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REFORMING OF NATIONAL LEGISLATION ON FIELD OF STANDARDIZATION

The main changes in the national law in the field of standardization, as well as those caused by changes in the National System of Standardization in Ukraine, the functions of the main subjects of standardization are considered. The possible models of functioning of the National Bodies of Standardization on the types of activities, describing the basic shades and features are proposal.

Keywords: *standardization, national system of standardization, national body of standardization, model, international organization for standardization, regional organization for standardization.*

Introduction

With the globalization of markets, the increased number of participants in trade relations, expansion of production and complexity the role of standardization is increases. National Infrastructure of Quality in standardization in recent years is undergoing reform and major changes, and its further development will be characterized by a significant increase international and regional cooperation. These processes were especially active after Ukraine's accession to the World Trade Organization (WTO), signature the Agreement on free trade zone between Ukraine and the European Union (EU), which is caused by the desire to integrate Ukraine into the European market in the EU.

Implementation of EU legislation, compliance with the WTO and institutional changes in accordance with European practices is underlying the reforms in the field of technical regulation. Performance of the tasks of the national Program of integration Ukraine into the EU caused a change in state policy in the sphere of technical regulation and its adaptation to international approaches, which led to a need for convergence to international and European practice of National System of Standardization (NSS) in Ukraine, the National Bodies of Standardization form (NBS) and National Technical Committee of Standardization (TC) [1].

1. Features of National System of Standardization of Ukraine

NSS of Ukraine was formed in the former USSR. Existing approaches and procedures for the functioning of NSS, fundamental standards and a

large amount of current interstate standards (GOST) are outdated and do not meet modern challenges. Following the adoption of new legislation [2] and other legal acts regulating activities in the field of standardization, needs to be review a national legal framework that regulates the activities of NSS. The main elements of the previous and current national legislation in field of standardization are shown in Table 1.

As shown in Fig. 1 hierarchical NSS includes the following components and sub components: CEB (MEDT); NBS (SE "UkrNDNC"); TCs; Management Council and Commission of appeals as subjects; and informational, regulatory and other support, as objects of the system.

The authority and functions of standardization subjects is provided by law, regulations and articles of association of these entities. NBS – is bodies of standardization recognized at the national level and who has the right of national membership in the relevant International Organization for Standardization (IOS) or Regional Organization for Standardization (ROS). CEB does not perform the function of NBS after reforming [14]. Much of the functions and powers of the CEB were passed to NBS (see Table 1). Essential is appearance providing to prepare of NBS an annual report on its activities, making it after approval of the Management Council for consideration by CEB, which provides state policy in the field of standardization and publication on the official website no later than five working days from the date of approval this report by Management Council. It will promote openness, transparency and public access to information on the NBS.

Table 1

Element	The old Law	The new law in force
Subjects of standardization	1) Central Executive Body (CEB) of standardization; 2) board of standardization and technical regulation; 3) TCs; 4) other entities dealing with standardization (Article 6)	1) CEB, which provides the state policy in the field of standardization; 2) CEB, which implements the state policy in the field of standardization; 3) NBS; 4) TCs; 5) enterprises, institutions and organizations engaged in standardization (Article 8)
New subjects of NSS	–	Management Council (Article 13) Commission of appeals (Article 14)
Serving NBS	CEB of standardization (Article 7)	State Enterprise that is not subject to privatization, formed CEB, which implements the state policy in standardization (Article 11)
Services in the standardization work for the state budget	Customers service is CEB, and the only provider of such services are NBS (Article 29)	Customers service is CEB, and the only provider of such services are NBS (Article 29)
Standardization of levels	Three levels: - National (NBS approves of standards); - industry (CEB approves of standards); - at the enterprise level (adoption of standards by enterprises and organizations) (Article 11)	Two levels: - National (NBS approves of standards); - at the enterprise level (adoption of standards by enterprises and organizations) (Article 11)
Serving of acceptance, cancellation and renewal of national standards and amendments	CEB of standardization (Article 7)	NBS (Article 11)
Setting rules and procedures of the NSS	CEB of standardization (Article 7)	NBS (Article 11)
Developing procedures for the establishment, termination and coordinate activities of TCs	CEB of standardization (Article 7, 9)	NBS (Article 11)

In addition to NBS one of the main subjects of standardization in Ukraine has TCs, which represent a form of cooperation of interested businesses and individuals for collaborating with international, regional, national standardization. At TC assigned powers of development, review and approval of national, regional and international standards, participation in standardization bodies and relevant IOS, ROS. Work on activities performed TC accordance with the fundamental standards of the national standardization. Works with international

and regional standardization TC perform under the terms of IOS documents and ROS [13-19].

Under the new law [2] NBS is the only customer for standardization work from the State Budget. Previously, funds from the State Budget for works on standardization could to receive only CEB. Cancel the mandatory approval of projects of national standards with CEB and CEB, deprivation authority to take sectoral standards (SOU, GSTU) has led to the emergence in Ukraine only two levels of standardization: national and at the enterprise level that corresponds with world practice.

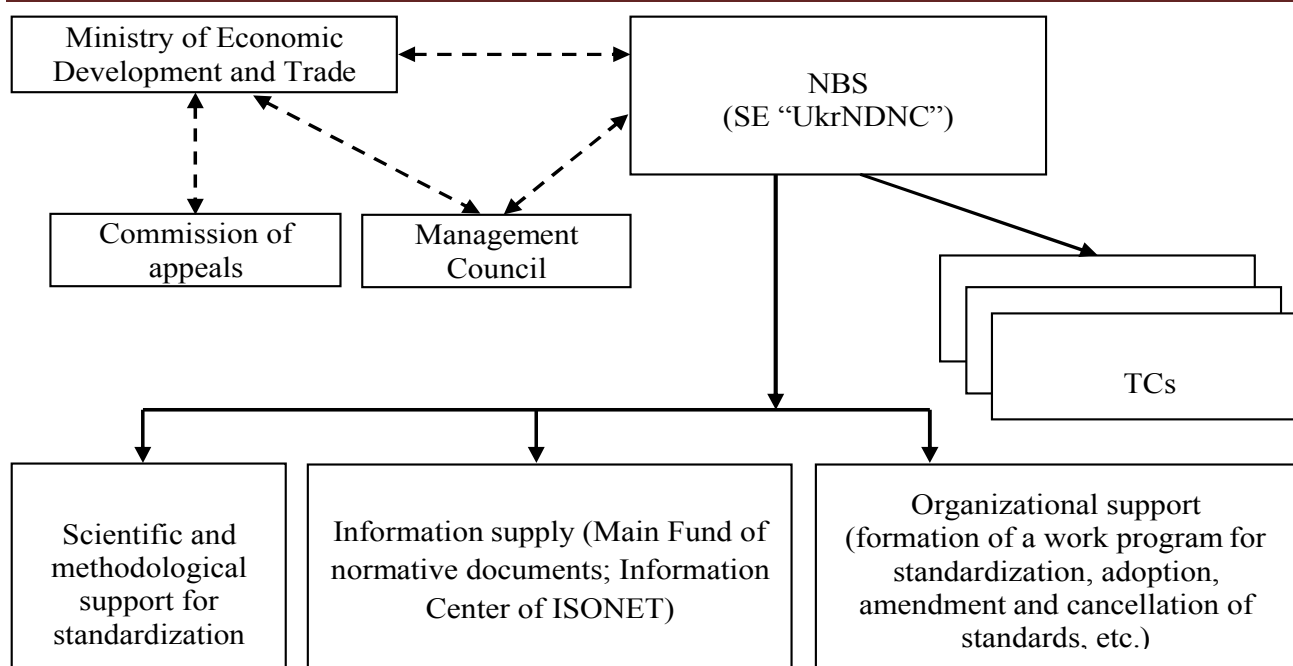


Figure 1 – The structure of the reformed NSS of Ukraine

The new Law provides for the emergence of new subjects of NSS: Management Council and Commission of appeals. Management Council – is the advisory and supervisory authority of NBS, which is formed on a parity basis with representatives of central executive bodies, government agencies, research institutions, educational institutions, NGOs, trade unions. Commission of appeals – body where may address with to request any interested party or TCs, if it considers that a decision, act or omission NBS were violated procedures in field of standardization [2]. After the emergence of new subjects of NSS, in particular by Management Council, in the management NBS will be secured participate for all stakeholders including representatives of manufacturers, consumers, research institutions.

After joining the WTO, Ukraine has committed to give priority to the implementation of international standards as national (over regional and national standards of other countries). Thus for the candidate countries for EU membership, there is need to introduce the requirement for at least 80 % of the standards in force in the EU [20, 21]. Therefore, in recent years, much attention is paid harmonization of national standards with international and European standards. This is especially true standards, compliance with which is seen as evidence of compliance with the directives of the "New Approach". Their demands, in turn, extend to products covered by the Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA) [14].

2. Models of NBS

NSS as the system exists in a certain environment and interacts with the environment, so need to make a detailed analysis of its key components. In step simulation NSS is need collecting and analyzing a priori information on the activities of standardization in various areas of usage broken down at certain stages of analysis [22, 23].

So can identify the main objects of standardization at national level:

- 1) legislation in the field of standardization;
- 2) fundamental standards of NSS;
- 3) national standards harmonized with international and regional standards, national standards and standards of enterprises;
- 4) objects and subjects of standardization;
- 5) theoretical research and training on standardization.

Organization of NBS available in several models:

Model A – work carried out in all areas of standardization;

Model B – work carried out in all areas of standardization only for certain sectors of the economy;

Model C – only developed national standards and standards of enterprises;

Model D – not developed national standards and existing agencies provide information on product conformity to international or regional standards [22, 24].

Implementation of these models can be made in the country by only one organization based on work towards of standardization. The results of the analysis

can establish the basic gradations and features for proposed models of NBS, which are shown in Table 2.

The models NBS although reflecting the state of the main objects of NSS, however, require detail of the level of NBS, description the characteristics and main features of the models. Generalized basic gradations, characteristics functioning of the proposed models of NBS are shown in Table 3.

It should be noted that the above grading models of NBS is quite arbitrary and not exhaustive of all issues in field of standardization.

Analyzing NSS of Ukraine worth noting that standardization activities implementing in almost all areas of activity and in almost all sectors. NBS of Ukraine is participates as a regular or associate member in the IOS and almost all ROS and has

nationally available high level of legal and regulatory framework on standardization, particularly adapted to the requirements of the European Community. NBS coordinates of TCs and conducts periodic training of specialists in the field of standardization.

Conclusion

Therefore, the results of the analysis of the existing NSS of Ukraine, available of subject and object in standardization of their work could be argued that NBS of Ukraine corresponds to the average level of development – model B in accordance with the proposed gradations and features of models of NBS.

Table 2

Model	Brief description of the Model	Areas				
		1	2	3	4	5
A	Participation as active permanent members of IOS and ROS, well developed legal and regulatory framework on standardization, the coordination and analysis of subjects involved in standardization (usually TCs) introduced an effective system of training specialists in field of standardization	H	H	H	H	H
B	Participation as regular or associate members in some IOC and ROS, developed legislative and regulatory framework for standardization, coordination of the entities involved in standardization (usually TCs), carry out retraining specialists in field of standardization	M	H	M	M	M
C	Participation only in specific IOS and ROS as an associate member, national standards take only in certain sectors of the economy, training specialists in field of standardization implement only in certain sectors of the economy, develop only a separate normative documents and standards enterprises, lack of coordination dealing with standardization	M	M	L	L	M
D	Participation in IOS and ROS is absent, without developing standards generally, available in the country authorities only providing information on product conformity to international or regional standards, TCs or other entities engaged in standardization are absent	L	M	L	L	M
H – high level; M – medium level; L – low level						

Table 3

Model	The degree of participation in the IOS and ROS	The level of development legislation	The level of regulatory	The level of coordination of subjects in field of standardization	The level of development system of training specialists
A	Full active membership in IOS and ROS	High, in all areas and sectors of the economy	High	High, the coordination and analysis of TCs	High, active in all sectors of the economy
B	Full or associate membership in selected IOS and ROS	Medium, in all areas and in certain sectors of the economy	High	High, coordination of TCs	High
C	Associate (affiliated) membership in selected IOS and ROS	Medium, not across the board and in individual sectors of the economy	Medium or low	Low	Medium, for certain sectors of the economy
D	Participation in the ISO and ROS are missing	Low	Low	TC or other entities engaged in field of standardization are absent	Low

References

- Velychko O. M., Kolomiets L. V., Gordiyenko T. B. Metrology, technical regulations and quality assurance: in 5 volumes. – Odesa: BMB. – Vol. 3: Standardization. – 2014. – 523 p. (in Ukrainian).
- On Standardization: Law of Ukraine from 05.06.2014 № 1315-VII.
- DSTU 1.0:2003. National standardization. Substantive provisions (in Ukrainian).
- DSTU 1.1:2001. National system of standardization. Standardization and related activities. Terms and definitions of basic concepts (in Ukrainian).
- DSTU 1.2:2003. National standardization. Terms of development of national normative documents (in Ukrainian).
- DSTU 1.3:2004. National standardization. Terms for design, construction, presentation, registration, approval, acceptance and designation of specifications (in Ukrainian).
- DSTU 1.5:2003. National standardization. The rules for explanation, presentation, design and content of requirements for normative documents (ISO/IEC Directives, part 2, 2001, NEQ) (in Ukrainian).
- DSTU 1.7:2001. National standardization. The rules and methods of making and use of international and regional standards. (ISO/IEC Guide 21:1999, NEQ) (in Ukrainian).
- DSTU 1.10:2005. National standardization. The rules for development, explanation, presentation, design and conduct national qualifiers (in Ukrainian).
- DSTU 1.11:2004. National standardization. Rules of examination of draft national normative documents (in Ukrainian).
- DSTU 1.12:2004. National standardization. The rules of doing matters of normative documents (in Ukrainian).
- DSTU 1.13:2001. National system of standardization. Rules for notification of trading partners Ukraine (in Ukrainian).
- Velychko O. M., Kucheruk V. Y., Gordiyenko T. B., Sevastyanov V. M. Fundamentals of standardization and certification. – Herson: Oldi-plus, 2013. – 364 p. (in Ukrainian).
- Velychko O. M., Kolomiets L. V., Gordiyenko T. B. Fundamentals of standardization: theory and practice. – Odesa: BMB, 2010. – 252 p. (in Ukrainian).
- Model Regulations of the Technical Committee for Standardization / Approved order of the Derzstandard of Ukraine from 20.05.2002 № 298, registered in the Ministry of Justice of Ukraine 11.07.2002 № 578/6866 (in Ukrainian).

16.DSTU ISO/IEC Guide 59:2000. Codex established rules of standardization (ISO/IEC Guide 59:1994, IDT) (in Ukrainian).

17.Directives ISO/IEC. Part 1. Guidelines for technical activities (in Ukrainian).

18.ISO/IEC Guide 2:2004. Standardization and related activities. General vocabulary.

19.ISO/IEC Directives. – Part 1. Consolidated ISO Supplement.

20.CEN-CENELEC Guide 12:2012. The concept of Affiliation with CEN and CENELEC.

21.CEN-CENELEC Guide 20:2015. Guide on membership criteria of CEN and CENELEC.

22.Velychko O. M., Kolomiets L. V., Gordiyenko T. B. Methodologies of optimizing hierarchical systems in metrology and standardization: theory and practice. Monograph. – Odesa: BMB. – 2010. – 250 p. (in Ukrainian).

23.Velychko O. M., Kolomiets L. V., Gordiyenko T. B. Optimization of the national systems of metrology and standardization. Monograph. – Kishinev: Primex Com. – 2014. – 155 p. (in Russian).

24.Gordiyenko T. B. Elements for evaluation of components activity of national bodies and technical committees of standardization // Standardization, certification, quality. – 2011. – № 6. – P. 13–18 (in Ukrainian).

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РЕФОРМИРОВАНИЕ НАЦИОНАЛЬНОГО ЗАКОНОДАТЕЛЬСТВА В СФЕРЕ СТАНДАРТИЗАЦИИ

Рассмотрены основные изменения национального законодательства в сфере стандартизации, а также вызванные этим изменения в национальной системе стандартизации Украины, функций основных субъектов стандартизации. Предложены возможные модели функционирования национальных органов стандартизации по типам деятельности с описанием основных градаций и признаков.

Ключевые слова: стандартизация, национальная система стандартизации, национальный орган по стандартизации, модель, международная организация по стандартизации, региональная организация по стандартизации.

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РЕФОРМУВАННЯ НАЦІОНАЛЬНОГО ЗАКОНОДАВСТВА У СФЕРІ СТАНДАРТИЗАЦІЇ

Розглянуто основні зміни у національному законодавстві в сфері стандартизації, а також спричинені цим зміни у національній системі стандартизації України, функцій основних суб'єктів стандартизації. Запропоновані можливі моделі функціонування національних органів стандартизації за типами діяльності з описом основних градаций і ознак.

Ключові слова: стандартизація, національна система стандартизації, національний орган зі стандартизації, модель, міжнародна організація стандартизації, регіональна організація стандартизації.