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Report Name: Draft TBT Measure on Fat and Oil Products Notified to WTO

Country: Russian Federation

Post: Moscow

Report Category: Oilseeds and Products, WTO Notifications, Sanitary/Phytosanitary/Food Safety,

FAIRS Subject Report

Prepared By:

Approved By: Deanna Ayala

Report Highlights:

On January 7, 2020, Russia notified the World Trade Organization (WTO) of draft amendments to the Technical Regulation (TR) of the Customs Union "Technical Regulation on Fat and Oil Products" via G/TBT/N/RUS/93. The draft measure aims to clarify certain provisions of the TR on the production, storage, transportation and processing of fat and oil products, as well as bring it into compliance with the current EAEU labeling requirements. This report contains an unofficial translation of the notified document. The public comment period for the draft will close on April 25, 2020. Interested U.S. parties are encouraged to share their comments and concerns with the National Institute of Standards and Technology at ncsci@nist.gov. For potential inclusion in the U.S. official position, please send your comments by April 10, 2020.

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

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 Amendment No. 2 to the Technical Regulation of the Customs Union "Technical Regulation on Fat and Oil Products" (TR TS 024/2011)

On January 7, 2020, Russia notified the World Trade Organization (WTO) of the draft amendments via <u>G/TBT/N/RUS/93</u>. The public comment period for the draft will close on April 25, 2020. Interested U.S. parties are encouraged to share their comments and concerns with the National Institute of Standards and Technology at <u>ncsci@nist.gov</u>. For potential inclusion in the U.S. official position, please send your comments by April 10, 2020.

The draft measure aims to clarify certain provisions of the TR on the production, storage, transportation and processing of fat and oil products, as well as bring it into compliance with the current EAEU labeling requirements. According to the WTO notification above, the measure also clarifies such terms and definitions as "spread", "rendered mixtures", "cocoa butter equivalents", and "cocoa butter improvers" in line with the recently adopted EAEU concept of a "milk fat substitute".

An unofficial English translation of the proposed amendments, as well as related draft EEC Council and Collegium decisions can be found below. The current version of the Technical Regulation of the Customs Union "Technical Regulation on Fat and Oil Products" is available here <u>in Russian</u> 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.

EURASIAN ECONOMIC COMMISSION COUNCIL

DECISION _____ 20____ No. city

On Amending the Technical Regulation of the Customs Union "Technical Regulation on Fat and Oil Products" (TR TS 024/2011)

In accordance with article 52 of the Treaty on the Eurasian Economic Union of May 29, 2014, and paragraph 29 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 Technical Regulation of the Customs Union "Technical Regulation on Fat and Oil Products" (TR TS 024/2011), approved by Decision of the Customs Union Commission No. 883 of December 9, 2011, in accordance with the attachment.
- 2. The present Decision shall come into effect after one year from its official publication.

Members of the Council of the Eurasian Economic Commission

From the	From the	From the Kyrgyz	From the	From the Russian
Republic of	Republic of	Republic	Republic of	Federation
Armenia	Belarus		Kazakhstan	

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Eurasian Econon	nic Co	mmission Counc	il
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AMENDMENTS made to Technical Regulation of the Customs Union "Technical Regulation on Fat and Oil Products" (TR TS 024/2011)

- 1. Article 2, paragraph 3:
- a) subparagraph 18 shall be amended as follows:
- "18) Spread is an emulsified fat product with a total fat mass fraction of not less than 39 percent, which has plastic consistency with the melting point of fat phase not exceeding 36 degrees Celsius and which is made from milk fat and/or dairy cream, and/or cream butter and unmodified and/or modified vegetable oils, and/or milk fat replacer with or without the addition of food supplements and other food ingredients;
- b) subparagraph 21 shall be amended as follows:
- "21) Rendered mixtures are products with fat mass fraction of not less than 99 percent that are produced by mixing the following products heated to the complete melting point: milk fat and/or dairy cream, and/or cream butter and unmodified and/or modified vegetable oils, and/or milk fat replacer, or entirely from unmodified and/or modified vegetable oils, and/or milk fat replacer or by using other technological processes with or without the addition of food supplements and other food ingredients;"
- c) subparagraph 26 shall be revised as follows:
- "26) Cocoa butter equivalents are products with fat mass fraction of not less than 99 percent, which are compatible with cocoa butter in any proportion and which require tempering and have physical and chemical properties as well as fatty acids composition similar to those of cocoa butter, with lauric acid mass fraction not exceeding 1 percent, the mass fraction of 2-oleodysaturated triglycerides of not less than 50 percent, and produced from unmodified vegetable oils (ellipe, borneo, tengkawang, palm, sal, shea, kokum, from mango kernel) and their fractions, and/or modified vegetable oils with or without the addition of food supplements and other food ingredients;"
- c) subparagraph 27 shall be revised as follows:
- "27) Cocoa butter improvers of SOS-type (SOS denotes the presence of 2-oleodistearin in the product) are products the fat mass fraction of which is not less than 99 per cent and which have high compatibility with cocoa butter in any proportion, and require tempering; with 2-oleodistearin as the base component (up to 70 percent) and the mass fraction of lauric acid of not more than 1 per cent, produced from unmodified vegetable oils (ellipe, borneo, tengkawang, palm, sal, shea, kokum, from

mango kernel) and their fractions, and/or modified vegetable oils with or without the addition of food supplements and other food ingredients;"

2. Article 8, paragraph 9: to add the following language to subparagraph 2:

"in case where edible oil and fat products contain components with fat mass fraction of 2 or less per cent, they can be specified in any sequence, after the components which have fat mass fraction exceeding 2 per cent".

3. Article 10, paragraph 5: to add the following language:

"unmodified and modified vegetable oils after their bulk shipment by water vessels are subject to refining and/or deodorization in the technological process of manufacturing edible oil and fat products with the ensured control of oxidative spoilage indicators, including but not limited to peroxide number. In such a case the value of indicator "peroxide number" of unmodified, modified vegetable oils and/or their mixtures at the deodorizer outlet should not exceed 0.2 mEq of active oxygen/kg.

4. Article 15:

- a) To revise paragraph 3 as follows:
- "3. Shipment of edible fat and oil products is not allowed:

in railroad box cars, containers and motor vehicles together with other products, if it can cause contamination of edible oil and fat products;

in bulk by water transport in containers of the vehicles which immediately prior to the shipment of edible oil and fat products were used for transferring cargoes included in Annex 6 to this Technical Regulation.

Edible oil and fat products are transported in bulk by motor and railroad vehicles in the specialized automobile cisterns, railroad tank cars, and tank containers that are used only for transferring food products or other oil and fat products".

- b) To add paragraph 7 as follows:
- "7. In-bulk transportation of edible oil and fat products by water vessels is allowed:
- 1) in tankers equipped with the containers made of stainless steel with epoxy or its technical equivalent coating, on the condition that the previously shipped cargo was a food product or cargo included in Annex 7 to this Technical Regulation;
- 2) in tankers equipped with the containers made of materials, other than those mentioned in subparagraph 1, on the condition that the three previously shipped cargoes were food products or cargoes included in Annex 7 to this Technical Regulation."
- 5. In Annex 1
- a) Group of Products "Vegetable oils all types, vegetable oil fractions," item "Benz(a)pyrene"

The following language shall be used in "Notes":

- "For vegetable oils intended for direct consumption or used as a food product component (food ingredient)";
- b) Section 1 "Interesterified refined deodorized oils (fats); hydrogenated refined deodorized oils (fats); margarines; specialty fats, including cooking, confectionary and baking fats; milk fat replacers; cocoa

butter equivalents, cocoa butter improvers of SOS-type, cacao butter replacers of POP-type, non-lauric untempered cocoa butter replacers, cocoa butter replacers of lauric untempered type" Group of Products "Vegetable oil and animal fat derived products, including fish fat," item "Trans-isomers of fatty acids"

add the wording: "2.0 percent of fat content in the product (beginning 01.01.2030)" to the column "Permissible Levels"; and add the wording: "For cocoa butter replacers of non-lauric untempered type, for cocoa butter replacers of lauric untempered type" to the column "Notes"

c) Section 3. "Sauces based on vegetable oils, mayonnaises, mayonnaise sauces, vegetable oil-based creams"

In the Group of Products "Products derived from vegetable oil and animal fats, including fish fats," item "Peroxide value" shall be deleted

- d) the words "mEq/kg" shall be changed to "mEq of active oxygen/kg."
- 6. Annex 3. the words "mEq/kg" shall be changed to "mEq of active oxygen/kg."
- 7. Insert in the Technical Regulation the following Annexes 6 and 7:

Appendix 6 to Technical Regulation of the Customs Union "Technical Regulation on Fat and Oil Products"

List of previous cargoes banned for the subsequent bulk transportation of edible oil and fat products by water vessels¹

Name of Substance (Synonyms)	CAS ² Number
1	2
Acetone cyanohydrin (ACH; α-Hydroxyisobutyronitrile;	75-86-5
2-Methyllactonitrile)	
Acrylic acid (Propenoic acid)	79-10-7
Acrylonitril (ACN; 2-Propenenitrile; Vinyl cyanide; acrylonitril)	107-13-1
Adipodinitrile (1,4-Dicyanobutane)	111-69-3
Aniline (Phenylamine; Aminobenzene)	62-53-3
Benzene	71-43-2
1,3-Butadiene (Vinylethylene)	106-99-0
N-BUTYL ACRYLATE	141-32-2
Tert-Butyl acrylate	1663-39-4
Tetrachlorocarbon (Tetrachloromethane; Perchloromethane)	56-23-5
Cardura E (the tradename of glycidyl esters of Versatic 9-11 Acid)	11120-34-6
Cashew shell oil	8007-24-7
Chloroform	67-66-3
Cresol (ortho-, meta-, para) (CRESYLIC ACID)	95-48-7
-	108-39-4
	106-44-5
Dibutylamine	111-92-2
Diethanolamine (DEA; Di(2-hydroxyethyl)amine)	111-42-2
Diethylene triamine	111-40-2
Diglycidyl bisphenol A ether	1675-54-3
Diisopropanolamine	110-97-4
Diisopropylamine	108-18-9
Meta-Divinylbenzene (DVB; Vinylstyrene)	1324-74-0
Epichlorohydrin (Chloropropylene oxide; ECH)	106-89-8
Epoxy resins (uncured)	
Ethylacrylat	140-88-5
ETHYLENE DIBROMIDE (EDB; 1,2-Dibromoethane; Ethylene	106-93-4
bromide)	
ETHYLENE DICHLORIDE (EDC; 1,2-Dichlorethane; Ethylene	107-06-2
chloride) ¹	
Ethylene glycol (MEG; MONOETHYLENE GLYCOL)	107-21-1
ETHYLENE GLYCOL MONOBUTYL ETHER (2-Butoxyethanol)	111-76-2

Ethylana avida (EO: Ethylanavida: Ethylanavy)	75-21-8
Ethylene oxide (EO; Ethylenoxide; Ethyleneoxy)	
2-ethylhexyl acrylate	103-11-7
Ethanolamine (MEA; Monoethanolamine; Colamine; 2-aminoetanol; 2-Hydroxyethylamine)	141-43-5
Ethylenediamine (1,2-Diaminoethane)	107-15-3
• ;	50-00-0
Formaldehyde Furtherid also had (Furtheasthing)	
Furfuryl alcohol (Furylcarbinol)	98-00-0 111-30-8
Glutaraldehyde (Glutaral)	
Hexamethylenediamine (1,6-Diaminohexane; 1,6-Hexanediamine)	124-09-4
Isocyanates, icluding but not limited to:	1221 29 (
Toluene diisocyanate (TDI)	1321-38-6
Polymethylenepolyphenyl polyisocyanate	9016-87-9
Diphenylmethane diisocyanate (MDI)	101-68-8
Methyl isocyanate	624-83-9
Methylene diisocyanate	4747-90-4
Lead containing products (banned for transportation as three previous	
cargoes)	
Lubricating oil additives	
Methyl acrylate	96-33-3
Methyl methacrylate monomer (MMA)	80-62-6
Methylstyrene monomer (Vinyltoluene)	25013-15-4
α-Methylstyrene monomer	98-83-9
para-Methylstyrene monomer	622-97-9
Methylene chloride (DCM; Dichloromethane; methylene chloride)	75-09-2
Ethylene glycol (MEG; MONOETHYLENE GLYCOL)	107-21-1
Morpholine	110-91-8
Morpholineethanol (N-(2-Hydroxyethyl)morpholine)	622-40-2
Nitric acid (Aqua fortis)	7697-37-2
Nitropropane (1-Nitropropane and mixtures)	108-03-2
(2-Nitropropane and mixtures)	79-46-9
Perchloroethylene (PCE)	
Phthalates, including but not limited to:	
Diallyl phthalate (DAP)	131-17-9
Di-isodecyl phthalate (DIDP)	19269-67-1
Diisononyl phthalate (DINP)	68515-48-0
Diisooctyl phthalate (DIOP)	27554-26-3
Dioctyl phthalate (DOP)	11781-7
n-Propylamine	622-80-0
Propylene oxide (Oxypropylene; Methyloxirane; 1,2-Epoxypropane)	75-56-9
Pyridine	110-86-1
STYRENE MONOMER (Vinylbenzene, Phenylethylene) ³	100-42-5
Tall oil	8002-26-4
Fatty acids, tall-oil, ASTM Type III	61790-12-3
Telone II; (Telone® II; 1,3-Dichloropropene; 1,3-dichloropropylene)	
Toluene	
L	1

Toluidine (ortho-)	
Dielectric oils containing PCB (e.g. Trichlorobiphenyl)	25323-29-2
Trichlorethane (1,1,1- and 1,1,2-isomers)	
Triethyleneglycol (TEG)	
Vinyl acetate monomer (VAM)	
Vinyl chloride monomer	75-01-4
Xylene (ortho-, meta-, para)	

Notes:

- ¹ Water vessels which earlier transported cargoes, not included in the Appendix can be used only with consent of the authorized body of EAEU member state.
- ² CAS name of a chemical substance and identifier of a chemical substance (Decision of the Eurasian Economic Commission Council of March 03, 2017 No. 19 "On Technical Regulation of the Eurasian Economic Union 'On the Safety of Chemical Products'").
- ³ Banned for transportation as one of the last two cargoes in the tanks with a coating made of organic materials; or as the last cargo in the tanks made of stainless steel; or in the containers with a coating made of inorganic materials.

Appendix 7 to Technical Regulation of the Customs Union "Technical Regulation on Fat and Oil Products"

List of previous cargoes allowed for the subsequent bulk transportation of edible oil and fat products by water vessels¹

Name of Substance (Synonyms)	CAS ² Number
1	2
Acetic acid (Ethanoic acid; Methanecarboxylic acid)	64-19-7
Acetic acid anhydride (Ethanoic anhydride)	108-24-7
Acetone (DIMETHYL KETONE; 2-Propanone)	67-64-1
Acid oils and fatty acid distillates – from animal, marine and	
vegetable oil and fat	
Ammonium hydroxide (Ammonium hydrate; Ammonia solution;	1336-21-6
Aqueous ammonia)	
Ammonium polyphosphate	68333-79-9
Animal, marine and vegetable oil and fat (including but not limited to	
hydrogenised oils and fats), except cashew shell oil and tall oil	
White beeswax	8006-40-4
Yellow beeswax	8012-89-3
Benzyl alcohol (pharmacopoeial and reactive quality)	100-51-6
1,3-Butanediol (1,3-Butylene glycol)	107-88-0
1,4-Butanediol (1,4-Butylene glycol)	110-63-4
N-BUTYLACETATE	123-86-4
Isobutyl acetate	110-19-0
S-butyl acetate	105-46-4
Tert-butyl acetate	540-88-5
Nitric acid, ammonium salt	6484-52-2
Calcium chloride solution	10043-52-4
Calcium lignosulfonate liquid (Lignone solution; Sulfonated lignin	8061-52-7
calcium salt)	
Calcium nitrate solution (CN-9)	35054-52-5
Candelilla wax	8006-44-8
Carnauba wax (Brazil wax)	8015-86-9
Cyclohexane (Hexamethylene; Hexanaphthene; Hexahydrobenzene)	110-82-7
Ethanol (ETHYL ALCOHOL; perfume)	64-17-5
Ethyl acetate (Acetic acid, ethyl ester; Acetic ether)	141-78-6
2-Ethyl hexanol (2-Ethylhexyl alcohol)	104-76-7
Fatty acids	
Arachidic acid (Eicosanoic acid)	506-30-9
BEHENIC ACID (Docosanoic acid)	112-85-6

Butanoic acid (n-Butanoic acid; butyric acid; Ethylacetic acid)	107-92-6
Capric acid (n-Decanoic acid)	334-48-5
Caproic acid (n-Hexanoic acid)	142-62-1
Caprylic acid (n-Octanoic acid)	124-07-2
Erucic acid (cis-13-Docosenoic acid)	112-86-7
Heptanoic acid (n-Heptanoic acid)	111-14-8
Lauric acid (n-Dodecanoic acid)	143-07-7
Lauroleic acid (dodecenoic acid)	4998-71-4
Linoleic acid (9,12-Octadecadienoic acid)	60-33-3
Linolenic acid (9,12,15-Octadecatrienoic acid)	463-40-1
Myristic acid (n-Tetradecanoic acid)	544-63-8
Myristolenic acid (n-Tetradecenoic acid)	544-64-9
Oleinic acid (n-octadecenoic acid)	112-80-1
Palmitinic acid (n-Hexadecanoic acid)	57-10-3
Palmitoleic acid (cis-9-Hexadecenoic acid)	373-49-9
Pelargonic acid (n-Nonoic acid)	112-05-0
Ricinolic acid (12-Hydroxy-cis-9-octadecenoic acid; Ricinic acid)	141-22-0
Stearic acid (N-OCTADECANOIC ACID)	57-11-4
VALERIANIC ACID (n-Pentanoic acid; valeric acid)	109-52-4
Non-fractioned fatty acid mixtures or fatty acid mixtures from natural	
oils and fats	
Fatty alcohols	
Butyl alcohol (1-Butanol; Propylcarbinol)	71-36-3
ISOBUTANOL (2-Methyl-1-propanol)	78-83-1
Hexyl alcohol (1-Hexanol, N-HEXYL ALCOHOL)	111-27-3
Caprylic alcohol (1-Octanol; n-Octyl alcohol)	111-87-5
Cetyl Alcohol (Alfol 16; 1-Hexadecanol; Palmityl alcohol; n-1-	36653-82-4
Hexadecanol)	
DECYL ALCOHOL (1-Decanol)	112-30-1
Isodecyl alcohol (isodecanol)	25339-17-7
Heptyl alcohol (1-Heptanol)	111-70-6
LAURYL ALCOHOL (n-Dodecan-1-ol, n-Dodecyl alcohol)	112-53-8
Myristyl alcohol (1-Tetradecanol, Tetradecanol)	112-72-1
Nonyl alcohol (1-Nonanol, Octyl carbinol, Pelargonic alcohol)	143-08-8
Tridecyl alcohol (1-tri-decanol)	27458-92-0
Non-fractioned fatty alcohol mixtures of mixtures of fatty alcohols	
from natural oils and fats	
Fatty alcohol mixtures	
Cetyl stearyl alcohol (C16-C18)	67762-27-0
Lauryl myristyl alcohol (C12-C14)	
Fatty acid esters – combination of higher fatty acids and fatty	
alcohols, in particular:	
Butyl myristate	110-36-1
Cetyl stearate	110-63-2
Oleyl palmitate	2906-55-0

hydroxide white caustic)	
Sodium Silicate (water glass)	1344-09-8
Sorbitol (D-sorbitol, D-Sorbol)	50-70-4
Epoxidized soybean oil	8013-07-8
Sulfuric acid	7664-93-9
Urea (ammonium nitrate solution)	
1,3-propylene glycol	504-63-2
Propylene tetramer (tetra-propylene, dodecene)	6842-15-5

¹ Water vessels which earlier transported cargoes not included in the Appendix can be used only with consent of the authorized body of EAEU member state.

END UNOFFICIAL TRANSLATION.

² CAS – name of a chemical substance and identifier of a chemical substance (Decision of the Eurasian Economic Commission Council of March 03, 2017 No. 19 "On Technical Regulation of the Eurasian Economic Union 'On the Safety of Chemical Products'").

BEGIN UNOFFICIAL TRANSLATION:

EURASIAN ECONOMIC COMMISSION COLLEGIUM

DECISION

		DECISION		
	20	No.	city	
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paragraph 11 of approved by Dec Collegium of the 1. To establish the requirements estate and Oil Product" December 9, 201 Eurasian Econom 2. Circulation of documents on asset the Eurasian Economic transportation of the regulation of the adopted by Decis shall come into for Economic Commit Regulation on Fa	of Annex No. 2 to the distribution of the Supremore Eurasian Economic Control of the Accuments on associated by the technic (TR TS 024/2011), and the theorem is the commission No. If a superior of the Conformity of the Council of t	the Rules of Procedure Eurasian Economic Commission has resolvessment of conformity cal regulation of the Codopted by Decision of adopted prior to entry of 20 eleased into circulation ty, stated in paragraph at allowed within the short sub-item b) of paragraph in the Eurasian Economic from entry into force of g the Technical Regulation of TR TS 024/2011)."	an Economic Union of May 29, 20 re of the Eurasian Economic Concouncil No. 98 of December 23, 20 ved: To of fat and oil products with the metastoms Union "Technical Regulation the Customs Union Commission Not into force of Decision of the Councounty, shall be valid until their expiration during the period of validity of the 1 of the present Decision, in the termelf-life period for the products established the A of the amendments to the technical and Oil Products" (TR TS 024/20 re Commission No of the Decision of the Council of the Etion of the Customs Union "Technical dar days from its official publication of the Customs Union "Technical dar days from its official publication"	nmission 2014, the andatory on on Fat o. 883 of cil of the on. itory of lished by ical 111),
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