

DECISION

6 November 2012

No. 212

Moscow

On the Uniform Procedure of Examination of Regulatory Legal Acts in the Area of Application of Sanitary, Veterinary and Phytosanitary Measures

The Eurasian Economic Commission Collegium has decided to:

1. Approve [the attached](#) the Uniform Procedure of Examination of Regulatory Legal Acts in the Area of Application of Sanitary, Veterinary and Phytosanitary Measures.

2. Repeal Decision No 801 of the Customs Union Commission of 23 September 2011 concerning the Regulation on the Uniform Procedure for Examination of the Customs Union Regulatory Legal Acts in the Area of Application of Sanitary, Veterinary and Phytosanitary Measures.

3. The present Decision shall come into force 30 calendar days after the date of the official publication.

Chairman

V.B. Khristenko

APPROVED

by Decision No 212 of the Eurasian
Economic Commission Collegium of
6 November 2012

REGULATION

**on the Uniform Procedure of Examination of Regulatory Legal Acts in the Area of Application
of Sanitary, Veterinary and Phytosanitary Measures**

1. The present Regulation shall define the procedure of examination of regulatory legal acts of the Customs Union Commission and Eurasian Economic Commission in the area of application of sanitary, veterinary and phytosanitary measures (hereinafter referred to as regulatory acts) with respect to their compliance with the international standards, decisions and recommendation according to Appendix A to the Agreement on Application of Sanitary and Phytosanitary Measures as of 15 April 1994 concluded within the framework of the World Trade Organisation (hereinafter, referred to as the examination, international standards, accordingly) in order to harmonise the sanitary, veterinary and phytosanitary measures which are valid on the territory of the Customs Union Commission and the Common Economic Space.

2. The examination shall be carried out based on written requests (hereinafter referred to as the request) of the competent authorities of the member states of the Customs Union and the Common Economic Space, unions of producers, consumers, exporters or importers of the products and governments of foreign states (hereinafter referred to as the parties concerned) to the Eurasian Economic Commission (hereinafter referred to as the Commission) concerning the non-compliance of the regulatory act with the international standards.

3. A member of Commission Collegium who is responsible for the issues of application of sanitary, phytosanitary and veterinary measures (hereinafter referred to as the Collegium member), shall confirm the receipt of the request to consider and to include the issue into the draft agenda for the meeting of the Consulting Committee on technical regulation, application of sanitary, veterinary and phytosanitary measures (hereinafter referred to as the Consulting Committee) to the party concerned during 30 calendar days from the date of receipt of the request by the Commission.

4. For the examination the Consulting Committee shall create an expert group to examine the request (hereinafter referred to as the expert group) consisting of the representatives of the competent authorities from the member states of the Customs Union and the Common Economic Space and other parties concerned. If needed the expert group may include the Commission employees and independent experts.

The expert group for the examination shall be set up within 35 calendar days since the date of the receipt of the request.

The Consulting Committee shall appoint the head of the expert group from the pool of the Consulting Committee members.

The examination shall not exceed 2 months. In some cases, upon the request of the head of the expert group, the Consulting Committee may increase the expert examination for the period of 1 month.

5. The expert group shall analyse:

provisions of the international standards;

regulatory act for its compliance taking into account the scientific justification (if available).

6. Based on the outcome of the analysis the expert group shall present to the Consulting Committee an opinion concerning the compliance or non-compliance of the regulatory act with the international standards. The expert group opinion shall be discussed at a meeting of the Consulting Committee during 45 calendar days from the date of the receipt of the opinion by the Consulting Committee.

7. Should the Consulting Committee identify the regulatory act as compliant with the international standards following the of the expert group opinion, the Collegium member shall inform the party concerned about the outcome of the examination of the request and provide the expert group opinion within 15 calendar days from the date of the meeting.

8. In case of the non-compliance of the regulatory act with the international standards, the Collegium member shall bring the issue for the discussion of the Commission Collegium to make the regulatory act compliant with international standards. The amendments to the regulatory act shall be made according to the Operational Rules of the Eurasian Economic Commission of November 18, 2011.

The Collegium member shall inform the person concerned about the outcome of the discussion of the Collegium concerning the request within 15 calendar days from the date of the meeting of the Collegium.
