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**Working Party on the
Accession of the Russian Federation**

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ACCESSION OF THE RUSSIAN FEDERATION

Additional Questions and Replies

The Permanent Mission of the Russian Federation has submitted replies to questions concerning technical barriers to trade and sanitary and phytosanitary measures raised after the meeting of the Working Party held on 9-11 December 1997, with the request that they be circulated to the Members of the Working Party. The annexes referred to herein will be circulated as document WT/ACC/SPEC/RUS/8. The questions and replies are reproduced hereunder.

I. Technical Barriers to Trade (TBT)

Question 1.

We appreciate the additional information provided by the Russian authorities. From the documentation presented, it appears that the following issues should be addressed and resolved by the Russian authorities to bring practices into line with the provisions of the WTO Agreement on Technical Barriers to Trade and other relevant WTO provisions:

- the Russian Government currently does not have in place a well-defined and transparent set of procedures to ensure that both local and foreign businesses can understand and comply with applicable standards, technical regulations and conformity assessment procedures. These are fundamental “due process” procedures ranging from issues such as prior notification and comment to creating an appropriate and routine administrative procedure for handling requests for information;
- Russian ministries and agencies do not appear to exercise any oversight to ensure that the development and application of standards, technical regulations and conformity assessment procedures are not used as protectionist tools or to create unnecessary barriers to trade. For example, consumer protection, IPR protection are valid considerations, but the means to address these issues is not best addressed via standards;
- there does not appear to be a systematic approach to questions of product safety, quality and regulatory objectives, or one that is equally applied to domestic and imported goods.

While we appreciate that new legislation is being drafted, what steps are being taken now by Russia to address these major divergences from WTO requirements?

Answer

For these purposes, the Russian State Committee for Standards is currently implementing, in conjunction with ministries and agencies, the Programme of Actions to be Taken to Ensure Full Compliance with the WTO Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures which has been approved by the Governmental Commission of the Russian Federation on WTO Issues (see Annex 1, document WT/ACC/SPEC/RUS/8).

Transparency and Institutional Arrangements

Question 2.

The TBT Agreement is very precise on transparency requirements with respect to draft technical regulations, standards and conformity assessment procedures. The question has focused on the need to allow time between the adoption of a final regulation and its entry into force.

Russia indicates that beginning in 1998, “announcements” of its monthly “Standard Information Index of Annual Programme of Standards Development” will be sent to the ISO/IEC Information Centre. Under Annex 3 of the TBT Agreement, with respect to voluntary (non-mandatory) standards, standardizing bodies are expected to publish a work programme at least every six months of standards under development and those recently adopted (paragraph J). In addition, public notice is to be given and at least 60 days for comment on draft standards (paragraph L).

- **Is the “Standard Information Index” the type of work programme foreseen under paragraph J of the Code of Good Practice? Or paragraph L? Is it limited to non-mandatory standards?**

Whether a standard or technical regulation, this would be among the procedural steps necessary to meet the obligations under Annex 3 and Article 2, respectively. RF 869/1575 provides that "... the State Committee of the Russian Federation on Standardization, Metrology and Certification, as agreed with interested federal bodies of an executive authority, should ratify, in a month's time [from July 1997], a State standard, establishing the general requirements to the information on foodstuffs". The State standard itself (RF 51074) contains language identifying it as mandatory (page 1, end of third paragraph). In our opinion this is a “technical regulation” and the obligations under Article 2.5 (rather than Annex 3) would apply to this case (and also to the prospective non-food labelling standard). Russia’s response, however, implies they view it as a "voluntary standard" since they indicate announcements will be transmitted to the ISO/IEC Information Centre.

Russia indicates that GOST R-51074, “Foodstuffs Products. Information for Consumer. General Requirements” was adopted by GOSSTANDART on 17 July 1997.

- **Was the adoption of GOST R-51074 preceded by a public announcement of an opportunity to make comments on it while still in draft, and provision made for these comments to be considered before adopting a final version?**
- **If there was no provision for public comment as stated above, what steps will Russia take in order to fulfil this obligation as a WTO Member?**
- **Will there be public notice of a draft and an opportunity provided for public comments to be considered before a final draft is developed for the general requirements for information on non-food products (pursuant to Resolution No. 1037)? Will compliance with this GOST R be mandatory?**

Russia indicates in response 6 that the “preliminary publication principle concerning regulatory acts which are adopted at a higher level may receive legal formalization in a new Federal Law ‘On Technical Barriers to Trade’ which is currently being drafted”. We would be interested in further clarification of this point (i.e., the question is whether a rule falls within the definition of standard, technical regulation, conformity assessment procedure, etc.; it is unclear what is meant by “higher level” adoption and whether that matters in any event). We would be interested in detailed information on the contents of the anticipated law.

Answer

The Information Index of Standards (IIS) is an information publication which, together with information on newly adopted standards and amendments to existing standards, publishes the texts of certain important regulations and legislation in the field of standardization and certification and plans/work programmes foreseen under paragraph J of the Code of Good Practice of new standard development. It is not limited to non-mandatory standards.

GOST R 51074-97 for information on foodstuffs was developed using a wide range of specialists of various organizations teamed up in a working group. Before the standard was adopted, it had been reviewed by the authorities concerned.

Upon Russia's accession to the WTO, notices of any draft standards together with documents containing mandatory requirements will be published in accordance with WTO requirements.

As concerns the State standard for consumer information on non-food products (GOST R 51121-97), a direction to draw up such a standard was contained in Resolution No. 1037 of the Russian Federation Government, dated 15 August 1997, whose text was published in the mass media.

Question 3.

Concerning the response to question 21 in document WT/ACC/RUS/23: We appreciate the information provided in answer 21, but we still would like to know if the Russian delegation could identify the specific location of notices which will be required to be published under, for example, Articles 2.9.1 for proposed technical regulations and 5.6.1 for proposed mandatory conformity assessment procedures, and as foreseen under Article 10.1.5?

Answer

Notices of the development of technical regulations and mandatory conformity assessment procedures are to be published in *Vestnik Gosstandarta Rossii* (Bulletin of the Russian State Committee for Standards).

Question 4.

Concerning the response to question 22 in document WT/ACC/RUS/23, it is welcome to note that it is currently common "practice" in Russian standards development and rule-making processes to allow for comments from interested parties. It remains unclear whether under current practice such processes would include the submission and consideration of written comments by interested parties located in other countries (which would likely not be available for direct dialogue). This is particularly true if the submission of comments is contingent upon actual delivery of the document to a potential respondent, rather than publication as foreseen in the TBT Agreement, as implied by the last paragraph in the answer to question 22.

Answer

The national practice of drafting standards and technical regulations allows for submission of written comments by concerned parties, including WTO Members, as well as their further review and inclusion in the draft documents.

Question 5.

It is clear that given the current absence of official legal or administrative procedures for submitting comments to the federal administration, actions will need to be taken in order to ensure compliance with the WTO TBT transparency obligations.

Will this situation be addressed in the new Federal Law "On Technical Barriers to Trade" which is currently being drafted?

Answer

The draft Federal Law "On Technical Barriers to Trade" reflects this situation. Article 6 contains provisions in this regard.

Question 6.

Concerning the response to question 23 in document WT/ACC/RUS/23, we appreciate the information on the nature of the agreements with federal executive bodies of the Russian Federation - they are designed to ensure the enquiry point can respond to requests on draft and final technical regulations and conformity assessment procedures of federal executive bodies.

But what about non-federal executive bodies (local government and non-governmental standardizing bodies)? How will any non-federal executive bodies be made aware of the obligations to, for example, publish notices of draft standards and technical regulations? Will the enquiry point know whom to contact in order to obtain this information once it is published in draft and/or adopted as final?

Answer

The draft Federal Law "On Technical Barriers to Trade" provides for delimitation of authority between the Russian Federation and subjects of the Russian Federation (i.e. regions).

Question 7.

In the answers to questions 52 and 53 in document WT/ACC/RUS/23, Russia indicates no standards are developed by local authorities because State standards are applied throughout the territory. This response was also provided with respect to non-governmental bodies.

Please verify that this is the case, i.e., there are no local and/or sectoral non-governmental standardizing bodies.

Answer

The Russian State Committee for Standards confirms that Russia has no local standardization bodies. In accordance with the Russian Federation Law "On Standardization", industry standards may be drafted and adopted by government authorities within the scope of their respective authority, and standards of scientific, technical and engineering societies and other public associations should be drafted and adopted by such public associations.

Question 8.

Concerning the response to question 26 in document WT/ACC/RUS/23, we note that Law No. 5154-1 "On Standardization", requires federal executive bodies which have adopted normative documents within the scope of their authority to provide users with such documents and descriptive information.

Does this Law currently (or is an amendment anticipated) require the federal executive bodies to publish the normative documents, both as a proposed draft and then promptly upon adoption?

Answer

The Law of the Russian Federation "On Standardization" does not require the federal executive bodies to publish draft normative documents on standardization. With respect to adopted normative documents Governmental Resolution No. 100 dated 12 February 1994 requires the federal executive bodies to publish information on adopted normative documents and to fulfil user requests for provision with such information and copies for normative documents.

See also the first paragraph of the answer to question 2.

Question 9.

Concerning the response to question 27 in document WT/ACC/RUS/23, we note that current Russian procedures require information on regulatory documents or amendments to be published three to four months after their adoption.

What changes does Russia intend to make in order to comply with the TBT obligations (e.g. Articles 2.11 and 5.8) to ensure that final rules are "... published promptly or otherwise made available in such a manner as to enable interested parties in other Members to become acquainted with them"?

Answer

Documents will be published promptly after their adoption as required by the TBT Agreement.

Conformity Assessment

Question 10.

Concerning the response to question 15 in document WT/ACC/RUS/23, in responding to a general question regarding the excessive burden of pre-market certification and a suggestion for greater reliance on the use of a supplier's declaration of conformity, Russia indicates that the Regulations on Certification of Foodstuffs and Alimentary Raw Materials incorporates the use of a manufacturer's declaration of conformity. The answer goes on to explain, however, that "the legislation effective to date does not allow the manufacturer's declaration as a form of certifying conformity without an evaluation by a certification authority".

We find this information to be contradictory. The requirements would in fact appear to be mandatory third-party certification. Please clarify.

Answer

See the answer to question 19.

Question 11.

Concerning the response to question 31 in document WT/ACC/RUS/23, we find the response to the request for precise information on the responsibilities of government bodies for certification lacking. Russia notes that it will submit the registered systems of mandatory certification on a diskette to the WTO Secretariat.

We are interested in obtaining a copy of this. When will this diskette be submitted to the WTO?

Answer

As of 1 January 1998, the State register contains, in addition to the GOST R Certification System, 14 mandatory certification systems which are implemented in accordance with law by various federal executive bodies. A list of such mandatory certification systems is reproduced in Annex 2 of document WT/ACC/SPEC/RUS/8.

Question 12.

We also would hope to receive further clarification and precision, as requested in the original question. For example, we note that the RF "On Protection of Consumer Rights" designates GOSSTANDART as the national certification authority "for all aspects of mandatory certification". Implicit in information provided subsequently is that there are exceptions/modifications to this authority, as provided in other legal acts. The Ministry of Health, for example, is responsible for the certification of medicinal compounds under Resolution No. 1418 "On Licensing of Certain Types of Activities" and, that the State Plant Quarantine Service is the exclusive authority for phytosanitary inspection and certification. Are these the only other agencies with responsibilities for certification? For example, why is there no mention of the certification issued by the Russian Federation State Committee for Communications described in the answer to question 38 (WT/ACC/RUS/23)? (In answer 38, it appears that GOSSTANDART is responsible for certification of terminal communications equipment, while other communications equipment is the responsibility of the State Committee for Communications.)

Answer

According to Article 7 of the Law of the Russian Federation "On Product and Service Certification", mandatory certification applies in such cases provided by the Russian laws.

Organization and performance of mandatory certification activities are the responsibility of the Russian State Committee for Standards and may, in such cases as provided by the laws of the Russian Federation, be vested in other government authorities of the Russian Federation.

The Certification System "Telecommunications" is entered in the State Register under No. 12.

Question 13.

Concerning the response to question 32 (WT/ACC/RUS/23), we appreciate the information provided on attempts to reduce the costs of certification; however, the response fails to address the question concerning how Russia ensures that certification bodies provide non-discriminatory treatment. We note again the reference to reliance on a declaration of conformity to the rules for foodstuffs and unprocessed foodstuffs, yet the situation remains unclear (as noted in our comments in response to question 15, below).

Please describe explicitly how Russia ensures that certification bodies provide non-discriminatory treatment.

Answer

The laws and certification regulations of the Russian Federation provide that the same procedures should be applied to both Russian and foreign producers, and the requirements imposed upon imports are similar to those for domestic products. Thus, the Resolution of the State Committee for Standards of the Russian Federation No. 3 of 16 February 1994 "On Approval of the Rules On Certification in the Russian Federation" provides the following: "The certification of domestic and imported products shall be subject to the same rules".

Question 14.

The response to question 34 (WT/ACC/RUS/23) indicates (a) that the current list of goods and services subject to mandatory certification has been published in Standards and Quality (No. 7

of 1994, with amendments in No. 9 of 1997); and, (b) that the "approved list" of goods and services published in:

- the 1997 Collection of Legislation of the Russian Federation No. 33 (Article 3899);
- the Russian Gazette No. 161 (1771) of 21 August 1997; and
- Standards and Quality No. 9 of 1997.

Answer

See the answer to question 15.

Question 15.

The response to question 54 (WT/ACC/RUS/23) also indicates that "the list of products subject to mandatory certification was published by Resolution No. 1013, 'On Approving the List of Products Subject to Mandatory Certification and the List of Works and Services Subject to Mandatory Certification' on 13 August 1997". According to that list, the State Committee for Standards, the State Committee for Construction and the Ministry of Health will, in the immediate future, publish a specific list subject to mandatory certification.

Please clarify the apparent divergence of information in responses 34 and 54 of document WT/ACC/RUS/23. Please confirm where each of these lists of products are located. Have these materials been provided to the Working Party? If not, we would appreciate having them.

What is the relation of the citations in response 34 of document WT/ACC/RUS/23 to the "future list" noted in response 54 (WT/ACC/RUS/23)? Where will the list be published, e.g., in the Russian Gazette No. 161 (1771) of 21 August 1997?

Answer

There is no difference between the information contained in the answers to questions 34 and 54. Both answers refer to the same document which is Government Resolution No. 1013 dated 13 August 1997 (see Annex 3, document WT/ACC/SPEC/RUS/8). The difference between these answers is that one (answer 54) refers to the above Government Resolution No. 1013 and the other to the source of official publication of this Government Resolution No. 1013, i.e the 1997 Collection of Legislation of the Russian Federation No. 33, Article 3899, the Russian Gazette No. 161 (1771) of 21 August 1997 and Standards and Quality No. 9 of 1997.

Pursuant to the said Resolution, the Russian State Committee for Standards has, in conjunction with the Russian Ministry of Public Health and the Russian State Committee for Construction, prepared the Nomenclature of Products and Services/Works Subject to Mandatory Certification under Russian Federation Laws.

This Nomenclature will take effect as from 1 October 1998. Before its effective date, the earlier 1994 Nomenclature as amended by Amendment No. 1 will apply.

The Nomenclature will be published in the April issue of *Vestnik Gosstandarta Rossii* (Bulletin of the Russian State Committee for Standards).

Question 16.

Concerning the responses to questions 14 and 39: Answer 14 indicates that under item 7 of Decree No. 799 construction products and medical equipment are submitted to obligatory certification. For medical devices, this entails: (a) registration with the Ministry of Public Health, including technical and clinical tests and hygienic evaluation; and, (b) type approval and safety certification through agencies accredited by the State Committee for Standards. Russia indicates that as improvements in the medical device regulations are made, consideration will be given to adapting the burden of conformity assessment requirements to the potential risk of the device. Answer 39 indicates that there currently are no written procedures detailing the registration and certification of medical products, and that these will be prepared in the first quarter of 1998.

How can manufacturers and suppliers comply with these requirements in the absence of detailed procedures? How can authorities effectively and appropriately (e.g., on a non-discriminatory basis) enforce them?

Answer

The requirements for manufacturers and suppliers and the details relating to the medical product registration procedure are set forth in the following documents:

1. State Standard GOST R 15.013-94 "Product Development and Commercialization System. Medical Products"; and
2. Instruction on the Procedure for Examination, Testing and Registration of Foreign-Manufactured Medical Equipment, Products and Materials in the Russian Federation, approved by the Russian Ministry of Public Health of 18 June 1996.

In addition, a draft Federal Law "On Medical Products" has been prepared for consideration. It would form the legal basis governing the development, authorization, use and application of medical equipment and medical-purpose products. It would also establish a system of regulatory bodies to administer the law and regulate this field in the Russian Federation.

Medical products are certified in accordance with regulations and procedures prescribed by the GOST R Certification System.

Electrical medical products are certified in accordance with the Electrical Equipment Certification System registered with the State Register of the Russian State Committee of Standards under No. ROSS RU.0001.ME.01 of 11 April 1994. The document is fully harmonized with the System of the Telecommunications Union's International Electrical Commission.

The system of testing of any medical products which constitute measuring instruments is governed by the following documents:

- the Law "On Ensuring the Uniformity of Measurements" (Article 14);
- Regulations PR 50.2.009-94 "Procedure for Testing and Approval of Measuring Instrument Types", registered by the Russian Federation Ministry of Justice under No. 634 of 13 July 1994;
- Regulations PR 50.2.010-94 "Requirements for State Measuring Instrument Testing Centres and Procedure for Their Accreditation", registered by the Russian Federation Ministry of Justice under No. 635 of 13 July 1994; and

- Regulations PR 50.2.011-94 "Procedure for Maintaining the State Register of Measuring Instruments".

To further improve medical product certification regulations and procedures and their harmonization with European Directives No. 93/42, "Medical Products" and No. 90/385, "Active Medical Implants", the document titled "Regulations and Procedures for Medical Product Certification in the Russian Federation" has been prepared and is pending approval.

This document classifies medical products by risk groups and makes the use of certification schemes strictly dependent upon the specific classification group of a medical product and determines the relationship of certification with the procedure of registration with the Russian Ministry of Public Health and the certification intended to approve the type of medical-purpose measuring instrument. The adoption of this document is scheduled for the second quarter of the current year.

Question 17.

Concerning the response to question 41 in document WT/ACC/RUS/23: Could the Russian authorities please identify the specific safety standards to which certification of finished products is required under Federal Law No. 86-FZ "On State control in the Field of Gene-Engineering Activities"? Please provide information on the scientific basis for the safety requirements.

Answer

The Russian Federation currently has no safety standards which would require certification of any finished products in accordance with Federal Law No. 86-FZ "On State Control in Gene Engineering".

Question 18.

We note that the response to question 47 WT/ACC/RUS/23 is pending. The certification procedures appear to allow manufacturers to recommend to a certification body its preferred approach, e.g., supplier's declaration rather than third party, but the final decision rests with the certification body and the decision entails a determination of whether or not the application is considered to be a "reputable manufacturer".

How will Russia be able to ensure non-discrimination under such a system?

Answer

No legal criteria for the determination of a "reputable manufacturer" are provided in the Russian legislation. Such a concept is used for designating manufacturers of products which have proven their good quality on the Russian market and have not been subject to claims from consumers or from State surveillance, control and certification agencies.

Question 19.

Concerning the response to question 48 in document WT/ACC/RUS/23 (and with reference to the question concerning response 15 above: ISO/IEC Guide 22, "General Criteria for Supplier's Declaration of Conformity", describes this procedure as one by which a "party that supplies the product, process or service" gives written assurance of conformity to specified requirements. Russia, however, when making reference to the use of a declaration of conformity, links it to a certificate issued by a certification body, including the possibility of audits/testing.

As noted above in the response to question 15 (WT/ACC/RUS/23), we have doubts as to whether, in fact, what Russia is describing is use of a declaration of conformity. We would appreciate information from Russia on how it intends to amend the current system to address these problems.

Answer

The legislation currently in effect does not allow a manufacturer's declaration to be used as a form of confirmation of product conformity with the applicable requirements.

However, the Procedure for Certification in the Russian Federation and the GOST R Certification System regulations provide for certification schemes based on the manufacturer's declaration without testing the product at an accredited laboratory if the certifying agency has sufficient grounds for using such schemes.

The Russian State Committee for Standards has started to prepare a draft Law "On Confirmation of Conformity", the provisions of which will be harmonized with the international rules and regulations of conformity confirmation and will introduce more flexible conformity confirmation schemes: from using a manufacturer's declaration only to total review of products (services, works) by a third party.

Question 20.

Concerning the response to question 55 (WT/ACC/RUS/23), Russian Law No. 5151-1 (Article 3), "On the Certification of Products and Services" (10 June 1993) stipulates that if an international agreement to which the Russian Federation is a party establishes other rules than those set forth in Russian legislation on certification, the rules of the international agreement prevail. It is interesting to note that Russia has indicated that the only such agreement that falls within the scope of this provision is its agreement with the European Communities and their Member States (Article 60). However, having reviewed Article 60, which encourages bilateral cooperation with a view to beginning to negotiate mutual recognition agreements, as well as greater cooperation on increasing consumer protection policies, it is unclear whether there is any practical effect on certification procedures, absent the actual negotiation and conclusion of a mutual recognition agreement, which Russia has indicated it has yet to do.

Please clarify the status of Russia's recognition of the European Communities' and its Member States' certification in light of these provisions.

Answer

See the answer to question 19.

Hologram mark (Resolution No. 601)

Question 21.

Concerning the response to question 18 (WT/ACC/RUS/23): Russian authorities have indicated that detailed procedures for purchasing the hologram marks foreseen in Resolution No. 601 will be developed by the end of 1997 and introduced on 1 January 1999.

Will the procedures be published in draft for public comment? Does this mean that the Resolution will take effect on 1 January 1999? If not published for comment, will Russia share with Working Party members what the procedure will be for purchasing holograms prior to implementation of the new system?

Answer

On 19 September 1997, the Russian Federation Government adopted Resolution No. 1193 "On Amendments to Russian Federation Government Resolution No. 601 of 17 May 1997".

Pursuant to this Resolution, the Instruction on the Procedure for Movement and Registration of Goods and Products, to Be Sold in the Russian Federation, Marked with Counterfeit-Proof Marks of Conformity has been prepared and is pending approval, which also determines the procedure for purchasing hologram marks.

The Instruction will be available for study after its publication in the mass media.

Question 22.

Concerning the response to question 19 (WT/ACC/RUS/23), could the Russian authorities provide further details on what is included in the "modern means of mark protection" which will assist them in preventing the falsification of the hologram marks?

Based on the response to question 20 (WT/ACC/RUS/23), is it correct to say that for alcoholic beverages and audio-video products only the hologram mark will be required and no further mark of conformity and the hologram mark can be applied by the manufacturer?

Answer

Hologram marks of conformity are produced using thin-film technology (special DuPont film is used). The adhesive base of the hologram ensures its destruction upon any attempt to separate it from the item marked. Reproducing such marks is extremely difficult since it requires precise determination of angles supported by the hologram recording technique. Each mark bears an individual identification number. The mark has 6 levels of protection: microtext, hidden images, and several optically variable attributes.

Pursuant to Resolution No. 1193 of the Russian Federation Government, dated 19 September 1997, corporate manufacturers are not obliged to apply marks to goods or products if such marks have been already applied during the production process.

Products should be marked with protected marks of conformity by the holder of the original certificate of conformity licensed to do so by the certifying agency.

International vs National standards (Concerning responses 29, 63, and 80 WT/ACC/RUS/23)

Question 23.

Although Russia notes that its standards will be harmonized with ISO standards and its phytosanitary requirements will be harmonized with the European Plant Protection Organization and FAO, Russia does not confirm that its sanitary standards will be harmonized with international standards. In fact, Russia states that veterinary requirements for imports will be established on the basis that they do not cause damage to the health of Russian consumers or animals through infectious diseases. In the answer to question 63 (WT/ACC/RUS/23), Russia states that its standards for inspection are "generally" consistent with international standards. Although Russia states that its inspection standards are generally consistent with international standards, it implies that some national standards are "not" consistent with international standards. How does Russia justify those standards which are not consistent with international standards?

We are concerned that Russia has not committed to harmonize its sanitary standards with international standards. We are also concerned that Russia specifies the requirement for “imports”. We expect that domestic products will be treated the same way imports are treated. Russia must harmonize its sanitary standards with international standards or be prepared to show the scientific basis for the deviation.

Answer

In implementing the measures in preparation for Russia's accession to the WTO, the Russian Ministry of Public Health and the Russian Ministry of Agriculture and Provisions are carrying out (and will continue to do that) activities to harmonize Russian standards, sanitary, veterinary and phytosanitary rules and regulations with international norms. The inconsistency of some national standards with international ones is basically justified by specific geographical and climate conditions of the Russian Federation. Upon Russia's accession to the WTO, scientifically grounded arguments will be submitted where national standards which are retained differ from international norms.

Labelling (Responses 6, 46, 72-77 WT/ACC/RUS/23)

Question 24.

Response 46 indicates GOST R 51074-97, “Food Products: Consumer Information: General Requirements” is fully consistent with the requirements of the Codex Alimentarius standard, “General Standard of Packaged Food Marking Code 1-1985, revised 1-1991” and EC Directive 79/112, and “therefore its enactment should not cause any difficulties for importers”. We are reviewing this standard.

Since our technical experts have only recently received the labelling legislation, we are still in the process of reviewing it. Therefore, we would like to reserve our right to ask additional questions once the review is complete.

Answer

Russian experts are ready to conduct further consultations on this matter.

Equivalence

Question 25.

In the response to question 58 (WT/ACC/RUS/23), Russia states that harmonization of national and international measures is carried out based on the principle of equivalence. However, Russia does not address the issue of honouring equivalent certificates from other countries.

We appreciate that Russia understands the importance of equivalence. However, we are concerned that Russia has not addressed whether it will recognize certification from other Member countries. If Russia intends to accept certificates from Member countries, when will it adopt this practice?

Answer

Recognition of test results is ensured by Russia's participation in international certification systems (electrical products, automotive equipment, sports weapons, etc.) and through accreditation or agreements on mutual recognition of test results.

Pre-shipment inspection for certification requirements (Responses 60, 90-92 WT/ACC/RUS/23)

Question 26.

In response 60, Russia states that pre-shipment inspection is not required for all imported products.

Are some imported products required to undergo pre-shipment inspection? Does pre-shipment inspection expedite the certification process for imported products?

Is pre-shipment inspection exclusively a voluntary arrangement that does not involve GOSSTANDART?

Answer

No pre-shipment inspection of any certified products to be imported into the Russian Federation is required.

If requested by foreign suppliers, Société Générale de Surveillance (SGS) may, on a contractual basis, carry out pre-shipment inspections of products to be supplied to Russia, including certified ones.

Such inspections are voluntary and have no connection to the Russian State Committee for Standards.

Composition of food stuff as a TBT matter

Question 27.

In the response to question 70 (WT/ACC/RUS/23) Russia states that preserving the traditions and recipes of national cuisine of the Russian people will increase confidence in such products that will promote further sales of such products. Russia notes that the term “undesirable ingredients” refers, in one respect, to baby and dietary foods where there is an exclusion of certain formulas or strict limitations on salt, sugar, sodium nitrite, etc. and that such restrictions are “reasonable”.

There does not appear to be a WTO basis for using “dietary preference” as a legitimate objective of standard making, as provided for in Article 2.4 of the TBT Agreement. It appears that these products pose no threat to the health and safety of the consumer, and that such a standard only interferes with consumer choice.

We would again invite Russia to respond to the original question posed and identify the criteria used to determine what are "undesirable ingredients".

Answer

At present, the term "undesirable ingredients" is not used in regulatory documents, nor is it applicable in discussing the quality and safety of foodstuffs. Neither the new version of the Sanitary Regulations and Standards "Hygienic Requirements for the Quality and Safety of Alimentary Raw Materials and Food Products", approved in 1996, nor the draft Federal Law "On Quality and Safety of Food Products" uses this term.

The content of certain components is regulated only in products used in therapeutic nutrition, their sales being negligible. In such food products, restrictions are imposed upon the contents of

primarily such components as sugar, salt, irritating spices, food additives (sweeteners), etc. which are prohibited for persons suffering from certain types of diseases (sugar diabetes, arteriosclerosis, obesity, some gastrointestinal, cardiovascular and other diseases). That is, the only possible purpose is to inform the consumer on the absence or percentage of certain components in the formula in order to enable him to choose, taking into account any specific disease he may have. These requirements are not mandatory for manufacturers and suppliers, unless they intend to produce and supply products for these specific purposes and under an appropriate name (therapeutic, baby or dietary food), and can in no way constitute or cause any technical barriers to trade.

In addition, the Russian Federation has a special list of additives to foodstuffs which should not be consumed with certain diseases or conditions (some biologically active additives) or food products containing egg and/or milk protein in case there is an individual intolerance to such formula components.

Question 28.

We seek further information on the Russian Federation's claims that the use of a holographic mark of conformity makes falsification more difficult.

Answer

The protection of the mark of conformity from counterfeiting is ensured by its production technology and the use of a special material, that, in its turn, will make it more difficult for falsified or unregistered products to appear in consumer markets.

Question 29.

The Russian Federation states that producers are not obliged to label goods and products with marks of conformity if the goods have already been labelled during manufacture. We seek clarification as this appears to suggest that if a product is otherwise required by law to bear a specific mark (for example, counterfeit-protected holographic mark), it does not need to bear a general mark of conformity.

Answer

See the answer to question 22.

Question 30.

We understand that ordinary (non-holographic) marks of conformity are mandatorily applied on food product labels, and that holographic marks of conformity are required only for alcoholic beverages (excluding beer) and audio-visual products. We seek clarification as to whether ordinary (non-holographic) marks of conformity are also compulsory on non-food labels.

Answer

In accordance with the Federal Law "On Consumer Rights Protection" (Article 7, Section 4), no product may be sold (or work performed or service rendered), whether imported or not, unless it bears information on its mandatory certification and is duly marked with a mark of conformity.

Question 31.

We seek clarification concerning how the labelling standards are to apply to bulk products.

Answer

GOST R 51121-97 provides that consumer information on any product, including unpacked, may be presented as a textual document (certificate, data card, user manual) accompanying such product or marked directly on the product and/or its container/package.

Question 32.

We would be interested as to whether internationally understood symbols will be accepted in the Russian Federation on non-food labels (for example, care and washing instructions on clothes).

Answer

International symbols are introduced into the Russian Federation through laws or regulations. Otherwise, the international symbol must be accompanied by textual information in Russian.

Question 33.

We would be grateful for clarification as to whether labelling requirements will be directed strictly to consumer products or whether they will be extended to products destined for industrial and scientific use.

Answer

GOST R 51121-97 "Non-Food Products. Information for Consumers. General Requirements" applies to all non-food products, whether for consumer or industrial purposes, except as specified in Section 1 thereof.

Question 34.

The Russian Federation states that regulations concerning the certification of foodstuffs and alimentary materials incorporate a certification scheme based on the manufacturer's declaration of conformity, but that the legislation does not allow the use of the manufacturer's declaration as a form of certifying conformity without an evaluation by a certifying authority. We are unclear whether this means that for foodstuff-related products, some type of pre-market certification is required, thus nullifying the effect of the manufacturer's self declaration, and would appreciate clarification of the current situation. We would also be grateful for information on pre-market certification and manufacturer's self declaration for non-foodstuff products.

Answer

The applicable Russian regulations governing the certification of foodstuffs and alimentary raw materials provide for the use of a declaration of conformity wherein the declarant (manufacturer or seller) confirms that the product is consistent with all safety requirements and certifies this on a documentary basis (Schemes 9 and 10). In addition, a product certification scheme using a declaration and a production status review (Schemes 9(a) and 10(a)) may be used.

Schemes 9, 9(a), 10 and 10(a) are set forth in Amendment 1 to the Product Certification Procedure in the Russian Federation adopted by the Russian State Committee for Standards of 25 July 1996 (Resolution No. 15). Amendment 1 (published in the Rossiiskiy Vesti newspaper, No. 147, dated 8 August 1996) also covers non-foodstuff products.

See also the answer to question 19.

Question 35.

We would be interested in information on whether there is coordination on TBT/standards matters between federal and regional authorities? Do federal standards take precedence over regional requirements, where there are any contradictions.

Answer

No regional standards are being developed in the Russian Federation.

Question 36.

What are the criteria which foreign conformity assessment bodies have to fulfil in order to have their activities of certification for the Russian market recognized by the authorities of the Russian Federation (WT/ACC/RUS/23)?

Answer

Such criteria are determined by GOST R 51000.2-95, GOST R 51000.5- 96 and GOST R 51000.6-96 and by intergovernmental agreements on mutual recognition of test results.

Question 37.

What are the functions and the role of the Gosstandart?

Answer

Attached hereto are the current Regulations on the Russian State Committee for Standards approved by Resolution No. 825 of the Russian Federation Government, dated 11 July 1994 (see Annex 4, document WT/ACC/SPEC/RUS/8).

Question 38.

What are the reasons for taking one or two years to establish enquiry points?

Answer

Before the launch of the enquiry point, a database for laws and regulations must be completed and coordination of information resources from 18 federal executive bodies must be arranged.

Question 39.

What are the procedures to establish an enquiry point?

Answer

See the answers to questions 38 and 54.

Question 40.

If the Russian Federation is a member of any international standardizing organizations or has mutual recognition agreements, it would be appreciated if the Russian Federation could provide us with a list of such organizations, as well as the contents of mutual recognition agreements.

Answer

The Russian State Committee for Standards has signed certain agreements on mutual recognition of results/records of tests conducted at laboratories accredited with the Russian system.

Such agreements have been signed with the People's Republic of China, Israel, Poland, the Republic of Korea, Vietnam, Slovakia, the Czech Republic, Mongolia and Bulgaria.

The Russian State Committee for Standards is also a member of the following certification systems:

- Electrical Safety Certification System (JEECEE);
- Electrical Equipment Certification System (JEECEE CB);
- Electronic Components Certification System (JECQ);
- Permanent International Commission for Handgun Testing; and
- UN EEC Vehicle Omologation System.

Question 41.

Could the Russian Federation explain in detail the procedures to obtain certificates for automobiles, including the procedures for obtaining them in foreign countries.

Answer

The Russian Federation uses a motor vehicle certification system which, in procedure terms, is fully consistent with the 1958 Geneva Agreement. The Russian Federation is a party to the Geneva Agreement. The procedure for obtaining a Vehicle Type Approval is set forth in the Motor Vehicle Certification System.

This system provides for recognition of the results of motor vehicle certifications carried out abroad by any Technical Services registered in the Geneva Agreement as well as recognition of test results under the European Communities' Directives.

Question 42.

Could the Russian Federation explain the consistency of food standards and technical regulations with the Codex Food Standards?

Answer

As noted in the answer to question 78 (WT/ACC/RUS/23), the new sanitary regulations and standards "Hygienic Requirements for the Quality and Safety of Alimentary Raw Materials and Food Products. SanEpi 2.3.2.560-96" were approved in October 1996 and impose identical hygienic requirements upon both Russian and imported products and have been harmonized with the international standards and recommendations (FAO/WHO Codex Alimentarius Commission, FAO/WHO Joint Expert Committee for Food Additives and Contaminants).

Question 43.

Could the Russian Federation explain about the Decision of 27 December 1996 regarding the labelling on food imports and the decision of 15 August regarding the labelling of imports other than food. (In which cases is such labelling required as obligatory? Are importers required to receive labelling?)

Answer

In accordance with the Governmental Resolution No. 1575 dated 14 July 1997 "On Approval of Regulations to Ensure the Presence on Food Products Imported in the Russian Federation of Information in the Russian Language" and Governmental Resolution No. 1037 dated 15 August 1997 "On Measures to Provide Information in the Russian Language for Non-food Items Brought Into the Territory of the Russian Federation" it is mandatory that all items (both foodstuffs and non-food products) imported to the Russian Federation should bear information on these products in the Russian language. Importers of such products are liable for ensuring the presence of the information in Russian.

The contents of the data which should be present is determined in accordance with the following: GOST R 51121-97 "Non-Food Products. Information for Consumers. General Requirements" (see Annex 7) and GOST R 51074-97 "Food Products. Consumer Information. General Requirements" (see Annex 6).

Question 44.

Does the Russian Federation notify or make public technical regulations and standards, even in the period of drafting, and consider comments made by the parties concerned in foreign countries?

Answer

See the answer to question 4.

Question 45.

Regarding document WT/ACC/RUS/5, are the "regulations" equivalent to what we call "technical regulations", as defined in the TBT Agreement, or do they also include the "standards" defined in the same Agreement?

Answer

The mandatory "standard" which determines the characteristics of a product and related production processes or methods is equivalent to the concept "technical regulation" adopted in the WTO.

Question 46.

Could the Russian Federation explain its standards and technical regulations that are in the scope of the TBT Agreement (type, coverage of items, scheme of fees for inspection and certificates)?

Answer

The documents subject to the TBT Agreement include any legislative acts and resolutions of the Russian Federation Government containing requirements, rules or regulations of a technical nature; Russian Federation State standards to the extent that they determine any mandatory

requirements; and any rules and regulations of the federal executive bodies authorized, pursuant to Russian Federation Law, to adopt mandatory requirements.

The classification of standards applicable in the Russian Federation and the items to which they apply are described in GOST R 1.0-92 "State Standardization System of the Russian Federation. Basic Principles".

Fees for product and service certification are payable as prescribed by Certification Recommendations R 50.3.001-96 approved by the Russian State Committee of Standards' Resolution No. 167 dated 14 March 1996.

These recommendations fix the maximum labour input required and the maximum price per man-day which should not be exceeded.

In order to harmonize this payment procedure, we would appreciate your providing us with documents on this matter.

Question 47.

Are there any standards and technical regulations run by local governments or private organizations? If so, could the Russian Federation explain which bodies and in which areas?

Answer

See the answer to question 35.

Question 48.

Could the Russian Federation explain the procedures to obtain certificates for electric products, as well as the procedures to obtain them in foreign countries?

Answer

Work associated with mandatory certification of electrical products pursuant to the Russian Federation Law "On Consumer Rights Protection" is governed by the Regulations on Certification in the Russian Federation (approved by the Resolution of GOSSTANDART No. 3 dated 16 February 1994) and the Procedure for Product Certification in the Russian Federation (approved by the Resolution of GOSSTANDART No. 14 dated 21 September 1994).

In accordance with Russian legislation, certain groups of electrical products are subject to mandatory certification, such certification activities to be coordinated by the relevant federal authorities.

Certificates of conformity are issued by certification agencies accredited as prescribed by the Russian State Committee for Standards.

To date, the Russian State Committee for Standards has accredited five certification agencies abroad to perform such activities.

Question 49.

In the case of exporting parts for the repair of finished electrical products which have already been certified as having met the safety regulations norms, separate certificates are required to

export such repair parts. Could the Russian Federation explain in detail the policy concerning certificates for parts used for repairing finished electrical products?

Answer

In case of exporting parts for the repair of finished electrical products which have already been certified as having met safety regulation norms, separate certificates are not required if such products are not included as a separate item in the nomenclature of products.

Question 50.

It is reported that sanitary approval tests and certificates are required to import goods including electrical products, according to the new sanitary regulations introduced in January 1997. Which laws and regulations are the basis for those requirements? Which ministries are in charge of these tests and certificates? Could the Russian Federation also explain the contents of the regulations, how exporters can obtain certificates, and the basis policy on this scheme?

Answer

The question requires precision with respect to the title of the sanitary regulations containing such requirements. It is unclear what is meant by "approval tests" for imported products.

All applicable sanitary regulations and standards require only an assessment of the safety of manual tools and that a hygiene certificate/opinion for specific products be obtained before their implementation, commercial manufacture, sale and use in industry and households as well as before their purchase and import into the Russian Federation.

Product safety for the protection of human health is authorized by Articles 2, 12, 13, etc. of the Russian Federation Law "On Sanitary and Epidemic Welfare of the Public". Hygiene requirements and standards are set forth in various Sanitary Regulations and Standards (SanPiNs) and hygiene standards approved by the Russian Ministry of Public Health. The procedures for a hygiene assessment and for obtaining a hygiene certificate/opinion are described in Resolution No. 1 of the Russian State Committee for Sanitary and Epidemic Supervision "On the Procedure for Issue of Hygienic Certificates for Products", dated 5 January 1993.

Hygiene standards are determined by the Russian Ministry of Public Health pursuant to the Russian Federation Law "On Sanitary and Epidemic Welfare of the Public".

Electrical products are certified in accordance with the nomenclature of products and services subject to mandatory certification in the Russian Federation and pursuant to the Regulations prescribed by the GOST R Certification System.

Wherever necessary, a hygiene assessment of products for conformity with sanitary standards and regulations is carried out. The results of such an assessment is to be taken into account when issuing the certificate of conformity.

These procedures are intended to ensure human life and health safety.

Question 51.

It is reported that inspection fees are negotiable according to the scale of the contract. Could the Russian Federation explain the method for deciding on inspection fees?

Answer

See the answer to question 46.

Question 52.

Would the delegation of the Russian Federation explain the reasons for implementation of Order No. 513 of the State Customs Committee of the Russian Federation, which seriously restricts the application of the 1975 TIR Convention. Such measures are inconsistent with international law and also could be defined as a serious obstacle to trade, which remains inconsistent with the provisions of the WTO Agreement on Technical Barriers to Trade (Article 2.2). Does the Government of the Russian Federation intend to modify this Order?

Answer

Order No. 513 of the Russian Federation State Customs Committee dated 22 August 1997 was repealed by Order No. 790 of the Russian State Customs Committee dated 4 February 1998.

Question 53.

Could the authorities of the Russian Federation explain the question of implementation in the Kaliningrad District of the Governor's Decision No. 641, dated 11 August 1997, on embargo on the import of grain feed, flour, feed compositions and bakers' products. There were also plans to implement a temporal embargo on the import of vegetables. Additionally, the First Deputy Governor's Decision No. 703, dated 12 September 1997, granted permission for two Kaliningrad enterprises to import 250 tons of flour monthly. According to the Regulation of the Customs Office No. 86, dated 25 September 1997, the Decision of the Governor of Kaliningrad is inconsistent with the Russian Customs Law. Would the delegation of the Russian Federation provide detailed information about the present situation of laws concerning the above-mentioned matters.

Answer

Any matters related to the imposition of restrictions on imports to the Kaliningrad Region as a special economic area are governed by the Russian Federation Law "On the Special Economic Area in the Kaliningrad Region" whose Article 7, in particular, provides that the regional administration may, upon agreement with the Government of the Russian Federation, determine additional limitations on and exemptions from free economic area treatment aimed to protect local producers of goods (work, services).

Question 54.

In connection with information provided at the multilateral meeting in July 1997 concerning the opening of SPS and TBT enquiry contact points, we are interested in information as to when the SPS and TBT contact points may be established.

Answer

The National TBT/SPS Enquiry Point is scheduled to open by year-end 1998. Its functional diagram is attached hereto (see Annex 5, document WT/ACC/SPEC/RUS/8).

II. Sanitary and Phytosanitary Measures (SPS)

Transparency and an Enquiry Point

Question 55.

Despite the answers provided in WT/ACC/RUS/23, we remain confused about the status of establishing one central enquiry point for SPS issues.

In the answer to question 81, Russia indicates that it is considering using GOSSTANDART as the enquiry point for both SPS and TBT issues, but forwarding specific concerns to the specialized enquiry centre of the Russian Ministry of Health and the Russian Ministry of Agriculture and Foodstuffs.

In the answer to question 82, Russia explains that the Centre of Sanitary and Epidemiological Standardization, Hygienic Certification and Examination at the Ministry of Health deals with sanitary issues, while the State Plant Quarantine Inspectorate deals with phytosanitary issues. In addition, Russia indicates that it publishes regulations 3-4 months after adoption in several different journals as opposed to one central publication.

In the response to question 78, however, Russia refers to a “special information bulletin of the Federal Centre”.

Answer

As agreed between the Russian Ministry of Public Health, the Russian Ministry of Agriculture and Provisions and the Russian State Committee for Standards, a national WTO/TBT/SPS enquiry point will operate as part of the Russian State Committee for Standards.

The Centre for Sanitary and Epidemic Standardization, Hygienic Certification and Examination of the Russian Ministry of Public Health (see the answer to question 38 herein) will be included in an integrated enquiry network (as well as the similar centre of the Russian Ministry of Agriculture and Provisions) to be coordinated by the national WTO/TBT/SPS enquiry point at the Russian State Committee for Standards.

The possibility of publishing information in a single periodical is now under consideration.

See also the answers to questions 2 and 54.

Question 56.

Current Russian practice seems to be that every regulatory agency publishes its output in some sort of specialized journal. While this is useful, it does not appear to meet the requirements of the Agreement. We strongly encourage Russia to adopt one central, enquiry point where SPS information can be obtained.

Answer

See the answer to question 55

Question 57.

Has any further consideration been given to establishing GOSSTANDART as the enquiry point for both TBT and SPS issues? Has Russia considered developing a more formal publication programme, or designating specific journals as official publication points?

Answer

See the answer to question 55.

Question 58.

Does Russia plan on consolidating into one central publication the regulations which are currently published in numerous documents? Is it Russia's intent that in the future all new SPS measures be published in advance in the "information bulletin of the Federal Centre," referred to in the response to question 78?

Answer

See the answer to question 55.

General Certification Issues

Question 59.

We are still confused as to which products require which certificates. It would be helpful if Russia would provide a flow chart illustrating which agricultural products require which certificates.

Answer

The products which may only be sold if a certificate of conformity is available are determined in Resolution No. 1013 of the Russian Federation Government "On Approval of the List of Products Subject to Mandatory Certification and the List of Works and Services Subject to Mandatory Certification", dated 13 August 1997.

The GOST R Certification System uses, with a single form of certificate of conformity, more than 10 certification schemes, including declaration of conformity. The regulations on certifying foodstuffs and alimentary raw materials determine a specific list of schemes applicable to each of the groups of similar products.

Veterinary certificates are required for all types of animal cargoes/products determined in Russian Federation Law No. 4979 "On Veterinary Activities", dated 14 May 1995, and Resolution No. 830 of the Russian Federation Government, dated 29 October 1992, concerning protection of Russian territory from import of infectious animal diseases from foreign countries.

Veterinary certificates should be obtained for:

- live animals;
- products and raw materials of animal origin;
- pedigree material;
- veterinary biological agents; and
- hunting trophies, collectible items and derivatives of animal origin.

Any products, cargoes or materials subject to phytosanitary control should (according to the International Convention on Plant Protection) be accompanied by phytosanitary certificates issued by the State plant quarantine services of the relevant exporting countries and warranting that the exports contain no quarantine items as listed in the quarantine requirements of the importing country.

The types of products which should have hygienic certificates are listed in the annex to Resolution No. 1 of the Russian State Committee for Sanitary and Epidemic Supervision "On the Procedure for Issue of Hygienic Certificates for Products", dated 5 January 1993 (see also the answers to questions 60 to 64).

Hygiene Certificates

Question 60.

The responses to questions 89, 95, and 98 in WT/ACC/RUS/23 address application and purpose of the hygiene certificate. We remain confused as to why such requirements exist, given that the hygiene certificate and the certificate of conformity seem to be redundant. We understand that, although a certificate of conformity is only to certify that products conform to Russian standards, a company must reapply for the certificate of conformity on a regular basis even when its formula has not changed.

Based on answer 89, we understand that a veterinary certificate establishes that the animal product is derived from a healthy animal and the hygiene certificate sets hygiene standards for the content of harmful substances in foodstuffs based on the formula of any specific item.

In answer 95, Russia states that hygiene certification of imported foodstuff is implemented at the contract execution stage and should take into account the examination results of any foreign laboratories and research institutes accredited within the system of State sanitary supervision of the Russian Federation. "No certification may be conducted with respect to any products accompanied with certificates of conformity issued by the European Certification Society DIN-GOST-TEF Berlin-Brandenburg".

In answer 98, Russia explains that the hygiene certificate confirms the exporters right to supply a certain food product or material. The hygiene certificate is valid typically for three years.

Answer

The hygienic certificate is an opinion of the State Sanitary and Epidemic Service of the Russian Federation (part of the Russian Ministry of Public Health) that the product is safe for human health (subject to certain conditions), as opposed to the certificate of conformity which certifies that the product complies with the standards of quality, conformity, etc. A hygiene certificate should be issued following a prior hygiene assessment of the product or documentation submitted therefor. Specialists of State sanitary agencies with specialized medical education conduct comprehensive hygiene assessments of product safety for human health. Hygiene assessment should be conducted with respect to all products, both alimentary and non-alimentary, which can, as a result of their transportation, storage, use or disposal, have an adverse and harmful impact on human health. Far from all such products are subject to certification for conformity. In case a product is subject to both hygiene certification and certification for conformity, the details of the hygiene certificate/opinion will be entered in the certificate of conformity. Therefore, the need to obtain both certificate of conformity and hygiene certificate/opinion does not constitute an excessive requirement, since these documents have different meanings. It should be noted that hygiene opinions for domestic and imported products certifying their conformity with hygiene standards have always been practised both in the former USSR and in Russia. A hygiene standard (safety indicator) cannot be

developed/determined in advance for all specific product items whose range is extremely wide, so the process of hygiene product certification includes examining the product and adjusting/identifying the hygiene standards of its indicators of safety for human health and life.

A hygiene certificate is necessary for all types of alimentary raw materials of animal and vegetal origin and all types of finished foodstuffs. It is not required for each specific subsequent shipment of such products if their formula and production process have undergone no changes capable of adversely affecting human health.

The validity of a hygiene certificate typically does not exceed three years, and it extends to all further product shipments from the specific manufacturer. Hygiene certificates issued by State sanitary agencies of various levels (either federal or local) are valid throughout the Russian Federation.

Question 61.

We would appreciate if Russia would clearly define the scope of the Certificate of Conformity and the Certificate of Hygiene.

Answer

See the answer to question 60.

Question 62.

We are still trying to comprehend why a hygiene certificate is necessary in order to export to Russia. Based on the description of the hygiene certificate, it would appear that a hygiene certificate must be present with imports of all agricultural products, whether or not processed or raw. Is this understanding correct?

Answer

See the answer to question 60.

Question 63.

Since a hygiene certificate is typically valid for three years, does this mean that an exporter must obtain a hygiene certificate the first time he exports, but may use this same certificate for subsequent exports to Russia as long as the certificate is valid? More precisely, we seek to confirm that once an exporter obtains a hygiene certificate, all of his shipments are covered by this certificate for the length of the validity of the certificate.

Answer

See the answer to question 60.

Question 64.

Are additional hygiene certificates required at the local as well as the federal level? If so, what is the validity period of a local hygienic certificate? Also, if two hygiene certificates are necessary (for the federal and local level) can they both be obtained by SanEpi in Moscow or must the local certificate be obtained in the city the product is entering?

Answer

See the answer to question 60.

Question 65.

We understand that certificates of conformity certify that products conform to Russian standards. If this is correct, why must a company reapply for the certificate of conformity on a regular basis even when its formula has not changed? Once a formula has been verified, why must the exporter pay a charge each time the certificate is issued and a substantial charge when it is renewed?

Answer

In accordance with the Procedure for Product Certification in the Russian Federation as amended by Amendment No. 1, the validity period of a certificate should be fixed taking into account the effective period of the regulatory documents for the product and the period for which the relevant production facility or quality assurance system has been certified, but may not exceed three years, upon expiration of which a new certificate should be obtained.

If the results of inspections of a certified product, to be carried out by the certifying agency at least once a year, are positive, the obtaining of a new certificate will be limited to its reissuance at a minimum cost for the applicant.

Question 66.

We do not understand why “No certification may be conducted with respect to any products accompanied with certificates of conformity issued by the European Certification Society DIN-GOST-TEF Berlin-Brandenburg”. Please explain this statement. Does this mean that certificates of conformity issued by European Certification Society also fulfil the requirements of a hygiene certificate. If so, how does Russia justify this under WTO Article III (national treatment)?

Answer

The certificate of conformity does not fulfil the requirements of a hygiene certificate. The certificate of conformity will be issued only if the hygiene certificate has been obtained.

Question 67.

Are domestic products also subject to hygiene certification? If so, please describe in detail how applications are made, how the requirements are administered, and how the process of acquiring a certificate compares for domestic and imported goods.

Answer

Hygiene certification applies to Russian products to the same extent as imports. There is no difference in the procedure for hygiene assessment and hygiene certificate issue. Hygiene certificates/opinions are issued following hygiene assessment of products and examination of the submitted standards and specifications determining the requirements for the products and their use.

In addition, hygiene certification of Russian products imposes requirements upon their manufacture (work conditions, production equipment and processes, environmental protection).

The procedures for applying for and obtaining hygiene certificates are set forth in Resolution No. 1 of the Russian State Committee for Sanitary and Epidemic Supervision "On the Procedure for Issue of Hygiene Certificates for Products", dated 5 January 1993; the Requirements for the Contents of Standard and Operational Documents Ensuring Product Safety for Human Health approved by the Russian State Committee for Standards and the Russian State Committee for Sanitary and Epidemic Supervision in 1992; and Joint Instructive Letter No. 410/355 and 01-20/28-11 signed by the chairmen of the Russian State Committee for Standards and the Russian State Committee for Sanitary and Epidemic Supervision as of 7/9 March 1995.

Multiple Certification Requirements

Question 68.

In response to questions 88 and 92 and elsewhere in WT/ACC/RUS/23, Russia indicates that many food products are subject to multiple testing and certification requirements. The prevalence of redundant testing and certification requirements raises serious concerns with respect to provisions of the SPS Agreement, such as the requirement in Article 2.2 that measures be applied “only to the extent necessary to protect human, animal and plant life or health”.

Answer

The answers to questions 60-64 provide explanations related to the hygiene assessment of products. Such assessments do not duplicate any further procedure associated with the process for obtaining certificates of conformity. A “hygiene certificate” and a “certificate of conformity” each serves its own purpose and as such, they cannot be considered redundant or excessive.

Question 69.

Please indicate specifically what additional protection Russia’s multiple certification requirements provide.

Answer

See the answer to question 68.

Streamlined-SPS Inspection

Question 70.

In the answer to question 97 of WT/ACC/RUS/23, Russia indicates that it is in the process of improving its inspection system, but does not indicate when the improved system will be operational. Additionally, in the answer to question 101, Russia notes all the agencies responsible for conducting SPS inspections but does not indicate which agency carries out which function.

Please indicate when the improved, streamlined SPS inspection system will be fully functioning.

Also, in the answer to question 101, Russia provides a list of agencies responsible for conducting inspections but does not explain which agency carries out which function or what the relationship is between the different agencies. Please provide a step-by-step explanation of how an animal and plant product is inspected once it enters Russia.

Answer

The Russian Ministry of Public Health, in conjunction with the Russian Ministry of Agriculture and Provisions and the Russian State Committee for Standards, is taking appropriate measures to improve the system of supervision and monitoring, such measures to be completed before Russia joins the WTO. The functions and duties of the State supervisory bodies listed above are defined in the respective regulations of such bodies approved by the Russian Federation Government. State sanitary and epidemic supervision activities are defined in the Regulations of the State Sanitary and Epidemic Service of the Russian Federation approved by Resolution No. 625 of the Russian Federation Government, dated 5 June 1994.

Labelling

Question 71.

When asked in question 103 of WT/ACC/RUS/23 when information on labelling (Resolution No. 1575) will be provided to the Working Party, Russia states that GOST-R-51074 "Foodstuffs products. Information for consumer. General requirements" (passed 17 July 1997) may be purchased from the "INTERSTANDART" company or the "Standarty" store.

Will Russia provide this legislation to members of the Working Party or is purchasing this legislation from INTERSTANDART or Standarty the only way to obtain it?

Working Party members will need a copy of the legislation to ensure that it meets WTO requirements.

Answer

GOST 51074-97 is reproduced in Annex 6 of document WT/ACC/SPEC/RUS/8.

Veterinary certificates of exporting countries vs Russian veterinary permits

Question 72.

Russia maintains in response to question 109 of WT/ACC/RUS/23 that veterinary certificates issued by exporting countries must be replaced by veterinary permits issued by Russia once the product enters Russia. However, Russia does not explain why this is the case (i.e., Russia does not cite specific legislation calling for the replacement of the certificate nor does it justify the reason that the replacement must take place). Moreover, Russia admits that time required for the substitution depends on the circumstances in each case.

Please explain why the veterinary certificates issued by exporting countries must be replaced by veterinary permits issued by Russia once the product enters Russia. Is there specific legislation which requires this practice? Is there a scientifically justified reason that a substitution is necessary?

It appears that the substitution is not automatic and could cause serious time delays. Absent any scientific or legal justification for the substitution, we have a difficult time seeing this practice as anything other than a potential barrier to trade.

Answer

In accordance with the requirements of Law "On Veterinary Activities" (Article 2), the Regulations of the State Veterinary Service of the Russian Federation for Territory Protection from Import of Infectious Animal Diseases from Foreign Countries (No. 830 of 29 October 1992), the Directive of the Veterinary Department "On the Formalities for Animal Exports and Imports in the Russian Federation" (No. 19-8-05/250 of 20 January 1994) and other regulations of the Veterinary Law, the veterinary certificates of exporting countries accompanying animal cargoes upon crossing the border of the Russian Federation or any CIS member countries should in any event be replaced with veterinary certificates of the Russian Federation.

The need to replace veterinary certificates is due to the fact that each specific cargo shipment should, when transported within the Russian Federation, be accompanied by original veterinary documents. Most animal imports arrive in the Russian Federation in large shipments which, after customs clearance, are split up and shipped to several customers. Furthermore, the federal veterinary service on the State border and on transportation routes warrants, by issuing its veterinary certificates instead of foreign ones, that each shipment has been inspected and conforms with the veterinary requirements of the Russian Federation and makes an entry on the manner of using such product shipment.

The veterinary conformity of both domestic and foreign products is confirmed to the consumer by a single form of document. In case the necessary requirements for the execution of veterinary certificates are complied with, the cargo conforms with the documents presented and the terms and conditions of product transportation are observed, the examination and replacement of veterinary certificates cause no delay. This procedure does not constitute a potential barrier to trade.

MFN treatment under the WTO SPS Agreement

Question 73.

In response to question 115 in WT/ACC/RUS/23, Russia confirms that import permits are not required for plant and plant products originating in CIS countries. We continue to believe that this policy is inconsistent with the principle of MFN treatment. In response 116, Russia states that CIS countries are not subject to mandatory phytosanitary inspection as a result of the Plant Quarantine Cooperation Agreement signed between the governments of the CIS countries in April 1992. Russia claims that this is because all of these countries were once the territory of the Soviet Union in which uniform phytosanitary regulations were effective. However, Russia states that the phytosanitary requirements for quarantined products imported from CIS countries are effectively the same as for similar products imported from any other countries.

Please indicate how, in Russia's view, this practice conforms to the provisions of the SPS Agreement, citing specific Articles.

We are disturbed that Russia bases its decision to inspect certain countries on whether or not a bilateral agreement has been signed. What scientifically-based action occurs when the bilateral agreements are signed? Does Russia conduct an inspection of that country prior to signing a bilateral agreement? Would Russia waive the quarantine requirements for other countries which sign an agreement with them?

Answer

The Import Quarantine Permit (IQP) constitutes a document of informative origin which contains data for the consignee (importer) concerning the terms and conditions of import of goods

which are subject to quarantine and phytosanitary control, including matters such as the information on the customs check points, and the necessity of disinfection measures to be taken.

The issuance of the IQP (in our case - for goods originating from the CIS countries) does not substitute or abolish the measures which are undertaken with respect to goods which are subject to phytosanitary control or quarantine. The regime of phytosanitary control or quarantine is similar to the goods originating either from the CIS countries or any other country.

National treatment

Question 74.

In the last Working Party, we raised the example that babushkas selling domestic chicken on the street are not subject to the rigorous sanitary controls as imported chicken. In the response to question 86 in WT/ACC/RUS/23, Russia indicates that all agricultural products to be consumed are subject to the same sanitary standards.

While Russia has fully acknowledged in principle, the importance of national treatment, especially with respect to sanitary and phytosanitary standards, we remain concerned that domestic products may not be subject to the same stringent requirements as imports.

Please demonstrate specifically how both domestic and imported goods are subject to the same standards. Is there a specific legal mandate requiring domestic products to be subject the same types of standards as imports?

Answer

We believe that the question offers an incorrect interpretation of the problem. Upon crossing the State border of the Russian Federation or a CIS country, imported animal products become subject to the same veterinary and sanitary requirements as domestic ones, including as concerns accompanying veterinary documentation. These requirements are prescribed by Articles 14, 15 and 16 of the Law "On Veterinary Activities" and other provisions of Russian veterinary law. Sales of animal products in improper places (including urban streets) and without confirmation of their safety by the State veterinary supervision bodies are prohibited in the Russian Federation. Persons breaching this provision are subject to sanctions under administrative law, and the products are subject to confiscation and destruction.

Consumer Protection Law

Question 75.

We have previously requested information on the provision in Russia's Consumer Protection Law (Article 45.2) allowing for "expert studies" to be conducted by "consumer associations" in order confirm products' conformity with mandatory Russian standards. Russia has indicated that it would provide an explanation of what is meant by "expert studies" under the Consumer Protection Law.

Could Russia clarify this concept and the nature or the requirement for us? We would also appreciate information on the extent to which it is invoked in practice, and why, in view of other testing and certification requirements, it is necessary.

Answer

Section 2, Article 45 of the Russian Federation Law "On Consumer Rights Protection" as amended by Federal Law No. 2-FZ, dated 9 January 1996, determines the rights of consumers' public organizations (their associations, unions). In particular, such public organizations are entitled to conduct independent examinations of the quality of products (work, services).

In this case, the "examination" is understood as an inspection of product quality to be conducted in case a dispute arises between manufacturers (sellers, contractors) and consumers concerning the presence of defects in the product (work, service) or the causes therefor or otherwise as may be necessary to inspect the quality of products (work, services). Such examination is called independent because it is to be conducted by organizations independent from both the manufacturers (sellers, contractors) and the consumers.

An examination may be conducted on the initiative of any person: the manufacturer (seller, contractor), a consumer, bodies supervising compliance with the laws governing consumer rights protection, etc. under a contract entered into with such public organization, as well as pursuant to a court decision.

Along with public organizations, an independent examination may be conducted by any organizations or specialists possessing the necessary knowledge to evaluate product quality. In particular, such examination may be conducted by commodity examination offices or certification bodies. The right to choose the organization to conduct such examination belongs to the initiator of the examination.

In court proceedings concerning consumer rights protection, such a certificate constitutes a type of evidence of the defect in the product (work, service) and the causes therefor. An examination report is not required by the court and should be evaluated by it together with other evidence (Articles 49, 56 and 78 of the Civil Procedure Code). An examination report may be challenged in court.

Question 76.

We seek further details on the steps that the Russian Federation proposes to take to ensure that its sanitary and phytosanitary standards will be developed and applied in accordance with the international standards, guidelines and recommendations of the international bodies referred to in the SPS Agreement (Codex Alimentarius, International Office of Epizootics and the International Plant Protection Convention).

Answer

See the answer to question 1.

Question 77.

We are concerned at certain measures referred to in the answer to question 70 of WT/ACC/RUS/23 (for example, relating to "undesirable ingredients" and "national cuisine") and import permits for certain plant and veterinary products (answer to question 114 of WT/ACC/RUS/23), for which there may not be scientifically based justification. We also seek clarification as to whether the Russian Federation's requirements are applied on an MFN basis.

Answer

The "undesirable ingredients" are discussed in the answer to question 27 herein.

In issuing permits for export of animal products into the Russian Federation, the Veterinary Department is guided by the Russian veterinary and sanitary requirements, information from the International Epizootic Bureau (IEB) on the epizootic situation in the exporting country and the provisions of the IEB Code.

Quarantine import permits (QIPs) for import into Russia are issued by the State Plant Quarantine Service of the Russian Federation (Rosgoskarantin) for a number of products subject to phytosanitary control, including live plants. Such QIPs should state the terms and conditions of import and use of such products. Taking into account the natural and climatic diversity of the Russian Federation and the absence in the Russian Federation of a number of hazardous quarantine items which are widespread in European Communities' countries and other regions of the world, QIPs play an important role in the system of quarantine activities aimed to protect the Russian territory from import of quarantine items which do not occur or have a limited occurrence in Russia.

In the Russian Federation, requirements for product safety for human health equally apply to both domestic and imported products and are consistent with the most-favoured-nation treatment provisions.

Question 78.

We have concerns regarding the Russian Federation's practices in relation to certification and testing procedures and recognition of veterinary clearances (answers to questions 67, 69, 86, 89, 95, 97 and 110 of WT/ACC/RUS/23). The Russian Federation will need to ensure that its administrative procedures in this respect fully take into account the requirements of Annex C of the SPS Agreement, and that there are adequate arrangements for the acceptance of WTO Members' SPS measures as equivalent, in accordance with Article 4 of the SPS Agreement.

Answer

The measures being taken by Russia to ensure the veterinary welfare of its territory with respect to animal imports are consistent with Article 4 of the SPS Agreement. The State Veterinary Service of Russia has entered into veterinary agreements and agreed upon bilateral veterinary certificates for most animal products with most exporting countries. Further harmonization of the requirements of Russian Veterinary Law with the SPS requirements of WTO Members will allow us to minimize in the future any differences in veterinary control on the safety of trade in animal products.

Question 79.

We note from the response to question 29 in WT/ACC/RUS/23, that the Russian Federation envisages a transitional period for the implementation of the SPS Agreement. Acceding countries should be prepared to take on all WTO obligations upon accession, and to already be making the necessary amendments to relevant legislation with a view to it being in place upon accession.

Answer

See the answer to question 1, but, taking into account the answer to question 29 of document WT/ACC/RUS/23 concerning methods for inspection of, primarily, foodstuffs, a certain period of time will apparently be required to arrange for the obtaining of all necessary internationally

recognized inspection procedures, their translation into Russian, study and analysis, identification of possible differences and their subsequent harmonization.

Any assistance on the part of the WTO and other international organizations, including financial and export assistance, in solving this problem would be appreciated.

Question 80.

Could the Russian Federation explain in detail about the measures to prevent the assault and spread of diseases in cattle?

Answer

Yes, but, in order to obtain a specific answer, we have to know which cattle diseases should be covered.

Question 81.

Could the Russian Federation explain in detail about the laws and regulations of food sanitary, as well as which ministries are in charge?

Answer

The procedure for manufacture, import and export of food products in terms of food sanitation is described in the laws and regulations submitted by Russia to the WTO Secretariat for the sixth and seventh meetings of the Working Party. They can also be examined in detail by making a request through the National TBT/SPS Enquiry Point. A number of specific aspects of this problem are described in the answers to the preceding questions as well as in the answer to question 82.

Question 82.

Could the Russian Federation explain the import and export procedures regarding food and agricultural goods?

Answer

The non-tariff measures for regulation of farm product exports and imports used by the Russian Federation are set forth in document WT/ACC/SPEC/RUS/1/Corr.1/Rev.1 of 10 July 1997 which was discussed in detail at the sixth meeting of the Working Party.

The licensing procedure is described in document WT/ACC/RUS/10 of 23 April 1996 which was discussed in detail at the third meeting of the Working Party.

Farm and food product exports and imports are also subject to veterinary, sanitary and phytosanitary control in the Russian Federation.

Specifically, the importation procedure for the various products subject to phytosanitary control (cargoes subject to quarantine) is determined by the International Convention on Plant Protection. Such products pass phytosanitary control at checkpoints on the Russian State border and at their destination. Cargoes subject to quarantine should be accompanied by a phytosanitary certificate issued by the State Plant Quarantine Service of the exporting country. Cargoes subject to quarantine may only be imported into Russia if the consignee has a quarantine import permit, issued by the

Russian State Quarantine Service or its regional agencies, specifying the terms and conditions of import, the location where the Russian State border is to be crossed, the destination and the terms and conditions of using the product in Russia.

If a cargo subject to quarantine is exported pursuant to the quarantine requirements of the importing country and the results of cargo inspection before shipment, the regional State quarantine agencies must issue, in respect of the export shipment of such cargo, an international certificate evidencing the absence of any items having quarantine significance for Russia. In case the quarantine requirements specify the need to fumigate export cargoes, such disinfection must be carried out and information on such treatment must be stated in the phytosanitary certificate.

The bodies in charge of veterinary supervision and sanitary and epidemic supervision in the Russian Federation implement veterinary and sanitary control in a similar manner. See also the answer to question 81.
