



**LAW  
on standardization**

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The Parliament adopts the present law.

The present law sets the legal, social, economic and organizational basis of the standardization activity in the Republic of Moldova.

Being an important factor that influences the whole national economy, human life and health protection, environment protection, and aimed at eliminating the technical barriers to trade, standardization constitutes a state prerogative.

## **Chapter I** **GENERAL PROVISIONS**

### **Article 1.** General terms

For the purpose of the present law, the following terms are applied:

*application of a standard* – the application of a standard in production, trade and other fields;

*regulatory authority* – central specialized body of the public administration or another body responsible for the development or adoption of technical regulations, within their competence;

*code of good practice* – a document that recommends rules or procedures for the development, manufacturing, installation, storage or use of equipment, constructions or products;

*normative act* – a document that specifies rules, guidelines or characteristics for different types of activities or for their results. The term “normative act” refers to standards, codes of good practice, technical regulations, etc.;

*quality infrastructure* – a set of entities that activate in the field of standardization, metrology, conformity assessment, certification and quality assurance, activities necessary for the development of technologies, production, services and trade;

*standardization body* – a body that activates in the field of standardization at national, regional or international level, and whose main function, according to its statute, consists in the development, approval or adoption of standards that are further made publicly available;

*national standardization body* – a standardization body recognized at national level, which has the right to become a national member of international and regional standards organizations;

*interested party* – an authority, economic operator or other entity that applies or intends to apply a standard;

*prestandard* – a document adopted by the national standardization body for a limited period of time and made publicly available in order to benefit from the obtained experience by applying it during the development of a standard;

*presumption of conformity* – an assumption, in effect until the contrary is proven, of the fact that a product or a service corresponds to the requirements specified in the applied technical regulation;

*standardization program* – a work program of a standardization body that contains the list of topics for the standardization activities;

*direct reference to standards in technical regulations* – a reference to standards according to which the only way to satisfy the conditions of the technical regulation is to be in conformity with the standards cited as reference;

*indirect reference to standards in technical regulations* – a reference to interrelated standards according to which one of the means of satisfying the conditions of a technical regulation is to be in conformity with these standards;

*dated reference (to standards)* – a reference to standards by identifying one or several specific standards in such a way that further revisions of these standards are to be applicable only in case of technical regulation’s modification;

*undated reference (to standards)* – a reference to standards by identifying one or several specific standards in such a way that further revisions of these standards are to be applicable without imposing the necessity to modify the technical regulation;

*technical specification* – a requirement included in a document that sets the characteristics of a product or service (ex/ quality, performance and security level, size, requirements regarding the name of the product placed on the market), as well as the requirements regarding the terminology, symbols, testing and testing methods, assembling, marking or labeling, and conformity evaluation procedures. The term “technical specification” also refers to methods and processes of production;

*standard* – a document established by consensus and approved by a recognized body that provides, for common and repeated use, rules, guidelines or common characteristics for different

activities or their results, and meant to achieve an optimal level of order in a given area. The application of a standard is voluntary;

*national standard* – a standard adopted by the National Standardization Body and made publicly available;

*international standard* – a standard adopted by an international standards organization and made publicly available;

*European standard* – a standard adopted by an European standards organization and made publicly available;

*standard of a company* – a normative act, developed and approved by an economic operator, which prescribes the technical conditions that are to be fulfilled by a product or a service provided by this economic operator;

*interrelated standard* – a national standard that transforms the essential requirements, set in the respective technical regulation, into technical specifications for the products and services from the regulated area and that confers the presumption of conformity with essential requirements provided in the applicable technical regulation;

*standardization* – an activity that establishes, for a real or potential problem, provisions aimed at a common or repeated application, for the purpose of obtaining an optimal level of order in given context;

*national standardization* – standardization activity carried out a country level.

## **Article 2.** Scope

(1) The present law is applied to the national standardization activity.

(2) The present law does not apply to medical standards, standards of accounting and financial audit, education standards and social standards.

## **Article 3.** Objectives of standardization

(1) The main objectives of standardization are:

a) ensurance of the existence of reference documents for the evaluation of products and services conformity with their destination;

b) protecting the interests of consumers and government by assuring the quality of products and services, their innocuous character for the life, health, heredity and security of people, for the material goods, for the flora and fauna, and for the environment;

c) elimination of technical barriers to trade;

d) ensurance of the interchangeability and technical and informational compatibility of products.

(2) The national standardization applies the provisions of the code of good practice for the development, adoption and application of standards from the Agreement on technical barriers to trade of the World Trade Organization and is based on the following principles:

a) development and adoption of national standards based on the consensus of the interested parties according to the codes of good practice for standardization;

b) transparency and public availability;

c) representation of public interests;

d) voluntary participation to the national standardization activity;

e) free access for all interested parties to national standards development;

f) independence from any possible predominant specific interests;

g) ensurance of a unitary technical language;

h) compliance with the European and international standardization rules;

i) development of the national standardization in accordance with the legislation evolution;

j) voluntary application of standards.

## **Article 4.** Standardization normative acts

(1) The standardization normative acts applied on the territory of the Republic of Moldova are the following:

a) national standards, as well as international, regional (European and interstate) and other states standards, adopted as national ones;

b) national prestandards;

- c) standards of companies;
- d) codes of good practice.
- (2) The provisions of the standardization normative acts:
  - a) are based on the modern achievements of science, technique and technology, on international and regional (European and interstate) standards, on standardization norms, rules and requirements, and on the advanced standards of other states;
  - b) take into consideration the conditions of using the products, of providing the services, and of the working conditions and schedule;
  - c) shall not violate the holder's rights of industrial property;
  - d) cannot be contrary to the legal provisions.
- (3) By establishing the respective provisions, is guaranteed that the methods of ensuring the quality of products and services, including those exported, their innocuous character for the life, health, heredity and security of people, for the material goods, the flora and fauna, the environment, and the prevention of misleading actions for the consumers, will not be used for the arbitrary or unfounded discrimination in countries where similar conditions exist, including member countries of the World Trade Organization and countries with which the Republic of Moldova has agreements in this field, and will not create technical barriers to the international trade.
- (4) In order to ensure the protection of state interests and the competitiveness of domestic products and services, perspective requirements that overcome applicable technological possibilities can be introduced motivatedly in national standards.

## **Chapter II**

### **NATIONAL STANDARDIZATION SYSTEM**

#### **Article 5.** Standardization activity

- (1) The state policy in standardization is developed by the central specialized body from the public administration responsible for the quality infrastructure, which is appointed by the Government.
- (2) The standardization activity is regulated by codes of good practice approved by the national standardization body, as well as by normative acts approved by the central specialized body from the public administration responsible for the quality infrastructure.
- (3) The regulation of the standardization activity and the cooperation with the central specialized bodies from the public administration are fulfilled by the central specialized body from the public administration responsible for the quality infrastructure, which:
  - a) elaborates and promotes the state standardization policy;
  - b) cooperates with the regulatory authorities and with other legal entities in the process of ensuring the uniformity of applying technical requirements and of the conformity evaluation procedures;
  - c) participates, upon the request of the authorities, at the development of the normative acts regarding national standardization;
  - d) coordinates the drafts of the technical regulations;
  - e) ensures in accordance with the approved regulation, the surveillance of the fulfillment by the National Institute for Standardization of the conditions and requirements set for the National Standardization Body;
  - f) approves the budget of income and expenses of the National Standardization Institute;
  - g) participates in the activity of the Standardization Council;
  - h) develops and approves, within its competency, the codes of good practice;
  - i) represents the Republic of Moldova in the regional and international governmental standards organizations, according to the international treaties of which the Republic of Moldova is part, and executes, within its competency, the obligations conditioned by those organizations;
  - j) ensures the participation of the National Standardization Body in the activity of the nongovernmental regional and international standards organizations;
  - k) approves the regulation regarding the modality of surveillance of the National Standardization Body activity.
- (4) The standardization activity is carried out by the National Standardization Body, including through the technical committees in standardization, in accordance to the provisions of the codes of good practice in standardization.

## **Article 6. National Standardization Body**

(1) The National Institute for Standardization is appointed as the National Standardization Body. The National Institute for Standardization is a public institution subordinated to the central specialized body of the public administration responsible for quality infrastructure. The National Institute for Standardization activates based on an organization and functioning regulation, approved by the government.

(2) The Director of the National Institute for Standardization is appointed on a contest basis, through a decree of the head of the central specialized body of the public administration responsible for quality infrastructure. The Director of the National Institute for Standardization shall be a citizen of the Republic of Moldova, shall have technical or economical university studies, and a work experience of minimum 5 years in the field of quality infrastructure, including 3 years in an administrative function.

(3) The Director of the National Institute for Standardization is dismissed based on a decree of the head of the central specialized body of the public administration responsible for quality infrastructure, in the following cases:

- a) loss of citizenship;
- b) incapacity to perform his duties for health reasons;
- c) changes in the workplace relations;
- d) conviction for crimes committed intentionally or sentence to imprisonment by final court decision.

(4) The government shall ensure the National Institute for Standardization with a free of charge location and with financial resources necessary for the appropriate fulfillment of its attributions as National Standardization Body at national, European and international level.

(5) The National Standardization Body has, on an exclusive basis, the following main attributions:

a) setting the principles and the methodology of the national standardization, according to the provisions of the present law and to the regulation of the European and international standardization, on the basis of codes of good practice in standardization that will stipulate:

- the modality and the conditions of participating in the national standardization activity;
- the modality of participating in the European and international standardization activity;
- the modality of developing, coordinating, adopting, reconfirming, recording, applying, modifying and cancelling the national standards and prestandards;
- the modality of solving the disputes regarding the elaboration, adoption, reconfirmation, modification and cancellation of national standards and prestandards;
- the methods of national standards and prestandards publication;
- the way of recording national standards and prestandards;
- the way of applying, as national, the international, regional (European and interstate) and other states standards;

b) cooperation with other similar standardization bodies from other states;

c) registration and coordination of the activity of the technical committees in standardization;

d) elaboration of the National Standardization Program based on the requests of the interested parties;

e) approval, adoption, recording of national standards and prestandards, of codes of good practice in standardization, as well as their confirmation, modification and cancellation in the process of the periodic review;

f) publication and dissemination of national standards and prestandards, of codes of good practice in standardization;

g) issue and dissemination of the official publication 'Standardization Bulletin' and of other publications in the field of national standardization;

h) publication in the Standardization Bulletin, with the purpose of public awareness, of information regarding:

- the National Standardization Program;
- technical committees in standardization;
- date of adoption, publication, cancellation, modification, as appropriate, of national standards and prestandards, codes of good practice in standardization;

- other relevant information regarding national standardization;
  - i) ensuring the participation of the National Standardization Body in the activity of regional and international nongovernmental standards organizations;
  - j) creation and management of the National Standards Fund;
  - k) establishment and management of the National Standardization System registers;
  - l) realization of the international cooperation in the field of standardization through the representation of the Republic of Moldova in the international and regional nongovernmental standards organizations;
  - m) training in the field of standardization by the organization of specialized courses or by other forms of professional training, as well as by coordinating the specialized study programs for the public and private education;
  - n) training and attestation of standardization experts;
  - o) coordination of the drafts of lists of standards interrelated with the technical regulations issued or in the process of being issued, and cooperation, when requested, with the regulatory authorities during the periodic review of the approved lists of interrelated standards;
  - p) ensuring the secretariat work for the Standardization Council;
  - q) fulfillment, in accordance to its main objectives, of any other attributions stated in the present law and in other legislative documents.
- (6) The National Standardization Body is entitled:
- a) to request from the central public administration authorities information referring to the creation and management of the bibliographic database regarding the technical regulations adopted or in process of elaboration;
  - b) to consult, on request, the regulatory authorities in the process of technical regulations development by providing the respective approvals;
  - c) to provide consultations and to do the expertise, research, training and technical assistance in standardization, as well as other activities that are not in conflict with the legislation.

#### **Article 6<sup>1</sup>. Standardization Council**

- (1) The Standardization Council is created, on a voluntary basis, within the National Institute for Standardization, and is a consulting body in problems of strategy and development in the field of standardization. The Standardization Council consists of representatives of the central specialized body of the public administration responsible for quality infrastructure, as well as representatives of the regulatory authorities, professional associations, patronage, consumers and other interested parties, and also of experts from economic and social fields.
- (2) The composition of the Standardization Council is approved by the central specialized body responsible for quality infrastructure based on the proposals of all interested parties.
- (3) The Standardization Council shall have 11 members. Its functions, composition, as well as the modality of selection/nomination of the Council members, are established in the organization and functioning regulation of the Council, which is developed and approved by the central specialized body responsible for quality infrastructure.
- (4) The secretariat work of the Standardization Council is ensured by the National Standardization Body.
- (5) The Standardization Council has the following main attributions:
- a) coordination of the National Standardization Program;
  - b) coordination of the financial resources necessary for the National Standardization Program development;
  - c) audit of the annual reports regarding the activity of the National Standardization Body, including those concerning the National Standardization Program development;
  - d) coordination of the norms for the adoption of the international, regional (European and interstate) and other states standards as national ones;
  - e) presenting its opinion on the opportunity and necessity of the adherence of the Republic of Moldova to international and regional standards organizations, as well as on the withdrawal of the membership;
  - f) initiation of proposals for the development (modification) of the codes of good practice in standardization, as well as coordination of their drafts.

## **Article 6<sup>2</sup>. Regulatory authorities**

The central specialized bodies of the public administration or other bodies responsible for the development or adoption, within their competence, of technical regulations:

- a) collaborate with the National Standardization Body in the development of the National Standardization Programs;
- b) issue, approve, record, modify, reconfirm or cancel the codes of good practice in their fields of competence, as well as ensure their publication and dissemination;
- c) participate, within their competence, in the international and regional standardization activity in accordance with the respective international and regional treaties;
- d) participate in the activity of the technical committees in standardization;
- e) participate in the activity of the Standardization Council;
- f) ensure the formal translation in the national language of the official publications of international or European standards for their adoption as national standards, necessary for the implementation and realization of the respective technical regulations, as well as for the market surveillance;
- g) cooperate with the National Standardization Body for the development, modification, review and cancellation of the national standards and prestandards, as well as for the adoption of the international, regional (European and interstate) and other states standards as national ones;
- h) ensure the implementation of international and European standards in the regulated fields.

## **Article 7. Technical committees in standardization**

(1) The technical committees in standardization are bodies created in different areas of the national economy, at the request of the interested parties, for the realization of standardization works at national, regional and international level. The scope of the national technical committees in standardization shall be aligned to that of the international and/or European technical committees.

(2) The composition and the attributions of the technical committees in standardization, the modality of their registration and functioning are established by the National Standardization Body. A balanced representation of interested parties is followed when deciding upon the composition of technical committees in standardization: manufacturers, beneficiaries, research and development, projecting and educational institutions, professional associations or organizations, market surveillance authorities, consumers, as well as representatives of the regulatory authorities.

(3) The technical committees in standardization can be created on a limited period for solving a certain problem or for developing a certain standard.

(4) The activity of a technical committee in standardization ensures that the national interest is considered; it is based on a set of authoritative opinions and is oriented especially towards the development of national standards interrelated with national technical regulations, as well as towards the adoption of the international, regional (European and interstate) and other states standards as national ones and the harmonization of the national standards with the European and international ones.

(5) The National Standardization Body observes the activity of each technical committee through a representative that, as a rule, is a standardization expert and has the task to ensure a good work of the technical committees in standardization.

(6) The Secretariats of the technical committees in standardization are held by the National Standardization Body or by an interested party that has the technical and organizational capacity to ensure the good secretariat work.

## **Article 8. Standardization subdivisions (services)**

Any regulatory authority or economic operator, regardless of the type of property and legal organization, can create standardization subdivisions (service), establishing their structure and way of functioning, in order to ensure the quality of its products and services.

## **Article 9. Development, approval and registration of normative acts in standardization**

(1) The national standards are developed by technical committees in standardization or by any other interested party specialized in the respective fields of activity. The modality of development, coordination, approval, adoption, registration, review, modification, record, implementation and cancellation of national standards and prestandards, and of codes of good practice in standardization

is set by the National Standardization Body in accordance with the provisions of the present law and with the recommendations of the international and regional standards organizations.

(2) The national standards in the Republic of Moldova are approved by the National Standardization Body on an undefined period of time and are identified through the *SM* symbol that means “Moldovan Standard”. The *SM* symbol is applied exclusively on national standards.

(3) The periodic review of national standards is done once in 5 years by the technical committee or the interested party that developed them, in order to ensure the conformity with the requirements of the national economy and for the protection of consumers rights and interests, as well as to ensure the security of the population, the environment protection and the conformity with the respective international and European standards. In case the technical committee or the interested party that developed the standard is dissolved, the review is carried out by the National Standardization Body.

(4) For the technical fields with rapid evolution and innovation or for the areas where the available data do not ensure the development of a national standard, in order to accumulate the necessary experience and information for a national standard, a national prestandard is developed and implemented during a period no longer than 5 years. National prestandards are identified through the *SMV* symbol and are adopted by the National Standardization Body.

(5) The international, regional (European and interstate) and other countries standards are adopted in the Republic of Moldova as national standards and are part of the national standardization system. There may be used for their adoption, in the way established by the National Standardization Body, all the methods developed for this purpose by the international and European standards organizations.

*[Paragraph 6, article 9 excluded through the Law no 32 dated 06.03.2012, in force 20.04.2012]*

(7) The national standards and prestandards, as well as the codes of good practice in standardization are being implemented after their approval, adoption, registration and publication by the National Standardization Body.

(8) The right to the official interpretation of national standards and prestandards belongs exclusively to National Standardization Body.

(9) A standard of a company can be developed and approved by any economic operator, within its activity and competence, with the purpose of solving organizational or production problems regarding its products and services, including those to be placed on the market. The standard of a company for products shall contain all or a part of the requirements referring to manufacturing, quality control, labeling, storage and delivering of products, as well as the requirements of security and environmental protection, imposed to the products according to the respective technical regulations. The standard of a company is identified through the *SF* symbol.

(10) The codes of good practice are developed to improve the development (design), manufacturing, exploitation, storage, transportation, trade and use of products or delivery of services, with the final aim to implement the provisions of the technical regulations applicable to the respective product or service. The development, approval and registration of the codes of good practice is carried out by the regulatory authorities with the publishing in the Official Monitor of the Republic of Moldova of the information regarding the registration and implementation of these codes. The term of implementing the codes of good practice shall be of at least 60 days from the date of registration. The exclusive right of editing the codes of good practice belongs to the regulatory authority that approved them.

(11) The way of development, coordination, approval, registration, implementation, modification and cancellation of the codes of good practice in a certain field is established by the respective regulatory authority.

(12) The codes of good practice in standardization are developed and approved by the National Standardization Body and specify methodical-organizational or general technical rules, guidelines or characteristics of the standardization activity. The codes of good practice in standardization are identified through the *CBP* symbol.

(13) The normative acts in standardization are issued in the official language.



(14) The normative acts in standardization, applied on the territory of the Republic of Moldova based on treaties with international, regional or other states standards organizations shall be used in the official language or in the language of the original.

**Article 10. Standardization activity planning**

(1) The development and adoption of standards in the Republic of Moldova are carried out according to the National Standardization Program, which is issued in order to promote the national policy in the field of standardization.

(2) The National Standardization Body issues the National Standardization Program based on the requests of the regulatory authorities, technical committees in standardization and of other parties interested in the national standardization activity.

(3) The National Standardization Program consists of sections that reflect the main objectives and areas of the national standardization activity that include:

- a) national standards development;
- b) adoption of international and European standards as national ones;
- c) adoption of European standards developed by the European technical committees that Moldova is part of;
- d) development and modification of codes of good practice;
- e) revisal of national standards.

(4) The National Standardization Program shall contain the title of the standard, its international classification, the developer, the regulatory authority/interested party that requested the adoption of the standard, the terms of implementation and financial sources.

(5) The National Standardization Program is coordinated with the Standardization Council and approved by the head of the National Standardization Body.

(6) The National Standardization Body:

a) cooperates with the regulatory authorities and with other interested parties and introduces in the National Standardization Program, as a priority, their requests, especially those referring to life quality, people's life, health and security protection, environmental protection and consumers interests protection;

b) informs, on request, the regulatory authorities, technical committees and other interested parties regarding the stage of development, approval, reconfirmation, modification and cancellation of the normative documents included in the national standardization program, as well as regarding the standardization activity in all the regulated fields;

c) works together with the regulatory authorities on the cancellation of conflictual national standards;

d) provides consultations, if requested:

- in the process of national standards development regarding the way of elaboration, coordination, approval, registration, examination, review, modification and cancellation, regarding the rules for structure, editing and content of the national standards, and concerning the modifications of the national standards;

- regarding the international, regional (European and interstate) and other states standards that can serve as a basis for the development of national standards;

- to the regulatory authorities – during the selection of national standards, as well as of international, regional (European and interstate) and other states standards that can be adopted as national in order to ensure the presumption of conformity with essential requirements of the technical regulations.

(7) Each standardization technical committee activates based on its own standardization program, which includes subjects from the scope of the respective committee. The standardization program of the technical committee in standardization is approved by the president of the committee.

**Article 11. Publication (editing) and dissemination of the standardization normative acts**

(1) The normative acts in standardization constitute the object of copyright.

(2) The right of publication (editing) and dissemination of the national standards, prestandards and codes of good practice in standardization in the Republic of Moldova belongs exclusively to the National Standardization Body. Publication (editing) and dissemination of the international, regional (European and interstate) and other states standards, are subject to the agreements with the

organizations that developed and adopted them. It is forbidden to copy totally or partially, multiply by any means the mentioned documents or content of National Standardization Body's publications, as well as their dissemination, without the written permission of this body.

(3) The publication (editing), copying or dissemination of national standards, prestandards and codes of good practice in standardization in the Republic of Moldova without the written permission of the National Standardization Body attracts sanctions to physical and/or legal persons according to the copyright legislation.

#### **Article 12. National Standards Fund**

The National Standardization Body shall create and manage the National Standards Fund, using informational technologies, and:

- a) maintains and manages the collection of national standards, prestandards and codes of good practice in standardization, and other publications regarding the national standardization;
- b) maintains and manages the collection of standards and publications of international and regional organizations of which the Republic of Moldova is member of;
- c) maintains and manages the collection of standards and publications concerning the standardization in other states.

#### **Article 12<sup>1</sup>. Information exchange in the field of standardization**

The National Standardization Body:

- a) ensures the reception and transmission of data and documents that form the object of the information exchange in the field of standardization with the international, regional and other states standards organizations, according to international, regional and bilateral treaties;
- b) ensures the creation and management of bibliographic databases in standardization;
- c) provides, on the request of the interested parties from Moldova and from abroad, information regarding:
  - the bibliographical data concerning national standards and prestandards, codes of good practice in standardization developed or in the process of development;
  - the correspondence or the equivalence of the national standards approved or in process of development with the international and European standards;
  - the relation of the national standards approved or in process of development with the technical regulations;
  - the National Standardization Programs;
  - the data concerning the international, regional (European and interstate) and other states standards that can be found in the National Standards Fund;
  - the membership and participation of the National Standardization Body in the activity of international and regional standards organizations, as well as that regarding bilateral and multilateral standardization agreements signed or in process of negotiations.

### **Chapter III**

#### **APPLICATION OF STANDARDS**

##### **Article 13. Application of standards**

- (1) National standards shall not contain provisions in conflict with the legislation.
- (2) The application of national standards, except the cases mentioned in the paragraphs (3) and (5) of the present article, is voluntary.
- (3) The application of the national standard, totally or partially, may become mandatory, locally or on the whole territory of the Republic of Moldova, through the adoption of a technical regulation in which a direct reference, dated or undated, to this standard is made, and in case the public reasons and the consumers protection require such a measure.
- (4) In case the text of a technical regulation contains dated reference to standards, any of their further modification or revisal must be coordinated with the regulatory authority that adopted the regulation in order to change simultaneously the respective technical regulation. In case the text of a technical regulation contains undated reference to standards, the information regarding the modifications made or concerning the revised standards shall be transmitted to the regulatory authority that adopted the respective regulation.

(5) The national standard becomes mandatory for the economic operator that declared officially, by any means, that the product or services conforms to the provisions of that standard.

(6) The necessity of national standards application in the case of products manufactured and services provided on the territory of the Republic of Moldova with the purpose of exporting them, shall be mentioned in the delivering contract, excepting the cases stipulated by the national legislation.

(7) The import of products and services in the Republic of Moldova, as well as the confirmation of their conformity with the provisions of the national standards and technical regulations are done according to the national legislation.

(8) The standards whose application, according to the paragraphs (3) and (5) of the present article, becomes mandatory constitute, in case of market surveillance, the basis for proving the conformity of the manufactured products and provided services with the requirements stipulated in these standards.

(9) The references to international, regional (European and interstate) and other states standards, included by the regulatory authorities in technical regulations or in other normative acts without reference to the national adoptions of the respective standards shall not have an official character.

#### **Article 14. Conformity with national standards**

(1) The conformity with national standards of the products and services placed on the market is not mandatory, excepting the cases mentioned in article 13 paragraphs (3) and (5) of the present law.

(2) The direct references to national standards with mandatory provisions are made directly in the technical regulations. The national standard cited in technical regulations shall be edited in the official language and accessible to the public.

(3) The indirect reference to standards in technical regulations means that one of the ways of complying with the respective requirements from a technical regulation is to conform to the interrelated standards. The fulfillment of the requirements of the national standard that adopts the European harmonized standard or those of the interrelated standard used for the conformity assessment is considered as fulfillment of the requirements of the applied technical regulation.

(4) It is considered interrelated the national standard that transforms the essential requirements, set in the respective technical regulation, into technical specifications for the products in the regulated field and confers the presumption of conformity with the essential requirements set in the applied technical regulation. The list of interrelated standards shall be published in the Official Monitor of the Republic of Moldova.

#### **Article 15. Liability for violating the provisions of the present law**

The violation of the provisions of the present law leads to administrative, criminal or civil liability in conformity with the legislation.

### **Chapter IV**

#### **INTERNATIONAL COOPERATION IN STANDARDIZATION**

##### **Article 16. International Cooperation**

(1) The representation of the Republic of Moldova in the activity of international and regional standards organizations and the fulfillment of the obligations conditioned by the respective organizations are done based on the international treaties signed by the Republic of Moldova.

(2) The main objective of the international and regional cooperation of the Republic of Moldova in the field of standardization consists in the harmonization of the national standards with the international and European ones.

##### **Article 17. International agreements**

(1) The international and regional (European and interstate) standards, the standardization rules and recommendations and other states standards may be applied on the territory of the Republic of Moldova based on international treaties in force, in coordination with the regulatory authorities and in the way established by the National Standardization Body.

(2) In case the international treaty signed by the Republic of Moldova sets other standardization norms and rules, the norms and rules of the international treaty are applied.

## **Chapter V**

### **FINANCING THE STANDARDIZATION ACTIVITIES**

#### **Article 18.** Financing sources

The financing sources for the standardization activity consist of:

- a) special destination means from the state budget that are distributed for:
- financing the National Standardization Program regarding the adoption of international and European standards as national ones;
  - adherence to international and regional organizations, the participation to which is approved by the Parliament and the Government, and payment of their membership fees;
  - elaboration of codes of good practice, of national terminology standards, as well as of basic national standards for the fields of interest for the national economy;
  - authentic translation of foreign standardization normative acts (international, interstate, of other states) into the state language in order to be used in the national documents;
  - scientific research in standardization that have national importance;
  - informatization of the activity of the National Standardization Body, including:
    - the creation of databases for standardization normative acts and their description;
    - the creation of technologic lines for the development, storage and dissemination of normative acts copies;
    - the creation of systems to ensure the data exchange through the existent telecommunication lines;
- b) the National Standardization Body means, obtained from delivering paid services, that are used for: creation, management and updating of the National Standards Fund; functioning of the National Informational Center, including electronic mail; development of a technical-material bases and the remuneration of the National Standardization Body staff. These expenses shall be introduced in the cost of the services delivered by the subdivisions of the National Standardization Body. The means for such expenses are accumulated on a special destination bank account;

*[Letter c) excluded through the Law no 281-XVI dated 14.12.2007, in force 10.06.2008]*

- d) means allocated by the interested economic operators, including public organizations.

#### **Articolul 18<sup>1</sup>.** The budget of the National Institute for Standardization

(1) The central specialized body of the public administration responsible for quality infrastructure approves annually, until 1 July, the budget of income and expenses of the National Institute for Standardization, with respect to the principles of the present article.

(2) The budget of the National Institute for Standardization consists of:

- a) financial means from the state budget that are necessary for:
- the elaboration of the National Standardization Program concerning the adoption of international and European standards as national ones;
  - the elaboration of codes of good practice in standardization, as well as of basic national standards for the fields of interest for the national economy;
  - the fulfillment of the obligations that result from the statute of member of international and regional organizations, including the payment of the membership fees;
- b) the National Institute for Standardization's own financial resources obtained from the chargeable standardization activities and trainings;
- c) the sponsorships, grants and other means that are not in conflict with the provisions set for the National Institute for Standardization.

## **Chapter VI**

### **FINAL AND TRANSITORY PROVISIONS**

#### **Article 19.**

The present law enters into force on the date of publication.

**Article 20.**

(1) The application of national standards is voluntary as the pertinent technical regulations enter into effect, but not later than 1<sup>st</sup> of January 2007. Until the adoption of respective technical regulations, the effective normative acts are applied.

(2) The public authorities entitled to set mandatory requirements for products and services are obliged to elaborate and publish technical regulations that cover essential requirements for products and services concerning the insurance of national safety, protection of life, health and heredity, safety of physical persons, environmental safety, material goods and consumers' interests, and for preventing the deceitful practices, foreseen in the respective national standards, if the maintenance of the mandatory character for applying the provisions of the national voluntary standards is considered necessary.

(3) Until the legislation is harmonized with the present law, the legislative acts and other normative documents in force shall be applied as long as they are not in conflict with its provisions.

**Article 21.**

The Government, in term of 2 months:

shall harmonize its documents with the present law;

based on this law, shall adopt the necessary normative acts and other documents that shall ensure the standardization activity.

**PRESIDENT OF PARLIAMENT**

**Petru LUCINSCHI**

**Chisinau, 22 September 1995.**

**No 590-XIII.**

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\* Republished based on the art. II of the Law no 32 dated 6 March 2012 – the Official Monitor of the Republic of Moldova, 2012, no 76-80, art. 249.

Modified and completed through:

1) Law no 281-XVI dated 14.12.2007, the Official Monitor of the Republic of Moldova, 2008, no102, art.376

2) Law no 32 dated 06.03.2012, the Official Monitor of the Republic of Moldova, 2012, no76-80, art.249