

Решение Межгосударственного совета ЕврАзЭС от 27 октября 2006 года № 321 «О Рекомендациях по типовой структуре технического регламента Евразийского экономического сообщества»

DECISION OF THE EURASEC INTERSTATE COUNCIL NO. 321 "ON RECOMMENDATIONS ON MODEL STRUCTURE OF TECHNICAL REGULATION OF THE EURASIAN ECONOMIC COMMUNITY " OF 27.10.2006

[DECISION](#)

The Interstate Council of the Eurasian Economic Community (at the highest level) decided to:

Approve the Recommendation on Model Structure of Technical Regulations of the Eurasian Economic Community(attached).

Members of the EurAsEC Interstate Council:

On behalf of
the Republic of Belarus

On behalf of
the Republic of Kazakhstan

On behalf of
Kyrgyz Republic

APPROVED

by the Decision of the EurAsEC Interstate Council
N 321 of 27 October 2006

[RECOMMENDATIONS ON MODEL STRUCTURE OF TECHNICAL REGULATIONS OF THE EURASIAN ECONOMIC COMMUNITY](#)

1. Technical regulations can include the following structural elements:

- introduction;
- scope of application;
- definitions;
- rules for circulation on the market or commissioning;
- safety requirements;
- conformity confirmation;
- labeling by common mark of circulation of products on the market;
- disclaimer statement;
- final provisions;
- annexes.

2. The "Introduction" structural element contains general data on technical regulation, its development, information on harmonization at the international and regional levels, interrelation with other EurAsEC technical regulations.

3. The "scope of application" structural element provides for the scope of technical regulation and specifies the objects of technical regulation, if necessary.

It contains characteristics identifying objects of technical regulation, towards which safety requirements are established.

The list of objects of technical regulation covered (not covered) by this technical regulation, shall be included in reasonable cases. If necessary, hazardous factors that characterize the object of technical regulation shall be clarified.

It also provides the objectives of technical regulation aimed at protection of human life and health, property and environment, as well as prevention of actions misleading consumers (users) of products.

The structural element also provides for information on coverage by technical regulations of products which are subject to circulation on the market or their commissioning (new, not previously being in operation, irrespective of country of origin; being under operation during its modernization; previously being in operation imported from other countries).

In case of substantive amount, the list of objects of technical regulation covered (not covered) by this technical regulation shall be provided (clarified) in the "Annexes" structural element.

4. The "Definitions" structural element provides for the terms with the relevant definitions intended for clear and consistent understanding of the text of technical regulation.

Terminological articles are arranged in accordance with the determined references between the concepts expressed by terms, in sequence "from general - to specific" and (or) "from determining – to determined "(if possible to identify these references).

In other cases, the terminological articles are recommended to be arranged in alphabetical order.

5. The "Rules for circulation on the market or commissioning " structural element establishes provisions under which products covered by technical regulation shall be placed on the market or commissioned (for payment or free of charge), if they meet the requirements of this technical regulation and other EurAsEC technical regulations applicable to these products, and provides for the rules (conditions) for application of a common mark of circulation of product on the market.

6. The "Safety requirements "structural element includes safety requirements for object of technical regulation.

Depending on wording of safety requirements, technical regulations are conventionally divided into the following types:

- Technical regulations that contain specific safety requirements;
- Technical regulations that contain essential safety requirements.

Technical regulations that contain essential safety requirements, based on the results of risk analysis, provides for hazardous factors specific for object of technical regulation. Such regulations, as a rule, do not contain quantified requirements.

Technical regulation shall not contain requirements for construction of object of technical regulation, except for cases, when the absence of these requirements does not provide protection

of human life and health, property and environment and does not prevent actions misleading consumers (users).

Technical regulation can also include requirements for symbols, packaging, marking or labeling of the products or can entirely deal with these issues.

Methods of control and testing of the established safety requirements shall be indicated in the structural element. They can be provided in technical regulation; or by application of international and (or) interstate standards, which all Parties have joined, by that implement the essential safety requirements of this technical regulation; or by referring to international and (or) interstate standards, which all Parties have joined.

In reasonable cases (substantive amount) safety requirements are provided for (clarified) in the "Annexes" structural element.

7. The "Conformity confirmation" structural element contains:

- forms and schemes of conformity confirmation that are considered to give the required level of evidence determined based on assessment of risks specific for the object of technical regulation;
- provisions under which compliance with international and (or) interstate standards, which all Parties have joined, shall be considered as compliance with the requirements of technical regulation.

The reference to applied technical regulation shall be given in declaration of conformity (conformity certificate).

The list of the standards shall be placed in the EurAsEC information system.

8. The "Labeling by common mark of circulation of products on the market" structural element includes the rules for application of a common mark of circulation of products on the market, which confirms compliance of products with technical regulations.

Labeling is evidence that this product meets safety requirements of technical regulations, and that the product is subject to conformity assessment procedures, specified by this technical regulation.

If necessary, the registration number of the certification body (conformity confirmation), which carried out the procedures of conformity confirmation (with its participation in conformity confirmation) shall be indicated under graphic representation of a common mark of circulation of product on the market, and additional information on products shall be provided.

The content of labeling shall be determined by specific technical regulations, each of which specifies labeling requirements depending on characteristics of products, specific risks and schemes of conformity assessment.

9. The "Disclaimer statement" structural element provides for provisions under which Member States, guided by protection of their legitimate interests, can take measures to prevent access to the market of products, which do not conform to technical regulation.

Furthermore, it also includes the provisions stipulating that Member States, which applied the disclaimer statement, shall notify other Member-States on withdrawal of such products from the market.

10. The "Final Provisions" structural element determines the period of time, during which Member States have to enact a technical regulation in accordance with their national legislation, and to repeal national technical regulations adopted prior to entry into force of the EurAsEC technical regulations for relevant objects of technical regulation.

11. The "Annexes" structural element (if necessary) contains the list of objects of technical regulation covered (not covered) by this technical regulation; safety requirements (in case of their substantive amount); the list of hazardous factors (in case of their substantive amount), list of international and (or) interstate standards, application of which ensures the compliance with the requirements of technical regulation.