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The Law on Standardization

The Pyidaungsu Hluttaw Law No.28/ 2014

The 7 Day of 1376 M.E.

(3 July,2014)

The Pyidaungsu Hluttaw here by enacts this law.

Chapter (I)

Title and Definition

1. This Law shall be called **the Law on Standardization.**
2. The following expression contained in this Law shall have the meanings given here under:—
 - (a) **Government** means the Union Government of the Republic of the Union of Myanmar.
 - (b) **Standard** is a document, established by consensus and approved by a recognized 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.
 - (c) **Standardization** means a process draw and prescribed standard by comprising relevant experts collectively in order to develop economy by aiming for the interest of the producers, and consumers, and considering the necessities of practical usefulness condition and safety in a case to be carried out.
 - (d) **Myanmar Standard** means national standard prescribed by the National Standard Council;
 - (e) **Foreign Standard** means national standard of such country prescribed by the organization which has legal authority in any foreign country;
 - (f) **Regional Standard** means standard prescribed by the regional standard organization;
 - (g) **Regional Standard Body** means Standard body related the organization such as ASEAN organization or European Union region organization;
 - (h) **International Standard** means standard prescribed by the international standard organizations;
 - (i) **Mandatory Standard** means a Standard enforced by the National Standard Council concerning the protection of human health, security for personal property and safety;
 - (j) **Voluntary Standard** means a standard where standardization is not covered with mandatory standard;

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- (k) **Accreditation Certificate** means certificate issued under this Law recognizing that it is competent to carry out technical examination, laboratory examination and other necessary services for enabling to issue recommendation on quality;
- (l) **Certificate** of certification means recommendation certificate issued under this law that it is in conformity with standard in product, production process and service;
- (m) **Standardization Mark** includes accreditation mark and quality mark which are product quality mark, production process quality mark and service quality mark;
- (n) **Legal metrology** means entire procedural arrangement relating to administration, legislation and technology determined by the relevant governmental department, governmental organization to ensure appropriate quality and credibility of measurements related to official controls, trade, health, safety and conservation of environment;
- (o) **Council** means the National Standard Council formed under this Law;
- (p) **Committee** means the Standard Working Committee formed under this Law;
- (q) **Department** means a department which is assigned to perform in the matter of standardization by the Ministry of Science and Technology;

Chapter (II)

Objectives

3. The objectives of this Law are as follows:
- (a) to enable to determine Myanmar Standards;
 - (b) to enable to support export promotion by enhancing quality of production organizations and their products, production processes and services;
 - (c) to enable to protect the consumers and users by guaranteeing imports and products are not lower than prescribed standard, and safe from health hazards;
 - (d) to enable to support protection of environment related to products, production processes and services from impact, and conservation of natural resources;
 - (e) to enable to protect manufacturing, distributing and importing the disqualified goods which do not meet the prescribed standard and those which are not safe and endangered to the environment;
 - (f) to support on establishing the ASEAN Free Trade Area and to enable to reduce technical barriers to trade.
 - (g) to facilitate technological transfer and innovation by using the standards for the development of national economic and social activities in accordance with the national development programme.

Chapter (III)

Formation of National Standard Council and Functions and Duties Thereof

4. The Government:
- (a) shall form the National Standard Council comprising not more than (30) of relevant persons.
 - (1) a Union Minister assigned by the Government Chairman
 - (2) representatives from the Ministries Members
 - (3) representatives from the Nongovernmental Organizations Members
 - (4) prominent persons and other appropriate persons Members
 - (5) director general of the Myanmar Scientific and Technological Research Department Secretary
 - (b) may determine vice-chairman and joint secretary if necessary, in forming the council under Sub-section (a).
 - (c) may amend and reform the council formed under Sub-section (a) as may be necessary.
5. The functions and duties of the Council are as follows:
- (a) laying down policy and guiding for enabling to implement the objectives of this Law;
 - (b) prescribing Myanmar standard by accepting appropriate standard among international, regional and foreign standards or by altering them in conformity with the situation of Myanmar;
 - (c) prescribing Myanmar standard for raw material, equipment, product, process, methods of experiment, production and servicing;
 - (d) prescribing Myanmar standard for import goods and export goods;
 - (e) prescribing mandatory standards to be complied with Myanmar standards;
 - (f) performing the application of Myanmar standards by the relevant production and service;
 - (g) directing the Committee from time to time to examine whether or not the department, organization obtained the right to use standard mark complies with the stipulations contained in the relevant standard;
 - (h) prescribing terms and conditions relating to the issued of accreditation and certificate of certification;
 - (i) deciding on submission of the Committee relating to accreditation and certificate of certification;
 - (j) confirming standard marks of each category of certificate of certification to be issue by the department, organization which obtains the accreditation;
 - (k) directing the Committee to carry out relating to legal metrology as may be necessary;

- (l) giving warning to the relevant department, organization or person that obtains the accreditation, suspending for limited period or cancelling the accreditation when it is scrutinized and found out that any condition contained in the accreditation is violated.
- (m) submitting the matter of national standardization and funding to cabinet from time to time.

Chapter (IV)

Formation of the Standard Working Committee and Functions and Duties Thereof

- 6. The Council:
 - (a) shall form the Standard Working Committee comprising the Director General of the Department or an appropriate expert as chairman, persons from the relevant government department and governmental organizations, representative from the relevant nongovernmental organizations, experts relating to science and engineering and lawyers as members.
 - (b) shall determine and assign duty to the secretary in forming under Sub-section (a) and may determine vice-chairman and joint-secretary, if it is necessary;
 - (c) may amend and form the Committee formed under Sub-section (a) as may be necessary.
- 7. The functions and duties of the Committee are as follows:
 - (a) drawing and submitting the Myanmar Standards to the Council;
 - (b) prescribing necessary appropriate technology, production process and equipments for enabling to produce products that are in conformity with standard;
 - (c) deciding whether or not in conformity with Myanmar Mandatory Standard to be complied by examining the products from time to time.
 - (d) coordinating and arranging for enabling to examine the import goods and export goods whether or not they are in conformity with Myanmar Standard.
 - (e) submitting to the Council after re-scrutinizing the matter relating to those whether or not issue accreditation and whether or not extend the term of accreditation;
 - (f) submitting to the Council the derivations relating to techniques of legal metrology and carrying out in accordance with the directives of the Council;
 - (g) inspecting and causing to inspect from time to time, the site of the person who has obtained certificate of certification for enabling to know whether or not the product, raw material used, technique, production process and equipment are in conformity with the relevant standards;
 - (h) holding trainings, seminars and workshops relating to standardization.
 - (i) advising and submitting to the Council for enabling to amend the Myanmar Standard if necessary according to the market and other situations;

- (j) submitting to the Council by differentiating in advise and preparing the mandatory standard and voluntary standard in Myanmar Standards;
 - (k) forming technical sub-committees for enabling to carry out the duties and functions of the Committee and prescribing duties and functions of such sub-committees;
 - (l) performing functions and duties assigned by the Council from time to time.
8. The Committee shall:
- (a) submit the important policy matters to the Council and carry out by complying with its decision;
 - (b) submit its work performance report to the Council in accordance with the stipulations.

Chapter (V)

Application for and Issue of Accreditation Certificate

9. Any internal or foreign department, organization desirous of issuing certificate of certification and any person desirous of participating in businesses relating with any department, organization which has the right to issue quality recommendation shall apply to the Department in accordance with stipulations to obtain accreditation certificate.
10. The Department shall, on receiving the application under Section 9 to obtain the accreditation certificate scrutinize in accordance with stipulations whether or not department, organization and persons applied are enable to carry out the technical examinations, chemical examinations and other necessary service industries , submit to the Council through the Committee with remark.
11. Whether for issuing or for refusing the accreditation certificate after scrutinizing the recorrendation made by the department and shall inform back to the department through committee.
12. The departments, organizations or persons which obtained accreditation certificate may allow to use the accreditation mark.
13. The department shall perform in accordance with the decision of the Council.
14. (a) The departments, organizations and persons which obtained accreditation certificate shall apply to the directorate in accordance with stipulations if it is desirous to extend the term of accreditation certificate.
- (b) The department shall submit to the Council through the Committee with remark after scrutinizing the application in accordance with stipulations under Sub-section (a).
15. (a) The Council may extend the term of accreditation certificate or refuse to extend the term of accreditation certificate after scrutinizing the submission under Sub-section (b) of Section 14.
- (b) The Council may prescribe the term of accreditation certificate, accreditation certificate fees, extension fees of the term of accreditation certificate.
16. The department, organization which has obtained the accreditation certificate shall:

- (a) register to the Department after obtaining the approval of the Council on the standardization mark for each category of certificate of certification for which it may issue.
- (b) submit the list of businesses to which it has issued quality recommendation to the department in accordance with stipulations.

Chapter (VI)

Application for and Issue of Certification

17. A person desirous of obtaining certificate of certification shall apply to the department and organization which has obtained the accreditation.
18. The department and organization which has obtained the accreditation is entitled to issue the following categories of certificate of certification, after examining in accordance with stipulations:
- (a) product certificate of certification;
 - (b) production process certificate of certification;
 - (c) service certificate of certification;

Chapter (VII)

Taking Action by Committee

19. The Committee may, if it is found out that holder of certificate of certification violates any term or condition contained in the relevant recommendation, pass any of the following administrative orders:
- (a) warning;
 - (b) suspending the certificate of certification for limited period;
 - (c) cancelling the certificate of certification
20. The Committee may, if it is found out that holder of accreditation certificate violates any term or condition contained in the relevant recommendation, pass any of the following administrative orders:
- (a) warning;
 - (b) suspending the accreditation certificate for limited period;
 - (c) cancelling the accreditation certificate

Chapter (VIII)

Appeal

21. A person who is not satisfied with any order passed by the Committee under Section 19, 20 or any other decision passed by the Committee may appeal to the Council within 60 days from the date of passing of such order or decision.

22. The Council may direct to confirm, cancel, amend or review the order or decision of the Committee.

23. The decision of the Council shall be final and conclusive.

Chapter (IX)

Offences and Penalties

24. Any person who issues quality recommendation without accreditation certificate, on conviction, shall be punished with imprisonment for a term not exceeding three years or with fine not more than three million Kyats or with both.

25. Any person who commits any of the following acts shall, on conviction, be punished with imprisonment for a term not exceeding three years or with fine not more than three million Kyats or with both:

- (a) counterfeiting any standardization mark;
- (b) using standardization mark that is not allowed to use or not confirmed by the Council;
- (c) advertising, selling or possessing in order to sell any product or advertising or carrying out any service that is not in conformity with mandatory standard prescribed by the Council knowingly or likely to know.

26. If any person who obtained certificate of certification uses standardization mark on the product which is not in conformity with the relevant standard or relating to service shall be punished with imprisonment for a term not exceeding one year or with fine not more than one million Kyats or with both.

Chapter (X)

Financing

27. The Committee shall expend the fund in accordance with the financial rule which acquire funds for its work from;

- (a) the sale of standards, relevant documents and other publication;
- (b) membership fee;
- (c) payments received for services offered;
- (d) the Union budget;

28. Report of the auditor regarding the Committee fund which is audited by the auditor as recognize by the government shall be submitted to the cabinet through council in every fiscal year.

Chapter (XI)

General Provisions

- 29 The person who obtains the certificate of certification whose representative and successors shall oblige the mandatory standards.
30. (a) Ministry shall define the payment in honour and cost of Council and Committee members by the approval of Government.
- (b) Department shall arrange including the payment in honour, cost ,office works of Council and Committee according to the Sub-section (a).
31. Any offence contain in this Law is cognizable by the Myanmar Police Force.
32. If an exhibit involved in any offence prosecuted under this Law is not easily producible before the court, such exhibit needs not be produced before the court. However, a report with other relevant documentary evidence as to the manner of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the court and the relevant court may dispose of the same in accordance with this Law.
- 33 In implementing the provisions contained in this Law:
- (a) the Ministry of Science and Technology may issue rules and regulations with the approval of the Government and may issue procedures, as may be necessary.
- (b) the Ministry of Science and Technology and the Council may issue notifications, orders, directives and procedures, as may be necessary.
- (c) the Committee and the Department may issue orders and directives, as may be necessary.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

sd / Thein Sein
President
Republic of the Union of Myanmar