

## **Regulation on development of technical regulations of Eurasian Economic Community**

This procedure is developed to implement the provisions of the Agreement on the carrying out of coordinated policy in technical regulation, sanitary and phytosanitary measures from 25<sup>th</sup> of January 2008 and the Agreement on the basis of harmonization of technical rules of countries – members of the Eurasian Economic Community from 24<sup>th</sup> of March 2005 and defines the procedure of the development, consideration, adoption of technical rules of the Eurasian economic community (later - EAEC), also making changes.

The participants of procedures, provided by this Procedure are national authorities of countries - members of EAEC fulfilling and / or coordinating works on technical regulation (later – members of Parties on technical regulation), member of the Party responsible for the development of technical rule EAEC (later - responsible for development member of the Party), member of the Party - participant of the development of technical rule EAEC (later – member of the Party – participant of the development), Working groups for the development of technical rules EAEC (later – Working groups), Commission on technical regulation, sanitary, veterinary and phytosanitary measures in trade under the Integration Committee of Eurasian economic community (later - Commission), Secretariat of the Integration Committee EAEC (later - Secretariat) and other interested participants.

The Parties are the governments of state-members of EAEC.

### **Article 1**

In this Procedure the terms established by the Agreement of the carrying out of the coordinated policy in technical regulation, sanitary and phytosanitary measures are used from January 25<sup>th</sup> 2008, and also the following terms with the following definitions are used:

authority of the Party responsible for the development of technical regulation of EAEC – authority of a state-member of EAEC, responsible for the development of technical regulation of EAEC according to the Schedule of primary technical regulations of EAEC development and appointed by the Party;

authority of the Party-participant of technical regulation development of EAEC - authority of state-member of EAEC not responsible for technical regulation development for EAEC, participating in accordance with its competency in technical regulation development of EAEC and appointed by the Party;

## **Article 2**

1. Parties in accordance with primary technical regulations development Schedule of EAEC affirmed by Interstate Committee of EAEC (later - Schedule) or on the basis of point 11 of article 3 of the present Procedure, appoint a authority of the Party responsible for the development or a authority of the Party – participant of the development.

Parties appoint responsible (on the level of the heads of state authorities) for technical regulation development of EAEC.

Parties for each technical regulation of EAEC submit to Secretariat the information of the responsible for the development authority of the Party, authority of Parties – participants of development and responsible heads of members.

2. The development of the technical regulation of EAEC is fulfilled in accordance with the Schedule by a authority of the Party responsible for the development and by a Working group.

3. The creation and activity of the Working group is fulfilled in accordance with the working group Rule in technical regulation development of EAEC. (Attachment 1).

The managing of the activity of the Working group is fulfilled by authority of the Party responsible for the development.

4. Authority of the Party responsible for the development sends the information of a draft technical regulation development process of EAEC to the Secretariat.

5. Report on the process of the technical regulation draft development of EAEC is considered on the meeting of the Commission and the Integration Committee of EAEC.

## **Article 3**

1. Authority of the Party responsible for the development creates the first draft of the technical regulation of EAEC in accordance with the Recommendations on a type structure of technical regulation of EAEC (later - Recommendations), affirmed by the Decision of the

Interstate Committee of EAEC (on the level of the heads of authorities) from October 27<sup>th</sup> 2006 №321 and prepares an explanatory note to it.

The explanatory note contains the aims of perceiving of a technical regulation of EAEC, short characteristics of an object/objects of technical regulation, information on the usage of international standards in a technical regulation draft, demands and other documents (regulations, directives and recommendations, affirmed by international organizations on standardization, and other documents), but in case of their absence – regional documents (regulations, directives, decisions, standards, and other documents), also demands, differ from the provisions of international standards or obligatory demands acting on the territory of the Parties, are described.

Authority of the Party responsible for the development submit to the Secretariat in accordance with the Schedule a first edition of a technical regulation draft of EAEC and an explanatory note to it (on paper and electronically).

2. The Secretariat during 10 days from the date of receiving materials indicated in point 1 of this article sends them to Parties.

Authority of Parties – participants of the development provide the consideration of the first edition of a technical regulation draft of EAEC and during a month send remarks and suggestions to it (on paper and electronically) to authority of a Party on technical regulation for submitting it to the Secretariat.

At the same time authority of Parties – participants of the development in accordance with authority of Parties on technical regulation submit to the Secretariat suggestions on the list of Working groups (on paper and electronically).

The Secretariat sends remarks and suggestions of Parties to a responsible for the development authority of a Party.

3. A responsible for the development authority of a Party during two months provides the finalization of the technical regulation draft of EAEC considering the remarks and suggestions of Parties with the participation of the Working group.

Authority of the Party responsible for the development sends the coordinated with a authority of the Party on a technical regulation the draft of a technical regulation of EAEC for its coordination by the Commission.

The Commission decided on the start of the public discussion of a technical regulation draft of EAEC or on its finalization.

4. Authority of the Party responsible for the development during 10 days makes a notification on the development of a technical regulation draft of EAEC and sends to the Secretariat the coordinated with a authority of the Party on technical regulation the technical

regulation draft of EAEC with an explanatory note to it, also a notification (in electronic and paper media).

A notification form about technical regulations draft development of EAEC and recommendations of its filling are shown in the **Attachment 2**.

5. The Secretariat during ten days from the date receiving of the materials indicated in point 4 of this article sends them to the Parties authorities of technical regulations and to the authorities of Parties – participants of the development.

The Secretariat during ten days from the receiving of the materials indicated in point 4 of this article post them on the official Internet site of EAEC with the aim to publicly discuss a technical regulation draft of EAEC.

6. The terms of a public discussion of a technical regulation draft of EAEC is established with the regarding of the terms indicated by the Schedule from the day of posting of the notification about finalizing of a public discussion of a technical regulation draft of EAEC, and cannot be less than two months.

The remarks and suggestions (reviews) on the technical regulation draft of EAEC from interested parties of the state of the Party are sent to the authorities of the Party – participant of the development, from the interested persons of third countries – to authorities of the Party responsible for the development.

Authorities of the Party – participant of the development considers received in written form remarks and suggestions (reviews) of the interested parties, makes reviews summary of the Party concerning the technical regulation draft of EAEC in the prescribed form and within a month sends them to authorities of the Party on technical regulation for presentation to the Secretariat.

The form for summary of reviews of the Party on the technical regulation draft of EAEC is confirmed by the Commission.

7. Authorities of the Party responsible for the development make a notification of the finalizing of a public discussion of a technical regulation draft of EAEC and send it to the Secretariat for posting it on the official Internet site of EAEC.

The Secretariat during ten days from the day of receiving of a notification about finalizing of a public discussion of a technical regulation draft of EAEC posts it on the official Internet site of EAEC, also sends it to authorities of the Parties on technical regulation and to authorities of the Parties – participants of the development.

The form of the notification about finalizing of a public discussion of a technical regulation draft of EAEC and recommendations on its filling are shown in the **Attachment 3**.

8. Review summaries on technical regulation draft of EAEC received from the authorities of the Parties on technical regulation are sent by the Secretariat during ten days to the authorities of the Party responsible for the development.

The authorities of the Party responsible for the development with the participation of the Working group make a generalized in remarks and suggestions (reviews) of all Parties review summary, also in the presence of disagreements – a table of disagreements.

In the presence of disagreements a decision on their regulation is taken by authorities of the Party responsible for the development together with the authorities of the Parties – participants of the development and authorities of the Parties on technical regulation.

Authorities of the Party responsible for the development with the participation of the Working group during two months provide a preparation of a final edition of a technical regulation draft of EAEC.

Authorities of the Party responsible for the development in presence of disagreements organize consideration of the questions on their solving with the authorities of the Parties - participants of the development and authorities of the Parties on technical regulation.

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

The final decision on unsolved questions is taken by the Commission.

9. After the finalizing of a public discussion of a technical regulation draft of EAEC the authorities of the Party responsible for the development with the participation of the Working group during one month develop a draft list of related with technical regulations of EAEC standards (later - draft List of standards) in accordance with the Resolution of the procedure of forming the list of related with technical regulations of EAEC standards used for the conformity assessment (confirmation), approved by the Commission.

10. The authorities of the Party responsible for the development during one month develop, in accordance with the Decision of Interstate Board of EAEC from December 12<sup>th</sup> 2008 № 404, a project of the Agreement on technical regulations of EAEC receiving (later – the Agreement) and send it together with the materials indicated in points 8 and 9 of this article to the Secretariat (in electronic and paper media).

11. In exceptional cases in presence of circumstances leading to life threat and human health, property, environment protection, life and health of animals and plants, and in cases if for the safety ensuring of products or related to the demands to products production processes, mantling, adjustment, exploitation (usage), storage, shipping (transporting), realization and disposal, it is necessary to immediately take a related technical regulation of EAEC, according to the decision of the Integration Committee of EAEC the Parties can not take the procedure,

established by the article 3 of the present Procedure on condition that after technical regulations adoption:

a) the Secretariat immediately notifies about a adopted technical regulation of EAEC, the objects to which it is used, following by a short statement of a purpose and a reason of launching of technical regulations, including a statement of the exceptional case demanding the immediate receiving of technical regulations;

b) the Secretariat presents upon request a text of technical regulations of EAEC;

c) authorities of the Party responsible for the development presents an opportunity for the discussion and registration of remarks and suggestions received in the written form from the interested parties.

#### **Article 4**

1. An Agreement Project with a finalized edition of a draft of technical regulations of EAEC, explanatory note, reviews summary, table of disagreements (if present) and a Draft List of standards with an explanatory list to it are considered by the Commission:

The Secretariat during ten days from the day of receiving of the Agreement draft with a final edition of technical regulation draft of EAEC, explanatory note to it, reviews' summary, disagreement table (if present) and a Draft List of standards with an explanatory list to it provide:

- publication of the indicated documents on the official Internet site of EAEC;
- sending of the indicated documents to the authorities of the Party on technical regulation for coordination.

The coordination is fulfilled by the Parties within a month from the day of receiving of the indicated documents from the Secretariat. The results of the coordination are sent by the authorities of the Parties on technical regulation to the Secretariat.

2. The Secretariat forms a case of technical regulations of EAEC and provides its storage.

3. The coordinated by the Parties an Agreement draft with a final edition of technical regulations of EAEC draft and an explanatory note to it are introduced for the consideration to the Integration Committee of EAEC.

If principal disagreements present between Parties, which were not solved in the established order by holding international negotiations, a decision on their regulation is taken by the Integration Committee of EAEC.

4. The agreed by the Integration Committee of EAEC Agreement draft with a final edition of technical regulations draft of EAEC and an explanatory note to it are introduced for the consideration to the Interstate Board of EAEC.

5. Adopted by the Interstate Board of EAEC Agreement the Secretariat posts on the official Internet site of EAEC.

The authorities of the Parties on technical regulation publish the Agreement in official sources of publication and in official Internet sites of states of Parties.

6. The Secretariat keeps a register of technical regulations of EAEC. Each technical regulation of EAEC has its own name consisting of the abbreviation “TP ЕВРАЗЭС”, serial number and year of the adoption.

## **Article 5**

1. Making changes in technical regulations of EAEC is fulfilled in order similar to the order of the development of technical regulations of EAEC.

2. Cancellation of technical regulations of EAEC s made by mutual agreement of Parties by a decision of the Interstate Board of EAEC.