

B2B: Update of Foreign Merchandise Certification Procedure in Customs Union

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June 03, 2013

The  **Moscow Times**

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The importation of new types of goods not previously imported (especially new machinery) (New Goods) into the Customs Union of Kazakhstan, Belarus and Russia is often troublesome, and can involve extensive time and effort to ensure administrative compliance. Customs clearance is clearly an issue; however, the bigger issue is obtaining the various certificates and declarations required by the Customs Authority before goods can be customs cleared. These certificates must be presented to the Customs Authority either at, or shortly after, the customs clearance of goods. The goods are not considered cleared unless multiple certificates and declarations (of origin, quality, compliance with safety regulations in the Customs Union, etc.) are obtained, registered and presented to the Customs Authority.

One important document that must also accompany importation of New Goods is a certificate or a declaration indicating compliance of the New Goods with the technical regulations of the Customs Union.

On Nov. 18, 2010, Kazakhstan, Belarus and Russia signed an Agreement on Uniform Principles and Rules of Technical Regulation. Almost one year later, on Oct. 18, 2011, the Commission of the Customs Union approved the technical regulation "On safety of machinery and equipment" (Safety Regulation) which set out personal and environmental safety requirements applicable to goods and established basic rules of certification and declaration of conformity. More recently, on April 9, 2013, the Collegium of Eurasian Economic Commission issued two decisions (Decisions of Collegium of Eurasian Economic Community No. 75 and 76 of 09.04.2013 both effective 30 days after their publication thus falling in mid-May), which added more details to the process of certification and declaration of conformity of goods in Russia, including imported foreign merchandise.



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Decision No. 75 approves the unified form of the certificate of conformity with the requirements of the Safety Regulation and describes the information that must be contained in the certificate. This certificate is issued to the applicant by registered certification centers and test laboratories of the Customs Union (Certification Centers).

Decision No. 76 regulates the process of registration of declarations of conformity of goods with the technical regulations of the Customs Union. Declarations of conformity must be registered in the Unified Registry of Issued Certificates of Conformity and Registered Declarations of Conformity. Registration is performed by the Certification Centers or by authorized government authorities of the Customs Union member states. Where the applicant represents a foreign manufacturer, a copy of the contract with the foreign manufacturer must be provided (often a distribution agreement or other licensing agreement). This contract must contain evidence that the applicant has undertaken to ensure the conformity of goods with the technical regulations of the Customs Union and that the applicant accepts liability for the non-conformity of the New Goods with the technical regulations. A declaration of conformity is registered when it is assigned a registration number in the Unified Registry of Issued Certificates of Conformity and Registered Declarations of Conformity.

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