

## Technical Regulations and Standards Act

Passed 22 February 1999

(RT<sup>1</sup> I 1999, 29, 398),

entered into force 1 April 1999,

amended by the following Acts:

17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594;

13.11.2002 entered into force 19.12.2002 - RT I 2002, 99, 580;

13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186;

26.09.2000 entered into force 13.10.2000 - RT I 2000, 78, 495;

15.03.2000 entered into force 17.04.2000 - RT I 2000, 29, 169.

### Chapter 1

#### General Provisions

##### § 1. Scope of application of Act

(1) This Act provides:

1) the relationships between technical regulations, standards and technical specifications;

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

2) the principles for avoiding barriers to trade resulting from technical regulations or standards;

3) the bases for the notification of technical regulations and standards;

4) the bases for the organisation of standardisation.

(2) This Act does not apply to standards concerning national defence and national security.

Section 8 of this Act applies to legislation concerning sanitary and phytosanitary measures and rules on Information Society services.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

##### § 2. Definitions

(1) For the purposes of this Act, a technical specification is a list of characteristics required of a product or service or a description of processes and production methods which have an effect on such characteristics.

(2) For the purposes of this Act, a technical regulation is a requirement which regulates the manufacture, marketing and use of a product or provision and marketing of a service provided by legislation or a requirement imposed on a product or service for the purpose of product safety, consumer protection or environmental protection and which affects the initial use, reuse, processing and disposal of the product, or the service.

(3) For the purposes of this Act, a standard is a document which includes technical specifications or instructions for activities or results thereof, which is approved by a standards body for general or repeated application and with which compliance is not compulsory.

(4) For the purposes of this Act, a standardisation body is a person engaged in the preparation, organisation and adoption of standards, which is recognised on the national, regional or international level.

(5) For the purposes of this Act, notification is the informing of other states, associations of states or international organisations of contemplated or adopted technical regulations and standards and legislation concerning rules on Information Society services or sanitary and phytosanitary measures to the extent of obligations assumed by international agreements.

(6) For the purposes of this Act, Information Society services are services which are normally provided for remuneration, without the parties being simultaneously present, by electronic means intended for the processing and storage of data and at the individual request of a recipient of services. Broadcasting within the meaning of the Broadcasting Act (RT I 1994, 42, 680; 66, 1145; 1995, 83, 1437; 97, 1664; 1996, 49, 953; 1997, 29, 448; 52, 834; 93, 1564; 1998, 2, 42 and 44; 1999, 16, 268; 25, 364; 59, 613; 2000, 25, 143; 35, 220; 102, 666; 2001, 53, 310; 2002, 3, 5; 21, 117; 53, 336; 57, 357; 61, 375; 63, 387; 2003, 4, 22; 83, 560; 88, 594) is not an Information Society service.

(7) Information Society services are entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means. Rules on Information Society services provide for requirements of general nature for service providers and recipients of services, services and provision and use of services.

(8) For the purposes of this Act, a product is any thing or a part thereof which has been manufactured or is manufactured, including structures, industrially manufactured products and agricultural and fish products.

(9) For the purposes of this Act, a service is any activity which has been performed or is performed and as a result of which a new thing is manufactured, or an existent thing or the characteristics thereof are maintained or altered, or a thing is transferred or taken into possession.  
(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

## Chapter 2

### Technical Specifications, Technical Regulations and Estonian Standards

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

#### § 3. Technical specification

- (1) Technical specifications cover inter alia the following:
- 1) quality, product performance and safety;
  - 2) the procedures for conformity assessment and attestation;
  - 3) testing and testing methods;
  - 4) packaging, marking and labelling;
  - 5) symbols and terminology;
  - 6) the name used upon marketing the product or providing the service;
  - 7) classification;
  - 8) design, planning, manufacture, production, provision, use, technical adjustment, maintenance, storage and preservation;
  - 9) transportation;
  - 10) composition, dimensions and other technical indicators.
- (2) Technical specifications may be set out in technical regulations, standards or other documents.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

#### § 4. Technical regulations

- (1) Drafting of legislation which includes technical regulations shall be based on technical specifications determined in the standards or in the final drafts of the standards adopted by international or European standardisation bodies, if the technical specifications exist, except in the cases provided for in international agreements.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

(2) Uniform requirements shall be established for both products which are produced in Estonia and imported products by legislation which includes technical regulations.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

(3) Uniform requirements shall be established for both services which are provided in Estonia and imported services by legislation which includes technical regulations.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

(4) Legislation which includes technical regulations may restrict trading activities only in the case and to the extent justified on grounds of public morality, public order or national security, for the protection of health and life of humans, animals or plants, the protection of consumers and the environment, the protection of national treasures possessing artistic, historic or archaeological value or the protection of industrial and commercial property.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

(5) Provisions of law which provide a state tax or an obligation to make a compulsory insurance payment are also considered as technical regulations if the tax or obligation provided affects the consumption of a product.

(6) A reasonable interval shall be allowed between the publication of legislation which includes a technical regulation and the entry into force thereof in order to allow time for producers to adapt their products or methods of production to the technical regulation. The requirement for a reasonable interval does not apply in cases where the rapid entry into force of a technical regulation is necessary for the purpose of protecting human health or safety, protecting the environment or guaranteeing national security.

(7) Provisions of legislation which regulates state social insurance are not considered as technical regulations.

## § 5. Estonian standards

(1) An Estonian standard is a standard adopted by the Estonian national standardisation body.

(2) An Estonian standard is deemed adopted when a notice concerning its adoption is published in the official publication of the Estonian national standardisation body.

(3) The Estonian national standardisation body ensures the availability of standards to the public as of the publication date of the notice provided for in subsection (2) of this section.

(4) An Estonian standard may be:

1) a transposed international standard or a transposed standard of a European standardisation body;

2) a transposed original standard of another state;

3) an original Estonian standard.

(5) The abbreviation for Estonian standards is EVS.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

(6) Estonian standards shall be adopted in Estonian. An international standard or a standard of a European standardisation body may be transposed into an Estonian standard in one of the official languages of the standardisation body which adopted the standard.

(7) Copyright on a standard belongs to the standardisation body which adopted the standard. Observance of a standard is free of charge.

(26.09.2000 entered into force 13.10.2000 - RT I 2000, 78, 495)

## § 6. Harmonised standard

(1) A harmonised standard is a standard prepared and adopted by a European standardisation body pursuant to the mandate of the European Commission.

(2) If a notice (reference) concerning a harmonised standard has been published in the Official Journal of the European Union and the standard has been adopted as the national standard of at least one member state of the European Union a product or service which observes the standard is presumed to comply with the relevant technical regulation unless otherwise provided by legislation.

(13.11.2002 entered into force 19.12.2002 - RT I 2002, 99, 580)

(3) If a notice (reference) concerning a harmonised standard specified in subsection (2) of this section published in the official publication of the European Union is revoked, a product or service is not deemed to comply with the relevant technical regulation if the standard is observed.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

## § 7. Obligation to observe standards

- (1) A technical regulation may refer to a standard, a part thereof or a standard adopted by one standardisation body. A reference to a standard and a part thereof shall include the designation of the standard referred to.
- (2) A reference to a standard shall be provided as compulsory or recommended. A harmonised standard cannot be provided as compulsory. Upon provision of standards adopted by one standardisation body as recommended, a reference to the standards need not contain the designation of the standards referred to.
- (3) Upon provision of a standard as compulsory in a technical regulation, the standard shall be an Estonian standard fully published in the Estonian language.
- (4) If a technical regulation refers to a standard which has not been published in Estonian, the authority which provides information concerning the standard in Estonian shall be indicated in the technical regulation.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

## § 8. Notification

- (1) Notification shall be given of legislation and international agreements concerning contemplated and adopted technical regulations, rules on Information Society services or sanitary and phytosanitary measures, except in the cases specified in subsection (2) of this section.
- (2) Notification need not be given of the following:
  - 1) requirements which indirectly concern Information Society services;
  - 2) requirements for telecommunications services which are regulated by the corresponding legislation of the European Union;
  - 3) requirements for financial services which are regulated by the corresponding legislation of the European Union;
  - 4) requirements which are established for stock exchange or requirements which are established by stock exchange;
  - 5) requirements which are established for regulated securities markets within the meaning of the Securities Market Act (RT I 2001, 89, 532; 2002, 23, 131; 63, 387; 102, 600; 105, 612; 2003, 81, 544; 88, 591) or requirements which are established by regulated securities markets;

- 6) requirements which are established for a securities settlement system or requirements which are established by a securities settlement system;
- 7) draft legislation which complies with the legislation of the European Union or obligations arising from international agreements.
- (3) Drafters of legislation or international agreements which include technical regulations, rules on Information Society services or sanitary and phytosanitary measures are required to submit such legislation or international agreements to the authority which co-ordinates notification.
- (4) The Government of the Republic shall establish the procedure for notification of draft legislation and international agreements which include technical regulations or rules on Information Society services and shall appoint the authority which co-ordinates the exchange of information.
- (5) The Government of the Republic shall establish the procedure for notification of draft legislation and drafts of international agreements which include sanitary and phytosanitary measures and shall appoint the authority which co-ordinates the exchange of information.
- (6) Co-ordination of the exchange of information concerning a standard shall be provided for in a contract under public law between the Government of the Republic and the Estonian national standardisation body.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

## Chapter 3

### Organisation of Standardisation

#### § 9. Estonian national standardisation body

- (1) The Estonian national standardisation body is a non-profit association which represents its members and the purpose of the activities of which, as specified in the articles of association, is to prepare and publish standards and represent Estonia in international standardisation. The interests of the state in the Estonian national standardisation body shall be represented by a government agency as a member.
- (2) The Estonian national standardisation body is required to:

1) fulfil standardisation obligations assumed by international agreements and delegated by the state, including the Estonian national standardisation scheme (hereinafter standardisation scheme);

2) participate in the work of international and European standardisation bodies;

3) prepare standards programmes and participate in the preparation of the standardisation scheme;

4) publish information on the contemplated and adopted standards, standards programmes and the standardisation scheme on the web site of the Estonian national standardisation body, whereas information on harmonised standards concerning which a notice (reference) has been published in the official publication of the European Union and on harmonised standards which are transposed into Estonian standards shall be published separately on the web site and in the publication of the Estonian national standardisation body;

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

5) inform foreign states, associations of states and international standardisation bodies of contemplated or adopted standards and standards programmes, pursuant to legislation in force.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

(3) On the proposal of the Minister of Economic Affairs and Communications, the Government of the Republic shall grant one standardisation body the right to act as the Estonian national standardisation body.

(17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

(4) A standardisation body shall submit an application to the Minister of Economic Affairs and Communications in which the standardisation body shall prove that it is capable of fulfilling the obligations provided for in subsection (2) of this section. Prior to submitting the application to the Government of the Republic, the Minister of Economic Affairs and Communications shall hear the opinion of a committee set up by him or her.

(17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

(5) The right to act as the Estonian national standardisation body shall be prescribed in a contract under public law between the Government of the Republic and the standardisation body in which the rights and obligations of the parties shall be determined. The term of the contract under public law may be up to ten years.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

### § 9<sup>1</sup>. Standardisation committee

(1) The Government of the Republic forms a standardisation committee (hereinafter committee) which has the following functions:

1) submission, to the Minister of Economic Affairs and Communications, of proposals regarding the contract under public law specified in subsection 9 (5) of this Act;

(17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

2) preparation of the standardisation scheme and submission thereof to the Minister of Economic Affairs and Communications for approval;

(17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

3) discharge of other functions if these functions arise from the functions listed in clauses 1) and 2) of this subsection.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

(2) The procedure for the formation of and the rules of procedure of the committee shall be established by the Government of the Republic.

(3) Each appropriate ministry shall appoint an authorised representative as a member of the committee.

(4) The authorised representatives of appropriate ministries submit to the committee written proposals regarding the inclusion of Estonian standards in the standardisation scheme.

(5) The committee submits its proposals to the Minister of Economic Affairs and Communications in writing.

(26.09.2000 entered into force 13.10.2000 - RT I 2000, 78, 495; 17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

### § 9<sup>2</sup>. National standardisation scheme

(1) The standardisation scheme is a document which comprises a list of standards the preparation or transposition of which into Estonian standards is deemed essential by government agencies. The standardisation scheme is prepared based on legislation, the contract under public law entered into between the Estonian national standardisation body and the Government of the Republic and work schedules of the Government of the Republic and government agencies.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

(2) The standardisation scheme shall be prepared twice a year.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

(3) The standardisation scheme shall be approved by the Minister of Economic Affairs and Communications by 1 March and 1 September each year.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186; 17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

#### § 10. Estonian standard preparation and financing of Estonian national standardisation body

(1) The costs of preparation of an Estonian standard shall be covered by interested persons.

(2) The preparation of an Estonian standard commissioned by a state agency or on the basis of the standardisation scheme shall be financed by the state through the budget of the appropriate ministry.

(3) The duty of the members of the Estonian national standardisation body to finance standardisation shall be provided by the memorandum and articles of association of the standardisation body.

(4) The costs of providing information services for which the Estonian national standardisation body is commissioned by the state, including the expenses of the information centre and library of the Estonian national standardisation body and the costs of preparation and publication of the web site and official publication, and the membership fees of international and European standardisation bodies shall be covered from the state budget. Such costs shall be prescribed in the budget of the appropriate ministry.

(26.09.2000 entered into force 13.10.2000 - RT I 2000, 78, 495; 13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

## Chapter 4

### Implementing Provisions

#### § 11. Amendments to earlier Acts

(1) The Code of Administrative Offences (RT 1992, 29, 396; RT I 2001, 74, 453; 87, 524 and 526; 97, 605; 102, 677; 2002, 18, 98; 21, 117; 29, 174 and 175; 30, 176; 32, 189) is amended as follows:

- 1) in subsection 21 (3), the word “standardisation” is omitted;
- 2) section 203 is repealed.
- (2) In subsection 147 (1) of the Criminal Code (RT 1992, 20, 288; RT I 2001, 73, 452; 85, 510; 87, 526; 2002, 30, 176; 32, 189), the words “standards, technical conditions” are substituted by the words “technical regulations”.
- (3) In subsections 44 (2) and (3) of the Planning and Building Act (RT I 1995, 59, 1006; 1996, 36, 738; 49, 953; 1999, 27, 380; 29, 398 and 399; 95, 843; 2000, 54, 348; 2001, 42, 234; 50, 283; 65, 377), the words “and standards” are omitted.
- (4) Clause 63 (2) 3) of the Government of the Republic Act (RT I 1995, 94, 1628; 1996, 49, 953; 88, 1560; 1997, 29, 447; 40, 622; 52, 833; 73, 1200; 81, 1361 and 1362; 87, 1468; 1998, 28, 356; 36/37, 552; 40, 614; 107, 1762; 111, 1833; 1999, 10, 155; 16, 271 and 274; 27, 391; 29, 398 and 401; 58, 608; 95, 843 and 854; 2000, 49, 302; 51, 319 and 320; 54, 352; 58, 378; 95, 613; 102, 677, 2001, 7, 16; 53, 305; 59, 358; 94, 578; 100, 646; 102, 677; 2002, 57, 354; 87, 505; 90, 520; 96, 563; 2003, 4, 22; 21, 122; 51, 349; 81, 542; 88, 590) is omitted.
- (5) Subsection 10 (4) of the Sustainable Development Act (RT I 1995, 31, 384; 1997, 48, 772; 1999, 29, 398; 2000, 54, 348) is omitted.
- (6) Clause 19<sup>1</sup>) is added to subsection 4 (3) of the Copyright Act (RT 1992, 49, 615; RT I 2000, 16, 109; 78, 497; 2001, 50, 289; 56, 335; 2002, 53, 336; 63, 387; 90, 521; 92, 527) worded as follows:  
“19<sup>1</sup>) standards and draft standards;”.

## § 12. Termination of activities of Standards Board

- (1) The Government of the Republic shall terminate the activities of the Standards Board after granting the right to act to the Estonian national standardisation body but not later than within one year after the entry into force of this Act.
- (2) The validity of standards issued by the Standards Board shall be decided by the Estonian national standardisation body within one year.

## § 13. Entry into force of Act

- (1) This Act enters into force on 1 April 1999.  
(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

(2) The obligation to give notification of rules on Information Society services provided for in subsections 8 (1)-(4) of this Act enters into force after Estonia joins the European Union.

(13.03.2002 entered into force 18.04.2002 - RT I 2002, 32, 186)

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*