

On mandatory conformity attestation under conditions of the Customs union

In compliance with the Laws of the Republic of Belarus “On ratification of Agreement on circulation of products subject to mandatory conformity assessment (attestation) on the customs territory of the Customs union” and “On ratification of Agreement on mutual recognition of accreditation of certification (conformity assessment/attestation) bodies and testing laboratories carrying out works on conformity assessment/attestation” (hereinafter – Agreements) these Agreements have entered into force in the Republic of Belarus **on 1 July 2010**.

From 1 July 2010 these Agreements have entered into force also in the Republic of Kazakhstan and in the Russian Federation.

For the purpose of Agreements implementation the following documents have been adopted by the decisions of the Commission of Customs union:

- “Uniform list of products, subject to mandatory conformity assessment (attestation) within the Customs union with the issuance of uniform documents” (hereinafter – Uniform list);
- “Uniform templates of certificate of conformity and declaration of compliance” of the Customs union (hereinafter – Uniform templates)
- “Provision on the order of certification bodies and testing laboratories (centers) inclusion in the Uniform register of certification bodies and testing laboratories (centers) of the Customs union as well as its formation and maintenance”
- “Provision on the order of formation and maintenance of the Uniform register of issued certificates of conformity and registered declarations of compliance, completed under uniform template”
- “Order of import of products (goods), subject to mandatory conformity assessment (attestation), on the customs territory of the Customs union” (hereinafter – Order of import).

Abovementioned documents are presented in free access **on official web-sites of the Customs union and of Gosstandart** in subsection “Decision of the Commission of Customs union No.319 “On technical regulation in Customs union” of thematic section “Customs union”.

Thus, under conditions of the Customs union functioning, mandatory conformity attestation of products manufactured in the Republic of Belarus and imported in the republic shall be realized in compliance with the Law of the Republic of Belarus “On conformity assessment against the requirements of technical normative legal acts in the field of technical rate setting and standardization” and abovementioned international agreements.

The objects, included in the Nomenclature of products, services, personnel and other objects of conformity assessment, subject to mandatory conformity attestation in the Republic of Belarus, provided for by this law, are liable to obligatory certification and obligatory declaration of compliance.

In the Russian Federation, in the Republic of Kazakhstan the national laws related to the lists of objects subject to mandatory conformity attestation and national rules for mandatory conformity attestation of products are still in force.

At the same time adopted documents of the Customs union in the field of technical regulation provide for manufacturers and importers an opportunity at the territory of the Customs union in case of reciprocal commodity deliveries to use certificates of conformity and declarations of compliance completed under uniform templates of the Customs union which substitute national documents on conformity attestation of each of the Customs union member-state and eliminate the need for receiving national documents.

In mentioned documents of the Customs union it is provided for that:

for products **subject to obligatory certification**, included in the Uniform list, the manufacturers and importers have right to get (as previously) a certificate of conformity of the country of destination which shall be valid on the territory of this country only, or a certificate of conformity on Uniform template which shall be effective on the territory of all member-states of the Customs union without its re-issuance for a national certificate;

for products **subject to obligatory declaration of compliance**, included in the Uniform list:

manufacturers located on the territory of the Customs union have right to accept (as previously) a declaration of compliance of the country of destination which shall be valid on the territory of this country only, or a declaration of compliance on Uniform template which shall be effective on the territory of all member-states of the Customs union without its re-issuance for this one provided for by national legislation;

importers can accept declaration of compliance according to national legislation of the country of destination for products of third countries.

Products, **not included in the Uniform list**, are subject to mandatory conformity attestation according to national legislation of the Customs union member-state

Certificates of conformity on Uniform template shall be issued and declarations of compliance on Uniform template shall be registered by certification bodies of the Customs union member-states included in the Uniform register of certification bodies and testing laboratories (centers) of the Customs union (hereinafter – Uniform register).

Products samples testing for the purpose of issuance of certificates of conformity on Uniform template and registration of declarations of compliance on Uniform template shall be realized by testing laboratories included in the Uniform register.

Information about certification bodies and accredited testing laboratories (centers) included in the Uniform register is available **in free access on the web-site of Gosstandart** in thematic section [“Customs union”](#).

The Agreement on circulation of products subject to mandatory conformity assessment (attestation) on the customs territory of the Customs union provides for the manufacturers of the Customs union member-states the rights to accept declarations of products compliance, stipulated by legislation of any member-state of the Customs union, without assistance of residents of the country of destination. At the same time the products should meet the requirements of the country of destination and the declaration registration should be realized in compliance with the legislation of the country of destination.

Adopted Agreements specify obligations for the Parties on mutual recognition of certification bodies and testing laboratories accreditation and in case of conformity attestation of products included in the Uniform list and national lists to recognize testing reports of accredited laboratories included in the Uniform register.

Thus, testing reports of products received in accredited laboratories of one of the Customs union member-state can be used for getting certificates of conformity or registration of declarations of compliance (including on Uniform templates) in other member-states of the Customs union.

In case of completion and issuance of certificates of conformity and registration of declarations of compliance **on Uniform template** for products included in the Uniform list, the standards indicated in the Uniform list are used, as well as Uniform sanitary-epidemiological and hygienic requirements to goods, subject to sanitary-epidemiological surveillance (control) and Uniform veterinary (veterinary and sanitary) requirements imposed to commodities subject to veterinary control (surveillance).

Labeling of products (content of information, claim to present information in official languages, methods of information fixing, etc.) in case of marketing on the territory of the Customs union should fulfill the requirements of the country of destination.

Special features for import of products subject to mandatory conformity attestation on the territory of the Republic of Belarus

In compliance with the Order of import beginning from 1 July 2010 in pursuance of the customs control of products (goods) imported from third countries, included in the Uniform list, the customs declaration for goods presented to the customs authority of the Republic of Belarus must be accompanied by one of the documents mentioned below:

- certificate of conformity, provided for by legislation of the Republic of Belarus (for products subject to obligatory certification in the Republic of Belarus) or certificate of conformity completed on Uniform template (for products subject to obligatory certification in the Republic of Belarus and included in the Uniform list);
- declaration of compliance or certificate of conformity, provided for by legislation of the Republic of Belarus (for products subject to obligatory declaration of compliance in the Republic of Belarus).

Taking into account the concept of transition in the field of technical regulation to the application of uniform technical regulations within the Customs union and the Single Economic Space it should be considered that the Agreement on circulation of products subject to mandatory conformity assessment (attestation) on the territory of the Customs union, the Uniform list and related documents are applied to particular types of products until the EurAsEC technical regulations (technical regulations of the Customs union) on them would be put into force on the territory of the Customs union.

In order to deepen and accelerate the integration processes in the Customs union and in formation of Common Economic Space “The agreement on common principles and rules of technical regulation in the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation” is used from 18 November 2010.

The agreement on common principles and rules of technical regulation in the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation with the aim to create the regulatory framework of the Customs union in the field of technical regulation provides for the approval of a uniform list of products for which mandatory requirement within the Customs union are established (uniform list), development of the Customs union technical regulations for products included in the uniform list, direct effect on the common customs territory of the Customs union technical regulations as well as prevention of establishment in national legislation of the Customs union member-states of the mandatory requirements for products not included in the uniform list.

Within the framework of this Agreement implementation the following documents have been developed and approved by the Customs union Commission:

- “Uniform list of products for which mandatory requirement within the Customs union are established”,
- “Regulation on the order of development, adoption, amendment and abolishment of the Customs union technical regulation”,
- “Uniform forms of documents for conformity assessment (attestation) (declaration of conformity to technical regulations of the Customs union, certificate of conformity to technical regulations of the Customs union)”,
- “Regulation on the order of application of standard schemes for conformity assessment (attestation) in technical regulations of the Customs union”,
- “Regulation on the procedure of forming the lists of international and regional (intergovernmental) standards, in case of their absence – of national (governmental) standards, that ensure compliance with the requirements of the Customs union technical regulation, and necessary to perform conformity assessment (attestation)”,
- Graphic representation of the single mark for products circulation in the market of the Customs union member-states “Regulation on the single mark for products circulation in the market of the Customs union member-states and its usage”.

Regulation on the order of application of standard schemes for conformity assessment (attestation) in technical regulations of the Customs union (Decision of **06.07.2011 No. 621**) provides for the products, requirements for which are specified in technical regulations of the Customs union, the application of the following forms of the conformity assessments or their combinations; conformity attestation (mandatory certification or declaration of conformity); state registration of products and (or) production facilities; state supervision (surveillance); expert examination.

Regulation on the order of application of standard schemes for conformity assessment (attestation) in technical regulations of the Customs union contains the model schemes for mandatory certification, declaration of conformity and state registration, which can be used in preparation of the Customs union technical regulations.

Products, that meet the requirements in force of the Customs Union technical regulations, which cover these products, and that underwent the procedures of the conformity assessment (attestation), established by the Customs union technical regulations, are marked with the single mark for products circulation in the market of the Customs union member-states.

The Customs union Commission has approved by its Decision of 15.07.2011 No.711 Graphic representation of the single mark and “Regulation on the single mark for products circulation in the market of the Customs union member-states and its usage”.



pic. 1

pic. 2

Graphic representation of the single mark for products circulation in the market of the Customs union member-states constitutes of a combination of three stylized letters "E", "A" and "C", made graphically with right angles of the same width and height that make up the exact ratio of the square on light (Fig. 1) or on contrasting background (Fig. 2).

EAC stands for Eurasian Conformity.

This single mark for products circulation in the market of the Customs union member-states attests that products bearing this mark, underwent all procedures of the conformity assessment (attestation), established by the Customs union technical regulations, and meet all requirements of the Customs union technical regulations applicable to these products.

