

LAW OF THE RUSSIAN FEDERATION ON ASSURANCE OF MEASUREMENT UNIFORMITY

This Law establishes the legal bases of measurement uniformity assurance in the Russian Federation, regulates the relations between the state administration bodies of the Russian Federation and juridical and natural persons concerning activity of production, use, repairs, sale, importation of measuring instruments and is directed towards the protection of the citizens' rights and legitimate interests, established legal order and economy of the Russian Federation from negative consequences of invalid measurement results.

Section I

GENERAL CLAUSES

Article 1. Main Concepts

Used for the purposes of this Law are the following main concepts:

measurement uniformity — measurement conditions when results of measurement are expressed in legalized quantity units and measurement errors do not lie beyond the established limits with specified probability;

measuring instrument — technical device that is destined for measuring;

measurement standard of quantity unit — measuring instrument that is destined to reproduce and to maintain quantity unit (either multiple or sub-multiple value of the quantity unit) with the purpose of transferring its dimension other instruments of the same quantity measurement;

state measurement standard of quantity unit — measurement standard of quantity unit, recognized as initial one in the territory of the Russian Federation by decision of the state administration body that is authorized to do it;

normative documents on assurance of measurement uniformity — the state standards, international (regional) standards which are used in accordance with established rule, regulations, provisions, instructions and recommendations;

metrological service — total combination of the activity subjects and types of work, aimed to assure the measurement uniformity;

metrological control and supervision — the activity to be executed by the State metrological service body (state metrological control and supervision) or by juridical person's metrological service in order to check the observance of established metrological regulations and norms;

verification of measuring instrument — the total combination of operations to be carried out by the State metrological service bodies (by other authorized bodies, organizations) in order to determine and to confirm the conformity of measuring instrument to the established specifications;

calibration of measuring instrument — the total combination of operations to be carried out in order to determine and to confirm the actual values of the metrological characteristics and (or) serviceability for use of the measuring instrument that is not subject to the state metrological control and supervision;

certificate of pattern approval of the measuring instrument type — the document to be issued by an authorized state body, attesting that the given measuring instrument type has been approved in accordance with the rule as provided by the current legislation and meets the established requirements;

accreditation for the right to perform the measuring instrument verification — official recognition, made by the authorized state body, of powers to carry out the verification;

license to produce (to repair, to sell, to rent out) measuring instruments — the document, that attests the right to execute the mentioned types of activity, to be given to juridical and natural persons by the State metrological service body;

certificate of calibration — the document, that attests the fact and results of the measuring instrument calibration, to be issued by the organization on charge of calibration.

Article 2. Legislation of the Russian Federation on Assurance of Measurement Uniformity

The regulation of relations concerning the assurance of measurement uniformity in the Russian Federation, in accordance with the Constitution of the Russian Federation, shall be executed by this Law and legislation acts of the Russian Federation to be passed in compliance with it.

Article 3. International Treaties

Should international treaty of the Russian Federation establish other regulations than those contained in the Russian Federation legislation on assurance of measurement uniformity, the international treaty regulations shall be applied thereby.

Article 4. State Administration on Assurance of Measurement Uniformity

1. State administration of the activities related to assurance of the measurement uniformity in the Russian Federation shall be executed by the Committee of the Russian Federation for Standardization, Metrology and Certification (the Gosstandart of Russia).

2. The following functions shall be under the jurisdiction of the Gosstandart of Russia:

- inter-regional and interbranch coordination of activities for providing the measurement uniformity in the Russian Federation;

- submission of proposals concerning the quantity units, admitted to application, to the Government of the Russian Federation;

- establishment of regulations to produce, to approve, to maintain and to apply the measurement standards of quantity units;

- establishment of principal metrological requirements to the measuring instruments, methods of measurement and measurement results;

- execution of state metrological control and supervision;

- execution of control over the observance of terms of the international treaties of the Russian Federation on recognition of measuring instruments test and verification results;

- administration of the activities to be carried out by the State metrological service and other State services of measurement uniformity assurance;

- participation in the activities of international organizations for problems concerning the assurance of measurement uniformity.

Article 5. Normative Documents on Assurance of Measurement Uniformity

1. In compliance with this Law and other legislation acts of the Russian Federation, the Gosstandart of Russia shall approve the normative documents on assurance of measurement uniformity, that establish metrological regulations and norms and are legally binding in the territory of the Russian Federation.

2. Admitted is approval of the normative documents on assurance of measurement uniformity by the Gosstandart of Russia and interested state administration bodies of the Russian Federation, that are responsible for application of the above-mentioned documents in the administration spheres which they are charged therein.

Section II

QUANTITY UNITS. MEASURING INSTRUMENTS AND MEASUREMENT PROCEDURES

Article 6. Quantity Units

1. Admitted for use in the established rule in the Russian Federation are quantity units of the International System of Units, approved by the General Conference for Weights and Measures, recommended by the International Organization of Legal Metrology.

Denominations, designations and rules to write the quantity units, as well as rules to apply them in the territory of the Russian Federation shall be established by the Government of the Russian Federation, except for the cases to be stipulated by the legislation acts of the Russian Federation.

Government of the Russian Federation may admit for application off-system quantity units on equal terms with quantity units of International System of Units.

2. The characteristics and parameters of production to be exported, including the measuring instruments, may be expressed in quantity units established by the Customer.

Article 7. State Measurement Standards of Quantity Units

The state measurement standards of quantity units shall be used as initial ones in order to reproduce and to maintain the quantity units with the purpose of transferring their dimensions to all the measuring instruments of the same quantity in the territory of the Russian Federation.

The state measurement standards of quantity units shall be exceptional federal property, subject to be approved by the Gosstandart of Russia and are under its authority.

Article 8. Measuring Instruments

1. The measuring instruments shall be used to determine the quantity whose units are admitted for application in the Russian Federation in accordance with the established rule and should meet the operating conditions and established requirements.

2. The decisions to recognize a technical device as a measuring instrument and to determine intervals between verifications shall be made by the Gosstandart of Russia.

Article 9. Measurement Procedures

The measurements should be carried out in compliance with the procedures, certified in the established rule.

The rule of development and certification of the measurement procedures is determined by the Gosstandart of Russia.

Section III

METROLOGICAL SERVICES

Article 10. State Metrological Service and Other State Services of Measurement Uniformity Assurance

1. The State metrological service shall be under authority of the Gosstandart of Russia and shall include:

state scientific metrological centres;

bodies of the State metrological service in the territory of Republics as part of the Russian Federation, autonomous region, autonomous districts, territories, regions, cities Moscow and Saint-Petersburg.

The Gosstandart of Russia shall control of the State service on time and frequency and determination of the Earth' rotation parameters (GSVCH), the State service on reference materials of content and properties substances and materials (GSSO) and the State service on standard reference data on physical constants and properties of substances and materials (GSSSD), it also shall coordinate their activities.

2. The state scientific metrological centres shall be responsible for development, improvement, maintenance and application of state measurement standards of quantity units, as well as for development of the normative documents on assurance of measurement uniformity.

3. The State metrological service bodies shall execute state metrological control and supervision in the territories of Republics as part of the Russian Federation, autonomous region, autonomous districts, territories, regions, cities Moscow and Saint-Petersburg.

4. The State service of time and frequency and determination of the Earth' rotation parameters shall execute inter-regional and interbranch coordination of work aimed to provide uniformity of measurement of time, frequency and determination of the Earth' rotation parameters.

5. The State service of reference materials of content and properties substances and materials shall execute inter-regional and interbranch coordination of work aimed to develop and introduce reference materials into the national economy industries with the purpose of providing measurement uniformity on the basis of their application.

6. The State service of standard reference data on physical constants and properties of substances and materials shall execute inter-regional and interbranch coordination of work aimed to develop and to introduce standard reference data on physical constants and properties of substances and materials into science and technology with the purpose of providing measurement uniformity on the basis of their application.

7. Statutes of organizations and bodies of the State metrological service and other State services on assurance of measurement uniformity, that are enumerated in items 2, 3, 4, 5 and 6 of the present Article, shall be approved in compliance with the present Law by the Government of the Russian Federation.

Article 11. Metrological Services of State Administration Bodies of the Russian Federation, and Juridical Persons

1. The State administration bodies of the Russian Federation, as well as enterprises, organizations, institutions, that are juridical persons, shall create, when necessary, in the established rule, metrological services with the purpose of carrying out work aimed to provide uniformity and required accuracy of measurements and to execute metrological control and supervision.

When carrying out work in the areas, that are specified in Article 13 of the present Law, creation of metrological services and other organization structures intended to provide measurement uniformity shall be compulsory.

The metrological services' rights and obligations shall be determined by provisions there of to be approved by leaders of the State administration bodies of the Russian Federation or juridical persons in accordance with the rules that are established by the Government of the Russian Federation.

2. Metrological control and supervision shall be executed by the juridical persons' metrological services by means of:

calibration of measuring instruments;

supervision over condition and application of measuring instruments, certified procedures of measurements, measurement standards of quantity units, that are used for measuring instruments calibration, over observance of the metrological regulations and norms, normative documents on assurance of measurement uniformity;

issue of compulsory directions aimed to prevent, to stop or to correct violations of metrological regulations and norms;

checking of timeliness of the measuring instruments presentation for tests with the purpose of approving the measuring instrument type, as well as for verification and for calibration.

Section IV

STATE METROLOGICAL CONTROL AND SUPERVISION

Article 12. Types of State Metrological Control and Supervision

1. The state metrological control and supervision shall be executed by the State metrological service of the Gosstandart of Russia.

2. The state metrological control shall include:

approval of measuring instruments type;

verification of measuring instruments, including verification of measurement standards;

licensing of the juridical and natural persons' activity aimed to produce, to repair, to sell and to rent out the measuring instruments.

3. The state metrological supervision shall be executed over:

producing, condition and application of the measuring instruments, certified procedures of measurements, measurement standards of quantity units, observance of the metrological regulations and norms;

amount of goods to be alienated when carrying out trade operations;

amount of prepacked goods in packages of any kind during their packaging and selling.

Article 13. Areas of Extension of State Metrological Control and Supervision

The state metrological control and supervision effected with the aim of checking the observance of the metrological regulations and norms shall extend to:

health service, veterinary service, protection of environment, assurance of labour safety;

commercial operations and payments between the Buyer and the Seller including the operations with the use of playing slot machines and devices;

state accounting and stock-taking operations;

assurance of State defensive capacity;

geodetic and hydrometeorological activities;
bank, taxation, customs and postal operations;
manufacture of products supplied under contracts to satisfy State needs in accordance with the Russian Federation legislation;

test and inspection of the quality of products for the purpose of determining their compliance with the mandatory requirements of state standards of the Russian Federation;

mandatory certification of products and services;

measurements performed on the instructions of juridical bodies, prosecutor's departments, Court of Arbitration, State executive bodies of the Russian Federation;

registration of the national and international sports records.

The normative statements issued by the Republics incorporated in the Russian Federation, autonomous region, autonomous districts, territories, regions, the cities of Moscow and Saint-Petersburg may extend the metrological control and supervision to other areas of activity.

Article 14. Approval of Measuring Instruments Type

1. In the areas covered by the state metrological control and supervision, the measuring instruments shall be subjected to mandatory testing with subsequent approval of the measuring instruments type.

The decision on approval of the measuring instruments type shall be taken by the Gosstandart of Russia and shall be attested by the Certificate of pattern approval of the measuring instruments type. The validity period of this Certificate shall be fixed at the time of its issue by the Gosstandart of Russia.

The approved type of measuring instruments shall be included into the State Register of measuring instruments kept by the Gosstandart of Russia.

2. The testing of measuring instruments in order to approve their type shall be accomplished by the scientific metrological centres of the Gosstandart of Russia accredited by the latter as state centres of measuring instruments testing.

By the decision of the Gosstandart of Russia accredited as state measuring instruments test centres can be other specialized organizations as well.

3. To perform the testing, the patterns of measuring instruments accompanied by corresponding normative and operation documents shall be presented following the rule established by the Gosstandart of Russia.

4. The compliance of measuring instruments with the type approved on the Russian Federation territory shall be checked by the State metrological service at location of the Manufacturers or Users.

5. Applied to a measuring instrument of the approved type and to the operation documents accompanying each copy of measuring instrument shall be an authorized mark of approval of the measuring instruments type.

6. The information on the approval of the measuring instruments type as well as the decision on its cancellation shall be printed in the official publications of the Gosstandart of Russia.

Article 15. Verification of Measuring Instruments

1. The measuring instruments subject to state metrological control and supervision shall be verified by the State metrological service bodies during their production or repair, upon delivery by import and during their use. Allowed for sale and for rent shall be only the verified measuring instruments.

The lists of the measuring instruments groups which must be verified shall be approved by the Gosstandart of Russia.

2. On decision of the Gosstandart of Russia the right to verify the measuring instruments may be granted to the accredited metrological services of juridical persons. The activity of these metrological services shall be carried out in accordance with the effective legislation and normative documents providing the uniformity of measurement.

The accreditation procedure shall be determined by the Government of the Russian Federation.

The activities related to the verification performed by the accredited metrological services of juridical persons shall be inspected by the State metrological service bodies in places of location of these juridical persons.

3. Verification of the measuring instrument shall be carried out by a natural person certified as verification officer by a body of the State metrological service.

The responsibility for improper verification and infringement of requirements laid down in normative documents shall be carried out by the respective body of the State metrological service or by the juridical person whose metrological service has fulfilled the verification.

4. In the areas covered by the state metrological control and supervision, the juridical and natural persons who produce or repair measuring instruments, who import the measuring instruments and use them, rent out or sale must timely present the measuring instruments for verification.

The rule of presentation of measuring instruments for verification shall be established by the Gosstandart of Russia.

5. Positive results of measuring instruments verification shall be attested by verification mark or verification certificate.

The shape of verification mark, rule of application and the form of verification certificate shall be established by the Gosstandart of Russia.

6. When verification is performed on the territory of a separate region and requires travelling to the place of measuring instruments use, the executive body of the region shall be obliged to render assistance to the verification officers, including:

provision of proper rooms;

provision of auxiliary personnel and transport;

information of all Users of measuring instruments about the schedule of verification.

Article 16. Licensing Activities of Juridical and Natural Persons Related to Manufacture, Repair, Sale and Rent of Measuring Instruments

1. The activities related to manufacture, repair, sale and rent of measuring instruments used in the areas covered by the state metrological control and supervision can be carried out by the juridical and natural persons only having the license issued following the rule established by the Gosstandart of Russia.

2. The licensing of activities related to manufacture, repair, sale and rent of the measuring instruments shall be accomplished after the conditions required for such activities as well as the observance by the persons engaged in these activities of the established metrological rules and regulations are checked by the bodies of the State metrological service.

3. If the conditions stated in item 2 of this Article are violated, the license shall become cancelled.

Article 17. State Metrological Supervision over Production Condition and Use of Measuring Instruments, Certified Procedures of Measurements, Measurement Standards, Observance of Metrological Rules and Norms

The state metrological supervision over the production, condition and use of measuring instruments, certified procedures of measurements, measurement standards, observance of metrological rules and norms shall be effected following the rules established by the Gosstandart of Russia.

Article 18. State Metrological Supervision over Amount of Goods Alienated during Accomplishment of Commercial Operations

The state metrological supervision over the amount of goods alienated during accomplishment of commercial operations shall be effected with the purpose of determining the mass, volume, consumption or other quantity characterizing the amount of these goods.

The procedure for accomplishment of the above type of state metrological supervision shall be established by the Gosstandart of Russia in accordance with the legislation of the Russian Federation.

Article 19. State Metrological Supervision over Amount of Prepacked Goods in Packages of Any Type During Their Packaging and State

The state metrological supervision over the amount of prepacked goods in packages of any type during their packaging and sale shall be effected in the cases when the content of a package cannot be changed without its opening or deformation and the mass, volume, length, area or other quantities indicating the amount of the packed-up goods are marked on the package.

The procedure for accomplishment of the above type of the state metrological supervision shall be established by the Gosstandart of Russia in accordance with the legislation of the Russian Federation.

Article 20. Right and Dutes of State Inspectors Related to Assurance of Measurement Uniformity

1. The state metrological control and supervision shall be accomplished by the officials of the Gosstandart of Russia, i.e. chief state inspectors and state inspectors for assurance of measurement uniformity of the Russian Federation, Republics as part of the Russian Federation, autonomous region, autonomous districts, territories, regions, the cities of Moscow and Saint-Petersburg (hereinafter referred to as state inspectors).

Charged with accomplishment of the state metrological control and supervision may be state inspectors for supervision over state standards operating in compliance with the legislation of the Russian Federation and who have passed certification as state inspectors for assurance of measurement uniformity.

The state inspectors who perform the measuring instruments verification should pass certification as verification officers.

2. The state inspectors who perform on respective territory the state metrological control and supervision shall enjoy the right to do as follows without obstruction, presenting official card:

to visit the objects at which the measuring instruments are used, manufactured, repaired, sold, maintained or stored irrespective of subordination and kind of property of these objects;

to check conformity of used quantity units with those allowed for use;
to verify the measuring instruments, to check their state and conditions of use, as well as conformity with the approved type of measuring instruments;

to check the use of certified procedures of measurements, condition of the measurement standards to be used for the measuring instruments verification;

to check amount of goods to be alienated during accomplishment of commercial operations;

to select samples of production and goods, as well prepacked goods in packages of any type with the purpose of supervision;

to use technical facilities and to draw the personnel of the object being subject to state metrological control and supervision.

3. Should violation of the metrological rules and norms be detected, the state inspector shall enjoy the right:

to forbid use and production of the measuring instruments of non-approved types or that are not conformed to the approved type, as well as of those that have not verified;

to cancel the verification marks or to annul verification certificate in cases when a measuring instrument reading is wrong or the interval between verifications exceeds the time limit;

to withdraw the measuring instrument from use if needed;

to present proposals on cancellation of licenses for manufacture, repair, selling and rent of the measuring instruments in cases of violation of the requirements to these type of activity;

to give mandatory directions and to establish period within which violations of metrological rules and norms should be corrected;

to draw up protocols on infringement of metrological regulations and norms.

Article 21. Responsibility of State Inspectors

1. The state inspectors involved in state metrological control and supervision should meet strictly the legislation of the Russian Federation, as well as provisions of normative documents on assurance of measurement uniformity and of state metrological control and supervision.

Should the state inspectors fail to fulfil or fulfil not in the right way official obligations, exceed authority or commit other violations, including divulgens of state or commercial secret, they may be made answerable for according to the legislation of the Russian Federation.

2. Complaints about actions of the state inspectors shall be made within 20 days from the date of making decisions thereby to that body of the State metrological service to whom they are subordinated directly, or to superior one. The complaints shall be examined and decisions on them shall be made within one month from the date of formulating a complaint.

The actions of the state inspectors may be also appealed in Court in accordance with the established rule.

3. Appeal against actions of the state inspectors shall not suspend realization of their directions.

Article 22. Assistance to State Inspector

The juridical and natural persons must render assistance to the state inspector in execution of duties he is charged with. The persons who lay obstacles to execution of the state metrological control and supervision shall be responsible therefore in compliance with the legislation of the Russian Federation.

Section V

CALIBRATION AND CERTIFICATION OF MEASURING INSTRUMENTS

Article 23. Calibration of Measuring Instruments

1. The measuring instruments that are not subject of verification may be subjected to calibration during production or repair, importation, use, rent and selling.

The calibration of the measuring instruments shall be carried out by the juridical persons' metrological services, using measurement standards traceable to the state measurement standards of quantity units.

The results of measuring instruments calibration shall be attested by calibration mark to be stamped on the measuring instruments, or by certificate on calibration, as well as entry in operation documents.

2. On the basis of agreements to be concluded with the state scientific metrological centres or bodies of the State metrological service, the interested metrological services of the juridical persons may be accredited for the right to carry out calibration.

In these cases, the accredited metrological services of the juridical persons shall enjoy the right to issue certificates on calibration on behalf of those bodies and organizations that have accredited them.

The responsibility for improper execution of calibration shall be born by those juridical persons whose metrological services have carried out the calibration.

When examining disputes in Court, Court of Arbitration, State bodies of administration of the Russian Federation, the calibration results drawn up in proper way may be used as evidences.

3. The calibration activity to be performed by accredited metrological services of the juridical persons must be controlled by the state scientific metrological centres or bodies of the State metrological service in compliance with the terms of concluded agreements.

4. The procedure for accreditation to enjoy the right for execution of calibration and issue of calibration certificate or stamping calibration mark, requirements to execution of calibration shall be established by the Gosstandart of Russia.

Article 24. Certification of Measuring Instruments

Voluntary certification of the measuring instruments shall be carried out in compliance with the legislation acts of the Russian Federation.

Section VI

RESPONSIBILITY FOR INFRINGEMENT OF PRESENT LAW

Article 25. Penal, Administrative or Civil Law Responsibility

The juridical and natural persons, as well as State administration bodies of the Russian Federation, who are guilty of violation of present Law provisions, must bear penal, administrative or civil law responsibility in accordance with the effective legislation.

Section VII

FINANCING OF WORKS RELATED TO ASSURANCE OF MEASUREMENT UNIFORMITY

Article 26. Mandatory State Financing

1. Subject to mandatory state financing are as follows:
 - development, improvement, maintenance and use of state measurement standards of quantity units;
 - fundamental investigations in the metrology;
 - works related to the activity performed by the GSVCH, GSSO and GSSSD;
 - maintenance, acquisition and development of equipment, necessary for provision of bodies of the State metrological service therewith;
 - development of normative documents, approved by the Gosstandart of Russia, on assurance of measurement uniformity;
 - works related to state metrological supervision.
2. Stipulated when developing Federal or other State programmes to be financed fully or partially from the Russian Federation budget funds, including the programmes of the defence production industry creation and development, should be clauses on metrological assurance.

Article 27. Payment for Metrological Work and Services

Metrological works and services rendered to the juridical and natural persons by the state scientific metrological centres and bodies of the State metrological service of the Gosstandart of Russia, such as: tests of the type of measuring instruments followed by approval, verification of measuring instruments, licensing of activities related to manufacture, repair, selling and rent of the measuring instruments, certification of measuring instruments, calibration of measuring instruments, certification of procedures of measurements, examination of normative documents, accreditation of metrological services and laboratories, other services shall be paid by interested persons in compliance with the terms of agreements to be concluded.

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