

AGREEMENT
of the Customs Union on Veterinary and Sanitary Measures

(as amended by the Protocol of Amendments to the Agreement of the Customs Union on Veterinary and Sanitary Measures dated December 11, 2009 adopted by Resolution No. 39 of the Interstate Council of the EurAsEC (Supreme Body of the Customs Union) at the Highest Level dated May 21, 2010)

Governments of the Member States of the Customs Union within the Eurasian Economic Community (hereinafter – the Customs Union) hereinafter referred to as the Parties,

in order to establish the Customs Union,

based on the Agreement on Coordinated Policy in the Field of Technical Regulation, Sanitary and Phytosanitary Measures dated January 25, 2008,

recognizing reasonableness of a single policy in the field of veterinary,

taking into account the rules and principles of the Terrestrial Animal Health Code and the Aquatic Animal Health Code of the International Office of Epizootics, as well as the Agreement on Cooperation in the Field of Veterinary Medicine of the CIS Member Countries dated March 12, 1993; the Agreement on Technical Barriers to Trade and the Agreement on Application of Sanitary and Phytosanitary Measures of the World Trade Organization adopted following the results of the Uruguay Round of Multilateral Trade Negotiations held on April 15, 1994 in Marrakesh,

in order to protect the common customs territory of the Customs Union (hereinafter – the customs territory of the Customs Union) from importation and spreading of agents of infectious animal diseases, including those common to humans and animals, and goods (products) incompliant with veterinary (veterinary and sanitary) requirements,

have agreed as follows:

Article 1

The following terms wherever used in this Agreement shall have the following meaning:

“veterinary inspection (supervision)” means the activity of competent authorities aimed at prevention of importation and spreading of agents of infectious animal diseases, including those common to humans and animals, and goods (products) incompliant with veterinary (veterinary and sanitary) requirements, as well as avoidance, identification, restraint of violations of legislation of the Customs Union and national veterinary legislation of the Parties;

“veterinary and sanitary measures” means obligatory requirements and procedures used for prevention of animal diseases and protection of people from diseases, common to humans and animals, related to emerging risks, particularly in case of transfer or spreading thereof by animals, with feed, raw materials or products of animal origin, as well as with transportation vehicles, within the customs territory of the Customs Union;

“competent authorities” means public authorities and institutions of the Parties carrying out their activity in the field of veterinary medicine.

Terms not specifically defined in this Agreement shall have the meanings set forth in other international agreements executed within the framework of the Customs Union.

Article 2

This Agreement shall apply to goods (products) controlled by veterinary inspection (supervision), including goods for personal use (hereinafter – controlled goods), transported across the customs border of the Customs Union and within the customs territory of the Customs Union, included in the Single List of Goods Subject to Veterinary Inspection (Supervision) (hereinafter – the Single List).

Controlled goods shall comply with the Unified Veterinary (Veterinary and Sanitary) Requirements for Goods Subject to Veterinary Inspection (Supervision) (hereinafter – the Unified Veterinary Requirements) and are subject to mandatory veterinary inspection (supervision) according to the Provision on the Uniform Procedure for Veterinary Inspection at the customs border of the Customs Union and within the customs territory of the Customs Union (hereinafter – the Provision on the Uniform Inspection Procedure).

Article 3

Competent authorities shall perform veterinary inspection (supervision) when controlled goods are transported across the customs border of the Customs Union at checkpoints on the state borders of the Parties or at other locations specified in national legislation of the Parties (hereinafter – checkpoints) that are equipped with veterinary inspection means according to the national legislation of the Parties.

Article 4

1. Each batch of controlled goods shall be imported into the customs territory of the Customs Union according to the Unified Veterinary Requirements and providing there is: a permit issued by the competent authority to whose state territory such goods are imported according to the Provision on the Uniform Inspection Procedure, and/or a veterinary certificate issued by the competent authority of the country of origin of such goods.

On the basis of the Unified Veterinary Requirements, competent authorities may bilaterally agree sample copies of veterinary certificates for controlled goods imported into the common customs territory of the Customs Union, which are included in the Single List, with competent authorities of the country of origin (third party). Sample copies of such veterinary certificates shall be sent to the Commission of the Customs Union (hereinafter – the Commission) for their transfer to checkpoints.

Controlled goods subject to the customs transit procedure shall be transported through the customs territory of the Customs Union according to the Provision on the Uniform Inspection Procedure.

2. Controlled goods shall be transported from the territory of one Party into the territory of the other Party according to the Unified Veterinary Requirements and be accompanied by a veterinary certificate.

The Parties mutually recognize veterinary certificates issued by competent authorities as per single forms approved by the Commission.

Article 5

1. Based on the Unified Veterinary Requirements, competent authorities shall take measures to prevent importation and spreading of agents of infectious animal diseases, including those common to humans

and animals, and goods (products) of animal origin dangerous in veterinary and sanitary respects into and within the customs territory of the Customs Union.

2. Competent authorities shall:

in case of identification and spreading of agents of infectious animal diseases, including those common to humans and animals, and goods (products) of animal origin dangerous in veterinary and sanitary respects in their state territories, immediately, after official determination of the diagnosis or confirmation of hazardous effects of goods (products), send the information on such goods (products) as well as on the veterinary and sanitary measures taken to the EurAsEC Information System in the Field of Technical Regulation, Sanitary and Phytosanitary Measures and to the Integrated Information System of Foreign and Mutual Trade of the Customs Union;

promptly notify the Commission of changes in the list of dangerous and quarantine animal diseases of the Party;

provide each other scientific, methodological, and technical assistance in the field of veterinary.

Article 6

1. Competent authorities, if necessary and by mutual agreement, in order to ensure compliance with legislation of the Customs Union on protection of the customs territory of the Customs Union from importation and spreading of agents of infectious animal diseases, including those common to humans and animals, and goods (products) incompliant with veterinary (veterinary and sanitary) requirements, may conduct joint audits (inspections) of organizations and individuals carrying out production, processing, and/or storage of controlled goods imported into the customs territory of the Customs Union and transported from the territory of one Party into the territory of the other Party.

Joint audit (inspection) of facilities subject to veterinary inspection (supervision) shall be conducted according to the Provision on the Uniform Procedure for Joint Inspection of Facilities and Sampling of Goods (Products) Subject to Veterinary Inspection (Supervision) (hereinafter – the Provision on the Uniform Inspection Procedure).

Costs related to conduction of joint audits (inspections) shall be financed from respective state budgets of the Parties, unless agreed otherwise on a case-by-case basis.

Article 7

1. The Single List of Goods Subject to Veterinary Inspection (Supervision); Unified Veterinary (Veterinary and Sanitary) Requirements for Goods Subject to Veterinary Inspection (Supervision); Provision on the Uniform Procedure for Veterinary Inspection at the Customs Border of the Customs Union and within the Customs Territory of the Customs Union, as well as Provision on the Uniform Procedure for Joint Inspection of Facilities and Sampling of Goods (Products) Subject to Veterinary Inspection (Supervision) shall be approved by the Commission.

2. Maintenance of the documents specified in paragraph 1 of this Article, the Consolidated List of Dangerous and Quarantine Animal Diseases of the Parties, as well as approval of single forms of veterinary certificates shall be performed by the Commission from the date of delegation of appropriate authorities thereto by the Parties.

For the purpose of this Article, “maintenance of the documents by the Commission” shall mean making amendments, in the prescribed manner, to the Customs Union documents specified in Paragraphs 1 and 2 of this Article, their subsequent approval and bringing to the notice of the Parties.

Proposals for amendments to the documents specified in Paragraphs 1 and 2 of this Article shall be submitted to the Commission in the prescribed manner at the suggestion of competent authorities of any of the Parties.

Article 8

Each of the Parties shall have the right to draw up and introduce temporary veterinary requirements and measures in case of official notification of aggravation of the epizootic situation in the territory of third countries or the Parties from relevant international organizations, countries of the Parties, and third countries.

In case of the above notification, but if there is no adequate scientific rationale or if such rationale cannot be submitted when required, the Parties may take immediate veterinary and sanitary measures.

Article 9

Any disputes between the Parties relating to interpretation and/or application of this Agreement shall be settled through consultations and negotiations.

If the dispute cannot be settled by the Parties within six months from the date of receipt of the formal written request for consultations and negotiations forwarded by one of the Parties to the other Party, then, unless otherwise agreed by the Parties regarding the dispute settlement method, either of the Parties shall refer the dispute to the Court of the Eurasian Economic Community.

Article 10

By agreement of the Parties, this Agreement may be amended in the form of separate protocols.

Article 11

The procedure for entry into force of this Agreement, accession thereto and withdrawal therefrom shall be specified in the Protocol for Entry into Force of International Treaties Aimed at Creation of the Legal and Contractual Framework of the Customs Union, Withdrawal Therefrom and Accession Thereto dated October 6, 2007.

Done in St. Petersburg on December 11, 2009 in one original copy in Russian.

The original copy of this Agreement shall be kept by the Commission of the Customs Union which, as the depositary of this Agreement, shall send a certified copy to each of the Parties.

For the Government of the
Republic of Belarus

For the Government of the
Republic of Kazakhstan

For the Government of the
Russian Federation