
Decree n° 83-724 promulgated on August 4, 1983, determining the types of standards, the terms and conditions of their elaboration and their release.

We, Habib Bourguiba, President of the Republic of Tunisia;

Considering the Act n° 82-66, promulgated on August 6, 1982 relating to standardization and quality, and especially its articles 1,5,8 and 13;

Upon the proposal of the Minister of Economy

Considering the opinion of the Ministers of Finance, of Civil Equipment, of Higher Education and Scientific Research, of Agriculture, of Public Health, of Transportation and Communications, of Social Affairs, and of Housing;

Considering the opinion of the Administrative Court;

Hereby make the following Decree :

CHAPTER ONE

Legal status of standards

Article 1. - Tunisian standards may be either officially confirmed or just registered. The use of the term "standard" applies only and strictly to the two categories aforementioned and shall not apply to other technical specifications.

Article 2. - Documents Specifying standards whose technical value is widely recognized, and whose intended use renders official sanction necessary or desirable, shall be given the status of officially confirmed standards as defined in Article 9, 10, 11, 12 and 13 of the above-mentioned Act n° 82-66, dated August 6, 1982.

Such shall be the case, inter alia :

- when they are to be used as a reference in a regulation,
- when they apply to goods and services that have great influence on the national economy,
- when they affect the public interest and public health, the security or the protection of people and of the environment,
- when they are likely to serve in settling disputes or to have important effects on legal matters.

Article 3. - Documents specifying standards whose technical value is widely recognized but whose intended use does not render official sanction necessary or desirable, shall be given the status of registered standards.

Article 4. - A register shall be maintained at the National Institute for Standardization and Industrial Property, in which the registered standards shall be entered in sequence, mentioning :

- the registration number of the standard,
- the code number and title of the standard,
- the date on which registration had been decided.

Article 5. - The decision to submit draft standards for official confirmation, or to allow them to be registered shall be taken by the Institute upon recommendation of the appropriate technical committee.

CHAPTER TWO

General programme for standards elaboration

Article 6. - The general programme of standardization shall be drawn up by the Institute as a fulfillment of the overall directives of the Minister of Economy, in compliance with the Act n°82-66 promulgated on August 6, 1982.

In so doing, the Institute shall use the national and international economic information made available to it, as well as opinions, suggestions and applications submitted by public, professional and inter-professional bodies or by any other qualified body.

The Institute shall draw up the final working programme as well as the order of priority to be followed in its work. That information shall be published in the Institute's bulletin.

Article 7. - In order to ensure the effectiveness required for standardization work, the general programme defined above must be followed and the order of priority for the implementation of the programme must be observed. No initiative can be undertaken that might result in having the same work simultaneously done by several bodies. For this purpose, public services, professional and inter-professional bodies shall refrain from initiating the elaboration of any standard on their own accord. If necessary, they may communicate their suggestions to the Institute along with any supporting evidence. The Institute shall take those proposals under advisement and decide either to maintain the programme of standard elaboration or to modify it in consultation with the bodies concerned.

Article 8. - Whenever the necessity arises, the Institute shall set deadlines which must be respected by the technical committees charged with the execution and transmittal of work related to standardization.

CHAPTER THREE

Procedures for standards elaboration

Article 9. - The Institute shall initiate all preliminary operations for writing the first draft of a standard; it shall search for technical documentation and carry out any investigation required for the drafting of the requested standard.

Article 10. - The draft standard proposal may be established on the basis of international or foreign standards as well as any other useful documents.

Article 11. - The Institute may appoint a writer and entrust him with drafting standards.

Article 12. - Draft standard proposals shall be discussed and adopted by the technical committees defined in Article 5 of the aforementioned Act n° 82-66 dated August 6, 1982.

CHAPTER FOUR

Public investigation

Article 13. - The draft standards adopted by technical committees and intended to be officially confirmed shall be submitted by the Institute, as soon as possible, for a one month public investigation.

Article 14. - The Institute shall be responsible for conducting the public investigation which has to be announced in the official section of the Institute's bulletin.

Article 15. - For the duration of the public investigation, relevant documents should be obtainable from the Institute at the prices mentioned in the official section of the bulletin.

Article 16. - The competent ministerial departments shall receive the draft standards under public investigation and they shall send their comments within the set time-limit. Other interested parties shall be added to be the mailing list as needed.

Article 17. - Upon receiving the comments formulated during the public investigation, and having given such comments due consideration, the Institute shall submit the draft standard to official ministerial confirmation if no substantial modifications are required.

Article 18. - Whenever the public investigation indicates the need for important modifications, the Institute shall resubmit the draft standard to the competent technical committee.

If disagreement persists, the Institute shall submit the draft standard to the Minister of Economy who shall arbitrate and opt as final the version that best serves the National interest.

Article 19. - The officially confirmed standards shall become effective at a date to be determined in light of the results of the public investigation and in accordance with the recommendation of the competent technical committee.

CHAPTER FIVE

Official confirmation of standards

Article 20. - On the basis of the covering report issued by the Institute, the Minister of Economy shall grant official confirmation to draft standards by Ordinance, in accordance with Article 9 of the above-mentioned Act n° 82-66 dated August 6, 1982.

Article 21. - The Ministerial Ordinance that gives official confirmation of a standard shall be published in the Official Journal of the Republic of Tunisia as well as in the official section of the Institute's bulletin. It shall mention, inter alia, the code and title of the standard and the date on which it comes into force.

CHAPTER SIX

Withdrawal and cancellation of standards

Article 22. - When a standard becomes contrary to a given regulation or to the public interest, or when its scientific and technical bases are put into question, the Minister of Economy shall instruct the Institute to provide him with a report, within one month.

On the basis of that report, or at the expiration of that time-limit, the Minister of Economy may pass an Ordinance that cancels official confirmation from the standard or instruct the Institute to withdraw the standard from its Register.

Article 23. - The Ministers of Finance, of Economy, of Civil Equipment, of Housing, of Higher Education and Scientific Research, of Agriculture, of Public Health, of Transportation and Communications, and of Social Affairs are charged, each within his own competence, with executing this Decree which shall be published in the Official Journal of the Republic of Tunisia.

Tunis, August 4, 1983

On behalf of the President of the Republic of Tunisia, and by
his Authority,

Prime Minister and Home Secretary

Mohamed M'ZALI