



CHANGES TO TR CU APPLICATIONS/EAC MARKING: A GUIDE FOR EXPORTERS TO THE EAEU

Do you export goods to the EAEU? Did you know that the Eurasian Economic Commission put in place new rules for TR CU (Technical Regulations Customs Union) last year that will affect the process of conformity assessment? The following Q&As highlight the main changes – why they were made, how they might affect your business and what you need to do differently in future. We hope they will be useful, but if you have any further questions don't hesitate to contact SGS today.

WHY HAVE THESE CHANGES BEEN MADE?

The changes were made to provide better protection for consumers by increasing the responsibilities of manufacturers and their authorized representatives (Applicants) regarding the completeness and truthfulness of the documents and evidence needed for conformity assessment. In the past, TR CU conformity declarations and certificates could be issued without proper diligence and these changes will stop this happening.

WHAT ARE THE MAIN CHANGES TO TR CU APPLICATIONS?

There are three main changes:

1. All supporting documents need to be electronically registered before a TR CU can be issued. This enables authorities to check the completeness and compliance of submitted documents to TR CU regulations. Laboratories and Certification Bodies (CB) who use illegal tests or false certifications may be prosecuted and risk having their Accreditation recalled.
2. The Applicant (a resident of the EAEU who represents a foreign manufacturer for product compliance with TR CU) is legally liable for the compliance and authenticity of all documentation supplied for a TR CU application. Legal penalties for fraud and rule violations have significantly increased for Applicants.
3. The assistance of Customs and other state authorities is being used to check, if all necessary inspection visits (at foreign manufacturers' sites) could have been conducted in reality – or if all necessary samples have indeed been sent and declared at Customs to match and cover all the products for which conformity with TR CU has been stated in TR CU declarations or certificates.

WILL I HAVE TO DO ANYTHING DIFFERENTLY?

If you are using a Certification Body such as SGS, hard copies of all supporting documents need to be sent before the registration of TR CU conformity declarations and certificates can be made. Certification bodies are required to have originally signed hard copies of all the documents which are needed to upload to the authority's register.

The documents required are:

- The (draft) Declaration of Conformity signed by Applicant
- Signed copies of all required conformity evidence and documents (e.g. test reports and user manuals)
- A signed contract between the Applicant and the Manufacturer (you)

The documents must be complete; it is no longer possible to submit manuals, user guides, etc. after a TR CU Certificate is issued or a TR CU Declaration is registered. The Applicant has to sign, notarize and seal the set of documents and send it by registered post to the Certification Body who will then electronically register them before finalizing the process of Declaration or Certification.

WILL THIS AFFECT ANY EXISTING TR CUs?

No, existing TR CU Declarations and Certificates remain valid. However, if fraud or violation of TR CU legislation can be proven by authorities it can lead to serious consequences – from the withdrawal of Declarations to significant penalties for involved parties and suspension of accreditation of Labs and CBs.

WILL IT AFFECT MY BUSINESS?

It may take longer to get a TR CU because of the tighter controls and more rigorous testing. Also, many Laboratories and Certification Bodies have lost their Accreditations due to poor or illegal practice, so those remaining are in demand.

Also, Russian partners, who used to perform all related tasks around TR CU declaration (including applicant functions), might refuse to do so in future due to the higher legal responsibilities and/or ask manufacturers to use a reliable certification body.

SO THE PROCESS WILL TAKE LONGER?

Almost certainly, yes. The registration of Declarations or issuance of Certificates can be done as quickly as before, if all documents and proofs are complete. However, due to stricter control of complete sets of documents, higher requirements for sampling and testing, the expected bottleneck-situations within Test Labs, and the submission of hard copy documents, we recommend that you plan enough buffer time for the whole process.

COULD IT BE GOOD FOR BUSINESS?

Ensuring all required certificates and documents are valid and correct will ultimately save you time, money and the reputation of your company and products. This will give you a clear advantage over any competitor whose documentation is incomplete and conformity documents are being investigated or even revoked by authorities.

WHICH GOODS ARE AFFECTED BY THESE CHANGES?

Any product falling under one of the TR CUs needs a TR CU conformity document and the EAC mark to clear customs. However, goods that require a Declaration of Conformity may be affected more than others because the new regulation increases the controls, mainly on the documents and proof required for the Declaration process, where they had been insufficient in the past.

Additional changes for the mandatory marking (with RFD chips) of some product groups will come into force in 2019. This relates to perfumery products, shoes, furs, other clothing and photo cameras. SGS TR CU experts can help you in explaining those new requirements.

If you have any questions about TR CU compliance, don't hesitate to contact us. We have many years' experience exporting goods to the EAEU and provide full testing, certification and compliance management services for clients worldwide.