

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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

Voluntary - Public

**Date:** 5/13/2010

**GAIN Report Number:** RS1026

## Russian Federation

**Post:** Moscow

### **Agricultural Ministry Sets Procedure for Examining Russian SPS Norms**

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

Policy and Program Announcements

**Approved By:**

Mary Ellen Smith

**Prepared By:**

Yelena Vassilieva

**Report Highlights:**

On May 05, 2010, the procedures for examining the consistency of Russian veterinary-sanitary and phytosanitary measures with international norms were registered with the Ministry of Justice of the Russian Federation. The Procedure was developed in accordance with the GOR Resolution 761 of September 28, 2009 on harmonization of Russian SPS measures with international standards.

## **General Information:**

The Russian Ministry of Agriculture's Order No 3 of January 11, 2010, came into effect on May 12, 2010, and established the procedures for examining Russian's veterinary and phytosanitary regulations and their consistency with the international standards and norms. The Procedure was developed in accordance with the Resolution of the Russian Government # 761 of September 28, 2009 "On ensuring harmonization of Russian sanitary-epidemiological requirements, veterinary-sanitary and phytosanitary measures with international standards" (for more information on the Resolution see GAIN report RS9062 \_ Sanitary/Phytosanitary/Food Safety \_ Russia Signals Possible Move to International Requirements \_ Russian Federation \_ Moscow). The Ministry of Agriculture's Order was registered in the Ministry of Justice of the Russian Federation only on May 5, 2010, and came to force on May 12, 2010, the date of its publication in Rossiyskaya Gazeta. The Russian text of the MinAg's Order #3 of January 11, 2010 can be found on the site of Rossiyskaya Gazeta: <http://www.rg.ru/2010/05/12/vetfit-dok.html>

Per the order, the Ministry of Agriculture will set working groups for analyzing the consistency of certain Russian SPS regulations with international standards. A review will be conducted at the request of any interested party, including foreign government, and will be conducted within 6 months of the request. However the period can be extended by the Minister of Agriculture for another 6 months. According to the procedure, MinAg will inform the applicant of the results of the examination, and if experts decide that the Russian legislature is not in conformity with international standards nor scientifically justified then the MinAg will initiate changes in the regulation.

While MinAg's Procedure is a step forward in harmonizing Russia's SPS legislation with international norms, many issues remain outstanding in its implementation:

- it does not authorize any particular section or a bureaucrat in the Ministry of Agriculture to work with the applications;
- it refers to GOR Resolution #1009 of December 14, 2009 that authorized the Russian Ministry of Agriculture to cooperate with the Russian Ministry of Health on SPS issues and norms applicable to food quality and safety, but does not specify when, on what grounds the Ministry of Health might be involved in such examination;

## Comment

The Order does not mandate that the Russian regulations be brought into conformity with international legislation but rather requires that there must be a scientific justification for any inconsistency. Thus, the real effect of MinAg's Order #3 on moving Russian SPS legislative norms closer to international standards remains unclear.

## **Unofficial Translation of MinAg's Order #3**

*[Begin Text]*

**Order of the Ministry of Agriculture of the Russian Federation (Russian MinAg)  
of January 11, 2010, No 3, Moscow  
Registered in the Russian Federation Ministry of Justice on May 5, 2010  
Registration No 17105  
“On Approval of the Procedure of Examination of Legal Acts that Establish  
Veterinary-Sanitary and Phytosanitary Measures”**

In accordance with paragraph 3 of the Resolution of the Government of the Russian Federation dated September 28, 2009, No 761 "On ensuring harmonization of Russian sanitary-epidemiological requirements, veterinary-sanitary and phytosanitary measures with international standards" (Collection of the Legislation of the Russian Federation, 2009, No 40 (part 2), Art. 4698), I order: to approve the attached Procedure of Examination of Legal Acts that Establish Veterinary, Sanitary and Phytosanitary Measures.

Minister E. Skrynnik

### Attachment

The Procedure of Examination of Legal Acts that Establish  
Veterinary, Sanitary and Phytosanitary Measures

1. Examination of the legal acts establishing veterinary-sanitary and phytosanitary measures (hereafter – Legal Acts) for their conformity with standards, recommendations and other documents of international organizations, including the Codex Alimentarius Commission, OIE and the relevant international and regional organizations operating under the International Convention on Quarantine and Plant Protection (hereinafter referred to - expertise, international standards) is carried out in order to harmonize veterinary-sanitary\* and phytosanitary measures applicable on the territory of the Russian Federation with international standards.
2. Examination is conducted by the Ministry of Agriculture of the Russian Federation on its own initiative or on written application of interested persons, including foreign governments that contain information about the inconsistency of the legal act with international standards (hereinafter - Application).
3. Examination is conducted within 6 months. In exceptional cases the Minister of Agriculture of the Russian Federation has the right to extend the examination by not more than 6 months with the notification of the applicant on extension of examination.
4. Within 30 days of receipt of Application the Russian MinAg sends to the person concerned a confirmation that the Application has been accepted for consideration.

5. The Russian MinAg sends request:

- for the international standard which, in the opinion of the person concerned or the Russian MinAg, disagree with the Legal Act, to the international organization that issued this international standard;
- for opinion on finding of sufficient scientific evidence for introduction of veterinary-sanitary and phytosanitary measures or on the availability of risk to human life and health, animals and plants (hereinafter - the scientific conclusion) to the authority issuing the Legal Act, or to the specialized scientific institution.

6. The Russian MinAg establishes a working group to conduct an expertise (hereinafter - the Working Group). The working group includes representatives of the Russian MinAg, interested parties (on application), other federal executive bodies, scientific organizations, coordinating and advisory bodies, as well as experts.

The Working Group examines the following: provisions of international standard; disputed Legal Act on its compliance with international standards in the light of scientific findings.

7. On the results of the analysis the Working Group submits the conclusion to the Russian MinAg on compliance or lack of conformity of the Legal Act with the international standard. If they find the restrictive character of the Legal Act in comparison with the international standard, in the conclusion they indicate the presence of scientific justification for such restriction or risk levels to life or health of humans, animals and plants under conditions of the Russian Federation.

8. Based on the conclusion of the Working Group the Russian MinAg informs the applicant of the results of the expertise. In case of necessity to bring the Legal act into compliance with international standard, the Russian MinAg, in accordance with the established procedure, initiates changes in the Legal Act.

---

\* In view of the functions of the Russian Ministry of Agriculture that were set by the Resolution of the Government of the Russian Federation No 1009 of December 14, 2009 "On the joint implementation by the Ministry of Health and Social Development of the Russian Federation and the Ministry of Agriculture of the Russian Federation of normative-legal regulation in the field of quality and safety control of food products and on the organization of such control "(Collection of Legislation of the Russian Federation, 2009, N51, art. 6314.

*[End Text]*