

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/SPEC/RUS/13/Rev.4/Add.1
2 November 2004

(04-4664)

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

Original: English

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

Checklist of SPS Issues

Addendum

The following submission, dated 29 October 2004, is being circulated at the request of the Delegation of the Russian Federation.

Checklist of SPS 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. Generally agreed principle in WTO accession negotiations.	1. Standstill: 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. Such stand-still principle is provided for in the Russian legislation. The basic SPS conformity parameters are defined in 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, including the provisions of Federal Law No. 184-FZ, of 27 December 2003 "On Technical Regulation" written by reference to WTO Agreements on TBT and SPS which governs the relations arising out of development, adoption, application, and fulfillment of mandatory requirements on a voluntary (non-obligatory) basis. The law has entered into force on 1 July 2003, it envisages seven-year transitional period for the development and adoption of relevant technical regulations.</p> <p>All sanitary, epidemiological, veterinary and phytosanitary measures maintained by the Russian Federation are maintained to such extent as required to protect human, animal and plant health only. Development and introduction of new standards, norms, requirements and oversight procedures will proceed in strict conformity to WTO SPS Agreement.</p> <p>As Russia is preparing to accede to the WTO, the standstill principle has been implemented through the Interministerial Programme of Measures to Ensure Compliance with the WTO TBT Agreement and the WTO SPS Agreement for 1999 – 2001 and will be maintained under a similar further programme for 2002 – 2005.</p>
2. Article 7 and Annex B.3.	2. Establishment and operation of a single Contact Point for Information ("Enquiry point").	<p>Article 44 of Federal Law No.184-FZ provides for the creation of a Federal Information Center for Technical Regulations and Standards.</p> <p>A single information system designed to provide interested persons with information on documents contained in the Federal Information Center for Technical Regulations and Standards is created and functions in the Russian Federation in manner and on terms specified by the Government of the Russian Federation (Resolution of the Government of the Russian Federation No. 500 of 15 August 2003 "On the Federal Information Center for Technical Regulations and Standards and the Single Information System for Technical Regulation").</p> <p>Interested persons have free access to the information resources that are being created.</p> <p>A Russian Single Contact Point for TBT/SPS ("TBT/SPS Enquiry Point") was set up by Federal Agency for Technical Regulation and Metrology on the basis of All-Russia Research Institute for Classification, Terminology and Information in Standardization and Quality (VNIKI). The function</p>

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		<p>of the TBT/SPS Enquiry Point is to provide the necessary SPS-related information to all interested parties, including foreign participants of international trade.</p> <p>This Enquiry Point is the centre of a comprehensive information network encompassing federal and regional reference points, including specialised information centers of the Ministry of Health and Social Development of the Russian Federation (sanitary and epidemiological issues) and the Ministry of Agriculture of the Russian Federation (veterinary and phytosanitary issues).</p> <p>Address of the Russian TBT/SPS Enquiry Point:</p> <p>4 Granatny per., Moscow 103001 Russian Federation; tel./fax (007 095) 230 25 98; e-mail: ENPOINTO@VNIIKI.RU.</p> <p>Address of the Ministry's of Health and Social Development of the Russian Federation Centre for Regulation and Certification is:</p> <p>18/20 Vadkovsky per., Moscow 101479 Russian Federation; tel. (007 095) 978 2496, fax (007 095) 973 1976; e-mail: snodeadmin20@gost.ru</p> <p>Address of the Principal Computing Centre of the Ministry of Agriculture of the Russian Federation:</p> <p>15 Krzhizhanovskogo street, Moscow, Russian Federation; tel/fax 124-77-96, website www.aris.ru;</p>

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<p>3. Articles 7 and Annex B, also G/SPS/7.</p> <p>(a) Annex B.5(b) and Annex B.10.</p> <p>(b) Annex B.5(a).</p>	<p>3. Transparency: notification and access to documentation:</p> <p>(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;</p> <p>(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;</p>	<p>(a) In accordance with Article 9 of Federal Law No.184-FZ, development of a draft technical regulation shall be notified in the press organ of the federal executive authority for technical regulation and in electronic form in a public use information system. It will also be responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis. A Federal Agency for Technical Regulation and Metrology was established pursuant to the Decree of the President of the Russian Federation of 20 May 2004 “On the Structure of the Federal Executive Authorities”. Regulation on the procedure for publication, the amount of fees for publication of notifications of the development, discussion, and expert review of draft technical regulations, legislative acts, and other regulatory legal acts has been approved by Resolution of the Government of the Russian Federation No. 673 of 5 November 2003 “On Publication and Amount of Fees for Publication of Documents Relating to the Development, Discussion, and Expert Review of Draft Technical Regulations, Draft Legislative Acts, and other Regulatory Legal Acts on Technical Regulations”.</p> <p>Preparation of the necessary SPS-related materials and documents for the Russian TBT/SPS Enquiry Point pertains to the authority of the Ministry of Health of the Russian Federation (Federal Service for Surveillance on Consumers Rights Protection and Human Well-Being (sanitary and epidemiological issues) and the Ministry of Agriculture of Russia (state veterinary surveillance and quarantine issues).</p> <p>(b) An official “Newsletter (Vestnik) of Technical Regulation” containing notifications of the development and of the end of public discussion of draft technical regulations, legislative acts, and other regulatory legal acts in the area of technical regulation and sanitary and phytosanitary measures has been published since December 2003.</p> <p>At present, the Russian TBT/SPS Enquiry Point is publishing a specialized journal “Bulletin (Vestnik) of the Russian Enquiry Point” containing draft regulatory legal documents. Draft sanitary rules and norms have also been published in the Bulletin. This WTO requirement also is stipulated in Federal Law No. 184-FZ and (this WTO requirement) will be implemented after Russia’s accession to the WTO.</p> <p>At present, listings of newly developed sanitary legislation are also published in specialized journals. The development programme for state sanitary and epidemiological regulation in 2002</p>

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(c) Annex B.5.(c).	(c) implement through legislation or administrative procedures a requirement to provide copies of proposed measures to WTO Members; and	<p>– 2005 may be viewed on the Ministry’s of Health Regulation and Certification Center web page (“Documents” category) at www.crc.ru. Since September 2000, the “Bulletin of Regulations and Guidelines of State Sanitary and Epidemiological Supervision Authority of the Ministry of Health of Russia” comes out quarterly. The 17th 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”, “Veterinary Practice” magazine, newspapers “Veterinary Consultant” and “Veterinary Gazette”.</p> <p>(c) Federal Law No. 184-FZ of 27 December 2003 “On Technical Regulation” (point 4, Article 9) requires all developers of technical regulations to publish new drafts and incorporate the comments of interested parties and provide the WTO Members with lists of proposed measures.</p> <p>This provision will also be included in regulatory legal acts relating to the protection of human, animal, and plant health. Currently the plans for development and review of regulatory documents and guidelines are included in the State Sanitary and Epidemiological Regulation Development Program for 2002 – 2005 approved by the Ministry of Health of the Russian Federation on 29 December 2001 (see section 3 B). A schedule of development of main technical regulations is provided in the Interministerial Program of Measures (see section 1).</p>
(d) Annex B.5.(d).	(d) implement through legislation or administrative procedures a requirement to provide a reasonable period of time for comment from WTO Members and the public, and establish a procedure for incorporating comments without discrimination;	<p>(d) The Federal Law “On Technical Regulation” provides a sufficient period of time (no less than 2 months) for comments from WTO Members and interested persons regarding newly developed Russian technical regulations, and sets forth the requirement to consider and incorporate any relevant comments and proposals.</p> <p>At present, comments and proposals are considered and incorporated without discrimination unless capable of adversely affecting protection of human health, human environment, animal and plant health. Prior to final approval of a draft document, a discrepancy protocol is produced substantiating the reasons for incorporating or failure to incorporate comments and proposals and which is presented for discussion by the interested parties in conference.</p>

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4. Article 2.2.	4. Necessity: measures are applied only to the extent necessary to protect human, animal and 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. Such sanitary and epidemiological requirements are passed in the form of sanitary rules and hygienic regulations, that are subject to subsequent state registration with the Ministry of Justice of Russia and official publication, and are enacted, as a general rule, no sooner than 3 months after their adoption. Extraordinary measures require a resolution by the Chief State Sanitary Physician of the Russian Federation and remain in effect until the danger is liquidated.</p> <p>Pursuant to the requirements of Federal Law of the Russian Federation No. 4979-1 “On Veterinary Service” dated 14 May 1993 and the International Animal Health Code of the International Office of Epizootics, relevant measures are applied only to the extent necessary to protect human and animal health. Extraordinary measures require a resolution by the Chief State Veterinary Inspector of the Russian Federation and remain in effect until the source of a transmittable animal disease is liquidated.</p> <p>The exporting countries are notified of all measures through their Embassies in the Russian Federation. In the case of clear and present danger to human and animal life and health due to an epizootic in the exporting countries an immediate decision to suspend import will be taken based on the official information of the International Office for Epizootics (IOE) or information provided by the veterinary service of the exporting country. In such a case Embassies of the exporting countries in the Russian Federation will be promptly notified.</p> <p>Measures restricting imports of animal products reflect proposals from the veterinary services of the importing countries provided that such proposals are timely and science-based.</p> <p>Under Resolution of the Government of the Russian Federation No. 268 “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 acclimation of items subject to quarantine in the Russian Federation.</p> <p>Federal Law No. 99-FZ “On Quarantine of Plants” of 15 July 2000 provides framework principles for implementing plant quarantine in the Russian Federation.</p> <p>Pursuant to the SPS Agreement, Russia as well as the other countries has the right to introduce phytosanitary measures in respect of insufficiently studied hazardous organisms and carry out</p>

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		<p>phytosanitary risk assessment in accordance with international risk assessment techniques (standards).</p> <p>In view of the adoption of Federal law No. 184-FZ relevant amendments and supplements will be made to all SPS-related legislative acts. Rules of scientific validity of regulation are specially reflected in Federal Law No. 184-FZ (Article 6, point 9).</p>
5. Articles 2.2, 3.3 and 5.2.	5. Science-based regulations: regulations governing animal and plant health protection and food safety control 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 and relevant international experience (Article 38).</p> <p>Pursuant to Law No. 4979-1 of the Russian Federation “On Veterinary Service” dated 14 May 1993, any existing and newly developed veterinary regulatory documents have to be based on scientific evidence or international requirements.</p> <p>The Federal Law “On Quarantine of Plants” and Resolution of the Government of the Russian Federation No. 268 “On the State Plant Quarantine Service of the Russian Federation” dated 23 April 1992, require that phytosanitary risks and their management (i.e. phytosanitary measures) must be supported by scientific evidence, and prohibit application of phytosanitary measures for purposes other than plant quarantine, etc.</p> <p>According to the International Plant Protection Convention (IPPC) and the recommendations of the European and Mediterranean Plant Protection Organisation (EPPO), science-based phytosanitary measures must be evidenced by research projects based on inter-national guidelines (standards). Rules of scientific validity of regulation are specially reflected in Federal Law No. 184-FZ (Article 6, page 9).</p>

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6. Articles 3.1, 3.3 and 3.4.	6. Harmonization: to the maximum possible extent, the WTO 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 March 30, 1999 (Article 38) and the Statute on the State Sanitary and Epidemiological Regulation approved by Resolution of the Government of the Russian Federation No. 554 dated July 24, 2000 (Section 5 and 6), require that international requirements and recommendations must be analyzed and used in the national sanitary regulations and legislation to the extent it is practicable and reasonable to do so. The harmonization proceeds by reference to the documents of the FAO/WHO Codex Alimentarius Commission, WHO recommendations, EC documents and documents of other international organizations.</p> <p>Relevant provisions are included in Law of the Russian Federation No. 4979-1 “On Veterinary Service” dated May 14, 1993 and Resolution of the Government of the Russian Federation No. 268 “On the State Plant Quarantine Service of the Russian Federation” dated April 23, 1992. Notably, for the purposes of substantiation of a phytosanitary measure, the above instruments refer, wherever applicable, to recommendations of IPPC and EPPO and international standards.</p> <p>For the purposes of WTO accession, Russia is reviewing its legislative and regulatory acts, guidelines and procedural documents related to valuation and control of products and goods to ensure their compliance to international standards and requirements. Such works will continue though the effectiveness and expedition are conditional on the availability of budgetary financing and foreign technical assistance.*</p>
7. Article 4.	7. Equivalence: Members shall recognize measures maintained by other Members provided that the same level of protection is achieved.	<p>Russia is complying with the equivalence principle for the purposes of the SPS Agreement as long as veterinary, sanitary and phytosanitary measures maintained by other countries achieve the necessary level of protection of public, animal and plant health.</p> <p>The procedure for sanitary and epidemiological examination of products and issuance of sanitary and epidemiological opinions establishing conformity (or non-conformity) of products to sanitary and epidemiological requirements are provided by Russian law, resolutions of the Government of the Russian Federation and Order of the Ministry of Health of the Russian Federation No. 325 “On Sanitary and Epidemiological Assessment of Products” dated August 15, 2001 as amended and supplemented by Order of the Ministry of Health of Russia No. 84 dated March 18, 2002 (Order of the Ministry of Health of the Russian Federation No. 217 of July 20, 1998 is inoperative).</p> <p>The procedure for veterinary and sanitary examination of animal products and primary products and issuance of a veterinary opinion establishing conformity (or non-conformity) of products to veterinary and sanitary requirements are provided by the veterinary legislation of the Russian Federation, resolutions of the Government of the Russian Federation, the “Instruction on the Procedure for Issuance of Veterinary Accompanying Documents for Cargoes Regulated by the State</p>

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		<p>Veterinary Surveillance Authority” approved by the Ministry of Agriculture and Food Products of the Russian Federation on April 12, 1997, No. 13-7-2/871 and registered with the Ministry of Justice of the Russian Federation on May 22, 1997, No. 1310.</p> <p>In terms of phytosanitary control, the procedures and the authority to conduct laboratory analysis and laboratory examination of regulated products are provided by Federal Law 99-FZ “On Quarantine of Plants” dated July 15, 2000 and the Regulations on the State Service for Quarantine of Plants in the Russian Federation approved by Resolution of the Government of the Russian Federation No. 268 dated April 23, 1992 (as amended and supplemented on October 1, 1998).</p>
8. Article 5.1, 5.2 and 5.3.	8. Risk Assessment: obtaining scientific evidence and conducting risk assessments to ensure that measures are science-based and applied only to the extent necessary to protect human, animal and plant health.	<p>Under current legislation of the Russian Federation (Federal Law No. 52-FZ “On Sanitary and Epidemiological Well-Being of the Population” dated March 30, 1999, Federal Law No. 99-FZ “On Quarantine of Plants” dated July 15, 2000, Law of the Russian Federation No. 4979-1 “On Veterinary Service” dated May 14, 1993, Resolution of the Government of the Russian Federation No. 268 “On the State Plant Quarantine Service of the Russian Federation” dated April 23, 1992, and Federal Law No.184-FZ dated December 27, 2002, and Federal Law No. 184-FZ dated December 27, 2002) (Article 6) all measures undertaken are based on scientific evidence and risk assessment (examination of the degree of potential threat latent in a harmful factor or commodity) and are applied only to the extent that is necessary for protection of human health and environment, and animal and plant health. The current state regulation system is organized to the extent allowed by the technical and economic capabilities of the country.</p> <p>Russia envisages further improvement of regulation of risk assessment through harmonization with international risk assessment methods, including with due regard to economic factors, through a profound analysis and development of theoretical solutions, perfecting methods of analysis and control of safety of products for human, animal and plants health. The success of this effort-consuming undertaking will largely depend on the finances available, foreign technical and expert assistance and consultations, access to modern technologies and control and analytical equipment for research institutions and product control laboratories.*</p>

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<p>9. Article 6 and Annexes A.6 and A.7.</p>	<p>9. Regional characteristics: measures shall reflect the regional characteristics both of the areas from which products originate and the areas for which they are destined.</p>	<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 public nutrition structure, and subject to the permitted daily dose (PDD) recommended by international organizations. Pursuant to the Statute on the State Sanitary and Epidemiological Regulation approved by Resolution of the Government of the Russian Federation No. 554 (Section 4) dated July 24, 2000, the relevant regulation in the Russian Federation is provided by federal sanitary rules and hygienic regulations only. Where necessary to accommodate certain special hygienic, epidemiological and ecological factors and the state of public health in any particular region of the Russian Federation, special federal sanitary rules will be adopted for and will regulate such territory.</p> <p>Veterinary measures reflect the regional characteristics in accordance with Federal Law of the Russian Federation No. 4979-1 of May14, 1993 “On Veterinary Service” and requirements of the International Office of Epizootics.</p> <p>Regional characteristics are a factor for the purposes of devising phytosanitary measures for use in a particular region.</p>
<p>10. Article 2.3, and Annex C.1(a) and (d).</p>	<p>10. Non-discrimination: unwarranted discrimination of Members and differentiated treatment of national and foreign suppliers are prohibited.</p>	<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 products, domestic and foreign suppliers. The same provision is also contained in Federal Law No.184-FZ (Article 6, point 6).</p>

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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 feedstuffs comply with the Agreement.	<p>The Russian Federation continues to improve its procedures for sanitary and phytosanitary control, inspection and approval, to such extent as the available technologies and finances allow. Notably, the Ministry of Health of the Russian Federation approved new “Regulations on Sanitary and Epidemiological Examination of Products by Order No. 325 of August 15, 2001 (as amended and supplemented on March 18, 2002, No. 84). This Order specifies and details products that are subject to sanitary and epidemiological examination the list of which has been reduced as compared to the previous version, provides a revised validity term for a sanitary and epidemiological approval (5 years or 1 year for pilot batch). An approval issued by a centre of the State Sanitary and Epidemiological Surveillance Authority on concrete kind of production is valid during established period everywhere in the Russian Federation on uniform terms for both domestic and imported products. The register is created and conducted for these purpose.</p> <p>Procedures for sanitary and phytosanitary control, inspection and approval will be gradually adjusted to the SPS Agreement requirements*. Specific sections relating to procedures for state control and surveillance are included in the newly developed draft federal laws – general and specific technical regulations on foodstuffs.</p>

* Given the current economic situation in the country successful implementation of the above measures largely depends on the extent to which the following arrangements and tasks may be implemented. It is necessary to:

- identify, obtain, translate into Russian, analyze in scientific and legal terms the relevant new international, regional and national documents related to protection of human health and environment, animal health, and quarantine of plants;
- compare them with the existing Russian regulatory and legal documents and guidelines in terms of the realities of world trade and current regulation of products and goods maintained by the exporting countries;
- conduct further scientific studies and research for the purpose of improving the risk assessment techniques and preparation of modern national risk assessment guidelines;
- develop new criteria of safety of products and services;
- develop and implement modern control methods for safety criteria and retooling of academic and research institutions and controlling institutions directly involved in SPS area;
- conduct a feasibility study and contribute to the creation of a Russian National Codex Alimentarius Commission to include representatives of all ministries, departments, organizations and agencies concerned.

The success of this work is conditional on the availability of timely financial support enabling access to information and acquisition of equipment, on expert assistance and consultations, additional specialized seminars, expert training, including foreign language courses, exchange of experience and its use for improvement of the existing Russian SPS regulations to provide better guarantees for protection of human, animal and plant health. Russia also needs to educate Russian producers and suppliers of imported products about the changes taking place in the structure and practices of state surveillance and safety control of products entering the consumer market.

To organize and coordinate these works, Russia will need to create supplementary specialized divisions within the Ministry of Health of the Russian Federation and the Ministry of Agriculture manned with professional staff qualified to deal with international cooperation issues for WTO purposes, and to include issues of the WTO TBT and SPS Agreements and international cooperation in this area in the curricula of medical schools.

Rrus13SPS, September 29, 2004
