget.

Expenses for the participation in the work of the international (regional) organizations for certification are to be regulated by means of the normative acts existing in the republic.

The payment of the certification works is to be performed by the manufacturer (the seller). The amount of the funds spent for execution of the mandatory certification is to be related to its prime cost.

Chapter 3. Voluntary Certification

Article 13. Voluntary Certification

The voluntary certification is to be carried out both in the National Certification System of the Republic of Belarus and in other certification systems created by the legal entities having registered the certification systems and the compliance marks in the republican body of standardization, metrology and certification.

The products which have passed the voluntary certification are to be marked with the compliance mark of the system wherein they have been certified.

Control of the products certified in the National Certification System of the Republic of Belarus is to be executed by the republican body of standardization, metrology and certification and the bodies of the product certification.

Control of the products certified in the voluntary certification system is to be carried out at the respective body of the product certification.

Chapter 4. Final Provisions

Article 14. Rights of the Manufacturer (the Seller) at the Mandatory and Voluntary Certification

The manufacturer (the seller) is entitled to appeal against a decision of republican body of standardization, metrology and certification in accordance with the legislation of the Republic of Belarus.

Article 15. Responsibility for Violation of the Legislation on Certification

The economic entities, the manufacturers (the sellers) of the products and the officials are to bear responsibility for violation of the certification legislation in accordance with the legislation.

Article 16. International Treaties

If the international treaties whereof a party is the Republic of Belarus set up the rules differing from ones contained in the legislation of the republic of Belarus on production certification, the rules of the international treaties are to be applied.

Article 17. On the Procedure of Putting the Present Law into Effect

The Law of the Republic of Belarus "On Certification of Products, Works and Services" is to be put into effect from the moment of its publishing.

Before setting the legislation of the Republic of Belarus into compliance with the present Law the acts of the legislation in force are to be applied unless they contradict to the given Law.

The Cabinet of Ministers of the Republic of Belarus is to bring the decisions of the Government of the Republic of Belarus in compliance with the given Law within two months.

* unofficial translation *