



Act

Promulgated by

[Decree nr. 500/2002](#)

Law no. 355/2002

of 06/06/2002

Published in Official Journal, Part I no. 447 of 26/06/2002

For the approval of the Governmental Ordinance no. 39/1998 on the national standardization activity in Romania

The Parliament of Romania adopts the present law.

Art. I. - Pursuant to the art.1 let. i) In the Law no. 221/1997 regarding the authorisation of the Government to issue ordinances, the Governmental Ordinance no. 39 of 30th of January 1998 on national standardization in Romania, published in the Official Journal of Romania, Part I, no. 43 of 30th of January 1998 shall be approved with the following amendments and completions:

1. The title of the ordinance shall have the following content:

"ORDINANCE
on national standardization activity"

2. The article 1 shall have the following content:

"Art. 1. - The present Ordinance establishes the principles and the organizational frame of the national standardization activity."

3. In the article 2, letters c) and i) shall have the following content:

:

"c) to protect life, health and safety of persons, environment and to defend the consumers interests;

.....

i) to represent and support the interests of the national economy in the frame of the international and European activities."

4. The article 3 shall have the following content:

"Art. 3. - (1) Pursuing to the present Ordinance, the terms used are defined as follows:

- a) *authority* - the specialized body of the central and local public administration or the body, respectively its representative, authorised to, when exercising the state authority, to take compulsory measures and to adopt regulations in its field of competence;
- b) *application of a standard* - use of the standard in production and/or services;
- c) *mark of conformity* - protected mark, applied or issued under the rules of a certification system, indicating that the relevant product, process or service is in conformity with a specific standard or other specific normative document concerning the quality, the material, the product manufacturing manner or the service performance or other characteristic;

- d) *national standards body* - standards body with activity at the national level, that has as main attribution the development, the approval or the adoption, as the case may be, of national standards and that is recognized by a state authority ;
- e) *national standards programme* – activity programme of the national standards body, developed with a view to apply the national policy of standardization;
- f) *draft standard* - proposed standard that is generally available for comment, voting, approval or adoption, as the case may be;
- g) *standard* - document established by consensus and approved by a body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context;
- h) *Standardization* – specific, complex activity having as final purpose the development and the approval or adoption, as the case may be, of standards.
- i) *European standard* - standard that is adopted by a European standards organization and made available to the public;
- j) *international standard* - standard that is adopted by an international standards organization and made available to the public;
- k) *national standard* – standard that is developed and approved or adopted, as the case may be, by a national standardization body and that it is made available for the public ;
- l) *national standardization* - standardization that takes place at the level of one specific country;
- m) *body* - public or private entity that has well defined tasks and competencies;
- n) *regulation* - document providing mandatory rules adopted by an authority;
- o) *Technical regulation* - regulation that provides technical requirements, either directly or by referring to or incorporating the content of a standard, technical specification or code of practice.

(2) The terms defined in the par.(1) are completed with the terms defined in the art.2 of the Governmental Ordinance no. 38/1998 on the accreditation and infrastructure for the conformity assessment.*)."

*) *Governmental Ordinance no. 38/1998 was approved and amended by the Law no.245/2002 published in the Official Journal of Romania, Part I, no.313 of May 13, 2002.*

5. In the article 4, the letter h) is repealed.

6. The article 5 shall have the following content:

"Art. 5. - (1) The national standard shall include provisions not contravening to the legislation in force.

(2) The national standard shall be identified by applying a SR logo meaning "Romanian standard".

(3) International and European standards may be published in Romania only after their adoption as national standards."

7. In the article 6, paragraph (2) shall have the following content:

"(2) The application of a national standard may become mandatory, as a whole or partially, on the entire territory, on an area or local plan, only according to the provisions of a technical regulation, if reasons related to public interest, health, life, persons safety or environmental protection or protection of consumers make such a measure necessary."

8. The article 7 shall have the following content:

"Art. 7. - The national standardization body shall meet the following conditions:

a) to be a private legal entity of public interest with a legal status of non lucrative association, created or set up on basis of the Governmental Ordinance no. 26/2000 on associations and foundations;

b) to have the favourable assessment of the state authority which coordinates the quality infrastructure and conformity assessment field;

- c) to apply the basic principles of the national standardization stated in art. 4;
- d) to apply in the field of the national standardization the policies approved by the government. "

9. After the article 7 it is introduced the article 7¹ with the following content:

"Art. 7¹. - The national standardization body has the following main attributions:

- a) to grant the right to use the national marks of conformity to national standards, upon request, for the products and services complying with the national standards, on basis of the own procedures of the national standardization body;
- b) to implement the international, regional and European standards as national standards;
- c) to provide, as per the Agreement on the Technical Barriers to Trade of the World Trade Organization, in which Romania is a part, the functioning of the enquiry point for standards and technical regulations and to make available to all the interested persons information from its data base;
- d) to edit, publish and disseminate, in order to provide the public information:
 - the national standards;
 - the national standardization programme;
 - the list of the national standards drafts submitted to public enquiry;
 - the list of the national standards in force;
 - the list of the withdrawn or amended national standards;
 - Other relevant information and publications on the national standardization.
- e) to co-operate in the field of standardization with similar bodies from other countries;
- f) to collect, to process, to store, and to disseminate information in the field of the national standardization;
- g) to create a favourable climate to the application of national standards in economy and for the development of standardization;
- h) to perform import-export operations and standard marketing, documentation and standardization technical literature marketing, by abiding the stipulations in the international or bilateral agreements concluded by the national standards bodies in this respect;
- i) to elaborate and approve, reconfirm, modify and/or withdraw the national standards;
- j) to elaborate and implement the national standardization programme;
- k) to fulfil any other duties mentioned in other normative acts, concerning its main goal;
- l) to register the national standards;
- m) to perform services of consultancy, expertise, training, knowledge transfer, technical assistance and others in the field of standardization;
- n) to publish and monitor the way of implementation of the rules regarding the application of the marks of conformity to national standards;
- o) to represent Romania and participate in the frame of the international, regional and European non-governmental standardization bodies;
- p) to establish the principles and methodology of the national standardization, in conformity with the provisions in the present Ordinance and with the rules of the European and international standardization as well as to assure the representation of the interested parties in the national standardization;
- q) to set up and publish the procedural rules on the fulfilment of the attributions and the way of solving the appeals;
- r) to administrate the national standards documentary fund."

10. The article 8 shall have the following content:

"Art. 8. - (1) The provisions of the art. 7¹ shall be included in the Frame-Statutes of the national standardization body.

2) The Statutes of the national standardization body shall abide to the provisions of the Frame-Statutes, the provisions of the present Ordinance, as well as other dispositions, in accordance with the regulations in force and shall stipulate the following:

A. Any legal entity agreeing with the Statutes of the national standardization body and intending to support the achieving of its goal may become its member upon the approval of the General Assembly.

B. The General Assembly of the members of the national standardization body is made up of Boards, as follows:

- a) *The Board of the Accredited Bodies* which includes the representatives of accredited certification and inspection bodies as well as their organizations with non lucrative goal;
- b) *The Users Board* which includes the representatives of legal entities interested in the national standardization, such as the businesses, including small and medium size enterprises, patronage organizations, chambers of commerce and industry, banking-financial and insurance organizations, professional associations, union federations and confederations, as well as others alike;
- c) *The Consumers' Board* which includes the representatives of non-lucrative organizations for protecting the consumers' interests, the interests of the disabled persons, for protecting human rights, for the field of environment protection, and others alike;
- d) *The Board of Authorities*, which includes the representatives of the public authorities for regulation, interested in the development of the national, European, regional and international standardization activity;
- e) *The Board of Research-Development and Innovation*, which includes the representatives of educational institutions, of legal entities, performing mainly research-development activities, centres of technological transfer, for incubation and innovation, of experts and consultants in the field of quality and/or the environment protection.

C. The structure of the leading and administration bodies of the national standards body shall provide for the balanced representation of each Board, respectively of the represented interests;

D. The national accreditation body is a member of the national standardization body as well as of its Leading Board.

E. The state authority which co-ordinates the field of quality infrastructure and conformity assessment nominates its representative from the Board of authorities in the Leading Board; this is the vice-president of the national standardization body and has a veto nominal right when taking decisions contrary to the national policy in the field of national standardization.

(3) The state authority that co-ordinates the field of quality infrastructure and conformity assessment elaborates the Frame-Statutes of the national standardization body."

11. The article 9 shall have the following content:

"Art. 9. - (1) The national standardization body elaborates and implements the national standardization programme on basis of the requests received from the authorities and from other parties interested in the national standardization.

(2) The national standardization body:

- a) co-operates with the authorities and implements with priority, in the national standardization programme, their requests, specially those concerning the improvement of life quality, life and health protection and safety of persons as well as of the

environment protection, and protection of the consumers' interests;

- b) informs the authorities, periodically, on the stage of elaboration, approval or adoption, as the case may be, reconfirmation, modification and withdrawal of national standards, included in the national standardization programme and on the national standardization activity in the regulated fields;
- c) participates, upon the authorities requests, to the elaboration of normative acts which are connected with the national standardization;
- d) offers consultancy and expertise in the field of standardization, if asked;

(3) The authorities shall provide the national standards body with information with a view to enable it to set up the database for standards and technical regulations."

12. After the title of the Chapter V, it is introduced the article 9¹ with the following content:

"Art. 9¹. - (1) The Ministry of Industry and Resources is the state authority co-ordinating the quality infrastructure and conformity assessment field and has the responsibility to develop the strategies and the policies in this field, including also the national standardization.

(2) The Ministry of Industry and Resources shall approve the programme of national standardisation elaborated by the national standards body."

13. The article 10 shall have the following content:

"Art. 10. - (1) The national standardization body, which has been set up in accordance with the provisions referred to in art.7, is the Romanian Standards Association – ASRO, hereinafter called *Association*, with the headquarters in Bucharest.

(2) The Association performs its activity under the sphere of competence of the state authority referred to in art. 9¹ par. (1)."

14. The article 11 is repealed.

15. The article 12 shall have the following content:

"Art. 12. - (1) The Ministry of Education and Research makes available to the association, a space to be used upon a renting contract, intended to be the provisory premise of the Association, in 21-25 Mendeleev street, 1 Bucharest.

(2) The contract is valid till the Association purchases another premises, time limit after which the above mentioned space shall be let empty and given back to the Ministry of Education and Research.

(3) The Ministry of Industry and Resources shall submit for Government approval the necessary proposals, in order to provide the Association with the necessary premises for its functioning."

16. The article 13 is repealed.

17. The article 14 shall have the following content:

"Art. 14. - The Ministry of Education and Research shall finance the institutional development of the Association and the national standardization activity through programmes for stimulating the innovation included in the National Plan for Research-Development and Innovation. "

18. The article 15 shall have the following content:

"Art. 15. - (1) The amounts representing the contributions the association has to pay as a member or affiliate member in the international, regional and European standardization organizations referred to in art. 7¹ let. o) Shall be granted from the state budget through the budget of the Ministry of Industry and Resources.

(2) The funds necessary for the participation in the works of the international and European standardization bodies may be granted through the budget of the Ministry of Industry and Resources, upon the Association request, on the basis of the annual meetings programme, in the limit of the available funds. "

19. The article 16 shall have the following content:

"Art. 16. - The development, approval or adoption, as the case may be, reconfirmation, modification and/or withdrawal of the national standards, requested by the authorities, shall be financed through the programme for stimulating the innovation, referred to in art.14, as well as through the contracts concluded by the Associations with the authorities."

20. The article 17 shall have the following content:

"Art. 17. - The association has the right to set up and cash, upon case, tariffs for the services offered, referred to in art. 7¹ lit. a) – d), f), h), i), m) and n), as well as for other services."

21. The articles 18-20 are repealed.

22. The article 21 shall have the following content:

"Art. 21. - The Association acquires in Romania upon an exclusive right, the exclusivity of performing the duties provided in the art. 7¹."

23. The article 22 shall have the following content:

"Art. 22. - (1) The Association benefits of the copy right protection, upon the provisions of the law.

(2) The entire or partial reproduction or use of the national standards or of the content of the publications of the Association by using any means is admitted only with its prior written consent.

(3) The marks of conformity to the national standards, laid down in the annex which makes a part of the present Ordinance, are the property of the Association and are registered at the State Office for Inventions and Trademarks, in the terms set up by the legal provisions."

24. The article 23 shall have the following content:

"Art. 23. - (1) The granting or withdrawal of the recognition of the Association as a national standards body shall be done by Governmental Decision, following the proposal from the Ministry of Industry and Resources.

(2) The recognition of the Association as a national standardization body is valid as long it abides by the provisions of the present Ordinance.

(3) In case of liquidation or withdrawal of recognition the national documentary fund of standards, the premises purchased from funds allocated through the state budget, the assets obtained by the Association through direct or indirect financing programmes of the Ministry of Industry and Resources shall be transferred to another recognised association in accordance with the legal provisions in force."

25. The article 24 is repealed.

26. The article 25 shall have the following content:

"Art. 25. - The national standards – SR and STAS - in force on the date of publication of the present Ordinance in the Official Journal of Romania, Part I, shall remain valid until their modification or withdrawal by the Association."

27. The article 26 is repealed.

28. The article 26 shall have the following content:

"Art. 27. - In the application of the present Ordinance provisions, the Ministry of Industry and Resources shall approve the Frame-Statutes, by Order of the Minister, and shall issue orders and instructions."

29. The articles 28 and 29 are repealed.

30. The Ordinance is completed in the final part with the Annex having the following content:

"ANNEX

MARKS OF CONFORMITY TO THE NATIONAL STANDARDS

The marks of conformity to the national standards are the following: SR and SR-S.

The symbols of the SR and SR-S marks are:



SYMBOLS

The SR mark is granted to the products certified in accordance with the requirements of a national standard.

The SR-S mark is granted to the products certified in accordance with the requirements of a national safety standard.

NOTE:

The dimensions of the marks are the following:

- SR mark – 38 mm height/37 mm length;

- SR-S mark – 38 mm height/41 mm length.

The colour of the mark shall be chosen by the mark holder provided that the mark is distinctive in the context.

If the mark has to be enlarged or reduced, the proportions given in the above figure shall be observed. The vertical dimension of the mark should not be less than 10 mm.

The present annex may be updated by Governmental Decision."

Art. II. – The Frame-Statutes provided by the art.8 par. (3) in the Ordinance shall be approved by order of the minister of industry and resources within 30 days after the publication of the present law in the Official Journal of Romania, Part I.

Art. III. - The Governmental Ordinance no. 39/1998 on the national standardization activity approved with amendments and completions brought by the present law, will be republished, giving the texts a new numbering.

This law was adopted by the Senate in the meeting of 23th May 2002, with the observance of the provisions of the art. 74 par.(2) in the Constitution of Romania.

On behalf of PRESIDENT OF SENATE,
DORU IOAN TĂRĂCILĂ

This law was adopted by the Chamber of Deputies in the meeting of 14th May 2002, with the observance of the provisions of the art. 74 par.(2) in the Constitution of Romania.

PRESIDENT OF THE CHAMBER OF DEPUTIES
VALER DORNEANU

Bucharest, 6th June 2002.
No. 355.