

# Referencing Standards for Technical Regulations in the Czech legislation

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ÚŘAD PRO TECHNICKOU NORMALIZACI, METROLOGII A STÁTNÍ ZKUŠEBNICTVÍ

**Using standards is based on a voluntary approach**



**Act No. 22/1997 Coll.,  
on Technical Requirements for Products**

<http://www.unmz.cz/office/working-consolidated-texts-of-act-no-22-1997-coll-on-technical-requirements-for-products>



**Czech standard is**

- a document approved by a designated legal entity for repeated or permanent use
- a document developed under the Act No. 22/1997 Coll.
- a document marked with the initials „CSN“
- a document which issuance has been published in the Official Journal of the Czech Office for Standards, Metrology and Testing
- not legally binding

## **Harmonized Czech standard**

- a Czech standard which fully transposed requirements specified in a European standard or in a harmonization document recognized by the bodies of the EU as a harmonized European standard, or in a European standard established as a harmonized European standard in accordance with the law of the EU

## **Specified standard**

- a Czech standard, other standard or technical document from international or foreign organizations, or other technical document containing more detailed technical requirements which may be determined for specification of technical requirements for products specified in a Government Order or another relevant technical regulation

## Meeting point of standards and technical regulations

**Compliance with a harmonized Czech standard, a specified standard or compliance with a foreign standard** transposing in the Member States of the European Union a harmonized European standard or compliance with parts thereof, **shall be recognized**, within the scope of its contents and under the conditions laid down in the technical regulation, **as compliance with those requirements** laid down in technical regulations these standards or their parts relate to.



Compliance with standard might be one means of meeting the requirements of regulation but the other technical solutions can be used

## Using and referencing of standards in the Czech legislation

Until recently, principles of using and referencing standards in the Czech legislation have not been enacted by binding rule of law



Different legislative practice led to the development of technical regulations with questionable interpretation



In many cases referencing of standards in technical regulations is unclear or standards become de-facto legally binding

## Examples

### of unclear or incorrect method of referencing of standards in the Czech legislation

- ...sampling and assessment of testing results must in case of particular fuel correspond to the **relevant Czech standard (ČSN ISO 3170, ČSN EN 14275, ČSN EN ISO 4257, ČSN EN ISO 4259)**
- ... any liquid fuel, which is not marine fuel, from which can be distilled at the temperature up to 250 °C according to method given by **standard ČSN EN ISO 3405** less than 65 % .....

Referencing of standards issue was also considered by the Czech Constitutional Court and the judgment states that

- Czech standards are specific type of standards providing very specific requirements containing a description of product technical parameters, design and materials
- Czech standards contain information relating to generally recognized technical solutions and essential legal safety requirements on design, materials, human health and environment protection



**Czech standards are not legally binding but in specific cases, when a single piece of legislation refers to them, they are regarded as being of general scope**

## Measures adopted

- In 2012 the Czech Office for Standards, Metrology and Testing initiated **the amendment of the national „Legislative Rules“** (legally binding Government Resolution)
- **Rules** relating to referencing of standards in the Czech legislation **have been consolidated**
- **provisions** regulating using and referencing of standards for regulations **have been added**
- two methods of referencing of standards might be used
  - ✓ **indicative reference**
  - ✓ **exclusive reference**



## Indicative reference

- indicative reference shall be used in preference

### In case of using this type of reference

- essential technical requirements shall be defined accurately
- shall be clearly stated that the compliance with these requirements can be proved by complying with the specified standards
- essential technical requirements can be fulfilled also by other technical solution ensuring the same or higher level of protecting the legitimate interests

## Example of using the indicative reference

Decree of the Ministry of Agriculture and Ministry of the Environment  
No. 257/2009 Coll., on using of sediments on agricultural land

*„The limit values of dangerous elements and substances are laid down in the Annex to this Decree. The limits values shall be determined using the procedures according to the specified standards published in the Official Gazette of the Office.“*

## Exclusive reference

- Exclusive reference may be used when it is not possible to use the indicative reference

### **In case of using this type of reference the standard (or its part) becomes mandatory**

- the using of this type of reference shall be justified in the preamble to the regulation
- the standard shall be clearly specified (identification, full title, date of issue)
- the regulation shall contain information how the standard which is referred to will be made available to public

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How to make standards publicly available (free of charge) in case of exclusive reference ?

- **Free of charge** – only for reading
  - on the relevant ministry (or other offices)
  - The Office for Standards, Metrology and testing – study room
- **For a fee** - online access to Czech standards provided by the Office
  - the Service CSN Online is set for both individuals and companies with more users
  - the access is allowed on the basis of annual subscription (<http://www.unmz.cz/urad/csn-on-line>)

# THANK YOU FOR YOUR ATTENTION

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