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**UKRAINE:
ACTIVITIES IN THE AREA OF TECHNICAL REGULATIONS**

This document is submitted by the State Committee on Technical Regulation and Consumer Policy of Ukraine and contains information on reforming technical regulation system, developing technical regulations on the basis of European New Approach directives, and, on other related activities.

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1. The process of Ukraine joining the World Trade Organization and the intention of Ukraine to integrate into the European Union has defined the ways in which the technical regulation system has been refined.

2. It consists in step-by-step implementation in Ukrainian national legislation of international and European mechanisms and principles which provide protection for the life, health and safety of citizens, create product competitiveness, promote the improvement of conditions of trade in goods and services, and remove barriers to trade.

3. On the basis of provisions in the Agreement on Technical barriers to trade (TBT) and articles 51 and 56 of its Partnership agreement with European Union, Ukraine has accepted obligations to implement International and European standards, norms and rules, and procedures of conformity assessment into national technical legislation.

4. As a result of the first refinement step, the Parliament of Ukraine adopted fundamental Laws: "On Standardization" (№ 2408-III), "On Conformity Assessment" (№2406-III), and «On Accreditation of Conformity Assessment Bodies» (№2407-III). The main principles of development, adoption and implementation of standards, technical regulations, conformity assessment procedures are realized in new technical legislation of Ukraine, namely:

- implementation of voluntary use of standards;
- priority of direct implementation of International and European standards;
- harmonization of national normative and legal acts on conformity assessment with international and European ones;
- use of methods for conformity assessment depending on potential risk which corresponds to international practice, particularly manufacturer's declaration of conformity;
- provision of identical procedures for conformity assessment of domestic and foreign origin goods;
- establishing of independent accreditation body, use of standards harmonized with international and European ones in the sphere of accreditation.

5. Main principles of state policy in the sphere of standardization are directed to the protection of life and health safety, environmental protection, arrangement of conditions for national resource conservation, and assistance in removal of technical barriers to trade and are determined by the law "On Standardization".

6. According to international and European experience, obligatory requirements for product safety are presented in legislative acts or technical regulations, and use of standards is realized on a voluntary basis.

7. Provisions of the Agreement on technical barriers to trade concerning transparency of adoption of standards and technical regulations by publishing of: standardization programs; official texts of standards; and regulations, dissemination of information through the National centre of informational net ISONET – all of these provisions were taken into account in the law.

8. The law of Ukraine “On Conformity Assessment” specifies the use of conformity assessment methods subject to existent international practice depending on the potential risk of a product, identical procedures for conformity assessment of products of native and foreign origin, provision of comprehensive information on conformity assessment to all Parties concerned.

9. The law also specifies the implementation of a modular approach to conformity assessment including use of a supplier’s declaration on conformity, carrying out of work on conformity assessment by any certification body. Step-by-step implementation of technical regulations on conformity assessment gives the possibility to proceed from a list of products for which certification should be obligatory to conformity assessment of separate kinds of products in the legislatively regulated sphere, an already existing practice at international and European levels.

10. Realization of the Ukrainian law “On Accreditation of Conformity Assessment Bodies” should bring the Ukrainian system of accreditation in accordance with International and European rules and procedures for conformity assessment. The law divides the functions of certification and accreditation by creation of a National accreditation body. One of the priority aims in this sphere is gaining, in the future, membership in the International Forum on Accreditation and the European Association on Accreditation.

11. Accreditation will be made in accordance with the requirements of international and European standards, particularly with ISO /IEC 17010, 17020, 17025, EN series 45000, which have been implemented in Ukraine since 1 March 2002.

12. The next stage for improving the system of technical regulation has defined its priorities as being: adaptation of technical regulations and implementation of international and European standards based on the interests of trade and the development of economic relations, upgrading of product quality and competitiveness, removal of technical barriers to trade and creation of a favourable investment climate.

13. Since 2001, concrete tasks for the development of technical regulations are defined in annual plans, set by the government, for the harmonization of Ukrainian legislation with the European Union legislation.

14. As of today, 12 technical regulations based on European New Approach directives have been adopted in Ukraine, one of them (“Modular Approach to procedures of conformity assessment” 93/465/EEC) was confirmed by Decree №1585 of the Cabinet of Ministers on 7 October 2003. The rest of the 11 technical regulations were confirmed by the order of Derzhspozhyvstandard of Ukraine with follow-up registration of them in the Department of Justice. Among them:

1. Safety of toys (88/378/EEC)
2. Safety of water heaters (92/42/EEC)
3. Safety of appliances burning gaseous fuels (90/396/EEC)
4. Safety of lifts (95/16/EC)
5. Requirements for non-automatic weighing instruments (90/384/EEC)
6. Safety of low-voltage installation (73/23/EEC, 93/68/EEC)

7. Requirements for energetic efficiency of household electric refrigerating and freezing devices and their combinations (96/57/EC)
 8. Safety of pressure equipment (97/23/EC)
 9. Safety of simple pressure vessels (87/404/EEC)
 10. Requirements for electromagnetic compatibility (89/336/EEC)
 11. Requirements for personal protective equipment (89/686/EEC, 93/95/EEC, 93/68/EEC, 96/58 EC)
15. A project for technical regulations for the safety of machines and mechanisms has been prepared, next year it is planned to start working on documents on: medical devices; construction materials; and equipment for use in a potentially explosive atmosphere.
16. Adopted standard acts will be put in action according to Plans of step-by-step implementation, which are in the process of development and which define the list of standards, terms of their implementation, preparation of conformity assessment bodies and testing laboratories for accreditation; and specialists' training. European experts who work in the framework of a Project on Technical Aid from the European Union greatly assist in this sphere. Within their participation a draft on preparation, adoption and application of technical regulations was developed for the purpose of providing a single technical policy.
17. Implementation of technical regulations will bring a gradual shortening of the List of products that are subject to obligatory certification by a third Party, and the practice of declaration of conformity by manufacturer or importer will be broadened.
18. Ukraine, having a rich experience in the development of technical regulations, in the framework of the Commonwealth of Independent States, takes part in Interstate programs to develop models for high priority technical regulations for 2005-2007. The development of 15 drafts for technical regulation models out of 29 are assigned to Derzhspozhyvstandard of Ukraine, 11 of them are similar to those already adopted in Ukraine.
19. As of today, the national technical normative basis of Ukraine includes more than 20 000 standards.
20. The revision of operating national standards, and the development of new ones proceeds on a scheduled basis. In accordance to article 11 of the Ukrainian Law "On Standardization", Derzhspozhyvstandard of Ukraine, as the National Standardization Body, every year makes a Plan for State Standardization taking into account social needs for standards, state priorities, propositions from Ministries or other executive authorities, and technical committees on standardization.
21. First of all, these priority standards include:
- standards where meeting the requirements of the standard can be taken as proof of conformity with European New Approach directives;
 - standards on technological processes, first of all those which define the quality, safety and longevity of products (welding, cortication of coating (plating), storage of agricultural products and so on);

- standards in the sphere of information technology including those for computer-based management systems;
- standards for control methods for agricultural and food products, metallurgical production, light industry, energy resources accounting and consumer goods.

22. The Plan for State Standardization 2004 includes the development of more than 1700 standards, 1171 of them are the implementation of European and international standards including ISO 601, IEC-71, EN-454.

23. As of October 2004, Ukraine has adopted 1949 national standards, harmonized with international and European ones, 293 of them were adopted in 2000, 457 – in 2001, 340 – in 2002 and 517 were adopted in 2003. During the first 9 months of 2004 there were adopted 342 standards.

24. From 2000 until now, most sectors of the economy adopted identical international standards or standards harmonized in accordance with internationally accepted procedures. Thus, 80% of all adopted standards are harmonized.

25. With the purpose of acceleration of integration processes and the provision to Ukrainian industry of a modern normative basis, by President's Decree on additional measures for acceleration of entering of Ukraine to WTO, a challenge was made to develop and adopt at least 500 harmonized standards yearly.

26. Financing of work on standards development at this stage is realized through the State budget. With the purpose of harmonizing national standards with international and European ones, it was planned to spend 1,5 million dollars in 2004.

27. For the organization of the development of state standards and the carrying out of standardization work in accordance with international practice, Ukraine has became a member of ISO, IEC and OIML, in 1996 Ukraine applied the WTO Code of good practice on the development, adoption and use of standards in the framework of the Agreement on technical barriers to trade.

28. In September 2004, Derzhspozhyvstandard of Ukraine (DSSU), as the National Standardization Body, was elected to the ISO Council and this gives Ukraine the possibility to broaden cooperation in the sphere of international standardization.

29. Darzhspozhyvstandard of Ukraine cooperates with the European Committee on Standardization (CEN) (since 1 October 2004 in the status of Partner standardization body) and CENELEC, it also has an active position in the Interstate council on standardization, metrology and certification in the framework of the Commonwealth on Independent States.

30. One of the main activities is metrology. Accuracy and reliability of measurement, and their traceability to international standards of measures ("éetalon") is one aspect of Ukrainian integration into the world economy, and quality assurance and the competitiveness of domestic products.

31. In June 2004, the Parliament of Ukraine adopted amendments to the Law, "On metrology and metrology activity" (№ 1765-IY). A separate article of this law regulates questions concerning the use of units of physical quantity measurement.

32. The technical basis of the system of provision of uniform measurement consists of national standards of unit measurement; their existence is an obligatory element of its sovereignty in every country. The national standards of measures ("é^talon") include 50 national standards and 48 basic reference standards.

33. Ukraine takes part in the work of international and European organizations on standardization, and it allows the implementation, as national norms, of documents from such organizations as OIML, COOMET, EUROMET. In September 2002, Ukraine became an associated member of CGPM. In the framework of membership in this organization, a multilateral agreement on the mutual recognition of national standards, certificates of calibration and measurement, which can be given by National institutes of Metrology, was signed in October 2003. This Agreement is one tool for the removal of technical barriers to trade.

34. An agreement on cooperation in the sphere of metrology was signed with the metrology institution of Bulgaria, and Memoranda of mutual understanding were signed with Hungary and Germany.

35. Derzhspozhyvstandard of Ukraine signed 39 Agreements on cooperation in the sphere of technical regulations with 28 countries for the purpose of removal of barriers to trade, simplification of procedures for placing on markets products which fall under regulated areas, for both importers and exporters, and on the basis of provisions of article 6.3 of the WTO Agreement on technical barriers to trade.

36. The basis for the realization of consistent mutual recognition of the results of conformity assessment is harmonization of national systems for conformity assessment taking into account international (European) standards, the use of consistent procedures for mutual recognition of testing results and conformity certificates, and a mutual exchange of information on the legislative and normative basis.

37. Taking into account the globalization of economic processes, the increase of world trade, and the initiatives of international and regional organizations on standardization directed toward future practical contributions to the removal of technical barriers to trade, Derzhspozhyvstandard of Ukraine is developing a strategy (concept) for the development of a system for technical regulation.

38. Scientific institutes, central bodies of executive authorities, technical committees on standardization, representatives of industry are engaged in work on this Concept.

39. The strategy foresees the development of: a legislative and normative basis and the refinement of regulatory objectives. For this purpose, the recommendations of the United Nations Economic Commission for Europe (UNECE) concerning use of International Model for technical harmonization and appropriate practices for normative regulation will be used.

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