

AGREEMENT

on uniform principles and rules of technical regulation in the Republic of Belarus, Republic of Kazakhstan and the Russian Federation

The Republic of Belarus, Republic of Kazakhstan and the Russian Federation hereinafter referred to as the Parties,

for the purpose of deepening and acceleration of integration processes in the Customs Union within the Eurasian Economic Union (hereinafter referred to as the “Customs Union”) and formation of the United Economic Area,

taking into account provisions established by the Agreement on the basis of harmonization of technical regulations of states – members of the Eurasian Economic Union dated the 24th of March 2005, the Agreement on the reconciliation policy in the area of technical regulation, sanitary and phytosanitary measures dated the 25th of January 2008, the Agreement on circulation of goods subject to compulsory assessment (confirmation) of compliance, in the customs territory of the Customs Union dated the 11th of December 2009, the Agreement on mutual recognition of accreditation of authorities for certification (assessment (confirmation) of compliance) and experimental laboratories (centers) accomplishing works for assessment (confirmation) of compliance dated the 11th of December 2009 and the Agreement of Commission of the Customs Union dated the 6th of October 2007,

have agreed to the following effect:

Article 1

1. Terms used in this Agreement shall have the following meanings:

“declaration of compliance with technical regulations of the Customs Union” – the document by which the manufacturer (a person authorized by the manufacturer, supplier, seller) certifies compliance of the products released for circulation with requirements of technical regulations of the Customs Union;

“declaration of compliance” – the form of confirmation by the manufacturer (a person authorized by the manufacturer, supplier, seller) of compliance of the products released for circulation with requirements of technical regulations of the Customs Union;

“uniform sign of circulation of products in the market of states-members of the Customs Union” – the designation serving for informing purchasers and

consumers on compliance of products released for circulation with requirements of technical regulations of the Customs Union;

“certificate of compliance with technical regulations of the Customs Union” – the document by which the authority for certification (assessment (confirmation) of compliance) certifies compliance of the products released for circulation with requirements of technical regulations of the Customs Union;

“certification” – the form of compulsory confirmation by the authority for certification (assessment (confirmation) of compliance) of compliance of the products released for circulation with requirements of technical regulations of the Customs Union;

“technical regulations of the Customs Union” – the document stipulating requirements compulsory for application and fulfillment in the customs territory of the Customs Union as regard to products or products and related processes of production, assembly, set-up, operation (use), storage, transportation, realization and utilization, as approved by the Commission of the Customs Union;

“typical scheme of assessment (confirmation) of compliance” – the set of rules and procedures establishing standard methods of execution of works relating to assessment (confirmation) of compliance with technical regulations of the Customs Union.

Other terms used in this Agreement shall be applied according to meanings set in the Agreement on the reconciliation policy in the area of technical regulation, sanitary and phytosanitary measures dated the 25th of January 2008.

2. This Agreement shall not be applied to establishment and application of any sanitary, veterinary-sanitary and phytosanitary measures.

Article 2

1. The Parties shall carry out reconciliation policy in the area of technical regulation being guided by provisions of article 2 of the Agreement on the reconciliation policy in the area of technical regulation, sanitary and phytosanitary measures dated the 25th of January 2008.

2. Technical regulations of the Customs Union shall be applied directly in the customs territory of the Customs Union.

3. Assessment (confirmation) of compliance of released products with requirements of technical regulations of the Customs Union should take place before the issue thereof for circulation.

4. The Parties shall ensure circulation of the products compliant with requirements of technical regulations of the Customs Union in their territories without any requirements other than requirements contained in the technical

regulations of the Customs Union to such products and without any additional procedures of assessment (confirmation) of compliance.

5. In order to ensure compatibility of results of assessment (confirmation) of compliance of products with requirements of technical regulations of the Customs Union, the Parties will carry out a reconciliation policy aimed to ensure unicity of measurements.

Article 3

1. For the purpose of formation of a legal framework of the Customs Union in the area of technical regulation, the Parties will form a uniform list of products which are subject to compulsory requirements within the framework of the Customs Union (hereinafter referred to as the “uniform list”).

2. Products included into the uniform list, for which no technical regulations of the Customs Union or technical regulations of the Eurasian Economic Union have come into force, shall be governed by legal norms of the Customs Union and laws of the Parties in the area of technical regulation.

3. The uniform list and the procedure for maintenance thereof shall be approved by the Commission of the Customs Union (hereinafter referred to as the “Commission”).

4. The Parties shall not permit establishment in their laws of any compulsory requirements in relation to products not included into the uniform list.

Article 4

1. Technical regulations of the Customs Union shall be developed only in relation to the products included into the uniform list if no technical regulations of the Eurasian Economic Union have been adopted for such products.

In case of adoption of technical regulations of the Eurasian Economic Union in relation to products for which technical regulations of the Customs Union have been adopted, effectiveness of the technical regulations of the Customs Union or relevant part thereof should be terminated since the date of introduction into force of the technical regulations of the Eurasian Economic Union.

2. Technical regulations of the Customs Union should be developed and adopted in order to ensure in the customs territory of the Customs Union protection of life and (or) health of humans, property, environment, life and (or) health of animals and plants, prevention of actions misrepresenting consumers as well as for the purpose to ensure energy efficiency and resource saving.

Adoption of technical regulations of the Customs Union for any other purposes is not permitted.

3. Technical regulations of the Customs Union should install requirements to products and related processes of production, assembly, set-up, operation (use), storage, transportation, realization and utilization, as well as rules of identification, forms, schemes and procedures of assessment (confirmation) of compliance.

The technical regulations of the Customs Union may also contain requirements to terminology, package, marking, labels and rules of application thereof, sanitary, veterinary-sanitary and phytosanitary requirements and procedures.

Technical regulations of the Customs Union shall be developed in accordance with the Recommendations on the standard structure of the technical regulations of the Eurasian Economic Union, approved by Resolution of the Inter-State Council of the Eurasian Economic Union dated the 27th of October 2006 No. 321.

4. The basis for development of technical regulations of the Customs Union is relevant international standards (rules, directives and recommendations and other documents issued by international organizations for standardization), other than in cases when relevant documents are absent, do not comply with purposes of adoption of technical regulations of the Customs Union, in particular, due to climatic and geographical factors or technological and other particularities and in the absence thereof – regional documents (regulations, directives, resolutions, standards, rules and other documents), national (state) standards, national technical regulations or drafts thereof.

5. Technical regulations of the Customs Union may contain specific requirements reflecting particularities associated with climatic and geographical factors of the Parties or technological particularities and effective only in the territory of the Parties.

Article 5

1. The procedure for development, adoption, amendment and cancellation of technical regulations of the Customs Union are to be set by the Commission.

2. The procedure for introduction into force of the adopted technical regulations of the Customs Union and if necessary transition provisions is to be determined by the technical regulations of the Customs Union and (or) resolution of the Commission on adoption thereof.

3. Since the effective date of the technical regulations of the Customs Union, relevant binding requirements established by laws of the Parties shall not be applied in the territories of the Parties.

Article 6

1. For the purpose of assessment (confirmation) of compliance with requirements of the technical regulations of the Customs Union, international, regional standards may be applied and in the absence thereof (until adoption of regional standards) – national (state) standards of the Parties.

2. For the purpose of fulfillment of requirements under the technical regulations of the Customs Union, the Commission shall approve the list of international and regional standards and in the absence thereof – national (state) standards of the Parties voluntary application whereof ensures observance of requirements of the adopted technical regulations of the Customs Union.

3. For the purpose of research (testing) and measurements within the framework of assessment (confirmation) of compliance of the products with requirements of the technical regulations of the Customs Union, the Commission will approve the list of international and regional standards and in the absence thereof – national (state) standards of the Parties containing rules and methods of research (testing) and measurements including rules on taking samples required for application and fulfillment of requirements of the adopted technical regulations of the Customs Union and assessment (confirmation) of compliance of the products.

Article 7

1. Products for which technical regulations of the Customs Union are adopted, shall be released for circulation in the customs territory of the Customs Union provided that they have passed through necessary procedures of assessment (confirmation) of compliance described in the technical regulations of the Customs Union.

Assessment (confirmation) of compliance of products provided for in the technical regulations of the Customs Union shall be made in form of registration, testing, confirmation of compliance (declaration of compliance, certification), expertise and (or) in any other form.

2. Compulsory confirmation of compliance of the products with requirements of technical regulations of the Customs Union shall be made in form of declaration of compliance or certification. The procedures of assessment (confirmation) of compliance shall be established in technical regulations of the Customs Union on the basis of model schemes of assessment (confirmation) of compliance.

Within the framework of declaration of compliance the applicant may be a legal entity or natural person registered as an individual entrepreneur in accordance with laws of the Party in its territory or the person being the manufacturer or seller or accomplishing the functions of a foreign manufacturer on the basis of a contract concluded with him for ensuring of compliance of the products to be supplied with requirements of technical regulations of the Customs Union and to the extent of liability for incompliance of supplied products with requirements of technical regulations of the Customs Union (the person accomplishing the functions of a foreign manufacturer). The range of applicants shall be determined in accordance with the technical regulations.

3. Voluntary application of international, regional standards and (or) national (state) standards included into the list mentioned in clause 2 of article 6 of this Agreement is a sufficient condition of compliance with requirements of the relevant technical regulations of the Customs Union.

Failure to apply standards included into that list may not be deemed non-observance of requirements of technical regulations of the Customs Union.

4. Products compliant with requirements of effective technical regulations of the Customs Union applicable to these products and having passed through procedures of assessment (confirmation) of compliance prescribed by technical regulations of the Customs Union will be marked with the uniform sign of circulation of products in the market of states-members of the Customs Union.

5. Standard schemes of assessment (confirmation) of compliance, unified forms of documents on assessment (confirmation) of compliance (declarations of compliance with technical regulations of the Customs Union, certificate of compliance with technical regulations of the Customs Union), depiction of the uniform sign of circulation of products in the market of states-members of the Customs Union and the procedure for application thereof shall be approved by the Commission.

Article 8

1. Works associated with assessment (confirmation) of compliance of products with requirements prescribed by technical regulations within the framework of the Customs Union shall be executed by accredited authorities for certification (assessment (confirmation) of compliance) as well as testing laboratories (centers) included into the Uniform register of authorities for certification and testing laboratories (centers) of the Customs Union to be formed in accordance with the Agreement on circulation of products subject to compulsory assessment (confirmation) of compliance in the customs territory of the Customs Union dated the 11th of December 2009.

2. Recognition of results of accreditation works of authorities for certification (assessment (confirmation) of compliance) as well as testing laboratories (centers) executing works associated with assessment (confirmation) of compliance of products with requirements prescribed by technical regulations of the Customs Union shall be effected in accordance with the Agreement on mutual recognition of accreditation of authorities for certification (assessment (confirmation) of compliance) and experimental laboratories (centers) accomplishing works for assessment (confirmation) of compliance dated the 11th of December 2009, as well as separate agreements between the Parties.

3. Recognition of results of assessment (confirmation) of compliance of products included in the uniform list for which no technical regulations of the Customs Union or technical regulations of the Eurasian Economic Union have come into force, shall be exercised in accordance with the Agreement on circulation of products subject to compulsory assessment (confirmation) of compliance in the customs territory of the Customs Union dated the 11th of December 2009.

Article 9

1. Liability for non-observance of requirements of technical regulations of the Customs Union as well as for violation of procedures of assessment (confirmation) of compliance of products with requirements of technical regulations of the Customs Union shall be established by laws of each of the Parties.

2. In case of identification of any products incompliant with requirements of technical regulations of the Customs Union or subject to assessment (confirmation) of compliance with compulsory requirements applicable to it and received or circulated without any document on assessment (confirmation) of compliance and (or) without marking with the uniform sign of circulation of products in the market of states – members of the Customs Union, authorized bodies of each Party will take measures for avoidance of release of such products for circulation, withdrawal thereof from circulation pursuant to laws of the Party and informing of other Party thereon.

3. The Parties shall harmonize laws of each Party in the area of establishment of liability for violation of requirements of technical regulations of the Customs Union and at holding of procedures for assessment (confirmation) of compliance of products with requirements of technical regulations of the Customs Union.

Article 10

1. State control (supervision) over observance of requirements of technical regulations of the Customs Union shall be carried out in accordance with the procedure established by laws of each Party.

2. Authorized bodies of the Parties, within the framework of state control (supervision) of compliance of products supplied, in particular, from third parties, with requirements of technical regulations of the Customs Union or compulsory requirements established by laws of the Parties to products for which no technical regulations of the Customs Union have been adopted, and relation of the products to be released for circulation to products hazardous for life and (or) health of humans, property, environment, life and (or) health of animals and plants, as soon as possible (or simultaneously with establishment of such incompliance or identification of hazardous products) will send relevant data to the Integrated information system of foreign and mutual trade of the Customs Union, notify authorized bodies of other Parties thereon and will take measures to prevent penetration of such products into the territory of the Parties.

Article 11

The Parties, being guided by protection of their legal interests, may take emergency measures to prevent release of hazardous products for circulation.

In such a case the Party will immediately inform other Parties on taken emergency measures and will proceed to consultations and negotiations on that matter.

The procedure for taking of such emergency measures will be determined by a separate agreement of the Parties.

Article 12

The Parties will form an information system in the area of technical regulations of the Customs Union as a part of the Integrated information system of foreign and mutual trade of the Customs Union.

Article 13

The Commission shall accomplish the following functions since the date of provision with relevant powers:

approval of the uniform list and the procedure for maintenance thereof;

approval of plans (programs) of development of technical regulations of the Customs Union;

adoption, introduction of amendments and cancellation of technical regulations of the Customs Union;

establishment of the procedure for development, adoption, introduction of amendments and cancellation of technical regulations of the Customs Union;

approval of the procedure for development and approval of lists of international and regional standards and in the absence thereof – national (state) standards prescribed by clauses 2 and 3 of article 6 of this Agreement;

approval of standard schemes of assessment (confirmation) of compliance;

approval of unified forms of documents on assessment (confirmation) of compliance (declaration of compliance with technical regulations of the Customs Union, certificate of compliance with technical regulations of the Customs Union);

approval of the uniform sign of circulation of products in the market of states – members of the Customs Union;

approval of the regulations on the uniform sign of circulation of products in the market of states – members of the Customs Union and the procedure for application thereof;

approval of the regulations on the procedure for import to the customs territory of the Customs Union of products subject to compulsory requirements within the Customs Union.

Article 14

1. Disputes arising between the Parties from interpretation and (or) application of provisions of this Agreement shall be resolved through negotiations and consultations.

2. If a dispute is not settled by the Parties through consultations and negotiations within 6 months since the date of an official written request submitted by one of the Parties to the dispute to the other Party to the dispute, then, unless otherwise is agreed between the Parties, either of the Parties to the dispute may refer the dispute to the Court of the Eurasian Economic Union.

Article 15

Upon agreement of the Parties, this Agreement may be amended and such amendments should be executed in form of separate minutes.

Article 16

This Agreement shall be applied since the date of signing and is subject to ratification.

The procedure for introduction of this Agreement into force, accession hereto and exit from it shall be determined by the Minutes on the procedure for introduction into force of international treaties aimed at formation of the contractual legal base of the Customs Union, exit from it and accession thereto dated the 6th of October 2007.

Made in the city of Saint-Petersburg on the 18th of November 2010 in one original counterpart in the Russian language.

The original counterpart of this Agreement will be kept at the Commission being the depository of this Agreement, and a certified copy thereof will be sent to each Party.

**On behalf of the Republic
of Belarus**

**On behalf of the
Republic of Kazakhstan**

**On behalf of the
Russian Federation**