

3. Countervailing measure may be applied to the imported product during the production, exportation or transportation of which a specific subsidy of the exporting third country was used, if in the result of investigation carried out by the investigating body was found that import of goods into the customs territory of the EAEU causes material injury to the sector of economy of member States, threatens to cause such injury or significantly delays the establishment of a certain sector of economy of the member States.

4. For the purposes of the application of measures for the protection of the internal market under the concept “sector of economy of member States” shall be understood all producers of the like product (for the purposes of antidumping and countervailing investigations) or like or directly competitive product (for the purposes of safeguard investigations) in member States, or those whose share in the total production of like product or like/directly competitive product in member States constitutes a significant proportion, but not less than 25 percent.

Article 50

Other Measures of Protection of the Internal Market

The right to apply measures of protection of the internal market on a bilateral basis, different from safeguard, antidumping and countervailing measures, including those realized in relation to the import of agricultural goods, may be provided by the international treaty of the EAEU with a third party on the establishment of a free trade regime in order to eliminate the negative impact of imports from these third party on the manufacturers of member States could be prescribed

The decision to apply such measures shall be taken by the Commission.

SECTION X

TECHNICAL REGULATION

Article 51

General Principles of Technical Regulation

1. Technical regulation within the EAEU shall be implemented in accordance with the following principles:

1) establishment of mandatory requirements to products or services and product related requirements to design processes (including research), manufacturing, construction, installation, adjustment, operation, storage, transportation, marketing and utilization;

2) establishment of common mandatory requirements in technical regulations of the EAEU or national mandatory requirements in the legislation of the member States in respect to the products included in the common list of products for which established mandatory requirements within the EAEU are established (hereinafter - the common list);

3) application and enforcement of technical regulations of the EAEU at the territories of the member States without exceptions;

4) compliance of technical regulations within the EAEU to the level of economic development of member States and the level of scientific and technological development;

5) independence of accreditation bodies of the member States, the certification bodies of the member States and the supervisory(control) authorities of the member States from manufacturers, sellers and purchasers and consumers;

6) unity of the rules and methods of research (tests) and measurements during the mandatory conformity assessment procedures;

7) unity of application of technical regulations of the EAEU regardless of the types and (or) characteristics of the transactions;

8) inadmissibility of restriction of competition in conducting conformity assessment procedures;

9) implementation of state control (supervision) over observance of technical regulations of the EAEU on the basis of the harmonization of legislation of the member States;

10) voluntary application of standards;

11) development and implementation of intergovernmental standards;

12) harmonization of the intergovernmental standards with international and regional standards;

13) unity of the rules and procedures of mandatory conformity assessment procedures;

14) to ensure harmonization of legislation of member States with regard to establishing liability for violation of the mandatory requirements for products, mandatory conformity assessment procedures and rules;

15) coherent policies in the area of traceability within the EAEU;

16) preventing the formation of exceeding barriers on the business activities;

17) establishment of the transitional period provisions aimed at phased transition to the new requirements and documents.

2. Provisions of this section do not apply to the establishment and application of sanitary, veterinary and sanitary and phytosanitary quarantine measures.

3. Policies, regulations and procedures of technical regulation within the EAEU shall be established in accordance with Annex 9.

4. Coherent policies in the area of traceability within the EAEU shall be established in accordance with Annex 10.

Article 52

Technical Regulations of the EAEU and Standards

1. Technical regulations of the EAEU shall be used for the purpose of protecting life and (or) human health, property, the environment, protecting life and (or) health of animals and plants, prevention of actions misleading consumers as well as to ensure energy efficiency and cost-effective use of resources within the EAEU.

Adoption of technical regulations of the EAEU for other purposes is not allowed.

Procedure for development and adoption of technical regulations of the EAEU as well as the procedure for introduction of amendments and their cancellation are adopted by the Commission.

The technical regulations of the EAEU or national mandatory requirements apply only to the products included in common list approved by the Commission.

Procedure for the formation and maintenance of the common list shall be approved by the Commission.

Member States do not allow imposing the mandatory requirements in their legislation for products not included in the common list.

2. Technical Regulations of the EAEU are directly applicable at the territory of the EAEU.

The procedure for entering into force of the technical regulations of the EAEU and transitional provisions are to be determined under the technical regulations of the EAEU and (or) an act of the Commission.

3. To meet the requirements of technical regulations and conformity assessment to the requirements of technical regulations of the EAEU on a voluntary basis international, regional (intergovernmental) standards, and in their absence (before the adoption of the regional (intergovernmental) standards) - the national (state) standards of the member States can be applied.

Article 53

Circulation of Products and Technical Regulations of the EAEU

1. Products manufactured and put into the circulation on the territory of the EAEU shall be safe.

Rules and procedures for ensuring the safety and circulation of products, for which requirements are not established under the technical regulations of the EAEU, shall be determined by the international treaty within the EAEU.

2. Products that are subject to the enforced technical regulation of the EAEU (technical regulations of the EAEU) can be put into the circulation at the territory of the EAEU, provided that it has passed the necessary conformity assessment procedures established under the technical regulation of the EAEU (technical regulations of the EAEU).

Member States shall ensure circulation of products conforming to the requirements of the technical regulation of the EAEU (technical regulations of the EAEU) on its territory without application of additional with regard to the technical regulation of the EAEU (technical regulations of the EAEU) requirements to such products and without additional conformity assessment procedures.

The provisions of the second paragraph of this paragraph shall not be applied with respect to the sanitary, veterinary and sanitary as well as phytosanitary quarantine measures.

3. From the date of entry into force of the technical regulations of the EAEU at the territories of the member States the relevant mandatory requirements for products or services and related requirements for product design process (including research), manufacturing, construction, installation, adjustment, operation, storage, transportation, marketing and utilization established under the legislation of the member States or the Commission's acts are to be applied only in part determined by the transitional provisions and from the date of termination of the transitional provisions, determined under the technical regulation of the EAEU and (or) under the Commission's act shall not be applied for the putting of the products into circulation, conformity assessment of the objects of the technical regulation, state control (supervision) over observance of technical regulations of the EAEU.

The provisions of the first subparagraph of this paragraph shall not be applied to the sanitary, veterinary and sanitary as well as phytosanitary quarantine measures.

Mandatory requirements for products or services and related requirements for product design processes (including research), manufacturing, construction, installation, adjustment, operation, storage, transportation, marketing and utilization established under the acts of the Commission prior to the entry into force of the technical regulation of the EAEU shall be included into the technical regulations of the EAEU.

4. State control (supervision) over observance of technical regulations of the EAEU shall be carried out in accordance with the legislation of the member States.

Principles and approaches to the harmonization of legislation of member States in the sphere of state control (supervision) over observance of technical regulations of the EAEU shall be defined under the international treaty within the EAEU.

5. Responsibility for non-compliance with the technical regulations of the EAEU, as well as for violation of procedures for assessment of conformity of products with the technical regulations of the EAEU are established in accordance with the legislation of the member States.

Article 54

Accreditation

1. Accreditation within the EAEU shall be implemented in accordance with the following principles:

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

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

3) ensuring objectivity, impartiality and competence of the accreditation bodies of the member States;

4) ensuring that applicants for accreditation faced equal conditions in respect of accreditation and ensuring of the confidentiality of information obtained during the accreditation;

5) inadmissibility of combination of accreditation functions with functions of state control (supervision) by the same authority of the member State, except for carrying out monitoring the activities of accredited conformity assessment bodies of the member States (including certification bodies, testing laboratories (centers));

6) inadmissibility of combination by one authority of the member State of the accreditation and conformity assessment functions.

2. Accreditation of conformity assessment bodies of the member States shall be carried out by the accreditation bodies of member States authorized in accordance with the laws of the member States on the implementation of these activities.

3. Accreditation bodies of one member State shall not compete with the accreditation bodies of the other member States.

To avoid competition between accreditation bodies of the member States, the conformity assessment body of a member State shall for accreditation purposes apply to the accreditation body of the member State, on which territory it was registered as a legal entity.

If the accreditation body of one member State applies for accreditation purposes to the conformity assessment body registered as a legal entity at the territory of another member State, this accreditation body shall inform the accreditation body of the member State at whose territory the conformity assessment body is registered. In this case it is allowed to carry out accreditation by the accreditation bodies of the member States, if the accreditation body of the member State, at whose territory this conformity assessment body is registered, does not exercise accreditation in the required area. In this case the accreditation body of the member State, at whose territory conformity assessment body is registered has the right to act as an observer.

4. Accreditation bodies of member States carry out mutual comparative evaluation in order to achieve equivalence of the procedures.

Recognition of the results of the accreditation of conformity assessment bodies of the member State shall be carried out according to Annex 11.

Article 55

Elimination of Technical Barriers in Mutual Trade with Third Countries

Procedures and conditions for the elimination of technical barriers in trade with third countries shall be defined under the international treaty within the EAEU.