

**THE RUSSIAN FEDERATION**

**FEDERAL LAW**

**ON TECHNICAL REGULATION**

Adopted  
by the State Duma  
on December 15, 2002

Approved  
by the Federation Council  
on December 18, 2002

(as amended by Federal Laws dated 09.05.2005 No. 45-FZ,  
dated 01.05.2007 No. 65-FZ, dated 01.12.2007 No. 309-FZ,  
dated 23.07.2008 No. 160-FZ, dated 18.07.2009 No. 189-FZ,  
dated 23.11.2009 No. 261-FZ, dated 30.12.2009 No. 384-FZ,  
dated 30.12.2009 No. 385-FZ, dated 28.09.2010 No. 243-FZ)

**Chapter 1. GENERAL PROVISIONS**

**Article 1. Sphere of Application of this Federal Law**

1. This Federal Law regulates relations originating from:

the elaboration, acceptance, application of and compliance with mandatory requirements to products, or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation;

the elaboration, acceptance, application of and compliance with on a voluntary basis of the requirements to products, processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale, and reclamation, performance of works and rendering of services;

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)  
compliance evaluation.

This Federal Law also determines the rights and obligations of participants in the relations regulated by this Federal Law.

2. The requirements to the functioning of the unified communication network of the Russian Federation, and to the products, associated with provision of integrity and stability of functioning of the said communication network and with its safety, relations, associated with provision of integrity of the unified communication network of the Russian Federation and with the use of the radio frequency spectrum, are established and regulated, respectively, by the legislation of the Russian Federation in the sphere of communications.

3. The operation of this Federal Law shall not extend to socio-economic, organizational, sanitary, therapeutic and rehabilitative labour protection measures, to federal state educational standards, accounting regulations (standards) and auditor activity rules (standards), standards for the issue of securities and of prospectuses for the issue of securities.

4. This Federal Law shall not regulate the relations connected with the following:

taking measures aimed at the prevention of contraction and spreading of mass infectious human diseases, prevention of human diseases, rendering medical aid (except for the cases of development, adoption, application and observance of mandatory requirements to products, including medicinal agents,

medical equipment, foodstuffs);

taking measures aimed at protection of the soil, atmospheric air, bodies of water of health resorts and places intended for tourism and mass recreation.

(Clause 4 was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

## Article 2. Basic Notions

For the purposes of this Federal Law the following basic notions shall be used:

accreditation - official recognition by the body for accreditation of a natural person's or legal entity's authority to perform works in a certain sphere of compliance evaluation;

the safety of products, production processes, operation, storage, transportation, sale and reclamation (hereinafter referred to as safety) - a condition ruling out the possibility of inadmissible risk associated with harm to be caused to individuals' life or health, a natural person's or legal entity's property, state or municipal property, the environment, to the life or health of animals or plants;

veterinarian-and-sanitary and phyto-sanitary measures - mandatory requirements and procedures that are established for the purposes of protection from risks arising in connection with penetration, consolidation or spread of harmful organisms, diseases, carriers of diseases or causative organisms, including that in case they are carried or spread by animals and (or) plants, with products, loads, materials, motor vehicles, with the presence of additives, pollutants, toxins, pests, weeds, causative organisms, including food products or feeds, and also mandatory requirements and procedures that are established for the purposes of prevention of other damage associated with the spread of harmful organisms;

declaration of compliance - a form of confirmation of the products' compliance with the requirements of technical regulations;

compliance declaration - a document certifying that the products released for circulation comply with the requirements of technical regulations;

applicant - a natural person or legal entity which in order to prove compliance adopts the compliance declaration or applies for or receives a compliance certificate;  
(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

mark of circulation on the market - a note used to inform purchasers that the products released for circulation comply with the requirements of technical regulations;

compliance mark - a note used to inform purchasers that a certificate object complies with the requirements of a voluntary certification system or national standard;

products identification – establishment of identity of the products' features and the products' essential characteristics;

control (supervision) over compliance with the requirements of technical regulations - verification of compliance by the legal entity or individual entrepreneur with the requirements of technical regulations for products, or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation, and taking measures according to the results of verification;

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

international standard - a standard accepted by an international organization;

national standard - a standard approved by a national body of the Russian Federation for standardization;

certification body - a legal entity or an individual entrepreneur accredited in accordance with the established procedure to perform work in the sphere of certification;

compliance evaluation - direct or indirect determination of an object's compliance with the requirements;

compliance confirmation - certification by documents of compliance of the products or other objects, processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation, performance of works or rendering of services with the requirements of technical regulations, provisions of standards, sets of rules or terms of contracts;

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

products - the result of activity represented in the form of materials or articles and intended for further utilisation for economic or other purposes;

risk - probability of harm to be caused to people's life or health, natural persons' or legal entities'

property, state or municipal property, the environment, the life or health of animals and plants taking account of the gravity of this harm;

certification - a form of confirmation by the certification body of objects' compliance with the requirements of technical regulations, provisions of standards, sets of rules or terms of contracts;  
(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

compliance certificate - a document certifying object's compliance with the requirements of technical regulations, provisions of standards, sets of rules or terms of contracts;  
(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

certification system - the set of rules of performance of works in the sphere of certification, its participants and rules of functioning of the certification system as a whole;

standard - a document which establishes, for the purposes of voluntary and repeated utilisation, the characteristics of products, rules of operation and characteristics of processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation, performance of works or rendering of services. A standard may also contain rules and methods of examination (tests) and measurements, rules of selection of samples, requirements to terms, symbols, packing, marking or labels and rules of affixing them;  
(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

standardization - activity for the establishment of rules and characteristics for the purposes of their voluntary and repeated utilisation aimed to ensure orderliness in the spheres of manufacture and circulation of products and to raise the level of competitiveness of products, works or services;

technical regulation - legal regulation of relations in the sphere of establishment, application and meeting of the mandatory requirements to products or for processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation, and also in the sphere of establishment and application on a voluntary basis of the requirements to products, processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation, performance of works or rendering of services, and legal regulation of relations in the sphere of compliance evaluation;  
(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

technical regulations - a document adopted by an international treaty of the Russian Federation ratified in accordance with the procedure established by the legislation of the Russian Federation, or an intergovernmental agreement made in accordance with the procedure established by the legislation of the Russian Federation, or a federal law, or a decree of the President of the Russian Federation, or by a decision of the Government of the Russian Federation, or by a normative legal act of the federal executive body for technical regulation, and which establishes requirements to be necessarily applied to and met by the objects of technical regulation (products, including buildings, structures and constructions, or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation) related to the requirements to products;  
(as amended by the Federal Laws dated 01.05.2007 No. 65-FZ, dated 30.12.2009 No. 385-FZ)

form of compliance confirmation - a certain procedure for certification by documents of compliance of products or other objects, processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation, performance of works or rendering of services with the requirements of technical regulations, provisions of standards or terms of contracts;  
(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

scheme for confirming compliance - a list of actions of participants in confirmation of compliance whose results are regarded by them as proof of the compliance of products and other objects with the established requirements;  
(the Paragraph was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

set of rules - the standardization document which contains technical rules and (or) a description of the processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation of products and which is applicable on a voluntary basis for the purpose of compliance with the requirements of technical regulations;  
(the Paragraph was introduced by the Federal Law dated 01.05.2007 No. 65-FZ, as amended by the Federal Law dated 18.07.2009 No. 189-FZ)

regional organization for standardization – an organization, the members (participants) of which are national bodies (organizations) for standardization of the states included in the same geographical region

of the world and (or) a group of countries undergoing the process of economic integration according to international treaties;

(the Paragraph was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

standard of a foreign state – a standard adopted by a national (competent) body (organization) for standardization of a foreign state;

(the Paragraph was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

regional standard – a standard adopted by a regional organization for standardization;

(the Paragraph was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

set of rules of a foreign state – a set of rules adopted by a competent body of a foreign state;

(the Paragraph was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

regional set of rules – a set of rules adopted by a regional organization for standardization.

(the Paragraph was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

### Article 3. Principles of Technical Regulation

Technical regulation shall be carried out in accordance with the following principles:

application of unified rules of establishment of requirements to products, or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation, performance of works or rendering of services related thereto;

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

correspondence of technical regulation to the development level of the national economy, the material-and-technical facilities and also of scientific-and technological progress;

independence of accreditation and certification bodies from producers, sellers, manufacturers and purchasers;

a unified accreditation system and rules;

unified rules and methods of examination (tests) and measures for carrying out mandatory compliance procedures;

unified application of the requirements of technical regulations, regardless of the kinds and specific features of transactions;

inadmissibility of any restrictions to competitiveness for accreditation and certification;

inadmissibility of combined powers to be exercised by the state control (supervision) body and the certification body;

inadmissibility of combined powers of accreditation and certification being exercised by the same body;

inadmissibility of extra-budgetary funds being assigned to the bodies of state control (supervision) over compliance with the requirements of technical regulations;

inadmissibility of concurrent imposition of the same powers on two and more bodies of state control (supervision) over the compliance with the requirements of technical regulations.

(the Paragraph was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

### Article 4. Legislation of the Russian Federation on Technical Regulation

1. The legislation of the Russian Federation on technical regulation consists of this Federal Law, federal laws adopted in line with it and other normative legal acts of the Russian Federation.

2. The provisions of federal laws and other normative legal acts of the Russian Federation referring to the sphere of application of this Federal Law (including those directly or indirectly stipulating for control (supervision) over compliance with the requirements of technical regulations) shall be applied in the part not conflicting with this Federal Law.

3. Federal executive bodies shall have the right to issue acts in the sphere of technical regulation of solely recommendatory nature, unless stipulated otherwise by Articles 5 and 9.1 of this Federal Law.

(as amended by the Federal Law dated 30.12.2009 No. 385-FZ)

4. If rules are established by an international treaty of the Russian Federation in the sphere of technical regulation other than those stipulated by this Federal Law, the rules of the international treaty shall be applied, and in case it follows from the international treaty that for its application the issue of a national state act is required, the rules of the international treaty and the laws of the Russian Federation

adopted on its basis shall be applied.

Article 5. The Specifics of Technical Regulation in Respect of Defence Products (Works, Services) Supplied within the Framework of the State Defence Order, Products (Works, Services) Used for the Protection of Data Constituting a State Secret or Related to Other Classified Information Protected in Compliance with the Legislation of the Russian Federation, Products (Works, Services) Data on Which Constitute State Secret, Products (Works, Services) and Objects, for Which Requirements Are Established Connected with Ensuring Nuclear and Radiation Safety in the Sphere of Atomic Power Use, of the Process of Design (Including Survey Works), Production, Construction, Installation, Adjustment, Operation, Storage, Transportation, Sale, Reclamation, Disposal of the Said Products and the Said Objects

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

1. In respect of defence products (works, services) supplied within the framework of the state defence order; products (works, services) used for the protection of data constituting a state secret or related to other classified information protected in compliance with the legislation of the Russian Federation; products (works, services), data on which constitute a state secret; products (works, services) and objects for which requirements are established connected with ensuring nuclear and radiation safety in the sphere of atomic power use; the processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale, reclamation and disposal of accordingly the said products and objects, mandatory requirements, along with the requirements of technical regulations shall be deemed the requirements established by state customers, the federal executive power bodies authorized in respect of security, defence, foreign intelligence, resistance to technical reconnaissance and technical information protection, governmental management of atomic power use, governmental safety regulation of atomic energy use and (or) by state contracts (agreements).

2. The specifics of technical regulation in the sphere of development and establishment of mandatory requirements by state customers, the federal executive bodies authorized in respect of security, defence, foreign intelligence, resistance to technical reconnaissance and technical information protection, governmental management of atomic power use, governmental safety regulation of atomic energy use, in respect of the products (works, services), objects specified in Clause 1 of this Article, as well as of the processes of their design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale, reclamation and disposal shall be established by the President of the Russian Federation and the Government of the Russian Federation in compliance with the scope of authority thereof.

3. The specifics of standardization of the products (works, services) and the units specified in Clause 1 of this Article, as well as accordingly the processes of their design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale, reclamation and disposal shall be established by the Government of the Russian Federation.

4. The specifics of evaluation of the compliance of the products (works, services) and the objects specified in Clause 1 of this Article, as well as accordingly the processes of their design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale, reclamation and disposal shall be established by the Government of the Russian Federation.

Article 5.1. Particularities of Technical Regulation in the Sphere of Buildings and Constructions' Safety Assurance

(introduced by the Federal Law dated 30.12.2009 No. 384-FZ)

The particularities of technical regulation in the sphere of buildings and constructions' safety assurance shall be established by the Federal Law "The Technical Regulation on Buildings and Construction's Safety".

Article 5.2. Particularities of Technical Regulation in the Sphere of Safety Assurance of Products and the Processes of their Design (Including Surveys), Production, Construction, Installation, Adjustment,

Operation, Storage, Transportation, Sale and Reclamation Applied in the Territory of the Skolkovo Innovation Centre.

(introduced by the Federal Law dated 28.09.2010 No. 243-FZ)

The particularities of technical regulation in the sphere of safety assurance of products and the processes of their design (including surveys), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation applied in the territory of the Skolkovo Innovation Centre shall be established by the Federal Law "On the Skolkovo Innovation Centre".

## **Chapter 2. TECHNICAL REGULATIONS**

### Article 6. Goals of Technical Regulations

1. Technical regulations are adopted to attain the following goals:  
protection of individuals' life or health, natural persons' or legal entities' property and state or municipal property;  
protection of the environment, the life or health of animals and plants;  
prevention of actions misleading purchasers;  
assurance of power efficiency.

(the Paragraph was introduced by the Federal Law dated 18.07.2009 No. 189-FZ)

2. Technical regulations shall not be adopted for any other purposes.

### Article 7. Content and Application of Technical Regulations

1. Technical regulations taking account of the degree of the risk of harm to be caused shall establish minimum necessary requirements providing guarantees for:

radiation safety;  
biological safety;  
safety from explosion;  
mechanical safety;  
fire safety;  
industrial safety;  
thermal safety;  
chemical safety;  
electric safety;  
nuclear and radiation safety;  
electromagnetic compatibility in the part of provision the safe operation of instruments and equipment;  
unified measurements;  
other kinds of safety for the purposes corresponding to Clause 1 Article 6 of this Federal Law.

(the Paragraph was introduced by the Federal Law dated 01.05.2007 N 65-FZ)

2. The requirements of technical regulations shall not serve as an obstacle to entrepreneurial activity to a greater extent than is minimally necessary for the attainment of the goals indicated in Clause 1 Article 6 of this Federal Law.

3. Technical regulations shall contain a list and (or) a description of technical regulation objects, requirements to these objects and rules of their identification for the purpose of application of the technical regulations. Technical regulations shall contain rules and forms of compliance evaluation (in particular, technical regulations shall contain schemes for compliance confirmation, a procedure for extending the validity term of an issued compliance certificate) defined subject to the risk degree, deadlines for compliance evaluation in respect of each technical regulation object and (or) requirements to terms, packing, marking or labels and the rules of affixing them. The technical regulations shall contain the power efficiency requirements.

(as amended by the Federal Laws dated 01.05.2007 No. 65-FZ, dated 18.07.2009 No. 189-FZ)

The compliance evaluation shall be carried out in forms of state control (supervision), accreditation, testing, registration, compliance confirmation, approval and putting into operation of a project completed in construction, and in a different form.

The mandatory requirements of technical regulations to products or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation related thereto, the rules and forms of compliance evaluation, identification rules, requirements to terms, packing, marking or labels and the rules of affixing them shall have a direct effect in the entire territory of the Russian Federation and shall be changed solely by introduction of amendments and addenda to the relevant technical regulations.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

The requirements to products or processes of design (including survey works), production, construction, installation and adjustment, processes of production, operation, storage, transportation, sale and reclamation related thereto, the rules and forms of compliance evaluation, identification rules, requirements to terms, packing, marking or labels and the rules of affixing them, not included in technical regulations, shall not be regarded as mandatory.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

4. Technical regulations shall contain requirements to the characteristics of products or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale or reclamation related thereto, but they shall not contain requirements to the design and manufacture, with the exception of cases when in the absence of requirements to the design and manufacture taking account of the degree of risk of harm to be caused, the attainment of goals of adopting the technical regulations specified in Clause 1 Article 6 of this Federal Law is not provided.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

5. Technical regulations taking account of the degree of risk of harm to be caused may contain special requirements to products or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation related thereto, requirements to terms, packing, marking or labels and the rules of affixing them providing the protection of individual groups of individuals (minors, pregnant women, nursing mothers and the disabled).

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

6. Technical regulations shall be applied uniformly and in equal measure, regardless of the country and (or) place of origin of products, or of carrying out processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation related thereto, the kinds or special features of transactions and (or) natural persons and (or) legal entities acting as manufacturers, contractors, sellers and purchasers taking account of the provisions of Clause 9 of this Article.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

7. Technical regulations shall not contain requirements to products causing harm to the individuals' life or health which was accumulated as a result of the protracted use of these products and which depends on other factors precluding the possibility of determination of the degree of admissible risk. In such cases technical regulations may contain a requirement referring to informing of the purchasers about possible harm and about factors on which it depends.

8. International standards shall be used in full or in part as a basis for elaboration of draft technical regulations, except when the international standards or sections thereof would have been inefficient or inappropriate for achieving the goals specified in Article 6 of this Federal Law, including as a result of climatic or geographic specifics of the Russian Federation, technical and (or) technological specifics.

(as amended by the Federal Law dated 18.07.2009 No. 189-FZ)

National standards may be used in full or in part as a basis for developing draft technical regulations.  
(Clause 8 as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

9. Technical regulations may contain special requirements to products or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation related thereto, terms, marking or labels and rules of affixing them, applied in an individual place of origin of products, if the absence of such requirements, by virtue of climatic and geographic special features, leads to failure to attain the goals specified in Clause 1 Article 6 of this Federal Law.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

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ConsultantPlus: Note.

See Clause 5 Article 46 of this Law for Veterinary-and-sanitary and Phyto-sanitary Measures Applied Pending the Adoption of the Relevant Technical Regulations.

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Technical regulations shall also establish a minimum of necessary veterinary-and-sanitary and phyto-sanitary measures in relation to products originating from individual countries and (or) places, including restrictions imposed on importation, utilisation, storage, transportation, sale and reclamation, providing biological safety (regardless of the methods for ensuring safety used by the manufacturer).

Veterinary-and-sanitary and phyto-sanitary measures may provide for requirements to products, methods of their treatment and production, procedures for testing the products, inspection, compliance confirmation, quarantine rules, including requirements associated with the transportation of animals and plants, materials necessary for the provision life or health of animals and plants in the period of their transportation, and also methods and procedures for the selection of tests, methods for the study and evaluation of risk and other requirements of technical regulations.

Veterinary-and-sanitary and phyto-sanitary measures shall be elaborated and applied on the basis of scientific data, and also taking account of the relevant international standards, recommendations and other documents of international organizations for the purposes of compliance with the necessary level of veterinary-and-sanitary and phyto-sanitary protection to be determined taking account of the degree of actual science-based risk. The provisions of international standards, recommendations of international organizations of which the Russian Federation is a member, the incidence of diseases and pests, and also measures adopted by suppliers for combating diseases and pests, ecological conditions, economic consequences associated with the possibility of harm, the amounts of spending on measures to prevent harm shall be taken into account in the evaluation of the degree of risk.

If there is a need for urgent veterinary-and-sanitary and phyto-sanitary measures to be applied in order to attain the goals of veterinary-and-sanitary and phyto-sanitary protection, but the relevant science-based substantiation is either insufficient or can not be obtained within the necessary time limits, the veterinary-and-sanitary or phyto-sanitary measures stipulated by technical regulations in relation to certain kinds of products shall be applied on the basis of the available information, including information obtained from the relevant international organizations, the authorities of foreign states, information about the relevant measures applied by other states or other information. Pending the adoption of the relevant technical regulations in the cases established by this Paragraph, veterinary-and-sanitary and phyto sanitary measures shall operate in accordance with Clause 5 Article 46 of this Federal Law.

Veterinary-and-sanitary and phyto-sanitary measures shall be applied taking account of the relevant economic factors - potential damage from the reduced volume of output or sales in the event of penetration, consolidation or spread of some kind of pest or disease, spending on combating them or on their liquidation, effective application of alternative measures to restrict the risks, and also of the need to bring to a minimum the effect of the pest or disease on the environment, manufacture and circulation of products.

10. Technical regulations, adopted by a federal law, a decision of the Government of the Russian Federation or a normative legal act of the federal executive body for technical regulation shall take effect not earlier than six months from the day of their official publication.

(Clause 10 as amended by the Federal Law dated 30.12.2009 No. 385-FZ)

11. Prior to the date of entry into force of technical regulations the Government of the Russian Federation, or in the case specified by Article 9.1. of this Federal Law, a federal executive body for technical regulation acting in accordance with the requirements of the Russian Federation laws regarding assurance of uniformity of measurements shall approve a list of documents in the sphere of standardization containing the rules and methods of examination (tests) and measurements, including the rules of selection of samples which are required for application and implementation of adopted technical regulations and compliance evaluation. In case there are no such documents in the sphere of standardization as applied to separate requirements of technical regulations or technical regulation objects, prior to the date of entry into force of the technical regulations the Government of the Russian Federation, or in the case specified by Article 9.1. of this Federal Law, a federal executive body for technical regulation acting in accordance with the requirements of the Russian Federation laws regarding



assurance of uniformity of measurements shall endorse the rules and methods of examination (tests) and measurements, including the rules of selection of samples which are required for application and implementation of adopted technical regulations and compliance evaluation. The draft rules and methods specified herein shall be developed by federal executive bodies in accordance with their terms of reference, or in the case stipulated in Article 9.1 of this Federal Law, by a federal executive body for technical regulation using the documents in the sphere of standardization; such draft rules and methods shall be published in the printed source of the federal executive body for technical regulation and placed in electronic digital form in the public information system not later than thirty days prior to approval of the said rules and methods.

(as amended by the Federal Law dated 30.12.2009 No. 385-FZ)

The said rules may not impede the exercise of entrepreneurial activities to a greater extent than it is minimum necessary for attaining the aims specified in Clause 1 Article 6 of this Federal Law.

(Clause 11 as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

12. The Government of the Russian Federation shall elaborate proposals on the provision of guarantees for technical regulations to meet the interests of the national economy and be in line with the development level of the material-and-technical base and with scientific and technological progress, and also to comply with international norms and rules. With these aims in view the Government of the Russian Federation shall approve the program for the elaboration of technical regulations (indicating forms for their adoption), the implementation of which shall be financed in full or in part out of the federal budget, and which shall be adjusted and published every year. Technical regulations may also be elaborated outside an approved program.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

A federal executive body authorized by the Government of the Russian Federation shall make arrangements on a permanent basis for the records and analysis of all cases of harm caused, as a result of violation of the requirements of technical regulations, to the individuals' life or health, natural persons' or legal entities' property, state or municipal property, to the environment, the life or health of animals or plants with account of the degree of this harm, and also steps shall be taken to inform purchasers, manufacturers and sellers about the situation in the sphere of compliance with the requirements of technical regulations.

(as amended by the Federal Law dated 23.07.2008 No. 160-FZ)

Article 8. Abrogated. - The Federal Law dated 01.05.2007 No. 65-FZ.

Article 9. Procedure for the Elaboration, Adoption, Amendment and Termination of Technical Regulations

1. Technical regulations elaborated in accordance with the procedure established by this Article shall be adopted by a federal law or a decision of the Government of the Russian Federation in accordance with the procedure established accordingly for adoption of federal laws and decisions of the Government of the Russian Federation subject to the provisions of this Federal Law.

Paragraphs two – nineteen have been abrogated. – Federal Law dated 30.12.2009 No. 385-FZ.  
(Clause 1 as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

2. Any person may act as the developer of draft technical regulations.

3. The notification of the elaboration of draft technical regulations shall be published in the printed source of the federal executive body for technical regulations and in the public information system in electronic digital form.

The notification of the elaboration of draft technical regulations shall contain information about the kind of products, or processes of design (including survey works), production, construction, installation, adjustment connected with the requirements thereto, operation, storage, transportation, sale and reclamation the elaborated requirements shall refer to with a brief outline of the goal of these technical regulations, grounds for the need to elaborate them and with an indication of the elaborated requirements which differ from the provisions of the relevant international standards or mandatory requirements operating in the territory of the Russian Federation at the time of elaboration of the draft technical regulations in question, and information about the method of familiarization with the draft technical regulations, the name or the surname, name, patronymic of the developer of the draft technical regulations

in question, the postal address and e-mail address, if any, to which interested parties' remarks shall be sent in written form.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

4. Interested parties shall gain access for familiarization with the relevant draft technical regulations from the time of publication of the notification of the elaboration of draft technical regulations. The developer shall present a copy of the draft technical regulations at the interested party's request. The charges for the supply of the given copy shall not exceed the cost of its making.

The developer shall finish the draft technical regulations taking account of interested parties' remarks obtained in written form, hold public discussion of the draft technical regulations and compile a list of the interested parties' remarks obtained in written form, with a brief outline of the content of those remarks and of the results of their discussion.

The developer shall preserve the interested party' remarks obtained in written form, until the day of entry into force of the technical regulations adopted by the relevant normative legal act, and present them to the State Duma deputies, representatives of federal bodies and executive bodies and to expert committees on technical regulation mentioned in Clause 9 of this Article, at their request.

The time limit for public discussion of the draft technical regulations from the day of publication of the notification of the elaboration of draft technical regulations to the day of publication of the notification of the completion of public discussion shall not exceed two months.

5. The notification of the completion of the public discussion of the draft technical regulations shall be published in the printed source of the federal executive body for technical regulations and in the public information system in electronic digital form.

The notification of the completion of the public discussion of the draft technical regulations shall include information about the method for familiarization with the draft technical regulations and with the list of the interested parties' remarks obtained in written form, and also the name or surname, name, patronymic of the developer of the draft technical regulations, the postal address and e-mail address, if any, which may be used to communicate with the developer.

The finished draft technical regulations and the list of the interested parties' remarks obtained in written form shall be accessible to interested parties for familiarization from the day of publication of the notification of the completion of the public discussion of the draft technical regulations.

6. The federal executive body for technical regulation shall publish notification of the elaboration of draft technical regulations and of the completion of the draft's public discussion in its printed source within ten days from the time of payment for the publication of the notifications. The procedure for the publication of the notifications and the amount of charge for their publication shall be established by the Government of the Russian Federation.

7. The following documents shall be required from the subject of law to take the legislative initiative of submitting a draft federal law on technical regulations to the State Duma:

the justification of the need for adoption of a federal law on technical regulations with indication of the requirements that differ from the provisions of the relevant international standards or from the mandatory requirements operating in the territory of the Russian Federation at the time of elaboration of the draft technical regulations;

a feasibility study on the adoption of a federal law on technical regulations;

documents confirming the fact of publication of the notification of the elaboration of draft technical regulations in accordance with Clause 3 of this Article;

documents confirming the fact of publication of the notification of the completion of the public discussion of the draft technical regulations in accordance with Clause 5 of this Article;

the list of the interested parties' remarks obtained in written form, specified in Clause 4 of this Article.

The draft federal law on technical regulations, submitted to the State Duma, with the documents mentioned in this Clause appended, shall be sent by the State Duma to the Government of the Russian Federation. The Government of the Russian Federation shall send to the State Duma within ninety days its opinion of the draft federal law on technical regulations prepared taking account of the conclusions of the expert committees on technical regulation. A draft federal law on technical regulations may be considered by the State Duma in the first reading without an opinion of the Government of the Russian Federation being available, if an opinion of the Government of the Russian Federation was not submitted to the State Duma within the specified period of time.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

8. The draft federal law on technical regulations adopted by the State Duma in the first reading shall

be published in the printed source of the federal executive body for technical regulation and in the public information system in electronic digital form.

Amendments to the draft federal law on technical regulations adopted in the first reading shall be published upon expiration of the time limit for their presentation in the public information system in electronic digital form at least a month before consideration by the State Duma of the draft federal law on technical regulations in the second reading.

The federal executive body for technical regulation shall publish in its printed source the draft federal law on technical regulations within ten days from the time of payment for the publication thereof. The procedure for the publication of the draft federal law on technical regulations and the amount of charge for the publication thereof shall be established by the Government of the Russian Federation.

The draft federal law on technical regulations prepared for the second reading shall be sent by the State Duma to the Government of the Russian Federation. Within sixty days the Government of the Russian Federation shall send to the State Duma its opinion on the draft federal law on technical regulations prepared taking account of the conclusion of the expert committees on technical regulation. A draft federal law on technical regulations may be examined by the State Duma in the second reading without an opinion of the Government of the Russian Federation being available, if an opinion of the Government of the Russian Federation was not submitted to the State Duma within the specified period of time.

(as amended by the Federal Laws dated 01.05.2007 No. 65-FZ, dated 18.07.2009 No. 189-FZ)

8.1. A draft decision of the Government of the Russian Federation on technical regulations developed in accordance with the procedure established by Clauses 2-6 of this Article and prepared for consideration at a meeting of the Government of the Russian Federation not later than thirty days before the date of its consideration shall be sent for an expert examination to the relevant expert committee on technical regulation, which is established and exercises its activities in accordance with the procedure established by Clause 9 of this Article. A draft decision of the Government of the Russian Federation on technical regulation shall be considered at a meeting of the Government of the Russian Federation subject to an opinion of the relevant expert committee on technical regulation.

A draft decision of the Government of the Russian Federation on technical regulations shall be published in the printed source of the federal executive body on technical regulation and placed in electronic digital form in a public information system not later than thirty days before the date of consideration thereof at a meeting of the Government of the Russian Federation. The procedure for publication and placement of the said draft decision shall be established by the Government of the Russian Federation.

(Clause 8 was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

9. Expert examination of the draft technical regulations shall be carried out by the expert committees on technical regulation, with representatives of federal executive bodies, research institutions, self-regulated organizations, public associations of entrepreneurs and consumers among their members acting on an equal basis. The procedure for the formation and operation of expert committees on technical regulation shall be approved by the Government of the Russian Federation. The federal executive body on technical regulation shall approve the personal composition of the expert committees on technical regulation and provide support for their activity. The meetings of expert committees on technical regulation shall be held in open session.

The conclusions of expert committees on technical regulation shall be subject to mandatory publication in the printed source of the federal executive body for technical regulation and in the public information system in electronic digital form. The procedure for the publication of such conclusions and the amount of charge for their publication shall be established by the Government of the Russian Federation.

10. If the technical regulations conflict with the interests of the national economy, the development of the material and technical base and with the level of scientific progress, and also with international norms and rules put into operation in the Russian Federation in accordance with the established procedure, the Government of the Russian Federation or a federal executive body for technical regulation shall start the procedure for the introduction of amendments to the technical regulations or for the termination of the technical regulations.

(as amended by the Federal Laws dated 01.05.2007 No. 65-FZ, dated 30.12.2009 No. 385-FZ)

Technical regulations shall be amended, supplemented or terminated in accordance with the procedure stipulated by this Article and Article 10 of this Federal Law in the part of elaboration and adoption of technical regulations.

Article 9.1. Procedure for Elaboration, Adoption, Amendment and Termination of Technical Regulations Adopted under a Normative Legal Act of a Federal Executive Body for Technical Regulation

(introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

1. In the cases stipulated by the program for elaboration of technical regulations as approved by the Government of the Russian Federation in accordance with Clause 12 Article 7 of this Federal Law, the technical regulations shall be adopted under a normative legal act of a federal executive body for technical regulation. Such technical regulations shall be elaborated following the procedure established by Clauses 2-6 Article 9 of this Federal Law and this Article, and shall be adopted in accordance with the procedure established for adoption of normative legal acts of federal executive bodies.

2. Draft technical regulations adopted as a normative legal act of a federal executive body for technical regulation shall be submitted by its author to the federal executive body for technical regulation for further adoption subject to availability of the following documents:

substantiation of the need for adoption of technical regulations specifying the requirements that differ from the provisions of relevant international standards or mandatory requirements in force in the territory of the Russian Federation at the moment of elaboration of the draft technical regulations;

financial feasibility study of adoption of the technical regulations;

documents confirming the fact of publishing a notification of elaboration of the draft technical regulations in accordance with Clause 3 Article 9 of this Federal Law;

documents confirming the fact of publishing a notification of completion of public discussion of the draft technical regulations in accordance with Clause 5 Article 9 of this Federal Law;

a list of written remarks of the interested parties.

3. The draft technical regulations accompanied by the documents specified in Clause 2 of this Article submitted to the federal executive body for technical regulation shall be forwarded by the abovementioned body for expert analysis to the expert committee on technical regulation formed in accordance with Clause 9 Article 9 of this Federal Law.

4. A report of the expert committee on technical regulation regarding possibility to adopt the technical regulations shall be prepared within thirty days from the date of receipt of the draft technical regulations accompanied by the documents specified in Clause 2 of this Article by the federal executive body for technical regulation, and shall be published in the printed source of the federal executive body for technical regulation and placed in electronic digital form in the public information system.

The procedure for the publication of such report and the amount of charge for publication thereof shall be established by the Government of the Russian Federation.

5. Acting on the basis of the report of the expert committee on technical regulation regarding the possibility to adopt the technical regulations the federal executive body for technical regulation shall take a decision on adoption of the technical regulations or rejection of its draft within ten days from the date of receipt of the above said report. The rejected draft technical regulations accompanied by the report of the expert committee on technical regulation shall be returned to the author not later than within 5 days after a decision on rejection of the draft technical regulations has been adopted.

6. The adopted technical regulations shall be published in the printed source of the federal executive body for technical regulation and placed in electronic digital form in the public information system. The procedure for publishing and placing thereof shall be determined by the federal executive body for technical regulation.

7. The federal executive body for technical regulation shall assure free access to the adopted technical regulations placed in electronic digital form in the public information system.

8. The technical regulations adopted under a normative legal act of the federal executive body for technical regulation shall be subject to state registration in accordance with the established procedure.

9. The technical regulations may be amended or terminated in accordance with the procedure stipulated by this Article and Article 10 of this Federal Law in the part of elaboration and adoption of technical regulations.

Article 10. Special Procedure for the Elaboration and Adoption of Technical Regulations

1. In exclusive cases of the occurrence of circumstances leading to a direct threat to the life and health of individuals, the environment, the life and health of animals and plants, and if it is necessary to

adopt immediately the relevant normative legal act on technical regulations in order to provide safety of products, or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation related thereto, the President of the Russian Federation shall have the right to issue technical regulations without their public discussion.  
(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

2. Technical regulations may be adopted by an international treaty (including by a treaty signed with the member states of the Commonwealth of Independent States) to be ratified in accordance with the procedure established by the legislation of the Russian Federation or an intergovernmental agreement made in accordance with the procedure established by the legislation of the Russian Federation. In this case, draft technical regulations shall be elaborated in accordance with the procedure stipulated by Clauses 2-6 Article 9 of this Federal Law.

3. Abrogated. The Federal Law dated 01.05.2007 No. 65-FZ.

4. The relevant technical regulations, issued by decree of the President of the Russian Federation, a decision of the Government of the Russian Federation or a normative legal act of the federal executive body for technical regulation shall be regarded as invalid from the day of entry into force of the federal law on technical regulations.

(Clause 4 as amended by the Federal Law dated 30.12.2009 No. 385-FZ)

### **Chapter 3. STANDARDIZATION**

#### Article 11. Standardization Goals

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

Standardization goals shall be the following:

a higher level of safety for individuals' life and health, natural persons' and legal entities' property, state and municipal property, objects taking account of the risk of occurrence of emergency situations of a natural and man-made nature, a higher level of ecological safety, as well as safety for the life and health of animals and plants;

ensuring competitive ability and high quality of products (works, services), uniformity of measurements, efficient use of resources, exchangeability of technical hardware (machines and equipment, their components, complimentary parts and materials), technological and information compatibility, comparability of the results of examination (tests) and measurements, technical and economics-statistics data, analysis of characteristics of products (works, services), implementation of state orders, voluntary confirmation of the compliance of products (works, services);

assistance in observance of the requirements of technical regulations;

establishment of the system of classification and coding of technical economic and social information, of systems of classification of products (works, services), systems of ensuring a high quality of products (works, services), systems of data search and communication, assistance in carrying out unification works.

#### Article 12. Standardization Principles

Standardization shall be carried out in accordance with the following principles:

voluntary application of documents in the sphere of standardization;

(as amended by the Federal Law dated 30.12.2009 No. 385-FZ)

elaboration of standards with maximum account of interested parties' interests;

application of an international standard as the basis for elaboration of a national standard, with the exception of cases when such application has been recognized as impossible since the requirements of international standards conflict with the special climatic and geographical features of the Russian Federation, technical and (or) technological special features, or on other grounds, or if the Russian Federation has resolved, in accordance with established procedures, against the adoption of the international standard or its individual provision;

inadmissibility of creating obstacles to the manufacture and circulation of products, performance of works and rendering of services to a greater degree than it is minimum needed for the attainment of the goals specified in Article 11 of this Federal Law;

inadmissibility of the establishment of standards conflicting with technical regulations;

provision of conditions for unified application of standards.

#### Article 13. Documents in the Sphere of Standardization

The following documents used in the territory of the Russian Federation shall be regarded as belonging to the standardization sphere:

national standards;

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

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

standards of organizations;

sets of rules;

(the Paragraph was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

international standards, regional standards, regional sets of rules, standards of foreign states and sets of rules of foreign states registered with the Federal Information Fund of Technical Regulations and Standards;

(the Paragraph was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

duly certified Russian translations of international standards, regional standards, regional sets of rules, standards of foreign states and sets of rules of foreign states accepted for account by a national body for standardization of the Russian Federation.

(the Paragraph was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

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

1. The national body of the Russian Federation for standardization (hereinafter referred to as the national body for standardization) shall:

approve national standards;

adopt a program for the development of national standards;

organise expert examination of draft national standards, as well as of standards and sets of rules submitted for registration in accordance with Clause 4 Article 44 of this Federal Law;

(as amended by the Federal Law dated 30.12.2009 No. 385-FZ)

ensure compliance of the national standardization system with the interests of the national economy, the condition of the material-and technical base and with scientific and technological progress;

keep records of standardization related documents in the Federal Information Fund of Technical Regulations and Standards and ensure availability of access thereto for interested parties;

(as amended by the Federal Law dated 30.12.2009 No. 385-FZ)

set up technical committees on standardization, approve regulations on them and coordinate their activity;

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

make arrangements for official publication and distribution of national standards, all-Russia classifiers of technical-and-economic and social information, standardization rules, norms and recommendations in the sphere of standardization in the printed source and for their placement in a electronic digital form in the public information system;

(as amended by the Federal Law dated 18.07.2009 No. 189-FZ)

take part in accordance with the charters of international organizations in the elaboration of international standards and provide for the interests of the Russian Federation to be taken into account in their adoption;

approve the representation of mark of compliance with national standards;

represent the Russian Federation in international organizations operating in the standardization sphere;

assure free access to the documents in the sphere of standardization in the public information system the application of which leads to voluntary assurance of compliance with the requirements of the adopted technical regulations or which contain the rules and methods of examination (tests) and measurements, including the rules of selection of samples which are required for application and implementation of adopted technical regulations and compliance evaluation, with the exception of the

cases specified in Clause 9 Article 44 of this Federal Law;  
(as amended by the Federal Law dated 30.12.2009 No. 385-FZ)

submit the information and documents in the sphere of standardization in accordance with the obligations of the Russian Federation resulting from international treaties of the Russian Federation in the sphere of technical regulation;

(the Paragraph was introduced by the Federal Law dated 18.07.2009 No. 189-FZ)

keep record of the international standards, regional standards, regional sets of rules, standards of foreign states and sets of rules of foreign states with the Federal Information Fund of Technical Regulations and Standards;

(the Paragraph was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

accept for account the duly certified Russian translations of international standards, regional standards, regional sets of rules, standards of foreign states and sets of rules of foreign states.

(the Paragraph was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

2. The Government of the Russian Federation shall determine the body authorized for the performance of the functions of the national body for standardization.

3. For the purposes of this Article publication of national standard by the national body for standardization shall be understood as publication of the national standard in Russian in the printed source and in the public information system in electronic digital form.

4. Representatives of federal executive bodies, research institutions, self-regulated organizations, profit-making and non-profit organizations and of public associations of entrepreneurs and consumers may act as members of technical committees on standardization on an equal and voluntary basis.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

The procedure for the establishment and operation of technical committees on standardization shall be approved by the national body for standardization.

The meetings of technical committees on standardization shall be held in open session.

Technical committees on standardization shall exercise their activities in compliance with regulations thereon.

(the Paragraph was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

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

1. Participants in standardization works, as well as national standards, all-Russia classifiers of technical-economic and social information, rules of their development and application, standardization rules, norms and recommendations in the sphere of standardization, and sets of rules form the national standardization system.

(Clause 1 as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

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In accordance with the Order of the Gosstandart (Federal Agency for Technical Regulation and Metrology) of the Russian Federation dated 30.01.2004 No. 4, the state and international standards adopted by the Gosstandart of Russia prior to July 1, 2003 shall be acknowledged as the national standards.

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2. National standards shall be elaborated in accordance with the procedure established by this Federal Law. National standards shall be approved by the national body for standardization in accordance with the standardization rules, norms and recommendations in this sphere.

A national standard shall be applied on a voluntary basis in the same way and in an equal measure, regardless of the country and (or) place of origin of the products, methods for the processes of production, operation, storage, transportation, sale and reclamation, performance of works and rendering of services, the kinds and special features of transactions and (or) persons acting as manufacturers, contractors, sellers, purchasers.

Application of a national standard shall be confirmed by the mark of compliance with the national standard.

3. All-Russia Classifiers of technical-and-economic and social information (hereinafter referred to as All-Russia Classifiers) are normative documents distributing technical-and-economic and social information in accordance with its classification (classes, groups, kinds and so on) and which are mandatory for application at the establishment of state information systems and information resources and at interdepartmental exchange of information.

The procedure for the elaboration, adoption, bringing into effect, keeping and application of All-Russia Classifiers in the socio-economic sphere (including in the sphere of forecasts, statistical records, banking, taxation, at interdepartmental exchange of information, establishment of information systems and information resources) shall be established by the Government of the Russian Federation.

#### Article 16. Rules of Elaboration and Approval of National Standards

1. The national body for standardization shall elaborate and approve the program for the elaboration of national standards. The national body for standardization shall ensure interested parties' access for familiarization with the program for the elaboration of national standards.

2. Any person may act as the developer of a national standard.

3. The notification of the elaboration of a national standard shall be sent to the national body for standardization and published in the public information system in electronic digital form and in the printed source of the federal executive body for technical regulation. The notification of the development of a national standard shall contain information about provisions in the draft national standards that differ from the provisions of the relevant international standards.

The developer of a national standard shall ensure interested parties' access to the draft for familiarization. The developer shall present a copy of the draft national standard to an interested party at the request thereof. The developer's charges for the supply of said copy shall not exceed the cost of its making.

If the developer of a national standard is a federal executive body, the charges for the supply of the copy of the draft national standard shall be paid to the federal budget.

4. The developer shall finish the draft national standard taking account of any interested party's remarks obtained in written form, hold public discussion of the draft national standard and compile a list of the interested parties' remarks obtained in written form, with a brief outline of the content of the given remarks and of the results of their discussion.

The developer shall preserve the interested parties' remarks obtained in written form, pending the approval of the national standard, and present them to the national body for standardization and technical committees on standardization at their requests.

The time limit for public discussion of the draft national standard from the day of publication of the notification of the development of the draft national standard to the day of publication of the notification of the completion of the public discussion shall not be less than two months.

5. The notification of the completion of the public discussion of the draft national standard shall be published in the printed source of the federal executive body for technical regulation and in the public information system in electronic digital form.

Interested parties shall have access for familiarization with the finished draft national standard and with the list of the interested parties' remarks obtained in written form, from the day of publication of the notification of the completion of the public discussion of the draft national standard.

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

7. The draft national standard together with the list of the interested parties' remarks obtained in written form shall be presented by the developer to the technical committee on standardization which shall organise expert examination of the given draft.

8. On the basis of the documents specified in Clause 7 of this Article, and taking account of the results of the expert examination, the technical committee on standardization shall prepare a reasoned proposal on approval or rejection of the draft national standard. This proposal shall be sent simultaneously with the documents specified in Clause 7 of this Article and the results of the expert examination to the national body for standardization.

The national body for standardization shall adopt a decision on the basis of the documents presented by the technical committee on standardization, on approval or rejection of the national standard.



Notification of the approval of the national standard shall be published in the printed source of the federal executive body for technical regulation and in the public information system in electronic digital form within thirty days from the day of approval of the national standard.

If the national standard is rejected, the reasoned decision of the national body for standardization, with the documents specified in Clause 7 of this Article appended, shall be sent to the developer of the draft national standard.

8.1. National standards shall be amended in accordance with the procedure established by this Article for development and approval of national standards.

(Clause 8.1 was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

9. Abrogated. - The Federal Law dated 30.12.2009 No. 385-FZ.

10. In cases when there are no national standards as applied to individual requirements of technical regulations or objects of technical regulation, sets of rules shall be developed for the purpose of ensuring the compliance with the requirements of technical regulations for products or for processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation related thereto.

Sets of rules shall be elaborated and approved by federal executive bodies within the scope of their authority. A draft set of rules shall be placed in a public information system in electronic digital form not later than sixty days before the date of its approval. The procedure for elaboration and approval of a set of rules shall be determined by the Government of the Russian Federation on the basis of the provisions of Clauses 3-6 of this Article.

(Paragraph 10 was introduced by the Federal Law 01.05.2007 No. 65-FZ)

Article 16.1. Rules of Generation of a List of Documents in the Sphere of Standardization, the Application of Which Leads to Voluntary Compliance with the Technical Regulations' Requirements

(introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

1. Not later than thirty days prior to entry into force of the technical regulations the national body for standardization shall approve of a list of documents in the sphere of standardization, the application of which leads to voluntary compliance with the requirements of the adopted technical regulations, publish it in the printed source of the federal executive body for technical regulation and place it in electronic digital form in the public information system.

2. The list of documents specified in Clause 1 of this Article may contain national standards and sets of rules, and also international standards, regional standards, regional sets of rules, standards of foreign states and sets of rules of foreign states provided that the abovementioned standards and sets of rules have been registered with the Federal Information Fund of Technical Regulations and Standards. The international standards, regional standards, regional sets of rules, standards of foreign states and sets of rules of foreign states shall be registered with the Federal Information Fund of Technical Regulations and Standards in accordance with the procedure established by Article 44 of this Federal Law.

3. National standards and sets of rules may specify the requirements of technical regulations, for the observance of which on a voluntary basis national standards and (or) sets of rules are applied.

4. The application on a voluntary basis of standards and (or) sets of rules included in the list of documents in the sphere of standardization stipulated in Clause 1 of this Article shall be a sufficient condition of compliance with the requirements of the relevant technical regulations. In case of application of such standards and (or) sets of rules for compliance with the requirements of technical regulations, the compliance with the requirements of technical regulations may be evaluated on the basis of confirmation of their compliance with such standards and (or) sets of rules. The non-application of such standards and (or) sets of rules may not be regarded as non-compliance with the requirements of technical regulations. In such case it is allowable to apply other documents for evaluation of compliance with the requirements of technical regulations.

5. The documents in the sphere of standardization included in the list specified in Clause 1 of this Article shall be revised, and where necessary, reviewed and (or) updated at least once per five years.

Article 17. Standards of Organizations

1. Standards of organizations, including profit-making, non-profit organizations, research institutions, self-regulated organizations, and associations of legal entities may be developed and approved thereby on their own, proceeding from the need to apply these standards for the purposes specified in Article 11 of this Federal Law for the improvement of production and for the provision the quality of products, performance of works, rendering of services, and also for popularisation and utilisation of the results of examination (tests), measurements and development obtained in various fields of knowledge.

The procedure for the development, approval, recording, amendment and termination of organizations' standards shall be established thereby on their own, taking account of the provisions of Article 12 of this Federal Law.

An organization's draft standard shall be presented by the developer to the technical committee on standardization which shall organize expert examination of the given draft. On the basis of the results of the given draft's expert examination the technical committee on standardization shall prepare a conclusion and send it to the developer of the draft standard.

2. Abrogated. - The Federal Law dated 01.05.2007 No. 65-FZ.

## **Chapter 4. COMPLIANCE CONFIRMATION**

### **Article 18. Goals of Compliance Confirmation**

Compliance shall be confirmed for the attainment of the following goals:

to certify the compliance of the products, design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation, works, services or other objects with technical regulations, standards, sets of rules and terms of contracts;

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

to assist the purchasers in the competent choice of products, works, services;

to raise the level of competitiveness of products, works, services on the Russian and world markets;

to create conditions for ensuring free transportation of goods across the territory of the Russian Federation, and also for international economic, scientific and technological cooperation and world trade.

### **Article 19. Compliance Confirmation Principles**

1. Compliance confirmation shall be carried out on the basis of the following principles:

free access for interested parties to information about the procedure for the confirmation of compliance;

inadmissibility of mandatory confirmation application to objects in the absence of the requirements of technical regulations applying to them;

determination of the list of forms and schemes for the mandatory confirmation of compliance in relation to certain kinds of products in the relevant technical regulations;

reduction of the time limits for the mandatory confirmation of compliance and of the applicant's expenses;

inadmissibility of coercion to be used for voluntary confirmation of compliance, including in a certain system of voluntary certification;

protection of the applicant's property interests, observance of commercial secrets in relation to information obtained in the process of confirmation of compliance;

inadmissibility of the replacement of the mandatory confirmation of compliance by voluntary certification.

2. Compliance confirmation shall be elaborated and applied in the same way and in equal measure, regardless of the country and (or) place of origin of the products, methods for the processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation, performance of works and rendering of services, the kinds and special features of transactions and (or) persons acting as manufacturers, contractors, sellers, purchasers.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

### **Article 20. Forms of Compliance Confirmation**

1. Compliance confirmation in the territory of the Russian Federation may be of voluntary or mandatory nature.
2. Voluntary confirmation of compliance shall be carried out in the form of voluntary certification.
3. Mandatory confirmation of compliance shall be carried out in the following forms: adoption of a compliance declaration (hereinafter referred as the compliance declaration); mandatory certification.
4. The procedure for the application of the forms of mandatory confirmation of compliance shall be established by this Federal Law.

#### Article 21. Voluntary Confirmation of Compliance

1. Voluntary confirmation of compliance shall be carried out at the applicant's initiative on the terms of a contract between the applicant and the certification body. Voluntary confirmation of compliance may be carried out for the determination of compliance with national standards, organizations' standards, sets of rules, voluntary certification systems, terms of contracts.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

The objects of voluntary confirmation of compliance shall be products, processes of production, operation, storage, transportation, sale and reclamation, works and services and also other objects, the requirements to which are established by standards, voluntary certification systems and contracts.

The certification body shall:

- carry out confirmation of the compliance of the objects of voluntary confirmation of compliance;
- issue compliance certificates for objects which have undergone the procedure for voluntary certification;
- grant the right to the applicants for the application of the compliance mark, if application of a compliance mark is stipulated by the relevant voluntary certification system;
- suspend or terminate operation of the compliance certificates issued thereby.

2. A voluntary certification system may be established by a legal entity and (or) an individual entrepreneur, or by a number of legal entities and (or) individual entrepreneurs.

The person or persons having set up a voluntary certification system shall compile a list of objects to be certified and of their characteristics, with voluntary certification to be carried out for compliance with them, establish rules of performance of the works provided for by the given voluntary certification system, and the procedure for payment for them, and determine participants in the given voluntary certification system. The voluntary certification system may provide for the application of a compliance mark.

3. The voluntary certification system may be registered with the federal executive body for technical regulation.

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ConsultantPlus: Note.

See Order of Rostekhnregulirovanie (Federal Agency for Technical Regulation and Metrology) dated 25.02.2005 No. 27-st for Recommendations on the Content and Form of Documents Presented for Registration of a Voluntary Certification System.

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The following documents shall be presented to the federal executive body for technical regulation for registration of a voluntary certification system:

- the certificate of state registration of the legal entity and (or) individual entrepreneur;
- the rules of functioning of the voluntary certification system which stipulate for the provisions of Clause 2 of this Article;
- the representation of a compliance mark applied in this voluntary certification system, if application of the compliance mark is provided for, and the procedure for the application of the compliance mark;
- the document confirming payment for registration of the voluntary certification system.

The registration of a voluntary certification system shall be effected within five days from the time of presentation of the documents stipulated by this Clause, for registration of the voluntary certification system, to the federal executive body for technical regulation. The procedure for registration of the

voluntary certification system and the amount of charge for the registration shall be established by the Government of the Russian Federation. The charge for registration of the voluntary certification system shall be paid to the federal budget.

4. Refusal to register the voluntary certification system shall be admissible solely in case of non-presentation of the documents stipulated by Clause 3 of this Article, or if the name of the system and (or) representation of the compliance mark and the name of the system and (or) representation of the compliance mark of a voluntary certification system registered earlier are identical. The notification of the refusal to register the voluntary certification system shall be sent to the applicant within three days from the day of adopting the decision on the refusal to register this system with indication of the grounds for the refusal.

The refusal to register a voluntary certification system may be appealed in a judicial procedure.

5. The federal executive body for technical regulation shall keep a unified register of registered voluntary certification systems with information about the legal entities and (or) individual entrepreneurs having established voluntary certification systems, about the rules of functioning of the voluntary certification systems which stipulate for the provisions of Clause 2 of this Article, about compliance marks and the procedure for their application. The federal executive body for technical regulation shall ensure that interested parties have free access to information contained in the Unified Register of Registered Voluntary Certification Systems.

The procedure for keeping the Unified Register of Registered Voluntary Certification Systems and the procedure for the supply of information contained in this Register shall be established by the federal executive body for technical regulation.

#### Article 22. Compliance Marks

1. Certification objects certified in the voluntary certification system shall be labelled with the compliance mark of the voluntary certification system. The procedure for the application of such a compliance mark shall be established by the rules of the relevant voluntary certification system.

2. The mark of compliance with a national standard shall be applied by the applicant on a voluntary basis in any way suitable for the applicant in accordance with the procedure established by the national body for standardization.

3. Objects the compliance of which has not been confirmed in accordance with the procedure established by this Federal Law shall not be labelled with the compliance mark.

#### Article 23. Mandatory Confirmation of Compliance

1. Mandatory confirmation of compliance shall be carried out solely in cases stipulated by the relevant technical regulations, and exclusively for compliance with the requirements of technical regulations.

The object of mandatory confirmation shall be solely products put into circulation in the territory of the Russian Federation.

2. The form and schemes of the mandatory confirmation of compliance shall be established solely by technical regulations taking account of the degree of the risk of failure to attain the goals of technical regulations.

3. The compliance declaration and the compliance certificate shall be regarded as equally valid, and they shall operate throughout the territory of the Russian Federation in respect of each unit of products released for circulation in the territory of the Russian Federation during the validity period of the compliance declaration or compliance certificate, the useful life or service life of the products as determined in accordance with the legislation of the Russian Federation.

(Clause 3 as amended by the Federal Law dated 18.07.2009 No. 189-FZ)

4. Works for mandatory confirmation of compliance shall be paid for under a contract with the applicant. The cost of works for mandatory confirmation of products' compliance shall be determined regardless of the country and (or) place of their origin, as well as of the persons being applicants.

(Clause 4 as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

#### Article 24. Compliance declaration

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ConsultantPlus: Note.

See the Order of the Government of the Russian Federation dated 01.12.2009 No. 982 for the Uniform List of Products the Compliance of Which Is Confirmed in the Form of Compliance Declaration Acceptance.

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ConsultantPlus: Note.

See the Order of the Government of the Russian Federation dated 07.07.1999 No. 766 for the Procedure of Compliance Declaration Acceptance.

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1. Compliance shall be declared according to one of the following schemes:  
acceptance of the compliance declaration on the basis of the person's own proof;  
adoption of the compliance declaration on the basis of the person's own proof and proof obtained with the participation of certification body and (or) accredited testing laboratory (centre) (hereinafter referred to as a third party).

For declaration of compliance, the applicant can be a legal entity or a natural person, registered in accordance with the legislation of the Russian Federation in its territory as an individual entrepreneur or acting as a manufacturer or seller, or performing the functions of a foreign manufacturer on the basis of a contract concluded therewith in the part of provision of compliance of the delivered products with the requirements of technical regulations and in the part of responsibility for non-compliance of the delivered products with the requirements of technical regulations (the person performing the functions of a foreign manufacturer).

The circle of applicants shall be determined by the relevant technical regulations.

The scheme of declaration of compliance with the participation of a third party shall be determined in technical regulations if the absence of a third party leads to failure to attain the goals of confirmation of compliance.

2. For declaration of compliance on the basis of the applicant's own proof the applicant shall form own materials of proof for the purposes of confirmation of the products' compliance with the requirements of technical regulations. Technical documents, the results of the applicant's own examination (tests) and measurements and (or) other documents which serve as a reasoned basis for confirmation of the products' compliance with the requirements of technical regulation shall be used as materials of proof. The composition of the materials of proof shall be determined by the relevant technical regulations.

3. For declaration of compliance on the basis of own proof and of that obtained with the participation of a third party, the applicant, at own choice in addition to own proof formed in accordance with the procedure stipulated by Clause 2 of this Article, shall:

include in the materials of proof reports of examination (tests) and measurements carried out in an accredited test laboratory (centre);

present the certificate of the quality system with respect to which control (supervision) is stipulated to be exercised by the certification body having issued the given certificate, over the certification object.

4. The quality system certificate shall be used as part of the proof for the adoption of a compliance declaration for any products, unless a different form of compliance confirmation is stipulated for such products by technical regulations.

5. The compliance declaration shall be drawn up in Russian and shall contain:

the applicant's name and location;

the manufacturer's name and location;

information about the object of confirmation of compliance making it possible to identify this object;

the name of the technical regulations for compliance with the requirements of which the products are being confirmed;

indication of the scheme of the declaration of confirmation;

the applicant's statement of the products' safety at their utilisation in accordance with their designated purpose and of the applicant's having taken measures for ensuring the products' compliance with the requirements of technical regulations;

information about the examination (tests) and measurements carried out by the applicant, the quality system certificate, and also about the documents which served as the ground for the confirmation of the

products' compliance with the requirements of technical regulations;

the validity term of the compliance declaration;

other information stipulated by the relevant technical regulations.

The validity term of the compliance declaration shall be determined by technical regulations.

The form of the compliance declaration shall be approved by the federal executive body for technical regulation.

6. The compliance declaration drawn up according to Clause 5 of this Article, shall be subject to registration with the Uniform Register of Compliance Declarations within three days.

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ConsultantPlus: Note.

In accordance with the Order of the Government of the Russian Federation dated 05.06.2008 No. 438 (as amended on 10.03.2009), the Ministry of Industry and Trade of the Russian Federation shall determine the procedure for generation and keeping of the Uniform Register of Compliance Declarations, submission of the information contained in the said Register, and establish the procedure for registration of the compliance declarations.

“The Regulation on Generation and Keeping of the Uniform Register of Compliance Declarations, Registration of Compliance Declarations, Submission of the Information Contained in the Said Register and Payment for Provision of Such Information” was approved by the Order of the Government of the Russian Federation dated 25.12.2008 No. 1028.

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The procedure for forming and keeping the Uniform Register of Compliance Declarations, the procedure for registration of compliance declarations, the procedure for presentation of information contained in the said Register shall be determined by a federal executive body authorized by the Government of the Russian Federation.

(as amended by the Federal Law 23.07.2008 No. 160-FZ)

The procedure for payment for provision of information from the Uniform Register of Compliance Declarations shall be determined by the Government of the Russian Federation.

(The Paragraph was introduced by the Federal Law dated 23.07.2008 No. 160-FZ)

(Clause 6 as amended by the Federal Law 01.05.2007 No. 65-FZ)

7. The compliance declaration and the documents of the materials of proof shall be kept in storage by the applicant for three years from the time of expiration of the declaration. The second copy of the compliance declaration shall be kept in storage at the federal executive body authorized by the Government of the Russian Federation.

(as amended by the Federal Laws dated 01.05.2007 No. 65-FZ, dated 23.07.2008 No. 160-FZ)

#### Article 25. Mandatory Certification

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ConsultantPlus: Note.

See the Order of the Government of the Russian Federation dated 01.12.2009 No. 982 for the Uniform List of Products Subject to Mandatory Certification.

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1. Mandatory certification shall be carried out by the certification body on the basis of a contract with the applicant. Certification schemes used for certification of individual kinds of products shall be established by the relevant technical regulations.

2. The products' compliance with the requirements of technical regulations shall be confirmed by a compliance certificate issued to the applicant by the certification body.

The compliance certificate shall include:

the applicant's name and location;

the name and location of the manufacturer of the products which have undergone the certification procedure;

the name and location of the certification body which issued the compliance certificate;

information about the certification object making it possible to identify this object;

the name of the technical regulations for compliance with the requirements of which certification was carried out;

information about the examination (tests) and measurements that were carried out;

information about the documents presented by the applicant to the certification body as proof of the

products' compliance with the requirements of technical regulations;  
the validity term of the compliance certificate.

The validity term of the compliance certificate shall be determined by the relevant technical regulations.

The form of the compliance certificate shall be approved by the federal executive body for technical regulation.

#### Article 26. Organization of Mandatory Certification

1. Mandatory certification shall be carried out by a certification body accredited in accordance with the procedure established by the Government of the Russian Federation.

2. The certification body shall:

attract on a contractual basis test laboratories (centres) accredited in accordance with the procedure established by the Government of the Russian Federation (hereinafter referred to as accredited test laboratories (centres), for carrying out examination (tests) and measurements;

exercise control over certification objects, if such control is stipulated by the relevant mandatory certification scheme and by the contract;

keep the Register of Compliance Certificates issued thereby;

inform the relevant bodies of state control (supervision) over compliance with the requirements of technical regulations for products which have been presented for certification but have not yet undergone its procedure;

issue compliance certificates, suspend or terminate compliance certificates issued thereby and notify thereof the federal executive body charged with organization of drawing up and keeping of the Uniform Register of Compliance Certificates and the state bodies of control (supervision) over compliance with the requirements of technical regulations;

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

ensure the supply of information to the applicants about the procedure for mandatory certification;

determine the cost of certification works carried out on the basis of the contract concluded with the applicant;

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

in accordance with the procedure established by the relevant technical regulations, render the decision on extension of the validity term of the compliance certificate, in particular, on the basis of the results of control over certified objects.

(The Paragraph was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

3. The procedure for forming and keeping the Uniform Register of Compliance Certificates, the procedure for presentation of information contained in the said Register and the procedure for making payment for the supply of information contained in the said Register, as well as the federal executive body charged with organization of drawing up and keeping of said Register, shall be determined by the Government of the Russian Federation.

(Clause 3 as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

4. Examination (tests) and measurements of products for mandatory certification shall be carried out by accredited test laboratories (centres).

The accredited test laboratories (centres) shall carry out examination (tests) and measurements of products within the sphere of their accreditation on the terms of contracts with certification bodies. Certification bodies shall not have the right to supply information about the applicant to the accredited test laboratories (centres).

An accredited test laboratory (centre) shall formalise the results of the examination (tests) and measurements in reports, and on their basis the certification body shall adopt a decision on the issue or on the refusal to issue a compliance certificate. The accredited test laboratory (centre) shall ensure credibility of the results of the examination (tests) and measurements.

#### Article 27. Mark of Circulation on the Market

1. The products the compliance of which with the requirements of technical regulations has been confirmed in accordance with the procedure stipulated by this Federal Law, shall be labelled with the mark of circulation on the market. The representation of the mark of circulation on the market shall be

established by the Government of the Russian Federation. This mark shall not be regarded as a special protected mark and shall be affixed for information purposes.

2. The applicant shall label products with the mark of circulation on the market independently by any suitable method. The particular terms of product labelling with a mark of circulation on the market shall be established by technical regulations.

(as amended by the Federal Law dated 18.07.2009 No. 189-FZ)

Products the compliance of which with the requirements of technical regulations has not been confirmed in accordance with the procedure established by this Federal Law shall not be labelled with the mark of circulation of the market.

#### Article 28. Rights and Obligations of the Applicant in the Sphere of Mandatory Confirmation of Compliance

1. The applicant shall have the right to:

choose the form and scheme for the confirmation of compliance stipulated for certain kinds of products by the relevant technical regulations;

apply for mandatory certification to any certification body the sphere of accreditation of which extends to the products the applicant intends to certify;

lodge complaints to the accreditation body against unlawful actions of certification bodies and accredited test laboratories (centres) in accordance with the legislation of the Russian Federation.

2. The applicant shall be obliged to:

ensure the products' compliance with the requirements of technical regulations;

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ConsultantPlus: Note.

The Form of an Application for Registration of the Declaration of Products' Compliance with the Requirements of Technical Regulations was approved by the Order of the Ministry of Industry and Trade of the Russian Federation dated 19.03.2009 No. 151

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put into circulation products subject to the mandatory confirmation of compliance only after having carried out such confirmation of compliance;

indicate information in the accompanying technical documents and when marking the products about the compliance certificate or the compliance declaration.

present documents to the bodies of state control (supervision) over compliance with the requirements of technical regulations and also to interested parties testifying to the confirmation of the products' compliance with the requirements of technical regulations (compliance declaration, compliance certificate or copies thereof);

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ConsultantPlus: note.

The Form of a Notification of Termination of the Declaration of Products' Compliance with the Requirements of Technical Regulations by the Applicant's Decision was approved by Order of the Ministry of Industry and Trade of the Russian Federation dated 19.03.2009 No. 151.

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suspend or terminate the sale of products if the validity term of the compliance certificate or of the compliance declaration has expired or if the compliance certificate or the compliance declaration has been either suspended or terminated;

inform the certification body about amendments introduced into the technical documents or the technological processes of production of certified products;

suspend the manufacture of products which have undergone the procedure of the confirmation of compliance and do not comply with the requirements of technical regulations on the basis of the decisions of the bodies of state control (supervision) over compliance with the requirements of technical regulations.

#### Article 29. Terms for the Importation into the Territory of the Russian Federation of Products Subject to Mandatory Confirmation of Compliance

1. For products subject to mandatory confirmation of compliance to be assigned a customs regime providing for the possibility of alienation or utilisation of these products in accordance with their designation in the customs territory of the Russian Federation, the compliance declaration or the compliance certificate or documents of their recognition in accordance with Article 30 of this Federal Law,



shall be presented to the customs agencies together with the customs declaration by the applicant or by the person authorized by the applicant. The presentation of the said documents shall not be required if the products are assigned the customs regime of refusal in favour of the state.

For the purposes of customs clearance of the products, the Government of the Russian Federation shall approve the lists of products to which the operation of Paragraph 1 of this Clause extends, with indication of the codes of the Commodity Classifier for Foreign Economic Activity, on the basis of technical regulations not later than thirty days prior to entry into force of the technical regulations. The federal executive bodies operating in the specified field of activity acting jointly with a federal executive body authorized in the sphere of customs activity and a federal executive body responsible for state services provision, state property management in the sphere of technical regulation and metrology, shall generate the said lists and submit them to the Government of the Russian Federation not later than sixty days prior to entry into force of the technical regulations.

(as amended by the Federal Law dated 18.07.2009 No. 189-FZ)

For the purpose of customs clearance of products in case where the technical regulations have been adopted under a normative legal act of the federal executive body for technical regulation, the above said federal executive body acting jointly with a federal executive body authorized in the sphere of customs activity shall approve of the lists of products covered by Paragraph 1 of this Article specifying the codes of the Commodity Classifier for Foreign Economic Activity not later than thirty days prior to entry into force of the technical regulations.

(The Paragraph was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

2. The products determined in accordance with the provisions of Paragraph 2 Clause 1 of this Article and subject to mandatory confirmation of compliance, which are brought into the customs territory of the Russian Federation and assigned customs regimes which do not provide for the possibility of their alienation, shall be released by the customs agencies of the Russian Federation into the territory of the Russian Federation without the need to present the documents of compliance specified in Paragraph 1 Clause 1 of this Article.

3. The procedure for the importation into the customs territory of the Russian Federation of products subject to mandatory confirmation of compliance and determined in accordance with the provisions of Paragraph 2 Clause 1 of this Article and taking account of the provisions of Clause 2 of this Article, shall be approved by the Government of the Russian Federation.

#### Article 30. Recognition of the Results of the Confirmation of Compliance

Documents of the confirmation of compliance, marks of compliance and reports of examination (tests) and measurements of products, obtained outside the territory of the Russian Federation, may be authorized in accordance with the international treaties of the Russian Federation.

### **Chapter 5. ACCREDITATION OF CERTIFICATION BODIES AND TEST LABORATORIES (CENTRES)**

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

1. Certification bodies and test laboratories (centres) shall be accredited for the following purposes:  
to confirm the jurisdiction of the certification bodies and test laboratories (centres) performing works for the confirmation of compliance;

to ensure trust of the manufacturers, sellers and purchasers in the activity of the certification bodies and accredited test laboratories (centres);

to create conditions for recognition of the results of activity of the certification bodies and accredited test laboratories (centres).

2. Certification bodies and test laboratories (centres) performing works for the confirmation of compliance, shall be accredited on the basis of the following principles:

voluntariness;

free access to accreditation rules;

the accreditation bodies' competence and independence;

inadmissibility of restrictions imposed on competitiveness or of obstacles to the use of the services of the certification bodies and accredited test laboratories (centres);

provision of equal conditions for persons applying to obtain accreditation;  
inadmissibility of combining authority for accreditation and for confirmation of compliance;  
inadmissibility of limits to be imposed on the operation of accreditation documents in individual territories.

3. A procedure for and criteria of accreditation of certification bodies and test laboratories (centres) performing works in the sphere of compliance confirmation shall be determined by the Government of the Russian Federation on the basis of national standards adopted with regard to international standards. The accreditation bodies shall be determined by the Government of the Russian Federation.  
(Clause 3 as amended by the Federal Law dated 30.12.2009 No. 385-FZ)

## **Chapter 6. STATE CONTROL (SUPERVISION) OVER COMPLIANCE WITH THE REQUIREMENTS OF TECHNICAL REGULATIONS**

Article 32. Bodies of State Control (Supervision) over Compliance with the Requirements of Technical Regulations

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ConsultantPlus: Note.

The Order of the Government of the Russian Federation dated 17.06.2004. No. 294 established that the Federal Agency for Technical Regulation and Metrology shall exercise control and supervision over compliance with the mandatory requirements of the state standards and technical regulations pending the adoption by the Government of the Russian Federation of decision on transfer of these functions to other federal executive bodies.

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1. State control (supervision) over compliance with the requirements of technical regulations shall be exercised by federal executive bodies, the executive bodies of the subjects of the Russian Federation, governmental institutions subordinated to them authorized for state control (supervision) in accordance with the legislation of the Russian Federation (hereinafter referred to as the state control (supervision) bodies).

2. State control (supervision) over compliance with the requirements of technical regulations shall be exercised by the officials of state control (supervision) bodies in accordance with the procedure established by the legislation of the Russian Federation.

Article 33. Objects of State Control (Supervision) over Compliance with the Requirements of Technical Regulations

1. State control (supervision) over compliance with the requirements of technical regulations shall be exercised in relation to products, or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation related to requirements thereto, exclusively in the part of compliance with the requirements of the relevant technical regulations.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

2. In relation to products, state control (supervision) over compliance with the requirements of technical regulations shall be exercised exclusively at the stage of circulation of products.

3. For the implementation of measures for state control (supervision) over compliance with the requirements of technical regulations, the rules and methods of examination (tests) and measurements established for the relevant technical regulations in accordance with the procedure stipulated by Clause 11 Article 7 of this Federal Law shall be used.

Article 34. Powers of State Control (Supervision) Bodies

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ConsultantPlus: Note.

See also the Order of the Gosstandart of the Russian Federation dated 01.09.2003 No. 99, the Order of the Government of the Russian Federation dated 16.05.2003 No. 287 and the Order of the Government of the Russian Federation dated 21.12.2000 No. 987 on issues of exercising state control.

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

demand from the manufacturer (seller, person performing the functions of the foreign manufacturer) presentation of the compliance declaration or the compliance certificate confirming the products' compliance with the requirements of technical regulations, or of copies thereof, if the application of such documents is stipulated by the relevant technical regulations;

implement measures for state control (supervision) over compliance with the requirements of technical regulations in accordance with the procedure established by the legislation of the Russian Federation;

issue orders on the removal of violations of the requirements of technical regulations within the time limits fixed with account of the nature of the violation;

The Paragraph was abrogated. - The Federal Law dated 09.05.2005 No. 45-FZ;

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ConsultantPlus: Note.

The Form of a Notification of Suspension or Termination of a Declaration of Products' Compliance with the Requirements of Technical Regulations by a State Control (Supervision) Body was approved by the Order of the Ministry of Industry and Trade of the Russian Federation dated 12.08.2009 No. 741.

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send information about the necessity of suspension or termination of the compliance certificate to the certification body that issued it; to issue an order to suspend or terminate the compliance declaration to the person that has accepted the declaration and to notify thereof the federal executive body charged with organization of forming and keeping the Uniform Register of Compliance Declarations;  
(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

bring the manufacturer (contractor, seller, person performing the functions of the foreign manufacturer) to responsibility stipulated by the legislation of the Russian Federation;

adopt other measures stipulated by the legislation of the Russian Federation, for the purposes of harm prevention.

2. The state control (supervision) bodies shall be obliged to:

explain, in the course of measures for state control (supervision) over compliance with the requirements of technical regulations, ways for the application of the legislation of the Russian Federation on technical regulation, supply information about the current technical regulations.

observe commercial secrets and other secrets protected by the law;

comply with the procedure for the implementation of measures for state control (supervision) over compliance with the requirements of technical regulations and for formalization of the results of such measures established by the legislation of the Russian Federation;

adopt measures, on the basis of the results of measures for state control (supervision) over compliance with the requirements of technical regulations, for the removal of the consequences of violations of the requirements of technical regulations;

send information about the products' non-compliance with the requirements of technical regulations in accordance with the provisions of Chapter 7 of this Federal Law.

exercise other powers stipulated by the legislation of the Russian Federation.

#### Article 35. Responsibility of the State Control (Supervision) Bodies and of their Officials at Exercising of State Control (Supervision) over Compliance with the Requirements of Technical Regulations

1. State control (supervision) bodies and their officials shall bear responsibility in accordance with the legislation of the Russian Federation in case of improper fulfillment of their official duties at implementation of measures in the sphere of state control (supervision) over compliance with the

requirements of technical regulations, and in case of commitment of unlawful acts (omission).

2. Within a month state control (supervision) bodies shall inform the legal entity and (or) individual entrepreneur whose rights and legitimate interests have been violated about measures taken in relation to the officials of state control (supervision) bodies, guilty of violation of the legislation of the Russian Federation.

## **Chapter 7. INFORMATION ABOUT VIOLATION OF THE REQUIREMENTS OF TECHNICAL REGULATIONS AND WITHDRAWAL OF PRODUCTS**

Article 36. Responsibility for Non-Compliance of Products or Processes of Design (Including Survey Works), Production, Construction, Installation, Adjustment, Operation, Storage, Transportation, Sale and Reclamation Related to Requirements Thereto with the Requirements of Technical Regulations

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

1. The manufacturer (contractor, seller, person performing the functions of the foreign manufacturer) shall bear responsibility in accordance with the legislation of the Russian Federation for violation of the requirements of technical regulations.

2. In case of non-compliance with the orders and decisions of the state control (supervision) body, the manufacturer (contractor, seller, person performing the functions of the foreign manufacturer) shall bear responsibility in accordance with the legislation of the Russian Federation.

3. If as a result of the products' non-compliance with the requirements of technical regulations, violations of the requirements of technical regulations at the implementation of processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation related to the requirements to the products, harm is caused to individuals' life or health, natural persons' or legal entities' property, state or municipal property, the environment, the life or health of animals and plants, or if there is a threat of such harm being caused, the manufacturer (contractor, seller, person performing the functions of the foreign manufacturer) shall compensate for the caused harm and take measures in order to prevent any harm being caused to other persons, their property or the environment in accordance with the legislation of the Russian Federation.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

4. The obligation to compensate for the harm may not be restricted by a contract or declaration of one of the parties. Agreements on or declarations of the restriction of responsibility shall be invalid.

Article 37. Information about the Products' Non-compliance with the Requirements of Technical Regulations

1. The manufacturer (contractor, seller, person performing the functions of the foreign manufacturer) having learned about the fact of non-compliance of the products released into circulation with the requirements of technical regulations shall inform thereof the state control (supervision) body in accordance with its jurisdiction within ten days from the time of receipt of the said information.

The seller (contractor, person performing the functions of the foreign manufacturer) having received the said information shall bring it to the manufacturer's notice within ten days.

2. A person not acting as the manufacturer (contractor, seller, person performing the functions of the foreign manufacturer) and having learned about the fact of non-compliance of the products released into circulation with the requirements of technical regulations, shall be have the right to send information about the products' non-compliance with the requirements of technical regulations to the state control (supervisions) body.

Upon receipt of such information, the state control (supervision) body shall inform the manufacturer (seller, person performing the functions of the foreign manufacturer) about its receipt within five days.

Article 38. Obligations of the Manufacturer (Seller, Person Performing the Functions of the Foreign Manufacturer) in Case of Receipt of Information of the Products' Non-compliance with the Requirements of Technical Regulations

1. The manufacturer (seller, person performing the functions of the foreign manufacturer) shall verify the credibility of the received information within ten days from the time of receipt of information about the

products' non-compliance with the requirements of technical regulations, unless the need for a longer time limit to be fixed follows from the essence of the implemented measures. On the demand of the state control (supervision) body, the manufacturer (seller, person performing the functions of the foreign manufacturer) shall present the materials of the said verification to the state control (supervision) body.

In case of receipt of information about the products' non-compliance with the requirements of technical regulations, the manufacturer (seller, person performing the functions of the foreign manufacturer) shall take the necessary measures to prevent the increase of the possible harm associated with the circulation of the given products before completion of the verification stipulated by Paragraph 1 of this Clause.

2. Upon confirmation of the credibility of the information about the products' non-compliance with the requirements of technical regulations, the manufacturer (seller, person performing the functions of the foreign manufacturer) shall, within ten days from the time of confirmation of the credibility of such information, elaborate a program of harm-prevention measures and reach agreement thereupon with the state control (supervision) body in accordance with its jurisdiction.

The program shall include measures for the supply of information to purchasers about the fact of threat of harm and methods for its prevention, and also time-limits for the implementation of such measures. In case it is necessary to spend more funds for the prevention of harm, the manufacturer (seller, person performing the functions of the foreign manufacturer) shall implement all measures to prevent harm by own efforts, and if it is impossible to implement them, announce the products' withdrawal and compensate for the losses inflicted to purchasers in connection with the withdrawal of the products.

The manufacturer (seller, person performing the functions of the foreign manufacturer) shall remove the defects, and also deliver the products to the place of removal of the defects and return them to the purchasers at own expense.

3. If the threat of harm can not be removed by implementation of the measures specified in Clause 2 of this Article, the manufacturer (seller, person performing the functions of the foreign manufacturer) shall immediately suspend the products' manufacture and sale, withdraw the products and compensate for the purchasers' losses inflicted in connection with the withdrawal of the products.

4. The manufacturer (seller, person performing the functions of the foreign manufacturer) shall provide at own expense the opportunity for the purchasers to gain operative information about the necessary actions throughout the period of operation of the program of harm-prevention measures.

#### Article 39. State Control (Supervision) Bodies' Rights in Case of Receipt of Information about the Products' Non-compliance with the Requirements of Technical Regulations

1. In case information is received about the products' non-compliance with the requirements of technical regulations, the state control (supervision) bodies shall verify the credibility of the received information as soon as possible.

In the course of verification the state control (supervision) bodies shall have the right to:

demand from the manufacturer (seller, person performing the functions of the foreign manufacturer) the materials of verification of the credibility of the information about the products' non-compliance with the requirements of technical regulations;

request the manufacturer (seller, person performing the functions of the foreign manufacturer) and other persons to supply additional information about the products, or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation related to requirements thereto, including the results of the examination (tests) and measurements carried out for the mandatory confirmation of compliance;

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

send inquiries to other federal executive bodies;

attract, if necessary, specialists for analysis of the received materials.

2. Upon recognition of the credibility of the information about the products' non-compliance with the requirements of technical regulations, the state control (supervision) body shall, in accordance within the sphere of its jurisdiction, issue orders within ten days for the elaboration by the manufacturer (seller, person performing the functions of the foreign manufacturer) of a program of harm-prevention measures, render assistance in and exercise control over its implementation.

The state control (supervision) body shall:

promote the spread of information about the time limits and procedure for the implementation of

harm-prevention measures;

request the manufacturer (seller, person performing the functions of the foreign manufacturer) and other persons to supply documents confirming implementation of the measures indicated in the program for harm-prevention measures;

verify compliance with the time limits, indicated in the program for harm-prevention measures;

adopt a decision on filing a court claim for the mandatory withdrawal of the products.

3. In case the body of state control (supervision) has received information about non-compliance of the products with the requirements of technical regulations, and it is necessary to take prompt measures aimed at prevention of causing harm to life and health of individuals by the use of these products or the threat of causing such harm, the state body of control (supervision) shall have the right to:

issue an order to suspend the sale of the products;

notify purchasers of these products via the mass media of non-compliance of these products with the requirements of technical regulations and of the threat of causing harm to life and health of individuals by using these products.

(Clause 3 was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

4. The manufacturer (seller, person performing the functions of the foreign manufacturer) shall have the right to appeal against the actions of the state body of control (supervision) specified in Clause 3 of this Article in a judicial procedure. In case of the rendering of a judicial decision on unlawfulness of the actions committed by the state body of control (supervision), the harm caused to the manufacturer (seller, person performing the functions of the foreign manufacturer) by actions of the state body of control (supervision) shall be compensated for in accordance with the procedure provided for by the legislation of the Russian Federation.

(Clause 4 was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

#### Article 40. Mandatory Withdrawal of the Products

1. In case of failure to fulfil the order stipulated by Clause 2 Article 39 of this Federal Law, or of non-implementation of the program for harm-prevention measures, the state control (supervision) body, in accordance with its sphere of jurisdiction, and also other persons having learned about the non-implementation by the manufacturer (seller, person performing the functions of the foreign manufacturer) of the program for harm-prevention measures, shall have the right to file a court claim for the mandatory withdrawal of the products.

2. In case the claim for the mandatory withdrawal of the products is met, the court shall compel the defendant to perform certain actions associated with the withdrawal of the products, within the time-limit fixed by the court, and also bring the court decision to the purchasers' notice via the mass media or in another way not later than one month from the day of its entry into force.

In case of the defendant's failure to fulfil the court decision in due time, the court decision shall be fulfilled in accordance with the procedure established by the legislation of the Russian Federation. Thereat the claimant shall have the right to notify the purchasers via the mass media of mandatory withdrawal of products.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

3. Measures of criminal responsibility and administrative responsibility may be applied in accordance with the legislation of the Russian Federation for violation of the requirements of this Federal Law on the withdrawal of the products.

#### Article 41. Responsibility for Violation of Rules of Performance of Works in the Sphere of Certification

The certification body and an official of the certification body having violated rules of performance of works in the sphere of certification, if such violation has involved the release into circulation of products not complying with the requirements of technical regulations, shall bear responsibility in accordance with the legislation of the Russian Federation and with the contract for works in the sphere of certification.

#### Article 42. Responsibility of the Accredited Test Laboratory (Centre)

The accredited test laboratory (centre), experts shall bear responsibility in accordance with the legislation of the Russian Federation and with the contract for unreliable or biased results of the examination (tests) and measurements.

#### **Chapter 8. INFORMATION ABOUT TECHNICAL REGULATIONS AND DOCUMENTS FOR STANDARDIZATION**

##### **Article 43. Information about Documents for Standardization**

1. National standards and All-Russia Classifiers, and also information about their elaboration shall be accessible to interested parties.

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ConsultantPlus: Note.

See the Order of the Government of the Russian Federation dated 25.09.2003 No. 594 on the issue of publication of national standards and All-Russia Classifiers of technical-and-economic and social information.

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2. Official publication of national standards and All-Russia Classifiers in accordance with the established procedure shall be carried out by the national body for standardization. The procedure for the publication of national standards and All-Russia Classifiers shall be determined by a federal executive body authorized by the Government of the Russian Federation.  
(as amended by the Federal Law dated 23.07.2008 No. 160-FZ)

##### **Article 44. Federal Information Fund of Technical Regulations and Standards**

1. Technical regulations, documents of the national standardization system, international standards, standardization rules, standardization norms and recommendations on standardization, national standards of other states and information about international treaties in the sphere of standardization and compliance confirmation and about the rules of their application constitute the Federal Information Fund of Technical Regulations and Standards.

The Federal Information Fund of Technical Regulations and Standards is a state information resource.

The procedure for the creation and keeping of the Federal Information Fund of Technical Regulations and Standards, and also rules of use of this Fund shall be established by the Government of the Russian Federation.

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ConsultantPlus: Note.

“The Price List for Originals and Copies of Documents of the Federal Information Fund of Technical Regulations and Standards, and Information Products and Services Provided by the Federal Agency for Technical Regulation and Metrology on the Basis of Documents of the Federal Information Fund of Technical Regulations and Standards for the Year 2010” was approved by the Order of the Rostekhgulirovanie dated 02.03.2010 No. 551.

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2. A unified information system, designed for the provision of interested parties with information about documents of the Federal Information Fund of Technical Regulations and Standards, shall be created and shall function in the Russian Federation in accordance with the procedure and the terms established by the Government of the Russian Federation.

Free access to the created information resources shall be ensured for interested parties, unless such access is restricted in the interests of protection of state, official or commercial secrets.

3. The international standards, regional standards, regional sets of rules, standards of foreign states and sets of rules of foreign states the voluntary application of which leads to assurance of compliance with the requirements of the adopted technical regulations, or which contain the rules and methods of examination (tests) and measurements, including the rules of selection of samples which are required for application and implementation of adopted technical regulations and compliance evaluation, shall be registered within the Federal Information Fund of Technical Regulations and Standards.

(Clause 3 was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

4. For the purpose of registration of the standards and sets of rules listed in Clause 3 of this Article with the Federal Information Fund of Technical Regulations and Standards, the interested party shall

lodge with the national standardization body an application for registration of the relevant standard or set of rules accompanied by a copy of such document and a duly certified Russian translation thereof.

The documents required for registration of a standard or a set of rules submitted to the national standardization body may be also accompanied by reports of all-Russia public organizations of entrepreneurs, the Trade and Industry Chamber of the Russian Federation. Such reports may contain recommendations regarding application of the international standard, regional standard, regional set of rules, foreign state standard and foreign state set of rules for the purpose of assurance of voluntary compliance with the requirements of the adopted technical regulations or for carrying out examination (tests) and taking measurements, selection of samples which are required for application and implementation of adopted technical regulations and compliance evaluation.

Within five days from the date of receipt of the application for registration of a standard or a set of rules, the national standardization body shall forward the standard or set of rules submitted for registration and the duly certified Russian translation thereof to the relevant technical committee (technical committees) for standardization for preparation of a report. In case the application for registration of a standard or a set of rules suggests that such standard or set of rules should be included in the relevant list of documents in the sphere of standardization, the application of which leads to voluntary assurance of compliance with the requirements of the adopted technical regulations, or which contain the rules and methods of examination (tests) and measurements, selection of samples which are required for application and implementation of adopted technical regulations and compliance evaluation, the technical committee (technical committees) for standardization shall issue a report on possibility to use the standard or set of rules for voluntary assurance of compliance with the requirements of the adopted technical regulations or for carrying out examination (tests) and taking measurements, selection of samples which are required for application and implementation of adopted technical regulations and compliance evaluation.

Within thirty days from the date of receipt of the above said documents from the national body for standardization, the technical committee (technical committees) for standardization shall examine such documents and forward a report to the national standardization body.

(Clause 4 was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

5. Within fifteen days from the date of receipt of the report of the technical committee (technical committees) for standardization specified in Clause 4 of this Article, however not later than forty-five days from the date of receipt of the application for registration of the standard or set of rules, the national standardization body shall take a decision on registration of the provided standard or set of rules or reject such registration on a reasoned basis specifying the grounds for rejection.

Within ten days from the date of registration of the standard or set of rules, the national standardization body shall take a decision on inclusion of such standard or set of rules into the list of documents in the sphere of standardization, the voluntary application of which leads to assurance of compliance with the requirements of the adopted technical regulations, and also forward a suggestion regarding inclusion of such standard or set of rules into the list of documents in the sphere of standardization, which contain the rules and methods of examination (tests) and measurements, including the rules of selection of samples which are required for application and implementation of adopted technical regulations and compliance evaluation, to the Government of the Russian Federation or the federal executive body for technical regulation.

(Clause 5 was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

6. The grounds for rejection of registration of a standard or a set of rules shall be:

failure to comply with the requirements established by Clause 4 of this Article;

a reasoned report of the technical committee (technical committees) for standardization regarding rejection of a standard or a set of rules.

(Clause 6 was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

7. The ground for rejection of inclusion of the registered standard or set of rules in the list of documents in the sphere of standardization, the voluntary application of which leads to assurance of compliance with the requirements of the adopted technical regulations, shall be a reasoned report of the technical committee (technical committees) for standardization regarding impossibility to use it for the purposes of compliance evaluation.

(Clause 7 was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

8. Within five days from the date of adoption of a decision on the standard or set of rules submitted



for registration, the national standardization body shall forward a copy of the decision accompanied by the report of the technical committee (technical committees) for standardization to the interested party.

The refusal of the national standardization body to register a standard or a set of rules and (or) to include it into the list of documents specified in Clause 7 of this Article may be challenged in a judicial procedure.

(Clause 8 was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

9. In cases where license agreements with foreign title holders, as well as international treaties and other international law provisions stipulate for onerousness and (or) inadmissibility of providing open access to the documents in the sphere of standardization, the national standardization body shall make arrangements for official publication of the information on the amount of charge for submission of such documents and the rules of their distribution in the printed source of the federal executive body for technical regulation and placement thereof in electronic digital form in the public information system.

The national standardization body shall submit the documents in the sphere of standardization at the request of public authorities or court free of charge.

(Clause 9 was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

#### **Chapter 9. FINANCING IN THE SPHERE OF TECHNICAL REGULATION**

Article 45. Procedure for Financing Expenses in the Sphere of Technical Regulation from the Federal Budget

1. Expenses for the exercise of state control (supervision) on the federal level over the compliance with the requirements of technical regulations shall be covered from the federal budget.

The following expenses may be covered from the federal budget:

for establishing and keeping the Federal Information Fund of Technical Regulations and Standards;

for implementation of the program of elaboration of technical regulations and the program of elaboration of national standards provided for accordingly by Clause 12 Article 7 and Clause 1 Article 16 of this Federal Law, as well as for expert examinations of individual draft technical regulations and draft national standards;

for elaboration of standardization rules, norms and recommendations;

for elaboration of sets of rules

for elaboration of rules and methods of examination (tests) and measurements, in particular, rules of selection of samples for carrying out examination (tests) and measurements which are required for application and implementation of technical regulations;

for elaboration of the normative documents of federal executive bodies specified in Article 5 of this Federal Law;

for registration of voluntary certification systems and keeping of the Uniform Register of Registered Voluntary Certification Systems;

for elaboration and keeping of All-Russia Classifiers;

for keeping the Uniform Register of Compliance Certificates and the Uniform Register of Compliance Declarations;

for registration and analysis of cases of causing harm as a result of non-compliance with the requirements of technical regulations;

for payment of fees to international standardization organizations.

(Clause 1 as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

2. The procedure of financing the expenditures specified in Clause 1 of this Article shall be determined by the Government of the Russian Federation.

#### **Chapter 10. FINAL AND TRANSITIONAL PROVISIONS**

Article 46. Transitional Provisions

1. The requirements to products, or processes of design (including survey works), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation related

thereto, established by normative legal acts of the Russian Federation and by the normative documents of federal executive bodies shall be necessarily complied with from the day of entry into force of this Federal Law pending the entry into force of the relevant technical regulations solely in the part pursuing the following goals:

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

protection of individuals' life or health, of the natural persons' or legal entities' property, state or municipal property;

protection of the environment, of the life or health of animals and plants;

prevention of actions misleading the purchasers;

assurance of power efficiency.

(the Paragraph was introduced by the Federal Law dated 23.11.2009 No. 261-FZ)

1.1. Prior to the date of entry into force of the relevant technical regulations the Government of the Russian Federation and federal executive bodies shall have the right, within the scope of authority thereof for the purposes specified by Clause 1 Article 6 of this Federal Law, to make amendments in accordance with the established procedure subject to the specifics defined by this Article to normative legal acts of the Russian Federation applied before the date of entry into force of the relevant technical regulations, and federal executive bodies shall have the right to amend normative documents of federal executive bodies applied before the date of entry into force of the relevant technical regulations.

Draft normative legal acts of the Russian Federation and draft normative documents of the federal executive bodies on making the said amendments shall be placed in a public information system in electronic digital form not later than sixty days before the date of adoption thereof. Such drafts completed subject to remarks of the interested parties and a list of these remarks received in writing shall be sent to an expert committee on technical regulation established in compliance with the provisions of Clause 9 Article 9 of this Federal Law by the federal executive body charged with the elaboration of such drafts not later than thirty days before the date of adoption thereof. An expert committee on technical regulation shall include on a parity basis representatives of the said federal executive body, other federal executive bodies concerned, scientific institutions, self-regulated organizations, public associations of entrepreneurs and consumers.

Decisions on the approval or rejection of such drafts shall be adopted on the basis of an opinion of an expert committee on technical regulation.

(Clause 1.1 was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

2. The mandatory confirmation of compliance shall be carried out solely in relation to the products to be released into circulation in the territory of the Russian Federation from the day of entry into force of this Federal Law.

(as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

Pending the date of entry into force of the relevant technical regulations, the mandatory compliance evaluation, in particular, confirmation of compliance and the exercise of state control (supervision), as well as the application of the compliance mark to the products, shall be effected in accordance with the rules and procedures established by normative legal acts of the Russian Federation and normative documents of the federal executive bodies adopted before the date of entry into force of this Federal Law.

(The Paragraph was introduced by the Federal Law dated 01.05.2007 No. 65-FZ)

3. Pending the entry into force of the relevant technical regulations, the Government of the Russian Federation shall approve and specify on an annual basis the comprehensive list of products subject to mandatory certification, and the comprehensive list of products the compliance of which shall be declared.

(Clause 3 as amended by the Federal Law dated 01.05.2007 No. 65-FZ)

4. Pending the entry into force of the relevant technical regulations, the scheme for the declaration of compliance on the basis of own proof shall be admissible for application solely by the manufacturers or solely by persons performing the functions of the foreign manufacturer.

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ConsultantPlus: Note.

See the Order of the Government of the Russian Federation dated March 24, 2006 No. 159 for application of veterinary measures at importation of living animals and products of animal origin to the customs territory of the Russian Federation.

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5. Pending the adoption of the relevant technical regulations, technical regulation in the sphere of application of veterinary-and-sanitary and phyto-sanitary measures shall be carried out in accordance with the Federal Law "On the Quarantine of Plants" and the Law of the Russian Federation "On Veterinary Medicine".

6. Pending the adoption of the technical regulations for nuclear and radiation safety, technical regulation in the sphere of nuclear and radiation safety shall be carried out in accordance with the Federal Law "On Utilisation of Atomic Power" and the Federal Law "On Radiation Safety of the Population".

6.1. Prior to the date of entry into force of the relevant technical regulations, the technical regulation in the sphere of application of power efficiency requirements, requirements to lighting facilities, electric lamps used in alternating current circuits for the purpose of lighting shall be carried out in accordance with the federal law on power supply and power efficiency improvement, other federal laws, other Russian Federation normative legal acts in the sphere of power supply and power efficiency improvement adopted in accordance with such federal laws, as well as in compliance with the normative legal acts of the Russian Federation and normative legal acts of the federal executive bodies specified in Clauses 1 and 2 of this Article to the extent not covered by the normative legal acts specified in this Clause. Starting from the date of entry into force of the relevant technical regulations the above said acts shall be applied as binding to the extent not covered by the relevant technical regulations.

(Clause 6.1 was introduced by the Federal Law dated 23.11.2009 No. 261-FZ)

6.2. Prior to the date of entry into force of technical regulations in respect of specific types of products and the processes of design (including survey), production, construction, installation, adjustments, operation, storage, transportation, sale and reclamation related to requirements thereto, the Government of the Russian Federation may implement in respect of such types of products and (or) processes the mandatory requirements contained in the technical regulations of the states-parties to the customs union or the documents of the European Union. While introducing such requirements the Government of the Russian Federation may establish the forms of evaluation of compliance with such requirements and determine a body authorized to exercise governmental control (supervision) over compliance with such requirements.

(Clause 6.2 was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

6.3. Prior to the date of entry into force of the requirements specified in Clause 6.2 of this Article, the national standardization body shall publish in the printed source of the federal executive body for technical regulation and place in electronic digital form in the public information system a list of documents in the sphere of standardization and documents containing the rules and methods of examination (tests) and measurements, including the rules of selection of samples which are required for application and implementation of adopted technical regulations and compliance evaluation that are used in the states-parties to the customs union or European Union for assurance of compliance with the requirements stated in Clause 6.2 of this Article. While publishing and placing the above said list of documents the information on availability of translated versions of standards or set of rules shall be specified.

The standards and sets of rules for which the information on availability of translated versions is specified in the above said list of documents may be applied for the purpose of compliance evaluation.

(Clause 6.3 was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

6.4. For the purpose of assurance of compliance with the requirements specified in Clause 6.2 of this Article an interested party may submit to the national standardization body a standard or a set of rules with the duly certified Russian translation thereof, if such standard or set of rules is included in the list of documents stated in Clause 6.3 of this Article. The duly certified Russian translation of the standard or set of rules shall be accepted for account by the national standardization body within seven days from the date of receipt thereof.

Within ten days following submission of the duly certified Russian translations of the standards and rules to the national standardization body such body shall enter the information on availability of such translations into the list of documents in the sphere of standardization specified in Clause 6.3. of this Article.

The procedure for accounting of duly certified Russian translations of the standards and sets of rules and the order of submission of the information thereon shall be determined by the federal executive body for technical regulation.

(Clause 6.4 was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

7. The mandatory requirements to products, processes of design (survey), production, construction, installation, adjustment, operation, storage, transportation, sale and reclamation specified in Clause 1 of

this Article, in respect of which no regulations were adopted shall remain in force till the date of entry into force of the relevant technical regulations.

If the requirements listed in Clause 6.2 of this Article have been introduced in respect of the products, and processes related to the requirements thereto, the applicant may select at own option the regime of technical regulation according to which the requirements stated in Clause 1 or Clause 6.2 of this Article shall be evaluated for compliance.

While selecting the regime of technical regulation no requirements to the products and processes established in accordance with another regime shall be applied for the purpose of compliance evaluation.

In case the selected regime of technical regulation is based on the requirements specified in Clause 6.2 of this Article the compliance evaluation shall be carried out in accordance with the current rules and procedures established by the normative legal acts of the Russian Federation and normative legal acts of the federal executive bodies.

(Clause 7 as amended by the Federal Law dated 30.12.2009 No. 385-FZ)

7.1. The requirements to power efficiency established under Clause 6.1 of this Article, as well as the requirements to lighting facilities, electric lamps used in alternating current circuits for the purpose of lighting are subject to mandatory fulfillment till the date of entry into force of the relevant technical regulation, and from the moment of entry into force they are subject to mandatory application to the extent not covered by the relevant technical regulations.

(Clause 7.1 as amended by the Federal Law dated 30.12.2009 No. 385-FZ)

8. Documents of accreditation, issued in accordance with the established procedure to certification bodies and to accredited test laboratories (centres), pending the entry into force of this Federal Law, and also documents confirming compliance (compliance certificate, compliance declaration) and adopted before the entry into force of this Federal Law shall be regarded as valid until the expiration of their time limit.

9. For the purpose of performance of the works related to confirmation of compliance with the requirements and documents in the sphere of standardization specified in Clauses 6.2 and 6.3 of this Article, the certification bodies, test laboratories (centres) shall refer to the accreditation body in order to obtain an accreditation certificate for a relevant sphere of accreditation or for extension of the sphere of accreditation.

(Clause 9 was introduced by the Federal Law dated 30.12.2009 No. 385-FZ)

#### Article 47. Bringing the Normative Legal Acts into Line with this Federal Law

The following normative documents shall be regarded as abrogated from the day of entry into force of this Federal Law:

The Law of the Russian Federation dated June 10, 1993 No. 5151-1 "On Certification of Products and Services" (Vedomosti (Bulletin) of the Congress of Peoples' Deputies and the Supreme Soviet of the Russian Federation, 1993, No. 26, Article 966);

The Order of the Supreme Soviet of the Russian Federation dated June 10, 1993 No. 5153-1 "On Entry into Force of the Law of the Russian Federation "On Certification of Products and Services" (Vedomosti of the Congress of Peoples' Deputies and the Supreme Soviet of the Russian Federation, 1993, No. 26, Article 967);

The Law of the Russian Federation dated June 10, 1993 No. 5154-1 "On Standardization" (Vedomosti of the Congress of Peoples' Deputies and the Supreme Soviet of the Russian Federation, 1993, No. 25, Article 917);

The Order of the Supreme Soviet of the Russian Federation dated June 10, 1993 No. 5156-1 "On Entry into Force of the Law of the Russian Federation "On Standardization" (Vedomosti of the Congress of Peoples' Deputies and the Supreme Soviet of the Russian Federation, 1993, No. 25, Article 918);

Clauses 12 and 13 of Article 1 of the Federal Law dated December 27, 1995 No. 211-FZ "On the Introduction of Amendments and Addenda to Individual Legislative Acts of the Russian Federation in Connection with Entry into Force of the Federal Law "On Fire Safety" (Collected Legislation of the Russian Federation, 1996, No. 1, Article 4);

Clause 2 of Article 1 of the Federal Law dated March 2, 1998 No. 30-FZ "On the Introduction of Amendments and Addenda to Individual Legislative Acts of the Russian Federation in Connection with the Adoption of the Federal Law "On Advertising" (Collected Legislation of the Russian Federation, 1998, No.

10, Article 1143);

The Federal Law dated July 31, 1998 No. 154-FZ "On the Introduction of Amendments and Addenda to the Law of the Russian Federation "On Certification of Products and Services" (Collected Legislation of the Russian Federation, 1998, No. 31, Article 3832);

Article 2 of the Federal Law dated July 10, 2002 No. 87-FZ "On the Introduction of an Amendment to Article 6 of the Federal Law "On the Principles of Social Services in the Russian Federation "and of an Addendum to Article 2 of the Law of the Russian Federation "On Standardization" (Collected Legislation of the Russian Federation, 2002, No. 28, Article 2791);

Articles 13 and 14 of the Federal Law dated July 25, 2002 No. 116-FZ "On the Introduction of Amendments and Addenda to Certain Legislative Acts of the Russian Federation in Connection with the Improvement of State Administration in the Sphere of Fire Safety" (Collected Legislation of the Russian Federation, 2002, No. 30, Article 3033).

Article 48. Entry into Force of this Federal Law

This Federal Law shall enter into force upon the expiration of six months from the day of its official publication.

President  
of the Russian Federation  
Vladimir Putin

Moscow, the Kremlin  
December 27, 2002  
No. 185-FZ