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## Russian Federation

**Post:** Moscow

### Draft EAEU SPS Measure on Joint Inspections Notified to WTO

**Report Categories:**

WTO Notifications

Sanitary/Phytosanitary/Food Safety

FAIRS Subject Report

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**Report Highlights:**

On September 2, 2015, Russia notified the World Trade Organization (WTO) of draft amendments to EAEU [1] regulation on joint inspections of facilities under veterinary control via [G/SPS/N/RUS/103](#).

According to the notification, the draft amendments would only affect the EAEU member-states. The 60-day public comment period for the draft will close on

November 1, 2015. Interested U.S. parties are encouraged to share their comments and/or concerns with USDA's enquiry point ([us.spsenquiry@fas.usda.gov](mailto:us.spsenquiry@fas.usda.gov)). For potential inclusion in the U.S. official position, please send your comments by October 20, 2015.

<sup>[1]</sup> Current members are Armenia, Belarus, Kazakhstan, Kyrgyzstan, and Russia.

**General Information:**

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

- [On Amending the Regulation on Common System of Joint Inspections of Objects and Sampling of Goods \(Products\), Subject to Veterinary Control \(Supervision\)](#)

On September 2, 2015, Russia notified the World Trade Organization (WTO) of this draft document via [G/SPS/N/RUS/103](#). According to the notification, the draft amendments would only affect the EAEU member-states. In particular, the draft specifies the authorized body responsible for decisions on changing the current status of establishments in the Register of the Customs Union (CU) and the procedure for changing the status of establishments in the Register. Additionally, according to the draft amendments, the inspections guidelines specified in Annex No. 3 to the Regulation will be used only for inspections of establishments of third countries.

The 60-day public comment period for the draft will close on November 1, 2015. Interested U.S. parties are encouraged to share their comments and/or concerns with USDA's enquiry point ([us.spsenquiry@fas.usda.gov](mailto:us.spsenquiry@fas.usda.gov)). For potential inclusion in the U.S. official position, please send your comments by October 20, 2015.

An unofficial English translation of the above-referenced draft document can be found below.

BEGIN UNOFFICIAL TRANSLATION:

**EURASIAN ECONOMIC COMMISSION  
COUNCIL**

**DECISION**

“ ” 20 No.

**On Amending the Regulation on Common System of Joint Inspections  
of Objects and Sampling of Goods (Products),  
Subject to Veterinary Control (Supervision)**

In accordance with item 12 of the Protocol on the Application of Sanitary, Veterinary and Sanitary, and Quarantine Phytosanitary Measures (Annex No. 12 to the Treaty on the Eurasian Economic Commission of November 18, 2011, the Regulations of the Eurasian Economic Union of May 29, 2014), the Council of the Eurasian Economic Commission **decided**:

1. To approve amendments to the Regulation on Common System of Joint Inspections of Objects and Sampling of Goods (Products), Subject to Veterinary Control (Supervision), approved by Decision of the Council of the Eurasian Economic Commission No. 94 of October 9, 2014, in accordance with the attachment.

2. This Decision shall enter into force after 30 days after its official publication.

**Members of the Council of the Eurasian Economic Commission:**

<b>Republic of Armenia</b>	<b>Republic of Belarus</b>	<b>Republic of Kazakhstan</b>	<b>Kyrgyz Republic</b>	<b>Russian Federation</b>
<b>V. Gabrielyan</b>	<b>V. Matyushevsky</b>	<b>B. Sagintayev</b>	<b>V. Dil</b>	<b>I. Shuvalov</b>

ATTACHMENT  
to Decision of the Council  
of the Eurasian Economic Commission  
No.            of            2015

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

1. Paragraph 96 shall read as follows:

“If the system of checks (inspections) of objects of veterinary control (supervision) of one of the member-states has not been recognized as equivalent, establishments, located on the territory of the member-state may be included in the register of establishments of the Customs Union, without a joint inspection (control), according to the agreed decision of the authorized bodies of all member-states in the case where the risk associated with the supply of controlled goods (products) produced by the establishment, is assessed by them as acceptable risk.”

2. The following paragraph 107<sup>1</sup> shall be added:

107<sup>1</sup>. In cases if the system of inspections (control) of the objects subject to veterinary control (supervision) of one of the member-states was not recognized as equivalent, the system is to be audited in accordance with the procedure established in section IV of this regulation.”

3. In the first sentence of subparagraph “c” of paragraph 116 the words “, produced by an establishment” shall be replaced with the words “– by decision of the authorized body of the member-state on whose territory the establishment producing the controlled goods (products) is located.”

4. In paragraph 128 the word “use by” shall be replaced with the word “expiry.”

5. Paragraph 130 shall read as follows:

“The authorized body shall inform the owners of the controlled goods, the producer and the inspectors of the administrative territory in case of detection of substandard products manufactured on the territory of the member-state, which detected the said products, and the authorized bodies of the other member-states if the detected products were manufactured on the territory of another member-state as soon as possible but in any case no later than within 10 working days. The authorized bodies of the other member-states shall in this case themselves notify the owners of the controlled goods, the producer and inspectors of the administrative territory about the detected incompliance. Copies of acts of sampling and copies of laboratory testing protocols, containing the information on the sampling method, the site and purposes of the sampling, the analytical method if used, the laboratory where the laboratory testing took place, and the results of the testing, shall be attached to this notification.”

6. Subparagraph “c” of paragraph 172:

a) after the words “every shipment” shall be supplemented with the words “of goods (products)”;

b) after the words “for subsequent laboratory control” shall be supplemented with the following text: “in accordance with paragraph 129 of this Regulation. Enhanced laboratory control in such cases is a measure introduced as an alternative to a temporary ban on the import of the controlled goods (products), manufactured by this establishment.”

7. Paragraph 173 shall read as follows:

“173. An establishment can be listed in the Register of establishments of the Customs Union by decision of the authorized body, which has established and keeps the register of establishments of the Customs Union, on whose territory the establishment is located:

a) in cases identified in paragraphs 96 and 107 of this Regulation;

b) on the basis of results of a joint inspection (control) of the establishment.”

8. Paragraph 175 shall read as follows:

“175. Decision on changing the status of establishments in the Register of establishments of the Customs Union shall be taken by the authorized body of the member-state on whose territory the establishment is located, on the following grounds:

a) a request of the establishment;

b) detection on the territory of one of the member-states of goods (products) produced by the establishment which are incompliant with the Unified veterinary requirements;

c) expiration of the period of enhanced laboratory control of the controlled goods (products) produced by the establishment;

d) results of an on site inspection (control) of the establishment, as well as in the case specified in paragraph 107 of this Regulation.”

9. Paragraph 176 shall read as follows:

“176. The authorized body of the member-state on whose territory the goods (products) which are incompliant with the Unified veterinary requirements were produced, shall within 5 working days after receiving the information on the detected violations as established by paragraph 130 of this Regulation, take a decision and make the respective changes in the register of establishments of the Customs Union.

If the status of the establishment in the register of establishments of the Customs Union has been changed to “notified” the authorized body of the member-state on whose territory the goods (products) which are incompliant with the Unified veterinary requirements were produced (except for incompliances that arose as a result of violations of transportation and the subsequent storage regimes and (or) during sales of the controlled goods) shall conduct an investigation of the detected violation of the requirements within the timeframe established by the legislation of the member-state with the aim to determine the reasons and conditions that caused the detected violation, including by way of testing samples of goods (products) in an accredited laboratory, and on the basis of the conducted investigation take a decision and change the status of the establishment in the register of establishments of the Customs Union to “unrestricted,” “temporary restricted,” “enhanced laboratory control,” of “special requirements.”

If the status of the establishment in the register of establishments of the Customs Union has been changed to “enhanced laboratory control” the authorized body of the member-state on whose territory the goods (products) which are incompliant with the Unified veterinary requirements were produced, shall ensure the organization and conducting of measures specified in paragraph 129 of this Regulation.

If during enhanced laboratory control there is a repeat detection of goods (products) which are incompliant with the Unified veterinary requirements, the authorized body of the member-state on whose territory these goods (products) were produced shall take a decision within 5 working days and change the status of the establishment in the register of establishments of the Customs Union to “temporary restricted” of “special requirements.”

If during enhanced laboratory control there are no detections of goods (products) which are incompliant with the Unified veterinary requirements, the authorized body of the member-state on whose territory these goods (products) were produced shall take a decision within 5 working days and change the status of the establishment in the register of establishments of the Customs Union to “unrestricted.”

If upon the results of consideration of information on the detected violations by the authorized body of the member-state on whose territory the goods (products) which are incompliant with the Unified veterinary requirements were produced, a decision was taken and the status of the establishment

in the register of establishments of the Customs Union was changed to “special requirements,” this authorized body shall ensure control over implementation of the respective special requirements until they are cancelled or the status of the establishment in the register of establishments of the Customs Union is changed to “unrestricted,” “temporary restricted,” or “enhanced laboratory control.” If during the period when the status of the establishment is “special requirements,” there is a repeat detection of goods (products) which are incompliant with the Unified veterinary requirements, the authorized body of the member-state on whose territory these goods (products) were produced shall take a decision within 5 working days and change the status of the establishment in the register of establishments of the Customs Union to “temporary restricted.””

10. The following paragraph 178<sup>1</sup> shall be added:

“178<sup>1</sup>. Information exchange between the authorized bodies of the member-states and the Commission in accordance with this Regulation shall be carried out electronically by means of the integrated information system of the Union.

Prior to entry into force of the integrated information system of the Union information exchange between the authorized bodies of the member-states and the Commission in accordance with this Regulation shall be carried out via sending official letters to each other.

Such letters can be executed and forwarded with the use of automated information systems.”

11. The following paragraph 180 shall be added:

“180. If there are disagreements between the authorized bodies of the member-states, the interested party shall initiate consultations with the authorized body of the member-state on the facts of detections of violations of the requirements of this Regulation (attaching the corresponding documents.)

The Commission may provide its site for consultations. In this case the information on the upcoming consultations shall be submitted to the Commission no later than 3 working days prior to their start.

If the disagreements are not resolved in the bilateral format provided there is an official request for the Commission from the authorized bodies of the member-states, the Commission shall as soon as possible but in any event no later than within 5 working days from the moment the request was received, organize consultations between the authorized bodies of the member-states on the site of the Commission with the participation of the Commission’s representatives.

If upon results of consultations the disagreements have not been resolved, the issue may be forwarded by the member of the Collegium (Minister) of the Commission, who is in charge of the issues of application of sanitary, veterinary and phytosanitary measures, or a member of the Board of the Commission for consideration of a Commission’s body with mandatory participation of representatives of the authorized bodies of the member-states when the issue is considered.

Dispute resolution shall be carried out in accordance with article 112 of the Treaty on the Eurasian Economic Union of May 29, 2014.”

12. Amendments introduced in Annex No. 3 of the Regulation on Common System of Joint Inspections of Objects and Sampling of Goods (Products), Subject to Veterinary Control (Supervision):

a) in paragraph 1 of the General Provisions of sections A, B, and C of the Guidelines for inspection of facilities subject to veterinary control (supervision) to delete the words “customs” and “the Customs Union and;”

b) in paragraph 2 of the General Provisions of sections A, B, and C of the Guidelines for inspection of facilities subject to veterinary control (supervision) to delete the words “member-states of the Customs Union (hereinafter member-states) and;”

c) in paragraph 2 of the General Provisions of sections A, B, and C of the Guidelines for inspection of facilities subject to veterinary control (supervision) to delete the words “member- and.”

END UNOFFICIAL TRANSLATION.