

## **D E C I S I O N**

December 4, 2012 .

**№ 245**

Moscow

### **On Draft Protocol on Amending 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**

Council of the Eurasian Economic Commission has **decided to:**

1. Approve the attached Draft Protocol on Amending the Agreement on Common Principles and Rules of Technical Regulation in the Republic of Belarus, Republic of Kazakhstan and Russian Federation dated November 18, 2010.

To submit the Draft Protocol to the internal approval in the prescribed manner.

2. This Decision shall enter into force after 30 days from the date of its official publication.

**Chairman**

**V.B.Khristenko**

## PROTOCOL

### **on Amending 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**

The Republic of Belarus, the Republic of Kazakhstan and the Russian Federation hereinafter referred as Parties,

in accordance with Article 15 of the Agreement on Common Principles and Rules of Technical Regulation in the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation of 18 November 2010 (hereinafter - the Agreement) and the Agreement on the Eurasian Economic Commission of 18 November 2011 have agreed as following:

#### Article 1

To make the following amendments to the Agreement:

1. the following paragraph shall be added to the preamble after the third paragraph:

“in accordance with Agreement on the Eurasian Economic Commission of 18 November 2011”.

2. In the section 1 of Article 1:

In the seventh paragraph:

the words “design (including research), construction,” shall be inserted after the word “processes”;

words "Commission of the Customs Union" shall be substituted with "Eurasian Economic Commission";

after the eighth paragraph the following paragraph shall be added:

“inter-state construction norms” is a document in the field of design and construction, which contains requirements to buildings and facilities and the requirements associated with the processes of design (including research), construction, operation (use) and the utilization of buildings and approved by the Intergovernmental Council on Cooperation in the Construction Activities of the Member-States of the Commonwealth of Independent States;

“set of rules (code of practice)” is a document in the field of standardization, which contains technical rules and (or) a description of the design processes (including research), construction, manufacturing, installation, adjusting, operation (use), storage, transport (transportation), implementation and utilization (liquidation) of the products and which is applied on a voluntary basis in order to comply with the requirements of technical regulations;

“inter-state set of rules” is a set of rules adopted in a prescribed manner by the appropriate body of the industrial cooperation of the member-states of the Commonwealth of Independent States;

“national code of practice” is a set of rules adopted in accordance with legislation of the Party.”.

3. In section 3 of Article 3, the words "the Commission of the Customs Union" shall be substituted with the words "the Eurasian Economic Commission."

4. In Article 4:

the words “design (including research), construction,” shall be inserted in the first paragraph of section 3, after the word "process";

section 4, the word "Parties" shall be added after the words "national (state) standards"

5. The following shall be added in paragraph 3 of Article 6:

"Prior to the development of appropriate standards for the implementation and application of technical regulations of the Customs Union and conducting the conformity assessment (confirmation) of products, research (test) and measurement methods approved in accordance with the legislation of the Parties shall be included in the list. ".

6. In the first paragraph of section 1 of Article 7, the word "adopted" shall be substituted by the word "enter into force".

7. Article 12<sup>1</sup> shall be added as follows:

"Article 12<sup>1</sup>

1. In order to implement requirements of technical regulations of the Customs Union in the field of safety of buildings and facilities the Commission shall approve the lists of international construction norms applied on a regular basis, and of inter-state codes of practice and inter-state standards applied on a voluntary basis.

Prior to the development of appropriate inter-state construction norms, inter-state codes of practice and inter-state standards, construction norms (construction norms and rules) of the Parties, as well as national codes of practice and national (state) standards of the Parties could be included into the relevant lists.

2. The use of the documents included in the list of inter-state construction norms applied on a regular basis is sufficient condition for compliance with the requirements in the field of safety of buildings and facilities approved by the technical regulations of the Customs Union.

Non-application of inter-state codes of practice and inter-state standards, and in the case of their absence - of national codes of practice and national (state) standards of the Parties included in the list of inter-state codes of practice and inter-state standards applied on a voluntary basis, shall not be considered as non-compliance with the requirements in the field of safety of buildings and facilities established by the technical regulations of the Customs Union.

3. The procedures for development and approval of the list of documents applied on a regular basis stipulated in section 1 of this Article shall be approved by the Commission."

8. The following paragraph shall be added in Article 13:

"approval of procedures for the development and approval of the list of inter-state construction norms applied on a regular basis;

approval of the list of inter-state construction norms applied on a regular basis and in the case of their absence - list of construction norms (building codes) of the Parties;

Approval of the list of inter-state sets of rules and inter-state standards applied on a voluntary basis, and in the case of absence of inter-state sets of rules or inter-state standards - of the list of national codes of practice or national (state) standards of the Parties, accordingly."

Article 2

1. Disputes between the Parties related to the interpretation and (or) the application of the provisions of this Protocol shall be resolved through negotiations and consultations.

2. If the dispute can not be resolved by the Parties through consultations and negotiations within 6 months from the date of formal written requests for their initiation sent to one of the parties to the dispute, unless otherwise agreed between the parties to the dispute with regard to the manner of its resolution, any party shall refer the dispute to the Court of the Eurasian Economic Community.

Article 3

This Protocol shall be temporary applied upon the expiration of 60 days from the date of its signing and shall be subject to ratification.

The procedures for enforcement of the Protocol, joining it or withdrawal from it is defined by the Protocol on the Entry into Force of International Treaties Aimed at the Formation of the Legal Base of the Customs Union, Withdrawal from Them and Joining them of 6 October 2007.

Done in the city of \_\_\_\_\_ 201\_\_ in one original copy in Russian.

The original copy of this Protocol is deposited in the Eurasian Economic Commission, which, as the depositary of this Protocol shall direct to each Party the certified copy.

For the Republic of	For the Republic of	For the	Russian
Belarus	Kazakhstan	Federation	