

DECISION

25 December 2012

№ 306

Moscow

On Approval of the Regulation on Procedures for Development and Approval the Lists of International and Regional Standards, and in their Absence - the National (State) Standards of Member States of the Customs Union, that Ensure Compliance with Technical Regulations of the Customs Union and Necessary for Conducting Conformity Assessment (Confirmation).

In accordance with Article 3 of the Treaty on Eurasian Economic Commission of 18 November 2011, the Council of the Eurasian Economic Commission has decided:

1. To approve the attached Regulation on Procedures for Development and Approval of the Lists of International and Regional Standards, and in their Absence - the National (State) Standards of Member States of the Customs Union that Ensure Compliance with Technical Regulations of the Customs Union and Necessary for Conducting Conformity Assessment (Confirmation).

2. To repeal:

- the Decision of the Customs Union Commission No. 629 "On Regulation of the Procedure on Formation of Lists of International and Regional (Inter-state) Standards, and, in case of their Absence - National (State) Standards that Ensure Compliance with Technical Regulations of the Customs Union and Required for Conduction of Conformity Assessment (Confirmation)" of 7 April 2011;

- the Decision of the Council of Eurasian Economic Commission No.57 "On Amendments to Regulation of the Procedure on Formation of Lists of International and Regional (Inter-state) Standards, and, in case of their Absence - National (State) Standards that Ensure Compliance with Technical Regulations of the Customs Union and Required for Conduction of Conformity Assessment (Confirmation)" of 31 May 2012.

3. This Decision shall enter into force upon expiration of 30 days from the date of its official publication.

Chairman

V.B. Khristenko

REGULATION

On Procedures for Development and Approval of the Lists of International and Regional Standards, and in case of their absence - the National (State) Standards of Member States of the Customs Union, that Ensure Compliance with Technical Regulations of the Customs Union and Required for Conduction of Conformity Assessment (Confirmation).

1. This Regulation is developed in order to implement the Agreement on Common Principles and Rules of Technical Regulation in the Republic of Belarus, Republic of Kazakhstan and Russian Federation of 18 November 2010 (hereinafter – the Agreement), in accordance with the Treaty on the Eurasian Economic Commission of 18 November 2011 and Regulation on Activity of the Eurasian Economic Commission, approved by the Supreme Eurasian Economic Council No. 1 of 18 November 2011, and determines the procedure for development and approval of the lists of international and regional standards, and in case of their absence - the national (state) standards of the Customs Union Member States (hereinafter – the Member States) that ensure compliance with technical regulation of the Customs Union (hereinafter - technical regulation) and required for conduction of conformity assessment (confirmation).

With the purposes of assessment (confirmation) of conformity to technical regulation, international, regional standards, and in case of their absence (prior to adoption of regional standards) - national (state) standards of the Member States can be applied.

2. Participants of the procedures stipulated by this Regulation, are as follows:

- a) authorized bodies on technical regulation of the Member States;
- b) authorized bodies on standardization of the Member States;
- c) authorized bodies in the field of ensuring the uniformity of measurements of the Member States;
- d) developer of the draft technical regulation (hereinafter - the developer) that could be a body of the Member State or the structural branch of the Eurasian Economic Commission, responsible for development of technical regulation;
- e) bodies, involved in development of draft technical regulation;
- e) the Eurasian Economic Commission (hereinafter - the Commission);
- g) the Collegium of the Commission;

h) interested persons of Member States, including technical committees on standardization, representatives of business community.

3. Draft lists of standards that ensure compliance with the requirements of technical regulation and required for conduction of conformity assessment (confirmation) envisaged by paragraphs 2 and 3 of Article 6 of the Agreement (hereinafter - the drafts lists), shall be developed on the basis of proposals prepared by the developer along with the first version of the draft technical regulation.

The developer jointly with the authorized standardization bodies of the Member States shall start development of the draft lists after finalization of draft technical regulation on the basis of public discussion and metrological examination in accordance with paragraphs 6 - 12 of the Regulation for Procedure of Development, Adoption, Amendment and Cancellation of the Technical Regulations of the Customs Union, approved by the Decision of the Collegium of the Eurasian Economic Commission № 48 of 20 June 2012.

The developer taking into account proposals of bodies involved in development of the draft technical regulation, and authorized standardization bodies of Member States, if necessary, shall form a working group on development of draft lists with inclusion into it of representatives of authorized standardization bodies and interested persons of the Member States (hereinafter - the Working group). Information on formation and members of the working group shall be sent by the developer to governments of the Member States and to the Commission.

4. Formation of the draft lists shall be conducted by inclusion of standards taking into account the following priorities:

a) interstate standards adopted on the basis of international and (or) regional standards;

b) national (state) standards of the Member States, adopted on the basis of international and (or) regional standards;

c) international and (or) regional standards (except for interstate standards) (in case of absence of interstate and national standards, adopted on the basis of international and (or) regional standards);

d) interstate and national (state) standards of the Member States, not developed on the basis of international and (or) regional standards.

5. Exceptions from the procedure of formation of the draft lists are the cases when standards do not conform to purposes of technical regulation, including resulted from climatic or geographical factors, technological and other features.

6. Drafts lists shall be developed in accordance with Annex 1.

7. When developing the draft lists, the developer shall:

a) conduct analysis of the requirements of technical regulation and draw up the comprehensive list of objects of technical regulation covered by the scope of technical regulation;

b) conduct analysis of standards to determine the possibility of ensuring compliance with the requirements of technical regulation and conduction of conformity assessment (confirmation) as a result of their application, taking into account the priorities established by Paragraph 4 of this Regulation;

c) select standards for objects of technical regulation, application of which on a voluntary basis can ensure compliance with the requirements of technical regulations;

d) select standards for objects of technical regulation containing rules and methods of research (testing) and measurements, including rules for sampling which can be used for application and implementation of the requirements of technical regulation and carrying out of conformity assessment (confirmation).

8. Standards specified by Paragraph 4 of this Regulation, shall be included into the draft lists provided that the following conditions are met:

a) implementation of the relevant requirements of technical regulation shall be ensured by application of one or more standards, sections, paragraphs, sub-paragraphs of the standard on a voluntary basis.

In case, when no standards indicated in subparagraphs "a" - "c" of Paragraph 4 of this Regulation exist, in coordination with the relevant standardization bodies of the Member States and bodies involved in development of the draft technical regulation, one national (state) standard, which is the most appropriate for the purpose of technical regulation, shall be selected from national (state) standards of the Member States;

b) compliance with the requirements of technical regulation shall be ensured by rules and research (testing) and measurements methods, including the rules for sampling;

c) standards shall be included into the draft lists on the basis of conducted analysis of standards, which cover objects of technical regulation of the draft technical regulation, as well as standards which are referred to in the selected standards, in order to determine the possibility for ensuring the compliance with the requirements of technical regulation and conduction of conformity assessment (confirmation) as a result of their application ;

d) standard ensuring compliance with the requirements of technical regulation shall be provided with methods of research (testing) and measurements.

9. Standards containing rules and methods of research (testing) and measurements, including the rules for sampling necessary for application and implementation of technical regulation and conduction of conformity assessment (confirmation), shall be included into the draft lists in accordance with paragraph 8 of the Regulations, provided that the following requirements are met:

a) the draft lists shall include standards containing rules and methods of research (testing) and measurements that shall ensure the possibility for application and implementation of the requirements of technical regulation, as well as assessment (confirmation) of conformity to the requirements established therein;

b) standards containing rules or methods of testing and measurements, should provide for application of methods of measurement certified (validated) in accordance with the legislation of the Member States in the field of ensuring the uniformity of measurements;

c) methods of research (testing) and measurements contained in standards, shall ensure the required accuracy of measurements and reliability of measurements results.

10. Financing of development of draft lists shall be exercised by responsible for development of draft technical regulations, mainly, by Member State or the Commission.

11. Upon completion of development of draft lists with consideration of opinions of the authorized standardization bodies of the Member States, the developer shall send them to the Commission with an explanatory note and notification on development in accordance with Annex 2 (electronic and hard copy).

12. The explanatory note to the draft lists shall contain:

a) brief description of standards included into the draft lists;

b) information on compliance of standards included in draft lists, with international and regional standards;

c) justification for inclusion of national (state) standards of Member States into the draft lists;

d) information on the requirements and objects of technical regulation of technical regulations for which no standards that ensure compliance with the requirements of technical regulations and contain rules and methods of research (testing) and measurements, including the rules for sampling, are established;

d) proposals on development of interstate standards;

e) proposals on the update of the draft lists prepared on the basis of results of monitoring conducted by the authorized standardization bodies of the Member States, of development of the relevant international standards in accordance with the form provided in Annex 3;

g) summary information on methods of research (testing) and measurements of mandatory requirements established by technical regulation of the Customs Union, in accordance with the form provided in Annex 4;

h) proposals on the update of the methods of measurement (testing) to assess the compliance with sanitary-epidemiologic and hygienic requirements stipulated by the draft technical regulation.

13. Commission shall ensure publication of draft lists (with explanatory note) on the official web-site of the Commission for public discussion during 30 calendar days. Period of public discussion can be extended at request of the Commission or governments of the Member-States.

14. Comments (suggestions, opinions) on the draft lists of interested parties of Member States and third countries shall be sent to the Commission, which ensures their publication on the official web-site of the Commission on the Internet upon their receipt.

Comments (suggestions, opinions) on draft lists shall be sent by the Commission to the developer to finalize the draft lists, upon their receipt, but no later than 10 working days after public discussion.

15. The developer within 15 working days of receipt of the Commission's comments (proposals, opinions), jointly with the authorized standardization bodies of the Member States, shall finalize the draft lists and related explanatory note, and submit them to the Commission along with the information on completion of the draft lists after receipt of the results of public discussion.

16. The lists of standards, approved by the Collegium of the Commission in accordance with the established procedure, shall be published on the official web-site of the Commission on the Internet.

17. Amendments to the approved lists of standards shall be introduced on the basis of proposals of the Member States or the Commission in accordance with the procedure established for development of draft lists.

18. The authorized standardization body of the Member State, whose national (state) standards are included into the list of standards, shall provide the authorized standardization bodies of other Member States with official copies of national (state) standards in electronic copy in Russian.

19. Along with publication of the list of standards on the official web-site of the Commission on the Internet, the authorized standardization bodies of Member States shall develop interstate standards on the basis of national (state) standards of Member States, included into the lists of standards.

20. Governments of the Member-States shall ensure preparation and submission of justified proposals on update of the list of standards to the Commission no less than once a year from the date of entry into force of technical regulation, based on the results of monitoring of adoption, application, update and cancellation of the relevant standards .

In case, when the Commission is responsible for developing the technical regulation, the Collegium of the Commission on the basis of proposals from the governments of the Member States on update of the lists of standards shall ensure preparation and approval of the updated version of the list of standards.

In case, when the Member State is responsible for development of technical regulation, the Commission shall send the proposals on update of the lists of standards received from the Governments of Member States, to the authorized standardization body of this Member State, which provides preparation of the updated version of the lists of standards.

Authorized standardization body shall send the updated version of the lists of standards to the Commission, which provides its approval in accordance with the established procedure.

In case, if instead of standards contained in the lists of standards, developed and recently adopted interstate standards, application of which requires a transitional period, during which both replaced or replacing standards can be used, are included, this information shall be provided in annexes to the updated version of the lists of standards and shall be made in accordance with the form established in Annex 3.

Updated versions of the lists of standards, approved by the Collegium of the Commission in accordance with the established procedure, shall be published on the official web-site of the Commission on the Internet.

to the Regulation on Procedure for Development and Approval of the Lists of International and Regional Standards, and, in case of their Absence - National (State) Standards of the Customs Union Member-States that Ensure Compliance with Technical Regulations of the Customs Union and Required for Conformity Assessment (Confirmation).

FORMS

of the Lists of International and Regional Standards, and, in case of their Absence - National (State) Standards of the Customs Union Member-States that Ensure Compliance with Technical Regulations of the Customs Union and Required for Conformity Assessment (Confirmation).

Form 1

The list of standards, application of which on voluntary basis ensures compliance with the requirements of technical regulations of the Customs Union

No. n/n	Elements of technical regulation of the Customs Union	Designation of standard	Name of standard	Note
1	2	3	4	5
1				
2				
n...				

Notes:

1. Column 2 shall indicate the elements of technical regulation of the Customs Union, towards which compliance with technical regulation of the Customs Union can be ensured by implementation of the requirements of the standard (paragraph, sub-paragraph article, annex).

2. Column 3 shall contain designation of sections (paragraph, sub-paragraph) of standard, if compliance with the requirements of technical regulations of the Customs Union can be ensured by application of separate sections (paragraphs, sub- paragraphs) of standard, but not the standard in whole.

3. Column 5 contains information on the date of completion of application of the standard, instead of which replacing standard has been developed(day - two Arabic numerals, month -

two Arabic numerals, year - four Arabic numerals), and (or) information on establishment of transitional period, if necessary, during which both replaced and replacing standards can be used.

Form 2

The list of standards containing rules and methods of research (testing) and measurements, including rules for sampling necessary for application and implementation of technical regulation of the Customs Union and conduction of conformity assessment (confirmation).

No. n/n	Elements of technical regulation of the Customs Union	Designation of standard	Name of standard	Note
1	2	3	4	5
1				
2				

Notes:

1. Column 2 shall indicate elements of technical regulation of the Customs Union, towards which compliance with technical regulation of the Customs Union can be verified by application of rules and methods of research (testing) and measurements, including the rules for sampling specified in standard (paragraph, sub-paragraph, article, annex).
2. Column 3 shall contain designation of sections (paragraph, sub-paragraph) of standard, if separate sections (paragraph, sub-paragraph) of the standard, not the standard in whole, shall be applied for assessment (confirmation) of conformity of product with the requirements of technical regulations of the Customs Union.
3. Column 5 contains information on the date of completion of application of the standard, instead of which replacing standard has been developed (day - two Arabic numerals, month - two Arabic numerals, year - four Arabic numerals), and (or) information on establishment of transitional period, if necessary, during which both replaced and replacing standards can be used.

to the Regulation on Procedure for Development and Approval of the Lists of International and Regional Standards, and, in case of their Absence - National (State) Standards of the Customs Union Member-States that Ensure Compliance with Technical Regulations of the Customs Union and Required for Conformity Assessment (Confirmation).

NOTIFICATION

on Development of Lists of International and Regional Standards, and, in case of their Absence - National (State) Standards of the Customs Union Member-States that Ensure Compliance with Technical Regulations of the Customs Union and Required for Conformity Assessment (Confirmation).

1	Responsible for development of drafts (Member State or the Commission)	
2	Developer of drafts	
3	Basis for development	
4	Mailing address, telephone number, fax number, e-mail address for submission of comments and proposals on drafts	
5	Date of completion of public discussion (deadline for submission of comments (proposals, opinions) on drafts	

Date of notification	
----------------------	--

(Member of Collegium (Minister) on the
issues of technical regulation

(personal signature, seal)

(name of signatory)

to the Regulation on Procedure for Development and Approval of the Lists of International and Regional Standards, and, in case of their Absence - National (State) Standards of the Customs Union Member-States that Ensure Compliance with Technical Regulations of the Customs Union and Required for Conformity Assessment (Confirmation).

FORM

for Submission of Proposals on Update of the List of International and Regional Standards, and, in Case of their Absence - National (State) Standards of the Customs Union Member-States that Ensure Compliance with Technical Regulations of the Customs Union and Required for Conformity Assessment (Confirmation), or Information on Transitional Period, during which Standards Contained in the List of Standards Replacing their Interstate Standards Included into the Lists of Standards, can be Applied Simultaneously.

No. n/n	Elements of technical regulations of the Customs Union	Designation of standard	Name of standard	Designation, name of replacing standard	Date of starting application of replacing standard	Note
1	2	3	4	5		
1						
2						
n...						

Notes:

1. Column 2 shall indicate the elements of technical regulation of the Customs Union, towards which compliance with technical regulation of the Customs Union can be ensured by implementation of the requirements of the standard (paragraph, sub-paragraph article, annex).

2. Column 3 shall contain designation of sections (paragraph, sub-paragraph) of standard, if separate sections (paragraph, sub-paragraph) of the standard, not the standard in whole, shall be applied for the purposes of technical regulation of the Customs Union.

4. Column 6 shall indicate the date of starting application of the replacing standard (day - two Arabic numerals, a month - two Arabic numerals, a year - four Arabic numerals).

5. Column 7 shall contain information on the date of completion of application of the standard, instead of which replacing standard has been developed (day - two Arabic numerals, a month - two Arabic numerals, a year - four Arabic numerals), and (or) information on establishment of transitional period, if necessary, during which both replaced and replacing standards can be used.

to the Regulation on Procedure for Development and Approval of the Lists of International and Regional Standards, and, in case of their Absence - National (State) Standards of the Customs Union Member-States that Ensure Compliance with Technical Regulations of the Customs Union and Required for Conformity Assessment (Confirmation).

SUMMARY INFORMATION

on Methods of Research (Testing) and Measurements of Mandatory Requirements Established by Technical Regulation of the Customs Union

No. n/n	Controlled indicator	Method of research (testing), and measurements	Document regulating the method, and date of its approval	Metrological characteristics of method (detection limit, sensitivity and others, if any)	Information on conduction of attestation (validation) of methods of research (testing) and measurements
1	2	3	4	5	6