

Voluntary Report – Voluntary - Public Distribution

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Report Name: Draft Amendments to Phytosanitary Regulations Notified to WTO

Country: Kyrgyzstan - Republic of

Post: Moscow

Report Category: Sanitary/Phytosanitary/Food Safety, WTO Notifications, FAIRS Subject Report

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Report Highlights:

On March 18, 2020, the Kyrgyz Republic notified the World Trade Organization (WTO) of draft amendments to the Eurasian Economic Union (EAEU) regulations on phytosanitary control at the border and inside the EAEU via G/SPS/N/KGZ/12. The draft measure adds grounds for recognizing phytosanitary certificates as not confirming the necessary phytosanitary condition of imported products and returning incompliant wood packaging materials. The public comment period for the draft will close on May 17, 2020. Interested U.S. parties are encouraged to share their comments and/or concerns with USDA's enquiry point (us.spsenquiry@fas.usda.gov). For potential inclusion in the U.S. official position, please send your comments by May 4, 2020.

General Information

The Eurasian Economic Commission (EEC), which is the regulatory body of the Armenia-Belarus-Kazakhstan-Kyrgyzstan-Russia Eurasian Economic Union¹ (EAEU), published the following draft document on its website:

- [On Amending Decision of the Customs Union Commission No. 318 of June 18, 2010 “On Ensuring Plant Quarantine in the Eurasian Economic Union”](#)

On March 18, 2020, the Kyrgyz Republic notified the World Trade Organization (WTO) of draft amendments to the Eurasian Economic Union (EAEU) regulations on phytosanitary control at the border and inside the EAEU via [G/SPS/N/KGZ/12](#). The public comment period for the draft will close on May 17, 2020. Interested U.S. parties are encouraged to share their comments and/or concerns with USDA’s enquiry point (us.spsenquiry@fas.usda.gov). For potential inclusion in the U.S. official position, please send your comments by May 4, 2020.

According to the notification, the draft provides for supplementing decision of the Customs Union Commission No. 318 of June 18, 2010 “On Ensuring Plant Quarantine in the Eurasian Economic Union” with provisions allowing designated officials of the authorized plant quarantine bodies of the EAEU Member States to recognize phytosanitary certificates as not confirming the necessary phytosanitary condition of imported regulated products. The draft also grants authority to the authorized body to return wood packaging materials if a special marking sign of an international standard confirming that the wood packaging materials have been treated by heating throughout the thickness of wood or fumigation is missing, or wood packaging materials do not comply with the Unified EAEU Quarantine Phytosanitary Requirements.

An unofficial English translation of the proposed amendments can be found below. The current version of the Customs Union Commission No. 318 of June 18, 2010 is available here [in Russian](#) and [translated into English](#) via automated translation.

¹ For details, please see 2016 GAIN report *Eurasian Economic Union One Year On* at <https://gain.fas.usda.gov>.

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**EURASIAN ECONOMIC COMMISSION
COUNCIL**

DECISION

_____ 20____ No. _____ city

On Amending Decision of the Customs Union No. 318 of June 18, 2010

In accordance with paragraph 3 of Article 59 of the Treaty on the Eurasian Economic Union of May 29, 2014, and paragraphs 47 and 55 of Annex No. 1 to the Rules of Procedure of the Eurasian Economic Commission approved by Decision of the Supreme Eurasian Economic Council No. 98 of December 23, 2014, the Council of the Eurasian Economic Commission **has resolved:**

1. To amend the Regulation on the Phytosanitary Quarantine Control (Supervision) at the Customs Border of the Eurasian Economic Union as follows:

a) paragraph 4.1.5. shall be supplemented with subparagraph 7 as follows: “7. In the case provided for by subparagraph 1 of paragraph 4.1.4. of the Regulation.”

b) paragraph 4.1.7. shall read as follows: “4.1.7. A phytosanitary certificate is recognized as not confirming the necessary phytosanitary condition of an imported batch of regulated products in the following cases:

1) the phytosanitary certificate does not contain information on compliance with special quarantine phytosanitary requirements that were in force at the time the phytosanitary certificate was issued and have not expired at the time of the documentary check;

2) the absence of marking on the package of regulated products, if the Uniform Quarantine Phytosanitary Requirements stipulate requirements for packaging and labeling of regulated products;

3) the information on the package labeling of regulated products does not comply with the Unified Quarantine Phytosanitary Requirements and (or) the information contained in the phytosanitary certificate.

c) paragraph 4.3.2. shall be supplemented with subparagraphs 3 and 4 as follows: “3) to determine the presence or absence of labeling on the packaging of regulated products, as well as the necessary information on the label, if the Uniform Quarantine Phytosanitary Requirements stipulate requirements for packaging and labeling of regulated products.

4) to determine the presence on the wood packaging materials of a special marking sign of an international standard, confirming that the treatment has been carried out by heating throughout the thickness of the wood or fumigation, as well as the compliance of wood packaging materials with the Unified Quarantine Phytosanitary Requirements.”

d) paragraph 4.3.4. shall read as follows: “4.3.4. Based on the results of an inspection of regulated products, the official of the authorized body makes a decision to ban the import of a batch of regulated products or to prohibit their placement under the customs procedure of customs transit in cases where during the inspection it was established that:

1) regulated products are regulated products of high phytosanitary risk, while in commercial and (or) transport (transportation) documents the name of a product with low phytosanitary risk is indicated and no phytosanitary certificate for the batch of regulated products has been presented;

2) information on the name of the product does not correspond to the information specified in the phytosanitary certificate;

3) on the surface of regulated products and packaging, quarantine objects have been detected, with the exception of cases stipulated by the Unified Quarantine Phytosanitary Requirements when the import of infected regulated products is permitted;

4) there is no marking on the package of regulated products, if the Unified Quarantine Phytosanitary Requirements stipulate requirements for packaging and labeling of regulated products;

5) the information on the labeling of the package of regulated products does not comply with the Unified Quarantine Phytosanitary Requirements and (or) the information contained in the phytosanitary certificate.

Based on the results of an inspection of wood packaging materials, an official of the authorized body makes a decision to ban the import of wood packaging materials if during the inspection it is established that there is no special marking sign of an international standard on wood packaging materials confirming that the wood packaging materials have been treated by heating throughout the thickness of wood or fumigation, or wood packaging materials do not comply with the Unified Quarantine Phytosanitary Requirements.”

e) in paragraph 4.4.2.2. the words “used during the quarantine phytosanitary examination, are not returned to the owner, their value is not reimbursed to the owner.” shall be replaced with the words “intended for carrying out quarantine phytosanitary examination, shall be packed, sealed, transported, stored, used and destroyed in accordance with the procedure for laboratory support of quarantine phytosanitary measures. Samples (specimen) of regulated products used during the quarantine phytosanitary examination are not returned to the owner, their value is not reimbursed to the owner.”

f) paragraph 4.4.1 shall be supplemented with subparagraph 5 as follows: “5) the presence or absence on the packaging of regulated products of marking, as well as the necessary information on the label, if the Unified Quarantine Phytosanitary Requirements stipulate requirements for packaging and labeling of regulated products”.

g) subparagraph 4) of paragraph 4.4.1. after the words “international standard”, shall be supplemented with the words “that confirms treatment by heating throughout the thickness of the wood or fumigation, as well as compliance of wood packaging materials with the Unified Quarantine Phytosanitary Requirements”.

h) paragraph 4.4.3. shall read as follows: “4.4.3. Based on the results of an inspection of regulated products, the official of the authorized body makes a decision to ban the import of a batch of regulated products or to prohibit their placement under the customs procedure of customs transit in cases where during the inspection it was established that:

1) regulated products are regulated products of high phytosanitary risk, while in commercial and (or) transport (transportation) documents the name of a product with low phytosanitary risk is indicated and no phytosanitary certificate for the batch of regulated products has been presented;

2) information on the name of the product does not correspond to the information specified in the phytosanitary certificate;

3) the fact of infection (contamination) was established (based on the results of a study of the quarantine phytosanitary state of samples (specimen)) of quarantine products by quarantine objects, with the exception of cases provided for by the Unified Quarantine Phytosanitary Requirements.

4) there is no marking on the package of regulated products, if the Unified Quarantine Phytosanitary Requirements stipulate requirements for packaging and labeling of regulated products;

5) the information on the labeling of the package of regulated products does not comply with the Unified Quarantine Phytosanitary Requirements and (or) the information contained in the phytosanitary certificate.

Based on the results of an inspection of wood packaging materials, an official of the authorized body makes a decision to ban the import of wood packaging materials if during the inspection it is established that there is no special marking sign of an international standard on wood packaging materials confirming that the wood packaging materials have been treated by heating throughout the thickness of wood or fumigation, or wood packaging materials do not comply with the Unified Quarantine Phytosanitary Requirements.”

2. In the Regulation on the Procedure for Quarantine Phytosanitary Control (Supervision) in the Customs Territory of the Eurasian Economic Union:

a) paragraph 3.11. shall be supplemented with subparagraphs 3 and 4 as follows: “3) to determine the presence or absence of labeling on the packaging of regulated products, as well as the necessary information on the label, if the Uniform Quarantine Phytosanitary Requirements stipulate requirements for packaging and labeling of regulated products.

4) to determine the presence on the wood packaging materials of a special marking sign of an international standard, confirming that the treatment has been carried out by heating throughout the thickness of the wood or fumigation, as well as the compliance of wood packaging materials with the Unified Quarantine Phytosanitary Requirements.”

b) subparagraph 1 of paragraph 3.13. shall be supplemented with the following paragraphs:

“there is no marking on the package of regulated products, if the Unified Quarantine Phytosanitary Requirements stipulate requirements for packaging and labeling of regulated products;

the information on the labeling of the package of regulated products does not comply with the Unified Quarantine Phytosanitary Requirements and (or) the information contained in the phytosanitary certificate;

Based on the results of an inspection of wood packaging materials, an official of the authorized body makes a decision to return or destruct wood packaging materials if, during the inspection, it was established that there is no special marking sign of an international standard on wood packaging materials confirming that heat treatment has been performed throughout the thickness of the wood or fumigation, or wood packaging materials do not comply with the Unified Quarantine Phytosanitary Requirements.”

3. The present Decision shall come into effect after 30 calendar days from its official publication.

Members of the Council of the Eurasian Economic Commission:

From the Republic of Armenia	From the Republic of Belarus	From the Republic of Kazakhstan	From the Kyrgyz Republic	From the Russian Federation
M. Grigoryan	I. Petrishenko	A. Smailov	E. Asrandiev	A. Overchuk

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Attachments:

No Attachments.