



USAID
FROM THE AMERICAN PEOPLE

AZERBAIJAN

AZERBAIJAN COMPETITIVENESS AND TRADE (ACT) PROJECT

DRAFT PLAN FOR CONVERTING MANDATORY STANDARDS
TO TECHNICAL REGULATIONS AND VOLUNTARY

This publication was produced by Sibley International LLC, for review by the United States Agency for International Development.

**Prepared for the United States Agency for International Development, USAID Task
Order Number: AID-112-TO-10-00002 under IQC Number: AID-EEM-I-00-07-00003**

Sibley International Principal Contact:

David Snelbecker
CEO
Sibley International LLC
1250 Connecticut Ave., NW, Suite 200
Washington, DC20036
Tel: 1.202.833.9588
Email: dsnelbecker@sibleyinternational.com

In Azerbaijan:

Melani Schultz
Chief of Party
ACT Project
133 Bashir Safaroghlu St.
SAT Plaza, 15th floor,
Baku, Azerbaijan, AZ1009
Tel: +994 12 596 2435
melani.schultz@actproject.net

Submitted by:

Rahat Toktonaliev

DISCLAIMER

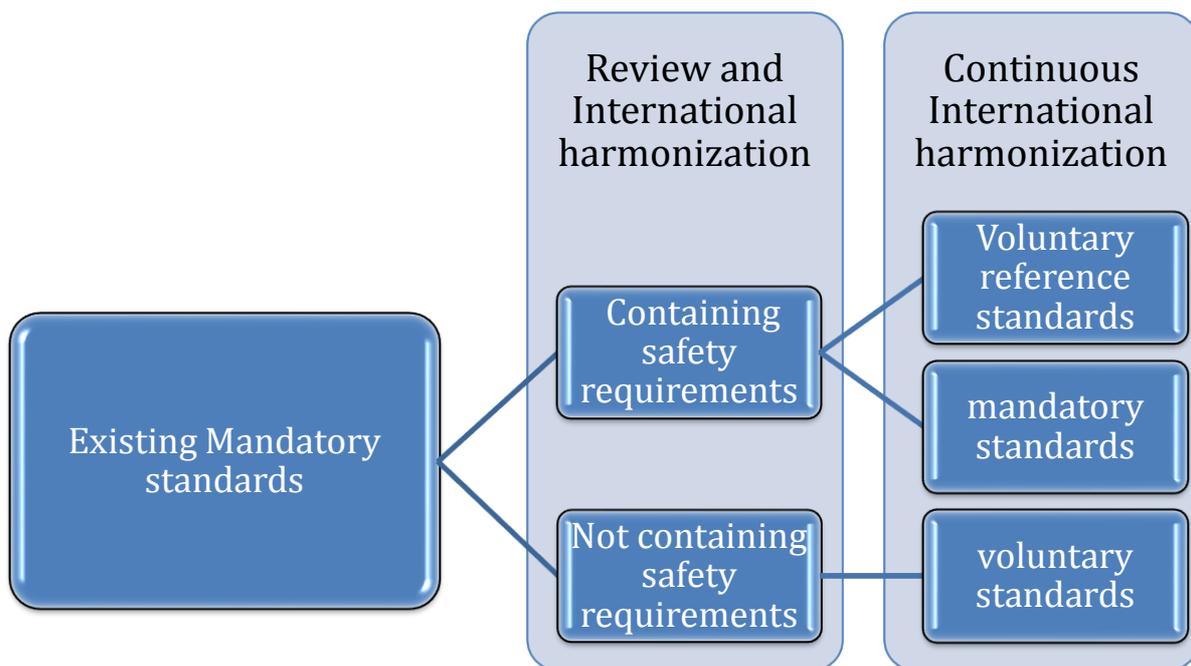
The author's views expressed in this publication do not necessarily reflect the views of the U.S. Agency for International Development or the United States Government.

INTRODUCTION AND EXPLANATORY NOTES

1. Standards, although they are voluntary, play a key supporting role in ensuring safety of products being placed on markets in order to protect human health or safety, animal or plant life or health, or the environment as well as other legitimate interests, such as national security requirements and the prevention of deceptive practices. Standards help producers by providing technical solutions for achieving the level of safety of its products established by technical regulations.
2. On the other hand, outdated and unjustifiedly more stringent requirements can create unnecessary barriers to trade and thus, contribute to slowing down the economic development. The overall aim is to achieve right balance between ensuring safety of products and promoting freer trade environment. Standards shall be continuously be as close as possible to the progress in new technologies and material being invented.
3. International harmonization is key element in achieveng such a balance. Different standards applied in different countries are burdensome for businesses who are forced to produce different versions of the products for different markets. For example, Azeri producer will make two different versions of the product – one for internal market and another for export market in order to comply with different requirements applied in these markets. It adds costs to production costs and thus contribute to making them less competitive.
4. Currently Azerbaijan is in the process of negotiating its accession to the World Trade Organization (WTO). This process involves significant reforms in the area of trade policies of the country one of the key areas of which is reforms in the are of standards and technical regulations. In particular, Azerbaijan needs to ensure its compliance with the requirements of the WTO Agreement o Technical Barriers to Trade (TBT). Whereas, intoduction of the main legal principles is required before a country can become member, issue of harmonization is a longer term process and shall be applied continuously even after the accession.
5. Azerbaijan is in the process of reforming its policies in the area of standards and technical regulations in order to ensure compliance with the TBT Agreement. Main steps of this reform agenda include adoption of the draft Law on Technical Regulations, draft new version of the Standards Law and the draft Law on Accreditation. One of the key changes being introduced is separation between mandatory technical regulations and voluntary standards. The draft Law On Technical Regulations provide for seven year transition period for drafting and adopting technical regulations and transforming existing mandatory standards to technical regulations and voluntary standards. Another important task includes harmonization of Azerbaijani standards and technical regulations with internationally standards and guidelines. In order to keep track of progress in these reforms its is nessessary to prepare and implement detailed action plan.
6. Action plans, describing steps to be taken and its time-frames, also serve as one of the important tools for WTO members in assessing and keeping track of progress of the acceding country's reforms. Reforms of the trade policy regime for an acceding country is a muti year process requiring adoption of a numerous pieces of legislation. This, especially the case in reforms in the standards and technical regulations area where usually tens of thousands of standards and other normative documents are applied by most of the acceding countries.
7. Convection of existing mandatory standards to technical regulations and voluntary standards is a major and time consuming effort requiring significant resourses. Dozens of technical regulations have to be adopted and thousand of standards have to be reviewed and harmonized. Implementation of the plan will mainly start after the adoption of the draft Law on Technical Regulation, however, some part of the plan shall start immediately upon approval of the plan. Thus, preparation of inventory of the all currently applied mandatory standards does not require

adoption of the draft legislation on technical regulation and standards. Harmonization and replacing of outdated GOST standards with international and EU standards is also possible under the current legal regime.

8. This document focuses on TBT related issues and implementation of the Law On Technical Regulation - once enacted. Therefore, mandatory standards for products are covered by this plan, whereas: sanitary, phytosanitary, veterinary issues shall be dealt with in accordance with pending new legislation covering relevant issues and the requirements of the WTO Agreement on Sanitary and Phytosanitary Measures. Service standards, that are regulated by sectoral agencies through licensing and qualification requirements are outside the coverage as well.
9. Effective implementation of the new reforms require modern quality infrastructure. Establishing independent accreditation system, metrology, conformity assessment, market surveillance mechanisms and related institutional arrangements shall be dealt separately. Notably, no document describing strategy and concept of reforms exist in Azerbaijan.
10. Conformity assessment procedures shall be reviewed as well. Currently all mandatory requirements for products require most stringent form of the conformity assessment - third party certification. Forms of conformity assessment shall vary from manufacturers declaration up to third party certification taking into account the level of risk.
11. Standards of recognised international standardization organizations: ISO - International Standardization Organization; IEC – International Electrotechnical Commission and ITU – International Telecommunications Union shall be used in harmonization efforts. In addition, Azerbaijan is in close cooperation with European Union under its European Neighborhood Policy programme.
12. Conversion program shall start after the adoption of the Law on TR and gradually by adoption of new technical regulations. However, certain mandatory requirements could be eliminated before the adoption of the new TR Law.
13. Risk level of products (high, medium, low) shall be determined following risk assessment results. Technical requirements and related conformity assessment procedures shall be proportional to the determined risk level of products.
14. Chart – snapshot of the review process in general:



PLAN FOR CONVERTING MANDATORY STANDARDS TO TECHNICAL REGULATIONS AND VOLUNTARY STANDARDS

1. PURPOSE OF THE PLAN

The draft Law on Technical Regulations is being finalized for submission to the Milli Majlis and is expected to be adopted in 2012. A number of implementing regulations are being prepared and would be enacted after the adoption of the draft Law. Adoption of the Technical Regulation Law and the Amendments to the Standards Law catalyze significant changes to the existing system for ensuring the safety of products.

One of the new concepts reflected in the draft Amendments to the Standards Law and the draft Technical Regulations Law is introduction of clear distinction between standards which become voluntary and mandatory technical regulations. Currently, all safety requirements are introduced and maintained through mandatory GOST standards. Therefore, there is a need for converting mandatory standards to voluntary through a gradual process without creating a vacuum for product safety in the domestic market. Through this process a right balance should be achieved between ensuring safety and free flow of goods.

Draft Law on Technical Regulation provide for 7-year transition term, within which mandatory standards shall be transformed to technical regulations or become voluntary. In doing so, the draft Law also foresees the use of international standards as the basis for domestic technical regulations. Therefore, this plan provides for:

- List activities and their timelines to be undertaken during the transition period;
- List of technical regulations to be developed with references to international basis with a references to existing list of products subject to mandatory requirements;
- List of products for which review shall be conducted and mandatory requirements be eliminated, unless justified that the requirements are legitimate under the new Technical Regulation Law.
- Sample table for review of the existing standards for compliance with the relevant international standards.

2. SCOPE OF THE PLAN

This plan covers activities that are aimed at organization of works related to developing technical regulations for industrial goods under the draft Law on Technical Regulation. Works related to safety issues covered under the sanitary, phytosanitary and veterinary legislation, are therefore, excluded.

Unlike goods, services are regulated through mainly licensing and qualification requirements that are vary significantly between the types of services. Each service sector shall be taken separately and regulated under the responsibilities of each relevant ministry or agency. For example, it is central bank's responsibility to ensure quality of banking services through maintaining licensing and qualification requirements. This plan covers issues related to WTO Technical Barriers to Trade Agreement – which apply to goods only. Service standards are, therefore, also excluded. However, products supplied or made available to consumers in the context of providing a service shall be covered.

Implementation of the plan is only part of the overall reforms, which shall include: establishing quality infrastructure – accreditation, metrology, market surveillance, consumer awareness, liability, conformity assessment and etc.

3. MAIN PRINCIPLES AND APPROACHES

One of the main concerns during the transition period is to avoid gaps in providing safety of products on the domestic market. This plan, for the main part, would be implemented after adoption of the draft Law on Technical Regulations, which provides for the abolishment of mandatory standards upon adoption of the relevant technical regulations. Until such technical regulations were adopted, the existing mandatory standards would continue to be applied.

Legitimate objectives only. A key criterion in distinguishing between mandatory technical regulations and voluntary standards is the objective of the measure. The draft law on Technical Regulations provide for the following legitimate purposes in order to be qualified for technical regulations:

- Ensuring national security;
- Protection of human life and health;
- Protection of plant and animal life and health;
- Environmental protection;
- Countering fraudulent acts against consumers.

Technical requirements for other purposes, such as quality, shall be subject to voluntary standards only. Please note, however, that standards may also contain technical solutions for safety purposes as well. Such standards will help producers to comply with the requirements of the technical regulations, while remaining voluntary.

Risk assessment. In taking decisions whether to introduce mandatory safety requirements levels of risks involved shall be assessed. This is in essence done by assessing combination of how big is a potential damage and how likely accidents are to happen. Accidents that are likely to take place more frequently and with a potential bigger damage could obviously be considered as subject for technical regulation.

The list of products pertaining to technical regulations in terms of their risk level is determined by the competent executive power. International practice shall be used for determining risk levels. If there is no international practice in applying particular safety requirements, it can be presumed that there is a low risk level and, thus standards shall become voluntary, unless proven the need for mandatory requirement under risk assessment procedures. For this purpose, statistics regarding severity of the damages caused and frequency at which they occurred needs to be reviewed.

Implementation of the draft Law on Technical Regulation involves a review of existing mandatory standards with the aim of identifying and classifying products, processes or production methods regulated by current mandatory standards as carrying low, medium or high risks to public health, national security, or the environment. In addition, risks to human, animal and plant health and life are to be considered, as well as the prevention of consumer fraud. Products shall be categorized based on risk assessment. Therefore, those parts of voluntary standards that did not reflect the relevant international standards, guidelines or recommendations would not be enforced and those standards deemed to have an associated low risk shall be declared voluntary, as from the date of accession. Standards for products, processes or production methods with a medium degree of risk would be replaced by technical regulations within three years of the date of entry into force of the draft Law on Technical Regulation. By then, any medium-risk standard not having been replaced by a technical regulation would automatically be classified as voluntary. Existing mandatory standards for high risk products, processes or production methods would be replaced by technical regulations within seven years of the entry into force of the Law on Technical Regulation.

Note, however, that after identifying a specific product as eligible for technical regulations as posing medium and high risk, methods of conformity assessment will again have to be selected based on risk assessment – for example lower risks would be covered by manufacturers declarations and higher risks by third party certification according to modules provided for in the attachment to the draft Law on Technical Regulation.

International Harmonization. Why there is a need for international harmonization?

- Same requirements applied in different countries are less costly for manufactureres (especially for Azeri exporters).
- Make use of best international experience in ensuring safety of products. International standards such as of ISO, IEC, and European Standards are developed as a result of extensive research and study, analysis of accident statistics, compliance costs, consultations with all relevant stakeholders in many countries. So there is no need for inventing a wheel again.
- Under WTO TBT Agreement a particular technical regulation is presumed as not creating unnecessary technical barriers to trade if international standards were used as a basis for developing this technical regulation. So, there would be no need for proving to international community that Azerbaijan is not creating unnecessary barriers to trade.

It should be noted that international harmonization is an ongoing process. Standards are revised, replaced to reflect the technical progress and new materials being developed, as well as to respond to new threats to safety.

Azerbaijan looks toward market up scaling and diversification, particularly the possibility of exporting more to the European Union. As Azerbaijan begins exploring markets other than the CIS countries, it will have to satisfy higher safety standards. European Harmonization, is of particular importance due to the following reasons:

- a) It represents a huge market in close geographical proximity to Azerbaijan;
- b) New Approach directives are being increasingly used as a basis for domestic regulations in many countries of the world, including such important trading partners of Azerbaijan as Turkey, Russia and other CIS countries;
- c) Azerbaijan is included in the European Neighborhood Policy initiative and an Action plan has been adopted, which contains provisions regarding approximation in the area of TBT.

EU New and Global Approach

A new regulatory technique and strategy was laid down by the Council Resolution of 1985 on the New Approach to technical harmonization and standardisation, which established the following principles:

- *Legislative harmonization is limited to essential requirements that products placed on the Community market must meet, if they are to benefit from free movement within the Community.*
- *The technical specifications of products meeting the essential requirements set out in the directives are laid down in harmonized standards.*
- *Application of harmonized or other standards remains voluntary, and the manufacturer may always apply other technical specifications to meet the requirements.*
- *Products manufactured in compliance with harmonized standards benefit from a presumption of conformity with the corresponding essential requirements.*

Since the New Approach calls for essential requirements to be harmonized and made mandatory by directives, this approach is appropriate only where it is genuinely possible to distinguish between essential requirements and technical specifications. Further, a wide range of products has to be sufficiently homogenous, or a horizontal hazard identifiable, to allow common essential requirements. The product area or hazard concerned must also be suitable for standardisation. The New Approach has not been applied in sectors where Community legislation was well advanced prior to 1985, or where provisions for finished products and hazards related to such products cannot be laid down. For instance, Community legislation on foodstuffs, chemical products, pharmaceutical products, motor vehicles and tractors does not follow the principles of the New Approach.

4. DESCRIPTION OF THE CURRENT REGULATORY REGIME:

Existing legal framework related to standards, *inter alia*, consists of:

- Law No. 60 «On Standardization» of 16 April 1996;
- Law No. 1113 «On Protection of Rights of Consumers» of 19 September 1995,
- Decree of the President #26 of November 22, 1998 «On Procedures of Recognition and Application of International (Regional) and Inter-state standards, norms, rules and recommendations on the Territory of Republic of Azerbaijan»;
- Regulations on the National Certification System adopted by the Resolution of the Cabinet of Ministers No. 343 of 1 July 1993,
- New version of the Law On Normative Legal Acts of 2011.

Under the existing Standards Law, mandatory standards can be applied for the purposes of:

- requirements on the safety of products (works, services) for health, life, property and environment;
- requirements on technical, technological and information concurrency and mutual replacement of products (works, services);
- general consumer characteristics of products (works, services), methods of their control, packaging rules, marking, transportation, storage and utilisation of production;
- requirements about products (works, services) conformity with the level of scientific, technical and technological development;
- requirements of safety and production sanitary of goods (works, services); rules of preparation of technical documentation on products (works, services), rational use of all kinds of resources during the production, utilisation, execution of works and rendering of services;
- other standardisation requirements, fixed by state standards.

This list, especially the last point, basically creates no limits with respect to purposes for which mandatory standards be introduced or maintained. Amendments to the Standards Law provide for elimination of these provisions and declare standards as voluntary documents.

The list of products subject to mandatory certification is established by the Cabinet of Ministers in consultation with the State Committee on Standardization, Metrology and Patents and contained in the Resolution of the Cabinet of Ministers No. 343 of 1 July 1993. It is not clear however, how interested persons obtain information about which specific requirements (standards) apply to its products? There is no publication of lists of such standards. This list of products shall be gradually revised upon entry into force of the draft Law on Technical Regulation.

State Committee on Standardization, Metrology and Patents had been a member of the International Standardization Organization (ISO) since July 2003 and, accordingly, had been using its guidelines and recommendations in the preparation of conformity assessment procedures. However, the only form of mandatory conformity assessment currently applied is mandatory certification.

5. PRIORITIZING:

As it is described in the Attachment 2, there are number of technical regulations to be developed covering wide range of products and risks. Priorities shall be set in planning time-frames for developing each of the technical regulations. Such priorities can be identified considering, *inter alia*, the following issues:

- Critical safety issues that are based on the recent accident statistics - if available. Increased number of accidents and significant damages caused could signal that existing safety requirements are not efficient and require analysis of reasons and faster actions. If the reasons are related to outdated requirements or gaps in safety requirement – it shall obviously be a priority for developing technical regulations.

- Trade and production statistics could be used to indicate priorities for technical regulations as well. Obviously, technical regulations for machinery and pressure equipment for oil industry is important for investors in the oil sector, which prefer equipment complying with international safety requirements. Booming construction sector as well as consumers could also benefit from introduction of international safety standards for construction materials.
- Introducing internationally based technical regulations for products of export interest of Azerbaijan. This is important for Azerbaijani producers which will apply same requirements to its products both for its exported products and for products sold in domestic market. This reduces their costs and make their products more competitive.
- Move toward EU and international legislative and administrative practices for standards, technical regulations and conformity assessment is stated in Action Plan between EU and Azerbaijan adopted on November 14, 2006. Action Plan, in particular states that:
 - jointly identify priority industrial sectors for possible legislative approximation including through consultations with producers and exporters.
 - Continue efforts for the completion of the process of translating relevant EU standards in Azerbaijan;
 - examine the scope for Azerbaijan's participation in relevant European standardization bodies;
 - Harmonize the necessary legislation with EU technical legislation in the priority sectors
 - Simplify procedures of conformity assessment of industrial products, with the aim of avoiding compulsory certification of low risk products and repeat testing;
 - Analyse legislation and administrative procedures with a view to identifying and progressively removing discrimination and restrictions against imported products, according to the WTO regulations and procedures;

6. LANGUAGE

Under point 13 of the Decree of the President #26 of November 22, 1998 «On Procedures of Recognition and Application of International (Regional) and Inter-state standards, norms, rules and recommendations on the Territory of Republic of Azerbaijan» it is possible to apply international, regional standards and standards of other countries in Azerbaijan. International (regional and foreign country) standards can be applied without being adopted as national normative documents, in the following cases:

1. for purposes of scientific research, engineering test, and other similar works;
2. production under the agreement with consumers, including for export,

and under the condition that:

- a. Their requirements are no less then the requirements established in Azerbaijan and
- b. serve the needs of economy of the country.

There is no time frame for translation of such standards into Azerbaijani language. International standards, therefore, can be applied in Azerbaijan without translation as voluntary standards, including as standards referenced in mandatory technical regulations such as in European New Approach Directives. However, international standards, if adopted as national standards, must be in official – Azeri language. Standards that are made mandatory under the Article 7.4 of the draft Technical Regulation Law shall also be translated.

This Decree provides for an opportunity to use international standards in original language. However, there are clarifications needs to be introduced. For example, there is no need for the requirement of being no less then Azeri standards in case goods are intended for exports. Exporters have to apply only requirements of country of import but not necessarily of Azerbaijan. This potentially creates an unnecessary barrier for Azeri exporters.

There are no procedures and criteria established for determining if the international standard being applied in foreign language is, in fact, (1) serve the needs of the economy of Azerbaijan and (2) its requirements are no less than Azerbaijani standards. Moreover, it is not clear who has the authority to determine compliance to these requirements.

7. NOTES ON ATTACHMENTS:

Attachment 1

List of actions necessary for transition from mandatory standards to voluntary. It includes legislative process, conducting inventories of existing measures and other organizational issues.

Attachment 2

Provides list of technical regulations to be developed based on the European Directives with indication of similar products subject to mandatory requirements under the existing list in Resolution #343. It should be noted that latter is an illustrative list. Each Directive defines its scope and contains detailed description of the products covered. Certain types of products could be excluded from the scope of the directive depending on the risk levels posed or the intended use (e.g. for military or research purposes). For example, electric products if they are less than 50 volt – are excluded from Low Voltage Directive. Machinery – if they are functioning under only power source of directly applied human effort – are out of scope of Machinery Directive (unless it is lifting equipment – that can accumulate energy in a lifted part.) In addition, the same product may be covered under different directives, depending on the type of risks covered.

Forms of conformity assessment according to modules are also included in the respective directives, as well as if the directive provide for CE marking. Products in compliance with all provisions of the applicable directives providing for the CE marking must bear this marking. Thus, the CE marking is, in particular, an indication that the products comply with the essential requirements of applicable directives and that the products have been subject to a conformity assessment procedure provided for in the directives. The CE marking is mandatory and must be affixed before any product subject to it is placed on the market and put into service, save where specific directives require otherwise. Where products are subject to several directives, which all provide for the affixing of the CE marking, the marking indicates that the products are presumed to conform to the provisions of all these directives. A product may not be CE marked, unless it is covered by a directive providing for it's affixing.

Attachment 3

List of products for which either descriptions or risks covered require detailed review. This could be due to, in particular, translation issues. This list of products needs to be reviewed as to: (1) what kind of products in detail and (2) what risks are covered by the established requirements.

Attachment 4

Example of a table for compiling the results of the review and comparison of the GOST standards with the international standards. List of EU harmonized standards (names and numbers) are available through the link in the Attachment 2. It is suggested that all EU Harmonised Standards to be procured for the purposes of the review.

ATTACHMENT 1.

Action Plan for converting mandatory standards to technical regulations and voluntary standards for the years 2013-2019.

#	Action Item	Description	Responsible agency	Time-frames
A. Legal base for conversion				
1.	Adoption of the Technical Regulation Law	Legal base for converting mandatory standards to technical regulations will be established by adoption of this law. Therefore, full scale implementation of the plan will depend on this. Developing and adopting technical regulations will require time - the draft Technical Regulations law provides for 7 years. Before technical regulations are adopted existing mandatory standards shall continue to apply.		2012
2.	Adoption of the new version of the Standards Law	Legal base for converting mandatory standards to voluntary standards will be established by adoption of this law. Under this new draft Law standards become voluntary. There is a need for transition period from mandatory standards to voluntary in the law on standards similar to transition provision in the draft Law on Technical Regulation. Without transition period there will be a gap in protection of safety after the adoption of the Law on Standards since all standards will become voluntary immediately.		2012
3.	Review and revise as necessary the list of products subject to mandatory certification – introduce revisions to the Resolution #343	List of the products subject to mandatory certification shall be revised based on the list of products under the draft Law on Technical Regulations. Products not falling in the categories listed in the draft Law shall be eliminated. Preliminary indicative list is contained in the Attachment 2 hereunder. However, more thorough review of the list is required depending on the types of risks covered. This is due to the fact that, although certain safety aspects of the products may be still covered under the new law. This revision shall be done from the date of entry into force of the new Law. The Resolution #343 shall continuously be revised thereafter as new technical regulations are introduced covering the products listed until it is completely replaced by technical regulations.		
4.	Adopt regulation on modules of conformity assessment	List of modules are provided in the attachment to the draft Law on Technical Regulations. There is a need for regulations with a detailed description of each module.		
5.	Review of other existing laws and regulations for compliance with the Law On Technical Regulation and the new Standards Law.	This may include issues related to clarifying relationships between the Technical Regulation Law and legislation governing sanitary, phytosanitary, veterinary issues as well as other sectoral laws.		

#	Action Item	Description	Responsible agency	Time-frames
6.	Conduct public outreach activities	Reforms have significant impact on traders and consumers as well as government institutions. Time required for necessary adjustments to new changes which have to be communicated in advance to the interested parties and wider public.		Continuously
B. Technical Regulations				
7.	Adoption of a plan for developing technical regulations.	Technical regulations are legislative documents that need to be planned and included according to Law On Normative Acts. Draft Law on Technical Regulations envisage developing several dozen technical regulations. This represents a task which involves significant time and resources from many interested parties. Plan shall prioritise among the technical regulations to be developed. It should be taken into account that under EU – Azerbaijan Action Plan for the European Neighborhood initiative indicates that parties will work on identification of priority areas for legislative approximation.		
8.	Establish drafting groups.	Technical regulations are to be developed by relevant ministries and agencies with participation of interested parties.		
9.	Ongoing notifications on new technical regulations. New technical regulations would be notified, pursuant to WTO rules, if they were not based on international standards and were expected to have a significant effect on trade.	Under the draft Technical Regulation Law, notices shall be published in order to make interested parties aware of new regulations being drafted. Notifications and publications allow private sector and other interested parties to express their opinion and provide comments to draft.		
10.	Periodic review of all Technical Regulations.	TBT Agreement requires that technical regulations shall be periodically reviewed in order to identify if there is still a need for requirements. Draft Law on Technical Regulations provide for 3 years for review of each technical regulation.		
C. Standards Review				
11.	Identify responsible ministries and agencies for each item under the Resolution #343	There are items that fall under responsibility of more than one agency. Lead agency which will be responsible for compiling information needed under point 2 below should be identified in this case.	SCSMP	
12.	Compile inventory of all mandatory standards needed.	The list of standards shall be prepared with a reference to each item listed in Resolution #343. Line-ministries shall prepare lists for all products under their responsibility. Certification bodies will have first hand information on the applicable standards.	SCSMP, line ministries, Certification	

#	Action Item	Description	Responsible agency	Time-frames
			Bodies	
13.	Convert all standards not listed in the inventory into voluntary standards	Guillotine principle shall apply for all not listed standards by turning them into voluntary. This action will allow draw the clear line between existing mandatory and voluntary standards.		
14.	A plan for the adoption of international standards	International harmonization is one of the main principles in the Standards Law. As for the adoption of international standards, in 2004 about 28 per cent of national standards had complied with international standards. A plan for the adoption of international standards would be prepared as soon as the new legislation in the TBT area was enacted		
15.	Establish sectoral technical Committees to review standards and compare with international ones	These groups shall be integrated into legal drafting groups for developing technical regulations. Standards shall be key instrument in supporting implementation of the requirements established in the technical regulations.		
16.	Procurement of European Harmonised standards in English.	Each New Approach Directive contains list of standards harmonised with its requirements and provide presumption of conformity.		
17.	Review of the existing standards with EU New Approach harmonized standards.	Technical regulations shall be supported by international (EU) level standards. Adaptation of standards, where necessary, into Azerbaijani climatic and other conditions.		
18.	Translation of the standards into Azeri where necessary	Draft Technical Regulation Law provides for, in exceptional cases, making standards mandatory. As such they become legislative documents that are required to be in Azeri language.		
19.	Use of international standards in foreign language – amendments to Presidential Decree #26	Allow use of foreign standards for exports even if their requirements are lower than it is established in Azerbaijan. Allow use of international standards in foreign language as reference (voluntary) standards for Azerbaijani technical regulations in foreign language. Currently their use is limited only for test, research and other similar purposes.		

ATTACHMENT 2.

List of products subject to mandatory requirements under the draft Law On Technical Regulating

List of products to be subject to technical regulations under the draft Law On Technical Regulations ¹	Relevant European Directives ²	Forms of conformity assessment ³	Illustrative ⁴ list of similar products subject to mandatory certification under current Azerbaijani legislation (Resolution #343)	Responsible agency for developing technical regulation and harmonization	Time frames for drafting technical regulations and harmonization of standards
Low Voltage	2006/95/EC	Manufacturers declaration of conformity; preparation and maintaining of technical documentation; CE Marking.	<p>Domestic electric mechanical machines with electric engines</p> <p>Transformers with power not more than 1 kVt, except those not assigned for civil aviation</p> <p>Electric water heaters with accumulator, loaded electric immersion heaters, electric device for heating the floor, room heater, hand heater, electric irons, other domestic electric appliances</p> <p>Electric telephone devices</p> <p>Electric devices for connection, opening the protectors and cutting the current or for connecting on electric lines (electric keys, changing keys, current cutters, relays, vibrator halter, two pin plugs, and sockets, cartridge for electric lamps, linking boxes, etc) with pressure not more than 1000 V</p> <p>Welding devices for domestic purpose</p> <p>Domestic washing machines</p> <p>Electric engines and generators, except those assigned for aviation (civil)</p>		

¹ Indicated subject item contains hyperlink to list of European Standards harmonized with the respective New Approach Directive.

² References to numbers of the Directives in this column contain hiperlinks to texts of the directives available online. Please note also that there are number of amendments to these directives not listed hereunder. Please note that Official Jornal of the EU is the legal source for the list of up to date standards.

³ Only general indication of decree of control through whether manufacturers declation or third party involvement is provided.

⁴ The items assigned are for indicative purposes only and there are more detailed descriptions of scopes and exclusions from the requirements set in relevant Directives. In other words, although listed here, certain types of such products could be excluded from the scope of the regulations for various reasons. Such reasons could include, for example, where risks are covered under other legislation.

			<p>Tape-recorder and other recording devices</p> <p>Radio-television devices</p> <p>Fridges and other cooling and freezing electric appliances or other types, heating pumps</p> <p>Squeezing and drying washing machine</p> <p>Dish-washing machine</p> <p>Radio-telephone, radio-telegraph, radio and television transmitting and receiver apparatus</p> <p>Electric musical instruments</p> <p>Washing machines used in domestic life</p> <p>Polishing tools functioning with 36 V high pressure used in domestic life</p> <p>Electric devices for shaving and cutting hair with 36 V high pressure of electric transmitter used domestically</p> <p>Non-recording devices transforming the electric vibrations into sound with 36 V high pressure</p> <p>Oscilloscope, spectrometer and other devices and apparatus measuring and controlling the electric volume (except the electric energy calculators)</p> <p>Illuminating equipment</p> <p>Games functioning with iron money or with token (except the equipment for automatic bowling)</p> <p>Electric devices for domestic application</p> <p>Electric pumps and compressors used in domestic application</p> <p>Domestic appliances and electric engines</p> <p>Throttle for fluorescent lighting</p>		
Simple Pressure Vessels	2009/105/E C (ex. 87/404/EEC)	Third party certification, CE Marking	<p>Steel balloons welded up to the pressure 1,6 m Pa</p> <p>Pump with fluid substances working with higher pressure 36 V of electric transmitted used in domestic application</p> <p>Air and vacuum pumps used domestically, air and gas compressors</p> <p>Electric pumps and compressors used in domestic application</p>		

Safety of toys	2009/48/EC 88/378/EEC 93/68/EEC	Manufacturers declaration of conformity; preparation and maintaining of technical documentation; CE Marking.	Toys (three-wheeled bicycles, automobiles for children with pedals), dolls Dolls which describe people Other toys, models, puzzle		
Construction products	89/106/EEC 93/68/EEC	Declaration of conformity or certificate of conformity; CE Marking	Glass for windows and vehicles		
Electromagnetic compatibility (EMC)	2004/108/E C	Manufacturers declaration of conformity; preparation and maintaining of technical documentation; CE Marking.	Domestic electric mechanical machines with electric engines Transformers with power not more than 1 kVt, except those not assigned for civil aviation Electric water heaters with accumulator, loaded electric immersion heaters, electric device for heating the floor, room heater, hand heater, electric irons, other domestic electric appliances Electric telephone devices Electric devices for connection, opening the protectors and cutting the current or for connecting on electric lines (electric keys, changing keys, current cutters, relays, vibrator halter, two pin plugs, and sockets, cartridge for electric lamps, linking boxes, etc) with pressure not more than 1000 V Welding devices for domestic purpose Domestic washing machines electric engines and generators, except those assigned for aviation (civil) Tape-recorder and other recording devices Radio-television devices Fridges and other cooling and freezing electric appliances or other types, heating pumps Squeezing and drying washing machine Dish-washing machine Radio-telephone, radio-telegraph, radio and television transmitting		

			<p>and receiver apparatus</p> <p>Electric energy calculators</p> <p>Electric musical instruments</p> <p>Washing machines used in domestic life (is it the same as Domestic washing mashines mentioned above?)</p> <p>Polishing tools functioning with 36 V high pressure used in domestic life</p> <p>Electric devices for shaving and cutting hair with 36 V high pressure of electric transmitter used domestically</p> <p>Non-recording devices transforming the electric vibrations into sound with 36 V high pressure</p> <p>Oscilloscope, spectrometer and other devices and apparatus measuring and controlling the electric volume (except the electric energy calculators)</p> <p>Illuminating equipment</p> <p>Electric devices for domestic application</p> <p>Domestic appliances and electric engines</p>		
Machinery	2006/42/EC	Declaration of conformity; Third party certification; CE marking	<p>Circular saw used in domestic life</p> <p>Domestic electric mechanical machines with electric engines</p> <p>Agricultural equipment, technology and arrangements</p> <p>Oil-mining equipment</p>		
Personal protective equipment (PPE)	89/686/EEC 93/68/EEC 93/95/EEC 96/58/EC	Declaration of conformity; Third party certification; CE marking	<p>Rubber masks for swimming, rubber slippers</p> <p>Respiratory apparatus, gas masks (except the protecting masks)</p>		
Non-automatic weighing instruments	2009/23/EC (ex. 90/384/EEC)	Third party certification; CE marking			
Active implantable medical devices	90/385/EEC 93/42/EEC 93/68/EEC 2007/47/E C	Declaration of conformity; Third party certification; CE marking			
Appliances burning gaseous fuels	2009/142/E C (ex	Third party certification; CE	Domestic gas devices		

	90/396/EEC)	marking			
Efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels	92/42/EEC 93/68/EEC 2004/8/EC 2005/32/E C	Third party certification; CE marking	Domestic gas devices		
Explosives for civil uses	93/15/EEC	Third party certification; CE marking			
Medical devices	93/42/EEC 98/79/EC 2000/70/E C 2001/104/ EC 2007/47/E C	Third party certification; CE marking	Rubber gloves and gloves for medical purposes Tools and devices used in medicine, surgery, dentistry and veterinarian areas; other electric medical technology, devices for examining the eye-sight Orthopedic arrangements		
Equipment explosive atmospheres (ATEX)	94/9/EC	Third party certification; CE marking	Oil-mining equipment		
Recreational craft	94/25/EC 2003/44/E C	Declaration of conformity; Third party certification; CE marking	Yachts and other sports, leisure means, paddled boats and canoe		
Lifts	95/16/EC	Third party certification; CE marking			
Pressure equipment	97/23/EC	Various modules depending on he category of equipment; CE marking	Welding devices for domestic purpose? Steel balloons welded up to the pressure 1,6 m Pa Pump with fluid substances working with higher pressure 36 V of electric transmitted used in domestic application Air and vacuum pumps used domestically, air and gas compressors Electric pumps and compressors used in domestic application Oil-mining equipment		
In vitro diagnostic	98/79/EC	Declaration of	Tools and devices used in medicine, surgery, dentistry and		

medical devices		conformity; Third party certification; CE marking	veterinarian areas; other electric medical technology, devices for examining the eye-sight		
Radio Equipment and Telecommunications Terminal Equipment and the Mutual Recognition of their Conformity	1999/5/EC	Declaration of conformity; Third party certification; CE marking	Radio-telephone, radio-telegraph, radio and television transmitting and receiver apparatus Radio-television devices Electric telephone devices		
Cableway installations designed to carry persons	2000/9/EC	Declaration of conformity; Third party certification; CE marking			
Measuring instruments	2004/22/EC	Declaration of conformity; Third party certification; CE marking			
Pyrotechnic articles	2007/23/EC	Third party certification; CE marking			
Packaging and packaging waste	94/62/EC 2005/20/EC		Covering materials		
Marine equipment	96/98/EC 2002/84/EC	Third party certification			
Energy efficiency requirements for household electric refrigerators, freezers and combinations thereof	96/57/EC	Manufacturers declaration of conformity; preparation and maintaining of technical documentation			
Transportable pressure equipment	1999/36/EC	Third party certification			
Noise emission in the environment by	2000/14/EC	Manufacturers declaration of			

equipment for use outdoors		conformity			
Energy efficiency requirements for ballasts for fluorescent lighting	2000/55/EC	Declaration of conformity; CE marking			
Airborne noise emitted by household appliances	86/594/EEC	Regulated by national technical regulations and standards of members	Domestic electric mechanical machines with electric engines Fridges and other cooling and freezing electric appliances or other types, heating pumps Squeezing and drying washing machine Dish-washing machine Washing machines used in domestic life Domestic conditioners		
General product safety	2001/95/EC	National measures to be taken by members. Directive is focused on market surveillance measures.	Domestic electric mechanical machines with electric engines Baby soothers, rubber heaters Baby-carriage Underwear for children, night shirt, pajamas – size up to 44 Slips, lining, underwear, similar knitted wear for children T-shirts, jersey, and similar wear for children – size up to 44 Underwear for the newborn and those under school age Uniform and swim wear for children’s swimming – size up to 44 Tights and socks for children – size up to 22 Children shoes – size up to 24 Two-tire and other non-engine bicycles Baby strollers and their parts Motorcycle helmets Various devices used in domestic life Furniture products		
Energy labelling of household appliances	92/75/EC	Preparation and maintaining of technical documentation.	Fridges and other cooling and freezing electric appliances or other types, heating pumps Squeezing and drying washing machine Dish-washing machine Washing machines used in domestic life		

			Domestic conditioners Gas and electric incandescent lamps		
Waste electrical and electronic equipment (WEEE)	2002/96/EC 2003/108/EC 2008/34/EC	National measures to be taken by members.	Electric accumulators		
New Legislative Framework (NLF) and Eco-Management and Audit Scheme (EMAS)	(EC) 765/2008 (Regulation) 768/2008/EC (Decision) (EC) 1221/2009 (Regulation)	Voluntary participation in EMAS.			
Cosmetics products	(EC) 1223/2009 (Regulation)	Good manufacturing practice; Self-assessment			
<i>Motor vehicles and their trailers</i>	<i>Directive 70/156/EEC</i>	<i>Third party certification (EC type approval)</i>	Vehicles, plus special types Glass for windows and vehicles Rubber pneumatic tires		
<i>Two or three-wheel motor vehicles</i>	<i>Directive 2002/24/EC</i>	<i>Third party certification (EC type approval)</i>	Motorcycles (including mopeds) and subsidiary engine installed bicycles		
<i>Agricultural and forestry tractors</i>	<i>Directive 2003/37/EC</i>	<i>Third party certification (EC type approval)</i>	Agricultural equipment, technology and arrangements		
<i>Chemicals</i>	<i>REGULATION (EC) 1907/2006 (REACH)</i>	<i>Registration; Authorisation - for higher risk chemicals</i>	Lacquer and Painting products, glue, filling		
<i>- Classification, packaging and labelling</i>	<i>Directive 1999/45/EC Regulation (EC) No 1272/2008</i>	<i>Classification by manufacturers; Other measures as determined by Member states</i>			

- Detergents	REGULATION (EC) 648/2004 (as amended)	Information to be prepared and maintained by manufacturers	Washing, whitening and cleansing substances		
- Fertilizers	Regulation (EC) No 764/2008 Regulation (EC) No 2003/2003	Control measures as determined by member states	Mineral fertilizers		
- Drug precursors	Regulation 273/2004	Lisence required			
- Good Laboratory Practice	Directive 2004/10/EC Directive 2004/9/EC	Verification of GLP			
Textiles	Directive 2008/121/EC Directive 96/73/EC Directive 73/44/EEC	Labelling by manufacturers; Control measures – tests could be applied	Balbriggan underwear Underwear for children, night shirt, pajamas – size up to 44 Slips, lining, underwear, similar knitted wear for children T-shirts, jersey, and similar wear for children – size up to 44 Underwear for the newborn and those under school age Uniform and swim wear for children’s swimming – size up to 44 Tights and socks for children – size up to 22		
Footware	Directive 94/11/EC	Necessary measures by member states	Shoes Artificial leather and products		

ATTACHMENT 3.

List of products subject to mandatory certification under Resolution #343 that require detailed review

Product categories under Resolution #343 (excluding categories subject to sanitary and phytosanitary measures)		
Harness and sub-harness, other transportation means which do not move by themselves, their parts	Videogames broadcasted on televisions	Non-ferrous metals, their bullion
Gas and electric incandescent lamps	Clinching tools and cartridges for humane animal slaughtering or making them deaf	Sanitary equipment used for household utilities
Isolated conductors, cables, linking parts and their electric transmitters	Diamond tools	Covering materials
Wood and second level forest reserves	Devices and apparatus revealing alpha-, beta-, gamma-, X-ray, space and other ionic rays	Linoleum, foam tape
Wooden plates, hewed with smoke or un-hewed similar wooden plates	Unrifled dangerous, double-barreled sports and hunting rifles for shooting the target	Oil processing products
Heating furnace, heating stoves, kitchen ovens and plates (including central heaters installed with potteries), deep fat, hearth, furnace for plate, heaters for warming the foods and similar domestic appliances which are not with black metal and their parts	Small pistol	Cotton-bodice
Ammonium sulfate	Bullets for small shot rifles	Products manufactured from leather and leather substitute
Film strips which are exposed and developed	Small one side-barreled rifles for sports, hunting and shooting the target	Leather-fur products
Automatic data processing machines and their blocks	Plates manufactured for domestic purpose — out of aluminum, steel, copper, enameled, zincified, and nickel silver	Road-construction technology
Initial elements and initial batteries	Polyethylene cloths and product types produced out of them	Incubators
Soldering tools	Plastic product types used in domestic application	Natural and compressed gas
Melting protectors and melting fasteners	Audio-video technology	

ATTACHMENT 4

Sample standards review table - Toys:

Products subject to mandatory (third party) certification under Resolution 343	List of Azerbaijani mandatory standards	Notes on the Results of compatibility review (samples)	List of European harmonised standards	EU Directives
Toys (three-wheeled bicycles, automobiles for children with pedals), dolls	ГОСТ 31097-2002 Игрушки. Общие требования безопасности и методы испытаний. Механические и физические свойства	(Identical)	(CEN) EN 71-1:2011 Safety of toys - Part 1: Mechanical and physical properties	EU Directive On Safety of Toys 2009/48/EC; 88/378/EEC 93/68/EEC
Dolls which describe people	ГОСТ ИСО 8124-2-2001 Игрушки. Общие требования безопасности и методы испытаний. Воспламеняемость	(Partially harmonized)	(CEN) EN 71-2:2011 Safety of toys - Part 2: Flammability	
Other toys, models, puzzle	ГОСТ 8124-3-2001 Игрушки. Общие требования безопасности и методы испытаний. Выделение вредных для здоровья ребенка элементов	(Outdated)	(CEN) EN 71-8:2011 (new) Safety of toys - Part 8: Activity toys for domestic use	
	ГОСТ EN 71.6-2002 (СТБ EN 71.6-99) Игрушки. Требования безопасности. Обозначение условное графическое для маркировки с предупреждающим указанием возрастной группы			
	ГОСТ 30782-2001 /ГОСТ Р 51556-99/ Игрушки. Общие требования безопасности и методы испытаний. Графическое условное обозначение возраста		(Cenelec) EN 62115:2005/A2:2011/AC:2011 (new)	
			Cenelec) EN 62115:2005 Electric toys - Safety IEC 62115:2003 (Modified) + A1:2004	