



Annex to the Decision №28
Agreement
of the Customs Union on sanitary measures

Governments of states-members of the Customs Union within the Eurasian Economic Community (hereinafter - the Customs Union), hereinafter referred to as the Parties,

in order to ensure the protection of the customs territory of the Customs Union from the delivery and spread of infectious and mass noninfectious diseases (poisonings) among the population, products (goods) not conforming to sanitary and epidemiological and hygienic requirements,

based on the Agreement for a coordinated policy in technical regulations, sanitary and phytosanitary measures of January 25, 2008,

recognizing the expediency of a coordinated policy in the field of sanitary and epidemiological welfare of the population,

having regard to the International Health Regulations (2005), Agreements on Technical Barriers to Trade and Agreements on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization adopted following the results of the Uruguay Round of multilateral trade negotiations, on April 15, 1994 in Marrakesh, Agreement on cooperation in the field of sanitary protection of the territories of States - members of the Commonwealth of Independent States of May 31, 2001, Agreement on the procedure of interaction at hygienic evaluation of potentially dangerous products imported to the states - members of the Commonwealth of Independent States of April 16, 2004,

have agreed as follows:

Clause 1

For the purposes of this Agreement the following basic terms are used:

"Document confirming safety of products (goods)" – a document (sanitary and epidemiological inspection report, certificate of State registration) certifying the conformity of products (goods), subject to sanitary and epidemiological supervision (control), to safety requirements for human health and issued by authorized bodies;

"Sanitary and epidemiological supervision (control)" - the activity of authorized bodies, designed to prevent, detect and suppress violations of the mandatory requirements established by regulatory legal acts of the Customs Union and the law of the states of the Parties in the field of sanitary and epidemiological welfare of the population;

"Sanitary and antiepidemic measures - organizational, administrative, engineering, health care and other measures designed to assess the risk of human exposure to harmful environmental factors, its removal or reduction, prevention of the emergence and spread of infectious and mass noninfectious diseases (poisoning) and their elimination;

"Controlled goods" - goods, chemical, biological and radioactive substances, wastes and other goods that are hazardous to humans; food, materials and goods moved through the customs border of the customs union and the customs territory of the Customs Union, subject to the state sanitary and epidemiological supervision (control) in accordance with the laws of the states of the Parties;

"Authorized bodies" - the bodies and agencies of the states of the Parties, authorized in the sanitary-epidemiological welfare of population.

Terms not specifically defined in this Agreement are used in the meanings set by other international agreements concluded within the framework of the Customs Union.

Clause 2

This Agreement applies to persons, vehicles, as well as controlled goods included in the Uniform list of goods subject to sanitary and

epidemiological supervision (control) at the customs border and in the customs territory of the Customs Union (hereinafter - the Uniform list of goods).

The sanitary and epidemiological supervision (control) at the customs border and in the customs territory of the Customs Union shall be carried out in accordance with the Regulation on the procedure for sanitary and epidemiological supervision (control) of persons and vehicles crossing the customs border of the Customs Union, controlled goods moved across the customs border of the Customs Union and the customs territory of the Customs Union (hereinafter - the Regulation on sanitary and epidemiological supervision).

The uniform sanitary and epidemiological and hygienic requirements for products subject to sanitary and epidemiological supervision (control) shall be applied in the customs territory of the customs union (hereinafter - Uniform sanitary requirements).

In order to implement this Agreement, the Parties:

- shall recognize the results of work of the authorized bodies to determine the conformity of the controlled goods to the Uniform sanitary requirements;

- shall take coordinated measures directed toward prevention of delivery, spread and elimination from the customs territory of the customs union of infectious and mass noninfectious diseases (poisonings) hazardous to human health, consequences of emergency situations, as well as acts of terrorism with the use of biological agents, chemical and radioactive substances;

- shall carry out sanitary and antiepidemic measures to prevent the importation into the customs territory of the customs union and circulation of controlled goods dangerous to life, human health and environment.

Clause 3

The Parties shall carry out sanitary and epidemiologic supervision (control) with respect to persons, vehicles, controlled goods while moving them across the customs border of the customs union in the checkpoints of the states of the Parties located at the customs border of the customs union.

The Parties shall establish sanitary-quarantine stations at checkpoints designed for movement of controlled goods across the customs border of the customs union, and shall take measures to make the necessary sanitary and antiepidemic actions.

The commission of the customs union shall define a list of controlled goods, movement of which across the customs border of the customs union is carried out in specially equipped checkpoints determined by the Parties concerned in accordance with their laws.

Clause 4

Authorized bodies shall exchange samples of documents confirming safety of products (goods) to be drawn according to the Uniform forms, and lists of authorities and institutions exercising their issue.

Clause 5

The import and circulation of controlled goods in the customs territory of the customs union shall be carried out in the presence of a document confirming the safety of products (goods).

The Parties shall recognize the documents confirming safety of products (goods) included in the Uniform list of goods, issued by the authorized bodies under the Uniform form and certifying conformity of products (goods) to the Uniform sanitary requirements.

Documents confirming safety of products (goods) drawn by authorized bodies before the coming into force of this Agreement shall be valid until their expiry date in the territory of a state of the Party issued the document.

During carrying out of the state sanitary and epidemiological supervision (control) in the identification of controlled goods not conforming to the Uniform sanitary requirements, the Parties shall take measures in accordance with the Regulations on the sanitary and epidemiological supervision. Parties shall have the right to request records of laboratory investigations (tests) with competent authorities which issued documents certifying safety of products (goods), on the basis of which these documents have been issued.

Clause 6

The Uniform list of goods, the Regulation on sanitary and epidemiological supervision, the Uniform sanitary requirements, and Uniform forms of documents confirming safety of products (goods) shall be approved by the decision of the Commission of the Customs Union (hereinafter – the Commission).

The Commission, from the date of vesting it with respective authorities by the Parties, shall perform the maintenance of the documents mentioned in the first part of this clause.

For purposes of this clause, the document maintenance by the Commission shall be understood to mean introduction of amendments and additions to the documents specified in paragraph 1 of this clause in the prescribed manner, and their subsequent approval and notification to the Parties.

Proposals for amendments and additions to the documents referred to in paragraph 1 of this clause shall be made to the Commission in the prescribed manner, including on the proposal of the authorized bodies of the states of the Parties.

Clause 7

The authorized bodies, in cases of detection of infectious and mass nininfectious diseases (poisonings) and (or) spread in the customs territory of the Customs Union of:

- infectious and mass noninfectious diseases (poisonings) among the population;

- products dangerous to human life, health and environment,

shall send information on them as well as on sanitary measures taken to the Information system of the Eurasian Economic Community in the field of technical regulations, sanitary and phytosanitary measures, established in accordance with the Agreement on the establishment of an information system of the Eurasian Economic Community in the field of technical regulations, sanitary and phytosanitary measures of December 12, 2008, and to the Integrated information system of external and mutual trade of the Customs Union established in accordance with the Concept of creating an integrated information system of foreign and mutual trade of the customs union approved by the Decision of the International Council of the Eurasian Economic Community (the supreme body of the Customs Union) of November 27, 2009, reference number 22.

Authorized bodies shall render a mutual scientific-methodological and technical assistance in the field of sanitary and epidemiological welfare of the population and inform each other:

- on the possible arrivals of controlled goods not conforming to the Uniform sanitary requirements;

- on every case of detection of highly dangerous infectious diseases presented in the International Health Regulations (2005), and products dangerous for human life and health.

Clause 8

The authorized bodies, if necessary and by mutual agreement, to observe the laws of the customs union in the field of sanitary measures and protection of the customs territory of the customs union from imports and massive spread of infectious and noninfectious diseases (poisonings) of controlled goods not conforming to sanitary and epidemiological and hygienic

requirements, shall carry out joint examinations (inspections) in the territories of states of the Parties making controlled goods, as well as for prompt decisions of other issues.

Financing of expenditures associated with the fulfillment of this Agreement shall be provided from the respective budgets of the states of the Parties, unless another procedure is agreed upon in each case.

Clause 9

The Parties shall have the right to impose temporary sanitary measures and carry out sanitary and antiepidemic measures in cases:

- of deterioration in the sanitary and epidemiological situation in the territory of a state of the Party;

- of obtaining information from the appropriate international organizations, from Parties or states which are not parties to this Agreement, on the applicable sanitary measures and (or) the deterioration in the sanitary and epidemiological situation;

- when the relevant scientific justification for the application of sanitary measures is inadequate or can not be represented in the required time frame;

- of detection of controlled goods not conforming to the Uniform sanitary requirements.

Parties, in the shortest possible time, shall notify each other of the introduction of sanitary measures, carrying out of sanitary actions and their changes.

At introduction by one of the Parties of temporary sanitary measures the other Parties shall take the necessary measures and carry out sanitary and antiepidemic measures providing the appropriate level of protection of the Party decided to introduce such measures.

Clause 10

Disputes between the Parties concerning the interpretation and (or) the application of this Agreement shall be settled through consultations and negotiations.

If the dispute is not settled by the Parties within six months from the date of receipt of a formal written request for consultations and negotiations sent by a Party to the other Parties, either Party shall refer the dispute to the Court of the Eurasian Economic Community.

Clause 11

As the Parties agree, amendments which are executed by separate protocols may be made in this Agreement.

Clause 12

Procedure for the entry into force of this Agreement, accession to and withdrawal from it shall be defined by the Protocol on the procedure of entry into force of international agreements which are intended to form a contractual legal framework for the Customs Union and for withdrawal from and accession to them of October 6, 2007.

Done at St. Petersburg on December 11, 2009 in one original copy in Russian.

The original copy of this Agreement shall be stored in the Commission of the Customs Union which as the depositary of this Agreement shall send a certified copy to each Party.

**On behalf of
the Government
of the Republic of
Belarus**

**On behalf of
the Government
of the Republic of
Kazakhstan**

**On behalf of
the Government
of the Russian
Federation**