

Title of the Law
Law on national standardization

Chapter I
General dispositions

Art.1.- This law establishes the legal framework for the organization of national standardization activity, Romania's participation in European and international standardization and measures required to implement the provisions of Regulation (EU) no. 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European Standardization and amending Council Directives 89/686 / EEC and 93/15 / EEC and Directives 94/9 / EC, 94/25 / EC, 95 / 16 / EC, 97/23 / EC, 98/34 / EC, 2004/22 / EC, 2007/23 / EC, 2009/23 / EC, 2009/105 / EC of the European Parliament and the Council and repealing Decision 87/95 / EEC and Decision nr.1673 / 2006 / EC of the European Parliament and of the Council, published in the Official Journal of the European Union (OJEU) series L, no. 316 of 14 November 2012, hereinafter referred to as Regulation (EU) 1025/2012.

Art2.- (1) For the purposes of the present law, the terms and expressions have the following meanings:

- a) standardization - specific activity carried out by a recognized body, by which standards and other standardization documents, intended for common and repeated use are developed, approved, reviewed, modified, adopted and canceled;
- b) national standardization - standardization that is carried out at national level by the recognized national standardization body;
- c) national standardization program - annual work program of the national standardization body, containing the list of topics covered by the standardization activity;
- d) conflicting national standard - national standard having the same scope with a European standard and which contains conditions inconsistent with the European standard;
- e) conformity to a standard - fulfilling all the requirements of a standard;
- f) conformity mark - protected mark applied or issued under a system of conformity assessment, indicating with sufficient certainty that the concerned product, process or service complies with the requirements of the national standard;
- g) regulation - the document containing binding rules and which is adopted by a state authority or at European level;
- h) technical committee – work structure which operates standardization on specific areas, without legal personality, established under a recognized standardization body and where stakeholders shall designate their representatives;
- i) stakeholders - individual, group or organization, including public authorities, which have an interest or concern in the standardization activity.

(2) Under this law, the terms standard, international standard, European standard, harmonized standard, European standardization document, technical specification, draft standard, product, service, European standardization organization, international standardization body and national standardization body have the meaning set out in Regulation (EU) nr.1025 / 2012.

Art.3.- National standardization activity is an activity of general public interest and contributes to:

- a) increasing the competitiveness of the national economy;
- b) removing technical barriers to trade;
- c) proper implementation of regulations and public policies;
- d) promoting the results of research-development and innovation;
- e) protection of consumer interests and of the environment;
- f) sustainable use of resources;
- g) representation of national interests in the international and European standardization activity.

Art.4.- The national standardization applies the following principles:

- a) development and adoption of Romanian standards based on the consensus of stakeholders;
- b) transparency, coherence and public availability;
- c) participation of all stakeholders;
- d) the voluntary character of the application of Romanian standards;
- e) independence from any possible predominant interest;
- f) compliance with European and international standardization rules;
- g) correlating the Romanian standards with the development of legislation;
- h) representation of national interests in international and European standardization

Chapter II

Romanian Standards

Art. 5 (1) Romanian standards are standards that are developed and approved in national standardization. They identify themselves with the sign composed of the SR logo, the standard number and the year of its publication. The SR logo means Romanian standard and only applies to Romanian standards. When Romanian standards adopt European and / or international standards, the SR logo will be followed by the combination of letters identifying the European and / or international standards adopted.

(2) Romanian standards must contain provisions that are not contrary to the existing legislation.

(3) European standards, international standards and other standardization documents are adopted at national level as Romanian standards by one of the following methods:

- a) confirmation note;
- b) confirmation sheet;
- c) Romanian version.

Art.6.- (1) Application of Romanian standards is voluntary.

(2) Applying a Romanian standard may become mandatory, in whole or in part, throughout the country, at regional or local level, only by regulation, if such measures are necessary for the interests of the public, the protection of life, health and safety of individuals, the environment and consumer interests.

Art.7.- (1) References to standards in legislation should state explicitly that their implementation is the recommended way, but not the only one, to demonstrate compliance with the relevant legislative acts.

(2) The regulations only comprise references to Romanian standards developed and approved at national level, as well as to Romanian standards that adopt European standards, international standards or other standardization documents at national level, according to art. 5 para. (3).

(3) In order to facilitate the use of standards referred to in Art. 5 (3) letter a) and b), they shall be published in the Romanian version, not later than two years after the entry into force of the regulation, as provided for in art. 17.

Art.8.- (1) Romanian standards, European standards, international standards and documents regarding the European and international standardization, including their drafts, are considered scientific documentation under the Law No.8 / 1996 on copyright and related rights, as amended and supplemented, and are protected by copyright.

(2) Full or partial reproduction and dissemination of Romanian standards, European and international standards and European and international standardization documents is not allowed unless there is a written prior agreement of the national standardization body.

(3) Whosoever asserts compliance with a Romanian standard, by any mark, declaration or certificate, must make proof of the legal ownership of the respective standard.

Chapter III

The National standardization body

Art.9.- (1) The national standardization is achieved by the Romanian Standards Association – ASRO, hereinafter ASRO, which is the national standards body recognized by Government decision, notified to the European Commission and published in the Official Journal of the European Union.

(2) ASRO is a legal person governed by private law of general public interest, having legal status of non-profit association that applies the principles of national standardization stipulated in Article 4 and fulfills the tasks set out in Article 12 para. (1).

(3) The statute of ASRO must comply with the provisions of this law.

(4) The governing body of ASRO is the General Assembly, which comprises all its members and is divided into the following colleges:

- a) College A - College of accredited bodies;
- b) College B - College of beneficiaries;
- c) College C - College of consumers;
- d) College D - College of research, development and innovation;
- e) College E - College of the authorities.

(5) The Board of Directors of ASRO is the organizational structure made up of elected members of ASRO, which ensures the enforcement of decisions of the General Meeting and is led by the Chairman of ASRO.

(6) The full members of the Board of Directors elect vice-presidents of ASRO from among them. The designated representative of the Ministry of Economy, Trade and Tourism is also a vice-president of ASRO, by right.

Art.10.- (1) Notwithstanding the provisions of Article 15 of the Law no.213/1998 on public-property goods, as amended, the Ministry of Education and Research makes available for ASRO, for use, based on a rental contract, an office space, in Bucharest, Str. Mendeleev nr.21-25, sector 1.

(2) The contract takes effect until ASRO may carry out their activity in a different headquarter.

Art.11.- (1) ASRO represents Romania as a member of the following European and international standardization organizations:

- a) CEN - the European Committee for Standardization;
- b) CENELEC - European Committee for Electrotechnical Standardization;
- c) ETSI - European Telecommunications Standards Institute;
- d) ISO - International Organization for Standardization;
- e) IEC - International Electrotechnical Commission.

(2) The amounts representing the associated fees for the membership in standards organizations referred to in para. (1) shall be allocated from the state budget through the Ministry of Economy, Trade and Tourism.

Art.12.- (1) ASRO has the following main responsibilities:

- a) establishing the methodology for national standardization, in accordance with Regulation (EU) No.1025/2012, with the provisions of this law and the rules of European and international standardization;
- b) Participation to the European and international standardization activity;
- c) developing, publishing and implementing the annual National Standardization Program;
- d) the development, approval and publication of Romanian standards;

- e) the examination, modification, revision, reconfirmation and cancellation of Romanian standards;
- f) adopting European and international standards as Romanian standards;
- g) adopting other standardization documents as Romanian standards;
- h) setting up and ensuring the national technical framework for the functioning of standardization committees;
- i) providing the methodological framework for the participation of international stakeholders to the European and international standardization activity and;
- j) the fulfillment of obligations arising from Romania's representation in the European and international standardization organizations;
- k) ensuring public awareness through the publication and dissemination of Romanian standards and other relevant publications on national standardization;
- l) the sale of Romanian standards;
- m) the sale of international and national standards of other countries, including import / export standards.
- n) the management of the national documentary fund of Romanian standards, including private technical specifications;
- a) developing and publishing the Standardization Bulletin on a monthly basis;
- p) provision of advice, expertise, training, knowledge transfer, technical assistance and the like in the field of standardization;
- q) granting the right to use the marks of conformity to Romanian standards, the demand for products and services in accordance with Romanian standards, based on its own procedures;
- r) issuing an advisory opinion at the request of the authorities in the process of drafting regulations related to standards and standardization;
- s) fulfilment of the activity reporting tasks laid down in Article 24 paragraph (1) of the Regulation (EU) nr.1025 / 2012
- ș) participation in the exchange of information on standards and standardization within the European and international standardization system, according to Article 3 and 4 of Regulation (EU) no. No 1025/2012 and Law. 133/1994 for the ratification of the Marrakesh Agreement Establishing the World Trade Organization, the International Agreement on bovine meat and the International Dairy Agreement concluded in Marrakech on 15 April 1994;
- t) participation to the standardization research, programs and research projects with national, European and / or international funding

(2) ASRO has the exclusive right to exercise the powers referred to in para. (1) letter a) -1), n), o) and q) - ș).

(3) the national standardization activity takes place under the national standardization methodology provided in par. (1) letter a) and published on the website of ASRO.

(4) For the services provided in para. (1) letter d) -h), l), m), p) and q) and for other services, ASRO has the right to establish and collect fees.

(5) The tariffs set by ASRO for services provided in par. (4) is endorsed by the Ministry of Finance.

Chapter IV

Transparency and participation to the standardization

Art.13.- (1) The National standardization program, referred to in Art. 12 (1) letter c) is developed annually by ASRO, according to Article 3 of Regulation (EU) no. 1025/2012 and endorsed by the Minister of Economy, Trade and Tourism.

(2) The National standardization program draft is subject to public consultation for a period of 30 days, by publishing it on the website of ASRO. The final version of the National standardization program is published on the website of ASRO.

(3) Any stakeholder may formulate and submit proposals regarding the development, modification, revision or adopting of a Romanian standard, in compliance with the national standards methodology.

Art.14. – The National standardization program includes European standards, national standards, whose development or revising is required and international standards or other standardization documents identified as necessary after the consultation of public authorities and other stakeholders in the private sector.

Art.15.- (1) (1) European standards, international standards and other standardization documents are only applicable in Romania as Romanian standards, which adopt them at the national level

(2) All European standards shall be adopted as Romanian standards and conflicting national standards shall be cancelled.

(3) International standards and other standardization documents are adopted as Romanian standards, at the request of stakeholders.

Art.16.- (1) Any interested party may participate in Romania, through ASRO, at the European and international standardization, in compliance with national standards methodology.

(2) ASRO formulates and forwards the national vote on draft European and international standards or other standardization documents, which are under public inquiry, based on the views expressed by stakeholders.

Art.17. - In order to achieve the national standardization program and to support the implementation of certain regulations or the promotion of certain public policies in their areas of competence, public authorities conclude service contracts with ASRO in order to adopt European standards as Romanian standards, and to develop, modify, or revise Romanian standards or adopt international standards and other standardization documents as national standards.

Chapter V

ASRO's relations with authorities

Art.18.- (1) The public authorities shall consult ASRO in the process of drafting legislation pertaining or relating to standards or national standardization.

((2) To ensure consistency between national regulations and standards, public authorities participate to the standardization work by nominating representatives in the technical committees of interest.

Art.19.- As a coordinator of quality and conformity assessment infrastructure, the Ministry of Economy, Trade and Tourism:

- a) performs the tasks laid down in Regulation (EU) No. 1025/2012 in relation with ASRO, Member States and the Commission;
- b) ensures the necessary measures to coordinate national and European Union policies covering issues on standardization;
- c) ensures and takes action, where appropriate, that ASRO, through their policies, strategy, and practices responds with competence, promptness and openness, to the requests relating to standardization;
- d) authorizes in advance, any change in the ASRO statute;
- e) appoints, by order of the minister of economy, trade and tourism, a representative as vice-president of ASRO, with veto power in making decisions regarding the national policy in standardization

Chapter VI

Funding of national standardization

Art.20.- National standardization funding sources are mainly:

- a) fees charged according to art. 12 para. (4) based on contracts concluded with beneficiaries, including contracts financed under Art. 3 para. (2) of Government Ordinance no.20 / 2010 on establishing measures for the uniform application of the EU legislation harmonizing the conditions regarding the sale of products, as amended by Law 50/2015, with the subsequent amendments, by stipulation of the amounts required for the payment of service contracts signed with ASRO in the budgets of ministries and public authorities;
- b) allocation from the state budget, through the Ministry of Economy, Trade and Tourism, within the annually approved budgetary provisions for this purpose, based on the framework contract for funding public interest activities in the standardization field, which is renewed annually.

Art.21.- (1) public interest activities referred to in Article 20 b) are those related to the ASRO duties set out in Art. 12 (l) b), j), n), o), r), s and ș).

(2) ASRO organizes a separate bookkeeping for activities provided for under par. (1).

Art.22.- To encourage and increase the participation of Romanian experts to the European and international standardization in areas of national interest, the interested public authorities can finance the cost of those activities.

Chapter VII

Transitional and Final Provisions

Art.23.- (1) Conformity marks to the Romanian standards set out in the Annex which is an integral part of the present law are the property of ASRO and are registered with the State Office for Inventions and Trademarks.

(2) The marks of conformity in para. (1) may be used by entities concerned only with the consent of ASRO.

Art.24. - (1) Within 90 days of the entry into force of this law, the Ministry of Economy, Trade and Tourism develops and approves by order the framework-contract for financing activities of public interest in the standardization field referred to in Article 21 paragraph (1).
(2) Up until the endorsement of the charges by the Ministry of Public Finance, according to Art. 12 (5), ASRO will provide the services referred to in Art. 12 (4) for the rates charged upon the date of the entry into force of this law.

Art.25.- On the date of entry into force of this law, Government Ordinance no. 39/1998 on the national standardization activity, published in the Official Gazette of Romania, Part I, No. 43 of 30 January 1998, approved as subsequently amended and supplemented by Law no.355 / 2002, shall be repealed.

This law was adopted by the Parliament of Romania, with compliance of the provisions of art. 75 and art. 76 para. (2) of the Constitution of Romania, republished.

CHAIRMAN OF CHAMBER
OF DEPUTIES
VALERIU-ȘTEFAN
ZGONEA

CHAIRMAN OF THE SENATE
CĂLIN-CONSTANTIN-ANTON
POPESCU-TĂRICEANU

Bucharest, 24 June 2015.
No. 163.

Appendix

MARKS OF CONFORMITY with the Romanian standards

The marks of conformity with the Romanian standards are the following: SR and SR-S.
The logos of the SR and SR-S marks are those in the figure below.

Logos

Logos

The SR logo is granted to products certified in accordance with the requirements of a Romanian standard

Marca SR este acordată produselor certificate în conformitate cu cerințele unui standard român.

The SR logo is granted to products certified in accordance with the requirements of a Romanian standard which lays down security requirements.

NOTE:

The dimensions of the marks are as follows:
- SR mark - height: 38 mm/length: 37 mm;

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

The color of the mark is selected by the owner, provided that the mark is distinct in the context.

In case the mark has to be magnified or minimized, it is necessary that the proportions presented in the figure above are complied with. The vertical dimension of the mark shall not be less than 10 mm.