

Note: Additions to the existing law are shown by underline and deletions are shown by ~~strike-through~~.

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LAW OF THE KYRGYZ REPUBLIC

ON STANDARDIZATION

(#56-57 "Svobodni Gory", 13 April, 1996)

- Section I. General
- Section II. Normative documents on standardization and their application
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- Section V. Funding of the works on state standardization, state control and supervision, stimulation of state standards application

This Law shall establish the legal bases of standardization in the Kyrgyz Republic which are mandatory for state bodies and local authorities, as well as legal entities and natural persons (hereafter - "businesses"), determine the steps of legal protection of consumers and the State by means of elaboration and application of the regulations on standardization.

Section I. General

Article 1. Definition of Standardization

Standardization shall be the activity on establishment of the norms, rules and characteristics (hereafter - "requirements") in order to provide:

- safety of products, works and services for environment, health and property, protection of the animal and vegetable kingdom;
- technical and informational compatibility, as well as interchangeability of the product;
- elimination of technical barriers to trade, provision of competitiveness of products in the world market;
- quality of products, works and services;
- unity of measurements;
- saving (economy) of all sorts of resources;
- security of business taking into account risk of appearance of natural and technogenic catastrophes and other emergency situations;
- defense capacities and mobilization readiness of the Kyrgyz Republic.

Article 2. The Legislation of the Kyrgyz Republic on Standardization

Relationships in the sphere of standardization shall be regulated by this Law and the legislative acts of the Kyrgyz Republic issued in accordance with it.

This Law shall not regulate the relationships related to the state creation standards.

Article 3. International Agreements

If international agreements of which the Kyrgyz Republic is a member stipulate the provisions different to the ones in the legislation of the Kyrgyz Republic on standardization, the provisions of the international agreements shall be applied.

Article 4. Organization of the Work on Standardization

The State Inspectorate on Standardization and Metrology under the Cabinet of Ministers of the Kyrgyz Republic (hereafter - "Kyrgyzstandard") shall carry out state management of standardization of the Kyrgyz Republic, including coordination of the activity on standardization of the state management bodies of the Kyrgyz Republic, inter-relationships with local authorities of the Kyrgyz Republic, public unions, including technical committees on standardization and business entities.

Kyrgyzstandard and other specially authorized bodies of the state management shall form and implement the state policy in the sphere of standardization, establish in the state standards of the state system of standardization of the Kyrgyz Republic the general rules for carrying out works on standardization, forms and methods of interaction of businesses with each other, with the state management bodies, carry out research work in the sphere of standardization, organize professional training and retraining of the staff in the sphere of standardization, carry out state control and supervision over the compliance with the obligatory requirements of the standards, establish the rules of application of international (regional) standards and national standards of other states, rules, norms and recommendations on standardization on the territory of the Kyrgyz Republic.

Other bodies of the state management, businesses including public unions shall organize and carry out the works on standardization in accordance with this Law and within their competence, create the relevant entities (services) for the purposes of implementation of these works.

Article 5. International Cooperation in the Sphere of Standardization

Kyrgyzstandard and other specially authorized bodies of the state management shall have the right to represent the Kyrgyz Republic in international (regional) organizations carrying out standardization activity.

Section II. Normative Documents on Standardization and Their Application

Article 6. Normative Documents on Standardization and Requirements to Them

~~Regulations on standardization, acting on the territory of the Kyrgyz Republic, in the cases, order and under conditions established by this Law, shall consist of:~~

- ~~• state standards of the Kyrgyz Republic (hereafter –“state standards”);~~
- ~~• international (regional) standards, rules, norms and recommendations on standardization applied according to the established procedure;~~
- ~~• classifiers of technical and economic information;~~
- ~~• branch standards;~~
- ~~• standards of companies;~~
- ~~• standards of scientific and technical, engineering societies and other public unions;~~
- ~~• technical conditions.~~

~~Requirements established by the regulations on standardization shall be based on the modern achievements of sciences, technics and technology, international (regional) standards, rules, norms and recommendations on standardization, progressive national standards of other countries and shall not infringe the provisions established by the legislative acts of the Kyrgyz Republic.~~

~~The state standards shall be elaborated in relation to the goods, works and services which have an inter-branch meaning, and they shall not contradict the legislation of the Kyrgyz Republic.~~

~~The state standards shall comprise:~~

- ~~• requirements to the products, works and services in relation to their security for the environment, life, health and property, requirements of technical security and productive sanitation;~~
- ~~• requirements on technical and informational compatibility, as well as interchangeability of the product;~~
- ~~• major consumer (exploitation) characteristics of the product, methods of their control, requirements to the packaging, labeling transportation, storage and utilization, as well as other requirements in accordance with the state system of standardization of the Kyrgyz Republic.~~

~~In order to provide state protection of the interests of the Kyrgyz Republic and competitiveness of the domestic product (services) in the state standards in the justified cases, preliminary requirements for the future, outrunning the abilities of the traditional technologies, shall be established.~~

~~Requirements established by the state standards to ensure security of the product, works and services for the environment, life, health and property, technical and informational compatibility, interchangeability of the product, unity of methods of their control and labeling, as well as other requirements established by the legislation of the Kyrgyz Republic, are obligatory for compliance by the bodies of the state management and businesses.~~

~~Compliance of the product and services to the mentioned requirements of the state standards shall be determined according to the procedure established by the legislation of the Kyrgyz Republic on voluntary certification of goods and services.~~

~~Other requirements of the state standards to the goods, works and services shall be subject to obligatory compliance by the businesses in virtue of the agreement or in the case when it is mentioned in the standards. In this case the accordance of the product and services to the requirements of the state standards can be determined according to the procedure established by the legislation of the Kyrgyz Republic on voluntary certification of goods and services.~~

~~Compliance of goods and services to the requirements of the state standards can be confirmed by means of labeling of goods and services by the mark of compliance to the state standards.~~

~~The form of the mark of compliance to the state standards, procedure of labeling and issue of licenses to businesses for labeling of their goods and services shall be established by Kyrgyzstandard.~~

~~In accordance with this Law the state standards shall be adopted by Kyrgyzstandard, and in the sphere of construction and production of building materials by the Ministry of Architecture and Construction of the Kyrgyz Republic, in the sphere of environment protection by the Ministry of Environment Protection of the Kyrgyz Republic.~~

~~Branch standards can be elaborated and adopted by other bodies of state management within their competence for the purposes of ensuring the requirements, mentioned in Article 1 of this Law in relation to the goods, works and services of the branch significance.~~

~~For the goods, works and services applied only at this company (corporation), the standards of the companies can be elaborated.~~

~~Standards of scientific and technical, engineering societies and other public unions shall be elaborated and adopted by these public unions to distribute and apply the achieved results of scientific research, technical projects and technologies in different branches of knowledge. The businesses shall independently determine the necessity of using these standards.~~

~~Technical conditions are the regulations on standardization, establishing the requirements for the certain product (models, marks) and regulating the relationships between the supplier (producer, elaborator) and consumer of the product.~~

~~State and branch standards, standards of scientific and technical, engineering societies and other public unions, as well as technical conditions shall be put into effect after their state registration in Kyrgyzstandard, and in the sphere of construction and production of~~

~~building materials – in the Ministry of Architecture and Construction of the Kyrgyz Republic, in the sphere of environment protection – in the Ministry of Environment Protection of the Kyrgyz Republic.~~

~~Requirements of the branch standards, standards of scientific and technical, engineering societies and other public unions, as well as of technical conditions shall not contradict the obligatory requirements of the state standards of the Kyrgyz Republic and can add and tighten the requirements established in them.~~

~~Responsibility for compliance of the requirements of the mentioned standards and technical conditions with the obligatory requirements of the state standards shall be borne by the companies (entities) which adopted them.~~

~~The procedure of elaboration, adoption, registration, application and control of the compliance with the requirements, changing or canceling the standards and technical conditions shall be established in accordance with this Law, state standards of the State System of Standardization of the Kyrgyz Republic.~~

~~State and branch standards shall not be the subject of the copyright.~~

~~Classifiers of the technical and economic information shall be adopted by the National Statistics Committee of the Kyrgyz Republic (hereafter – “Natsstateom of the Kyrgyz Republic”).~~

~~The procedure of elaboration, adoption, enforcement, application and maintenance of classifiers of technical and economic information shall be established by the Natsstateom of the Kyrgyz Republic in agreement with Kyrgyzstandard.~~

Normative documents on standardization which are in force in the territory of the Kyrgyz Republic in cases and according to procedure and on terms and conditions established by this Law shall include:

- state standards of the Kyrgyz Republic (further referred to as state standards);
- international (regional) standards, rules, norms and recommendations on standardization applied according to established procedure;
- classifiers of technical and economic information;
- branch standards;
- standards of enterprises;
- standards of scientific-technical and engineering societies and other public associations;
- technical conditions.

Requirements established by standardization-related normative documents shall be based on modern achievements of science, technique and technology, international (regional) standards, rules, norms and recommendations on standardization, progressive national

standards of other states, taking into account existing climatic and geographical factors, and shall not violate provisions established by acts of the Kyrgyz Republic legislation.

Requirements established by standardization-related normative documents for imports and domestically produced products shall be the same.

State standards shall be developed for products, works and services that are of an inter-branch meaning and have prospects for a multiple reproduction and (or) use and shall not contradict legislation of the Kyrgyz Republic.

State standards shall contain:

- requirements in respect of safety of products, works and services for environment, life, health and property; accident prevention and industrial sanitation requirements;
- requirements on technical and information compatibility, as well as interchangeability of products;
- basic consumers' (exploitation) characteristics of products, methods of their control, requirements in respect of packaging, marking, transportation, storage, use and utilization of products and other requirements in compliance with the State System of Standardization of the Kyrgyz Republic.

To provide state protection of the Kyrgyz Republic's interests and competitiveness of domestic products (services), preliminary requirements for the future, which outstrip the potentialities of traditional technologies, shall be established in state standards in grounded (substantiated) cases.

Requirements established by state standards for providing safety of products, works and services for environment, life, health and property, technical and information compatibility, interchangeability of products, unity of methods of their control and marking, and also other requirements established by legislation of the Kyrgyz Republic, shall be mandatory for bodies of state management and business entities to meet.

Compliance of products and services with the mentioned requirements of state standards shall be determined according to procedure established by legislation of the Kyrgyz Republic on mandatory certification of products and services.

Mandatory requirements shall not be maintained if circumstances or reasons giving rise to their adoption do not exist.

Other requirements of state standards in respect of products, works and services shall be proposed (voluntary) and shall be mandatory for business entities to meet by virtue of Agreement or in a case where standards mention this. And compliance of products and services with requirements of state standards can be determined according to procedure

established by legislation of the Kyrgyz Republic on voluntary certification of products and services.

Compliance of products and services with requirements of state standards may be confirmed by means of marking products and services by a mark of compliance with state standards.

The form of a mark of compliance with state standards, the procedure of marking and issuing to business entities licenses for marking products and services shall be established by Kyrgyzstandard.

In compliance with this Law state standards shall be adopted by Kyrgyzstandard, and in the sphere of construction and industry of building materials - by the Ministry of Architecture and Construction of the Kyrgyz Republic, in the sphere of environmental protection - by the Ministry of Environmental Protection of the Kyrgyz Republic.

Standards shall not be prepared, adopted or applied with a view or with the effect of creating unnecessary barriers to international trade. They shall not be more trade-restrictive than necessary to fulfill legitimate objectives.

These legal objectives shall include but not limited by:

- national security requirements;
- protection of health or security of people, life or health of animals or plants;
- environmental protection.

Branch standards may be developed and adopted by other bodies of state management within their competence with a view to meet requirements mentioned in Article 1 of this Law as applied to products, works and services of a branch importance.

For products, works and services used only at this enterprise (association of enterprises) standards of enterprises may be developed.

An enterprise's standard shall be a standard approved (adopted) by the enterprise.

Standards of scientific-technical and engineering societies and other public associations shall be developed and adopted by these public associations to distribute and use achieved results of scientific research, technical developments and technologies in different spheres of knowledge. Business entities shall independently determine the necessity to use these standards.

Technical conditions shall be a normative document on standardization that establishes requirements in respect of specific products (models, marks) and regulates relations between a supplier (manufacturer, developer) and a consumer of products.

State and branch standards, standards of scientific-technical and engineering societies and other public associations, technical conditions shall come into force after their state registration with Kyrgyzstandard, and in the sphere of construction and industry of building materials - with the Ministry of Architecture and Construction of the Kyrgyz Republic, in the sphere of environment - with the Ministry of Environmental Protection of the Kyrgyz Republic.

Requirements of branch standards, standards of scientific-technical and engineering societies (companies) and other public associations, as well as requirements of technical conditions shall not contradict mandatory requirements of state standards of the Kyrgyz Republic.

Responsibility for the compliance of the requirements of the above mentioned standards and technical conditions with obligatory requirements of state standards shall be borne by organizations (enterprises) which adopted them.

The procedure of the development, adoption, registration, application and control of meeting the requirements, change and abolition of standards and technical conditions shall be established in compliance with this Law, state standards of the State System of Standardization of the Kyrgyz Republic.

State, branch standards and state classifiers of technical and economic information shall not be objects of copyright.

The classifiers of technical and economic information shall be adopted by the National Statistics Committee of the Kyrgyz Republic (further referred to as Natsstatcom of the Kyrgyz Republic).

Natsstatcom of the Kyrgyz Republic, by agreement with Kyrgyzstandard, shall establish the procedure for the development, adoption, bringing into force, application and introduction of the classifiers of technical and economic information.

Article 7. Application of Normative Documents on Standardization

Technical regulation shall be a regulation, document which lays down product (services) characteristics or their related processes and production methods. It may also include requirements in respect of terminology, symbols, packaging, marking or labeling of products or entirely deal with these issues. Fulfilment of a technical regulation shall be mandatory.

Technical regulations should include legislative acts or decisions of the Cabinet of Ministers in compliance with the WTO Agreement on Technical Barriers to Trade: norms and rules being laid down by bodies of state management in compliance with legislation that is in force in the Kyrgyz Republic.

Technical regulation shall contain either technical requirements directly (e.g. Mandatory requirements of state standards) or by a reference to a standard or including the content of the standard.

Members shall specify technical regulations based on product requirements in terms of performance rather than design or descriptive characteristics.

Normative documents on standardization shall be applied by the state management bodies and business entities at the stages of elaboration, preparation of the product for production, its production, sale (supply), use (exploitation), storage, transportation and utilization, at performance of works and rendering services, at elaboration of technical (design, technological, project) documentation, including the catalogue lists on the goods to be supplied (services rendered).

Client and executor shall include into the agreement the condition on accordance of the product, works and services performed to the obligatory requirements of the state standards, as well as make precise the conditions of accordance of other standard requirements.

International, interstate and regional standards, standards of other countries, their rules, norms and recommendations on standardization shall be applied in the Kyrgyz Republic in accordance with agreements according to the procedure established by Kyrgyzstandard and other bodies of state management within their competence.

The necessity of applying normative documents on standardization in respect of products (services) produced (rendered) on the territory of the Kyrgyz Republic with a view to export them from the territory shall be defined by a contract (agreement), except cases established by legislation of the Republic.

Import of products and services to the customs territory of the Kyrgyz Republic, as well as confirmation of their compliance with mandatory requirements of state standards shall be carried out according to procedure established by legislation on mandatory certification».

Article 8. Information on Normative Documents on Standardization, Their Issue and Implementation

Official information on drafts being developed and on adopted state standards, classifiers of technical and economic information, as well as the state standards and classifiers themselves shall be available for the users including foreign ones, in the part, in which they do not make up a state secret.

Kyrgyzstandard shall organize the publication and distribution of official information:

- on the program of works on state standardization at least once within 6 months;
- on draft standards being developed to get comments;

- on state standards, international (regional) standards, rules, norms and recommendations on standardization, national standards of other states, international agreements in the area of standardization and rules for their application, create and maintain the State Fund of Standards and Classifiers of Technical-Economic Information and international (regional) standards, rules, norms and recommendations on standardization, National standards of foreign countries. The procedure of creation and rules for using this fund shall be established by the Cabinet of Ministers of the Kyrgyz Republic.

Bodies of the state management, business entities, which have adopted the regulations on standardization, shall form and maintain information funds of these documents and also provide the users with information about them and with the documents themselves on the agreed basis.

The exclusive right of official publication of the state standards and classifiers of technical and economic information belongs to the bodies of state management, which adopted these documents according to the procedure established by the Cabinet of Ministers of the Kyrgyz Republic.

To organize receiving and giving information on standards being developed and adopted, technical regulations, sanitary and phytosanitary measures and conformity assessment procedures under the State Fund of Standards and Classifiers of Technical and Economic Information, the Main Information Center shall be created according to procedure established by the Cabinet of Ministers of the Kyrgyz Republic.

Section III

State Control and Supervision Over Compliance with the Requirements of the State Standards

Article 9. State Control and Supervision

State control and supervision of observance by the businesses of the obligatory requirements of state standards shall be carried out at stages of elaboration, preparation of the product for production, its manufacturing, sale (supply), use (exploitation), storage, transportation and utilization, as well as at performance of works (processes) and rendering services.

Kyrgyzstandard and other specially authorized bodies of the state management, within their competence, in accordance with the Law of the Kyrgyz Republic, shall establish the procedure of carrying out the state control and supervision over the compliance with the obligatory requirements of the state standards.

Officials of business entities shall create all conditions needed for carrying out state control and supervision over compliance with the obligatory requirements of the state standards.

Article 10. Bodies of State Control and Supervision

Kyrgyzstandard, other specially authorized bodies of the state management and their officials, within their competence, shall carry out state control and supervision.

Article 11. State Inspectors, Their Rights, Obligations and Responsibility

State inspectors carrying out state control and supervision over compliance with the obligatory requirements of the state standards shall be under protection of the State.

State Inspector shall have the right:

- to free access to official and productive premises of business entities;
- to receive from business entities documents and information needed to carry out state control and supervision over compliance with the obligatory requirements of the state standards;
- to use technical means and business specialists at carrying out state control and supervision over compliance with the obligatory requirements of the state standards;
- to carry out, in accordance with the acting normative documents on standardization, selection of tests and samples of the products, and services for control of their conformity to the obligatory requirements of the state standards with reference of the cost of the expended samples and costs to carrying out tests (analyses and measurements) to the expenditures of production of the business entities being checked;
- to issue recommendations on elimination of the revealed violations of the obligatory requirements of the state standards at the stages of elaboration, preparation of the product for production, its manufacturing, sale (supply), use (exploitation), storage, transportation and utilization, as well as at performing works (processes) and rendering services;
- to issue recommendations on prohibition and suspension of production, supply, sale use (exploitation) of the product checked, as well as of performance of works (processes) and services in cases of their noncompliance with the obligatory requirements of the state standards and the ones of other countries;
- to prohibit sale of goods, performance of works and rendering services in cases of avoidance of the business entity from presenting the goods, works (processes) and services for check;
- to compile protocols on application in respect of the business entities of penalties for violations of the obligatory requirements of the state standards.

State inspector shall be obliged:

- to prevent and stop violation by all the business entities of the state standards establishing obligatory requirements to the products;
- to present to the bodies of state management and public organizations true information on actual state of observance by the business entities of the established requirements to the products which ensure safety for the life, health and environment protection;
- to carry out state control and supervision over observance of obligatory requirements of the state standards at stages of elaboration, preparation of the product for production, its manufacturing, sale (supply), repair, use (exploitation), storage, transportation and utilization, as well as at performing works (processes) and rendering services.

State inspectors, in cases of non-observance by the business entities of the recommendations issued, shall refer the necessary materials to the court, prosecution bodies, tax inspectorate, administrative commissions for the measures to be taken in accordance with the legislation of the Kyrgyz Republic.

State inspectors, when carrying out the obligations imposed, shall protect the interests of consumers, business entities and the State on the basis of the legislation of the Kyrgyz Republic.

State inspectors shall bear criminal, administrative, civil and legal liability, established by the legislation of the Kyrgyz Republic, for:

- non execution or non proper execution of their obligations;
- exceeding of power;
- deluging of state or commercial secret.

Section IV. Responsibility for Violation of the Provisions of this Law

Article 12. Criminal, Administrative, Civil and Legal Responsibility

Legal entities and natural persons, as well as the bodies of state management guilty in violation of the provisions of this Law, shall bear the responsibility in accordance with the legislation of the Kyrgyz Republic.

Article 13. Responsibility of Business Entities

For production, delivery and realization (sale) of products, implementation of works (processes) and rendering services, that are not in compliance with mandatory requirements of standards, business entities shall pay a penalty in the amount of up to 50% of cost of products sold, works implemented and services rendered, and in the event of violation of safety requirements for life, health and property of citizens, environment - 100% of cost of products sold, works implemented and services rendered.

For violation of recommendations of state inspectors on prohibition or suspension of sale (supply) of products, performance of works and services the businesses shall pay penalties amounting to two times of the value of goods sold, works (processes) performed and services rendered. In the exceptional cases, if the value of the goods sold, works (processes) performed and services rendered is not possible to be determined, penalties amounting to 250 minimum rates shall be applied in respect of legal entities, and to 20 minimum rates - in respect of natural persons.

Economic sanctions imposed on legal entities shall be implemented within a 30-day period from the day of receiving an instruction. In the event of evading payment of economic sanctions within the period fixed or not paying them in full volume bodies of state control and supervision shall have the right to apply to Arbitration Court concerning recovery of respective amounts from legal entities and also a penalty in the amount of 1% of imposed amount or of its not-paid part for each day of delay.

60% of the penalties applied shall be paid to the republican budget, 30% - to the local budget and the rest - to the territorial body carrying out supervision for the improvement of its works and development of the financial and technical resources.

Penalties provided for by Parts I and II of this Article and applied to natural persons shall be implemented within a 30-day period from the day of getting proposals on imposing a fine. In the event of evading the fine bodies of state control and supervision shall have the right to bring a suit to Public Court.

Section V. Funding of Works on State Standardization, State Control and Supervision, Stimulation of State Standards Application

Article 14. Funding of Works on State Standardization , State Control Over Compliance with the Requirements of State Standards

The following shall be subject to state funding:

- elaboration of standards, establishing obligatory requirements in accordance with the legislation of the Kyrgyz Republic, classifiers of technical and economic information, preparation and publication of official information about them, as well as publication of the information on publishing these documents for sending it to all the interested users;
- elaboration and (or) participation in elaboration of international (regional) and inter-state standards, rules, norms and recommendations on standardization;
- elaboration of draft Laws and other normative acts of the Kyrgyz Republic on certain standardization objects, as well as ensuring of operation of the basic organizational or technical and general technical complexes of the standards;
- carrying out of research work on standardization which have national importance;

- carrying out of state control and supervision over compliance with the requirements of the standards and technical conditions;
- creation and maintenance of the state fund of standards, classifiers of technical and economic information, international (regional) and inter-state standards, rules, norms and recommendations on standardization, national standards of other countries, state catalogue of goods and services;
- other works on state standardization determined by the Cabinet of Ministers of the Kyrgyz Republic;
- paying membership fees for the participation of the Kyrgyz Republic in international (regional) and interstate organizations on standardization within quotas established by charters and regulations of these organizations.

Sources for funding the works on standardization, state control and supervision of compliance with the requirements of standards and technical conditions can be:

- resources received according to the established procedure from sale of the published (republished) state, international (regional) and inter-state standards, rules, norms and recommendations on standardization, national standards of other countries, classifiers of technical and economic information, and state catalogue of goods and services;
- resources received from charging penalties for violation of the provisions of this Law (the actual amount shall be established by the legislative acts of the Kyrgyz Republic);
- money from profit (income) created from rendering the services by Kyrgyzstandard, other bodies of state management which carry out state control and supervision, as well as from business entities;
- loans and investments.

When elaborating state programs, fully or partially financed at the expense of the budget resources, as well as programs on creation and development of production of defenses, sections of normative ensuring of quality of goods (works, services) must be provided for.

Article 15. Stimulation of State Standards Application

The State shall guarantee economic support and stimulation of business entities which produce competitive goods, labeled with the marks of accordance to the state standards.

Measures of economic support and stimulation of business entities are established according to the procedure and on terms stipulated by the legislative acts of the Kyrgyz Republic.

President of the Kyrgyz Republic

A.Akaev