



EURASIAN ECONOMIC COMMUNITY
COMMISSION OF THE CUSTOMS UNION

D E C I S I O N

18 October 2011

№ 835

On equivalence of sanitary, veterinary or phytosanitary measures and conduct of risk assessment

Commission of the Customs Union has **decided:**

1. Parties shall recognize the sanitary, veterinary and phytosanitary measures of other states as equivalent, even if these measures differ from measures of the Customs Union and (or) from those used by the member-states of the Customs Union provided that an exporting state:

- objectively demonstrates to the Parties that its measures allow to achieve the appropriate level of sanitary and/or veterinary protection of the CU or phytosanitary protection of a member-state of the Customs Union;

- provides, for this purpose, to the member-states of the Customs Union, upon their request, reasonable access for carrying out inspection, testing and other relevant procedures.

2. Parties shall conduct joint consultations with exporting States with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary, veterinary or phytosanitary measures.

3. A request for conducting such consultations must be submitted by an interested exporting State to a competent authority of a Party.

The request shall include appropriate science-based information to support its objective demonstration that its measures in question achieve the appropriate level of protection determined by the CU or a Party. This information shall include, inter alia, the following:

- the type of equivalence agreement proposed;

- the description of the exporting State's product(s), measure(s) or systems of surveillance (control) or inspection, for which the recognition of equivalence is requested;
- the name of the competent authority (authorities) for each product, measure or system for which the recognition of equivalence is requested;
- the scope of the product(s), measure(s) or system(s) to be addressed by the agreement;
- reference to relevant international standard(s) or to relevant risk assessment;
- the evaluation on how the exporting State's measure(s) or system(s) achieves the appropriate level of sanitary or veterinary protection of the CU or phytosanitary protection of a Party;
- information on how the measure(s) or system(s) were evaluated and the performance of the measure in practice;
- information on technical and operational feasibility of the proposed alternative measures.

The request including the supporting information is to be provided in the official language of the Party to the competent authority of which the request was made.

4. On request, the Party shall provide to the exporting state an explanation of its level of protection.

5. If the Party has concerns with the request or the information provided, it shall notify them to the competent authorities of the exporting State initiating the request at the earliest opportunity and shall explain the reasons for concerns. The exporting State initiating the request shall respond to such concerns by providing further information, modifying its request or taking other actions as indicated by the Party.

6. When considering a request the Parties should study the information provided for in paragraph 1 with the view to determine whether these measures achieve the appropriate level of protection.

7. During the consideration, additional information may be requested by the competent authorities of the Party. Such information should be provided by the exporting State initiating the request.

8. The exporting State shall, upon request, provide access to relevant information and sites to facilitate reviews, inspections and other verifications necessary for making an equivalence determination.

9. The Parties notify the exporting State initiating the request of its judgment as regards the recognition of equivalence of measure(s) for which equivalence is requested in a timely manner and provide the reasoning to its decision should the judgment be that the measure is not equivalent.

10. An audit, certification and monitoring procedure may be established and included in the plan or arrangement which implements any recognized equivalence measure.

11. A risk assessment shall be understood as an evaluation of the likelihood of entry, establishment or spread of a pest or disease within the territory of the importing country according to the sanitary, veterinary and phytosanitary measures which might be applied, and of the associated potential biological and economic consequences; or the evaluation of the potential for adverse effects on human or animal health arising from the presence of additives, contaminants, toxins or disease-causing organisms in food, beverages or feedstuffs.

12. Parties shall ensure that sanitary, veterinary or phytosanitary measures are based on an assessment, as appropriate to the circumstances, of the risks to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organizations, including the Codex Alimentarius Commission, the International Office of Epizootics, and the relevant international and regional organizations operating within the framework of the International Plant Protection Convention.

13. In the assessment of risks, Parties shall take into account available scientific evidence, relevant processes and production methods, relevant inspection, sampling and testing methods, prevalence of specific diseases or pests, existence of pest — or disease — free areas, relevant ecological and environmental conditions and quarantine or other treatment.

14. In assessing the risk to animal or plant life or health and determining the measure to be applied for achieving the appropriate level of sanitary, veterinary or phytosanitary protection from such risk, Parties shall take into account as relevant economic factors: the potential damage in terms of loss of production or sales in the event of the entry, establishment or spread of a pest or disease, the costs of control or eradication in the territory of the Parties, and the relative cost-effectiveness of alternative approaches to limiting risks.

15. Parties should, when determining the appropriate level of sanitary, veterinary or phytosanitary protection, take into account the objective of minimizing negative trade effects.

16. Parties shall avoid arbitrary or unjustifiable distinctions in the levels of protection they consider to be appropriate in different situations, if such distinctions result in discrimination or a disguised restriction on trade, with the aim of achieving consistency in application of the concept of appropriate level of veterinary, sanitary or phytosanitary protection against risks to human life or health or to animal and plant life or health.

17. The present Decision shall come into force pursuant to the procedure established by Article 8 of the Agreement of the Commission of the Customs Union of 6 October 2007, but not earlier than from the date when the first of the Parties joins the World Trade Organization.

Members of the Commission of the Customs Union:

From Republic of Belarus From Republic of Kazakhstan From Russian Federation

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