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

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ACCESSION OF THE RUSSIAN FEDERATION

Checklists of Technical Barriers to Trade and Sanitary and Phytosanitary Issues in the Accession of the Russian Federation to the WTO

Revision

The Permanent Mission of the Russian Federation has submitted the following revised checklists of TBT and SPS issues relating to the accession of the Russian Federation to the WTO, with the request that it be circulated to members of the Working Party.

Checklist of TBT Issues in the Accession of the Russian Federation to the WTO

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
1.	2.	3.
1. Generally agreed principle in WTO accession negotiations	1. Standstill: the introduction of new standards, technical regulations and conformity assessment procedures should be fully compatible with the TBT Agreement	The Russian party does not intend to complicate access to its markets by introducing a less favourable treatment for the purposes of the TBT Agreement. The basic parameters were defined in the Russia's draft commitments in respect of access to goods and services markets. Measures for market protection will be undertaken in full compliance with Russia's international obligations, the Russian legislation in force and the requirements of draft laws currently under development. Legal and regulatory framework for the implementation of the above was provided under the "Interministerial Programme of Measures to Ensure Compliance with the WTO TBT Agreement and the WTO SPS Agreement for 1999 – 2000" and will be completed in all material respects in the course of implementing a similar programme for 2001 – 2002 (the programme is being drafted).
2. Article 15.2 and TBT Committee Decision (G/TBT/1)	2. Submission of Statement on Implementation	Pursuant to the TBT Agreement this commitment will be fully implemented after the accession of the Russian Federation to the WTO (see also Section 3 herein).
3. Article 10	3. Establishment and operation of a single Contact Point for Information ("enquiry point")	<p>The Russian Single Contact Point for TBT/SPS Information (TBT/SPS Enquiry Point) was set up by Gosstandart of Russia on the basis of All-Russia Research Institute for Classification, Terminology and Information on Standardisation and Quality (VNIKI). The function of the TBT/SPS Enquiry Point is to provide, in conjunction with specialised information centres of different ministries and agencies, the necessary TBT and SPS related information to all interested parties, including foreign participants of international trade.</p> <p>Address: Russian Single Contact Point for TBT/SPS Information (TBT/SPS Enquiry Point), 4 Granatny per., Moscow 103001 Russian Federation. tel./fax 230 25 98 E-mail: ENPOINT@VNIKI.RU</p> <p>Gosstandart of Russia also has a web site (www.GOSTR.RU) which can be used for access to information stored on the Macronet interministerial network (regarding TBT and SPS), including the annual standardisation plan.</p>
4. Articles 2, 3, 5, 7, 10, 15.2, Annex 3 and G/TBT/1	4. Identification of authority responsible for notifications, publications and other internal procedures to ensure transparency obligations are met on an ongoing basis:	

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
(a) Articles 2.9.1, 3.1, 5.6.1, 7.1, 10.1.5	(a) identification of publication where notices of proposed technical regulations and conformity assessment procedures will appear;	The Russian TBT/SPS Enquiry Point specified in Section 3 above, which has started publishing a specialised "Vestnik" (Bulletin), is currently ready to assume this function.
(b) Article 2.9.2, 2.10.1, 3.2, 3.3, 5.6.2, 5.7.1, 7.2, 7.3, 10.7, 10.10	(b) identification of authority responsible for making notifications to the WTO;	It is intended to make Gosstandart of Russia and other ministries and agencies concerned responsible for preparing notifications. The organisation responsible for submission of notifications to the WTO is the Russian TBT/SPS Enquiry Point.
(c) Articles 2.9.4, 2.10.3, 3.1, 3.3, 5.6.4, 5.7.3, 7.1, 7.3	(c) guidance/law to ensure regulatory authorities afford non-discriminatory consideration of comments in the preparation of a final regulation;	The draft Federal Law "On Technical Measures in Trade" (drafting is being finalized) requires that all federal executive authorities developing technical regulations and conformity assessment procedures release any new drafts by publication, and consider and take into account comments in respect thereof from all interested parties.
(d) Articles 2.11, 2.12, 3.1, 5.8, 5.9, 7.1	(d) guidance/law to ensure regulatory authorities allow a reasonable period of time between the final publication of a technical regulation and conformity assessment procedure and its entry into force so that suppliers can adapt;	All federal executive authorities must allow a sufficient period of time between the moment they adopt a technical regulation or conformity assessment procedure and its entry into force, such period of time being sufficient to implement measures ensuring compliance with the newly introduced requirements, as provided under the draft Federal Law "On Technical Measures in Trade".
(e) Article 4, Annex 3 (J, K, L, N, O); Article 8.1	(e) publication and notification of work programme for standards and non-governmental conformity assessment procedures, including publication of notices of draft standards and an opportunity for public comment.	These functions will be performed by the Russian TBT/SPS Enquiry Point which has started publishing a specialised "Vestnik" (Bulletin). Besides, standardisation work programmes are published in the Annual Catalogue of Standards and on the web-site of Gosstandart of Russia: WWW.GOST.RU.

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
5. Articles 2, 3, 5, 6, 7	5. Development and Application of Technical Regulations and Conformity Assessment Procedures: Existence of legal and/or administrative underpinnings (or "reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:	
(a) Articles 2.1, 3.1, 5.1, 5.2, 7.1	(a) non-discrimination with respect to the treatment of products;	There is no discrimination of imported goods (as far as the TBT Agreement is concerned) in the Russian Federation.
(b) Articles 2.2, 3.1, 5.1, 5.2, 7.1	(b) the prohibition of unnecessary obstacles to international trade and the consideration of less trade-restrictive alternatives to fulfilling legitimate objectives;	Unnecessary obstacles to international trade are being lifted in the course of harmonisation of the current legislation and conformity assessment procedures in respect of the international requirements. Notably, amendments were made to the Law of the Russian Federation "On Certification of Products and Services" (1998), amendments are underway to the Law of the Russian Federation "On Standardisation". This commitment is more specifically provided for in the draft federal laws "On Technical Measures in Trade" and "On Confirmation of Conformity Assessment of Products and Services to Regulatory Requirements" (drafting is being finalized).
(c) Article 2.3, 3.1, 7.1	(c) the ongoing review of technical regulations to ensure they are appropriate to achieve the desired legitimate objective;	Ongoing review of technical regulations to ensure their conformity to legal requirements is being implemented in practice.
(d) Article 2.4, 3.1, 5.4, 7.1	(d) the consideration of appropriate international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures;	Current practice makes ample use of international standards, guides and recommendations in the development of technical regulations and conformity assessment procedures. Besides, the requirement to use the above as a basis for national technical regulations and conformity assessment procedures is provided under the draft Federal Law "On Technical Measures in Trade".
(e) Article 2.7, 3.1, 7.1	(e) the consideration of equivalent technical regulations of other Members;	Technical regulations of WTO Members are routinely considered in the development of national regulatory acts. Notably, as far as standards containing obligatory requirements are concerned, this commitment is being implemented under the Law of the Russian Federation "On Standardisation" (Article 6).

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
(f) Article 6, 7.1	(f) the acceptance of the results of conformity assessment procedures conducted by bodies in an exporting Member country;	Under Article 4 of Law No. 5151-1 of the Russian Federation "On Certification of Products and Services" dated 10 June 1993 as amended by Federal Law No. 154-FZ of 31 July 1998, the Russian side recognises the results of conformity assessment procedures effected by those international systems to which Russia has acceded. In other cases, recognition of the results of conformity assessment procedures is provided under multilateral and bilateral agreements.
(g) Article 5.2, 7.1, 10.4	(g) non-discriminatory and cost-based fee structure.	Gosstandart of Russia has adopted (after having agreed with the Ministry of Finance of the Russian Federation) and registered with the Ministry of Justice of the Russian Federation on 29 December 1999 (reg. No. 2031) the "Rules of Certification. Fees for Certification of Products and Services". The document provides a uniform fee-payment structure for national and foreign applicants, and is based on the costs effectively incurred by certification authorities and testing laboratories in carrying out the conformity assessment procedures.
6. Article 4 and Annex 3, Article 8	6. Development and Application of Standards and Conformity Assessment Procedures: Existence of legal and/or administrative underpinnings (or "reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:	
(a) Annex 3 (D), Article 8.1	(a) non-discrimination with respect to the treatment of products;	There is no discrimination of imported goods (as far as the TBT Agreement is concerned) in the Russian Federation.
(b) Annex 3 (E), Article 8.1	(b) the prohibition of unnecessary obstacles to international trade;	Unnecessary obstacles to international trade are being lifted in the course of harmonisation of the current legislation and conformity assessment procedures with the international requirements. The necessary measures were undertaken under the "Interministerial Programme of Measures for 1999 – 2000" and further measures are envisaged by the similar draft programme for 2001 – 2002.
(c) Annex 3 (F), Article 8.1	(c) the consideration of appropriate international standards, guides and recommendations as a basis for standards;	This requirement is implemented in the principal standards of the State Standardisation System (GOST R 1.0-92 "The State Standardisation System of the Russian Federation. The Main Principles"; GOST R 1.2-92 "The State Standardisation System of the Russian Federation. The Procedure for Development of State Standards.")

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
(d) Annex 3 (M), Annex 3 (P), Articles 8.1, 10.4	(d) non-discriminatory and cost-based fee structure.	<p>Gosstandart of Russia adopted (after having agreed with the Ministry of Finance of the Russian Federation) and registered with the Ministry of Justice of the Russian Federation on 29 December 1999 (reg. No. 2031) the "Rules of Certification. Fees for Certification of Products and Services".</p> <p>The document provides a uniform fee-payment structure for national and foreign applicants, and is based on the costs effectively incurred by certification authorities and testing laboratories in carrying out the conformity assessment procedures.</p> <p>The ISO approaches are applied for the purposes of payment of the cost of standards.</p>

Checklist of SPS Issues in Accession of the Russian Federation to the WTO

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
1. Generally agreed principle in WTO accession negotiations.	1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.	<p>The Russian party does not intend to complicate access to its markets by introducing a less favourable treatment for the purposes of the SPS Agreement. The basic parameters were defined in the Russia's draft commitments in respect of access to goods and services markets. Measures for market protection will be undertaken in full compliance with Russia's international obligations, the Russian legislation in force and the requirements of draft laws currently under development.</p> <p>Measures with regard to sanitary-epidemiological and veterinary issues are aimed at human and animal health protection and are fully consistent with the SPS Agreement.</p> <p>Development and application of new standards, norms for animal health protection and food safety regulations proceed by reference to the requirements of the SPS Agreement.</p> <p>The legal and regulatory framework for plant quarantine (phytosanitary) protection is consistent with the SPS Agreement.</p> <p>As Russia is preparing to accede to the SPS Agreement, the standstill principle is implemented through the Interministerial Programme of Measures to Ensure Compliance with the WTO TBT Agreement and the WTO SPS Agreement.</p>

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
2. Article 7 and Annex B.3.	2. Establishment and operation of a single Contact Point for Information ("enquiry point").	<p>Russian Single Contact Point for TBT/SPS Information (TBT/SPS Enquiry Point) was set up by the Gosstandart of Russia on the basis of All-Russia Research Institute for Classification, Terminology and Information on Standardisation and Quality (VNIKI). The function of this TBT/SPS Enquiry Point is to provide, in conjunction with specialised information centres of the Ministry of Health of the Russian Federation and the Ministry of Agriculture of the Russian Federation, the necessary SPS-related information to all interested parties including foreign participants of international trade.</p> <p>Address of the Russian TBT/SPS Enquiry Point address: 4 Granatny per., Moscow 103001 Russian Federation; tel./fax 230 25 98; e-mail: enpoint@vniiki.ru.</p> <p>A specialised SPS information centre was established by the Ministry of Health of the Russian Federation (sanitary and epidemiological issues) on the basis of the Centre for Regulation and Certification.</p> <p>Address of the specialised SPS Information Center of the Ministry of Health of the Russian Federation: 18/20 Vadkovsky per., Moscow 101479 Russian Federation; tel. 978 2496, fax 973 1976; e-mail: snodeadmin20@gost.ru.</p> <p>A specialised SPS information center was established by the Ministry of Agriculture of the Russian Federation (veterinary and phytosanitary issues) on the basis of the Principal Computing Centre (by Order No. 500 of the Ministry of Agriculture of the Russian Federation dated August 10, 1998).</p> <p>Address of the Specialised SPS Information Centre of the Ministry of Agriculture of the Russian Federation: 15 Krzhizhanovskogo street, Moscow, Russian Federation; tel. 124 7796; fax: 124 7374 (www.aris.ru).</p>
3. Articles 7 and Annex B, Also G/SPS/7.	3. Transparency: notification and access to documentation:	

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
(a) Annex B.5.(b) and Annex B.10.	(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	The Russian TBT/SPS Enquiry Point is the agency responsible for submitting notifications to the WTO, distribution of information and ensuring access to SPS documentation (in compliance with the transparency requirement), and it will start performing such functions in full capacity immediately upon accession. Preparation of the necessary materials and documents pertains to the authority of the Ministry of Health of the Russian Federation (sanitary and epidemiological issues) and the Ministry of Agriculture of the Russian Federation (animal health and quarantine control).
(b) Annex B.5(a).	(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	<p>The organ of the press for official publication of notifications required under the SPS Agreement will be determined by the Government of the Russian Federation. The Russian TBT/SPS Enquiry Point, which has started publishing a specialised "Vestnik" (Bulletin), is currently ready to assume this function. This requirement will be implemented after the accession.</p> <p>It is envisaged <i>inter alia</i> to publish sanitary rules and norms in "Vestnik"</p> <p>At present listings of newly developed sanitary legislation are published in specialised journals. Since September 2000 "Bulletin of Regulatory and Policy Documents Regarding State Sanitary and Epidemiological Supervision" of the Ministry of Health of the Russian Federation comes out quarterly. The third issue of the Bulletin is currently ready for publication.</p> <p>Regulatory and legal documents on veterinary and phytosanitary measures are published in the Information Bulletin of the Ministry of Agriculture of the Russian Federation.</p>
(c) Annex B.5.(c).	(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	<p>Various draft legal and regulatory acts, notably the Draft Federal Law "On Technical Measures in Trade", require submission to WTO Members of lists of proposed measures.</p> <p>After the Law is adopted this requirement will be added to the state sanitary and epidemiological regulations.</p> <p>This SPS Agreement requirement concerning veterinary and phytosanitary measures will be implemented gradually by adopting appropriate legal and regulatory acts.</p>
(d) Annex B.5(d).	(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.	<p>The Draft Federal Law "On Technical Measures in Trade" provides a proper period of time for comments from the WTO Members and interested persons regarding the newly developed Russian laws, standards and other documents, and sets forth the requirement to consider and take into account any comments and proposals. Non-discriminatory treatment in international trade is provided under the current legislation of the Russian Federation.</p> <p>Comments and proposals are considered and taken into account without discrimination unless capable of adversely affecting the protection of human health, human environment, animal and plant health.</p>

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
4. Article 2.2.	4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	<p>Pursuant to Federal Law No. 52-FZ "On Sanitary and Epidemiological Well-Being of the Population" dated 30 March 1999, the purpose of sanitary and epidemiological requirements is to eliminate environmental factors dangerous for man, ensure product safety, protection of human life and health as well as prevention of occurrence and dissemination of diseases.</p> <p>Pursuant to the requirements of Federal Law No. 4979-1 of the Russian Federation "On Veterinary Service" dated 14 May 1993 and the Code of the International Office of Epizootics, measures are applied only to the extent necessary to protect human and animal health.</p> <p>Under Resolution No. 268 of the Government of the Russian Federation "On the State Plant Quarantine Service of the Russian Federation" dated 23 April 1992, phytosanitary quarantine applies only to the extent necessary to prevent import and acclimatisation of items subject to quarantine in the Russian Federation.</p> <p>Further improvement of Russian legislation is contemplated in Federal Law No. 99-FZ "On Quarantine of Plants" of 15 July 2000. Draft resolution of the Government of the Russian Federation "On Quarantine of Plants" is currently being prepared.</p> <p>Russia reserves the right to introduce phytosanitary measures in respect of harmful organisms which have not been completely studied in phytosanitary terms and can be potentially dangerous for Russia, with subsequent analysis of the phytosanitary risk involved in accordance with the international norms.</p>

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
5. Articles 2.2, 3.3 and 5.2.	5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.	<p>Pursuant to Federal Law No. 52-FZ "On Sanitary and Epidemiological Well-Being of the Population" dated 30 March 1999, regulations governing human health protection and food safety shall be based on comprehensive scientific evidence.</p> <p>Pursuant to Federal Law No. 4979-1 of the Russian Federation "On Veterinary Service" dated 14 May 1993, the existing and newly developed veterinary regulatory documents have to be based on scientific evidence or subject to international requirements.</p> <p>The Federal Law "On Quarantine of Plants" and Resolution No. 268 of the Government of the Russian Federation "On the State Plant Quarantine Service of the Russian Federation" dated 23 April 1992, require, among other provisions, that phytosanitary risks and their management (i.e. phytosanitary measures) must be evidenced and supported by scientific evidence, and prohibit application of phytosanitary measures for purposes other than plant quarantine regulation.</p> <p>The scientific substantiation requirement in respect of quarantine regulations is based on the recommendations of the International Plant Protection Convention (IPPC) and the European and Mediterranean Plant Protection Organisation (EPPO), EU directives and the findings of research projects based on national methods.</p>
6. Articles 3.1, 3.3 and 3.4.	6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.	<p>Federal Law No. 52-FZ "On Sanitary and Epidemiological Well-Being of the Population" dated 30 March 1999 and the Statute on the State Sanitary and Epidemiological Regulations approved by Resolution No. 554 of the Government of the Russian Federation dated 24 July 2000, require analysis and use in national sanitary regulations of international requirements and recommendations.</p> <p>Similar requirements are implemented in Federal Law No. 4979-1 "On Veterinary Service" dated 14 May 1993 and Resolution No. 268 of the Government of the Russian Federation "On the State Plant Quarantine Service of the Russian Federation" dated 23 April 1992. Notably, to substantiate the introduction of a phytosanitary measure, the above instruments refer, wherever applicable, to recommendations of IPPC and EPPO and international standards.</p> <p>Further adjustment of procedures for full analysis and harmonisation of sanitary and phytosanitary measures to incorporate international standards, rules and recommendations will take no less than three years*.</p>
7. Article 4.	7. Equivalence: members shall recognize different measures that achieve the same level of protection.	Russia complies with the equivalence principle for the purposes of the SPS Agreement provided that sanitary and phytosanitary measures maintained by other countries achieve the necessary level of protection of public, animal and plant health.

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
8. Article 5.1, 5.2 and 5.3.	8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.	<p>Under the current legislation of the Russian Federation (Federal Law No. 52-FZ "On Sanitary and Epidemiological Well-Being of the Population" dated 30 March 1999, Federal Law No. 4979-1 "On Veterinary Service" dated 14 May 1993, Federal Law No. 99-FZ "On Quarantine of Plants" dated July 15, 2000, and Resolution No. 268 of the Government of the Russian Federation "On the State Plant Quarantine Service of the Russian Federation" dated 23 April 1992) all measures undertaken are based on scientific evidence and risk assessment (examination of the potential threat latent in a harmful factor or commodity) to the extent that is necessary for protection of human, environmental, animal and plant health.</p> <p>To comply with the commitments with regard to sanitary and hygienic, epidemiological, veterinary and phytosanitary measures, and to conduct an analysis of the above and substantiate the need for their harmonisation with the international risk assessment methods in the first place, will require a transition period of no less than three years upon accession to the WTO depending on the challenges of required scientific solutions in terms of state of the art and funds availability*.</p>
9. Article 6 and Annexes A.6 and A.7.	9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.	<p>All measures maintained under sanitary legislation apply without discrimination to both the area of origin of the goods and the target area. Regional characteristics are relevant only for the purposes of risk assessment of different factors, including the nutrition structure, and subject to the permitted daily dose (PDD) recommended by international organisations.</p> <p>Veterinary measures take into account the regional characteristics pursuant to Federal Law No. 4979-1 "On Veterinary Service" dated 14 May 1993, and the requirements of the International Office of Epizootics.</p> <p>Regional characteristics are a factor in quarantine regulation for the purposes of devising phytosanitary measures tailored for use in a particular region.</p>
10. Article 2.3, and Annex C.1(a) and (d).	10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	<p>Non-discriminatory treatment is provided by the current legislation of the Russian Federation. Sanitary-epidemiological, veterinary and phytosanitary requirements are applied without discrimination to both domestic and foreign producers and domestic and foreign suppliers.</p>

WTO Reference	Commitments (by the time of accession)	Progress of Implementation; Estimated Time Required to Undertake the Commitment
11. Article 8 and Annex C.	11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or foodstuffs comply with the Agreement.	<p>The Russian Federation continues to improve its procedures for sanitary and phytosanitary control, inspection and approval. Notably, the Ministry of Health of the Russian Federation approved new "Regulations on Hygienic Assessment of Products, Commodities and Manufactures" (Order No. 217 of the Ministry of Health of the Russian Federation of 20 July 1998; English translation was submitted to the WTO Secretariat in October 1999).</p> <p>Procedures for sanitary and phytosanitary control, inspection and approval will be gradually adjusted to the SPS Agreement requirements over no less than a three year period, as new legislation and regulatory documents are being developed, and sanitary, veterinary and quarantine institutions build up adequate material and technical resources, based on the available funds, under the Programme of Measures to Ensure Complete Compliance with the TBT/SPS Agreements of the WTO.</p>

* The length of the transition period (no less than three years) is due to the need for a scientifically grounded revision of national sanitary, veterinary and phytosanitary rules to comply with the international norms, including those laid down by Food and Agriculture Organisation (FAO). This will involve, among other activities, collection, translation into Russian and analysis of the relevant international documents, their comparison with the Russian legislation and regulatory acts in effect, analysis of international practice of new sanitary, veterinary and phytosanitary regulation of imports and exports operations, update the material and technical resources of sanitary, veterinary and phytosanitary institutions, and, where necessary and given sufficient scientific confirmation, to amend and supplement the legal and regulatory documents in effect taking into account diversity of regional characteristics within the Russian Federation.