



**Economic and Social
Council**

Distr.
GENERAL

TRADE/WP.6/2003/3
6 June 2003

ENGLISH
Original: RUSSIAN

ECONOMIC COMMISSION FOR EUROPE

**COMMITTEE FOR TRADE, INDUSTRY AND
ENTERPRISE DEVELOPMENT**

Working Party on Technical Harmonization
and Standardization Policies

Thirteenth session, 10-12 November 2003

Item 5 of the provisional agenda

**REVIEW OF DEVELOPMENTS IN STANDARDIZATION ACTIVITIES
AND IN THE FIELD OF REGULATORY COOPERATION AT THE
INTERNATIONAL, REGIONAL AND NATIONAL LEVELS**

**Commonwealth of Independent States (CIS): Recent
developments in the area of standardization**

This paper has been submitted by the secretariat of the CIS Inter-State Council of Standardization, Metrology and Certification.

It contains the text of the CIS agreement on principles for the harmonization of technical regulations, a draft of which was approved by the Inter-State Council in May 2003.

It is presented for information to delegates and, apart from minor editorial changes, is reproduced in the form in which it was received by the secretariat.

**AGREEMENT ON PRINCIPLES FOR THE HARMONIZATION OF
THE TECHNICAL REGULATIONS OF THE STATES MEMBERS
OF THE COMMONWEALTH OF INDEPENDENT STATES**

The Governments of the States members of the Commonwealth of Independent States (CIS), hereinafter referred to as the Parties,

Expressing their interest in eliminating technical barriers to trade and simplifying access to markets,

Abiding by the principles set out in the World Trade Organization Agreement on Technical Barriers to Trade that relate to the preparation and application of technical regulations,

Seeking to create a mechanism for the harmonization of technical legislation of the Parties,

Taking international standards as the basis for technical regulations,

Guided by Recommendation “L” of the United Nations Economic Commission for Europe, entitled “International Model for Technical Harmonization Based on Good Regulatory Practice for the Preparation, Adoption and Application of Technical Regulations via the Use of International Standards”, in the development of the Agreement on Technical Barriers to a Free Trade Zone of 20 June 2000,

Have agreed as follows:

Article 1

1. For the purposes of this Agreement, the terms listed below shall have the following meanings:

- “Declaration of conformity” means a document certifying that a product in circulation meets the requirements of technical regulations;
- “Mark of market access” means a conventional symbol adopted by the Parties to indicate to consumers that a product placed on the market meets the requirements of technical regulations;
- “Inter-State model of technical regulations” means a document containing norms and requirements relating to products covered by technical regulations that seek to protect human, animal and plant life and health, property and the environment as well as prevent any action that might mislead consumers which have been adopted by the Parties, registered in accordance with the procedure established by this Agreement and subject to incorporation in national technical regulations;
- “Inter-State standard” means a standard adopted by the Inter-State Council of Standardization, Metrology and Certification or the Inter-State Scientific and Technical Commission on Standardization in Construction and accessible to a wide range of users;

- “International standard” means a standard adopted by the International Standardization Organization and accessible to a wide range of users;
- “National technical regulation” means a document establishing mandatory requirements for a product or related production processes and methods that have been approved (adopted) by a government body;
- “Conformity assessment (certification) body” means an authority entrusted by the Parties with confirmation of conformity (certification);
- “Confirmation of conformity” means an activity that results in documentation (declaration and/or certificate of conformity) confirming that a product meets the requirements of technical regulations;
- “Conformity assessment” is any procedure used, directly or indirectly, to determine whether a product is in conformity with the requirements of the technical regulations and/or standards used to indicate compliance with the requirements of technical regulations;
- “Risk” means the likelihood of harm being caused to human, animal or plant life and health, property or the environment, taking into account the gravity of the harm;
- “Certification” means a procedure whereby third parties attest in writing that a product (process) conforms to the requirements of the technical regulations and/or standards used to indicate compliance with the requirements of technical regulations;
- “Conformity certificate” is a document that attests that a certified product (process) is in conformity with the requirements of the technical regulations and/or standards used to indicate compliance with the requirements of technical regulations. [Inter-State Council Protocol No. 23-2003 3, annex 5]

Article 2

2. National technical regulations may not create any unwarranted barriers to trade for the Parties.
3. National technical regulations shall be based on inter-State models of technical regulations, in accordance with international and/or inter-State standards when such standards exist or are to be adopted in the near future, except in cases where models or standards may be ineffective or inappropriate for the corresponding national technical regulation.
4. National technical regulations may contain conformity assessment procedures. Confirmation of conformity shall be carried out by means of a declaration of conformity and/or a certificate of conformity.

5. International and inter-State standards provided for in the inter-State model of technical regulations shall constitute the conclusive basis for confirmation of conformity.
6. The Parties shall inform each other and the CIS Executive Committee no later than the first quarter of each year of any plans or programmes for the elaboration of national technical regulations.
7. Parties that do not use the inter-State model of technical regulations, international or inter-State standards for the elaboration of national technical regulations, or include in their national technical regulations requirements that are different from those set out in the aforementioned documents, shall transmit to the CIS Executive Committee and to the Parties, at their request, drafts of their national technical regulations.
8. The Parties shall grant each other a period of 60 days from the time a draft technical proposal is received to prepare and transmit to the elaborating Party their comments and proposals regarding the draft.
9. The elaborating Party shall undertake to give maximum consideration to the comments and proposals from the other Parties if they are not inconsistent with the aims of the national technical regulation that has been elaborated and promote the removal of technical barriers to trade.
10. The Parties shall inform each other of the adoption and date of entry into force of any national technical regulations within one month of the time of confirmation (adoption).

Article 3

11. Inter-State models of technical regulations shall be elaborated when no fewer than three Parties have an interest in doing so.
12. The standard format for the inter-State model of technical regulations is contained in an annex to this Agreement. [Inter-State Council Protocol No. 23-2003 4, annex 5]
13. Inter-State models of technical regulations shall be applied at the national level by Parties that have endorsed them.
14. A mechanism for the application of inter-State models of technical regulations at the national level shall be determined by the Parties.
15. Parties that have endorsed an inter-State model of technical regulations shall bring their national technical regulations into conformity with the model adopted.
16. Parties that have endorsed an inter-State model of technical regulations shall grant unimpeded market access to products produced by the Parties without imposing any additional requirements on products or procedures relating to confirmation of conformity.

17. The Parties shall inform each other and the CIS Executive Committee of the government bodies responsible for the coordination of work relating to technical regulations and to any questions concerning this Agreement, and shall cooperate through them or through organizations authorized by them.

Article 4

18. Coordination of work relating to the implementation of this Agreement shall be the responsibility of the CIS Executive Committee.

19. The Parties shall submit proposals for the elaboration of an inter-State model of technical regulations to the CIS Executive Committee. Submissions must contain a preliminary draft of the inter-State model of technical regulations.

20. The CIS Executive Committee shall transmit submissions to the Parties in accordance with existing procedures.

21. Interested Parties shall form a working group for the joint elaboration of an inter-State model of technical regulations, which shall submit a draft to the Inter-State Council of Standardization, Metrology and Certification for consideration.

22. Draft inter-State models of technical regulations approved by the Inter-State Council of Standardization, Metrology and Certification shall be submitted to the CIS Executive Committee for transmission to the CIS Economic Council.

23. The CIS Economic Council shall review the draft inter-State model of technical regulations and, if the draft is approved, shall transmit it to the Council of Heads of Government for adoption.

24. The CIS Executive Committee shall maintain a register of inter-State models of technical regulations that have been adopted.

25. An inter-State model of technical regulations that has been adopted shall be published in the official publication of the CIS Executive Committee. [Inter-State Council Protocol No. 23-2003 5, annex 5]

Article 5

26. This Agreement shall enter into force on the day of its signature or, for those Parties whose legislation requires the completion of internal procedures for entry into force, on the day that notification of the completion of such procedures is transmitted to the depositary for safekeeping.

27. For Parties that complete the necessary procedures at a later date, this Agreement shall enter into force on the date on which the relevant documents are transmitted to the depositary for safekeeping.

Article 6

28. This Agreement may be amended and supplemented if all the Parties so agree. Amendments and additions shall be made in separate protocols, which shall enter into force in accordance with the procedure stipulated in article 5 of this Agreement.

Article 7

29. Disputes and disagreements relating to the implementation and interpretation of this Agreement shall be settled through negotiations between the Parties concerned.

30. If a dispute cannot be settled through negotiation, the Parties shall have recourse to the CIS Economic Court or another competent international court by agreement.

Article 8

31. This Agreement shall be concluded for an indefinite period.

Article 9

32. This Agreement shall be open for accession by the Governments of third States that recognize its provisions and subscribe to its goals and tasks, subject to approval by all Parties, by means of transmission of their instruments of accession to the depositary.

33. An accession shall enter into force on the date of receipt by the depositary of the final notification of consent to the accession. [Inter-State Council Protocol No. 23-2003 6, annex 5]

Article 10

34. Any Party may withdraw from this Agreement by notifying the depositary in writing not later than six months prior to withdrawal and having fulfilled the requirements relating to such withdrawal.

35. The depositary shall inform the Parties within one month of a withdrawal from this Agreement.

36. Done at _____ on _____ 200_, in one original copy in the Russian language. The original shall be kept with the Executive Committee of the Commonwealth of Independent States, which shall transmit an authentic copy to each of the signatory States.

For the Government of the Republic of Azerbaijan

For the Government of the Republic of Moldova

For the Government of the Republic of Armenia

For the Government of the Russian Federation

For the Government of the Republic of Belarus

For the Government of the Republic of Tajikistan

For the Government of Georgia

For the Government of Turkmenistan

For the Government of the Republic of Kazakhstan

For the Government of the Republic of Uzbekistan

For the Government of the Kyrgyz Republic

For the Government of Ukraine

[Inter-State Council Protocol No. 23-2003 7, annex 5]

Annex
to the Agreement on Principles for the Harmonization of the Technical Regulations
of the States Members of the Commonwealth of Independent States
of 200_
STANDARD FORMAT
for the Inter-State Model of Technical Regulations

37. An inter-State model of technical regulations must in all cases contain the following elements:

- Preface
- Scope statement
- Definition of terms
- Rules governing market access
- Basic (essential) technical requirements
- Presumption of conformity
- Procedures for confirmation of conformity
- Protection clause
- Mutual recognition of confirmation of conformity
- Transition period
- Annex

38. The preface shall present an overview of the inter-State model of technical regulations and of its elaboration, incorporation and adoption by the Party, information on the harmonization of models at the international and regional levels, and the extent to which it relates to other technical regulations.

39. The scope statement shall describe the area of application of the inter-State model and, where necessary, provide details about the items (aspects) covered by the technical regulations.

40. It shall include a detailed inventory of products (product areas) or related processes and methods of production, for which requirements and rules for the identification of items covered by technical regulation and their inherent risks shall be established. [Inter-State council Protocol No. 23-2003 8, annex 5]

41. The section entitled “Definition of terms” shall set out terms with a view to ensuring an explicit and unambiguous interpretation of the text of an inter-State model of technical regulations.
42. The section entitled “Rules governing market access” shall set out conditions under which products may not be marketed if, when used for their intended purpose they may cause harm to human, animal or plant life and health, to property or to the environment or may mislead consumers, and also rules governing the use of the mark of market access.
43. The section entitled “Basic (essential) technical requirements” shall set out the requirements that products (product areas) or related processes and methods of production must meet in order to achieve the purpose of the inter-State model of technical regulations. It may also include requirements for product symbols, packaging, trademarks or labelling or may be devoted entirely to such matters.
44. The inter-State model of technical regulations may not contain specifications for the construction of items governed by technical regulations except in cases where, owing to the level of risk of harm, the absence of such requirements does not ensure the protection of human, animal or plant life and health, property or the environment or fails to anticipate actions that may mislead consumers.
45. The section entitled “Presumption of conformity” shall set out the conditions whereby an item governed by technical regulations meets the basic (essential) technical requirements of the inter-State model of technical regulations. Such conditions shall conform to the international and/or inter-State standards listed in the annex.
46. The aforementioned standards shall constitute the conclusive basis for compliance with the requirements of the inter-State model of technical regulations.
47. The section entitled “Procedures for confirmation of conformity” shall set out forms and outlines of possible procedures for confirming conformity which shall be considered as providing the necessary degree of proof, taking into account the level of risk.
48. The declaration (certificate) of conformity shall refer to the relevant inter-State model of technical regulations.
49. The section entitled “Protection clause” shall set out provisions by which a Party, seeking to protect its legitimate interests, may take measures to protect the market access of those of its products that are not covered by the inter-State model of technical standards.
50. This section shall also set out provisions concerning the notification of the CIS Executive Committee by a Party having invoked a protection clause that a product has been withdrawn from the market. [Inter-State Council Protocol No. 23-2003 9, annex 5]

51. The section entitled “Mutual recognition of certification of conformity” shall set out the conditions for mutual recognition of certification of conformity.

52. The section entitled “Transition period” shall indicate the period during which Parties that have endorsed an inter-State model of technical regulations must incorporate it into their national technical regulations.

53. The annex shall contain a list of international and/or inter-State standards serving as a basis for determining compliance with the basic (essential) technical requirements of an inter-State model of technical regulations. [Inter-State Council Protocol No. 23-2003, annex 5]
