LEGEA ȘI VIATA

5. Хараберюш О. Суспільство України як об'єкт оперативно-розшукового захисту від контрабандних проявів. *Науковий вісник Ужгородського національного університету.* Серія «Право». 2014. № 24. Т. 4. С. 124–127.

6. Хараберюш О. Оперативно-розшукове забезпечення протидії контрабанді в Україні : автореф. дис. ... докт. юрид. наук: 12.00.09; ДДУВС. Дніпро, 2016. 38 с.

7. Антонов К., Варава В. Збільшення правоохоронних повноважень митних органів у контексті розвитку митного та оперативного розшукового законодавства. URL: file:///C:/Users/user/ Downloads/vamsup_2010_1(4)_29.pdf.

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UDC 351

NATIONAL STANDARDIZATION SYSTEM IN UKRAINE: PROSPECTS OF DEVELOPMENT

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SUMMARY

The article analyzes the national standardization system in Ukraine. In accordance with the legislation in force in the sphere of standardization in Ukraine, the goals, principles, objectives, object and subject of the implementation of state policy in the field of standardization are established. Depending on the subjects and objects of standardization, the specifics, the content of the requirements, standardization and standards are divided into types. The prospects for the development of a standardization system in Ukraine are defined.

Key words: standardization, public administration, organizational and legal mechanisms, policy in field of standardization in Ukraine.

НАЦИОНАЛЬНАЯ СИСТЕМА СТАНДАРТИЗАЦИИ УКРАИНЫ: ПЕРСПЕКТИВЫ РАЗВИТИЯ

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АННОТАЦИЯ

В статье проанализирована национальная система стандартизации в Украине. В соответствии с действующим на территории Украины законодательством в сфере стандартизации установлены цели, принципы, задачи, объект и субъект реализации государственной политики в указанной сфере. В зависимости от субъектов и объектов стандартизации, специфики, содержания требований стандартизация и стандарты разделены на виды. Определены перспективы развития системы стандартизации в Украине.

Ключевые слова: стандартизация, государственное управление, организационно-правовые механизмы, политики в сфере стандартизации в Украине.

Problem setting. Modern standardization has a huge scientific and technical potential, which for many decades has been laid down in the standards: industry, state, regional and international. The role of standardization in modern conditions is constantly increasing due to the emergence of new areas of application of standards. Further development of standardization in Ukraine is impossible without the participation of international standardization organizations, as well as without an integrated scientific and technical approach to the formation of state policy in the field of standardization.

The state of the study. The article analyzes regulatory documents that establish the organizational and legal principles of standardization in Ukraine regarding the implementation of state policy in this area, as well as the publication of specialists in this field. **Purpose of the article.** The aim is to analyze the current state of state policy in the field of standardization implementation in Ukraine on the basis the organizational and legal of public administration mechanisms.

Article main body. Standardization is defined in the ISO / IEC Guide 2: 2004 Standard (Standardization and Related Activities, Common Dictionary) as an activity aimed at achieving optimum level of regulation in a particular industry by establishing provisions for general and reusable use of real or potential tasks [7].

National standards of Ukraine are voluntary for use. At the same time, for national entities, national standards are mandatory in the following cases:

- when their binding nature is established by normative-legal acts;

- if in the agreement (contract) between the subjects of the agreement

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(contract) concerning the development, manufacture or supply of products there is a reference to certain standards;

- if the entity (manufacturer or supplier of products) has made a declaration of conformity of production to certain standards or has applied the designation of these standards in its marking.

National standards of Ukraine have the designation "DSTU".

The State Standards of Ukraine (DSTU) are the standards developed in accordance with the current legislation of Ukraine, which establish a general and multiple application of the rule, general principles or characteristics related to the activity or its results, in order to achieve the optimal degree of orderliness, developed on the basis of consensus and approved authorized body. Standards DSTU exist since 1993 [1].

Standardization in Ukraine is carried out with the purpose [3]:

1) ensuring compliance of objects of standardization with its purpose;

2) management of diversity, applicability, compatibility, interchangeability of standardization objects;

3) ensuring rational production through the application of recognized rules, guidelines and procedures;

4) protection of life and health;

5) ensuring the rights and interests of consumers;

6) ensuring safety of work;

7) preservation of the environment and saving of all kinds of resources;

8) eliminating technical barriers to trade and preventing them from occurring, supporting development and international competitiveness of products.

The legislation of Ukraine in the field of standardization consists of the Law of Ukraine "On Standardization" which establishes legal and organizational principles of standardization in Ukraine and aims at ensuring the formation and implementation of state policy in the relevant sphere [3], current international treaties of Ukraine and other normative legal acts that regulate relations in the relevant field. At the same time, the Law of Ukraine "On Standardization" does not apply to sanitary measures of food safety, veterinary and sanitary and phytosanitary measures, construction norms, medicines, standards of medical care, accounting, property valuation, education and other social standards stipulated by law [3].

State policy in the field of standardization is based on the balanced application of such principles [3]:

 ensuring the participation of individuals and legal entities in the development of national standards and codes of established practice;

2) openness and transparency of procedures for the development and adoption of national standards and codes of good practice, taking into account the interests of all interested parties;

 the unbiased adoption of consensus-based national standards and codes of practice;

 voluntary application of national standards and codes of established practice, unless otherwise provided by normative legal acts;

5) compliance with national standards and codes of good practice by law;

6) adaptation to the modern achievements of science and technology, promotion of innovation and increasing the competitiveness of domestic producers;

 availability of national standards and codes of established practice, as well as information about them for users;

8) the priority of adopting international and regional standards and codes of established practice in Ukraine as national ones;

9) compliance with international and regional rules and procedures for standardization;

10) participation in international and regional standardization;

11) adoption and compliance by the entities of standardization of the Code of Good Practice for the development, adoption and application of standards in accordance with the Agreement on Trade Barriers to Trade of the World Trade Organization, annexed to the Marrakech Agreement Establishing the World Trade Organization of 15 April 1994.

Among the methodological principles of standardization should be highlighted: planned character, perspective, optimal, dynamism, consistency, commitment [5]:

 the principle of planning is provided by drawing up perspective and current plans for the development and implementation of standardization work;

- the principle of prospects is ensured by the development and release of advanced standards, which introduce higher standards and requirements for objects of standardization in relation to the achieved level, that is, those rules that will be optimal in the future;

– the principle of optimality involves the development and adoption of such rules, rules and requirements that provide the national economy with optimal costs of resources: raw materials, energy, social;

 the principle of dynamism involves the periodic review of standards and other normative documents, making changes to them, as well as timely review and abrogation of standards;

– the principle of systemicity is ensured by the development of documents for objects of standardization belonging to a particular industry, which establishes mutually agreed requirements for all objects on the basis of a general purpose;

 the principle of binding determines the legislative nature of standardization.

The principles of standardization are the basis for the formation of a system of standardization methods. Various methods are used to provide specialization and interchangeability at different levels, among them: classification, unification, simplification, aggregation, typing, etc.

In accordance with the current legislation of Ukraine regulating relations related to activities in the field of standardization and the application of its results, [3] objects of standardization are:

materials, components, equipment, systems, their compatibility;

 rules, procedures, functions, methods, activities or results thereof, including products, personnel, management systems;

- requirements for terminology, designation, packaging, marking, labeling, etc.

The subjects of standardization are also defined by the legislation of Ukraine in the field of standardization [3], which is:

- the central executive body, which ensures the formation of state policy in the field of standardization;

 a central executive body that implements state policy in the field of standardization;

- national standardization body;

 technical standardization committees;

enterprises, institutions and organizations that carry out standardization.

Regulatory documents, depending on the subject of standardization, they receive are divided into (in accordance with the current legislation) [3]:

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1) national standards and codes of the established practice, adopted by the national standardization body;

2) standards, codes of established practice and technical specifications adopted by enterprises, institutions and organizations that carry out standardization.

In accordance with the current legislation, a standard is a normative document based on consensus, adopted by a recognized body, which establishes for the general and repeated use of the rules, guidelines or characteristics of the activity or its results, and aims to achieve the optimal degree of ordering in a particular field. Standardization is the activity consisting in establishing provisions for general and repeated use of existing or potential tasks and aims at achieving optimal degree of order in a particular field [3].

Based on this, in accordance with the subjects of standardization, which are accepted and the objects of standardization, which are subject to standards and in accordance with the current legislation in the field of standardization [3], the specifics, requirements content, standardization and standards can be divided into generally accepted types (see Table 1, Table 2).

Also, in accordance with the specifics of the object of standardization, composition and content of requirements for the various categories of normative standardization documents, there are also the following standards:

 - industry standard – a standard adopted by a sectoral standardization body at the level of one specific industry;

 standards of organization (enterprises) – standards adopted by the standardization service of a particular enterprise, organization, association, institution for these objects;

- the basic standards set: organizational and methodological and general technical provisions for a certain industry standardization; terms and definitions; general technical requirements and rules; norms ensuring orderliness, compatibility, interconnection and mutual coordination of various types of technical and industrial activities during the development, manufacture, transportation and utilization of products; norms ensuring the protection of the environment;

 standards for products, services set requirements for groups of homogeneous or specific products, services that ensure its compliance with its purpose; - the standards in the processes establish the basic requirements for the sequence and methods (means, modes, norms) of execution of various works (operations) in the processes used in various activities and ensure the compliance of the process of its appointment;

- standards on methods of control (tests, measurements, analysis) establish the sequence of works, operations, methods (rules, regimes, norms) and technical means of their execution for different types and objects of control of products, processes and services;

- standards and specifications should be used at all stages of the product life cycle.

According to the Law of Ukraine "On Standardization" [3], the priority directions of development for the next 15 years from the date of entry into force of this Law is the transition from the standards, codes of established practice and technical specifications adopted by central executive authorities before the entry into force of this Law, as well as industry standards (OST) and equivalent to other normative documents of the former Union of Soviet Socialist Republics, the sectoral standards of Ukraine (GSTU) (hereinafter referred to as sectoral normative documents) to their replacement by technical regulations national standards, codes of practice or abolition in Ukraine.

The corresponding task for the central executive authorities in the relevant spheres of activity and within its authority is:

- to check, review and cancel industry normative documents;

 – establish procedures for checking, reviewing and repealing sectoral regulatory documents;

- to participate in the work of specialized international and regional organizations that carry out standardization in the relevant fields of activity, of which they are members or cooperate with, on the basis of the rules of such organizations or relevant agreements;

- to issue and distribute sectoral normative documents, catalogs of sectoral normative documents, documents of specialized international and regional organizations that carry out standardization

Table 1

Types of standardization

Nº	Types of standardization:	Characteristics of standardization types:
1.	international standardization	standardization, participation in which is open to the relevant authorities of all states
2.	regional standardization	standardization, participation in which is open to the respective authorities of the states of only one geographical, political or economic space
3.	national standardization	standardization carried out at the level of one state

Table 2

Types of standards			
№	Types of standards:	Characteristics of standards types (depending on the subject of standardization that accepts them):	
1.	international standard	a standard adopted by an international standardization organization and available to a wide range of users	
2.	regional standard	a standard adopted by a regional standardization organization and available to a wide range of users	
3.	European standard	a regional standard adopted by the European standardization organization	
4.	interstate standard	the regional standard provided for in the Agreement on the implementation of the agreed policy of standardization, metrology and certification of March 13, 1992 and adopted by the Interstate Council for Standardization, Metrology and Certification	
5.	national standard	a standard adopted by a national standardization body and accessible to a wide range of users	

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in the relevant fields of activity, of which they are members or cooperate with on the basis of the rules of such organizations or relevant agreements, and also delegate the said powers other people.

The central executive authorities have the right to order services for the performance of work on the verification of sectoral regulatory documents and the development of proposals for amendments to them and their abolition by the relevant technical standards of standardization committees with due observance of requirements.

Information on abolished sectoral regulatory documents and amendments thereto are made public in accordance with the procedures established by the relevant central executive authorities.

Sectoral regulatory documents are applied on a voluntary basis, except for cases where the mandatory application of their application is established by regulatory acts. Central bodies of executive power shall ensure the placement on the official web-sites of texts of sectoral regulatory documents, the mandatory application of which is established by regulatory legal acts, with free access to them. Ownership of sectoral normative documents and catalogs issued by central executive bodies belongs to the state. On behalf of the state, the owner's right to such documents is carried out by the relevant central executive authorities.

Conclusions. Thus, the current state of implementation of the state policy in the sphere of standardization of Ukraine on the basis of the organizational and legal mechanism of public administration is analyzed. The goal, principles, object and subject of realization of the state policy in the sphere of standardization are found out. Depending on the subjects and objects of standardization, the specifics, the content of the requirements, standardization and standards are divided into types. According to the results of the analysis, the main tasks for the revision of a set of fundamental standards of national standardization, which will be implemented on the basis of the organizational and legal mechanism of public administration, are indicated.

References:

1. National
Standards

of
Ukraine.
2017.
Wikipedia.
URL:

https://uk.wikipedia.org/wiki/%
D0%94%D0%B5%D1%80%D0
%B6%D0%B0%D0%B2%D0%
%B0%D0%B0%D0%B2%D0%

BD%D1%96_%D1%81%D1%82%D0%
B0%D0%BD%D0%B4%D0%B0%
%D0%B0%D1%82%D0%
%B0%D0%B4%D0%B0%

D1%80%D1%82%D0%B8_%D0%
Samobal Samob

2. DSTU 1.7: 2015 National Standardization. Rules and methods for the adoption of international and regional normative documents (ISO/IEC Guide 21–1:2005, NEQ; ISO/IEC Guide 21–2:2005, NEQ), DP "UkrNDNC", Kyiv, Ukraine.

3. On standardization: The Law of Ukraine / The Verkhovna Rada of Ukraine. 2012. URL: https://zakon.rada.gov.ua/laws/show/ 138717 (accessed: 29 December 2017).

4. Kirichenko L., Samoilenko A. Standartyzatsiya i sertyfikatsiyatovariv ta posluh (Standardization and certification of goods and services). Kharkiv : Publishing House "Ranok", 2008.

5. Tarasov V., Malinovsky A., Rybak M. Metrolohiya, standartyzatsiya i sertyfikatsiya : pidruchnyk dlya vyshchykh navchal'nykh zakladiv (Metrology, Standardization and Certification: Textbook for Higher Educational Institutions). Kyiv, 2006.

6. ISO/IEC Guide 2:2004 Standardization and related activities. URL: https://www.iso.org/standard/39976.html (accessed: 29 December 2018).

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