



**EURASIAN ECONOMIC COMMUNITY
COMMISSION OF THE CUSTOMS UNION**

DECISION

23 September 2011

№ 801

Moscow

On draft of the Regulation on uniform procedure of carrying out examination of legal acts of the Customs Union in the sphere of implementation of sanitary, veterinary and phytosanitary measures

Commission of the Customs Union hereby resolves the following:

Approve the draft of the Regulation on uniform procedure of carrying out examination of legal acts of the Customs Union in the sphere of implementation of sanitary, veterinary and phytosanitary measures (attached).

Members of the Commission of the Customs Union:

From Republic of Belarus

**From Republic of
Kazakhstan**

**From Russian
Federation**

S. Rumas

U. Shukeev

I. Shuvalov

REGULATION

on uniform procedure of carrying out examination of legal acts of the Customs Union in the sphere of implementation of sanitary, veterinary and phytosanitary measures

1. Examination of legal acts (documents) of the Customs Union in the sphere of implementation of sanitary, veterinary and phytosanitary measures (further – Legal acts), on its conformity to standards, decisions and recommendations as defined in Annex A of the SPS Agreement (further – expert examination, international standards respectively) is carried out in order to harmonize existing sanitary, veterinary and phytosanitary measures on the territory of the Customs Union with international standards.

2. Expert examination is carried out on the basis of written requests from interested parties to the Commission of the Customs Union, including governments of foreign states (further – interested parties), containing information on inconsistency of legal act with international standards (further – Request).

3. Within 30 days from the date of receiving the Request the Secretariat of the Commission of the Customs Union directs:

to interested party confirmation of the Request's acceptance for consideration;
to Coordinating committee on technical regulation, application of sanitary, veterinary and phytosanitary measures (further — Coordinating committee) the Request for consideration.

4. Coordinating committee forms an expert group on the Request consideration (further - Expert group), which includes representatives of authorized bodies of the Parties, interested parties, scientific organizations of the Parties, and competent experts.

The period given to form the expert group of investigation –35 days from the date of the receipt of the Request.

Coordinating Committee appoints the head of Expert group among members of Coordinating committee.

The duration of the investigation cannot exceed 2 months.

Coordinating Committee may prolong the terms of expert examination up to one month by the request of the head of the Expert group.

5. Expert group analyzes:

terms of international standards;

challenged Legal act on its conformity to international standard taking into account scientific findings.

6. Based on results of the analysis Expert group directs to Coordinating committee findings on conformity or inconsistency of the Legal act to international standard. The specified findings are considered at Coordinating committee session. The period granted to the Coordination Committee to consider the results of the findings of the completed investigation is 1-1,5 months.

In case of establishment of restrictive character of the Legal act in comparison with international standard and absence of scientific basis of such restriction or degree of risk for life or health of person, animals and plants within the Customs Union, the Coordinating committee places for consideration by the Commission of the Customs Union an issue for modification of the Legal act in order to put it into conformity with the relevant international standard.

7. Committee Secretary of the Commission of the Customs Union informs interested party on the results of findings consideration by Expert group during the Coordinating committee meeting within 15 days after this meeting.

8. By results of the consideration by the Commission of the Customs Union of examination results the Secretary of the Commission of the Customs Union within 15 days informs interested party on results of carried out expertise.