

# **THE LAW OF TURKMENISTAN ON CERTIFICATION OF THE PRODUCTS AND SERVICES**

The present Law establishes the legal bases of certification of the products, services and other objects (hereafter - a product) in Turkmenistan, and also the rights and obligations of the participants of certification.

## **Chapter I. General regulations**

### **Article 1. The concept of certification.**

Certification of the product (hereinafter - certification) - is the activity to confirm the correspondence of the product to the established requirements. Certification is carried out with the aim of: establishing conditions for the activity for enterprises, institutions, organizations and enterprises in united trade market of Turkmenistan, and also to participate in international economic, scientific and technical cooperation and international trade:

- assisting consumers in a competent choice of products;
- protection of consumers from non-conscientious producer (seller, executor);
- to control (controlling) safety of the products for environment, life, health and property (ownership);
- confirmation of the indicators of products quality, declared by the producer.

### **Article 2. Legislation of Turkmenistan on certification.**

Relations in the field of certification are regulated by the present Law and the acts of legislation of Turkmenistan issued according to that.

### **Article 3. International treaties .**

If according to the international treaties other rules are established than the ones, which are contained in the legislation of Turkmenistan on certification than the rules of international agreement is used.

## **Chapter II. On Certification**

### **Article 4. The state system of certification.**

The state system of certification sets the basic regulations and rules of certification, its principles and structure, its requirements to the bodies on certification, laboratories (centres), the order of their certification and accreditation, methods of certification of production, of certified products, inspection control of certified products and activity of accredited bodies on certification, laboratories (centres), other rules and requirements needed for realisation of the goals of certification.

#### **Article 5. The organisational structure of state system of certification.**

The organisational structure of state system of certification are formed by:  
- the state body on certification of the products and services (the main inspection of Turkmenistan), local bodies of certification of products and services, testing trial laboratories (centres).

#### **Article 6. The obligatory certification.**

1. Obligatory certification is the certification of a product on correspondence to the demands of a standards or other normative document, providing its safety for life, health of people, property (ownership) of citizens and environment, the quality of products (work, services). The nomenclature of products (work, services) are to be subjected to certification is confirmed by the Cabinet of Ministers of Turkmenistan.

All products imported to the country and exported from is to be subjected to certification. Certification is conducted by the bodies of certification according to the worked out rules and competence.

2. In case of a positive decision of the body on certification as a result of holding of certification of the products (works, services) the applicant is given the certificate of correspondence giving him the right to mark given product with the sign of correspondence in the order set by the state body on certification of products and services.
3. The signs of correspondence used in the system of certification and also the national sign of correspondence are registered in the state Registry on Certification.

#### **Article 7. Rights and obligations of the participants of the state system of certification.**

1. The state body on certification of the products and services carries out inspection (checking) of enterprises, obligations and in case of breaking (violating) the requirements of the standards and technical conditions in working out (elaboration), production, fixing, transformation, keeping and exploitation of the products and conditions of certification has right to:
  - give an order to eliminate violations;
  - to withdraw and destroy (annihilate) products which contain chemical and other substances body for health which exceeds (overdraws) the admitted norm several times;
  - to hold up the production, realisation, use, exploitation of the product, not to give or annual (cancel) the effect (work, functioning) of the certificate of correspondence, and the right to use the Law of correspondence in repeated violation;
  - to append penalty, economic sanctions;
  - to conduct metrological certification and inspection (checking) of the means (tools) of measurement;
  - to licence the activity on producing, inspection, fixing (repairing), selling, hiring of the means of measurement;
  - to carry out supervision of packing and package of goods, issue into circulation, condition and use of the means of measurement, observance of the metrological norms and rules;
  - to accredit the bodies on certification, testing laboratories (centres), to issue them licences for providing certain types of work;
  - to conduct the state registry of the participants and objects of certification;
  - to set up rules of recognition of foreign certificates, signs of correspondence and results of testing;
  - to set up the rules of accrediting and issue of licence to conduct the work on certification;
  - to carry out the state control and supervision of the observance of the rules of certification and certified products;
  - to consider appeals on the problems issues of certification to issue certificates and licences to use signs of correspondence;
  - to give directions or to stop the effect on cancellation of document, issued by other bodies on certification, if they do not contradict to the

requirements of state system of certification.

The state body on certification of products and services is obliged:

- to observe the legislation of Turkmenistan, rights and interests of enterprises and citizens protected by the Law;
- to provide the effective fulfilment of the state supervision under the observance of the requirements of standards and other normative and technical documents by enterprises and citizens.

The state body on certification of the products and services carries out the work with organizations and enterprises on self-supporting base establishes the Certification Fund of products and services together with them, the means of which are not subjected to taxation.

2. Body on certification:

- certifies the products and issues certificates;
- holds up (stops) or cancels the functioning (effect) of the issued certificates to him;
- provides the applicant at his demand the necessary information in the limits of its competence

3. Testing laboratories (centres) certified and accredited in the fixed order by corresponding system of certification, carries out testing of the concrete product or concrete type of tests and issue the minutes of tests for the purposes of certification.

4. Producers (sellers, executors) of products, realised at the territory of Turkmenistan are obliged:

- to realise this product only in case of existence of the certificate issued and recognised to be authorised to that by the body;
- to provide the correspondence of the product being realised to the requirements of the normative documents, correspondence to which it was certified and marking it by with the sign of correspondence in the fixed order;
- to point out the information on certification and normative documents in the covering technical documentation, which the product has to correspond to and provide bringing of this information to the consumer (buyers, customers) notice;
- to hold up or cease the realisation of the certified product, if it does

not correspond to requirements of the normative documents, correspondence to which it was certified, on expiration of the deadline of the certificate or in case, if the work of certificate was hold up or cancelled by the decision of the body on certification;

- to provide unimpeded fulfilment of their authorities by official functionaries of the bodies carrying out certification of the product and control of certified product;
- to inform the body on certification in the fixed order on changes inserted into technical documentation or into technological process of production of certified product.

### **Article 8. Conditions of bringing in the imported product.**

1. In the terms of contracts, signed on the delivery of the products to Turkmenistan the existence of the certificate and the sign of correspondence confirming its correspondence to the fixed requirements has to be stipulated. The indicated certificate and signs of correspondence has to be issued and recognised by the authorised body of Turkmenistan.
2. Certificates or documents on their recognition are produced to the customs bodies together with their cargo customs declaration and are necessary documents for receiving permission to bring in the products to the territory of Turkmenistan.
3. The order of bring in the territory of Turkmenistan, the products has to be obligatorily certified is set by the authorised body, according to the legislative acts of Turkmenistan.

### **Article 9. Financing of the work on certification and state control and supervision.**

1. Elaboration of the rules and recommendations on holding of certification, providing official information in the field of certification;  
Participation in the work of international (regional) organizations on certification and holding of work with foreign national bodies on certification;  
Holding of scientific and research and other work on certification,

having the nation-wide significance;  
Holding of state control and supervision of the observance of the rules of certification and certified products;  
Holding of the state Registry on certification and accrediting and keeping in the archive of the materials of state registration of the system of certification and signs of correspondence;  
Other works on certification, determined by the legislation of Turkmenistan;  
are subjected to the obligatory (mandatory) state financing.

2. Payment on certification of the concrete products is produced by the applicant in the order, set up by the authorised body.  
The total amount of the expenditures made by the applicant to conduct the obligatory certification of its products, ascribed to its cost.

### **Chapter III. Responsibility for breaking (violation) of the regulations (principles) of the present Law.**

#### **Article 10. Criminal, administrative or civil and legal responsibility.**

For breaking (violation) of the legislation on certification and services the juridical and physical persons, and also bodies of state management take the disciplinary, material, administrative or criminal responsibility set up by the Law.

### **Chapter IV. The Settlement of disputes**

#### **Article II. The bodies, settling disputes in the field of certification of the products and services.**

Disputes in the field of certification of the products and services are tried by the courts in the order set up by the legislation of Turkmenistan.  
Insert the present Law into the power from the day of its publishing in the press.

**PRESIDENT OF TURKMENISTAN  
SAPARMURAT TURKMENBASHI**

**Ashgabat, October 8, 1993**

