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Report Highlights:

The Russia-Kazakhstan-Belarus Customs Union (CU) published two draft documents on its website amending its veterinary-sanitary requirements and regulation on joint inspections of production facilities. There is a 60-day public comment period, starting February 1, 2013, and ending April 2, 2013. Interested U.S. parties are encouraged to share their comments and concerns with USDA's enquiry point (IRSD@fas.usda.gov).

General Information

The Russia-Kazakhstan-Belarus Customs Union (CU) published the following two draft documents amending its veterinary-sanitary requirements and regulation on joint inspections of production facilities on its website:

- [Amendments to the Unified Veterinary \(Veterinary and Sanitary\) Requirements to Goods Subject to Veterinary Control \(Surveillance\);](#)
- [Amendmentsto the Regulation on Common System of Joint Inspections of Facilities and Sampling of Goods \(Products\), Subject to Veterinary Control \(Surveillance\).](#)

Unofficial English translations of the above draft documents can be found below. There is a 60-day public comment period, starting February 1, 2013, and ending April 2, 2013. Interested U.S. parties are encouraged to share their comments and concerns with USDA's enquiry point (IRSD@fas.usda.gov). USDA, in turn, will share collected comments/concerns with the Eurasian Economic Commission.

As of the date of publication of this report, FAS/Moscow does not believe these measures have been notified to the World Trade Organization.

BEGIN UNOFFICIAL TRANSLATION:

Draft

ATTACHMENT
to Decision of the Collegium
of the Eurasian Economic Commission
No. _____ of “_____” _____ 2012

AMENDMENTS to the Unified Veterinary (Veterinary and Sanitary) Requirements to Goods Subject to Veterinary Control (Surveillance)

To supplement the section “General Provisions” with the following paragraph:

“Establishments of third countries that produce products containing components of animal origin, destined for exports to the Customs Union, shall use in their production raw materials of animal origin, which is produced by the establishments, which are eligible for exporting their products to the unified customs territory of the Customs Union.”

END UNOFFICIAL TRANSLATION.

BEGIN UNOFFICIAL TRANSLATION:

Draft

ATTACHMENT
to Decision of the Council
of the Eurasian Economic Commission
No. _____ of “_____” _____ 2012

AMENDMENTS
to the Regulation on Common System of Joint Inspections of Facilities and Sampling of Goods
(Products), Subject to Veterinary Control (Surveillance)

1. Chapter II to supplement with the following paragraph:

“Register of establishments of third countries – a register of organizations and individuals, carrying out production, processing and (or) storage of controlled goods imported to the customs territory of the Customs Union.”

2. In Chapter IV of the Regulation:

2.1. in the first paragraph of item 43 after the words “the Party shall make the decision” to add the words “agreed with the authorized bodies of the Parties.”

2.2. In paragraph “h” of item 43 after the word “country” to add the words “(if available.)”

2.3. In item 43 to add sub-paragraph “i” as follows: “Experience of trade with the third country.”

2.4. Item 44 shall be revised as follows:

“In case of granting to the CA of the third country the right to provide guarantees, the CA of this third country shall prepare a list of establishments and send it to the authorized body of a Party. The authorized body of the Party shall evaluate the proposal within one month to take a decision to include the listed establishments into the Register of establishments of third countries and to notify the CU of the third country on the decision made regarding the inclusion of the establishment/establishments or send a substantiated refusal regarding the provided list of establishments and state the reasons. The CA, which has been granted the right to provide guarantees, afterwards may send to the authorized body of the Party an additional list of establishments for them to be considered for inclusion in the Register of establishments of third countries. The authorized body of the Party may inspect a representative percentage of the establishments listed in the Register of establishments of third countries, once a year. In case of repeated negative results of inspections in some of the inspected establishments the authorized body of the Party may take a decision to suspend exports from these establishments. In case of negative results obtained during inspection of more than 60 percent of inspected establishments, which would be indicative of a serious failure of the official system of control, the authorized body of the Party may take a decision to refuse to accept guarantees from the CA of the third country and require a mandatory joint inspection of establishments of the third country.”

2.3. In the first paragraph of item 56 the words “two months” to replace with the words “two weeks.”

2.4. To exclude item 57 and supplement items 76 and 90 with the following paragraph “If the CA of the third country does not allow the inspection of one or more of the selected establishments, this can be the basis for the authorized body of the Party, planning the joint inspection, to suspend exports of

products from these establishments to the CU if the authorized body of the Party believes that the CA of the third country has not provided a reasonable justification for the refusal.”

3. In Chapter X of the Regulation:

3.1. Item 129 shall read as follows:

“In cases indicated in items 125.a, 125.b (except for the case as indicated in paragraph 2 of the present article), and 125.d, the sampling, transportation of the selected samples to the laboratory and their laboratory testing are free of charge for the owner of the controlled goods.

In case violations of veterinary and sanitary requirements are detected during documentary or physical control, the owner of the controlled goods shall cover the expenses for the sampling, transportation of the selected samples to the laboratory, and their laboratory testing.

In the case indicated in item 125.c, the owner of the controlled goods shall cover the expenses for the sampling, transportation of the selected samples to the laboratory, and their laboratory testing.

In the case indicated in paragraph 2 of the present article, laboratory testing of the samples shall be carried out on all quality and safety indicators in order to determine the possibilities for further use or destruction of the specific shipment of the controlled goods.”

3.2. After item 134 to insert the following additional item: “In the case indicated in item 125.c, after a single detection of a violation, sampling shall be performed for at least ten shipments of the produced goods and within not more than three months. The sampling shall be performed only with regard to the same type of goods where the violation was detected. The laboratory testing shall carried out on all safety indicators of the respective group of indicators**.”

3.3. In item 135 to exclude the words “the laboratory or via.”

4. In Chapter XI of the Regulation:

4.1. Item 137 to supplement with the following three paragraphs d), e), f):

“d. arrival of shipments of controlled goods from establishments, the imports of which are under temporary restrictions, but which were shipped prior to the date when the temporary restrictions were imposed;

e. arrival of shipments of controlled goods from establishments, for which temporary import restrictions were lifted;

f. arrival of shipments of controlled goods from establishments, which are listed in the Register of establishment of third countries under the guarantees of the CU of the third country as stated in Article 7 of the present Regulation.”

4.2. Item 141 shall read as follows:

“In cases indicated in paragraphs 137.a and 137.b (except for the case as indicated in paragraph 2 of the present article), the sampling, transportation of the selected samples to the laboratory and their laboratory testing are free of charge for the owner of the controlled goods.

In case violations of veterinary and sanitary requirements are detected during documentary or physical control of the imported controlled goods at the state border checkpoints, in the places of complete customs clearance, the owner of the controlled goods shall cover the expenses for the sampling of the controlled goods, transportation of the selected samples to the laboratory, and their laboratory testing.

In the cases indicated in items 137.c, 137.d, 137.e, and 137.f, the owner of the controlled goods shall cover the expenses for the sampling of the controlled goods, transportation of these samples to the laboratory, and their laboratory testing.

In the case indicated in paragraph 2 of the present article, laboratory testing of the samples shall be carried out on all quality and safety indicators in order to determine the possibilities for further use or destruction of the specific shipment of the controlled goods.”

4.3. After item 141 to insert two additional items:

“In the case indicated in item 137.d, sampling shall be performed for all shipments of the imported goods and shipped prior to the date when temporary restriction were imposed on the specific establishment. Laboratory testing shall carried out on all safety indicators of the respective group of indicators.

In the cases indicated in items 137.e and 137.f, sampling shall be performed for the first ten shipments of the imported goods from the specific establishment.”

4.4. Item 145 shall read as follows: “In case indicated in item 137.c after a single detection of a violation, sampling shall be performed for at least ten shipments of imported goods and within not more than three months. The sampling shall be performed only with regard to the same type of goods where the violation was detected. The laboratory testing shall be preformed for all safety indicators of the respective group of indicators**,”

4.5. Sentence 1 of item 146 shall read as follows “The authorized body of the Party shall inform directly or via publishing on the internet site the CA of the third country where the controlled goods were produced and the CA of the third country from where the controlled goods were exported to the CU, the owner of goods, the producers, the inspector of the administrative territory and the authorized bodies of the other Parties about the violations detected during the monitoring and/or enhanced laboratory control of the controlled goods as soon as possible but in any case no later than within 5 working days after receiving the laboratory results of the testing from the laboratory.”

4.6. In item 159 “b” to exclude the words “or in case of its absence, given by the authorized body of the Party;”

4.7. Item 159 “c” shall read as follows: “Activity of the establishment.”

4.8. To supplement item 159 with sub-item: “e) Address of the establishment, f) Region (district, province, land, state, etc.)

4.9. Item 161, sub-item “b” shall read as follows “Temporary restrictions” means that exports of controlled goods from the establishment is currently temporarily suspended. When temporary restrictions are imposed by the authorized body of one of the Parties, temporary restrictions apply to the shipments of controlled goods to the whole territory of the CU.

To supplement with item 179 as follows:

“179. In accordance with the regulatory measures, established by the Unified veterinary requirements for controlled goods, imported to the customs territory of the Customs Union, which are not subject to the listing in the Register of establishments of third countries, the following scheme shall apply:

1) If an audit of a foreign official system of supervision was not carried out or is not completed, or if, as a result of such audit, the foreign official system of supervision is not recognized as being capable to provide a level of protection at least equivalent to the level of protection provided by the CU requirements, the import of the controlled goods is carried out provided that the establishments (individuals) of third countries that process them, produce them, or store them, are listed in the Register of third countries.

2) The inclusion of such establishments in the Register of third countries is carried out on the basis of a joint audit or guarantees, provided by the CA of the third country.

3) The inclusion of establishments in the Register of third countries for such goods will be carried out prior to completion of the audit and recognition of the country’s official system of supervision as at least equivalent to the level of protection in accordance with the CU requirements.”

Note:

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- in case incompliance of the controlled goods is found upon the results of the monitoring testing for one or more microbiological indicators, to carry out a complex of testing in the course of enhanced laboratory control for the whole group of microbiological indicators,

- in case incompliance of the controlled goods is found upon the results of the monitoring testing for one or more chemical and toxicological indicators, to carry out a complex of testing in the course of enhanced laboratory control for the whole group of chemical and toxicological indicators,

- in case incompliance of the controlled goods is found upon the results of the monitoring testing for one or more radiological indicators, to carry out a complex of testing in the course of enhanced laboratory control for the whole group of radiological indicators,

- in case incompliance of the controlled goods is found upon the results of the monitoring testing for one or more biochemical indicators, to carry out a complex of testing in the course of enhanced laboratory control for the whole group of biochemical indicators.”

END UNOFFICIAL TRANSLATION.