

RUSSIAN FEDERATION

FEDERAL LAW

No. 184-Φ3, dated 27.12.2002

"On Technical Regulations"

Adopted 15.12.2002 by State Duma
Approved 18.12.2002 by Council of Federation

Chapter 1. GENERAL PROVISIONS

Article 1. Scope of This Federal Law

1. This Federal law regulates the relations arising during:
development, adoption, application and execution of obligatory requirements for products, processes of production, operation, storage, transportation, marketing and utilization;
development, adoption, application and execution on a voluntary basis of the requirements for products, processes of production, operation, storage, transportation, marketing and utilization, executing of works or rendering of services;
conformity assessment.

This Federal law also defines the rights and duties of the participants, whose relations are regulated by this Federal law.

2. The requirements for operation of uniform communication network of the Russian Federation and for products connected with ensuring of integrity, stability of operation of the specified communication network and its safety, the relations connected with ensuring of integrity of the uniform communication network of the Russian Federation and using of radiofrequency spectrum, are respectively established and regulated by the legislation of the Russian Federation in the field of communications.

3. The validity of this Federal law does not apply to the state educational standards, to provisions (standards) for accounting and rules (standards) for auditor activity, to standards for article issue and offering circulars of article issue.

Article 2. Basic Concepts

The following basic concepts are used for the purposes of this Federal law:

Accreditation – is the official recognition, by accreditation body, of the competence of a natural or legal person to perform operations in definite area of conformity assessment;

Safety of products, processes of production, operation, storage, transportation, marketing and utilization (hereinafter referred to as safety) – is the condition during which there is no inadmissible risk connected with causing of harm to life or health of people, to property of natural or legal persons, to state or municipal property, to environment, to life or health of animals and plants;

Veterinary-sanitary and phytosanitary measures – are the obligatory requirements and procedures, established for the purpose of protection against the risks, arising in connection with penetration, assimilation or spreading of harmful organisms, diseases, carriers of sicknesses or pathogenic organisms, including the cases of their transfer or spreading by animals and (or) plants, products, cargoes, materials and vehicles, in connection with the presence of additives, contaminants, toxins, pests, weeds, pathogenic organisms, including those in foodstuffs or forages, and also the obligatory requirements and procedures established with a view of preventing any other harm connected with spreading of harmful organisms;

Declaring of conformity – is the form of conformity assurance of products to the requirements of technical regulations;

Supplier's declaration – is the document certifying the conformity of the released product to the requirements of technical regulations;

Applicant – is the natural or legal person carrying out the obligatory assurance of conformity;

Mark of market access – is the label intended for informing of purchasers on conformity of released products to the requirements of technical regulations;

Mark of conformity – is the designation intended for informing of purchasers on conformity of certification object to the requirements of voluntary certification system or the national standard;

Identification of products – is the ascertaining of identity of product performances to its essential attributes;

Control (supervision) over observance of the technical regulation requirements – is the inspection of execution by a natural or legal person of the technical regulation requirements for products, processes of production, operation, storage, transportation, marketing and utilization, and taking appropriate measures by inspection results;

International standard – is the standard, adopted by international organization;

National standard – is the standard approved by national standardization body of the Russian Federation;

Certification body – is the natural or legal person, accredited in accordance with the established procedure for executing of works on certification;

Conformity assessment – is the direct or indirect estimation of observance of the requirements being lodged for an object;

Conformity assurance – is the documentary certifying of conformity of products or other objects, processes of production, operation, storage, transportation, marketing and utilization, executing of works or rendering of services to the requirements of technical regulations, provisions of standards or conditions of contracts;

Product – is the result of activity, presented in physical form and designed for further use with economic and other purposes;

Risk – is the probability of causing harm to life or health of people, to property of natural or legal persons, to state or municipal property, to environment, life or health of animals and plants, taking into account the weight of this harm;

Certification – the form of conformity assurance of objects to the requirements of technical regulations, to provisions of standards or conditions of contracts, realized by certification body;

Conformity certificate – is the document certifying the conformity of an object to the requirements of technical regulations, to provisions of standards or conditions of contracts;

Certification system – is the set of rules for executing of works on certification, its participants and rules for operation of the certification system as a whole;

Standard – is the document establishing, for the purposes of voluntary multiple use, the product performances, the rules for realization and the characteristics of processes of production, operation, storage, transportation, marketing and utilization, executing of works or rendering of services. The standard may also contain the requirements for terminology, symbology, packing, marking or labeling, and the rules for their affixing;

Standardization – is the activity on establishing of rules and performances for the purpose of their voluntary multiple use, aimed at achievement of orderliness in the spheres of production and circulation of products, and at heightening of competitiveness of products, works or services;

Technical regulating – is the legal regulating of relations in the field of establishing, application and executing of obligatory requirements for products, processes of production, operation, storage, transportation, marketing and utilization, and also in the field of establishing and application, on a voluntary basis, of the requirements for products, processes of production, operation, storage, transportation, marketing and utilization, executing of works or rendering of services, and legal regulating of relations in the field of conformity assessment;

Technical regulation – is the document, which is adopted either by the Russian Federation international treaty ratified in accordance with the legislation of the Russian Federation, or by the federal law, or by decree of President of the Russian Federation, or by decree of the Russian Federation Government, and which establishes the obligatory requirements for technical regulating objects (for products, including buildings, structures and constructions, for processes of production, operation, storage, transportation, marketing and utilization);

Form of conformity assurance – is the definite order of documentary certifying of conformity of products or other objects, processes of production, operation, storage, transportation, marketing and utilization, executing of works or rendering of services to the requirements of technical regulations, to provisions of standards or conditions of contracts.

Article 3. Principles of Technical Regulating

The technical regulating shall be carried out in accordance with the principles of:

- application of uniform rules for establishing of the requirements for products, processes of production, operation, storage, transportation, marketing and utilization, executing of works or rendering of services;
- conformity of technical regulating to a level of national economy, material basis, and technology development;
- independence of accreditation and certification bodies from manufacturers, sellers, developers and purchasers;
- uniform system and rules of accreditation;
- unity of rules and methods of researches (tests) and measurements when conducting the procedures of obligatory conformity assessment;
- unity of application of the technical regulation requirements irrespective of types or peculiar properties of bargains;
- inadmissibility of competition limitation during accreditation and certification;
- inadmissibility of combining the powers of state control (supervision) body and certification body;
- inadmissibility of combining the accreditation and certification powers by one body;
- inadmissibility of off-budget financing of the state control (supervision) over observance of the technical regulation requirements.

Article 4. Legislation of the Russian Federation on Technical Regulating

1. The legislation of the Russian Federation on technical regulating consists of this Federal law, the federal laws adopted according to it and other normative legal acts of the Russian Federation.

2. Provisions of the federal laws and other normative legal acts of the Russian Federation, regarding the sphere of application of this Federal law (including those directly or indirectly providing for control (supervision) over observance of the technical regulation requirements), shall be applied regarding their parts not contradicting to this Federal law.

3. Federal executive bodies have the right to issue in the sphere of technical regulating only the acts of recommendatory character, except for the cases established by Article 5 of this Federal law.

4. If the international treaty of the Russian Federation in the sphere of technical regulating establishes other rules, than those stipulated by this Federal law, then the rules of the international treaty shall be applied. And if the international treaty provides for issuing of a national act for application of the treaty, then the rules of the international treaty and the Russian Federation legislation adopted on its basis shall be applied.

Article 5. Peculiarities of technical regulating regarding the defensive and state secret-safeguarded products (works, services)

1. In case of absence of technical regulation requirements for the defensive products (works, services) delivered for federal state needs under the state defensive order, for the products (works, services) used for the purpose of safeguarding the state secret data or categorized as the information of restricted access and safeguarded according to the legislation of the Russian Federation, and for the state secret-safeguarded products (works, services), the obligatory requirements shall be those for products, their performances and requirements for processes of production, operation, storage, transportation, marketing and utilization, established by federal executive bodies being the state customers of the defensive order within the limits of their competence, and (or) by the state contract.

2. The order of development, adoption and application of documents on standardization regarding the products (works, services), specified in Clause 1 of this Article, shall be established by the Government of the Russian Federation.

3. The conformity assessment (including the state control (supervision) over observance of obligatory requirements for products (works, services), specified in Clause 1 of this Article, shall be carried out in the order, established by the Government of the Russian Federation.

4. The obligatory requirements for products (works, services), specified in Clause 1 of this Article, shall not contradict the technical regulation requirements.

Chapter 2. TECHNICAL REGULATIONS

Article 6. The Purposes of Adoption of Technical Regulations

1. The technical regulations shall be adopted for the purpose of:
 - protection of life or health of people, property of natural or legal persons, state or municipal property;
 - protection the environment, life or health of animals and plants;
 - prevention of actions misleading the purchasers.
2. Adoption of technical regulations for other purposes is not allowed.

Article 7. The Matter and Application of Technical Regulations

1. The technical regulations, taking into account the risk degree of causing harm, shall establish the minimally necessary requirements, providing:

- emanation safety;
- biological safety;
- explosion safety;
- mechanical safety;
- fire safety;
- industrial safety;
- thermal safety;
- chemical safety;
- electrical safety;
- nuclear and radiation safety;
- electromagnetic compatibility regarding safety operation of devices and equipment;
- uniformity of measurements.

2. The requirements of technical regulations may not serve as a barrier to realization of business activity in the greater degree, than it is minimally necessary for execution of the purposes specified in Clause 1 of Article 6 of this Federal law.

3. The technical regulation shall contain the exhausting list of products, processes of production, operation, storage, transportation, marketing and utilization, in relation to which its requirements are established, and the rules for identification of technical regulating object for the purposes of application of the technical regulation. The technical regulation, with a view of its adoption, may contain the rules and forms of conformity assessment (including the schemes of conformity assurance), defined in view of a risk degree, deadlines of conformity assessment in relation to every technical regulating object and (or) the requirements for terminology, packing, marking or labeling and the rules of their affixing.

The conformity assessment shall be carried out in the form of state control (supervision), accreditation, testing, registration, conformity assurance, acceptance and commissioning of an object whose construction is completed, and in other forms.

The obligatory requirements, contained in technical regulations, for products, processes of production, operation, storage, transportation, marketing and utilization, the rules and forms of conformity assessment, the rules of identification, the requirements for terminology, packing, marking or labeling and the rules of their affixing shall be exhausting, shall have direct action in the whole territory of the Russian Federation and may be changed only by inserting of amendments and addenda in the appropriate technical regulation.

The requirements for products, processes of production, operation, storage, transportation, marketing and utilization, the rules and forms of conformity assessment, the rules of

identification, the requirements for terminology, packing, marking or labeling and the rules of their affixing, not included into technical regulations, may not be the obligatory ones.

4. The technical regulation shall contain the requirements for product performances, processes of production, operation, storage, transportation, marketing and utilization, but shall not contain the requirements for design and modification, except for the cases, when the reaching of the purposes of the technical regulation adoption, specified in Clause 1 of Article 6 of this Federal law, is not ensured because of absence of the requirements for design and modification in view of a risk degree of causing harm.

5. The technical regulations, in view of a risk degree of causing harm, may contain the special requirements for products, processes of production, operation, storage, transportation, marketing and utilization, the requirements for terminology, packing, marking or labeling and the rules of their affixing, providing the protection of separate categories of people (minors, pregnant women, nursing mothers, invalids).

6. The technical regulations shall be applied in identical way and in equal measure irrespective of the country and (or) place of product origin, realization of processes of production, operation, storage, transportation, marketing and utilization, types or peculiarities of bargains and (or) natural and (or) legal persons being manufacturers, executors, sellers, purchasers, taking into account the provisions of Clause 9 of this Article.

7. The technical regulation may not contain the requirements for the products, causing harm to life or health of people, which is accumulated during long use of these products and depends on other factors, not allowing to determine the degree of permissible risk. In these cases the technical regulation may contain the requirement concerning the informing of the purchaser on possible harm and on factors upon which it depends.

8. The international standards and (or) national standards may be used in full or in part as a basis for development of draft technical regulations.

9. The technical regulation may contain the special requirements for products, processes of production, operation, storage, transportation, marketing and utilization, terminology, packing, marking or labeling and the rules of their affixing, applied in separate places of the products origin, if the absence of such requirements can result, taking into account the climatic and geographical peculiarities, in non-reaching of the purposes specified in Clause 1 of Article 6 of this Federal law.

The technical regulations shall also establish the minimally necessary veterinary-sanitary and phytosanitary measures in relation to products originating from the separate countries and (or) places, including the restriction of import, use, storage, transportation, marketing and utilization, providing biological safety (irrespective of the ways of safety assurance used by the manufacturer).

The veterinary-sanitary and phytosanitary measures may provide for the requirements for products, for methods of product processing and production, for procedures of product testing, inspection, conformity assurance, the quarantine rules, including the requirements connected with transportation of animals and plants, for materials necessary to ensure life or health of animals and plants during their transportation, and also for methods and procedure of sampling, for methods of research and evaluating of risk and other requirements contained in technical regulations.

The veterinary-sanitary and phytosanitary measures shall be developed and applied on the basis of scientific data, and also taking into account the appropriate international standards, recommendations and other documents of the international organizations with a view of observance the necessary level of veterinary-sanitary and phytosanitary protection, which is defined taking into account the degree of actual scientifically justified risk. When evaluating the risk degree there may be taken into consideration the provisions of the international standards, recommendations of the international organizations, whose participant is the Russian Federation, prevalence of diseases and pests, and also the measures taken by suppliers for struggle against diseases and pests, the ecological conditions, the economic consequences connected with possible causing of harm, the volume of expenses for preventing of causing the harm.

When the urgent application of veterinary-sanitary and phytosanitary measures is necessary for achievement of the purposes of veterinary-sanitary and phytosanitary protection, and the appropriate scientific substantiation is insufficient or can not be obtained in proper time, the veterinary-sanitary and phytosanitary measures, provided for by technical regulations in

relation to definite types of products, may be applied on the basis of available information, including the information obtained from the appropriate international organizations, authorities of the foreign states, information on appropriate measures applied by others states or other information. Before adoption of the appropriate technical regulations in the case, established by this paragraph, veterinary-sanitary and phytosanitary measures are valid according to Clause 5 of Article 46 of this Federal law.

The veterinary-sanitary and phytosanitary measures shall be applied taking into account the appropriate economic factors - potential injury from reduction of volume of product manufacturing or sales in case of penetration, assimilation or spreading of any pest or disease, expenses for struggle against them or their liquidation, efficiency of application of alternative measures for limitation of risks, and also the necessity of minimizing the effect of the pest or disease on environment, production and circulation of products.

10. The technical regulation, adopted by the federal law or by decree of the Government of the Russian Federation, inures not earlier than in six months from the date of its official publication.

11. The rules and methods of researches (tests) and measurements, and also the rules of sampling for carrying out the researches (tests) and measurements, necessary for application of technical regulations, shall be developed, with observance of provisions of Article 9 of this Federal law, by federal executive bodies within the limits of their competence within six months from the date of official publication of technical regulations, and shall be affirmed by the Government of the Russian Federation.

12. The government of the Russian Federation shall develop proposals on ensuring of conformity of technical regulating to interests of the national economy, to a level of development of material basis and technological level, and also to the international norms and rules. For these purposes the Government of the Russian Federation shall affirm the program of development of technical regulations which is specified and published yearly.

The Government of the Russian Federation shall organize the continuous registration and analysis of all the cases of causing harm, as a result of violation of requirements of technical regulations, to life or health of people, property of natural or legal persons, state or municipal property, environment, life or health of animals and plants, taking into account the weight of this harm, and also shall organize the informing of purchasers, manufacturers and sellers on the situation in the field of observance of technical regulation requirements.

Article 8. Types of Technical Regulations

1. The following technical regulations are valid in the Russian Federation:

- general technical regulations;
- special technical regulations.

Obligatory requirements for separate types of products, processes of production, operation, storage, transportation, marketing and utilization shall be defined by set of requirements of general technical regulations and special technical regulations.

2. The requirements of general technical regulation are obligatory for application and observance in relation to any kinds of products, processes of production, operation, storage, transportation, marketing and utilization.

3. The requirements of express technical regulation shall take into account technological and other peculiarities of separate types of products, processes of production, operation, storage, transportation, marketing and utilization.

4. General technical regulations shall be adopted regarding:

- safe operation and utilization of machines and equipment;
- safe operation of buildings, structures, constructions and safe use of territories adjoining

to them;

- fire safety;
- biological safety;
- electromagnetic compatibility;
- ecological safety;
- nuclear and radiation safety.

5. Special technical regulations shall establish the requirements only for those separate types of product, processes of production, operation, storage, transportation, marketing and utilization, in relation to which the purposes, defined by this Federal law for adoption of technical regulations, are not ensured by the requirements of general technical regulations.

Special technical regulations shall establish the requirements only for those separate types of products, processes of production, operation, storage, transportation, marketing and utilization, whose risk degree of causing harm is higher than the risk degree of causing harm, taken into account by general technical regulation.

Article 9. Order of Developing, Adoption, Amending and Cancellation of Technical Regulation

1. The technical regulation shall be adopted by a federal law in the order established for adoption of federal laws, taking into account the provisions of this Federal law.

2. Any person may be the developer of draft technical regulation

3. The notification about development of draft technical regulation shall be published in the print of federal executive body on technical regulating and in information system of general-purpose in electronic-digital format.

The notification about development of draft technical regulation shall contain the information on products, processes of production, operation, storage, transportation, marketing and utilization, in relation to which the requirements being developed shall be established, with summary of the purpose of this technical regulation, with substantiation of necessity of its development and with specifying of those requirements being developed which differ from provisions of the appropriate international standards or obligatory requirements, which are valid in the territory of the Russian Federation at the moment of development of this draft technical regulation, and besides that the information on a method of familiarization with draft technical regulation, the denomination or surname, name and patronymic of the developer of the given draft technical regulation, the postal and e-mail (if any) addresses for receipt of written notices from the interested persons.

4. From the moment of publication of the notification on development of draft technical regulation this draft shall be available to the interested persons for familiarization. The developer is obliged on demand of the interested person to give him the copy of draft technical regulation. The payment for giving of this copy may not exceed an expenditure for its manufacture.

The developer shall update draft technical regulation taking into account the written notices of the interested persons, shall carry out public discussion of draft technical regulation and make the list of written notices of the interested persons with summarized contents of these notices and results of the discussion.

The developer is obliged to save written notices of the interested persons up to the date of coming into force of technical regulation, adopted by the appropriate normative legal act, and to grant them to deputies of State Duma, to representatives of federal executive bodies and expert commissions on technical regulating, specified in Clause 9 of this Article, at their inquiries.

The period of public discussion of draft technical regulation from the date of publication of the notification about development of draft technical regulation up to the date of publication of the notification about completion of public discussion may not be less than two months.

5. The notification about completion of public discussion of draft technical regulation shall be published in the print of federal executive body on technical regulating and in general-purpose information system in electronic-digital format.

The notification about completion of public discussion of draft technical regulation shall include the information on a method of familiarization with draft technical regulation and the list of written notices of the interested persons, and also the denomination or surname, name and patronymic of the developer of draft technical regulation, the postal and e-mail (if any) addresses for contact with the developer.

From the date of publication of notification about completion of public discussion of draft technical regulation the updated draft technical regulation and the list of written notices of the interested persons shall be available to the interested persons for familiarization.

6. The federal executive body on technical regulating is obliged to publish in the print the notification about development of draft technical regulation and of completion of public

discussion of this draft within ten days from the moment of payment for publication of notices. The order of publication of notices and amount of payment for their publication shall be established by the Government of the Russian Federation.

7. The submission of draft federal law on technical regulation to State Duma by a subject of legislative leadership right shall be carried out in the presence of the following documents:

substantiation of necessity of adoption of federal law on technical regulation with specifying of those requirements, which differ from provisions of the appropriate international standards or obligatory requirements, which are valid in the territory of the Russian Federation at the moment of development of draft technical regulation;

financial and economic substantiation of adoption of federal law on technical regulation;

documents confirming the publication of notification about development of draft technical regulation according to Clause 3 of this Article;

documents confirming the publication of notification about completion of public discussion of draft technical regulation according to Clause 5 of this Article;

list of written notices of the interested persons specified in Clause 4 of this Article.

Draft federal law on technical regulation with attached documents specified in this Clause, submitted to State Duma, shall be addressed by State Duma to the Government of the Russian Federation. Within one month after that the Government of the Russian Federation shall address to State Duma its comments for draft federal law on technical regulation, prepared in view of a conclusion of the expert commission on technical regulating.

8. Draft federal law on technical regulation, adopted by State Duma in the first reading, shall be published in the print of federal executive body on technical regulating and in general-purpose information system in electronic-digital format.

The corrections to draft federal law on technical regulation, adopted in the first reading, after termination of a period of their handing in shall be published in general-purpose information system in electronic-digital format not later than one month prior to consideration by State Duma of draft federal law on technical regulation in the second reading.

Federal executive body on technical regulating is obliged to publish in its print the draft federal law on technical regulation within ten days from the moment of payment for its publication. The order of publication of draft federal law on technical regulation and amount of payment for its publication shall be established by the Government of the Russian Federation.

Draft federal law on technical regulation, prepared for the second reading, shall be addressed by State Duma to the Government of the Russian Federation not later than one month before consideration of the specified draft by State Duma in the second reading. Within one month after that the Government of the Russian Federation shall address to State Duma its comments for draft federal law on technical regulation, prepared in view of a conclusion of the expert commission on technical regulating.

9. The expertise of draft technical regulations shall be carried out by expert commissions on technical regulating, which consist, on an equal footing, of representatives of federal executive bodies, scientific organizations, self-regulated organizations, public associations of businessmen and consumers.

The order of creation and functioning of expert commissions on technical regulating shall be affirmed by the Government of the Russian Federation. Federal executive body on technical regulating shall affirm the personnel of expert commissions on technical regulating and shall provide its functioning. The sessions of expert commissions on technical regulating shall be open.

The conclusions of expert commissions on technical regulating are subject to obligatory publication in the print of federal executive body on technical regulating and in general-purpose information system in electronic-digital format. The order of publication of such conclusions and amount of payment for their publication shall be established by the Government of the Russian Federation.

10. In case of noncompliance of technical regulation with the interests of the national economy, with development of material basis and technological level, and also with the international norms and rules, the Government of the Russian Federation is obliged to start the procedure of inserting the amendments into the technical regulation or procedure of cancellation of the technical regulation.

The inserting of amendments and addenda into technical regulation or its cancellation shall be carried out in the order, provided for in this Article and Article 10 of this Federal law regarding development and adoption of technical regulations.

Article 10. Special order of development and adoption of technical regulations

1. In case of arising of unusual circumstances, resulting in direct threat to life or health of people, to environment, life or health of animals and plants, and in cases when for safety assurance of products, processes of production, operation, storage, transportation, marketing and utilization it is necessary to adopt immediately the appropriate normative legal act about technical regulation, President of the Russian Federation has the right to publish the technical regulation without its public discussion.

2. Technical regulation may be adopted by an international treaty (including the treaty with the CIS countries), subject to ratification in the order established by the legislation of the Russian Federation. In this case the draft technical regulation shall be developed in the order established by Clauses 2 to 6 of Article 9 of this Federal law.

3. Before coming into force of the federal law on technical regulation the Government of the Russian Federation shall have the right to publish a decree about appropriate technical regulation, developed in the order established by Clauses 2 to 6 of Article 9 of this Federal law.

Draft decree of the Government of the Russian Federation on technical regulation, prepared for consideration at session of the Governments of the Russian Federation, not later than one month before its consideration shall be sent for expertise to appropriate expert commission on technical regulating, which is created and realizes its activity in the order, established by Clause 9 of Article 9 of this Federal law. The draft decree of the Government of the Russian Federation about technical regulation shall be considered at session of the Government of the Russian Federation in view of the conclusion of appropriate expert commission on technical regulating.

Draft decree of the Government of the Russian Federation about technical regulation shall be published in the print of federal executive body on technical regulating and in general-purpose information system in electronic-digital format not later than one month before its consideration at session of the Government of the Russian Federation. The order of publication of the specified draft decree shall be established by the Government of the Russian Federation.

4. The appropriate technical regulation, issued by decree of President of the Russian Federation or decree of the Government of the Russian Federation, loses force from the date of coming into force of federal law on technical regulation.

Chapter 3. STANDARDIZATION

Article 11. The Purposes of Standardization

Standardization shall be carried out for the purposes of:

- heightening the safety level of life or health of people, property of natural or legal persons, state or municipal property, ecological safety, safety of life or health of animals and plants and assistance to observance of the requirements of technical regulations;
- heightening the safety level of objects taking into account the risk of arising of extreme situations of natural and man-caused character;
- assurance of scientific and technical progress;
- heightening of competitiveness of products, works and services;
- efficient use of resources;
- technical and information compatibility;
- comparability of results of researches (tests) and measurements, technical and economic-statistical data;
- interchangeability of products.

Article 12. Principles of Standardization

Standardization shall be carried out according to the principles of: voluntary application of standards;

maximal responsiveness of lawful interests of the interested persons during development of standards;

application of the international standard as a basis for development of the national standard, except for the cases when such application is recognized to be impossible as a result of noncompliance of requirements of the international standards with climatic and geographical peculiarities of the Russian Federation, with technical and (or) technological peculiarities, or by other reasons, or if the Russian Federation opposed against adoption of the international standard or its separate provision in accordance with the established procedures.

inadmissibility of creation the barriers to production and circulation of products, executing of works and rendering of services in the greater degree, than it is minimally necessary for execution of the purposes specified in Article 11 of this Federal law;

inadmissibility of establishing such standards which contradict technical regulations;

assurance of conditions for uniform application of standards.

Article 13. Documents in the Field of Standardization

The following documents shall be referred to documents in the field of standardization, used in the territory of the Russian Federation:

national standards;

rules of standardization, norms and recommendations in the field of standardization;

classifications applied in accordance with the established procedure, all-Russian classifiers of technical and economic and social information;

standards of organizations.

Article 14. National Standards Body of the Russian Federation, Technical Committees on Standardization

1. National standards body of the Russian Federation (hereinafter referred to as national standards body) shall:

affirm national standards;

adopt the program of development of national standards;

organize the expertise of draft national standards;

ensure the conformity of national standardization system to the interests of the national economy, to condition of material basis and scientific and technical progress;

realize the registration of national standards, rules of standardization, norms and recommendations in this area and shall ensure their availability for the interested persons;

create technical committees on standardization and shall coordinate their activity;

organize publication and distribution of national standards;

participate, according to charts of the international organizations, in development of the international standards and shall ensure the taking into account of interests of the Russian Federation in process of their adoption;

affirm the image of a mark of conformity to national standards;

represent the Russian Federation in the international organizations carrying out activity in the field of standardization.

2. The government of the Russian Federation shall define the body, authorized for execution of functions of national standards body.

3. With a view of this Article the publication of the national standard by national standards body shall be understood as the publication of the national standard in Russian in the print and in general-purpose information system in electronic-digital format.

4. The technical committees on standardization may include, on an equal footing and voluntary basis, the representatives of federal executive bodies, scientific organizations, self-regulated organizations, public associations of businessmen and customers.

The order of creation and functioning of technical committees on standardization shall be affirmed by national standards body.

The sessions of technical committees on standardization shall be open.

Article 15. National Standards, All-Russian Classifiers of Technical and Economic and Social Information

1. The national standards and all-Russian classifiers of technical and economic and social information, including the rules of their development and application, represent the national standardization system.

2. The national standards shall be developed in the order established by this Federal law. National standards shall be affirmed by national standards body according to rules of standardization, norms and recommendations in this area.

The national standard shall be applied on a voluntary basis similarly and to equal extent irrespective of the country and (or) place of a product origin, processes of production, operation, storage, transportation, marketing and utilization, executing of works and rendering of services, types or peculiarities of bargains and (or) the persons being manufacturers, executors, sellers, purchasers.

Application of the national standard shall be confirmed by a mark of conformity to the national standard.

3. The all-Russian classifiers of technical and economic and social information (hereinafter referred to as all-Russian classifiers) are the normative documents arranging the technical and economic and social information according to its classification (classes, groups, types, etc.). The classifiers are obligatory for application when creating the state information systems and information resources and during interdepartmental information interchange.

The order of development, adoption, enactment, maintenance and application of all-Russian classifiers in socio economic area (including forecasting, statistical account, bank activity, taxation, interdepartmental information exchange, creation of information systems and information resources) shall be established by the Government of the Russian Federation.

Article 16. Rules of Development and Approval of National Standards

1. National standards body shall develop and approve the program of development of national standards. The national standards body shall ensure the availability of the program of development of national standards to the interested persons for familiarization.

2. Any person may be the developer of the national standard.

3. The notification about development of the national standard shall be addressed to national standards body and shall be published in general-purpose information system in electronic-digital format and in the print of federal executive body on technical regulating. The notification about development of the national standard shall contain the information on those provisions, contained in draft national standard, which differ from provisions of the appropriate international standards.

The developer of the national standard shall ensure availability of draft national standard to the interested persons for familiarization. The developer is obliged, on demand of the interested person, to grant him the copy of draft national standard. The payment for granting of the specified copy may not exceed an expenditure for its manufacture.

In case the developer of the national standard is the federal executive body, the payment for granting the copy of draft national standard shall be effected to the federal budget.

4. The developer shall update the draft national standard in view of written notices of the interested persons, shall carry out public discussion of the draft national standard and shall make the list of written notices of the interested persons with summary of the notices contents and results of their discussion.

The developer is obliged to save written notices of the interested persons up to approval of the national standard and to represent them to national standards body and technical committees on standardization upon their inquiries.

The period of public discussion of draft national standard from the date of publication of notification about development of draft national standard up to the date of publication of notification about completion of public discussion may not be less than two months.

5. The notification about completion of public discussion of draft national standard shall be published in the print of federal executive body on technical regulating and in general-purpose information system in electronic-digital format.

From the date of publication of notification about completion of public discussion of draft national standard the updated draft national standard and the list of written notices of the interested persons shall be available for the interested persons for familiarization.

6. The order of publication of notification about development of draft national standard and notification about completion of public discussion of draft national standard and the amount of payment for their publication shall be established by the Government of the Russian Federation.

7. Draft national standard simultaneously with the list of written notices of the interested persons shall be represented by the developer to technical committee on standardization, which organizes the conducting of expertise of the given draft.

8. On the basis of documents, specified in Clause 7 of this Article, and taking into account the expertise results the technical committee on standardization shall prepare the motivated proposal on approval or rejection of draft national standard. The given proposal shall be addressed to national standards body simultaneously with the documents and expertise results specified in Clause 7 of this Article.

The national standards body on the basis of documents, represented by technical committee on standardization, shall make a decision on approval or rejection of the national standard.

The notification about approval of the national standard is subject to publication in the print of federal executive body on technical regulating and in general-purpose information system in electronic-digital format within thirty days from the date of the approval of the national standard.

In case the national standard is rejected, the motivated decision of national standards body with attachment of the documents, specified in Clause 7 of this Article, shall be addressed to developer of the draft national standard.

9. The national standards body shall affirm and publish in the print of federal executive body on technical regulating and in general-purpose information system in electronic-digital format the list of national standards which may be applied on a voluntary basis for observance of the requirements of technical regulations.

Article 17. Standards of Organizations

1. Standards of organizations, including the mercantile, public, scientific, self-regulated organizations and associations of legal persons may be developed and affirmed by them independently proceeding from necessity of application of these standards for the purposes specified in Article 11 of this Federal law, for perfecting of production and quality assurance of product, executing of works, rendering of services, and also for spreading and using of results of researches (tests), measurements and developments, obtained in different fields of knowledge.

The order of development, approval, registration, amendment and cancellation of standards of organizations shall be established by them independently taking into account the provisions of Article 12 of this Federal law.

The draft standard of organization may be represented by the developer to technical committee on standardization, which organizes the expertise of the given draft. On the basis of expertise results of the given draft the technical committee on standardization shall prepare the conclusion, which is addressed to developer of this draft standard.

2. Standards of organizations shall be applied similarly and to equal extent irrespective of the country and (or) place of a product origin, production processes, operation, storage, transportation, marketing and utilization, executing of works and rendering of services, types or peculiarities of bargains and (or) persons being manufacturers, executors, sellers or purchasers.

Chapter 4. CONFORMITY ASSURANCE

Article 18. The Purposes of Conformity Assurance

Conformity assurance shall be carried out with the purposes of:
certifying the conformity of products, processes of production, operation, storage, transportation, marketing and utilization, works, services or other objects to technical regulations, standards, conditions of contracts;
assistance to purchasers in competent selection of products, works and services;

heightening of competitiveness of products, operations and services in the Russian and international markets;

creation of conditions for assurance of free migration of goods in the territory of the Russian Federation, and also for implementing of international economic, scientific and technical cooperation and international trade.

Article 19. Principles of Conformity Assurance

1. Conformity assurance shall be carried out on the basis of:
availability of information on procedure of conformity assurance for the interested persons;
inadmissibility of application of obligatory conformity assurance for the objects, in relation to which the requirements of technical regulations are not established;
establishing of the list of forms and schemes of obligatory conformity assurance in relation to definite types of products in appropriate technical regulation;
reduction of periods of obligatory conformity assurance and expenditures of an applicant;
inadmissibility of forcing to voluntary conformity assurance, including any definite system of voluntary certification;
protection of property interests of applicants, observance of commercial secret in relation to data obtained during conformity assurance;
inadmissibility of substitution of obligatory conformity assurance by voluntary certification.

2. Assurance of conformity shall be developed and applied similarly and to equal extent irrespective of the country and (or) place of a product origin, processes of production, operation, storage, transportation, marketing and utilization, executing of works and rendering of services, types or peculiarities of bargains and (or) persons being manufacturers, executors, sellers or purchasers.

Article 20. Forms of Conformity Assurance

1. Conformity assurance in the territory of the Russian Federation may be both voluntary or obligatory.

2. Voluntary conformity assurance shall be carried out in the form of voluntary certification.

3. Obligatory conformity assurance shall be carried out in the forms of: supplier's declaration;
obligatory certification.

4. The order of application of forms of obligatory conformity assurance is established by this Federal law.

Article 21. Voluntary Conformity Assurance

1. Voluntary conformity assurance shall be carried out on an applicant's initiative on conditions of agreement between the applicant and certification body. Voluntary conformity assurance may be carried out for the ascertaining of conformity to the national standards, to standards of organizations, systems of voluntary certification or conditions of contracts.

The objects of voluntary conformity assurance are the products, processes of production, operation, storage, transportation, marketing and utilization, works and services, and also other objects in relation to which the standards, systems of voluntary certification and contracts establish the requirements.

Certification body shall:

realize the conformity assurance of objects of voluntary conformity assurance;

issue the certificates of conformity for objects, that have passed the voluntary certification;

grant to applicants the right for application of a mark of conformity if this application is stipulated by appropriate system of voluntary certification;

suspend or terminate the certificates of conformity given to them.

2. Voluntary certification system may be created by legal and (or) natural person or by several legal and (or) natural persons.

The person or persons, created voluntary certification system, shall establish the list of objects, subject to certification, and their performances for compliance with which the voluntary certification is being carried out, the rules of execution the works provided for by the given voluntary certification system and the order of payment for these works, and shall define the participants of the given voluntary certification system. The voluntary certification system may provide for application of a mark of conformity.

3. Voluntary certification system may be registered by federal executive body on technical regulating.

The following documents shall be submitted to federal executive body on technical regulating for registration of voluntary certification system:

certificate of the state registration of legal and (or) natural person;

rules of operation of voluntary certification system, which stipulate the provisions of Clause 2 of this Article;

image of a mark of conformity applied in the given voluntary certification system, if application of this mark of conformity is provided for, and the order of application of this mark of conformity;

document of payment for registration of voluntary certification system.

The registration of voluntary certification system shall be carried out within five days from the moment of submission the documents, provided for by this Clause for registration of voluntary certification system, to federal executive body on technical regulating. The order of registration of voluntary certification system and amount of payment for registration shall be established by the Government of the Russian Federation. The payment for registration of voluntary certification system is subject to transfer into the federal budget.

4. The refusal of registration of voluntary certification system is allowed only in case of non-submission the documents, provided for by Clause 3 of this Article, or in case of coincidence of the system's name and (or) image of a mark of conformity with system's name and (or) image of a mark of conformity of any voluntary certification system registered earlier. The notification about refusal of registration of voluntary certification system shall be addressed to an applicant within three days from the date of decision-making on refusal of registration of this system with specifying of reasons for this refusal.

The refusal of registration of voluntary certification system may be appealed against in judicial order.

5. Federal executive body on technical regulating shall maintain the uniform register of registered voluntary certification systems, containing information on legal and (or) natural persons, created voluntary certification systems, on the rules of operation of voluntary certification systems, which provide for the provisions of Clause 2 of this Article, on marks of conformity and the order of their application. Federal executive body on technical regulating shall ensure availability of information, contained in the uniform register of registered voluntary certification systems, to the interested persons.

The order of maintaining the uniform register of registered voluntary certification systems and the order of granting the information, contained in this register, shall be established by federal executive body on technical regulating.

Article 22. Marks of Conformity

1. The certification objects, certified in voluntary certification system, may be labeled by a mark of conformity of voluntary certification system. The order of application of such mark of conformity shall be established by the rules of appropriate system of voluntary certification.

2. Application of a mark of conformity to the national standard shall be carried out by an applicant on a voluntary basis by any way convenient for the applicant in the order established by national standards body.

3. The objects, whose conformity is not confirmed in the order established by this Federal law, may not be labeled with a mark of conformity.

Article 23. Obligatory Conformity Assurance

1. Obligatory conformity assurance shall be carried out only in the cases established by appropriate technical regulation, and only for conformity to the requirements of technical regulation.

The object of obligatory conformity assurance may be only the product produced for circulation in the territory of the Russian Federation.

2. The form and schemes of obligatory conformity assurance may be established only by technical regulation taking into account the risk degree of non-reaching the purposes of technical regulations.

3. The supplier's declaration and the certificate of conformity have equal legal force irrespective of the schemes of obligatory conformity assurance, and are valid in the whole territory of the Russian Federation.

4. The works on obligatory conformity assurance shall be paid by an applicant.

The government of the Russian Federation shall establish a technique of determination the cost of works on obligatory conformity assurance, which provides for application of uniform rules and principles of ascertaining the prices for products of identical or similar types irrespective of the country and (or) place of their origin, and also the persons being applicants.

Article 24. Declaring of Conformity

1. Declaring of conformity shall be carried out using one of the following schemes:

assuming of supplier's declaration on the basis of own proofs;

assuming of supplier's declaration on the basis of own proofs, the proofs obtained with participation of certification body and (or) accredited test laboratory (center) (hereinafter referred to as third party).

When declaring the conformity the applicant may be both legal or natural person, registered according to the legislation of the Russian Federation in its territory, or being the manufacturer or seller, or executing the functions of a foreign manufacturer on the basis of a contract with it regarding the conformity assurance of delivered products to the requirements of technical regulations and regarding the responsibility for nonconformity of delivered products to the requirements of technical regulations (the person executing the functions of a foreign manufacturer).

The range of applicants shall be established by appropriate technical regulation.

The scheme of declaring of conformity with participation of a third party shall be established in technical regulation in case when the absence of the third party results in non-reaching of the purposes of conformity assurance.

2. When declaring the conformity on the basis of own proofs the applicant shall independently form the evidentiary materials for the purpose of conformity assurance of products to the requirements of technical regulations. The technical documentation, the results of own researches (tests) and measurements and (or) other documents, which can serve as the motivated basis for conformity assurance of products to the requirements of technical regulations, shall be used as evidentiary materials. The set of evidentiary materials shall be defined by appropriate technical regulation.

3. When declaring the conformity on the basis of own proofs and those obtained with participation of a third party, an applicant, at his own will and in addition to his own proofs formed in the order provided for in Clause 2 of this Article, shall:

include in evidentiary materials the reports of researches (tests) and measurements carried out in accredited test laboratory (center);

grant the certificate of quality system, in relation to which there is provided for the control (supervision) of certification body, which has issued the given certificate, over certification object.

4. The certificate of a quality system may be used together with the proofs when assuming the supplier's declaration for any products, except for the case when technical regulations stipulate for such products other form of conformity assurance.

5. Supplier's declaration shall be made in Russian and shall contain:

name and location of the applicant;

name and location of the manufacturer;

information on conformity assurance object, allowing to identify this object;

name of technical regulation, for conformity to whose requirements the products are being assured;

scheme of declaring of conformity;

statement of the applicant about product's safety during its use according to special-purpose assignment, and about taking measures by the applicant for assurance of the product's conformity to the requirements of technical regulations;

information on carried out researches (tests) and measurements, on quality system certificate, and also on documents being as a basis for assurance of conformity of products to the requirements of technical regulations;

period of validity of the supplier's declaration;

other information provided for by appropriate technical regulations.

Period of validity of the supplier's declaration shall be defined by the technical regulation.

The form of the supplier's declaration shall be affirmed by federal executive body on technical regulating.

6. The supplier's declaration, made out according to established rules, is subject to registration by federal executive body on technical regulating within three days.

For registration of the supplier's declaration the applicant shall submit to federal executive body on technical regulating the supplier's declaration made out according to the requirements of Clause 5 of this Article.

The order of maintenance of the supplier's declarations register, order of granting the information contained in the specified register, and order of payment for granting of this information shall be defined by the Government of the Russian Federation.

7. The supplier's declaration and attached evidentiary documents shall be stored by the applicant within three years from the moment of termination of period of validity of the declaration. The second copy of the supplier's declaration shall be stored in federal executive body on technical regulating.

Article 25. Obligatory Certification

1. Obligatory certification shall be carried out by certification body on the basis of the contract with the applicant. The schemes of certification, applied for certification of definite types of products, shall be established by appropriate technical regulation.

2. Conformity of product to the requirements of technical regulations shall be assured by conformity certificate, issued to the applicant by certification body.

The conformity certificate shall include:

name and location of the applicant;

name and location of the manufacturer of certified products;

name and location of certification body, which has issued the conformity certificate;

information on certification object, allowing to identify this object;

name of technical regulation, for conformity to whose requirements the certification was carried out;

information on carried out researches (tests) and measurements;

information on documents, submitted by the applicant to certification body as a proof of products' conformity to the requirements of technical regulations;

period of validity of conformity certificate.

period of validity of conformity certificate shall be defined by appropriate technical regulation.

The form of conformity certificate shall be affirmed by federal executive body on technical regulating.

Article 26. Realization of Obligatory Certification

1. Obligatory certification shall be carried out by certification body accredited in the order, established by the Government of the Russian Federation.

2. Certification body shall:

engage in carrying out of researches (tests) and measurements on contractual basis the test laboratories (centers) accredited in the order, established by the Government of the Russian Federation (hereinafter referred to as accredited test laboratories (centers));

realize the control of certification objects if such control is provided for by appropriate scheme of obligatory certification and the contract;

maintain the register of conformity certificates issued by it;

inform the appropriate bodies of the state control (supervision) over observance of the requirements of technical regulations about products, intended for certification, but not passed it;

suspend or terminate the conformity certificate issued by it;

provide granting to applicants of the information on the order of holding the obligatory certification;

establish the cost of works on certification on the basis of a technique for definition of cost of such works approved by the Government of the Russian Federation.

3. Federal executive body on technical regulating shall maintain the uniform register of issued conformity certificates.

The order of maintenance the uniform register of issued conformity certificates, order of granting the information contained in the uniform register and order of payment for granting the information contained in the specified register shall be established by the Government of the Russian Federation.

The order of transfer the information on issued conformity certificates to the uniform register of issued certificates shall be established by federal executive body on technical regulating.

4. The researches (tests) and measurements of products in case of obligatory certification shall be carried out by accredited test laboratories (centers).

Accredited test laboratories (centers) shall carry out researches (tests) and measurement of products within the area of their accreditation on conditions of contracts with certification bodies. Certification bodies have no right to grant to accredited test laboratories (centers) the information on the applicant.

Accredited test laboratory (center) shall make out the results of researches (tests) and measurements by appropriate reports on the basis of which the certification body makes a decision about issue or about refusal to issue the conformity certificate. The accredited test laboratory (center) is obliged to ensure reliability of results of researches (tests) and measurements.

Article 27. Mark of Market Access

1. Products, whose conformity to the requirements of technical regulations is confirmed in the order, provided for by this Federal law, shall be marked with a mark of market access. The image of the mark of market access shall be established by the Government of the Russian Federation. The given mark is not special protected mark and is affixed for information purposes.

2. Marking with a mark of market access shall be carried out by the applicant independently by any convenient way.

Products, whose conformity to the requirements of technical regulations is not confirmed in the order established by this Federal law, may not be marked with a mark of market access.

Article 28. Rights and Duties of Applicant in the Field of Obligatory Conformity Assurance

1. The applicant has the right:

to choose the form and scheme of conformity assurance, provided for definite types of products by appropriate technical regulation;

for realization of obligatory certification to address to any certification body whose area of accreditation applies to products which the applicant intends to certify;

to address to accreditation body with complaints against wrongful actions of certification bodies and accredited test laboratories (centers) according to the legislation of the Russian Federation.

2. The applicant is obliged:

to assure products conformity to the requirements of technical regulations;

to release into sale the products, subject to obligatory conformity assurance, only after such conformity assurance;

to specify the information on conformity certificate or supplier's declaration in accompanying technical documentation and during marking of products;

to submit the documents, testifying for conformity assurance of products to the requirements of technical regulations (supplier's declaration, conformity certificate or their copies), to state control (supervision) bodies over observance of the requirements of technical regulations, and also to the interested persons;

to suspend or terminate the sale of products if the validity period of conformity certificate or supplier's declaration has expired, or the validity of conformity certificate or supplier's declaration is suspended or terminated;

to inform certification body on the amendments inserted into technical documentation or into production processes of certificated products;

to suspend manufacturing of products, which have passed the conformity assurance and do not meet the requirements of technical regulations, on the basis of decisions of state control (supervision) bodies over observance of the requirements of technical regulations.

Article 29. Import of Products, Liable to Obligatory Conformity Assurance, into the Territory of the Russian Federation

1. The supplier's declaration, conformity certificate or documents about their recognition in accordance with Article 30 of this Federal law, together with the customs declaration, shall be submitted by an applicant or his authorized person to the customs bodies for placing of products, liable to obligatory conformity assurance, under the customs conditions, providing for possibility of alienation or use of products according to their purpose in the customs territory of the Russian Federation. The representing of the specified documents shall not be required in case of placing these products under the customs condition of a refusal for the benefit of the state.

The lists of products, covered by the first paragraph of this Clause, with specifying of **ТН ВЭД** codes, shall be affirmed for the customs purposes by the Government of the Russian Federation on the basis of technical regulations.

2. The products, liable to obligatory conformity assurance and defined in accordance with provisions of the second paragraph of Clause 1 of this Article, imported into the customs territory of the Russian Federation and placed under the customs conditions, not providing for possibility of their alienation, shall be released by the customs bodies of the Russian Federation into the territory of the Russian Federation without submission of the conformity documents, specified in the first paragraph of Clause 1 of this Article.

3. The order of import into the customs territory of the Russian Federation of the products, liable to obligatory conformity assurance and defined according to provisions of the second paragraph of Clause 1 of this Article and taking into account the provisions of clause 2 of this Article, shall be affirmed by the Government of the Russian Federation.

Article 30. Recognition of Conformity Assurance Results

Conformity assurance documents, marks of conformity, reports of researches (tests) and measurements of product, obtained outside the Russian Federation territory, may be recognized according to the international treaties of the Russian Federation.

Chapter 5. ACCREDITATION OF CERTIFICATION BODIES AND TEST LABORATORIES (CENTERS)

Article 31. Accreditation of Certification Bodies and Test Laboratories (Centers)

1. Accreditation of certification bodies and test laboratories (centers) shall be carried out with a view of:

affirming of competence of certification bodies and test laboratories (centers) executing the works on conformity assurance;

ensuring of manufacturers', sellers' and purchasers' trust in activity of certification bodies and accredited test laboratories (centers);

creation of conditions for recognizing the results of activity of certification bodies and accredited test laboratories (centers).

2. Accreditation of certification bodies and test laboratories (centers), executing the works on conformity assurance, shall be carried out on the basis of the following principles:

voluntariness;

openness and availability of accreditation rules;

competence and independence of the bodies which are carrying out accreditation;

inadmissibility of limitation of a competition and creation of barriers to use of services of certification bodies and accredited test laboratories (centers);

ensuring of equal conditions for the persons applying for getting of accreditation;

inadmissibility of combining the accreditation and conformity assurance powers;

inadmissibility of establishing the limits for validity of accreditation documents in separate territories.

3. Accreditation of certification bodies and test laboratories (centers), executing the works on conformity assurance, shall be carried out in the order established by the Government of the Russian Federation.

Chapter 6. STATE CONTROL (SUPERVISION) OVER OBSERVANCE OF TECHNICAL REGULATION REQUIREMENTS

Article 32. Bodies of State Control (Supervision) over Observance of Technical Regulation Requirements

1. The state control (supervision) over observance of technical regulation requirements shall be carried out by federal executive bodies, by executive bodies of the Russian Federation subjects, and by official state bodies subordinated to them and authorized for conducting the state control (supervision) according to the legislation of the Russian Federation (hereinafter referred to as state control (supervision) bodies).

2. The state control (supervision) over observance of technical regulation requirements shall be carried by officials of state control (supervision) bodies in the order established by the legislation of the Russian Federation.

Article 33. Objects of State Control (Supervision) over Observance of Technical Regulation Requirements

1. The state control (supervision) over observance of technical regulation requirements shall be carried out in relation to products, processes of production, operation, storage, transportation, marketing and utilization exclusively regarding the observance of the requirements of appropriate technical regulations.

2. In relation to products the state control (supervision) over observance of technical regulation requirements shall be carried out exclusively at the stage of products circulation.

3. When carrying out the activities of state control (supervision) over observance of technical regulation requirements, there shall be used the rules and methods of researches (tests) and measurements, established for appropriate technical regulations in the order, provided for by Clause 11 of Article 7 of this Federal law.

Article 34. Powers of State Control (Supervision) Bodies

1. On the basis of provisions of this Federal law and technical regulation requirements the state control (supervision) bodies shall have the right to:

require from the manufacturer (the seller or the person executing the functions of the foreign manufacturer) the presentation of the supplier's declaration or conformity certificate, assuring the conformity of products to technical regulation requirements, or their copies, if the application of such documents is stipulated by appropriate technical regulation;

realize actions of state control (supervision) over observance of technical regulation requirements in the order established by the legislation of the Russian Federation;

produce instructions on elimination of violations of technical regulation requirements within the time period, established taking into account the violation character;

motivated decisions on interdiction of products transfer, and also on total or partial suspension of processes of production, operation, storage, transportation, marketing and utilization, if otherwise it is impossible to eliminate the violations of technical regulation requirements;

suspend or terminate the supplier's declaration or conformity certificate;

call the manufacturer (the executor, the seller, the person executing the functions of the foreign manufacturer) to account, provided for by the legislation of the Russian Federation;

take other measures, provided for by the legislation of the Russian Federation, for the purpose of non-admission of causing harm.

2. State control (supervision) bodies are obliged to:

carry out, during actions of state control (supervision) over observance of technical regulation requirements, the explanatory work on application of the legislation of the Russian Federation on technical regulating, to inform on existing technical regulations;

keep commercial secrets and other secrets safeguarded by the law;

keep order when conducting the state control (supervision) over observance of technical regulation requirements and making up the results of such actions, established by the legislation of the Russian Federation;

take measures on elimination of consequences of violations of technical regulation requirements on the basis of results of state control (supervision) over observance of technical regulation requirements;

address the information on products nonconformity to technical regulation requirements according to provisions of Chapter 7 of this Federal law;

realize other powers, provided for by the legislation of the Russian Federation.

Article 35. Responsibility of State Control (Supervision) Bodies and Their Officials During Realization of State Control (Supervision) over Observance of Technical Regulation Requirements

1. The state control (supervision) bodies and their officials in case of inadequate execution of their official duties during actions of state control (supervision) over observance of technical regulation requirements and in case of performance of illegal actions (idling inaction) shall bear responsibility according to the legislation of the Russian Federation.

2. The state control (supervision) bodies are obliged within one month to inform the legal and (or) natural person, whose rights and lawful interests are violated, on the measures taken in relation to officials of state control (supervision) bodies, which are guilty in violation of the legislation of the Russian Federation.

Chapter 7. INFORMATION ON VIOLATION OF TECHNICAL REGULATION REQUIREMENTS AND THE RETRACTION OF PRODUCTS

Article 36. Responsibility for Nonconformity of Products, Processes of Production, Operation, Storage, Transportation, Marketing and Utilization to Technical Regulation Requirements

1. The manufacturer (developer, seller or person executing functions of the foreign manufacturer) shall bear responsibility according to the legislation of the Russian Federation for violation of technical regulation requirements.

2. In case of non-execution of prescriptions and decisions of state control (supervision) body the manufacturer (developer, seller or person executing functions of the foreign manufacturer) shall bear responsibility according to the legislation of the Russian Federation.

3. If harm is caused to life or health of people, property of natural or legal persons, state or municipal property, environment, life or health of animals and plants, or there was a threat of causing such harm as a result of nonconformity of products to technical regulation requirements, violations of technical regulation requirements during conducting of processes of production, operation, storage, transportation, marketing and utilization, the manufacturer (developer, seller, person executing functions of the foreign manufacturer) is obliged to compensate this harm and to take measures with the purpose of non-admission of causing harm to other persons, their property, and environment according to the legislation of the Russian Federation.

4. The duty to compensate harm may not be restricted by the contract or announcement of one of the parties. Agreements or announcements for limitation of the responsibility shall be considered as negligible.

A r t i c l e 37. Information on Product Nonconformity to Technical Regulation Requirements

1. The manufacturer (developer, seller or person executing functions of the foreign manufacturer) who knows about nonconformity of products, released into sale, to technical regulation requirements, is obliged to inform about it to state control (supervision) body according to its competence within ten days from the moment of obtaining the specified information.

The seller (developer or person executing functions of the foreign manufacturer), which has obtained the specified information, is obliged to inform the manufacturer about it within ten days.

2. The person being not the manufacturer (developer, seller or person executing functions of the foreign manufacturer) and which knows about nonconformity of products, released into sale, to technical regulation requirements, has the right to address the information on nonconformity of products to technical regulation requirements to state control (supervision) body.

Upon receipt of such information the state control (supervision) body is obliged within five days to notify the manufacturer (seller or person executing functions of the foreign manufacturer) about this receipt.

A r t i c l e 38. Duties of Manufacturer (Seller or Person Executing Functions of the Foreign Manufacturer) in Case of Obtaining the Information on Nonconformity of Products to Technical Regulation Requirements

1. Within ten days from the moment of obtaining the information on product nonconformity to technical regulation requirements, unless the necessity of establishing more long period results from the essence of conducted actions, the manufacturer (seller or person executing functions of the foreign manufacturer) is obliged to check the reliability of the obtained information. On demand of state control (supervision) body the manufacturer (seller or person executing functions of the foreign manufacturer) is obliged to present materials of the specified check to state control (supervision) body.

In case of obtaining the information on product nonconformity to technical regulation requirements the manufacturer (seller or person executing functions of the foreign manufacturer) is obliged to take necessary measures such, that possible harm connected with circulation of the given product would not increase up to completion of the check, provided for by the first paragraph of this Clause.

2. After confirming the reliability of the information on product nonconformity to technical regulation requirements, the manufacturer (seller or person executing functions of the foreign manufacturer) within ten days from the moment of confirming the reliability of such information is obliged to develop the program of measures for preventing of causing harm, and to coordinate it with state control (supervision) body in accordance with its competence.

The program shall include actions for notification of purchasers about presence of threat of causing harm and ways of its preventing, and also the terms of realization of such actions. In case, when for preventing of causing harm it is necessary to bear additional expenses, the manufacturer (seller or person executing functions of the foreign manufacturer) is obliged to realize himself all the actions for preventing of causing harm, and in case of impossibility to fulfill it he is obliged to declare about retraction of products and to pay damages, caused to purchasers in connection with retraction of the products.

Elimination of defects, and also delivery of products to a place of elimination of defects and retrace of products back to purchasers shall be carried out by the manufacturer (seller or person executing functions of the foreign manufacturer) and at his expense.

3. In case the threat of causing harm can not be eliminated by holding the actions specified in Clause 2 of this Article, the manufacturer (seller or person executing functions of the foreign manufacturer) is obliged to suspend immediately the production and sale of products, to retract the products and compensate to purchasers the losses which have arisen in connection with retraction of the products.

4. Within the whole period of operation of the program of actions for preventing of causing harm the manufacturer (seller or person executing functions of the foreign manufacturer) is obliged, at his own expense, to ensure for purchasers the possibility of obtaining the operational information on necessary actions.

A r t i c l e 39. Rights of State Control (Supervision) Bodies in Case of Obtaining the Information on Product Nonconformity to Technical Regulation Requirements

1. State control (supervision) bodies in case of obtaining the information on product nonconformity to technical regulation requirements shall inspect reliability of the obtained information within possibly short terms.

During holding of inspection the state control (supervision) bodies shall have the right:

to require from the manufacturer (seller or person executing functions of the foreign manufacturer) the materials of reliability inspection of the information on product nonconformity to technical regulation requirements;

to make a request to the manufacturer (executor, seller or person executing functions of the foreign manufacturer) and other persons for additional information on products, processes of production, operation, storage, transportation, marketing and utilization, including the results of researches (tests) and measurements which have been carried out during obligatory conformity assurance;

to address inquiries to other federal executive bodies;

if necessary, to invite experts for the analysis of obtained materials.

2. Upon recognition of reliability of the information on product nonconformity to technical regulation requirements the state control (supervision) body shall issue within ten days, in accordance with its competence, the prescription about development by the manufacturer (seller or person executing functions of the foreign manufacturer) of the program of actions for preventing of causing of harm, shall assist in its realization and implement the control of its execution.

State control (supervision) body shall:

promote dissemination of information on terms and the order of holding the actions for preventing of causing harm;

make a request to the manufacturer (seller or person executing functions of the foreign manufacturer) and other persons for the documents, confirming holding of the actions specified in the program of actions for preventing of causing harm;

check the observance of the terms specified in the program of actions for preventing of causing harm;

make a decision on reference to the court with a claim to coercive retraction of products.

A r t i c l e 40. Coercive Retraction of Products

1. In case of omission of the prescription, provided for by Clause 2 of Article 39 of this Federal law, or omission of the program of actions for preventing of causing harm, the state control (supervision) body, in accordance with its competence, and also other persons who have got to know about omission by the manufacturer (seller or person executing functions of the foreign manufacturer) of the program of actions for preventing of causing harm, have the right to refer to the court with a claim to coercive retraction of products.

2. In case of satisfaction of the claim to coercive retraction of products the court shall oblige the respondent to undertake the definite actions connected with retraction of products within the period established by the court and also to inform purchasers on the court decision not later than one month from the date of its coming into force via mass media or by another way.

In case the respondent does not execute the court decision within established time interval, the claimant shall have the right to undertake these actions at the respondent's expense by imposing of necessary charges on it.

3. The measures of criminal and administrative prosecution may be applied according to the legislation of the Russian Federation for violation of the requirements of this Federal law for retraction of products.

Article 41. Responsibility for Violation of Rules of Executing of Certification Works

Certification body and certification body official, violated the rules of executing of certification works, if such violation has caused the release into sale of products not corresponding to technical regulation requirements, shall bear responsibility according to the legislation of the Russian Federation and the contract for certification works.

Article 42. Responsibility of Accredited Test Laboratory (Center)

The accredited test laboratory (center) and experts, in accordance with the legislation of the Russian Federation and the contract, shall bear responsibility for non-reliability or non-objectivity of results of researches (tests) and measurements.

Chapter 8. INFORMATION ON TECHNICAL REGULATIONS AND STANDARDIZATION DOCUMENTS

Article 43. Information on Standardization Documents

1. The national standards and all-Russian classifiers, and also the information on their development shall be accessible to the interested persons.

2. Official publication of the national standards and all-Russian classifiers shall be carried out by the national standards body in accordance with the established procedure. The order of publication of the national standards and all-Russian classifiers shall be defined by the Government of the Russian Federation.

Article 44. Federal Information Corpus of Technical Regulations and Standards

1. Technical regulations, documents of national standardization system, international standards, standardization rules, norms of standardization and recommendations for standardization, national standards of other states and the information on international contracts in the area of standardization and conformity assurance and on rules of their application constitute the Federal information corpus of technical regulations and standards.

The Federal information corpus of technical regulations and standards is the state information resource.

The order of creation and maintenance of the Federal information corpus of technical regulations and standards, and also the rules of use of this corpus shall be established by the Government of the Russian Federation.

2. The uniform information system, designed for provision of the interested persons with information on documents, included in the Federal information corpus of technical regulations and standards, is being created and operates in the Russian Federation in the order and on conditions established by the Government of the Russian Federation.

The easy access to information resources, being created, shall be provided for the interested persons, except for the cases when such access is restricted for the sake of keeping state, official or commercial secret.

Chapter 9. FINANCING IN THE FIELD OF TECHNICAL REGULATING

Article 45. Order of Financing the Expenditures in the Field of Technical Regulating at the Expense of Federal Budget

1. The following expenditures may be financed at the expense of federal budget:

- conducting at the federal level of state control (supervision) of observance of technical regulation requirements;
- creation and maintenance of the Federal information corpus of technical regulations and standards;
- realization of the program of development of technical regulations and program of development of national standards, provided for by Clause 12 of Article 7 and Clause 1 of Article 16 of this Federal law, and also conducting of expertise of separate draft technical regulations and national standards;
- development of all-Russian classifiers;
- payment of fees to the international standards organizations.

2. The order of financing the expenditures, specified in Clause 1 of this article, shall be defined by the Government of the Russian Federation.

Chapter 10. CLOSING AND TRANSITION PROVISIONS

Article 46. Transition Provisions

1. From the date of coming into force of this Federal law up to coming into force of the appropriate technical regulations, the requirements for products, processes of production, operation, storage, transportation, marketing and the utilization, established by normative legal acts of the Russian Federation and normative documents of federal executive bodies, are subject to obligatory execution only regarding the part corresponding to the purposes:

- protection of life or health of people, property of natural or legal persons, state or municipal property;
- protection of the environment, life or health of animals and plants;
- prevention of actions misleading purchasers.

2. From the date of coming into force of this Federal law the obligatory conformity assurance shall be carried out only in relation to products released into circulation in the territory of the Russian Federation.

3. The Government of the Russian Federation, before coming into force of the appropriate technical regulations, shall yearly define and supplement the list of separate types of products, in relation to which the obligatory certification is substituted for declaring of conformity realized in the order, established by this Federal law.

4. Before coming into force of the appropriate technical regulations, the scheme of declaring of conformity on the basis of own proofs is allowed for application only by the manufacturers or only by the persons executing functions of the foreign manufacturer.

5. Before adoption of the appropriate technical regulations, the technical regulating within the scope of veterinary-sanitary and phytosanitary measures shall be carried out according to the Federal law "On Quarantine of Plants" and the Law of the Russian Federation "On Veterinary".

6. Before adoption of the general technical regulation on nuclear and radiation safety, the technical regulating in the field of nuclear and radiation safety shall be carried out according to the Federal law "On Use of Atomic Energy" and the Federal law "On Radiation Safety of the Population".

7. The technical regulations shall be adopted within seven years from the date of coming into force of this Federal law.

The obligatory requirements for products, processes of production, operation, storage, transportation, marketing and utilization, in relation to which the technical regulations in the specified period are not adopted, shall terminate their validity after its expiration.

8. Accreditation documents, issued in accordance with the established procedure to certification bodies and accredited test laboratories (centers) before coming into force of this Federal law, and also the documents assuring the conformity (conformity certificate, supplier's declaration) and adopted before coming into force of this Federal law, shall be considered valid up to termination of the term established in them.

Article 47. Bringing of Normative Legal Acts in Compliance with This Federal Law

The following documents shall be recognized invalid from the date of coming into force of this Federal law:

The law of the Russian Federation No. 5151-I, dated 10.06.93 "On Certification of Products and Services" (Bulletin of Congress of People's Deputies and Supreme Soviet of the Russian Federation, 1993, No. 26, Article 966);

Decree of Supreme Soviet of the Russian Federation No 5153-I, dated 10.06.93 "On Enactment of the Law of the Russian Federation "On Certification of Products and Services" (Bulletin of Congress of People's Deputies and Supreme Soviet of the Russian Federation, 1993, No. 26, Article 967);

The law of the Russian Federation N 5154-I, dated 10.06.93 "On standardization" (Bulletin of Congress of People's Deputies and Supreme Soviet of the Russian Federation, 1993, No. 25, Article 917);

Decree of Supreme Soviet of the Russian Federation 1993 N 5156-I, dated 10.06.93 "On Enactment of the Law of the Russian Federation "On Standardization" (Bulletin of Congress of People's Deputies and Supreme Soviet of the Russian Federation, 1993, No. 25, Article 918);

Clauses 12 and 13 of Article 1 of the Federal law No. 211-ФЗ, dated 27.12.95 "On Inserting the Amendments and Addenda in Separate Legislative Acts of the Russian Federation in Connection with Adoption of the Federal law "On Fire Safety" (Code of Laws of the Russian Federation, 1996, No. 1, Article 4);

Clause 2 of Article 1 of the Federal law No. 30-ФЗ, dated 03.03.98 "On Inserting the Amendments and Addenda in Separate Legislative Acts of the Russian Federation in Connection with Adoption of the Federal law "On Advertising" (Code of Laws of the Russian Federation, 1998, No. 10, Article 1143);

The Federal law No. 154-ФЗ, dated 31.07.98 "On Inserting the Amendments and Addenda in the Law of the Russian Federation "On Certification of Products and Services" (Code of Laws of the Russian Federation, 1998, No. 31, Article 3832);

Article 2 of the Federal law No. 87-ФЗ, dated 10.07.2002 "On Inserting the Amendments into Article 6 of the Federal law "On Fundamentals of Social Servicing of Population in the Russian Federation" and addenda into Article 2 of the Law of the Russian Federation "On Standardization" (Code of Laws of the Russian Federation, 2002, No. 28, Article 2791);

Articles 13 and 14 of the Federal law N 116-ФЗ, dated 25.07.2002 "On Inserting the Amendments and Addenda in Some Legislative Acts of the Russian Federation in Connection with Perfecting of Governmental Management in the Field of Fire Safety" (Code of Laws of the Russian Federation, 2002, No. 30, Article 3033).

Article 48. Coming into Force of This Federal Law

This Federal law shall come into force after expiration of six months from the date of its official publication.