

The Standardization Law
(The Pyidaungsu Hluttaw Law No. 28, 2014)
The 7th Waxing of Waso, 1376 M.E
(3rd July, 2014)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called the **Standardization Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Government** means the Union Government of the Republic of the Union of Myanmar;
 - (b) **Standard** means stipulations that explain the regulations, guidelines, features of performance or their consequences that are drafted and approved on the basis of majority agreement by the relevant authorized organization for standardization aiming to reach the minimum stipulation of the respective sector in a field and which may be used generally and frequently;
 - (c) **Standardization** means processes drawn and standardized by comprising relevant experts collectively in order to develop economy for the interest of the producers, consumers and users by considering the necessities of practical usefulness condition and safety in a case to be carried out;
 - (d) **Myanmar Standards** means national standards prescribed by the National Standard Council;
 - (e) **Foreign Standards** means national standards of any foreign country prescribed by the organization which has legal authority in such country;
 - (f) **Regional Standards** means standards prescribed by the regional organization for standardization;

- (g) **Regional Organization for Standardization** means standardization organization of organizations such as ASEAN Regional Organization or European Regional Organization;
- (h) **International Standards** means standards prescribed by any international organization for standardization;
- (i) **Compulsory Standards** means standards prescribed by the National Standardization Council in respect of human health and safety of private property which shall be compulsory to abide by this Law;
- (j) **Voluntary Standards** means standards which are not involved in the compulsory standards;
- (k) **Accreditation Certificate** means a 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 quality recommendation;
- (l) **Quality Recommendation** means a recommendation certificate issued under this Law that it is in conformity with standards of product, production process and service;
- (m) **Standardization Mark** includes a product quality mark, a production process quality mark and a service quality mark which are accreditation marks and quality marks;
- (n) **Legal metrology** means entire procedural arrangement relating to administration, legislation and technology determined by the relevant government department, organization to ensure appropriate quality and credibility of measurements related to official control, trade, health, safety and environmental conservation;
- (o) **Council** means the National Standardization Council formed under this Law;
- (p) **Committee** means the Standardization Working Committee formed under this Law;
- (q) **Department** means Department assigned duty by the Ministry of Science and Technology to perform matters of standardization.

Chapter II

Objective

3. The objectives of this Law are as follows:
- (a) to enable to determine Myanmar Standards;
 - (b) to enable to support export promotion by promoting quality of production organizations and their products, production processes and service industries;
 - (c) to enable to protect consumers and users by guaranteeing that imports and products are not lower than the prescribed standard and are safe and free from health hazards;
 - (d) to enable to support protection from impact on environment related to products, production processes and services and conservation of natural resources;
 - (e) to enable to protect distribution and import of disqualified goods which do not meet the prescribed standard, goods which are not safe and goods which are endangered to the environment;
 - (f) to enable to support in establishing the International Free Trade Area and to enable to reduce technical barrier relating to trade;
 - (g) to enable to facilitate technical transfer and technical innovation of the country by applying standards for economical and social development of Myanmar in accord with the Myanmar national development plan.

Chapter III

Formation of National Standardization Council and Functions and Duties thereof

4. The Government:
- (a) shall, with persons not exceeding 30 members, form the National Standardization Council as follows:
 - (i) a Union Minister assigned by the Government Chairperson
 - (ii) representatives from the Ministries Member

- | | | |
|-------|-------------------------------------------------------|-----------|
| (iii) | representatives from the Non-Government Organizations | Member |
| (iv) | eminent persons and other suitable persons | Member |
| (v) | Director General of the Department | Secretary |
- (b) may determine vice-chairperson and joint secretary, if necessary, in forming the Council under sub-section (a);
- (c) may alter and form the Council formed under sub-section (a) as may be necessary.

5. Functions and duties of the Council are as follows:

- (a) laying down the policy and guiding for enabling to implement the objectives of this Law;
- (b) prescribing Myanmar standards by accepting appropriate standards among international, regional and foreign country standards or by altering them in conformity with the situation of Myanmar;
- (c) prescribing Myanmar standards for raw material, equipment, product, production process, methods of experiment, production industries and service industries;
- (d) prescribing Myanmar standards for imported goods and exported goods;
- (e) prescribing compulsory standards in Myanmar standards;
- (f) performing the application of Myanmar standards by the relevant production industries and service industries;
- (g) directing the Committee, from time to time, to examine whether or not the department, organization which has obtained the right to use standardization mark complies with the stipulations contained in the relevant standards;
- (h) prescribing terms and conditions relating to the issue of accreditation certificate and quality recommendation;
- (i) deciding on submission of the Committee relating to accreditation certificate and quality recommendation;

- (j) approving standardization marks of each of quality recommendation to be issued by the department, organization which has obtained the accreditation certificate;
- (k) directing the Committee to carry out relating to legal techniques of metrology as may be necessary;
- (l) warning the relevant department, organization or person which has obtained the accreditation certificate, suspending for limited period or cancelling the accreditation certificate when it is found out that any term and condition contained in the accreditation certificate is violated;
- (m) reporting to the Government about matters on Myanmar standardization and fund from time to time.

Chapter IV

Formation of the Standardization Working Committee and Functions and Duties thereof

- 6. The Council:
 - (a) shall form the Standardization Working Committee comprising the director general of the Department or any other expert as the chairperson, personnel from the relevant government department and government organizations, representatives from the relevant non-government organizations, scientific and engineering experts and legal professionals as members;
 - (b) shall determine and assign duty to the Secretary in forming under sub-section (a) and, if necessary, may determine and assign duty to the Vice-chairperson and Joint-secretary;
 - (c) may alter and form the Committee formed under sub-section (a) as may be necessary.
- 7. Functions and duties of the Committee are as follows:
 - (a) drawing and submitting Myanmar Standards to the Council;
 - (b) prescribing necessary technology, production process and equipments for enabling to produce products which meet the standard;
 - (c) deciding whether or not it meets the Myanmar Compulsory Standards by examining the products from time to time;

- (d) coordinating and arranging for enabling to examine whether or not the imported goods and exported goods meet the Myanmar Standards;
 - (e) submitting to the Council after re-scrutinizing the matters to issue an accreditation certificate and to extend its term;
 - (f) submitting to the Council of legal techniques of metrology and carrying out in accord with the directives of the Council;
 - (g) inspecting and causing to inspect, from time to time, the work place of the person who has obtained the quality recommendation for enabling to know whether or not the products, raw materials used, techniques, production processes and equipments meet the relevant standards;
 - (h) conducting trainings and seminars on standardization;
 - (i) advising the Council for enabling to amend the Myanmar Standards, if necessary, according to the market and other situations;
 - (j) differentiating and submitting to the Council the compulsory standard and voluntary standard by drawing Myanmar Standards;
 - (k) forming technical sub-committees for enabling to carry out the functions and duties of the Committee and prescribing functions and duties thereof;
 - (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 with its decision;
 - (b) submit its performance report to the Council in accord with the stipulations.

Chapter V

Application for and Issue of Accreditation Certificate

9. Any internal or foreign department, organization desirous of issuing quality recommendation or any person desirous of participating in businesses related with any department, organization which has the right to issue quality recommendation shall apply to the Department in accord with the stipulations to obtain the accreditation certificate.

10. The Department shall, on receiving the application under section 9 to obtain the accreditation certificate, scrutinize in accord with stipulations whether or not the department, organization and individuals applied are enable to carry out the technical examinations, laboratory examinations and other necessary services and submit to the Council through the Committee with remark.
11. The Council shall inform the Department through the Committee to issue or refuse to issue the accreditation certificate by securitizing the remark of the Department.
12. The department, organization or individual which has obtained the accreditation certificate has the right to use the accreditation mark.
13. The Department shall carry out in accord with the decision of the Council.
14. (a) The departments, organizations or individuals which have obtained the accreditation certificate shall apply to the Department in accord with the stipulations if desirous to extend the term of the accreditation certificate.
(b) The Department shall submit to the Council through the Committee with remark after scrutinizing the application under sub-section (a) in accord with the stipulations.
15. (a) The Council may extend the term of the accreditation certificate or refuse to extend its term after scrutinizing the submission under sub-section (b) of section 14.
(b) The Council shall stipulate the term of accreditation certificate, fees for the accreditation certificate and fees for the extension of the accreditation certificate term.
16. The department and organization which have obtained the accreditation certificate shall:
 - (a) register at the Department after obtaining the approval of the Council on the standardization mark for each category of quality recommendation for which it may issue.
 - (b) submit the list of businesses to which it has issued quality recommendation to the Department in accord with the stipulations.

Chapter VI

Application for and Issue of Quality Recommendation

17. A person desirous of obtaining quality recommendation shall apply to the department and organization which have obtained the accreditation certificate from the Department.
18. The department and organization which have obtained the accreditation certificate are, after examining in accord with the stipulations, entitled to issue the following categories of quality recommendation with terms and conditions:
 - (a) product quality recommendation;
 - (b) production process quality recommendation;
 - (c) service quality recommendation.

Chapter VII

Right to Take Action by the Committee

19. The Committee may, if it is found out that the person who has obtained the quality recommendation violates any term or condition contained in the relevant recommendation, take any of the following actions:
 - (a) warning;
 - (b) suspending the quality recommendation for a limited period;
 - (c) cancelling the quality recommendation.
20. The Committee may, if it is found out that the individual who has obtained the accreditation certificate violates any term or condition contained in the relevant accreditation certificate, take any of the following actions:
 - (a) warning;
 - (b) suspending the accreditation certificate for a limited period;
 - (c) cancelling the accreditation certificate.

Chapter VIII

Appeal

21. An person dissatisfied with any action decided and made by the Committee under section 19 or section 20 or any other decision passed by the Committee may appeal to the Council within 60 days from the date of decision.
22. The Council may approve, cancel or amend the action or decision of the Committee.
23. The decision of the Council shall be final and conclusive.

Chapter IX

Offences and Penalties

24. Whoever issues quality recommendation without obtaining the accreditation certificate shall, on conviction, be punished with imprisonment for a term not exceeding three years or with fine not exceeding Kyat three million or with both.
25. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term not exceeding three years or with fine not exceeding Kyat three million or with both:
 - (a) counterfeiting any standardization mark;
 - (b) using standardization mark that is not allowed to use or not approved by the Council;
 - (c) advertising, selling or possessing in order to sell any product or advertising or carrying out any service which does not meet the compulsory standard stipulated by the Council knowingly or likely to know.
26. If any person who has obtained the quality recommendation uses the standardization mark on the product or relating to service which does not meet the relevant standard shall be punished with imprisonment for a term not exceeding one year or with fine not exceeding Kyat one million or with both.

Chapter X

Funding

27. The Committee shall establish its fund with the following receipts and expends in accord with the budget procedure:

- (a) receipts from selling of standards, related documents and other books;
 - (b) member fees;
 - (c) receipts from service;
 - (d) subsidy from the State Fund.
28. With respect to the Committee fund, certified auditors shall examine and submit the audit report to the Union Government through the Council according to the financial year.

Chapter XI

Miscellaneous

29. The person who has obtained the quality recommendation, its agent and its successor shall comply with compulsory standards.
30. (a) The Ministry shall stipulate emolument and allowance of the members of the Council and Committee with the approval of the Union Government;
- (b) The Department shall take responsibility and arrange emolument and allowance stipulated under sub-section (a) and office works of the Council and Committee.
31. Offences contained in this Law shall be stipulated as cognizable offences.
32. If the exhibit which is related to the offence filed under this Law is not produceable before the Court, the report or other relevant document of how such exhibit is kept without producing before the Court may be submitted. Such submission may be deemed as the exhibit is produced before the Court and the respective Court may administer in accord with law.
33. In implementing the provisions of this Law:
- (a) the Ministry of Science and Technology may issue rules, regulations and by-laws with the approval of the Union Government 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