



### **LAW OF TECHNICAL REGULATION TO COME INTO EFFECT**

On 27 November 2019, Law No 1669-VQ, dated 30 September 2019, *On Technical Regulation*, was promulgated. The Law, which will enter into force in six months, on 27 May 2020, provides for a new system of requirements applied in relation to commodities, manufacturing processes, and related works and services. The Law also promotes new acts, particularly the technical rules, documents used as main instruments of technical regulation, specifically setting the requirements in relation to goods and their manufacturing methods.

Pursuant to the Law, technical regulation is “establishing, adopting and applying mandatory requirements with respect to commodities, their manufacturing practices and other associated procedures as well as legal regulation of relations concerning the conformity assessment of commodities”.

The Law, among others, has the following objectives:

- ensuring protection of human life and health, environment, property, and State interests;
- protection of consumer rights and interests;
- elimination of technical obstacles in trade;
- increasing of competitiveness of goods; and
- ensuring efficient usage of natural and energy resources.

The State is granted with the powers to regulate technical regulation through:

- establishing key directions of the policy of technical regulation;
- establishing international cooperation in technical regulation;
- adopting and updating technical rules;
- taking steps to follow the requirements introduced by technical rules and measures applied to those non-complying with the requirements;
- taking measures established by the Law to withdraw goods that do not meet the requirements of law and technical rules; and
- certifying the bodies conducting the conformity assessment and controlling activities of such bodies.

Decree No 1669-VQ, dated 30 September 2019, of the President of the Republic implementing the Law, entrusted the authorities to adopt the technical rules to the Cabinet of Ministers. The rules shall set mandatory requirements in relation to terminology and symbols used on packaging and labelling (a design is not subject to technical regulation), storing and transportation, as well as the rules of sale and utilisation for goods subject to technical regulation. Goods regulated by the technical rules are categorised among high, medium, and low risk groups depending on the level of hazard to human health and life, environment, property, and interests of the State.

The rules will be prepared based on the requirements of domestic law, international and foreign rules of technical regulation, and standards and acts setting requirements for goods subject to technical regulation.

International and foreign technical rules can be applied in Azerbaijan subject to their recognition by the Cabinet of Ministers.

A conformity assessment determines that goods and methods of their manufacture meet relevant technical standards and fulfil relevant requirements set out by the technical rules. The assessment is procured by a manufacturer prior to releasing goods into sale. The assessment shall be carried out by the relevant accredited entities through: (i) certification and (ii) declaration of conformity.

The high-risk products require mandatory certification and obtaining of conformity certificate while the goods categorised as medium- and low-risk require declaration of conformity approved by the conformity assessment bodies. Rules of issuance of certificates and declarations of conformity will be determined by the Cabinet of Ministers and information about the issued conformity documents will be entered into a special register accessible online.

Foreign conformity documents will be recognised subject to their validity and correspondence to the terms of international agreements that Azerbaijan is a party to. Producers located abroad will have a right to pass the conformity assessment of their goods through their representatives in Azerbaijan.

Products, subject to a technical regulation control, unassessed or having failed to pass the conformity assessment, shall be restricted from being manufactured, imported, sold, or used in Azerbaijan. The Law refers to the criminal, administrative and civil liability of the persons who fail to comply with it.

Pursuant to the Law, the technical rules shall be developed, adopted, and published within a term of five years from the date of the Law's coming into effect. Until then, relevant acts in relation to the goods subject to technical regulation remain in force.

**PLEASE CONTACT US FOR ANY QUESTIONS AND FURTHER  
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