

## DECISION

January 28, 2011  
No. 527 (as last amended by No. 606)  
Moscow

About the regulations of the Commission  
of the Customs Union in the sphere  
of technical regulation

Customs Union Commission decided:

1. Take note of the Parties on the implementation schedule of development priority technical regulations of the Customs Union, approved by the decision of the Customs Union Commission on December 8, 2010 492.

2. Approved:

- Improved version of Regulation on development, adoption, amendment and cancellation of technical regulations of the Customs Union, approved by the decision of the Customs Union Commission on 18 November 2010 N 453 (attached);

- A new version of the Unified Register of Certification Bodies and test laboratories (centers) (not attached).

The Commissioners of Customs Union:

From the Republic of  
Kazakhstan

From the Republic of  
Belarus

from the Russia  
Federation

**Regulation  
on development, adoption, amendment and cancellation of technical regulations of the  
Customs Union**

1. Development of technical regulations of the Customs Union (hereinafter - the technical regulations) is implemented by the body of the party responsible for the development of technical regulations, which identified by the party as responsible for the development of appropriate technical regulation (hereinafter - the body of the Party-developer).

Government of the State - member of the Customs Union (hereinafter - the Party) determines the authority of the Party involved in the development of technical regulations (hereinafter - the body of the Party - participant of development).

The Parties shall provide to the Secretariat of the Customs Union Commission (hereinafter - the Secretariat) information about the body on technical regulation of the Party, the body-developer of the Party, bodies of the Party - participants of development of technical regulation.

2. Body of the Party-developer develops a draft of technical regulation in accordance with the Plan (program, schedule) of development of technical regulations of the Customs Union.

Customs Union Commission (hereinafter - Commission) at least once per quarter, reviews the development of each draft technical regulation.

For the purpose of control of implementation of the Plan (program, schedule) of development of technical regulations, the Secretariat will develop a network schedule.

Draft of a technical regulation is developed in accordance with recommendations for a model structure of technical regulations of the Eurasian Economic Community approved by decision of the Interstate Council of Eurasian Economic Community on October 27, 2006 №321.[shouldn't this mention CU Commission Decision 606 of 7 April 2011 as well?

SN: no, CU Decision 606 approved amendments in the CU Decision 527 and its don't contain any amendments to this article.]

Conformity assessment schemes (confirmation) are determined in a technical regulation in accordance with the Guidelines on the application of standard schemes of conformity assessment (confirmation), approved by the Commission.

In case of need body of the Party-developer may establish a working group to develop a draft of technical regulation, including with the involvement of representatives of bodies of the Parties.

3. Basis for the draft technical regulations could be taken draft technical regulations of the EurAsEC.

If a draft technical regulation of the EurAsEC for which the procedure of public discussion has been completed is the basis of a draft technical regulation, public discussion within the Customs Union cannot be carried out. Decision on this matter is adopted by the Coordinating Committee for Technical Regulation, Sanitary, Veterinary and Phytosanitary Measures (hereafter - the Coordinating Committee).

4. When designing the first version of the draft of technical regulation body of the Party-developer jointly with the body on technical regulation of the Party simultaneously ensure the developing of the list of standards specified in paragraphs 2 and 3 of the Article 6 of the Agreement on Common Principles and Rules of Technical Regulation in the Republic of Belarus, Kazakhstan and the Russian Federation of 18 November 2010 (hereinafter - the list of standards) in accordance with regulation approved by the Commission.

5. After completion of the first version of the draft of technical regulation body of the developer sends it and draft list of standards to bodies of the Parties - the participants of development and conducts negotiations on the level of heads of bodies of the Parties - participants of the development.

In the absence of the leaders of the bodies of the Parties – participants of development, the participation of representatives of the bodies of the Parties - participants of development

in the negotiations is allowed with a duly executed power to take decisions and sign the protocol.

With a view to organization of negotiations body of the Party-developer, usually no later than ten working days prior to the date of the negotiations send to the Secretariat information about the negotiations with the draft of technical regulation and the drafts of lists of standards, as well as inform the leaders of bodies of the Parties - participants development.

No later than three working days after the receipt of these documents, the Secretariat will send to the Parties and interested bodies of the Parties information about participation in the negotiations.

Following the negotiations, the decision on the possibility of starting a public discussion of draft technical regulation is made and issued in a protocol.

Following the negotiations, the decision is issued in a protocol on the possibility of initiating public discussion of draft technical regulation.

Body of the Party-developer not later than three working days from the date of signing this protocol sends to the Secretariat notification of development of a draft of technical regulation, the first version of the draft with an explanatory note to it (electronically and on paper) for public discussion, as well as the specified protocol.

Secretariat no later than three working days of receipt of materials send it to bodies on technical regulation of the Parties.

The explanatory note indicates:

- Goals of adopting of the technical regulation;
- Brief description of the objects of technical regulation;
- Information on the application during the drafting of technical regulation of international, regional and national (state) standards and requirements of other documents (regulations, directives and guidelines and other documents adopted by international organizations for standardization, in case of their absence - the regional documents (regulations, directives, decisions, regulations and other documents), national technical regulations;

- Requirements that differ from the provisions of international and regional standards or mandatory requirements, operating on the territory of the Parties.

Form of notification of development of the draft of technical regulation of the Customs Union is approved by the Coordinating Committee on Technical Regulations, Sanitary, Veterinary and Phytosanitary Measures (hereinafter - the Coordinating Committee).

6. Secretariat and the bodies on technical regulation of the Parties not later than three working days from receipt of notification of draft of technical regulation ensure placement of the first version of the draft technical regulation, notification of draft technical regulation and explanatory notes for a public discussion on the official website of the Commission and the official websites of bodies on technical regulation of the Parties.

Bodies on technical regulation of the Parties publish notification of a development of technical regulation in the official publications of the body on technical regulation of the Party'.

The period of public discussion of the draft of technical regulation shall not be less than two months from the date of replacement of notification about the development of the technical regulation on the official website of the Commission. The date of completion of public discussion is the date of replacement of notification on the official website of the Commission about completion of public discussion of the draft of technical regulation of the Customs Union.

7. Comments and suggestions on the draft technical regulation from the interested persons of the Party, responsible for the development of technical regulation, are sent to the body of the Party-developer, from interested persons of the other Parties – to the bodies of the Parties - participants of the development, and from interested persons of third countries - to the body of the Party-developer or the Secretariat.

Body of the Party - participant of development represents the combined comments to the body on technical regulation of the Party which send formed position on the draft technical regulation from the Party to the body of the Party-developer.

Secretariat and the bodies on technical regulation of the Parties refer the entered comments and suggestions to the body of the Party-developer not later than within 10 days after the completion of public discussion (electronically and on paper).

8. Two months after the date of notification on the official website of the Commission of the notice of development of a draft technical regulation, body of the Party-developer is notified of the completion of public discussion of draft technical regulation and sent the draft to the Secretariat for posting on the official website of the Commission, as well as to the bodies on technical regulation of the Parties for posting on the official websites and in their official print medias. If necessary, the extension of public discussion is decided by the Coordinating Committee.

Form of notification of completion of public discussion of the draft of technical regulation of the Customs Union is approved by the Coordinating Committee.

9. Body of the Party-developer within one month:

- consider the submitted written comments and suggestions of interested parties;
- make a decision on each comment and suggestion;
- make a summary of comments and suggestions in accordance with prescribed by the Coordinating Committee form, and when there are differences - the table of differences;
- developing a final version of the draft technical regulation;
- prepare an explanatory note.

10. Simultaneously, body of the Party-developer when there are disagreements organizes negotiations between the bodies on technical regulation of the Parties, bodies of the Parties - participants of the development for their settlement. The protocol of negotiations on consideration of the draft of technical regulation in final version is issued as a result.

11. Body of the Party-developer jointly with the bodies on technical regulation of the Parties provide finalization of the draft of lists of standards.

12. Body of the Party-developer organize negotiations at the level of heads of bodies of the Parties-participants of the development with the participation of bodies on technical regulation of the Parties to harmonize the final version of the draft of technical regulation and

the drafts of lists of standards. The protocol of negotiations on harmonization the final version of the draft of technical regulation is issued as a result. In the absence of the leaders of the bodies of the Parties - participants of development, the negotiations allow the participation of representatives of the bodies of the Parties - participants of development with duly executed power to take decisions and signing the protocol on final version of the draft technical regulations.

13. Following the negotiations, the body of the Party-developer submit the draft technical regulation to the Secretariat, with an explanatory note attached to it, a summary of comments, a table of differences (if any), improved draft lists of standards with an explanatory note, the protocol of final version of the draft technical regulation and the draft decision of the Commission on the adoption of technical regulation, issued in accordance with the model in the Appendix.

14. Secretariat no later than five working days after receipt of the final version of the draft technical regulation, the explanatory note to it, summaries of comments, tables of differences (if any), the improved draft lists of standards with an explanatory note to them, the protocol of the final version of the draft technical regulation and the draft decision of the Commission of the adoption of technical regulation provides:

- submission of these documents to the Parties for the internal state procedure;
- Placing these documents on the official website of the Commission (except for protocol of final version of the draft technical regulation ).

15. Internal state procedure is carried out in the manner determined by the Parties. Decision on the draft technical regulation in accordance with the procedures specified by the Party is submitted to the Secretariat.

16. Materials on the draft technical regulation, including comments and suggestions received from the Parties after the placement of the draft technical regulation in the final version, as

well as the unresolved differences are considered at a meeting of the Coordinating Committee for submission for consideration at a meeting of the Commission.

If there are fundamental differences between the Parties that have not been eliminated in the prescribed manner by negotiations and at a meeting of the Coordination Committee, a decision on their resolution is adopted by the Commission..

17. The Commission considers the draft of technical regulation and the drafts of lists of standards approved by the Parties and report of the Coordinating Committee and make decision.

18. The Commission shall adopt the technical regulation and approve the lists of standards by consensus.

Technical regulation and lists of standards approved by the Commission are posted on the official website of the Commission, official websites and official publications of the bodies on technical regulation of the Parties.

19. The Secretariat maintains a register of technical regulations. Each technical regulation is assigned a designation consisting of the abbreviation "TR TS", serial number and year of adoption.

Secretariat forms a file of technical regulation and ensure its safekeeping.

The procedure of forming a file of technical regulation established by the Coordinating Committee.

20. Changes in technical regulations are implemented in accordance with procedure similar procedure for development of technical regulation.

21. Cancellation of technical regulation implemented by the Commission's decision in the case of mutual agreement of the Parties.

Cancellation of technical regulation in the case of adoption of technical regulation of the EurAsEC for products which are under adopted technical regulation of CU shall be in accordance with the Agreement on common principles and rules of technical regulation in the Republic of Belarus, Kazakhstan and the Russian Federation dated 18 November 2010.