

The Procedure for Development of Technical Regulations of the Eurasian Economic Community

The Procedure has been developed in order to implement the provisions of the Agreement on Implementation of Coordinated Policy in the Field of Technical Regulation, Sanitary and Phytosanitary Measures of 25 January 2008 and the Agreement on the Basics of Harmonization of Technical Regulations of the Eurasian Economic Community Members of 24 March 2005 and determines the procedure for development, consideration, adoption of technical regulations of the Eurasian Economic Community (hereinafter - EurAsEC), and introduction of amendments.

Participants to the procedures, specified by this Procedure are empowered national authorities of the EurAsEC member states, implementing and (or) coordinating works on technical regulation (hereinafter - the authorities of the Parties on technical regulation), the authority of the Party responsible for the development of EurAsEC technical regulations (hereinafter - authority of the Party responsible for the development), the authority of the Party involved in the development of EurAsEC technical regulations (hereinafter - the authority of the Party involved in the development), Working Parties on development of EurAsEC technical regulations (hereinafter - the Working Party), the Commission on Technical Regulation, Sanitary, Veterinary and Phytosanitary Measures in trade under the Integration Committee of the Eurasian Economic Community (hereinafter - the Commission), the Secretariat of the EurAsEC Integration Committee (hereinafter - the Secretariat), and other interested persons.

The governments of the EurAsEC member states are considered as Parties.

Article 1

The terms, established by the Agreement on Implementation of Coordinated Policy in the Field of Technical Regulation, Sanitary and Phytosanitary Measures of 25 January 2008, and the following terms and definitions are used in this Procedure:

the authority of the Party responsible for the development of EurAsEC technical regulations - the authority of EurAsEC Member State responsible for the development of EurAsEC technical regulations in accordance with the Schedule for the development of EurAsEC priority technical regulations, appointed by the Party;

the authority of the Party involved in development of EurAsEC technical regulations - the authority of EurAsEC Member States, responsible for the development of EurAsEC technical regulations, that takes part in the development of EurAsEC technical regulations within its competence, and is appointed by the Party;

Article 2

1. The Parties appoint the authority of the Party responsible for the development or the authority of the Party involved in the development in accordance with the Schedule for Development of the EurAsEC Priority Technical Regulations, approved by the EurAsEC Interstate Council (hereinafter - the Schedule) or on the basis of Paragraph 11 of Article 3 of this Procedure.

The Parties shall appoint responsible authority (at the level of heads of government officials) for the development of the EurAsEC technical regulations.

The Parties shall provide information to the Secretariat on the authority of the Party responsible for the development, the authority of the Parties involved in the development and the responsible persons of the relevant authority with regard to each EurAsEC technical regulation.

2. Development of EurAsEC technical regulations shall be carried out in accordance with the Schedule by the authority of the Party responsible for the development and by the relevant Working Party.

3. The establishment and functioning of the Working Party are carried out in accordance with the Regulation of the Working Party on the Development of EurAsEC Technical Regulations (Annex 1).

Functioning of the Working Party is governed by the authority of the Party responsible for the development.

4. The authority of the Party responsible for the development shall submit information on the development of a draft technical regulation of the EurAsEC to the Secretariat.

5. Report on the development of a draft technical regulation of the EurAsEC is considered at the meetings of the Commission and the Integration Committee of EurAsEC.

Article 3

1. The authority of the Party responsible for the development shall elaborate the first version of draft technical regulation of the EurAsEC in accordance with the Recommendation on the Model Structure of the EurAsEC Technical Regulations (hereinafter - Recommendation), approved by the Decision of the EurAsEC Interstate Council (at the level of Heads of Government) № 321 of 27 October 2006, and prepare related explanatory note.

The explanatory note shall include the purposes of adoption of the EurAsEC technical regulations, a brief description of the object(s) of the technical regulation, information on the application of the international standards in the draft technical regulations of the EurAsEC, requirements, or other documents (rules, directives and guidelines adopted by international standards organizations, and other documents), and in case of their absence - regional documents (regulations, directives, decisions, standards, rules and other documents), and the requirements that differ from the provisions of international standards or regulatory requirements, in force in the territory of the Parties.

Pursuant to the Schedule, the authority of the Party responsible for the development shall submit the first version of the draft technical regulations of the EurAsEC and the related explanatory note (in electronic and hard copy) to the Secretariat.

2. Secretariat shall send the materials specified by Paragraph 1 of this Article, to the Parties within ten days upon their receipt.

The authorities of the Parties involved in the development shall provide consideration of the first version of the draft technical regulations of the EurAsEC and submit related comments and proposals (in electronic and hard copy) to the authority of the Party on technical regulation for submission to the Secretariat within one month.

At the same time the authorities of the Parties involved in the development shall submit proposals on members of the relevant Working Parties (in electronic and hard copy) to the Secretariat upon consultation with the authorities of the Parties on technical regulation.

The Secretariat shall send comments and proposals of the Parties to the authority of the Party responsible for the development.

3. The authority of the Party responsible for the development shall, within two months provide revision of the draft technical regulations of the EurAsEC, taking into account comments and proposals of the Parties with participation of the Working Party.

The authority of the Party responsible for the development shall send the draft technical regulations of the EurAsEC agreed with the authority of the Party on technical regulation for consideration of the Commission.

The Commission shall take a decision to begin a public discussion of the draft technical regulations of the EurAsEC or its revision.

4. The authority of the Party responsible for the development shall prepare notification of the development of the draft technical regulation of the EurAsEC within ten days and send the draft technical regulations of the EurAsEC with related explanatory note, and notification (in electronic and hard copy) agreed with the authority of a Party on technical regulation, to the Secretariat.

Form of notification on the development of the draft technical regulation of the EurAsEC and recommendation for its filling are provided in Annex 2.

5. The Secretariat shall send the materials specified by paragraph 4 of this Article to the authorities of the Parties on technical regulation and the authorities of the Parties involved in the development within ten days upon their receipt.

The Secretariat shall publish the materials specified by Paragraph 4 of this Article on the official web - site of the EurAsEC for public discussion of the draft EurAsEC technical regulation within ten days upon their receipt.

6. The period of public discussion of the draft technical regulation of the EurAsEC shall be determined with due consideration of time periods specified by the Schedule, from the date of publication of the notification on development of the draft technical regulation of the EurAsEC to the date of publication of notification on the completion of public discussion of the draft technical regulations of the EurAsEC, and shall be no less than two months.

Comments and proposals (opinions) on the draft technical regulations of the EurAsEC from interested persons of the Party shall be sent to the relevant authority of the Party - the participant of the development, from interested persons of the third countries – to the authority of the Party responsible for the development.

The authority of the Party involved in the development shall consider written comments and proposals (opinions) of the interested parties, make a summary of comments and proposals of the Party (hereinafter – summary review) on the draft technical regulation of the EurAsEC in accordance with the prescribed form and send them within one month to the authority of the Party on technical regulation for submission to the Secretariat.

The form of summary review of the Party on the draft technical regulations of the EurAsEC shall be approved by the Commission.

7. The authority of the Party responsible for the development shall make the notification on the completion of public discussion of the draft technical regulations of the EurAsEC and send it to the Secretariat for publication on the official web - site of the EurAsEC.

The Secretariat shall publish notification on completion of public discussion of draft technical regulation of the EurAsEC on the official web - site of the EurAsEC within ten days upon its receipt, and send it to the authorities of the Parties on technical regulation and the authorities of the Parties involved in the development.

Notification form of completion of public discussion of the draft technical regulations of the EurAsEC and guidelines for filling are provided in Annex 3.

8. The Secretariat shall send summary review on the draft technical regulations of the EurAsEC received from the authorities of the Parties on technical regulation to the authority of the Party responsible for the development within ten days.

The authority of the Party responsible for the development with participation of the Working Party shall make consolidated summary review based on comments and proposals (opinions) of all Parties, and in case when disagreements exist - table of disagreements.

Decision on settlement of disagreements, if any, shall be taken by the authority of the Party responsible for the development jointly with the authorities of the Parties involved in the development and the authorities of the Parties on technical regulation.

The authority of the Party responsible for the development shall prepare the final version of the draft technical regulations of the EurAsEC with participation of the Working Party within two months.

In case when disagreements exist, the authority of the Party responsible for the development shall organize consideration of the issues on their elimination with the authorities of the Parties – involved in the development and the authorities of the Parties on technical regulation.

The decision to address disagreements is taken by the authorities of the Parties on technical regulation.

The final decision on unresolved issues is taken by the Commission.

9. Upon completion of public discussion of draft technical regulation of the EurAsEC the authority of the Party responsible for the development shall develop a draft List of Standards Related to the EurAsEC

technical regulations (hereinafter - the draft List of Standards) with the participation of the Working Party within one month in accordance with the Regulation on the Procedure of Formation of the List of Standards Related to the EurAsEC Technical Regulations Used for Conformity Assessment (Confirmation), approved by the Commission.

10. The authority of the Party responsible for the development shall develop a draft Agreement on the adoption of EurAsEC technical regulations (hereinafter – the Agreement) in accordance with the Decision of the EurAsEC Interstate Council № 404 of 12 December 2008 within one month, and send it with the materials specified by Paragraphs 8 and 9 of this Article, to the Secretariat (in electronic and hard copy).

11. In exceptional cases, when circumstances lead to a direct threat to human life and health, property, environment, life and health of animals and plants exist, and in cases, when the relevant technical regulation of EurAsEC shall be immediately adopted in order to ensure safety of products or production processes related to the requirements for products, installation, commissioning, operation (use), storage, moving (transportation), sale and utilization, Parties are not obliged to use the procedure, established by Article 3 of this Procedure, on the basis of the decision of the EurAsEC Integration Committee, provided that upon adoption of technical regulation:

a) The Secretariat shall immediately notify on the adopted technical regulations of the EurAsEC, objects with regard to which it is applied, with a brief indication of the objective and reasons for introduction of technical regulation, including statement on the exceptional case that requires the immediate adoption of technical regulation;

b) The Secretariat shall provide a text of the EurAsEC technical regulations upon request;

a) The authority of the Party responsible for the development shall provide an opportunity for discussion and recording of received written comments and proposals from interested parties.

Article 4

1. The draft Agreement with the final version of the draft technical regulations of the EurAsEC, related explanatory note, summary review, table of differences (if any) and the draft List of standards with related explanatory note are considered at the meeting of the Commission.

The Secretariat, within ten days upon receipt date of the draft Agreement with the final version of the draft technical regulations of the EurAsEC, related explanatory note, summary review, table of differences (if any) and the draft List of standards with related explanatory note, shall provide:

- publication of these documents on the official web - site of EurAsEC;

- sending these documents to the authorities of the Parties on technical regulation for approval.

Approval is carried out by Parties within one month from the date of receipt of these documents from the Secretariat. The results of approval shall be sent by authorities of the Parties on technical regulation to the Secretariat.

2. The Secretariat shall produce a file of the EurAsEC technical regulation and ensure its storage.

3. The draft Agreement with the final version of the draft technical regulations of the EurAsEC and related explanatory note, approved by the Parties, shall be submitted to EurAsEC Integration Committee for consideration.

In case fundamental differences arise between Parties, not corrected in due course through international negotiations, the decision to settle them is taken by the EurAsEC Integration Committee.

4. The draft Agreement with the final version of the draft technical regulations of the EurAsEC and related explanatory note, approved by the EurAsEC Integration Committee are submitted to EurAsEC Interstate Council for consideration.

5. The Agreement adopted by the Interstate Council of the EurAsEC shall be published on the official web - site of the EurAsEC by Secretariat.

The authorities of the Parties on technical regulation shall publish the Agreement in the official sources of publication and on the official web - sites of the Parties.

6. The Secretariat shall maintain the Register of EurAsEC technical regulations. Each EurAsEC technical regulation is assigned a designation consisting of the abbreviation " EurAsEC TR ", serial number and year of adoption.

Article 5

1. Amendments to the EurAsEC technical regulations shall be introduced in accordance with the procedure similar to the procedure for the development of the EurAsEC technical regulations.

2. Cancellation of EurAsEC technical regulations shall be implemented upon mutual agreement of the Parties by the Decision of the EurAsEC Interstate Council.