

Law of Georgia on Standardisation

The present law establishes a legal basis of and regulates relations with respect to standardisation in Georgia.

Chapter I. General Provisions

Article 1. Basic Terms

For the purpose of the present law the basic terms shall have the following meanings:

“Standard” shall mean a set of standardisation items, norms, rules and characteristics to be determined for different activities or the effects thereof for the purpose of accomplishing an optimal order in a given field of activities. Standards shall be determined on the basis of consensus and signed by an appropriate authority.

“Standardisation” shall mean the determination or application of norms, rules and specifications for the purpose of accomplishing an optimal order in a given field of activities.

“Certification” shall mean the confirmation of goods’ compliance with the existing requirements.

“Standardisation enactment” shall mean a document which consists of rules, principles or specifications of certain activities or the effects thereof.

“Classifier of technical and economic information” shall mean a document which contains a systematic list of descriptions and codes of classification items or groups.

“Compliance mark” shall mean a mark to be placed on goods to confirm that they are certified.

“Producer” shall mean an individual or legal entity regardless of the organisational or legal status thereof.

Article 2. Relations in the Field of Standardisation

The relations in the field of standardisation shall be regulated by the present law and corresponding legislation of Georgia.

Article 3. International Covenants

In the case of a contradiction between the Georgian law and the international covenants of Georgia priority shall be given to these latter.

Article 4. Management of Standardisation Operations

1. The management of standardization operations in Georgia and the coordination of governmental bodies in this respect, including the governments

of autonomous republics and city municipalities, as well as of public organisations, technical committees of standardisation and entities (regardless of the organisational or legal status), shall be the responsibility of the State Department of Standardisation, Metrology and Certification (SDSMC) of Georgia.

The SDSMC shall participate in the development of the state policy of standardisation and ensure the implementation thereof. The SDSMC shall supervise and carry out control over the observance of norms and requirements of standardisation, participate in international or regional standardisation endeavors, ensure the professional development of standardisation department staff, determine and control the observance of international or regional standards and the application of standardisation rules, norms and recommendations on the territory of Georgia, unless otherwise provided for by the international covenants to which Georgia is a party.

Other governmental organisations shall participate in the standardisation policy making within their respective terms of reference.

Entities, including public associations, shall carry out standardisation activities on the basis of the present law.

2. The SDSMC, on the basis of the present law, shall determine general organisational and technical conditions of standardisation activities and forms and methods of relationship of entities with each other and with public authorities.

Article 5. International Cooperation in the Field of Standardisation

The SDSMC has the right to represent Georgia in the capacity of a national standardisation agency in its relations with international and regional organisations.

Chapter II. Standardization enactments and their application

Article 6. Standardisation Enactments and Requirements thereto

1. Effective standardisation enactments, pursuant to the present law, include as follows:

Georgian State Standards (hereinafter the “State Standards”);
International and regional standards applied in accordance with the existing rules; standardisation rules, norms and recommendations; Georgian classifiers of technical and economic information;
Standards of administrative bodies, organisations and producers.

2. The requirements of standardisation enactments shall be based on modern science, and technology advances, international and regional standards, standardisation rules, norms and recommendations, progressive standards of other countries. They shall correspond to specific conditions of production of

goods and services and shall not contradict the rules determined by the law of Georgia.

3. Enactments on the standardisation of such goods and services which according to law are subject to mandatory certification shall contain such requirements according to which such a mandatory certification shall be carried out. They shall determine also the rules of control, those of marking goods and services as well as requirements for certification documents that shall be attached to all other documentation.

4. The standards shall not be deemed to be a copyright object.

Article 7. State Standards and Technical and Economic Information Classifiers

1. The State Standards shall be developed for such goods, processes and services which are of intersectoral importance. No state standard shall contradict the law of Georgia.

The State Standards shall consist of as follows:

requirements to goods, processes and services with respect to environmental protection, the safety and security of people' s lives, health and property, technical security and industrial hygiene;
requirements for the compatibility of technical specifications and information as well as for the interchangeability of goods and services;
basic consumer (utilisation) specifications of goods, the methods of their control; the requirements for packing, marking, transporting, keeping and utilising the produced goods;
rules and norms that ensure the technical and information integrity while designing, manufacturing and consuming (utilising) goods and providing services, including the rules of drawing up technical documentation, quality requirements to goods, works and services, general rules of rational exploitation and maintenance of all kinds of resources, general terms and their definitions, conventional signs, metrological and other general technical and organisational norms and rules.

For the purpose of ensuring the protection of the national interests of Georgia and ensuring the competitiveness of goods and services the state standards, if reasonably required, shall provide for preliminary requirements for progressive development which surpass traditional technologies. The contents of such requirements, the scope and the effective date thereof shall be determined by organs of state administration which have developed the state standards.

2. The requirements of the State Standards which ensure the safety and security of people' s lives, health and property in the process of production of goods, works and services, provide for the integrity of technical process and information, interchangeability of goods, the integrity of control and marking processes as well as other requirements established by law of Georgia shall be mandatory for both the organs of state administration and producers.

The question of compliance of goods and services with the above requirements shall be solved in accordance with the law of Georgia and by mandatory certification.

Other requirements of the State Standards to the goods and services shall be obligatory for producers if this is provided for by the contracts to which these producers are parties or by the technical specifications of these goods and services. In addition, the question of compliance of the goods and services with the above requirements may be solved in accordance with the law of Georgia and by voluntary certification.

The compliance of the goods and services with the requirements of the State Standards may be confirmed by placing compliance marks on such goods and services. The determination of the shape of the mark, rules of marking and those of issuance marking licenses to producers shall be the responsibility of the Sakstandarti.

The producers which have been provided with a license of marking goods and services as well as the goods and services which have been accordingly marked shall be entered in a State Register of Marked Goods and Services, the rules of which keeping shall be determined by the Sakstandarti.

3. The State Standards shall be passed on the basis of the present law by the Sakstandarti and other authorised governmental agencies within their respective terms of reference.

Most prospective state standards and those of particular strategic importance shall be approved by President of Georgia.

4. The State Standards shall be effective upon their registration with Sakstandarti.

The rules of working out, approving, effecting, utilisation and managing of the Technical and Economic Information Classifiers shall be determined by the Sakstandarti.

Article 8. Standards of Organs of Local Administration, Organisations and Producers

The Standards of organs of administration, organisations and producers, may be determined and approved by these organs of administration, organisations and producers within the limits of their competence. Such standards shall not violate the mandatory requirements of the state standards. The responsibility for compliance of these standards with the mandatory requirements of the state standards shall be taken by the agencies which have approved such standards. These standards shall come into effect only after their mandatory registration with the state authorities.

The standards of organs of administration, organisations and producers shall be effective and mandatory for other producers only in such cases when this is required by specific contracts on development, production and delivery of goods and services. The rules of development, approving, registration,

utilisation, alteration and revocation of such standards shall be determined by the state system of standardisation.

Article 9. Application of Standardisation Enactments

1. Standardisation enactments shall be applied by organs of state administration and producers during development of products, preparation for manufacture, realization, sale (delivery, sale) use, exploitation, storage, transportation and utilisation providing services on the stages of working out of technical documentation (design, technological) catalogue sheets of goods to be manufactured (services rendered).

The standards shall apply only in such cases when they do not contradict the law of Georgia.

2. Any contractor and contractee shall provide in a contract for a condition of compliance of goods and rendered services with the mandatory requirements of State Standards.

3. Contractual agreements shall envisage the necessity of application of standardisation enactments with respect to goods, works and services produced in Georgia and to be exported to other countries, except the cases established by law.

4. The import of goods and services to the customs territory of Georgia as well as the certification of their compliance with the mandatory requirements of the State Standards shall be carried out according to rules determined by law.

Article 10. Announcement, Publication and Application of the Standards Enactments

1. Everybody, including foreigners, has the right to have a free access to information of the approved State Classifiers of Technical Economic Information and to the State Standards and Classifiers themselves, unless such information contains state secrets.

2. Sakstandarti shall ensure the publication of the official information about the State Classifiers of Technical and Economic Information, the international and regional standards, the rules, norms and recommendations of standardisation and the national standards of other countries; the spread of information of international agreements on standardisation and rules of the application thereof; the establishment of the fund and the data base of the State Classifiers of Technical and Economic Information, the international and regional standards, the rules, norms and recommendations of standardisation and the national standards of other countries. The rules of establishing and managing such a fund is the responsibility of the executive authorities of Georgia.

3. The governmental bodies which have adopted standardisation enactments

within the limits of their competence, local administrations, organisations and producers which have approved their own enactments shall establish and manage data bases of such enactments and the rules of giving access thereto to users on a contractual basis.

4. The governmental bodies which have adopted standardisation enactments shall have the exclusive right to publish the state standards and the Classifiers of Technical and Economic Information.

The rules of publishing the state standards and the Classifiers of Technical and Economic Information shall be determined by the executive authorities of Georgia.

Sakstandarti shall have the exclusive right to publish official information taken from the State Register of Marked Goods and Services.

Chapter III. Controlling and Supervising Observance of Mandatory Requirements of the State Standards

Article 11. State Control and Supervising

1. The state control over and supervising of the observance of mandatory requirements of the state standards shall be carried out on all stages of production, manufacturing, preparation, selling, delivery, realization, use, exploitation, storage, transportation and utilisation of goods and services.

2. The rules of carrying out control over and supervising the observance of mandatory requirements of the state standards shall be determined by Sakstandarti and other governmental bodies on the basis of law and within the limits of their competence.

3. The managers of objects over which the control is to be carried out shall create all necessary conditions for it.

Article 12. Bodies of State Control and Supervision

The control over and supervising of the observance of the mandatory requirements of the state standards shall be carried out by the Sakstandarti and other governmental bodies, specially designated for this purpose, within the limits of their competence.

The control over the mandatory certification and certified goods shall be implemented according to the law of Georgia on the Certification of Goods and Services while the state metrological control and supervision – on the basis of Law of Georgia on Ensuring the Unity of Measurement Systems.

Article 13. State Controllers and Supervisors, Their Rights and Duties

1. The control over and supervision of the observance of the mandatory requirements of the state standards shall be carried out by the assigned

public officers according to Article 5 of the Law of Georgia On Certification of Goods and Services. In the case of the failure of goods and services to meet the mandatory requirements of the state standards the same officers have the right:

to receive, if required, necessary information and documentation from certification authorities;

to receive samples and models of goods and services pursuant to standardisation enactments;

to issue orders on the prohibition or suspension of the production, realisation, delivery, sale, consumption or exploitation of goods (including imported ones), works or services;

to fine and take other sanctions against the producers.

In the case of violation of orders on the prohibition or suspension of the production, realisation, delivery, sale, consumption or exploitation of goods (including imported ones), works or services the producers shall pay fines in accordance with the rules determined by law.

2. In the case of a producer's failure to perform orders or pay fines mentioned in paragraph 1 of this Article the case shall be sent to the law-enforcement bodies for their consideration.

3. The authorised officials, while performing their duties, shall be guided by the consumers', producers' and the national interests.

4. In the case of failure to perform their duties properly, or causing damages due to their negligence, or making public the state or commercial secrets, the authorised officials shall take responsibility according to current law.

Chapter IV. Responsibility for violation of Standardization Law

Article 14. Responsibility for the Violation of the Standardisation Law

The responsibility for the violation of the standardisation law shall be determined by the established procedure.

Chapter V. Funding Standardization, Controlling and Supervising Activities. Encouraging the Application of State Standards

Article 15. Funding Standardisation, Controlling and Supervising Activities

1. The following shall be subject to mandatory state funding:

state standards which determine the mandatory requirements pursuant to the law of Georgia; the development of the Classifiers of Technical and Economic Information; the publication of official information about the Classifiers; participation in the working out of international and regional standards, norms and recommendations;

performance of scientific research and other works of national importance on the problems of standardisation;
implementation of controlling and supervising functions for the purpose of ensuring the observance of mandatory requirements of the state standards;
establishment and management of the fund of the State Classifiers of Technical and Economic Information, the international and regional standards, the rules, norms and recommendations of standardisation and the national standards of other countries; compiling and maintenance of the State Register of Marked Goods and Services;
management activity of Sakstandarti;
other works related to standardisation and determined by the executive authorities of Georgia.

2. The source of funding the standardisation as well as controlling and supervising activities aimed at ensuring observance of the mandatory requirements of state standards may be the revenues from works performed as well as other sources determined by law.

3. The governmental programs which are partially or completely funded by the government as well as the state defense programs shall contain special sections ensuring the normative quality of goods, works and services.

Article 16. Encouraging the Application of State Standards

1. The state provides guarantees of economic support and encouragement to those producers who produce goods and services marked as corresponding to the requirements of the state standards, including those ones which contain progressive requirements, the opportunities that outpace traditional technologies.

2. The forms and the scope of economic support and encouragement of the producers referred to in paragraph one of this Article, and appropriately licensed, shall be determined by law.

President of Georgia

Eduard Shevardnadze

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