

## **PART TWO CUSTOMS UNION**

### **Section V INFORMATION EXCHANGE AND STATISTICS**

#### **Article 23 Information Exchange within the Union**

1. In order to ensure information support for the integration processes in all spheres affecting the functioning of the Union, measures shall be developed and implemented aimed at ensuring the information exchange using information and communication technologies and the transboundary space of trust within the Union.

2. In the implementation of common processes within the Union, information exchange shall be carried out using an integrated information system of the Union supporting the integration of geographically distributed state information resources and information systems of the authorised authorities, as well as information resources and information systems of the Commission.

3. In order to ensure efficient cooperation and coordination of public information resources and information systems, the Member States shall conduct agreed policy in the field of electronic communication development and information technologies.

4. When using soft hardware and information technologies, the Member States shall ensure the protection of intellectual property used or received in the communication process.

5. The fundamental principles of information exchange and its coordination within the Union, as well as the procedures for the creation and

development of an integrated information system shall be determined in accordance with Annex 3 to this Treaty.

## Article 24 Official Statistics of the Union

1. In order to ensure efficient functioning and development of the Union, official statistics of the Union shall be collected.

2. The official statistics of the Union shall be compiled in accordance with the following principles:

- 1) professional independence;
- 2) scientific validity and comparability;
- 3) completeness and accuracy;
- 4) relevance and timeliness;
- 5) transparency and accessibility;
- 6) cost-effectiveness;
- 7) statistical confidentiality.

3. The procedure for compilation and dissemination of official statistics of the Union shall be determined in accordance with Annex 4 to this Treaty.

Section VI  
FUNCTIONING OF THE CUSTOMS UNION

Article 25  
Principles of Functioning of the Customs Union

1. Within the Customs Union of the Member States:

1) an internal market for goods shall be in place;

2) the Common Customs Tariff of the Eurasian Economic Union and other common measures regulating foreign trade with third parties shall be applied;

3) a common trade regime shall be applied to relations with third parties;

4) Common customs regulations shall be applied;

5) free movement of goods between the territories of the Member States shall be ensured without the use of customs declarations and state control (transport, sanitary, veterinary-sanitary, phytosanitary quarantine), except as provided for by this Treaty.

2. For the purposes of this Treaty, the terms below shall have the following meanings:

“import customs duty” means a compulsory payment levied by the customs authorities of the Member States in connection with the importation of goods into the customs territory of the Union;

“Single Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union” (CN of FEA EAEU) means the Foreign Economic Activity Commodity Nomenclature based on the Harmonised System of Commodity Description and Coding of the World Customs

Organization and the Common Foreign Economic Activity Commodity Nomenclature of the Commonwealth of Independent States;

“Common Customs Tariff of the Eurasian Economic Union” (CCT EAEU) means a set of rates of customs duties applied to the goods imported from third countries into the customs territory of the Union, as classified in accordance with the Single Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union;

“tariff preference” means the exemption from import customs duties or reductions of rates of import customs duties on goods originating from the countries included in the free trade space with the Union, or reduction of rates of import customs duties on goods originating from developing countries using the common system of tariff preferences of the Union and/or the least developed countries using the common system of tariff preferences of the Union.

#### Article 26

##### Transfer and Distribution of Import Customs Duties (Other Duties, Taxes and Fees Having Equivalent Effect)

Paid (recovered) import customs duties shall be transferred to and distributed between the budgets of the Member States.

The transfer and distribution of import customs duties and their transfer to the budgets of the Member States shall be carried out in the procedure according to Annex 5 to this Treaty.

Article 27  
Establishing and Functioning of Free (Special)  
Economic Areas and Free Warehouses

In order to promote social and economic development of the Member States, promote investments, create and develop production facilities based on new technologies, develop transport infrastructure, tourism and health resort spheres, as well as for other purposes on the territories of the Member States, free (special) economic areas and free warehouses shall be established and shall function.

The conditions for the creation and functioning of free (special) economic areas and free warehouses shall be determined under international treaties within the Union.

Article 28  
Internal Market

1. The Union shall adopt measures to ensure the functioning of the internal market in accordance with the provisions of this Treaty.

2. The internal market shall include the economic space with free movement of goods, persons, services and capital ensured under the provisions of this Treaty.

3. Within the functioning of the internal market, the Member States shall not apply import and export customs duties (other duties, taxes and fees having equivalent effect), non-tariff regulatory measures, safeguard, anti-dumping and countervailing measures in mutual trade, except as provided for by this Treaty.

Article 29  
Exceptions to the Procedure of Functioning  
of the Internal Goods Market

1. The Member States shall be entitled to apply restrictions in mutual trade (provided that such measures are not a means of unjustifiable discrimination or a disguised restriction on trade) if required for:

- 1) protection of human life and health;
- 2) protection of public morals and public order;
- 3) environmental protection;
- 4) protection of animals, plants, or cultural values;
- 5) fulfilment of international obligations;
- 6) national defence and security of a Member State.

2. On the grounds specified in paragraph 1 of this Article, sanitary, veterinary-sanitary and phytosanitary quarantine measures may be applied in the internal market in the procedure determined by Section XI of this Treaty.

3. On the grounds specified in paragraph 1 of this Article, the turnover of certain categories of goods may be restricted.

The procedure of movement or circulation of such goods on the customs territory of the Union shall be determined under this Treaty and international treaties within the Union.

Section VII  
REGULATION ON CIRCULATION OF MEDICINES AND MEDICAL  
PRODUCTS

Article 30  
Establishing a Common Market of Medicines

1. The Member States shall establish a common market of medicines within the Union in compliance with the relevant standards of good pharmacy practice based on the following principles:

- 1) harmonisation and unification of the legislation of the Member States in the sphere of circulation of medicines;
- 2) ensuring the uniformity of mandatory requirements for the quality, effectiveness and safety of circulation of medicines on the territory of the Union;
- 3) adoption of common rules in the sphere of circulation of medicines;
- 4) development and application of identical or comparable research and monitoring methods to assess the quality, effectiveness and safety of medicines;
- 5) harmonisation of the legislation of the Member States in the field of control (supervision) over circulation of medicines;
- 6) exercising licensing and supervisory functions in the sphere of circulation of medicines by the relevant authorised authorities of the Member States.

2. The common market of medicines shall function within the Union in accordance with an international treaty within the Union subject to the provisions of Article 100 of this Treaty.

Article 31  
Establishing a Common Market of Medical Products  
(medical devices and equipment)

1. The Member States shall establish a common market of medical products (medical devices and equipment) within the Union based on the following principles:

1) harmonisation of the legislation of the Member States in the sphere of circulation of medical products (medical devices and equipment);

2) ensuring the uniformity of mandatory requirements for the efficiency and safety of circulation of medical products (medical devices and equipment) on the territory of the Union;

3) adoption of common rules in the sphere of circulation of medical products (medical devices and equipment);

4) establishment of common approaches for the creation of a quality assurance system for medical products (medical devices and equipment);

5) harmonisation of the legislation of the Member States in the field of control (supervision) in the sphere of circulation of medical products (medical devices and equipment).

2. The common market of medical products (medical devices and equipment) shall function within the Union in accordance with an international treaty within the Union subject to the provisions of Article 100 of this Treaty.

## Section VIII CUSTOMS REGULATIONS

### Article 32 Customs Regulations in the Union

The Union shall apply Common customs regulations in accordance with the Customs Code of the Eurasian Economic Union, international treaties and acts constituting the law of the Union and governing customs legal relations, and in accordance with the provisions of this Treaty.

## Section IX FOREIGN TRADE POLICY

### 1. General Provisions on Foreign Policy

#### Article 33 Objectives and Principles of Foreign Trade Policy of the Union

1. Foreign trade policy of the Union shall promote sustainable economic development of the Member States, economic diversification, innovative development, increase in the volume and improvement in the structure of trade and investment, acceleration of the integration process, as well as further development of the Union as of an efficient and competitive organisation in the global economy.

2. The basic principles of foreign trade policy of the Union shall be as follows:

application of measures and mechanisms for the implementation of foreign trade policy of the Union that shall be burdensome for the participants of foreign trade activities of the Member States only to the extent required to ensure effective achievement of objectives of the Union;

publicity in the development, adoption and use of measures and mechanisms for the implementation of foreign trade policy of the Union;

validity and objectivity of measures and mechanisms for the implementation of foreign trade policy of the Union;

protection of the rights and legitimate interests of participants of foreign trade activities of the Member States, as well as the rights and legitimate interests of manufacturers and consumers of goods and services;

respect for the rights of foreign trade participants.

3. Foreign trade policy shall be implemented through the conclusion by the Union, independently or jointly with the Member States, of international treaties with a third party in spheres where Bodies of the Union are entitled to make binding decisions regarding the Member States, participation in international organisations or autonomous application of foreign trade policy measures and mechanisms.

The Union shall be liable for fulfilling its obligations under concluded international treaties and shall exercise its rights under these treaties.

## Article 34

### Most Favoured Nation Treatment

With regard to foreign trade, most favoured nation treatment shall be applied within the meaning of the General Agreement on Tariffs and Trade of 1994 (GATT 1994) in cases and under the conditions where the use of most favoured nation treatment is provided for by international treaties of the Union with a third party, as well as by international treaties of the Member States with a third party.

### Article 35 Free Trade Regime

The free trade regime within the meaning of GATT 1994 shall be applied to trade with a third party on the basis of an international treaty of the Union with such third party subject to the provisions of Article 102 of this Treaty.

The international treaty of the Union with a third party establishing a free trade regime may include other provisions related to foreign trade.

### Article 36 Tariff Preferences in Respect of Goods Originating from Developing Countries and/or Least Developed Countries

1. In order to promote economic development of developing and least developed countries, in accordance with this Treaty, the Union may grant tariff preferences in respect of goods originating from developing countries using the common system of tariff preferences of the Union and/or least developed countries using the common system of tariff preferences of the Union.

2. In respect of preferential goods imported into the customs territory of the Union and originating from developing countries using the common system of tariff preferences of the Union, the rates of import customs duties shall amount to 75% of rates of the import customs duties of the Common Customs Tariff of the Eurasian Economic Union.

3. In respect of preferential goods imported into the customs territory of the Union and originating from least developed countries using the common system of tariff preferences of the Union, zero rates of import customs duties

of the Common Customs Tariff of the Eurasian Economic Union shall be applied.

### Article 37 Rules of Origin

1. On the customs territory of the Union, common rules shall be applied for determining the country of origin of goods imported into the customs territory of the Union.

2. For the purposes of application of customs tariff regulation (except for the purposes of tariff preferences), non-tariff regulation and protection of the internal market, determining requirements for the labelling of the origin of goods, state (municipal) procurement, and collection of foreign trade statistics, the rules for determining the country of origin of goods imported into the customs territory of the Union (non-preferential rules of origin) shall be applied as determined by the Commission.

3. For the purposes of providing tariff preferences in respect of goods imported into the customs territory of the Union from developing or least developed countries using the common system of tariff preferences of the Union, the rules for determining the country of origin for goods imported from developing and least developed countries shall be applied as determined by the Commission.

4. For the purposes of providing tariff preferences in respect of goods imported into the customs territory of the Union from the states in respect of trade and economic relations with which the Union applies the free trade regime, the rules for determining the country of origin shall be used as set out

in the relevant international treaty of the Union with a third party envisaging the application of the free trade regime.

5. If an international treaty of the Union with a third party envisaging the application of the free trade regime does not set the rules for determining the country of origin or the rules have not yet been adopted at the effective date of the treaty, the rules for determining the country of origin stipulated in paragraph 2 of this Article shall be applied with regard to goods imported into the customs territory of the Union and originating from that country until the appropriate rules are adopted.

6. In case of repeated violations by a third party of the rules for determining (confirming) the origin of goods, the Commission may decide to monitor by the customs services of the Member States the correct identification (confirmation) of the origin of goods imported from this particular country. In case system violations of the rules for determining (confirming) the origin of goods by a third party are detected, the Commission may decide to suspend acceptance of documents confirming the origin of goods by customs services of the Member States. The provisions of this paragraph shall not limit the powers of the Member States to control the origin of imported goods and to take measures based on its results.

## Article 38 Foreign Trade in Services

The Member States shall coordinate trade in services with third parties.

This coordination, however, shall not imply any supranational jurisdiction of the Union in this sphere.

Article 39  
Elimination of Restrictive Measures in Trade with Third Parties

The Commission shall render assistance in accessing the markets of third parties, monitor restrictive measures applied by third party in respect of the Member States and, in case of any action by a third party in relation to the Union or trade disputes between the Union and a third party, conduct consultations with the respective third party jointly with the Member States.

Article 40  
Response Measures towards a Third Party

1. If an international treaty of the Union with a third party and/or of the Member States with third parties provides the possibility of any response measures, the decision to impose such measures on the customs territory of the Union shall be adopted by the Commission, including by raising of rates of import customs duties, introduction of quantitative restrictions, temporary suspension of preferences or adoption, within the jurisdiction of the Commission, of other measures affecting the results of foreign trade with the respective state.

2. In cases provided for by international treaties of the Member States with third parties concluded before January 1, 2015 the Member States may unilaterally apply such response measures as increased import customs duties in excess of the Common Customs Tariff of the Eurasian Economic Union, as well as unilaterally suspend tariff preferences provided that administration mechanisms of such response measures do not violate any provisions of this Treaty.

## Article 41 Export Development Measures

In accordance with international treaties, regulations and rules of the World Trade Organisation, the Union may apply joint measures to promote exports of goods originating from the Member States to the markets of third parties.

These joint measures shall include, in particular, insurance and export credits, international leasing, promotion of the concept of “good of the Eurasian Economic Union”, introduction of a common system of labelling for the Union, exhibition, fair and exposition activities, advertising and branding activities abroad.

## 2. Customs Tariff Regulation and Non-Tariff Regulation

### Article 42 Common Customs Tariff of the Eurasian Economic Union

1. The Single Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union and the Common Customs Tariff of the Eurasian Economic Union shall be applied on the customs territory of the Union, approved by the Commission and representing the trade policy instruments of the Union.

2. The main objectives of the application of the Common Customs Tariff of the Eurasian Economic Union shall be as follows:

- 1) enabling efficient integration of the Union into the global economy;
- 2) streamlining the commodity structure for goods imported into the customs territory of the Union;

3) maintaining a rational correlation between export and import of goods on the customs territory of the Union;

4) enabling progressive changes in the structure of production and consumption of goods within the Union;

5) support for various economy sectors of the Union.

3. The Common Customs Tariff of the Eurasian Economic Union shall use the following types of import customs duty rates:

1) ad valorem rates expressed as a percentage of the customs value of goods;

2) specific rates determined depending on the physical characteristics in kind of taxable goods (quantity, weight, volume or other characteristics);

3) combined rates having the features of both types specified in subparagraphs 1 and 2 of this paragraph.

4. The rates of import customs duties of the Common Customs Tariff of the Eurasian Economic Union shall be common and shall not be subject to change depending on persons transporting goods across the customs border of the Union, types of transactions and other circumstances, except as provided for in Articles 35, 36 and 43 of this Treaty.

5. In order to ensure the efficient control over the import of goods into the customs territory of the Union, if necessary, seasonal customs duties may be determined with their validity period not exceeding 6 months per each year and such duties shall be applied instead of import customs duties provided under the Common Customs Tariff of the Eurasian Economic Union.

6. Any state which has acceded to the Union shall have the right to apply rates of the import customs duties different from the Common Customs

Tariff rates of the Eurasian Economic Union in accordance with the list of goods and rates approved by the Commission pursuant to an international agreement of accession of such state to the Union.

Any state which has acceded to the Union shall ensure that the goods, to which the reduced import customs duty rates (as compared to the Common Customs Tariff of the Eurasian Economic Union) are applied, shall be used only within its territory and shall take measures to prevent exportation of such goods to other Member States without additional payment of import customs duties in the amount of the difference between the import customs duties calculated at the rates of the Common Customs Tariff of the Eurasian Economic Union and the amounts of import customs duties paid at the importation of goods.

#### Article 43 Tariff exemptions

1. In respect of goods imported into the customs territory of the Union, tariff exemptions may be applied in the form of exemption from import customs duties or reduced rates of import customs duties.

2. Tariff exemptions may not be of an individual nature and shall be applied regardless of the country of origin of goods.

3. Tariff exemptions shall be provided in accordance with Annex 6 to this Treaty.

## Article 44 Tariff Quotas

1. Setting tariff quotas in respect of certain types of agricultural goods originating from third countries and imported into the customs territory of the Union shall be allowed, where like products are produced (mined, grown) on the customs territory of the Union.

2. Relevant import customs duties of the Common Customs Tariff of the Eurasian Economic Union shall be applied to the goods referred to in paragraph 1 of this Article and imported into the customs territory of the Union within a determined tariff quota volume.

3. Setting tariff quotas for certain types of agricultural goods originating from third countries and imported into the customs territory of the Union and distribution of tariff quota volumes shall be carried out in the procedure provided for by Annex 6 to this Treaty.

## Article 45 Powers of the Commission on Customs Tariff Regulation

1. The Commission shall:

maintain the Single Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union and the Common Customs Tariff of the Eurasian Economic Union;

determine the rates of import customs duties, including seasonal rates;

determine the cases and conditions for granting tariff exemptions;

set out the application procedure for tariff exemptions;

specify the conditions and application procedure for the common system of tariff preferences of the Union and approve:

a list of developing countries using the common system of tariff preferences of the Union;

a list of least developed countries using the common system of tariff preferences of the Union;

a list of goods originating from developing or least developed countries in respect of which tariff preferences are provided during importation into the customs territory of the Union;

set tariff quotas, distribute tariff quota volume between the Member States, specify the method and procedure for the distribution of tariff quota volume among the participants of foreign trade activities and, if necessary, allocate tariff quotas to third countries or adopt an act enabling the Member States to determine the method and procedure for distributing tariff quota volume among the participants of foreign trade activities and, if necessary, to distribute tariff quota volume between third countries.

2. The list of sensitive goods in respect of which the import customs duties may only be changed by decision of the Council of the Commission shall be approved by the Supreme Council.

## Article 46 Non-Tariff Regulatory Measures

1. In trade with third countries of the Union, the following common non-tariff regulatory measures shall be applied:

- 1) prohibition of import and/or export of goods;
- 2) quantitative restrictions on import and/or export of goods;
- 3) exclusive right to export and/or import of goods;
- 4) automatic licensing (surveillance) of export and/or import of goods;

5) authorisation-based procedure for import and/or export of goods.

2. Non-tariff regulatory measures shall be introduced and applied on the basis of the principles of transparency and non-discrimination in the procedure according to Annex 7 to this Treaty.

#### Article 47 Unilateral Introduction of Non-Tariff Regulatory Measures

The Member States, when in trade with third countries, may unilaterally determine and implement non-tariff regulatory measures in the procedure provided for by Annex 7 to this Treaty.

### 3. Trade remedies

#### Article 48 General Provisions on Imposition of Trade Remedies

1. In order to defend economic interests of producers in the Union, trade remedies may be imposed on products originating in third countries and imported into the customs territory of the Union in the form of safeguard, anti-dumping and countervailing measures, and in the form of other measures in cases provided for in Article 50 of this Treaty.

2. A decision on application, modification, revocation or non-application of a safeguard, anti-dumping or countervailing measure is to be adopted by the Commission.

3. Safeguards, anti-dumping or countervailing measures shall be applied in accordance with the conditions and procedures set out in Annex 8 to this Treaty.

4. A safeguard, an anti-dumping or countervailing measure shall be applied pursuant to an investigation conducted by the competent authority designated by the Commission as an authority responsible for the investigation (hereinafter - investigating authority) in accordance with the provisions of Annex 8 to this Treaty.

5. Safeguard, anti-dumping and countervailing duties shall be transferred and distributed in accordance with Annex 8 to this Treaty.

#### Article 49

#### Principles of Application of Safeguard, Anti-dumping and Countervailing Measures

6. A safeguard measure may be applied to a product if, pursuant to an investigation, the investigating authority determines that such product is being imported into the customs territory of the Union in such increased quantities (absolute or relative to domestic production of the like or directly competitive product in the Member States), and under such conditions as to cause or threaten to cause serious injury to the domestic industry of the Member States.

7. An anti-dumping measure may be applied to the product that is considered to be dumped if, pursuant to an investigation, the investigating authority determines that imports of such product into the customs territory of the Union cause or threaten to cause material injury to a domestic industry of the Member States or materially retard the establishment of a domestic industry of the Member States.

8. A countervailing measure may be applied to an imported product that was granted a specific subsidy from an exporting third country on the

manufacture, production, export or transportation of the product if, pursuant to an investigation, the investigating authority determines that imports of such product into the customs territory of the Union cause or threaten to cause material injury to a domestic industry of the Member States or materially retard the establishment of a domestic industry of the Member States.

9. For the purposes of application of trade remedies the domestic industry of the Member States is understood to mean domestic producers as a whole of the like products (for the purposes of anti-dumping and countervailing duty investigations) or the like or directly competitive products (for the purposes of safeguard investigations) or those of them whose collective output of the products constitutes a major proportion of the total domestic production in the Member States of the like products or like or directly competitive products, respectively, but not less than 25 percent.

## Article 50 Other Trade Defence Instruments

10. To offset negative impact of imports from a Third Party on producers of the Member States an international treaty establishing a free trade regime between the Union and such Third Party may provide for the right to impose bilateral trade defence instruments other than safeguard, anti-dumping and countervailing measures, including measures with respect to agricultural products.

11. The decision on imposition of such measures is to be adopted by the Commission.

## Section X

### TECHNICAL REGULATION

#### Article 51

##### General Principles of Technical Regulation

1. Technical regulation within the Union shall be carried out in accordance with the following principles:

1) determination of mandatory requirements to products or to products and product-related requirements to design (including research), manufacture, construction, installation, commissioning, operation, storage, transportation, sale and disposal;

2) determination of common mandatory requirements in technical regulations of the Union or national mandatory requirements in the legislation of the Member States to the products included in the common list of products subject to mandatory requirements within the Union (hereinafter “the common list”);

3) application and enforcement of technical regulations of the Union in the Member States without exceptions;

4) compliance of technical regulations within the Union with the level of economic development of the Member States and the level of scientific and technological development;

5) independence of accreditation authorities, conformity authorisation authorities and supervision (control) authorities of the Member States from manufacturers, sellers and purchasers, including consumers;

6) uniformity of researches (test) rules and methods and all measurements during mandatory conformity assessment procedures;

7) uniformity in the application of the requirements of the Union's technical regulations, regardless of types and/or specific features of transactions;

8) inadmissibility of any restrictions of competition in conformity assessments;

9) state control (supervision) over the observance of technical regulations of the Union based on the harmonisation of the legislation of the Member States;

10) voluntary application of standards;

11) development and application of interstate standards;

12) harmonisation of interstate standards with international and regional standards;

13) uniformity of rules and procedures for mandatory conformity assessments;

14) ensuring harmonisation of the legislation of the Member States with regard to determining liability for violations of mandatory requirements to products, as well as rules and procedures of mandatory conformity assessments;

15) implementation of agreed policy for ensuring uniformity of measurements within the Union;

16) preventing the establishment of redundant barriers to business activities;

17) establishing transitional provisions for a phase transition to new requirements and documents.

2. The provisions of this Section shall not be extended to establish and apply sanitary, veterinary-sanitary and phytosanitary quarantine measures.

3. The rules and procedures of technical regulation within the Union shall be established in accordance with Annex 9 to this Treaty.

4. Agreed policy for ensuring uniformity of measurements within the Union shall be carried out in accordance with Annex 10 to this Treaty.

## Article 52 Technical Regulations and Standards of the Union

1. Technical regulations of the Union shall be adopted in order to protect life and/or health of people, property, environment, life and/or health of animals and plants, prevent consumer misleading actions and ensure energy efficiency and resource conservation in the Union.

It shall not be allowed to adopt technical regulations of the Union for any other purposes.

The procedure for the development and adoption of technical regulations of the Union, as well as the procedure for introducing amendments thereto and cancellation thereof shall be determined by the Commission.

Technical regulations of the Union or national mandatory requirements shall only apply to products included in the common list approved by the Commission.

The procedure for establishing and maintaining the common list shall be approved by the Commission.

In their legislation the Member States shall not allow the determination of any mandatory requirements to products not included in the common list.

2. Technical regulations of the Union shall have direct effect on the territory of the Union.

Introduction procedures for the adopted technical regulations of the Union and transitional provisions shall be determined by technical regulations of the Union and/or acts of the Commission.

3. In order to meet the requirements of the technical regulations of the Union and assess the conformity with its technical regulations, international, regional (interstate) standards may be applied on a voluntary basis and, in their absence (prior to the adoption of regional (interstate) standards), national (state) standards of the Member States may apply.

### Article 53

#### Circulation of Products and Validity of Technical Regulations of the Union

1. All products released into circulation on the territory of the Union shall be safe.

The rules and procedures for ensuring the safety and circulation of products the requirements for which are not determined by the technical regulations of the Union shall be determined under an international treaty within the Union.

2. Products subject to valid technical regulations of the Union shall be released for circulation on the territory of the Union provided that they have completed the required conformity assessment procedures as determined by the technical regulations of the Union.

The Member States shall ensure the circulation of products conforming to the requirements of the technical regulations of the Union on its territory without introduction of any additional requirements to such products in excess of those set out in the technical regulations of the Union and without any additional conformity assessment procedures.

The provisions of the second indent of this paragraph shall not apply to sanitary, veterinary-sanitary and phytosanitary quarantine measures.

3. Starting from the date of entry into force of the technical regulations of the Union on the territories of the Member States, respective mandatory requirements to products or products and product-related requirements to design (including research), manufacturing, construction, installation, commissioning, operation, storage, transportation, sale and disposal, as determined by the legislation of the Member States or acts of the Commission, shall be effective only to the extent specified in the transitional provisions and shall become invalid upon expiration of the transitional provisions of the technical regulations of the Union and/or acts of the Commission, shall not apply to the release of products for circulation, conformity assessment to technical regulations, state control (supervision) over the observance of the technical regulations of the Union.

The provisions in the first indent of this paragraph shall not apply to sanitary, veterinary-sanitary and phytosanitary quarantine measures.

Mandatory requirements to products or products and product-related requirements to design (including research), manufacture, construction, installation, commissioning, operation, storage, transportation, sale and disposal, as determined by acts of the Commission before the effective date of the technical regulations of the Union, shall be included in the technical regulations of the Union.

4. State control (supervision) over the observance of the technical regulations of the Union shall be carried out in accordance with the procedure determined by the legislation of the Member States.

Principles and approaches to the harmonisation of the legislation of the Member States in the sphere of state control (supervision) over the observance of the technical regulations of the Union shall be determined under an international treaty within the Union.

5. Liability for failure to comply with the technical regulations of the Union, as well as for any violation of conformity assessment procedures with regard to the technical regulations of the Union, shall be determined in accordance with the legislation of the Member States.

#### Article 54 Accreditation

1. Accreditation within the Union shall be carried out in accordance with the following principles:

1) harmonisation of rules and approaches in the field of accreditation with international standards;

2) ensuring voluntary accreditation, transparency and accessibility of information on accreditation procedures, rules and results;

3) ensuring objectivity, impartiality and jurisdiction of accreditation authorities of the Member States;

4) ensuring equal accreditation conditions for all applicants and confidentiality of information obtained during the accreditation;

5) inadmissibility for a single authority of a Member State to combine the accreditation powers with the powers of state control (supervision), with the exception of monitoring the activities of accredited conformity assessment authorities of the Member States (including certification authorities, testing laboratories (centres));

6) inadmissibility for a single authority of a Member State to combine the accreditation and conformity assessment powers.

2. Accreditation of conformity assessment authorities shall be carried out by accreditation authorities of the Member States duly authorised under the legislation of the Member States to conduct these activities.

3. An accreditation authority of a Member State shall not compete with accreditation authorities of other Member States.

In order to prevent competition between accreditation authorities of the Member States, a conformity assessment authority of a Member State shall apply for accreditation to the accreditation authority of the Member State on the territory of which it is registered as a juridical person.

When a conformity assessment authority registered as a juridical person on the territory of another Member State applies to the accreditation authority of a Member State for the purpose of accreditation, this accreditation authority shall inform the accreditation authority of the Member State on the territory of which the conformity assessment authority is registered. In this case it shall be allowed for the accreditation to be conducted by accreditation authorities of other Member States, if the accreditation authority of the Member State on the territory of which this conformity assessment authority is registered does not carry out accreditation in the required field. In this connection, the accreditation authority of the Member State on the territory of which this conformity assessment authority is registered shall be entitled to participate as an observer.

4. Accreditation authorities of the Member States shall perform mutual comparative assessments in order to achieve equivalence of all procedures applied.

Results of accreditation of the conformity assessment authorities of the Member States shall be recognised in accordance with Annex 11 to this Treaty.

#### Article 55

##### Elimination of Technical Barriers in Mutual Trade with Third Countries

Procedure and conditions for the elimination of technical barriers in mutual trade with third countries shall be determined under an international treaty within the Union.

#### Section XI

##### SANITARY, VETERINARY-SANITARY AND PHYTOSANITARY QUARANTINE MEASURES

#### Article 56

##### General Application Principles for Sanitary, Veterinary-Sanitary and Phytosanitary Quarantine Measures

1. Sanitary, veterinary-sanitary and phytosanitary quarantine measures shall be applied based on scientifically justified principles and only to the extent required to protect life and health of humans, animals and plants.

Sanitary, veterinary-sanitary and phytosanitary quarantine measures applied within the Union shall be based on international and regional standards, guidelines, and/or the recommendations, except when, based on appropriate scientific studies, any sanitary, veterinary-sanitary and phytosanitary quarantine measures, which ensure a higher level of sanitary, veterinary-sanitary or phytosanitary quarantine protection than measures based on relevant international and regional standards, guidelines and/or recommendations, are introduced.

2. In order to ensure the sanitary and epidemiological welfare of the population, as well as veterinary-sanitary and phytosanitary quarantine safety within the Union, agreed policy shall be conducted in the sphere of application of sanitary, veterinary-sanitary and phytosanitary quarantine measures.

3. Agreed policy shall be implemented through the Member States' joint development, adoption and implementation of international treaties and acts of the Commission in the application of sanitary, veterinary-sanitary and phytosanitary quarantine measures.

4. Each Member State shall have the right to develop and apply temporary sanitary, veterinary-sanitary and phytosanitary quarantine measures.

The communication procedure for authorised authorities of the Member States in the introduction of temporary sanitary, veterinary-sanitary and phytosanitary quarantine measures shall be approved by the Commission.

5. Agreed approaches to the identification, registration and traceability of animals and products of animal origin shall be applied in accordance with acts of the Commission.

6. The application of sanitary, veterinary-sanitary and phytosanitary quarantine measures, and interaction of authorised authorities of the Member States in the field of sanitary, veterinary-sanitary and phytosanitary quarantine measures shall be carried out according to Annex 12 to this Treaty.

## Article 57

### Application of Sanitary Measures

1. Sanitary measures shall be applied to persons, vehicles, and products subject to sanitary and epidemiological supervision (control) included in the common list of products (goods) subject to state sanitary and epidemiological supervision (control) in accordance with acts of the Commission.

2. Common sanitary, epidemiological and hygienic requirements and procedures shall be determined for products (goods) subject to state sanitary and epidemiological supervision (control).

Common sanitary, epidemiological and hygienic requirements to products (goods) in respect of which technical regulations of the Union are developed shall be included in the technical regulations of the Union in accordance with acts of the Commission.

3. The procedure for developing, approving, modifying and applying common sanitary, epidemiological and hygienic requirements and procedures shall be approved by the Commission.

4. In order to ensure the sanitary and epidemiological welfare of the population, state sanitary and epidemiological supervision (control) shall be conducted by authorised authorities in the field of sanitary and epidemiological welfare of the population in accordance with the legislation of the Member States and acts of the Commission.

The authorised authorities in the field of sanitary and epidemiological welfare of the population may exercise state supervision (control) over the observance of the technical regulations of the Union within the state sanitary

and epidemiological supervision (control) in accordance with the legislation of the Member States.

## Article 58 Application of Veterinary-Sanitary Measures

1. Veterinary-sanitary measures shall be applied to goods (as well as goods for personal use) included in the common list of goods subject to veterinary control (supervision) approved by the Commission, and to items subject to veterinary control (supervision), imported into and moved through the customs territory of the Union.

2. Common veterinary (veterinary-sanitary) requirements approved by the Commission shall be applied to goods and items subject to veterinary control (supervision).

3. In order to prevent the entry and spread of contagious animal diseases, including those common to humans and animals, and goods not complying with the common veterinary (veterinary-sanitary) requirements, veterinary control (supervision) shall be exercised in respect of goods (as well as goods for personal use) subject to veterinary control (supervision) and to items subject to veterinary control (supervision), in accordance with acts of the Commission.

The interaction between the Member States in prevention, diagnosis, localisation and elimination of foci of extremely dangerous, quarantine and zoonotic diseases of animals shall be carried out in the procedure determined by the Commission.

4. Authorised veterinary authorities shall conduct veterinary control (supervision) of goods subject to veterinary control (supervision) moving

through the customs borders of the Union at checkpoints across the state borders of the Member States or in other places as may be determined by the legislation of the Member States and these checkpoints and other places shall be equipped with veterinary inspection (supervision) facilities in accordance with the legislation of the Member States.

5. Each batch of goods subject to veterinary control (supervision) shall be imported into the customs territory of the Union in accordance with the common veterinary (veterinary-sanitary) requirements approved by the Commission and subject to the presence of a permit issued by the authorised veterinary authority of the Member State into the territory of which the goods are imported and/or a veterinary certificate issued by the competent authority of the country of origin of the goods.

6. Goods subject to veterinary control (supervision) shall be transported from the territory of one Member State to the territory of another Member State in accordance with the common veterinary (veterinary-sanitary) requirements. These goods shall be accompanied by a veterinary certificate, unless otherwise determined by the Commission.

The Member States shall mutually recognise veterinary certificates issued by authorised veterinary authorities and having a common form as approved by the Commission.

7. The basic principle for ensuring safety of goods subject to veterinary control (supervision) during their manufacture, processing, transportation and/or storage in third countries shall imply audit of the foreign official supervision system.

Authorised veterinary authorities shall conduct audits of foreign official supervision and inspection facilities subject to veterinary control (supervision) in accordance with acts of the Commission.

8. The Member States shall be entitled to develop and implement temporary veterinary (veterinary-sanitary) requirements and measures in case any official information is received from the relevant international organisations, the Member States and third countries as to the deterioration of the epizootic situation on the territories of third countries or the Member States.

In case of receipt of such information, but in the absence of sufficient scientific evidence or upon impossibility of its timely presentation, the Member States may apply urgent veterinary-sanitary measures.

## Article 59 Phytosanitary Quarantine Measures

1. Phytosanitary quarantine measures shall be applied to products included in the list of quarantineable products (quarantineable freights, quarantineable materials, quarantineable goods) subject to phytosanitary quarantine control (supervision) at the customs border of the Union and on the customs territory of the Union (hereinafter “the list of quarantineable products”), quarantine items included in the common list of quarantine items of the Union, as well as quarantineable items.

2. Phytosanitary quarantine control (supervision) on the customs territory of the Union and at the customs border of the Union shall be carried out in respect of the products included in the list of quarantineable products,

quarantine items included in the common list of quarantine items of the Union, as well as quarantineable items.

3. The list of quarantineable products, the common list of quarantine items of the Union and common phytosanitary quarantine requirements shall be approved by the Commission.

## Section XII

### CONSUMER PROTECTION

#### Article 60

#### Consumer Protection Safeguards

1. Consumer rights and protection thereof shall be guaranteed by the consumer protection legislation of the Member States, as well as by this Treaty.

2. Nationals of a Member State, as well as other persons residing in its territory, shall enjoy on the territories of the other Member States the same legal protection in the field of consumer protection as the nationals of the other Member States and shall have the right to apply to state and consumer public protection and other organisations, as well as to courts and/or conduct any other proceedings on the same conditions as nationals of the other Member States.

#### Article 61

#### Consumer Protection Policy

1. The Member States shall conduct agreed policy in the sphere of consumer protection aimed at creating equal conditions for the nationals of

the Member States in order to protect their interests against dishonest activities of economic entities.

2. Agreed policy in the sphere of consumer protection shall be ensured in accordance with this Treaty and the legislation of the Member States concerning consumer protection based on the principles according to Annex 13 to this Treaty.

## **PART THREE COMMON ECONOMIC SPACE**

### **Section XIII MACROECONOMIC POLICY**

#### **Article 62 Main Directions of Agreed Macroeconomic Policy**

1. Agreed macroeconomic policy shall be implemented within the Union providing for the development and implementation of joint actions by the Member States aimed at achieving their balanced economic development.

2. Coordination of the implementation by the Member States of the agreed macroeconomic policy shall be carried out by the Commission in accordance with Annex 14 to this Treaty.

3. The main directions of the agreed macroeconomic policy of the Member States shall include:

1) ensuring sustainable development of the economies of the Member States using the integration potential of the Union and competitive advantages of each Member State;