

EURASIAN ECONOMIC COMMISSION

COUNCIL

DECISION

20 June 2012

№ 48

St. Petersburg

On Regulation on the Procedure for Development, Adoption, Amendment and Cancellation of Technical Regulation of the Customs Union

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

1. To approve the Regulation on the Procedure for the Development, Adoption, Amendment and Cancellation of Technical Regulations of the Customs Union (attached).

2. To repeal:

- subparagraph 3 of paragraph 1 of the Decision of the Customs Union Commission № 453 "On the draft documents in the field of technical regulating of the Customs Union" of 18 November 2010;

- paragraph 2 of the Decision of the Customs Union Commission № 527 "On regulatory acts of the Commission of the Customs Union in the field of technical regulating" of 28 January, 2011;

- Decision of the Customs Union Commission № 606 "On Amendments to the Regulation on the Procedure for the Development, Adoption, Amendment and Cancellation of Technical Regulations of the Customs Union" of 7 April 2011;

- Decision of the Customs Union Commission № 752 "On Draft Amendments to the Regulation on the Procedure for the Development, Adoption, Amendment and Cancellation of Technical Regulations of the Customs Union of 16 August 2011."

3. The Collegium of the Eurasian Economic Commission shall bring the Regulation on the Procedure for Formation of Lists of International and Regional (interstate) Standards, and in Case of their Absence - the National (State) Standards, Ensuring Compliance with Technical Regulations of the Customs Union and Necessary for the Conduct Conformity Assessment (Confirmation), approved by the

Decision of the Customs Union Commission № 629 of 7 April 2011, in compliance with paragraph 1 of this Decision, taking into account amendments, approved by the Decision of the Collegium of the Eurasian Economic Commission № 57 of 31 May 2012.

4. The Decision shall enter into force after expiration of 30 days from the date of its official publication.

Members of the Council of the Eurasian Economic Commission:

| | | |
|------------------------------|---------------------------------|-----------------------------|
| From the Republic of Belarus | From the Republic of Kazakhstan | From the Russian Federation |
|------------------------------|---------------------------------|-----------------------------|

S. Rumas

K. Kelimbetov

I. Shuvalov

**Annex
to the Decision of the Council
of the Eurasian Economic Commission
№ 48 of 20 June 2012**

**Regulation on the Procedure for the Development, Adoption, Amendment and
Cancellation of Technical Regulations of the Customs Union**

1. This Regulation is developed for implementation of the provisions of the Agreement on the Common Principles and Rules of Technical Regulation in the Republic of Belarus, Republic of Kazakhstan and the Russian Federation of 18 November 2010 (hereinafter – the Agreement) in accordance with the Treaty on the Eurasian Economic Commission of 18 November 2011 and the Regulation of the Eurasian Economic Commission of 18 November 2011, and establishes a procedure for the development, adoption, amendment and cancellation of technical regulations of the Customs Union (hereinafter - the Procedure).

For the purposes of this Procedure, the Parties shall mean the Governments of the Member States of the Customs Union.

2. Participants of the procedures provided for by this Procedure are:
 - Bodies on technical regulation - competent national authorities of the Parties, exercising, and (or) coordinating the work on technical regulation;
 - Standardization bodies - national bodies of the Parties on standardization;
 - Bodies in the field of ensuring the uniformity of measurement - the authorized bodies of the Parties in the field of ensuring the uniformity of measurement;
 - The developers of drafts technical regulations - authorities of the Parties (or) structural branches of the Eurasian Economic Commission (hereinafter – the Commission) responsible for elaboration of technical regulations of the Customs Union;
 - Bodies involved in the development - bodies of the Parties involved in the development and harmonization of draft technical regulations of the Customs Union;
 - The Eurasian Economic Commission;

- The Collegium of the Eurasian Economic Commission (hereinafter - the Collegium of the Commission);

- The Council of the Eurasian Economic Commission (hereinafter - the Council of the Commission);

- Interested persons of the Member States of the Customs Union.

3. Draft technical regulations of the Customs Union (hereinafter - technical regulations) are developed for the products included into the Common List of products for which mandatory requirements are established within the Customs Union, approved in the prescribed manner, in accordance with the plan (program, schedule) of the development of technical regulations.

The plan (program, schedule) for the development of technical regulations is formed on the basis of proposals of the Parties or the Commission, upon agreement of the Parties and is approved by the Council of the Commission.

The plan (program, schedule) for the development of technical regulations determines the Parties or the Commission, responsible for the drafting of technical regulations.

The draft technical regulation is developed taking into account provisions of the Recommendations on typical structure of the technical regulations of the Customs Union, approved in accordance with the established procedure.

4. A Party responsible for the development of draft technical regulation, determines the authority responsible for the development of draft technical regulation.

Funding for the development of technical regulation is carried out by the Party responsible for the drafting of technical regulation.

Parties shall determine the authorities involved in the development of draft technical regulation.

The Parties shall submit to the Commission information concerning the body of the Party - the developer of draft technical regulation, and authorities of the Parties - involved in the development.

5. The Commission implements coordination of work on the development of draft technical regulation.

6. The developer of draft technical regulation taking into account the proposals of the bodies involved in development, shall prepare the first version of draft technical

regulation, the list of international, regional and national (state) standards and requirements of other documents (regulations, directives and guidelines and other documents adopted by international organizations, and in case of their absence - regional documents (regulations, directives, decisions, regulations and other documents), national technical regulations on the basis of which a draft technical regulation was developed, proposals for the lists of the standards specified in paragraphs 2 and 3 of Article 6 of the Agreement as well as the draft Decision of the Collegium of the Commission on the procedure for entering into force of technical regulation.

The draft decision of the Collegium of the Commission specifies the procedure for entering into force of technical regulations and (or) transitional provisions.

The developer of draft technical regulation, taking into account proposals of the authorized bodies of the Parties, shall form a working party for the development of draft technical regulation including representatives of the bodies on standardization, and relevant technical committees on standardization, industry and business community (hereinafter - the Working Party). Information concerning formation and members of the Working Group is sent to the Parties and the Commission by the developer of draft technical regulation.

7. The developer of draft technical regulation upon completion of the development the first version of draft technical regulation, documents referred to in Item 1 of paragraph 6 of this Procedure, an explanatory note to the draft technical regulation (hereinafter - the set of documents thereto) shall send them and the draft notification on development of draft technical regulation to the Commission (in electronic format and in hard copy).

The form of the draft notification of the draft technical regulation of the Customs Union is contained in Annex 1.

The explanatory note to the draft technical regulation shall include:

- purpose for the adoption of technical regulation;
- content and general characteristics of the objects of technical regulation;
- main groups of business and other activities, and other interested persons whose interests will be affected by technical regulation;
- list of international, regional and national (state) standards and requirements of other documents (regulations, directives and guidelines and other documents adopted by international organizations and in case of their absence - regional documents (regulations, directives, decisions, regulations and other

- documents), national technical regulations on the basis of which a draft technical regulation was developed;
- requirements that differ from the provisions of international and regional standards and mandatory requirements in force on the territories of the Parties with a brief rationale for their introduction;
 - information on the compliance of draft technical regulation with the requirements in the field of ensuring the uniformity of measurements;
 - expected term of the introduction of the requirements provided by technical regulation.

The Commission within 5 working days from the date of receipt of materials specified in this paragraph shall send them to the Parties for consideration.

The Commission shall ensure the review of the first version of draft technical regulation and a set of documents thereto at the meeting of Advisory Committee on Technical Regulation, application of sanitary, veterinary and phytosanitary measures under the Collegium of the Eurasian Economic Commission (hereinafter - the Advisory Committee).

According to the results of consideration the Advisory Committee shall take a decision on the possibility, starting date and period of public discussion of draft technical regulation and a set of documents thereto, which is registered in the minutes.

If necessary, the developer of draft technical regulation within the period, established by the Advisory Committee shall complete the draft technical regulation and a set of documents thereto.

8. The Commission shall provide publication of the first version of the draft technical regulation and a set of documents thereto for public discussion on the official website of the Commission.

The period of public discussion of draft technical regulations and a set of documents thereto shall not be less than 60 days from the date of publication of notification on development of draft technical regulation on the official website of the Commission. The date of completion of public discussion is the date of publication of the notification on the completion of public discussion of draft technical regulation on the official website of the Commission.

9. Comments and proposals (opinions) on the draft technical regulation and a set of documents thereto from interested persons of the Member States of the Customs Union and third countries are sent to the Commission.

The Commission shall ensure publication of the received comments and proposals (opinions) on the draft technical regulation and a set of documents thereto on the official website of the Commission upon receipt.

Comments and proposals (opinions) on the draft technical regulation and a set of documents thereto as they become available, but no later than 10 working days after completion of public discussion, are sent to the developer of the draft technical regulation for the preparation of opinion summary by the Commission.

At the conclusion of public discussion the developer of draft technical regulation shall prepare and send to the Commission a draft notification on completion of public discussion of draft technical regulations. The Commission shall provide its publication on the official website of the Commission.

The form of notification on completion of public discussion of draft technical regulations of the Customs Union is contained in Annex 2.

The developer of draft technical regulation shall within 20 working days of receipt of comments and proposals on the draft technical regulation and a set of documents thereto from the Commission prepare a summary of the comments and proposals (hereinafter – summary review) in the form specified by Annex 3, and submit it to the Commission.

For each of the comments and proposals included in the summary review, the developer of draft technical regulation shall specify the information on its acceptance or justification for its rejection.

The Commission controls inclusion to the summary review of all the comments and proposals received during public discussion.

The Commission ensures a publication of summary review on the official website of the Commission.

The developer of draft technical regulation shall within 30 working days from the date of submission of summary review to the Commission revise the draft technical regulation and a set of documents thereto for comments and proposals received during public discussion.

In revising the draft technical regulation and a set of documents thereto, the developer of draft technical regulation shall ensure a metrological examination of draft technical regulation and a set of documents thereto in authority in the field of ensuring the uniformity of measurement, in accordance with the requirements set forth by the Commission or provide conclusion that metrological expertise is required. Respond conclusions is formed as a result of metrological examination issued an opinion.

The developer of draft technical regulation also provides a technical editing of the draft technical regulation.

The developer of draft technical regulation shall send the finalized draft technical regulation with a set of documents thereto, minutes of the meeting of the Working Group on their consideration, as well as summary review to the Commission.

At the end of finalizing the draft technical regulation, the developer of the draft technical regulation with standardization bodies of the Parties shall proceed to develop the List of standards that are defined in paragraphs 2 and 3 of Article 6 of the Agreement, in accordance with the procedure established by the Collegium of the Commission, providing for mandatory procedures for public discussion of draft specified in the List of standards. The Collegium of the Commission approves a List of standards no later than 6 months before the date of entering into force of the technical regulation.

The Commission considers the documents submitted by the developer of draft technical regulation and sends them to the Parties within 5 working days.

The parties within 30 working days after receipt of these documents provide their consideration and submission of comments and proposals to the Commission.

After receipt of comments and proposals on the draft technical regulation and a set of documents thereto from the Parties, the Commission shall ensure negotiations of heads (deputy heads) of the Parties or, in exceptional cases, other authorized representatives of the Parties.

Decisions taken according to the results of negotiations are signed in the minutes by the authorized representatives of the Parties and are sent to the Parties within 5 working days by the Commission.

According to the results of negotiations, if necessary, the Commission jointly with the developer of draft technical regulation, within 10 working days from the date of

signing of the minutes, ensures finalizing the draft technical regulations and documents specified in Annex 4.

The Commission ensures transmission of the draft technical regulation with the documents specified in Annex 4 to the Parties to carry out domestic approval procedures and publication on the official website of the Commission.

Domestic approval of the draft technical regulations and documents specified in Annex 4 shall be carried out in accordance with the procedure specified by the Parties.

Party's decision on the results of domestic approval of draft technical regulations and documents specified in Annex 4 shall be sent to the Commission.

In addition to the Decision of the Parties, conclusion on the evaluation of socio-economic, financial and other implications of the technical regulations may be presented.

As a result of domestic approval the Parties consider draft technical regulations with the documents specified in Annex 4 at the meeting of the Consultative Committee to present it for consideration at the meeting of the Collegium of the Commission.

The Commission shall conduct a legal review of draft technical regulations and documents specified in Annex 4 with the right to make editorial changes to its results and provide sending information on the changes to the Parties.

The draft technical regulations and documents specified in Annex 4, as well as disagreements between the Parties, which were not settled by negotiation shall be considered by the Collegium of the Commission.

The draft technical regulations with the documents specified in Annex 4 considered by the Collegium is introduced to the Meeting of the Council of the Commission or sent back for revision.

A decision of the Council of the Commission to adopt technical regulations is taken at the meeting of the Council of the Commission.

The Decision of the Council of the Commission to adopt technical regulations, the decision of the Collegium of the Commission to approve the draft technical regulation and the Decision of the Collegium of the Commission on the procedure for entering into force of technical regulations are published on the official website of the Commission.

The decision to amend the technical regulations is taken on the basis of proposals by Parties or the Commission in consultation with the Parties.

Amendments to the technical regulations are implemented in accordance with the same procedure as the procedure for the development of technical regulations.

The decision to abolish the technical regulations is taken on the basis of proposals by Parties or the Commission in consultation with the Parties.

Cancellation of technical regulations is implemented in accordance with the same procedure as the procedure for the development of technical regulations.

The Commission shall maintain the register of technical regulations. A symbol is assigned to each technical regulation, which consists of the abbreviation “TR CU”, serial number and year of adoption.

The Commission ensures formation and storage of a file of technical regulations in the prescribed manner.

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**NOTIFICATION on development
of the draft technical regulation of the Customs Union**

| | | |
|---|--|--|
| 1 | Party responsible for the development of the draft: | |
| 2 | Authority of the Party responsible for the development of the draft (the developer of technical regulations): | |
| 3 | Name of the draft: | |
| 4 | Object of technical regulations: | |
| 5 | Purpose of development: | |
| 6 | Basis for Development: | |
| 7 | Postal address, telephone number, fax number, e-mail to send comments and proposals (opinions) on the draft: | |
| 8 | Provisional date of completion of public discussion (final date for providing comments and proposals (opinions) on the draft): | |

Date of the notification:

Member of the Collegium - Minister personal signature clarification of signature

Minister on Technical Regulation Issues

NOTIFICATION on completion of public discussion on draft technical regulations of the Customs Union

| | | |
|----------------|--|--|
| 1 | Party responsible for the development of the draft (the developer of technical regulations): | |
| 2 | Authority of the Party responsible for the development of the draft: | |
| 3 | Name of the draft: | |
| 4 ¹ | Object of technical regulations: | |
| 5 | Provisional date of completion of development of the draft: | |

Date of the notification:

¹ To be filled in case the objects of the technical regulating were changed upon the results of the public discussion of the draft technical regulation.

Form of summary review (summary of comments and proposals) on the draft technical regulations of the Customs Union

SUMMARY REVIEW ON THE DRAFT OF TECHNICAL REGULATIONS OF THE CUSTOMS UNION

Name of the draft technical regulation of the Customs Union

| № | Structural element of draft technical regulations | Name of organization that made a comment (letter number and date, if available) | Comment and (or) proposal | Conclusion of the developer of the technical regulation |
|-------|---|---|---------------------------|---|
| 1 | 2 | 3 | 4 | 5 |
| 1. | | | | |
| 2. | | | | |
| II... | | | | |

Guidelines for filling the summary of comments:

1. In column 2 article, paragraph, subparagraph, annex numbers shall be provided.

Summary of comments is compiled on the basis of the comments and proposals in the following sequence:

on the draft technical regulations of the Customs Union as a whole;

on articles, paragraphs, subparagraphs, annexes in the order of presentation of technical regulations of the Customs Union.

The name of the Member State of the Customs Union, as well as the name of the body, organization or other person of the Member State of the Customs Union or a third country which submitted comments and (or) proposals are pointed in the Column 3.

The contents of each comment or proposal are pointed in the Column 4. The same type of remarks shall be grouped together into a common position of summary of comments, listing all relevant bodies, organizations and individuals who submitted those comments or proposals.

Proposals of the developer of technical regulations of the Customs Union, for each given comments or proposals with justification, are pointed in the Column 5.

Suggestions on comments and proposals of interested persons shall be made appropriate with the following wording:

«Adopted» - if comments and (or) proposals are fully adopted.

«Partially adopted» - if comments and (or) proposals are not fully adopted. Justification for rejection of any comments or proposals, and the item number of the new version of the draft technical regulations of the Customs Union, taking into account comments and proposals on a previous version of the draft technical regulations of the Customs Union, shall be presented.

«Noted» - if the developer agrees with the comments and (or) the proposals, but they have no direct relationship to the draft technical regulations of the Customs Union.

«Declined» - if the comments and (or) the proposals are not accepted. Next, the justification of the rejection of comments and (or) proposals is spelled out.

List of the documents for intrastate approval

1. Draft technical regulation.
2. Explanatory note to the draft technical regulation.
3. Summary review on the draft technical regulation.
4. Conclusion on the metrological examination results of draft technical regulation, or the conclusion that the metrological examination is not required.
5. Draft decision of the Collegium of the Commission on the draft technical regulation of the Customs Union.
6. Draft decision of the Collegium of the Commission on the procedure for entering into force of technical regulation of the Customs Union.
7. Draft decision of the Council of the Commission on adoption of technical regulation of the Customs Union.

