

# RUSSIAN FOOD LAW

## Legal Systems of the Russian Federation and the Eurasian Economic Union (EAEU), and Food Safety Technical Regulation



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### **LIST OF ABBREVIATIONS**

CIS	Commonwealth of Independent States
CES	Common Economic Space
CU	Customs Union
EAC	Conformity Mark of the EAEU (the single sign of products circulation on the EAEU market) stands for Eurasian Conformity
EAEU	Eurasian Economic Union
EEC	Eurasian Economic Commission
EurAsEC	Eurasian Economic Community
EU	European Union
FAS Russia	Federal Antimonopoly Service Agency of the RF
Minekonomrazvitiya	Ministry of Economic Development of the RF
Minselkhoz	Ministry of Agriculture of the RF
Minzdravsotsrazvitiya	Ministry of Health and Social Development of the RF
Minpromtorg	Ministry of Industry and Trade of the RF
RCT	National Standard of the Russian Federation
RF	Russian Federation
Rospatent	Federal Agency for Intellectual Property of the RF
Rostreestr	Federal Agency for State Registration of the RF
Rossakkreditatsiya	Federal Agency on Accreditation Services of the RF
Rosstat	Federal State Statistics Service of the RF
Rospotrebnadzor	Federal Agency for Supervision of Consumer Rights Protection and Human Well-Being of the RF
Rosselkhoz nadzor	Federal Agency for Veterinary and Phytosanitary Supervision of the RF
Rosrybolovstvo	Federal Agency for Fisheries
Rosalkogolregulirovaniye	Federal Agency for Regulation of Alcohol Market of the RF
Rosstandart	Federal Agency for Technical Regulation and Metrology of the RF
TR	Technical Regulation
USSR	Union of Soviet Socialist Republics
ISO	International Organization for Standardization
ISS	International classifier of standards
FZ	“Federalniy Zakon” – Federal Law
USDA	United States Department of Agriculture
WTO	World Trade Organization

## ABSTRACT

A huge knowledge gap about Russian food law and food regulation in the Eurasian Economic Union (EAEU), representing a single market of more than 182.7 million consumers, of which the Russian Federation is the member state enticingly poses questions for research into what Russian food law is and how food is regulated in the Russian Federation and the Eurasian Economic Union. To answer these main questions a doctrinal methodology is applied to conduct source-based research on Russian and the EAEU statutes, primary and secondary legal sources in original language, Russian, from official Russian/Eurasian legal databases to access up-to-date consolidated versions of legal material. Due to the absence of Russian's umbrella food law, the structure of the research was generated by the analysis into the legal systems of the Russian Federation and the Eurasian Economic Union to disclose food law in the system, its key players in food regulation; to examine the EAEU law and its development in order to comprehend the interaction between two legal levels, Russian and the EAEU law. From this point, two main general technical regulations TR CU 021/2011 "On safety of food products" and TR CU 022/2011 "Food products in terms of labelling", which apply directly in the EAEU member states, were examined. Although, the EAEU unified technical regulations on food safety precede national laws of its Member States, they define primarily technical requirements for food products and thus are supported by the national law. For this purpose, the nature of technical regulation and its development in the Russian Federation was studied including its two key elements, standards and certification systems for food products.

**KEY WORDS:** Russian food Law, the legal system of the Russian Federation, the Eurasian Economic Union (EAEU) law, technical regulation, standards, certification, food safety technical regulation, labelling requirements.

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# I. Introduction

The food industry in the Russian Federation is regarded as the system-forming sphere of the country's economy, which consists of agro-food market, food and economic security.<sup>1</sup> The food industry includes 44,000 enterprises<sup>2</sup> producing finished or semi-finished food products, soft drinks and alcoholic beverages.<sup>3</sup> There are more than thirty separate industries engaged in production of food products, including enterprises on tobacco production. The main segments of the food industry are flavoring, meat-and-milk, flour-grinding and fish products.<sup>4</sup>

The production of food products in Russia has been going through a period of active development and growth. Due to a ban on food imports from the United States, the European Union, Canada, Australia and Norway since 2014 in response to western sanctions imposed on Russia in connection with the crisis in eastern Ukraine, the Russian agricultural policy has placed a strong emphasis on import substitution and active development of its own food and agro-industrial complex. The ongoing food embargo has brought support to agriculture from the Russian government and encouraged food industries and food businesses to increase their own production and enter new segments of the market.<sup>5</sup> In 2010, the President of the Russian Federation approved the "Food Security Doctrine",<sup>6</sup> designed to reduce the dependence of the country on imported goods. Therefore, the food industry in Russia is one of the strategic sectors of the economy. Its strategic importance is emphasized by the fact that every consumer of the food industry is a consumer of the Russian Federation. One of the objectives of the national security is to provide its citizens with the necessary products of the food industry, regardless of import.<sup>7</sup> In addition, against a backdrop of growing food and beverage production, food quality has become one more important objective. So that, in 2016, the Government of the Russian Federation approved the Strategy on improving the quality of food products in Russia until 2030.<sup>8</sup> In outline, since January-December 2016 the development of food production, including beverages and tobacco has been characterized by positive dynamics.<sup>9</sup>

The Russian Federation is also a Member State of the Eurasian Economic Union (EAEU), the world's second intergovernmental association after the European Union as

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<sup>1</sup> Распоряжение Правительства Российской Федерации от 17 апреля 2012 г. № 559-р «Об утверждении Стратегии развития пищевой и перерабатывающей промышленности Российской Федерации» (с изменениями на 13 января 2017 года).

<sup>2</sup> Раздел 2 Распоряжения Правительства Российской Федерации от 17 апреля 2012 г. № 559-р «Об утверждении Стратегии развития пищевой и перерабатывающей промышленности Российской Федерации» (с изменениями на 13 января 2017 года).

<sup>3</sup> Пищевая промышленность России (Food Industry of Russia).

[https://ru.wikipedia.org/w/index.php?title=Пищевая\\_промышленность\\_России&stable=1](https://ru.wikipedia.org/w/index.php?title=Пищевая_промышленность_России&stable=1) [accessed 01.03.2018]

<sup>4</sup> Экономика России, цифры и факты. Часть 12 Пищевая промышленность. (Russian economic, figures and facts. Part 12. Food Industry) <https://utmagazine.ru/posts/10565-ekonomika-rossii-cifry-i-fakty-chast-12-pishevaya-promyshlennost> [accessed 01.03.2018].

<sup>5</sup> World Food Moscow 2017: the Russian Food Market tending towards brisk growth.

<http://www.world-food.ru/en-GB/press/news/4057.aspx> [accessed 01.03.2018].

<sup>6</sup> Указ Президента Российской Федерации от 30 января 2010 года № 120 «Об утверждении Доктрины продовольственной безопасности Российской Федерации».

<sup>7</sup> Экономика России, цифры и факты. Часть 12 Пищевая промышленность. <https://utmagazine.ru/posts/10565-ekonomika-rossii-cifry-i-fakty-chast-12-pishevaya-promyshlennost> [accessed 01.03.2018].

<sup>8</sup> Распоряжение Правительства Российской Федерации от 29 июня 2016 года № 1364-р «Об утверждении Стратегии повышения качества пищевой продукции в Российской Федерации до 2030 года».

<sup>9</sup> Производство продуктов питания и напитков РФ. Итоги 2016. Перспективы развития в 2017 году. (Productions of food products and beverages in the RF. Results of 2016. Development perspectives in 2017). <http://infoline.spb.ru/shop/issledovaniya-rynkov/page.php?ID=152692> [accessed 01.03.2018].

regards the depth of integration.<sup>10</sup> The Eurasian Economic Union was created on the basis of the Customs Union of Russia, Kazakhstan and Belarus, and the Common Economic Space as a result of 20 years of joint action by Eurasian states.

The EAEU, as an international organization of regional economic integration, officially began its activity from January 1, 2015. The Union unites five Member States, the former republics of the Soviet Union (the Russian Federation, Belarus, Kazakhstan, Kyrgyz Republic and Armenia), representing a single market with more than 182.7 million consumers and 43 service sectors. The importance of the EAEU on the international market has been considerably increasing due to growing interest from China, Vietnam, Iran, India, Israel, Egypt, Singapore, MERCOSUR and ASEAN to cooperate with the EAEU.<sup>11</sup> The agro-industrial complex is one of the key sectors of the economy of the Member States of the Eurasian Economic Union. The EAEU countries have a significant potential to form an agro-industrial market, ensuring food security and sustainable development of rural areas.<sup>12</sup>

Apart from the above facts and figures about the Russian food industry and the Eurasian Economic Union, there is little information available about Russian Food Law outside of its sphere of influence. The knowledge gap clearly poses questions for research: what is Russian Food Law? How is food regulated in Russia and the EAEU? The answer is not as simple as it seems. In its narrow view, Russian Food Law comprises of many federal laws at national level, including doctrines, by-laws (ministerial regulations), standards, instructions issued by the state bodies that regulate different aspects of food production in terms of consumer protection, food quality and safety, food control and food trade. From this viewpoint, the Russian food law embodies numerous pieces of legislation related to food and its scope is extremely wide. None of them, however, on its own represents the country's umbrella food law. In its broader view, food regulation in Russia is to be considered at the level of the Eurasian Economic Union, where the Technical Regulation of the Customs Union TR CU 021/2011 "On safety of food products" stands for the basic, general regulation for all its Member States. Although, it applies directly in the EAEU Member States as a main technical regulation, which stipulates the general principles and requirements for food products, it addresses mainly technical aspects of the products and sets out technical requirements, but not measures.<sup>13</sup> Therefore, the EAEU's unified regulatory and legal base is supported by national laws and standards of the Member States.<sup>14</sup> Even though, the Technical Regulation TR CU 021/2011 does not set a coherent framework for the development of food legislation both at the EAEU and national levels compared with the EU Regulation No.178/2002 (the General Food Law Regulation). Such a clear picture has been drawn in the process of the research.

## **I.I. Problem statement**

The problem statement is as simple as it is – there is a huge knowledge gap, due to insufficient and/or missing theoretical information about Russian food law. The University Library offers extremely limited data about food regulation in the Russian Federation and the

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<sup>10</sup> Евразийский экономический союз: новая реальность - новые возможности. 2017. Под общей редакции Валовой Т.Д. М., с.12.

<sup>11</sup> Евразийская экономическая интеграция: факты и цифры. Библиотека Евразийской интеграции.

<sup>12</sup> Евразийский экономический союз: новая реальность - новые возможности. 2017. Под общей редакции Валовой Т.Д. М., с.12.

<sup>13</sup> Нургалиева М.Т., Смагулов А.К., Исакова Ж.А. 2016.Вопросы регулирования качества и безопасности пищевой продукции в рамках Европейского и Евразийского экономического союза. Наука и Мир, том 1, №3(31), с. 88.

<sup>14</sup> Нургалиева М.Т., Смагулов А.К., Исакова Ж.А. 2016.Вопросы регулирования качества и безопасности пищевой продукции в рамках Европейского и Евразийского экономического союза. Наука и Мир, том 1, №3(31), с. 88.

EAEU. Moreover, the website of the European Commission on Food provides just a limited number of Russian federal laws and technical regulations of the Customs Union/EAEU. Partially, this can perhaps be explained by the fact of the food embargo since 2014 between the EU and Russia. However, it should not be considered a reason to disregard Russian approaches to food regulation. On the contrary, taking into account the geographical proximity, historical and cultural links between the EU and the Russian Federation, and the rise of the Eurasian Economic Union as a compatible and strategic partner for the EU, the possibility to learn a foreign food law and enhance awareness could certainly help to develop insights into the legal systems and food safety policies of Russia and the Eurasian Economic Union. Moreover, both similarities and differences in the Russian approach may provide a new perspective on food legal choice made in the EU as well.

## **I.II. The Research Objective**

The objective of this thesis is to conduct an in-depth analysis into what Russian Food Law is. Taking into account the absence of the combination of as many food-related activities into one legal and institutional framework as a General Food Law in the Russian Federation, the analysis will be given to both Russian and EAEU jurisdictions to present their legal systems and their approaches in food regulation. Food law cannot be understood without understanding of the legal system of which it forms part. In this regard, the objective of the research is to explore:

- 1) Legal system of the Russian Federation;
- 2) Food regulation in Russia based on technical regulation;
- 3) Standardization and Certification of food products in the RF;
- 4) Legal system of the EAEU;
- 5) The EAEU technical regulation on food products;
- 6) Food Safety Technical Regulation and Labelling Requirements of the EAEU.

For this purpose, 1) the Constitution of the Russian Federation will be examined for structure of the legal system and legislative procedure in the RF; 2) two important foundation laws, the Federal Law of the Russian Federation 184-FZ “On technical Regulation” and the Treaty on the Eurasian Economic Union, will be reviewed to comprehend what the technical regulation is, including its two main elements: standardization and certification in Russia for the former, and the Eurasian legal system and its technical regulation in food sector, for the latter.

One important point to note is that both these foundation laws are not solely designed for food regulation, but inclusive of other sectors of Russian and the EAEU’ economy. The analysis will cover as well two main documents of the EAEU: 3) Technical Regulations of the Customs Union: TR CU 021/2011 “On safety of food product” and TR CU 022/2011 “On food products in terms of labelling”. Taking into account a wide scope of Russian legislation to be reviewed, the analysis does not cover the areas of food regulation on food quality, consumer protection or food trade, but focusses primary on understanding of the aspects of technical regulation in the food sector.

This research is divided into three parts. The first part introduces the Russian legal system and explores how the food sector is regulated in Russia. The second part analyses the development of the Eurasian Economic Union and its foundation law, the Treaty on the EAEU, in order to explain the legal system and food regulation on the level of the EAEU. The third part examines in detail the main regulation for the food sector, the Technical Regulation of the Customs Union TR CU 021/2011 “On safety of food products”, which serves as a key regulation for all member states of the EAEU, covering mandatory requirements for all types of food products and their processes. The third part also looks into

the Technical Regulation of the Customs Union TR CU 022/2011 “On food products in terms of labelling” to review general rules for labelling of food products. The final chapter 4 draws a conclusion by summing-up the answers on the research questions.

### **I.III. Research Questions**

Based on the objective of the thesis, the following research questions are addressed in this paper:

1. What is the structure of the Russian legal system, its legislative and executive bodies, what executive bodies are involved in food regulation?
2. Which legal family does Russian legal system belong to, what are the key elements of the Russian legal system, the sources of law and the hierarchy of laws, its legislative process?
3. The place of food law in the Russian legal system? What is Russian Food law? How is the food sector regulated in Russia? What are the National Security Strategy and Food Security Doctrine, their objectives and purposes?
4. What is technical regulation of the Russian Federation, definition of technical regulation, its legal basis, objectives, principles, types of technical regulations, scope, adoption procedure?
5. What is standardization of the RF, its legal basis, definition of standardization, its principles, the types of standardization documents and national standardization system in food industry, the images/signs of national standardization system?
6. What is certification, its legal basis, definition, objectives, principles, what are the forms of the assessment of conformity, the types of certification systems, the conformity marks of certification systems?
7. What is the Eurasian integration and the Eurasian Economic Union, how was it formed/developed (from the CIS to the EAEU)? What is the legal system of the EAEU, its executive bodies ?What is the Treaty of EAEU, its objectives, the sources of the EAEU law, the hierarchy and adoption procedure of the EAEU legislations, harmonization of national legislations?
8. How is technical regulation under the EAEU Treaty implemented, what are the principles of EAEU technical regulation, the objectives, what does the EAEU unification of technical regulation embody? What kind of the EAEU technical regulations on food products and the standards are applicable?
9. What are the scope and objectives of the Technical Regulation TR CU 021/2011? What are the objects of technical regulation, definitions of food products, general food safety requirements and safety requirements for specialized food products, safety requirements for process (HACCP, producers, food raw materials, production premises, equipment and utensils)? What are requirements for storage, transportation and selling of food products? What are premarket approval requirements/procedures for specific food/novel food? How is the state registration of food products carried out? What executive authorities are involved?

10. What are labelling requirements for food products under the Technical Regulation TR CU 022/2011? What are market circulation rules and the EAEU sign of circulation for food products?

#### **I.IV. Methodology**

The thesis research applies a doctrinal methodology which involves source-based research on Russian/EAEU statutes and legal sources to comprehend what Russian food law is and to look into the law of the Russian Federation and the EAEU within itself how it is developed and applied. Therefore, the emphasis is given upon analysis of statutory materials of primary and secondary sources for legal rules, principles, concepts, definitions, doctrines, legal institutions in order to expose the law systematically as it exists. Primary sources of the research are:

- The Constitution of the Russian Federation of December 12, 1993 (to present legislative, executive and judicial functions and responsibilities, including some powers of the national federal authorities, legislative-making process);
- The National Security Strategy of the Russian Federation until 2020 and Doctrine on Food Security of the Russian Federation adopted by Presidential Decree of January 30, 2010 No.120;
- The Federal Law of the Russian Federation of December 27, 2002 No.184-FZ “On technical regulation”;
- The Federal Law of the Russian Federation of June 29, 2015 No. 162-FZ “On standardization in the Russian Federation”;
- The Treaty on the Eurasian Economic Union (EAEU) of May 29, 2014;
- The Technical Regulation of the Customs Union TR CU 021/2011 “On safety of food products”;
- The Technical Regulation of the Customs Union TR CU 022/2011 “On food products in terms of labelling”;
- Other federal laws of the RF and technical regulations of CU/EAEU for certain types of food products.

Secondary sources include relevant by-laws (Decisions, Decrees, Directives), official guidance to laws, journal articles, legal textbooks for historical analysis. For this purpose, the information is gathered from Russian legal databases such as Digital Fund of Legal and Normative Technical Documentation of Consortium Code “Techexpert” («Электронный Фонд правовой и нормативно-технической документации Консорциум Кодекс ТехЭксперт» [<http://docs.cntd.ru/document/902350537>]; The Legislation of Russia («Законодательство России»), a governmental system of legal information [ <http://pravo.gov.ru> ], Consultant Plus («Консультант Плюс»), a centralized database (<http://www.consultant.ru/law/>), official websites of the Eurasian Economic Commission for the EAEU legislation [ <http://www.eurasiancommission.org>] and of Eurasian Economic Union [ <http://www.eaeunion.org>], Russian law books and textbooks in both electronic and paper form, official Russian governmental websites, Russian Google Scholar (Академия Google), Russian scientific electronic library “CyberLeninka” [<https://cyberleninka.ru/>], the food magazine “Food Industry” («Пищевая Промышленность»).

Application of legal doctrinal methodology (what the law is) solely in the thesis research, excluding empirical research (how the law works in society), is based on the grounds that the thesis is limited to the desk research and is not carried out in the RF having opportunity to approach relevant institutions/organizations and public libraries for required information. Therefore, except for statutes, restrictions apply for non-official users to retrieve journal articles and other relevant materials via Google.

Due to the knowledge gap on Russian food law, the source material used in the research is primary in original language, Russian. It also explains the reason of not using unofficial/courtesy translations of Russian legislations, provided by USDA Gain Reports and the EU Commission websites, as a working material, as they are not updated as to the latest amendments. To avoid any misinterpretation, Russian terms for statutes are given in brackets next to the English version for reference. Translation of Russian terms into English is based on the Russian-English Legal Dictionary ([http://www.miripravo.ru/lingvo/voc\\_r/r.htm](http://www.miripravo.ru/lingvo/voc_r/r.htm)). Taking into account the dynamic nature of Russian and the EAEU legislation and ongoing amendments, the date of access to the legal database indicated in the reference list (from September 2017 to March 2018) is to be considered as the last date of access for each particular legislative document.

## PART I. RUSSIAN LEGAL SYSTEM AND FOOD REGULATION

### 1. Legal System and Food Regulation in the Russian Federation

#### 1.1. Background Information about the Russian Federation

Following the collapse of the Soviet Union in December 1991, the former Russian Soviet Federative Socialist Republic became a sovereign state in January 1992 and was officially renamed into the Republic of Russian Federation<sup>15</sup> or Russia. The Russian Federation was formed on a national and territorial principle.<sup>16</sup> In general, it preserved its ex-Soviet federative form of territorial and political organization, and its former administrative-territorial division. However, after dissolution of the Soviet Union, all regions in Russia acquired a status of equal constituent entities.<sup>17</sup> At present, Russia is a democratic, federal state with a republican form of government<sup>18</sup> consisting of 85 constituent entities "*Subjects of the Russian Federation*" («Субъекты Российской Федерации») with their own political and legal rights. The 85 Subjects of the Russian Federation include 22 Republics («автономные республики»), 9 territories («край»), 46 regions («области»), 3 cities of federal importance such as Moscow, St. Petersburg and Sevastopol, one Jewish autonomous region («автономная область») and 4 autonomous areas («автономные округа»).

A feature of the Russian federative structure is that it is a federation of national and territorial type consisting of national states and state-territorial formations.<sup>20</sup> National states are republics. Only republics are sovereign Subjects of the Federation, having all attributes of the statehood such as their own territory, citizenship, their own system of state authority which is established independently, state language and symbols, their own Constitution and Legislation. The other subjects are state-territorial formations which include regions («области»), territories («края»), cities of federal importance, autonomous regions and areas («автономные области, округа»). They are state formations and their status is determined by Charters. They have some elements of the statehood: a territory, their own systems of state authority and legislation. The relationship between the government of the Russian Federation and its Subjects is governed by the Constitution, legislation and administrative regulations.<sup>21</sup>

According to the Russian Constitution, the Subjects interact with Federation Authorities on the basis of equal rights, coherence and unity of governmental system, delineation of powers and preservation of territorial integrity.<sup>22</sup> The federal system of the Russian government has not been completely formed, though. As an example, the Subjects of the RF have not yet developed their own legal system. The Federal laws still dominate. The

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<sup>15</sup> пара 1, Закона РСФСР от 25 декабря 1991 года № 2094-I «Об изменении названия государства «Российская Советская Федеративная Социалистическая Республика» // Данный закон вступил в силу с момента принятия, но первоначально опубликован был 6 января 1992 года в Российской газете. [https://ru.wikipedia.org/wiki/История\\_Российской\\_Федерации](https://ru.wikipedia.org/wiki/История_Российской_Федерации) [accessed 12.09.2017].

<sup>16</sup> Матузов Н.И., Малько А.В. 2004. Теория государства и права. Учебник. Юрист. С.39.

<sup>17</sup> Туровский Р.Ф. Политическая регионалистика. Влияние распада СССР на региональную структуру России. Учебники онлайн. <http://uchebnik-online.com/133/3032.html> [accessed 16.09.2017].

<sup>18</sup> Статья 1 (1) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ).

<sup>19</sup> For more details, see: Territorial Composition of Russia. Subjects of the Russian Federation [in Russian: [http://kcbux.ru/Statvy/ZA\\_zizny/za-016\\_karta-RF.html](http://kcbux.ru/Statvy/ZA_zizny/za-016_karta-RF.html) || [http://cyclowiki.org/wiki/Субъект\\_Российской\\_Федерации](http://cyclowiki.org/wiki/Субъект_Российской_Федерации)].

<sup>20</sup> Мухаев Р.Т. 2007. Правовые основы Российского государства. Серия «Государственное и муниципальное управление», Москва: ЮНИТИ-ДАНА с.30.

<sup>21</sup> Мухаев Р.Т. 2007. Правовые основы Российского государства. Серия «Государственное и муниципальное управление», Москва: ЮНИТИ-ДАНА.

<sup>22</sup> Статья 5 Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ).



Subjects' Legislation, in general, has a complementary nature.<sup>23</sup>

Furthermore, Russia can be characterized as a republic with a strong presidential power, where the President of Russia is legally the head of the state, elected democratically by the nation, and is also the representative of the executive power, who is authorized to form the government. In addition, Russia has some characteristics of a parliamentary republic: availability of a chairman of the government; and dissolution of a parliament by the President.<sup>24</sup>

## 1.2. The Structure of the Russian Governmental Apparatus

The Constitution of the RF was adopted on December 12, 1993 by popular vote.<sup>25</sup> Based on the separation of powers principle, there are three independent branches of governmental powers: Legislative, Executive and Judicial.<sup>26</sup> The separation of powers principle implies a horizontal division into Legislative, Executive and Judicial Powers, and a vertical division between authorities of the Federation and its Subjects. The system of the Russian governmental apparatus is headed by the President.<sup>27</sup> The State Authorities of the Russian Federation are the President of Russia, the Legislature (Federal Assembly consisting of Federation Council and State Duma), the Executive (Government of the RF) and Law Enforcement Bodies (Courts of the RF).<sup>28</sup> The Structure of the State Apparatus can be seen in Fig. 1.

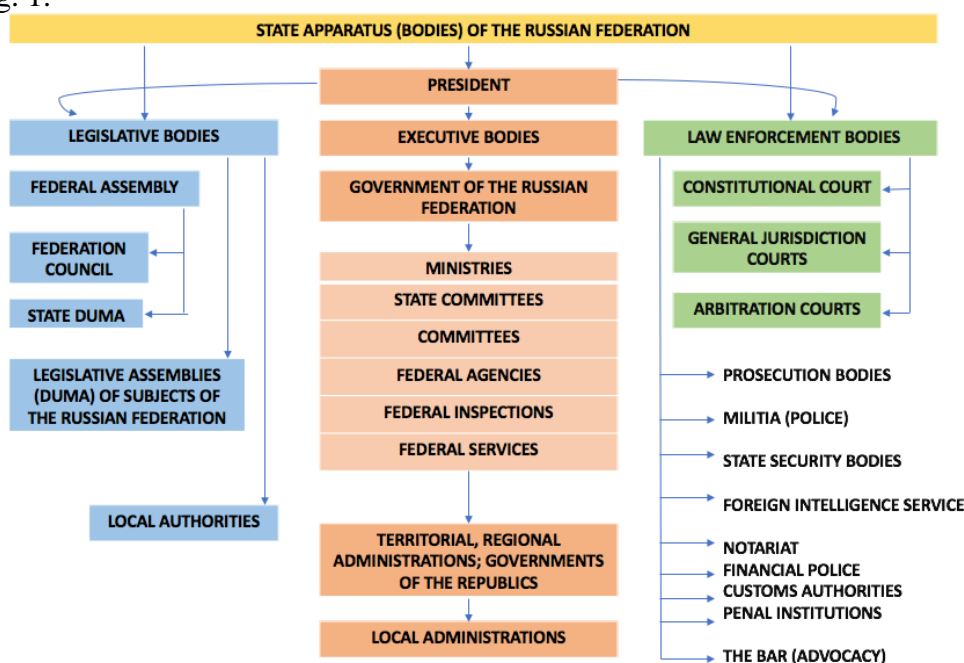


Fig. 1. The Structure of the State Apparatus of Russian Federation.<sup>29</sup>

<sup>23</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб.и доп. Москва: Издательства Норма. – с 123.

<sup>24</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб.и доп. Москва: Издательства Норма. – с 125.

<sup>25</sup> Конституция Российской Федерации. [https://ru.wikipedia.org/wiki/Конституция\\_Российской\\_Федерации](https://ru.wikipedia.org/wiki/Конституция_Российской_Федерации) [accessed 10.09.2017].

<sup>26</sup> Статья 10 Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>27</sup> Статья 80(1) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>28</sup> Статья 11 Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>29</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб.и доп. Москва: Издательства Норма. – с 38.

### 1.2.1. The Legislative Body

The Legislative Body has a representative nature, therefore it is called a representative and legislative authority. To consider the Legislative body legally as a supreme power in the government according to Кашанина Т.В. и Кашанин А.В. would be not correct.<sup>30</sup> However, Митин С.И.<sup>31</sup> points out that the Legislative Body takes a position of primacy in the State Apparatus, as it adopts regulations and provisions binding on the Executive body, and lays down a legislative framework for the Law Enforcement Bodies (Judiciary).

The highest Legislative Body is a **Federal Assembly** («Федеральное Собрание»). The Federal Assembly is a Parliament of Russia<sup>32</sup> consists of two Chambers: the *Federal Council* («Совет Федерации») and the *State Duma* («Государственная Дума»).<sup>33</sup> The sittings are held separately as they consider different issues.<sup>34</sup> To give an example, the State Duma adopts federal laws, while Federal Council approves or reject them. The main task of the highest Legislative Body are to draft the laws. The legislative authorities do not subordinate directly to each other. Their subordination is expressed through the legal acts.<sup>35</sup>

Further, both chambers participate in the formation of the State Apparatus. The Federal Council appoints judges of the Constitutional Court, the Supreme General Jurisdiction Court, the Arbitration Court and the Procurator-General of the RF in accordance with the President's proposal. The State Duma approves the President's candidate for a Chairman of the Government and other senior officials.<sup>36</sup> The Subjects of Russia also have Legislative bodies that have different names such as Duma, Legislative Council, etc.

**The Federal Council** («Совет Федерации») is a chamber of the Federal Assembly which reflects the federative structure of the Russian Government and manifests the interests of the Subjects of the RF. The Federal Council consists of two representatives (from executive and legislative regional state authorities) from each Subject of the Russian Federation.<sup>37</sup> The Federal Council considers and approves the Federal Constitutional Laws and the Federal Laws adopted by the State Duma. It approves Presidential Decrees on declaration of martial law or a state of emergency and designates presidential elections.<sup>38</sup> The Legislative power of the Federal Council is that it may consider, approve or reject the law adopted by the State Duma within 14 days. The Federal Council considers laws (statutes) on customs regulation, ratification of international treaties, federal constitutional laws and other issues.<sup>39</sup>

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<sup>30</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб.и доп. Москва: Издательства Норма. – с 33.

<sup>31</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.46.

<sup>32</sup> Статья 94 Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>33</sup> Статья 95 (1) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>34</sup> Статья 100 (1) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>35</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб.и доп. Москва: Издательства Норма. – с 161.

<sup>36</sup> Мухаев Р.Т. 2007. Правовые основы Российского государства. Серия «Государственное и муниципальное управление», Москва: ЮНИТИ-ДАНА с.184.

<sup>37</sup> Статья 95 (3) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>38</sup> Статья 102 (1) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>39</sup> Статья 106 Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

**The State Duma** («Государственная Дума») consists of 450 deputies<sup>40</sup> elected for 5 years.<sup>41</sup> It represents voters' interests in general. The State Duma and the Federal Council set up committees and commissions, and hold parliamentary hearings on issues within their jurisdiction. The State Duma's powers are to adopt federal constitutional laws and federal laws, which are the primary sources of legislation in the RF.<sup>42</sup>

The Legislative Body as a main pillar of the State Apparatus also includes the Legislative Bodies of the Subjects of the RF:

**State Authorities (Legislative Assemblies) of the Subjects of the RF** comprise of regional legislative, executive and judicial branches. The Subjects' population elect Legislative authorities and the governors.

**Local Authorities (self-governing)** are independent from the state authorities. However, their power is limited by federal laws.

### 1.2.2. The Executive Body

The Executive Power in the RF is made up of multiple and diverse system with many branches. The Executive Bodies carry out the state administration pursuant to laws adopted by the Parliament, therefore they have a regulatory nature.

**The President** is the highest executive authority and is the Head of the State. The Government of the RF is subordinated to the President and is headed by the Prime Minister. The President shares the executive power with the Government of the RF.<sup>43</sup> However, the President of Russia is given broad powers (rights and duties). He has the right of legislative initiative to propose new bills and draft laws; to issue Decrees that are binding across the country;<sup>44</sup> to sign Federal Laws and proclaim them. He has a suspensive right in the legislative procedure to decline laws adopted by the State Duma. President is also empowered to chair meetings of the Government of the RF, to call parliament (State Duma) elections or dissolve parliament in cases stipulated in the Constitution of the RF.<sup>45</sup>

The central executive bodies are the Ministries, State Committees, Commissions and State Agencies. The Executive Bodies are united in a strict hierarchic system with a stringent subordination between them. The Executive bodies have the right of legislative initiative and it should be noted that they use this power quite broadly. About 80% of draft legislations are proposed to the Parliament by the Government.<sup>46</sup> Moreover, the Executive bodies are empowered with the right for a delegated law-making process. They are authorized to draft the statutes.

**The Government of the Russian Federation** exercises executive power and is also the highest executive body. It represents an independent federal authority and leads the system of executive power. The government comprises of its Chairman, Deputies of the

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<sup>40</sup> Статья 95 (5) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>41</sup> Статья 97 (1) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>42</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб.и доп. Москва: Издательства Норма. – с 155.

<sup>43</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.46.

<sup>44</sup> Статья 83/84 Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>45</sup> Статья 83/84 Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>46</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб.и доп. Москва: Издательства Норма. – с 155.

Chairman and federal ministries.<sup>47</sup> The main task of the Government is to execute laws enacted by the Parliament. In order to enforce the laws, the Executive Body within its competence issues its own regulations (normative legal acts), which are called subordinate legislations (by-laws/«подзаконные акты»), complying with the federal laws.<sup>48</sup> The Government of the RF may issue Decisions («Постановления»), Directives («Распоряжения») and Orders («Приказы») binding throughout the Russian Federation which must comply with the Constitution of the RF, Federal Laws of the RF and Decrees of the President.<sup>49</sup>

The Sectoral Executive Bodies are Ministries and other institutions headed by the ministers. They are Ministries, State Committees of the RF, Federal Commissions, Federal Services and Agencies, Federal Inspections and other Regional and Local Administrations.<sup>50</sup>

### **1.2.3. Executive Bodies in Food Regulation**

The Executive Bodies of the RF in food regulation are the Government of the RF, Ministries of the RF and the Federal State Agencies.

#### **1.2.3.1. Government of the Russian Federation**

The Government of the Russian Federation develops uniform national state policies on food safety such as Doctrines on Food Security and Food Safety, which are effective throughout the whole territory of the Russian Federation. The Government of the RF is responsible for execution of policies and the laws adopted by the parliament. The main objective of the Government of the RF in food regulation is to provide legislative, economic and infrastructural conditions to ensure safety and quality of food products.<sup>51</sup> The Government of the RF is also responsible for issuing the Decisions («Постановления») on tasks and responsibilities of the Ministries and State Agencies engaged in food regulation.

#### **1.2.3.2. Ministries of the Russian Federation**

The responsibilities of the Ministries of the RF in the food sector are to adopt subordinated acts (Decisions, Directives, Orders/ «Постановления, Распоряжения, Приказы») in food regulation, as well as to prepare draft federal laws, draft normative legal acts of the President of the RF and the Government of the RF, including other documents requiring a decision of the Government of the RF.

The following Ministries participate in food regulation: the Ministry of Agriculture, the Ministry of Health and Social Development, the Ministry of Industry and Trade, the Ministry of Economic Development.<sup>52</sup>

##### **1.2.3.2.1. Ministry of Agriculture (“Minselkhos”)**

The Ministry of Agriculture of the Russian Federation is a federal executive body responsible for developing state policy and legal regulation on the agro-industrial complex, agricultural products, veterinary medicine, handling of medicinal products for veterinary use, crop production, plant quarantine, agricultural market regulation, raw materials and food

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<sup>47</sup> Статья 110 Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>48</sup> Статья 115 Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>49</sup> Статья 115(3) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>50</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород.

<sup>51</sup> Knaul A, Zhabinski O. 2014. Russian Federation. Global Food Legislation: An Overview, First Edition. Edited by Evelyn Kirchsteiger-Meier and Tobias Baumgartner. Wiley-VCH Verlag GmbH&Co., p.198.

<sup>52</sup> Knaul A, Zhabinski O. 2014. Russian Federation. Global Food Legislation: An Overview, First Edition. Edited by Evelyn Kirchsteiger-Meier and Tobias Baumgartner. Wiley-VCH Verlag GmbH&Co., p.198.

products, food and processing industry, export of agricultural products, tobacco products sales, production of wine by agricultural producers, sparkling wine (champagne) from own grapes, safe handling of pesticides and agrochemicals.<sup>53</sup>

Their responsibilities also include development and implementation of state policy and legal regulation in the field of fisheries, including fishing, conservation of aquatic biological resources, production, processing and marketing of fish and other products from aquatic biological resources.<sup>54</sup>

Furthermore, the “Minselkhov” («Минсельхоз») coordinates and monitors the activities of the Federal Agency for Veterinary and Phytosanitary Control and Supervision “Rosselkhoz nadzor” («Россельхознадзор») and the Federal Agency for Fisheries “Rosrybolovstvo” («Росрыболовство»).

The Ministry of Agriculture jointly with Rosselkhoz nadzor are responsible to control/check:<sup>56</sup>

- food raw materials of animal origin, not subject to industrial or heat treatment, including meat and other products of slaughter of animals (including game), products of their primary processing (including blood and by-products), raw milk, raw cream, beekeeping products, eggs and egg products, as well as food products of animal origin of non-industrial production, intended for sale in retail markets;
- activity of legal entities and citizens, including individual entrepreneurs engaged in harvesting, processing, transportation and storage of products of animal origin;
- disposal conditions for poor quality products of animal origin dangerous to man, (including conditions for its use in animal feed), or destruction.

#### **1.2.3.2.2. Ministry of Health and Social Development (“Minzdravotsrazvitiya”)**

Based on the Presidential Decree of the Russian Federation of May 12, 2008 No.724, the Ministry of Health and Social Development “Minzdravotsrazvitiya” («Минздравсоцразвития») and the Federal Agency for Supervision of Consumer Rights Protection and Human Well-being “Rospotrebnadzor” («Роспотребнадзор») are appointed as executive bodies for normative and legal regulation to control quality and safety of food products, and for arrangement of such controls for compliance with sanitary and epidemiological requirements for foodstuffs, food raw materials, as well as materials and products in contact with food in order to protect public life and health.

Moreover, “Minzdravotsrazvitiya” («Минздравсоцразвития») and the Federal Agency “Rospotrebnadzor” control/check:<sup>57</sup>

- the quality and safety of food products during their manufacture, storage, transportation and sale;
- the disposal or destruction of low-quality and dangerous food products for human;

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<sup>53</sup> Раздел 1 Постановления Правительства Российской Федерации от 12 июня 2008 г. № 450 «О Министерстве сельского хозяйства Российской Федерации» (с изменениями на 11 декабря 2017 года/ редакция, действующая с 1 января 2018 года).

<sup>54</sup> Раздел 1 Постановления Правительства Российской Федерации от 12 июня 2008 г. № 450 «О Министерстве сельского хозяйства Российской Федерации» (с изменениями на 11 декабря 2017 года/ редакция, действующая с 1 января 2018 года).

<sup>55</sup> Министерство сельского хозяйства Российской Федерации, <http://mcx.ru/ministry/> [accessed 20.02.2018]

<sup>56</sup> Пара 1 (б) Постановления Правительства Российской Федерации от 14 декабря 2009 г. № 1009 «О порядке совместного осуществления Министерством здравоохранения Российской Федерации и Министерством сельского хозяйства Российской Федерации функций по нормативно-правовому регулированию с сфере контроля за качеством пищевых продуктов и по организации такого контроля» (с изменениями на 4 сентября 2012 года).

<sup>57</sup> Пара 1 (а) Постановления Правительства Российской Федерации от 14 декабря 2009 г. № 1009 «О порядке совместного осуществления Министерством здравоохранения Российской Федерации и Министерством сельского хозяйства Российской Федерации функций по нормативно-правовому регулированию с сфере контроля за качеством пищевых продуктов и по организации такого контроля» (с изменениями на 4 сентября 2012 года).

- sanitary and anti-epidemic (preventive) measures to prevent diseases (poisonings) associated with the use of food products by the population;
- the conformity of packaging, labelling and information about food products sold in retail trade;
- compliance with requirements on quality and safety of food products for sale;
- compliance with hygiene requirements when using pesticides and agrochemicals in production of food raw materials;

➤ **Ministry of Agriculture and Ministry of Health & Social Development**

Both the Ministry of Agriculture and the Ministry of Health and Social Development carry out normative and legal regulation in state registration of novel food products of animal origin.<sup>58</sup> In addition, “Rospotrebnadzor” and “Rosselkhoz nadzor” and their territorial bodies are in charge of issues on ensuring the quality and safety of food products.

**1.2.3.2.3. Ministry of Industry and Trade (“Minpromtorg”)**

The Ministry of Industry and Trade of the Russian Federation “Minpromtorg” («Минпромторг») is a federal executive body of Russia and in charge of state policy and legal regulation in the industrial and defense-industrial complex, as well as technical regulation, standardization and metrology, including regulation of foreign trade activity. It was established on May 12, 2008 to replace the Ministry of Industry and Energy of the RF. The functions on trade issues were transferred from the Ministry of Economic Development and Trade of the RF (transformed into the Ministry of Economic Development of the Russian Federation) to “Minpromtorg”.<sup>59</sup> The Ministry’s department of Agriculture, Food and Construction/Road Machinery is responsible for food regulation.<sup>60</sup> Besides, “Minpromtorg” coordinates and monitors activities of the Federal Agency for Technical Regulation and Metrology “Rosstandart” («Росстандарт») on issues of technical regulation, standardization and unity measurements.<sup>61</sup>

“Minpromtorg” is in charge of the adoption of the following normative legal acts:<sup>62</sup>

- a single register of registered voluntary certification systems;
- forms for a declaration of conformity to technical regulations;
- forms for a certificate of conformity to technical regulations;
- on functions of the national standardization body;
- on formation of expert commissions for technical regulation;
- technical regulations approved by the Government of the RF;
- development of fundamental national standards, rules and recommendations for standardization;

<sup>58</sup> Пара 2 Постановления Правительства Российской Федерации от 14 декабря 2009 г. № 1009 «О порядке совместного осуществления Министерством здравоохранения Российской Федерации и Министерством сельского хозяйства Российской Федерации функций по нормативно-правовому регулированию в сфере контроля за качеством пищевых продуктов и по организации такого контроля» (с изменениями на 4 сентября 2012 года).

<sup>59</sup> Министерство промышленности и торговли Российской Федерации, [https://ru.wikipedia.org/wiki/Министерство\\_промышленности\\_и\\_торговли\\_Российской\\_Федерации](https://ru.wikipedia.org/wiki/Министерство_промышленности_и_торговли_Российской_Федерации) [accessed 20.01.2018].

<sup>60</sup> Департамент сельскохозяйственного, пищевого и строительно-дорожного машиностроения Министерства промышленности и торговли Российской Федерации, [http://minpromtorg.gov.ru/ministry/dep/#!26&click\\_tab\\_vp\\_ind=1](http://minpromtorg.gov.ru/ministry/dep/#!26&click_tab_vp_ind=1) [accessed 20.01.2018].

<sup>61</sup> Раздел 1(2) Постановления Правительства Российской Федерации от 5 июня 2008 н. № 438 «О Министерстве промышленности и торговли Российской Федерации» (с изменениями на 6 февраля 2018 года).

<sup>62</sup> Раздел 2(5.2) Постановления Правительства Российской Федерации от 5 июня 2008 н. № 438 «О Министерстве промышленности и торговли Российской Федерации» (с изменениями на 6 февраля 2018 года).

- registration of the national standardization system, codes of rules, international standards, regional standards and regional codes of rules, foreign standards and codes of rules of foreign states.

#### **1.2.3.2.4. Ministry of Economic Development (“Minekonomrazvitiya”)**

The Ministry of Economic Development of the Russian Federation (“Minekonomrazvitiya”) is a federal executive body and is in charge of state policy and legal regulation in analysis and forecasting of social and economic development, development of entrepreneurial activities, including medium and small businesses, protection of rights of legal entities and individual entrepreneurs in the state surveillance and municipal control, accreditation of legal entities and individual entrepreneurs in the national accreditation system, safety production processes and other issues.<sup>63</sup> The “Minekonomrazvitiya” («Минэкономразвития») is an authorized state body to interact with the World Trade Organization, and coordinates activities of the Federal Agency for Intellectual Property “Rospatent” («Роспатент»), the Federal Agency for State Registration “Rosreestr” («Росреестр»), the Federal Agency on Accreditation Service “Rosakkreditatsiya” («Росаккредитация») and the Federal State Statistics Service “Rosstat” («Росстат»).

#### **1.2.3.3. State Federal Agencies**

The Federal Agencies responsible for food regulation are “Rospotrebnadzor”, “Rosselkhozadzor”, “Rosalkogolregulirovaniye”, “Rosstandart”, “Rosakkreditatsiya” and “FAS Russia”:<sup>65</sup>

##### **1.2.3.3.1. “Rospotrebnadzor”(«Роспотребнадзор»)**

The Federal Agency for Supervision of Consumer Rights Protection and Human Well-Being “Rospotrebnadzor” is a federal executive body responsible for developing and implementing state policy and legal regulation in the field of consumer protection, developing and approving state sanitary and epidemiological regulations and hygienic standards, as well as organization and implementation of federal state sanitary and epidemiological control, federal supervision on consumer protection.<sup>66</sup> “Rospotrebnadzor” is directly subordinated to the Government of the Russian Federation.

“Rospotrebnadzor” is in charge of:<sup>67</sup>

- supervision and control over implementation of mandatory requirements of the legislation of the Russian Federation on sanitary and epidemiological welfare of the population, protection of consumer rights and consumer market;
- federal state sanitary and epidemiological supervision of compliance with sanitary legislation;
- federal state supervision over observance of laws and other normative legal acts of the Russian Federation regulating protection of the consumers;
- sanitary and quarantine control at the checkpoints across the state border of the Russian Federation;

<sup>63</sup> Раздел 1(1) Постановления Правительства Российской Федерации от 5 июня 2008 н. № 437 «О Министерстве экономического развития Российской Федерации» (с изменениями на 25 января 2018 года).

<sup>64</sup> Раздел 1(2) Постановления Правительства Российской Федерации от 5 июня 2008 н. № 437 «О Министерстве экономического развития Российской Федерации» (с изменениями на 25 января 2018 года).

<sup>65</sup> Knaut A, Znabinski O. 2014. Russian Federation. Global Food Legislation: An Overview, First Edition. Edited by Evelyn Kirchsteiger-Meier and Tobias Baumgartner. Wiley-VCH Verlag GmbH&Co., p.199.

<sup>66</sup> Раздел 1 (1) Постановления Правительства Российской Федерации от 30 июня 2004 г. № 322 «Об утверждении Положения о Федеральной службе по надзору в сфере защиты прав потребителей и благополучия человека» (с изменениями на 20 сентября 2017 года).

<sup>67</sup> Раздел 2 (5) Постановления Правительства Российской Федерации от 30 июня 2004 г. № 322 «Об утверждении Положения о Федеральной службе по надзору в сфере защиты прав потребителей и благополучия человека» (с изменениями на 20 сентября 2017 года).

- federal state supervision over the quality and safety of flour, pasta and bakery products when purchasing these products for state needs, and also for the supply (packing) of flour to the state reserve, its storage in the state reserve and transportation;
  - federal state supervision over the quality and safety of flour, pasta and bakery products when importing (exporting) these products into the territory of the Russian Federation;
  - state supervision over compliance of information for products sold to consumers with the requirements of the legislation of the Russian Federation in the field of protecting children from information that is harmful to their health and (or) development;
  - development and approval of state sanitary and epidemiological rules and hygiene standards, as well as the development of mandatory requirements in the field of consumer protection.
- “Rospotrebnadzor” registrates:<sup>68</sup>
- certain types of products, including food products, first imported into the territory of the Russian Federation;
  - goods in case they are included in Section II of the Unified List of Goods Subject to Sanitary and Epidemiological Supervision (Control) at the Customs Border and Customs Territory of the Customs Union, as well as in cases stipulated by the technical regulations of CU/EAEU.

#### **1.2.3.3.2. “Rosselkhoz nadzor” («Россельхознадзор»)**

The Federal Agency for Veterinary and Phytosanitary Supervision “Rosselkhoz nadzor” («Россельхознадзор») is a federal executive body, responsible for the control and supervision of veterinary medicine, circulation of medicinal products for veterinary use, quarantine and plant protection, safe handling of pesticides and agrochemicals, soil fertility, quality and safety of grain, cereals, mixed fodders and components for their production, by-products of grain processing.<sup>69</sup> The “Rosselkhoz nadzor” is subordinated to the Ministry of Agriculture of the Russian Federation.

“Rosselkhoz nadzor” is in charge of:<sup>70</sup>

- federal state veterinary supervision, including veterinary control at checkpoints across the state border of the RF and (or) places of complete customs clearance, state control over compliance with the requirements of technical regulations; veterinary and phytosanitary supervision over compliance with requirements for safety of feed additives and feeds made using GMOs, as well as state supervision over safe handling of pesticides and agrochemicals;
- state quarantine phytosanitary control within the limits of its competence;
- state supervision in the field of ensuring quality and safety of food products, materials and products within their competence, including control over compliance with the requirements for quality and safety of grain, cereals, mixed fodders and components for their production, by-products of grain processing, import (export) to the territory of the Customs Union, as well as supply of grain and cereals into the state reserve, their storage in the state reserve and transportation;

<sup>68</sup> Раздел 2 (5.3) Постановления Правительства Российской Федерации от 30 июня 2004 г. № 322 «Об утверждении Положения о Федеральной службе по надзору в сфере защиты прав потребителей и благополучия человека» (с изменениями на 20 сентября 2017 года).

<sup>69</sup> Раздел 1 (1) Постановления Правительства Российской Федерации от 30 июня 2004 г. № 327 «Об утверждении Положения о Федеральной службе по ветеринарному и фитосанитарному надзору» (с изменениями на 30 января 2017 года).

<sup>70</sup> Раздел 2 (5) Постановления Правительства Российской Федерации от 30 июня 2004 г. № 327 «Об утверждении Положения о Федеральной службе по ветеринарному и фитосанитарному надзору» (с изменениями на 30 января 2017 года).



- control over importation of GMOs and seeds into the territory of the Russian Federation at the checkpoints across the state border of the Russian Federation;
- issuance of phytosanitary certificates, re-export phytosanitary certificates and quarantine certificates;
- inspection of the enterprises of third countries that are not the Members of the Eurasian Economic Union, as well as audit of foreign official surveillance systems.

#### **1.2.3.3.3. “Rosalkogolregulirovaniye”(«Росалкогольрегулирование»)**

The Federal Agency for Regulation of the Alcohol Market “Rosalkogolregulirovaniye” is the assignee of the Ministry of Agriculture of the RF, the Ministry of Finance of the RF, the Federal Tax Service and the Federal Tariff Service in respect of all obligations in production and sales of ethyl alcohol, alcohol and alcohol-containing products.<sup>71</sup> The “Rosalkogolregulirovaniye” («Росалкогольрегулирование») is a federal executive body and in charge of production control and turnover of ethyl alcohol, alcohol and alcohol-containing products, supervising and providing services in this area. It is subordinated to the Ministry of Finance of the Russian Federation.<sup>72</sup>

“Rosalkogolregulirovaniye” is in charge of:

- development of declaration procedures on production volume, sales and (or) use of ethyl alcohol, alcohol and alcohol-containing products;
- labelling requirements applied to federal special marks for alcohol products; unified state information system for accounting of production volume and sales of ethyl alcohol, alcohol and alcohol-containing products;
- licensing of production and sales of ethyl alcohol, alcohol (excluding retail sale) and alcohol-containing products;
- licensing of production, storage, supply and retail sale of wine products produced by agricultural commodity producers (organizations, individual entrepreneurs, peasants (farmers) farms);
- issuance of federal special marks for labelling of alcoholic products produced on the territory of the Russian Federation;
- state supervision over compliance with mandatory requirements on production, procurement (including imports), supplies (including exports), storage and (or) transportation of ethyl alcohol, alcohol and alcohol-containing products.

#### **1.2.3.3.4. “Rosstandart” («Росстандарт»)**

The Federal Agency for Technical Regulation and Metrology “Rosstandart”<sup>73</sup> is the federal executive body responsible for providing state services, managing state property in the field of technical regulation and metrology. The Federal Agency also exercises control and supervision over compliance with the mandatory requirements of national standards and technical regulations under subordination to the Government of the Russian Federation. It is authorized to transfer these functions to other federal executive bodies.<sup>74</sup> It was formed in accordance with the Decree of the President of the Russian Federation of May 20, 2004 No.

<sup>71</sup> Преамбула Постановления Правительства Российской Федерации от 24 февраля 2009 г. № 154 «О Федеральной службе по регулированию алкогольного рынка» (с изменениями на 12 декабря 2017 года/ редакция, действующая с 1 января 2018 года).

<sup>72</sup> Раздел 1 (1) Постановления Правительства Российской Федерации от 24 февраля 2009 г. № 154 «О Федеральной службе по регулированию алкогольного рынка» (с изменениями на 12 декабря 2017 года/ редакция, действующая с 1 января 2018 года).

<sup>73</sup> A more detailed information about the Federal Agency “Rosstandart” is provided in the chapter about Standardization in the RF, namely, the chapter 1.6.4. Authorities in Standardization.

<sup>74</sup> «О Росстандарте» официальная информация предоставлена на вебсайте <https://www.gost.ru/portal/gost/home/about> [accessed 21.01.2018].

649 "Issues of the structure of federal executive bodies." The "Rosstandart" is subordinated to the Ministry of Industry and Trade of the Russian Federation.<sup>75</sup>

#### **1.2.3.3.5. "Rosakkreditatsiya" («Росаккредитация»)**

The Federal Agency for Accreditation Services "Rosakkreditatsiya" is a federal executive body that exercises functions to create a unified national accreditation system and monitor the activities of accredited individuals. The Federal Agency was established by the Decree of the President of the RF of January 24, 2011 No.86 with the purpose to form an unified national accreditation system.<sup>76</sup> Furthermore, the "Rosakkreditatsiya" is an authorized federal executive body, which represents the national body of the Russian Federation for accreditation. It is subordinated to the Ministry of Economic Development of the Russian Federation.<sup>77</sup>

The "Rosakkreditatsiya" is in charge of:<sup>78</sup>

- accreditation of legal entities and individual entrepreneurs in the national accreditation system;
- a single register of declarations of conformity;
- a single register of certificates of conformity, provision of information from the specified register;
- a register of declarations of conformity for products included in a single list of products subject to declaration of conformity;
- formation and maintenance of the national part of the Unified register of certification bodies and testing laboratories (centers) of the Customs Union;
- issuance of uniform certificates of conformity forms;
- representation of the Russian Federation in international accreditation organizations.

#### **1.2.3.3.6. "FAS Russia" («ФАС России»)**

The Federal Antimonopoly Service Agency "FAS Russia" is a federal executive body that exercises functions to control and supervise compliance with competition laws in commodity markets and the financial services market, natural monopolies, advertising, state defense orders, procurement of goods, works and services to safeguard state and municipal needs and in the procurement of goods, works and services by legal entities; regulation of prices (tariffs) for goods (works, services) subject to State Control, as well as control over foreign investment in business entities of strategic importance, and publication within its competence of regulatory legal acts.<sup>79</sup> The "FAS Russia" («ФАС России») is directly subordinated to the Government of the Russian Federation.

"FAS Russia" is in charge of:<sup>80</sup>

- monitoring compliance with anti-trust legislation;
- supervision and control over observance of the legislation on advertising;
- control over the procurement of goods, works and services to ensure state and municipal needs are met; and in the procurement of goods, works and services by certain types of legal entities;

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<sup>75</sup> Пара 5 Указа Президента Российской Федерации от 20 мая 2004 г. № 649 «Вопросы структуры федеральных органов исполнительной власти» (с изменениями на 30 апреля 2016 года).

<sup>76</sup> Пара 1 (а) Указа Президента Российской Федерации от 24 января 2011 г. № 86 «О единой национальной системе аккредитации» (с изменениями на 28 октября 2014 года).

<sup>77</sup> Раздел 1 (1) Постановления Правительства Российской Федерации от 17 октября 2011 г. № 845 «О Федеральной службе по аккредитации» (с изменениями на 1 июля 2016 года).

<sup>78</sup> Раздел 2 (5) Постановления Правительства Российской Федерации от 17 октября 2011 г. № 845 «О Федеральной службе по аккредитации» (с изменениями на 1 июля 2016 года).

<sup>79</sup> Пара 1 Постановления Правительства Российской Федерации от 7 апреля 2004 г. № 189 «Вопросы Федеральной антимонопольной службы» (с изменениями на 14 сентября 2016 года).

<sup>80</sup> Пара 5 Постановления Правительства Российской Федерации от 7 апреля 2004 г. № 189 «Вопросы Федеральной антимонопольной службы» (с изменениями на 14 сентября 2016 года).

- control over foreign investment in business entities of strategic importance for ensuring the country's defense and state security.

#### 1.2.4. Law Enforcement Body

The Law Enforcement Bodies represent a system of state authorities whose tasks are to protect citizens and organizations against unlawful acts. They consist of the Constitutional Court, General Jurisdiction Courts (Supreme Court) and Arbitration Courts (Supreme Arbitration Court). The Courts consider any disputes over the rights and obligations. They represent justice institutions. The Supreme Courts control the Executive Bodies in case of complaints of illegal actions, while the Constitutional Court controls the Highest Legislative and Executive Authorities. In contrast to Legislative Bodies, the Courts do not make any new laws, do not govern society like the Executive Bodies, but they implement justice by settling any disputes based on existing laws and decide any criminal, administrative and civil cases. Judicial Power belongs to a specific judge (one judge or a panel of judges). The Judicial Authorities are not in direct subordination with each other and they have specific independent powers.<sup>81</sup> The judicial power is independent and operates independently of the legislative and executive powers. Judicial power is exercised through constitutional, civil, administrative and criminal proceedings.<sup>82</sup>

*The Constitutional Court of Russia* is a body of constitutional jurisdiction.

*The Supreme Court* and its subordinate *General Jurisdiction Courts* settle civil, labor, property disputes; criminal cases and administrative offences.

*The Arbitration Court* and its subordinate Arbitration Courts settle civil and administrative cases in economic sectors.<sup>83</sup>

Moreover, the Law Enforcement Bodies include Prosecution Bodies, Militia (Police), State Security Bodies, the Foreign Intelligence Service, Notariat, Financial Police, Customs Authorities, Penal Institutions and the Bar (Advocacy).<sup>84</sup>

#### 1.2.5. Judicial System

The Federal Constitutional law,<sup>85</sup> adopted by the State Duma on October 23, 1996, laid down a legal framework for the judicial system of the Russian Federation. Since Russia is a federative republic, there is a two-level judicial system, consisting of the Federal Courts (Constitutional Court, Supreme Court, Supreme Arbitration Court) and the Courts of the Subjects of the RF (Constitutional Courts of the Subjects, Magistrates' Courts).<sup>86</sup>

<sup>81</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.49

<sup>82</sup> Статья 1, Раздела 1, Федерального Конституционного закона Российской Федерации от 23 декабря 1996 г, «О судебной системе Российской Федерации» (с изменениями на 5 февраля 2014 года).

<sup>83</sup> Статья 126 Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>84</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб.и доп. Москва: Издательства Норма. – с 35.

<sup>85</sup> Федеральный Конституционный закон Российской Федерации от 23 декабря 1996 г, «О судебной системе Российской Федерации» (с изменениями на 5 февраля 2014 года).

<sup>86</sup> Статья 4 Федерального Конституционного закона Российской Федерации от 23 декабря 1996 г, «О судебной системе Российской Федерации» (с изменениями на 5 февраля 2014 года).

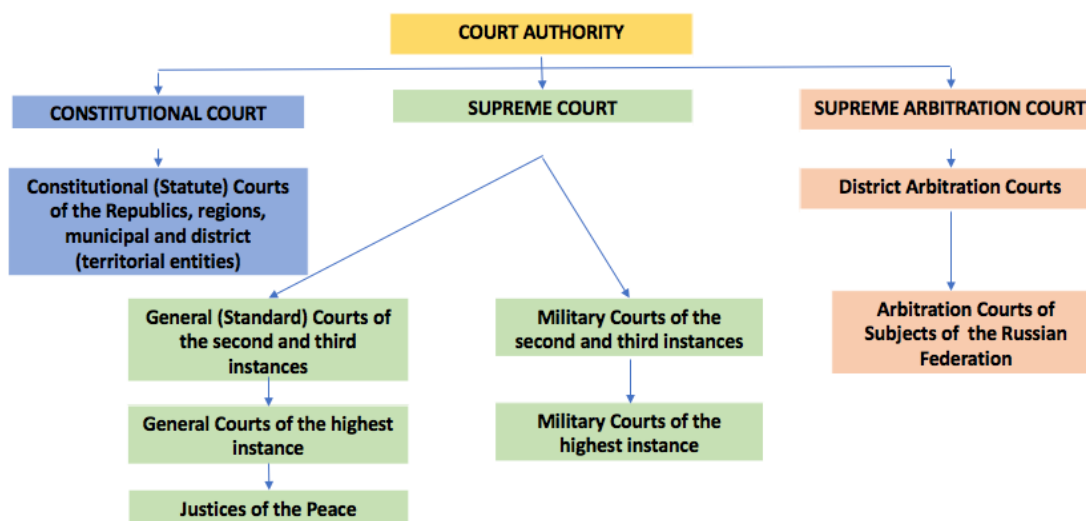


Fig. 2. Structure of Judicial System in the Russian Federation.<sup>87</sup>

The structure of Judicial System consists of three basic courts. (see Fig. 2.)

**The Constitutional Court of the RF**, including Constitutional and Charter Courts of the Subjects, is the first branch of judicial system. It exercises the Constitutional Justice. Their main function is to protect constitutional norms through identification of normative acts which are not in compliance with the Constitution; to settle disputes between federal bodies, Federation and its Subjects.<sup>88</sup> Constitutional Courts of the Subjects have similar functions. Furthermore, the Constitutional Court has jurisdiction to review federal laws and government actions, cases on violations of constitutional rights and interpret the Constitution of the RF.<sup>89</sup>

The Second branch are General Jurisdiction Courts headed by **the Supreme Court**. Their tasks are to exercise criminal, civil, administrative and other proceedings.<sup>90</sup> The Justice of the Peace consists of Magistrates' Courts, they are district (town) courts. They are to enforce legal decisions, monitor the legality of arrests and investigations by the authorities. Courts of the second and third instances are the courts of the Subjects. These are the courts of the republics, regions, territories, federal cities. **Military courts** are specialized courts. They are an integral part of the Judicial system, as the highest instance for military courts is the Supreme Court of Russia.

**The Arbitration Courts** represent the third branch which settle disputes between legal entities, as well state authorities, citizens and business. The Supreme Arbitration Court reviews economic disputes between the RF and its Subjects, or between the Subjects, complaints on non-regulatory acts of the President, chambers of the Federal Assembly, the Government, organizations and business. District Arbitration Courts consider issues of legality and grounds of decisions made by the arbitration courts of the Subjects.<sup>91</sup>

<sup>87</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права: учебник для вузов. 3-е издание, перераб. доп. – Москва: Издательство Норма. с.178.

<sup>88</sup> Статья 125 Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>89</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права: учебник для вузов. 3-е издание, перераб. доп. – Москва: Издательство Норма. с.180.

<sup>90</sup> Статья 19 Федерального Конституционного закона Российской Федерации от 23 декабря 1996 г. «О судебной системе Российской Федерации» (с изменениями на 5 февраля 2014 года).

<sup>91</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права: учебник для вузов. 3-е издание, перераб. доп. – Москва: Издательство Норма. с.181.

## 1.3. Russian Legal System

### 1.3.1. Classification of the Russian Legal system

After the collapse of the USSR, legal systems of former Soviet Republics including the Russian Federation have experienced dramatic changes.<sup>92</sup> In an attempt to characterize Russian Law there has often been debates about the nature of the Russian legal system and mainly about its place and role among many other world legal systems. In Russian scientific literature, it has been also discussed whether the Russian legal system has preserved its independent nature and identity or whether it should be considered as an integral part of the Roman-Germanic Legal family.<sup>93</sup> There are many different points of view and there is no firm answer to the question to which legal family the Russian law belongs and whether it is an independent phenomenon or not.

For example, according to Зорькин В.Д.,<sup>94</sup> the Russian legal system has been a part of the Roman-Germanic legal family in its historical development of civil law. Суханов Е.А.,<sup>95</sup> also supports the opinion of David R. and J-Spinozzi who claim that Russia had always been rightly placed in the Roman-Germanic legal family. Russian legal science borrowed much from the Byzantine legal tradition, thus from Roman law, from countries of continental Europe adhering to some form of Roman system. Княгин В.Н.<sup>96</sup> underlines that reception (adoption) of Roman law by Russia was not only a historical necessity, but a factor of progress. Ideas, principles, some norms and even institutions of Roman law significantly impacted Russian legislation.<sup>97</sup> The codified nature of Russian legislation, as well as its doctrinal element can be compared to civil law.<sup>98</sup> Саидов А.Х. thinks that the Russian legal system relates to the Roman-Germanic legal family, underscoring that “both in the pre-reform and in the after-reform period, it was undoubtedly a part of the Roman-Germanic legal family”.<sup>99</sup> Based on these arguments whether the modern Russian legal system belongs to Roman-Germanic Law or at least has some significant similarities, it can be concluded that Roman law certainly affected the development process of the Russian Legal System. This in so far brings Russian law close to Continental (civil) law emphasizing a proximity with the Roman-Germanic Legal Family and distantiates it from other legal families.<sup>100</sup>

While noting the similarity between Russian and continental (civil) law and the impact of Roman law on the Russian legal system, also the statement of Марченко М.Н. should be mentioned, who thinks that it is difficult to compare a level of impact of Roman law.<sup>101</sup> In his opinion, when considering the impact of Roman law on the Roman-Germanic legal family, the influence of one system on another takes place in the same legal culture. Systems within this legal family exhibit a quite similar mentality, the same “western” civilization, the same continental system. This is quite different with Russian law. Roman law in relation to Russian law is not placed as relative, intra-generic phenomenon, but as

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<sup>92</sup> Булошников М.Я., Окуньков Л.А., Орловский Ю.П., Тихомиров Ю.А. 1995. Российское законодательства, проблемы и перспективы. Издание, М: Издательство БЕК.

<sup>93</sup> Болдыш А.Ю. 2014. Место правовой системы Российской Федерации среди основных правовых семей современности. Научно-методический электронный журнал «Концепт», Т26, с 371-375.

<sup>94</sup> Зорькин В.Д. 2008. День Конституции. ЭЖ-Юрист, № 49, с.4.

<sup>95</sup> Суханов Е.А., Кофанов Л.Л. 1999. Влияние римского права на новый Гражданский Кодекс Российской Федерации. Древнее право №1 (4).

<sup>96</sup> Княгин В.Н. 1992. Место правовой системы, основанной на законе, среди иных правовых систем. Екатеринбург.

<sup>97</sup> Синюков В.Н. 2010. Российская правовая система. Введение в общую теорию. 2-е издание. Москва: Издательство Норма. С.176.

<sup>98</sup> Шапов Я. Н. 1987. Римское право на Руси до XVI века. Феодализм в России.

<sup>99</sup> Саидов А.Х. 2003. Сравнительное правоведение (основные правовые системы современности): учебник под ред. В.А. Туманова М:2003.

<sup>100</sup> Рассказов Л.П. 2013. Сходство и различие Российской правовой системы и романо-германской правовой семьи. С.76-84.

<sup>101</sup> Марченко М.Н. 2011. Сравнительное правоведение. 2-е издание, перераб.и доп.-Москва: Проспект, с.579-581.

external and in some cases as a foreign law.<sup>102</sup> Thus, as Марченко М.Н. points out that the argument about the Russian legal system being a part of the Roman-Germanic legal family based on the grounds that both systems have common “Roman roots” is quite vulnerable and doubtful. In his opinion one might and should be talk about similarity, closeness between Russian and Roman-Germanic laws on the grounds that both systems were affected by Roman law, although in varying degrees. However, they are not homogeneous or even identical.<sup>103</sup>

As an example, Болдыш А.Ю.<sup>104</sup> points out that Russian civil law has not directly used legislative decisions from Roman law in practice, other than it had borrowed ideas and a core of decisions for development of its own juridical constructions. Therefore, in his view, it is difficult to identify a direct adoption of Roman law.<sup>105</sup> Similarly, Марченко М.Н.<sup>106</sup> opposes the statement that the Russian legal system is an integral part of continental legal family. According to him it has a more declarative nature. Митин С.И.,<sup>107</sup> in his turn, classifies the Russian legal system as belonging to a “Slavyanskaya” legal family, a sort of modified continental legal system which was developed under influence of a Slavonic type of the state. Not to forget another element of Russian law is that the Russian legal system was socialist during the Soviet period and based on socialist law in which ideological content of law was reflected in strictly class-based approach to legal phenomena. Legal systems of post-soviet republics including the Russian Federation still unite ideological isolation based on strict subordination to central power including legislative and law enforcement practices.<sup>108</sup> That is why, Бердяев Н.А. underlines that the Russian Legal System having as a basis the former socialist law, preserves its independent nature and cannot be categorized into any specific legal family.<sup>109</sup>

Such complication to identify Russian law with other legal systems can be supported by Глебов А.П.’s statement – “the nature of legal sources is not the only criteria to determine affiliation of a national legal system to one or another legal family”.<sup>110</sup> He points out that the Russian legal system has an Eurasian inclination and it is essential to take into account the tendencies in the legal families’ development.<sup>111</sup> Moreover, some researchers identify clearly that Russian law has the following peculiarity: Russian civilization is an Eurasian civilization, in which Slavonic culture is complemented with European and Christian values, and was intertwined with nomadic Asian tribes.<sup>112</sup> Further, Синюков В.Н.<sup>113</sup> refers to independent development of traditions in the Russian legal system, in particular, its difference from the Roman-Germanic legal family. He acknowledges that

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<sup>102</sup> Марченко М.Н. 2011. Сравнительное правоведение. 2-е издание, перераб.и доп.- Москва: Проспект, с.568-587.

<sup>103</sup> Марченко М.Н. 2011. Сравнительное правоведение. 2-е издание, перераб.и доп.- Москва: Проспект, с.568-587.

<sup>104</sup> Болдыш А.Ю. 2014. Место правовой системы Российской Федерации среди основных правовых семей современности. Научно-методический электронный журнал «Концепт», Т26, с 371-375.

<sup>105</sup> Болдыш А.Ю. 2014. Место правовой системы Российской Федерации среди основных правовых семей современности. Научно-методический электронный журнал «Концепт», Т26, с 371-375.

<sup>106</sup> Марченко М.Н. 2011. Сравнительное правоведение. 2-е издание, перераб.и доп.- Москва: Проспект, с.568-587.

<sup>107</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Вел. Новгород. с.78.

<sup>108</sup> Саидов А.Х. 2003. Сравнительное правоведение (основные правовые системы современности): учебник под ред. В.А. Туманова М:2003.

<sup>109</sup> Бердяев Н.А. 1990. Русская идея. Основные проблемы русской мысли XIX века и начала XX века. Вопросы философии. №1.

<sup>110</sup> Глебов А.П. 1999. Правовая система России и ее развитие. Российское государство и правовая система. Современное развитие, проблемы, перспективы. Воронеж, с.291.

<sup>111</sup> Глебов А.П. 1999. Правовая система России и ее развитие. Российское государство и правовая система. Современное развитие, проблемы, перспективы. Воронеж, с.291.

<sup>112</sup> Богомолов Е.А. 1999. О роли исторической традиции в модернизации внешнеполитического курса США и России (сравнительный анализ)// Становление и развитие национальной традиции и национального характера: материалы VI научной конференции ассоциации изучения США. Москва, 27-28 января.

<sup>113</sup> Синюков В.Н. 2010. Российская правовая система. Введение в общую теорию. 2-е издание. Москва: Издательство Норма. С.176.

Russia has a special legal and cultural identity. It was not only based on Slavonic legal family. In his opinion, the Russian legal system should be identified in the future as a legal framework both for eastern Slavonic states and Turkish nations of the former USSR.

It is important to note that a modern Russia has been experiencing many reforms in its economic, political, as well legal systems. Therefore, a number of academics identify the Russian legal system as a system of a transitional type, taking into account experiences of post-socialist construction of the RF and development of law with new characteristics and aspects of legal system.<sup>114</sup> According to Кузьменко В.И.,<sup>115</sup> the transitional period is a large-scale social revolution and it means that in Russia two processes are taking place. They are dismantling of traditional public institutions, stereotypes in implementation of powers, on the one hand, and building up entirely new, non-conventional institutional structures, as well as rules and norms of political behavior, on the other hand.<sup>116</sup> Modern scholars argue that the Russian legal system, being the most powerful and influential among all ex-socialist legal systems during its transitional period, is open for exchange of ideas, experience and integrations with any legal system.<sup>117</sup> However, this statement can be refuted with the opinion of Sorokin V., who points out that “a transitional legal system is neither stable nor complete and conclusive”.<sup>118</sup>

The statements above confirm that an issue on classification of the Russian legal system is complex and ambiguous. Adoption of various legal doctrines is an example of exclusive capabilities of the Russian legal awareness to adapt to foreign cultural legal values.<sup>119</sup> The specific nature of the Russian legal system is that Russia is a country of original synthesis of cultures. Its legal system has many foreign embedded legal forms that have been transformed into a quite unusual legal transcription and has obtained a new sense compared to its origins.<sup>120</sup> Thus, it explains why there are many untraditional legal forms in Russian legal system more than in any other legal systems.<sup>121</sup> And it also gives emphasis to the fact that it is quite difficult to classify Russian legal system. This is the reason why in this analysis of Russian food law, it is necessary to first provide a background on Russian law in general. Russian food law cannot be understood without taking into account of the Russian legal context.

### 1.3.2. Elements of Russian Legal System

At all stages of Russian history, Russian law was formed by a legislator. Since the XIX century the Russian legal system has acquired the following elements in pre-revolution, in soviet and post-soviet law:<sup>122</sup>

- division into branches of law;
- division into public and private law;

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<sup>114</sup> Левакин И.В. 2003. Современная российская государственность: проблемы переходного периода. Государство и право. № 1, с. 512.

<sup>115</sup> Кузьменко В.И. 2012. Российская правовая система и правовые семьи современности. Вестник Саратовской государственной юридической академии, № 5 (88).

<sup>116</sup> Кузьменко В.И. 2012. Российская правовая система и правовые семьи современности. Вестник Саратовской государственной юридической академии, № 5 (88).

<sup>117</sup> Пугина О.А. 2004. Имплементация элементов системы общего права в российское законодательство: автореф. Дис.канд.юрид.наук. Москва, с.17.

<sup>118</sup> Сорокин В.В. 2002. Концепция эволюционного преобразования правовых систем. Барнаул. С.193.

<sup>119</sup> Рассказов Л.П. 2013. Сходство и различие Российской правовой системы и романо-германской правовой семьи. С. 76-84.

<sup>120</sup> Щапов Я. Н. 1987. Римское право на Руси до XVI века. Феодализм в России.

<sup>121</sup> Кох Харальд. 2001. Международное частное право и сравнительное правоведение. Москва: Международные отношения.

<sup>122</sup> Рассказов Л.П. 2014. Российская правовая система в юридической географии мира. «Власть закона», Актуальные проблемы современного мира, № 1(17), с. 50-57.

- codification of law;
- adoption (borrowing) of Roman law provisions;
- normative nature;
- federative nature of legal system.

The most important common feature of Russian legal system is a division into branches of law. A branch of law is a set of legal norms and legal institutions that regulate certain spheres of public relations. Criteria for dividing law into branches and institutions are the subject and the method of legal regulation.<sup>123</sup>

Division of law into private (*jus privatum*) and public (*jus publicum*) law is rooted in Roman law. It is associated with natural distinction between private interests and the interests of society and the state.<sup>124</sup> However, such division in the Russian legal system differs from continental (civil) law, because differentiation occurred in the continental legal family significantly earlier and it was formed in a coherent manner. In the Soviet Union, according to Рассказов Л.П. private law was in fact taken over by public law. Still, at present private law has not taken a legitimate place in the Russian legal system due to a considerably low level of entrepreneurship development and the government's role in the economic field.<sup>125</sup>

The next important feature of the Russian legal system is codification. Codification in the Russian legal system has deep historical roots and it covers almost all branches and institutions of law.<sup>126</sup> Another attribute of the Russian legal system is normativity, which means that it regulates public relations by binding, formally defined general rules which are the norms of law (normative acts of law). The normative legislative acts («нормативно-правовые акты») have been the most important at all times.<sup>127</sup> Thus, legislation («законодательство») in the Russian legal system is a primary source of law as in the countries of continental (civil) law.<sup>128</sup>

To sum up, the Russian legal system has the following elements. The most important source of law is a normative legal act («нормативно-правовой акт»). Law is formed by a legislator. It has branches of laws and a division into public and private laws. The Russian Legal system is characterized by codification of laws and it has borrowed some legal provisions from Roman law. All these elements are inherent to countries of continental (Roman-Germanic) civil legal family. Therefore, based on these grounds some scholars classify the Russian legal system as a part of continental civil legal family. Besides similarity of these elements between the Russian legal system and legal systems of the Roman-Germanic legal family, there is also a substantive aspect, which due to differences in civilization nature, separates a Roman-Germanic legal system from the Russian. Countries of the Roman-Germanic (continental) legal family belong mainly to the western type of civilization. And as it was mentioned above, Russia represents a formation of culture and the government, which was and is influenced by various civilizations coming from Europe and Asia. Thus, it can be concluded that the Russian legal system in its formal and legal aspects in some degree is similar to the continental legal family. However, in its substantive relation

<sup>123</sup> Отрасль права: понятие, критерии деления права на отрасли, классификация.

<http://www.portalprava.ru/article.php?id=103> [accessed 25.09.2017].

<sup>124</sup> Публичное и частное право как части системы права.

[http://uclg.ru/education/pravovedenie/osnovyi\\_rossiyskogo\\_prava/teoriya\\_gosudarstva\\_i\\_prava/lecture\\_publichnoe\\_i\\_chastnoe\\_pravo\\_kak\\_chasti\\_sistemyi\\_prava.html](http://uclg.ru/education/pravovedenie/osnovyi_rossiyskogo_prava/teoriya_gosudarstva_i_prava/lecture_publichnoe_i_chastnoe_pravo_kak_chasti_sistemyi_prava.html) [accessed 26.02.2018].

<sup>125</sup> Рассказов Л.П. 2014. Российская правовая система в юридической географии мира. «Власть закона», Актуальные проблемы современного мира, № 1(17), с. 50-57.

<sup>126</sup> Рассказов Л.П. 2013. Сходство и различие Российской правовой системы и романо-германской правовой семьи. С. 76-84.

<sup>127</sup> Рассказов Л.П. 2013. Сходство и различие Российской правовой системы и романо-германской правовой семьи. С. 76-84.

<sup>128</sup> Марченко М.Н. 2011. Сравнительное правоведение. 2-е издание, перераб.и доп.- Москва: Проспект, с.568-587.



there is a noticeable difference between them.<sup>129</sup> As Сальников В.П.<sup>130</sup> claims that considerable difference between the Russian legal system and the continental legal family lays in legal culture, legal awareness and legal relations, as well as legislation-making, enforcement and other legal practices.

Lastly, the contemporary Russian legal system has been formed on a federation basis like the US American legal system.<sup>131</sup> Each Subject of the Russian Federation has its own legal system, its own local characteristics which includes regional norms and institutions.<sup>132</sup> If any issue is within the competence of the RF according to the Constitution of the RF, then legislations have unconditional legal force, and legislations on that issue cannot be adopted in the Subjects of the RF. If any issue is within joint competence of the RF and its Subjects based on the Constitution, then both federal and regional legislations can be adopted, while federal legislations supersede regional ones. Besides, there might be legislations that are within the exclusive competence of Subjects of the RF. In each case, the system of normative acts forms a structural row and has a hierarchic connection of its elements. This means that normative acts have a certain place in the structural row and cannot contain norms contradicting to the higher laws. In this way, each legislation constitutes a legal base for normative acts standing below it in the row. The Constitution of the RF unites all these structural rows, sets up the level of competence of the Federation and its Subjects, and also provides means to settle any contradictions between normative acts.<sup>133</sup>

### **1.3.2.1. Branches of Laws**

As it was mentioned in the previous section, one of the elements of the Russian legal system is its systematic approach and division into branches of laws. Branches of laws are basic and structural components of the legal system. Each branch has its own specific characteristics, its own subject and a method of regulation, and takes a special place in the system. The branches of law are grouped into two parts of law: substantive law and procedural law.

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<sup>129</sup> Рассказов Л.П. 2013. Сходство и различие Российской правовой системы и романо-германской правовой семьи. С. 76-84.

<sup>130</sup> Сальников В. П. Правовая культура. Общая теория государства и права: академический курс в 3 томах, Москва: 2-е издание, с. 362.

<sup>131</sup> Мелехин А.В. 2007. Теория государства и права. Москва: Маркет ДС (университетская серия) с.183.

<sup>132</sup> Матузов Н.И., Малько А.В. 2004. Теория государства и права. Учебник. Юрист.

<sup>133</sup> Матузов Н.И., Малько А.В. 2004. Теория государства и права. Учебник. Юрист.



Fig 3. Legal System of the Russian Federation.<sup>134</sup>

Substantive Law is a combination of branches and sub-branches where the main emphasis is placed on establishment of rights and obligations of subjects. Example, Environmental law regulates protection of natural objects and the environment. The legislation on the environment is then a main normative act of Environmental law.

Procedural law is a combination of branches where the main task is the establishment of order, protection of rights and duties of the subjects of law.

### 1.3.3. Sources and Hierarchy of Laws

#### 1.3.3.1. Sources of Normative Acts

To understand the system of Russian sources and hierarchy of laws, it is necessary to know what is meant by the concept “the source of law”. The meanings of “sources of law” and “forms of law” are quite often related, although their meanings are slightly different.<sup>135</sup>

In Russian literature, there are two points of view on the correlation of meanings between “source of law” and “form of law”. According to the first point of view both meanings are similar, as to the second view the source of law has a broader meaning than the form of law. The latter dominates in the literature. The source of law is an “objective reality reflecting the development of public relations”. The form of law is a “source from where we obtain knowledge about law, in other words it is a method of development and establishment of legal provisions”.<sup>136</sup>

The sources of Russian law are based on legal normative acts. What the is a legal normative act then? A normative act («нормативный акт») is a legal act containing norms of law and aimed at regulation of certain public relations. Normative acts are the Constitution of the RF, federal laws and by-laws. Furthermore, a normative act is an official document issued

<sup>134</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб.и доп. Москва: Издательства Норма. – с 69.

<sup>135</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.107.

<sup>136</sup> Матузов Н.И., Малько А.В. 2004. Теория государства и права. Учебник. Юрист, с.139.

by a legislative body. Normative acts are mainly made by governmental bodies, who are authorized to adopt normative acts. Besides, normative acts should express a will of the state. Therefore, they are authoritarian, official, formal and compulsory.<sup>137</sup>

Normative acts have the following elements.<sup>138</sup> First of all, they have a developing nature, therefore legal provisions can be laid down, changed or abolished. Secondly, normative acts must be made only within a competence of the Legislative Body. Thirdly, normative acts always have a document presentation and must have the following requirements: the type of normative act, its name, the name of the legislator, date of adoption, place of adoption, a number. Fourthly, each normative act must comply with the requirements of the Constitution of the RF and other superior normative acts. Fifthly, all normative acts must be published, and only after their publication the Government is legitimate to demand its strict enforcement and impose sanctions. Normative acts are issued by legislative bodies in a strict established order. Normative acts differ from interpretation of law. Normative acts are formal and are written in accordance with the established lay-out, however interpretation of laws does not adhere to a strict lay-out. All legal normative acts are divided into two large groups based on their legal power: Laws («Законы») and By-laws («Подзаконные акты»).

### 1.3.3.2. Types of Normative Acts

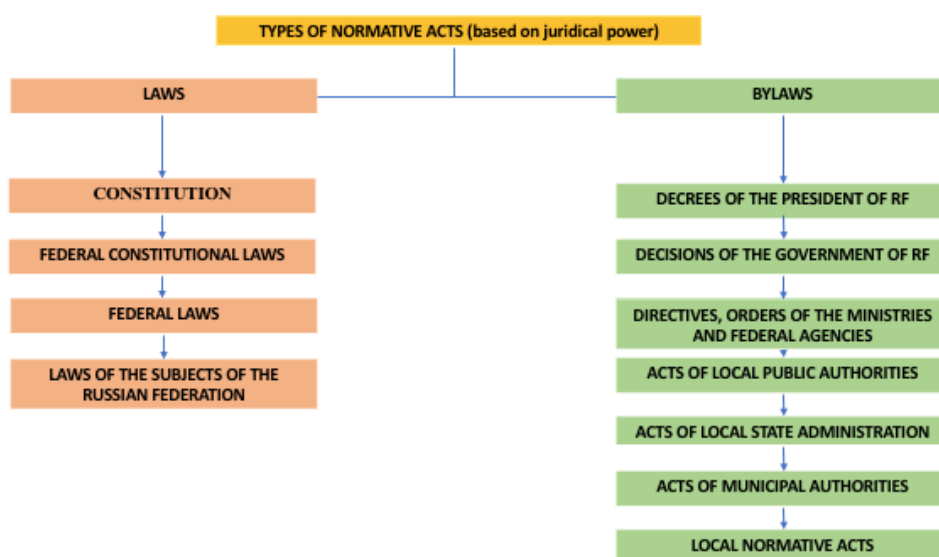


Fig. 4. Types of normative acts.<sup>140</sup>

As can be seen from Fig.4, all legal normative acts are divided into two large groups based on their legal power: **Laws** («Законы») and **By-laws** («Под-законы»). Laws («Законы») are normative acts of the Legislative Body to be adopted in a special order and

<sup>137</sup> Саидов А.Х. 2003. Сравнительное правоведение (основные правовые системы современности): учебник под ред. В.А. Туманова М:2003.

<sup>138</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб.и доп. Москва: Издательства Норма. – с 79.

<sup>139</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб.и доп. Москва: Издательства Норма. с 81.

<sup>140</sup> Матузов Н.И., Малько А.В. 2004. Теория государства и права. Учебник. Юрист, с.141.

they have the highest legal power,<sup>141</sup> which means that other legal normative acts (by-laws) should comply with the Laws.

The Laws («Законы») as a source of law are adopted only by the Legislative Body or in some cases by referendum of population vote. Only the Legislative Body has the right to repeal or replace the Laws. They contain norms of primary and original nature. All other acts are aimed at mainly providing detailed and specific normative setting of laws.<sup>142</sup>

The first group of Laws includes the Constitution of the Russian Federation, Federal Constitutional Laws, Federal Laws, Laws of the Subjects of the RF.

As to their relevance and significance, the first group of Laws can be grouped into:<sup>143</sup>

- Constitution of the Russian Federation;
- Federal Constitutional Laws;
- Federal Laws and Laws of the Subjects of the RF.

**The Constitution of the Russian Federation** is a basic law/key legislation. It is a fundamental, legal and political act which stipulates a constitutional order, the rights and freedoms of citizens, the form of the government and the structure of the State, establishment of federal bodies.

**Federal Constitutional Laws** («Федеральные Конституционные Законы») regulate issues of social life and are adopted on issues related to the Constitution of the RF, Presidential elections, elections of the State Duma, judicial system, governmental apparatus.

**Federal Laws** («Федеральные Законы») regulate all other important issues of social, economic, political and cultural aspects of life. Federal Laws can be classified into:<sup>144</sup>

- Current/ordinary laws;
- Organic codified laws;
- Emergency/exclusive laws.

They should also comply with the Constitution of the RF and the Federal Constitutional Laws.

**Current/ordinary laws** («Текущие/обыкновенные законы») are adopted on the basis and in fulfillment of Constitutional Laws. They constitute current legislation («законодательство») and regulate economic, political, cultural areas of the state.

**Organic codified laws** («Органические, кодифицированные законы») are legally unified and harmonized acts regulating a certain field of public life. They are Codes such as Civil Code, Criminal Code, Labor Code. These are collections of legal norms.

**Emergency/exclusive laws** («Чрезвычайные, исключительные законы») are adopted in emergency circumstances caused by natural, ecological, social or other reasons and are temporary laws.

**The Codes** («Кодексы») are complex, systematic acts.<sup>145</sup> As a rule, all or the most important norms of a certain legal branch are laid down in the Codes. For example, the Criminal Code collects all norms regarding the offences and penalties, while the Civil Code consists of the most important norms that are used in regulation of property relations. The Codes together with the Constitution of the RF, Federal Constitutional laws and Federal laws belong to the highest level of regulation.

As for the food regulation, the Civil Code of the Russian Federation determines the

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<sup>141</sup> Legal power of an act means its place in the hierarchy of normative-legal acts, its correspondence, subordination of lower level acts adopted by a legislative body to higher level acts. (Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.112).

<sup>142</sup> Матузов Н.И., Малько А.В. 2004. Теория государства и права. Учебник. Юрист, с.141.

<sup>143</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.112.

<sup>144</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.113.

<sup>145</sup> Кодекс, <https://ru.wikipedia.org/wiki/Кодекс> [accessed 16.10.2017].

legal status of parties involved within the scope of food regulation, grounds for termination of their rights and obligations. The Civil Code sets the norms for various commercial contracts on manufacture, storage, purchase and marketing of food products.<sup>146</sup> In addition, the norms of Criminal Code and the Code of the Russian Federation on administrative rules for offenses are applied in food regulation.<sup>147</sup>

**Laws of the Subjects** («Законы Субъектов») of the RF are issued by their legislative bodies and they are applied only in their territories.<sup>148</sup>

The second group is **By-Laws** («Подзаконные Акты»). They play a complementary role to the Laws providing more details and guidance for their implementation.

*By-Laws* («Подзаконные Акты») are:<sup>149</sup>

1. *Decrees* («Указы») of the President of the RF. They are the highest by-law normative acts according to their legal power;
2. *Decisions* («Постановления») of the Government of the RF are the acts of the Executive Body to regulate public process;
3. *Orders, Directives, guidelines* («Приказы, Распоряжения, Положения») of the Ministries, Federal Agencies, or state committees regulate public relations within their competence;
4. *Resolutions and Decisions* («Решения и Постановления») of Local Government Authorities;
5. *Decisions, Orders* («Решения, Распоряжения») of Local Bodies of the State Administration;
6. *Normative acts* («Муниципальные Нормативные Акты») of Municipal authorities (non-state bodies);
7. *Local Normative acts* («Локальные Нормативно-Правовые Акты») are normative provisions adopted on the level of enterprise, establishment and organization.

### 1.3.3.3. Hierarchy of Laws



Fig. 5. Hierarchy of normative-legal acts (laws).<sup>150</sup>

<sup>146</sup> Knaul A, Znabinski O. 2014. Russian Federation. Global Food Legislation: An Overview, First Edition. Edited by Evelyn Kirchsteiger-Meier and Tobias Baumgartner. Wiley-VCH Verlag GmbH&Co., p.197.

<sup>147</sup> Михальченкова Н.А. 2009. Правовые основы технического регулирования в Российской Федерации. Сыктывкар, КРАГСиУ, с 35.

<sup>148</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.113.

<sup>149</sup> Матузов Н.И., Малько А.В. 2004. Теория государства и права. Учебник. Юрист, с.140.

<sup>150</sup> Иерархия нормативно-правовых актов Российской Федерации, Правовая система Российской Федерации. [https://ru.wikipedia.org/w/index.php?title=Правовая\\_система\\_Российской\\_Федерации&stable=1](https://ru.wikipedia.org/w/index.php?title=Правовая_система_Российской_Федерации&stable=1) [accessed 16.10.2017].

According to the Russian hierarchy of laws, the *Constitution of the Russian Federation* is the primary, basic law of the State. It has supra-legal status and it takes precedence over all other inferior sources of law. The Constitution as the highest legal power forms a normative basis for all current legislations («законодательства»).

Then, *Federal Constitutional Laws* («Конституционные законы»). They form a special group of federal laws which sets out the frameworks for public and state order, and serve as a legal basis for current legislations («законодательства»). They are the laws on amendments to Constitutional laws, on the government activity, judicial system, constitutional courts, state of emergency and war.

*International Agreements and Treaties of the RF*<sup>151</sup> («Международные договоры и соглашения РФ») are considered to have entered into force if all necessary stages of coordination and signing have passed, and, if necessary, ratification.<sup>152</sup>

*Federal laws* («Федеральные законы») are normative legal acts adopted by the State Duma and must be approved by the Federal Council. To adopt federal laws a majority of votes from both Chambers of the Federal Assembly is required.

*Laws of the Subjects of the RF* («Законы Субъектов РФ») are normative acts to be issued by Legislative Bodies of the Subjects. They are compulsory only within the territory of the Subjects.

*Decrees of the President* («Указы Президента») on important governmental issues and *Orders of the President* («Распоряжения Президента») on current issues are normative acts of the President. Presidential Decrees are priority by-laws compared to other by-laws. The Presidential Decrees are compulsory across the whole Russian Federation. They must be in compliance with the Constitution of the RF and Federal Laws. As a rule, normative Decrees are issued in case of legal gaps.

*Decisions* («Постановления Правительства») and *Directives* («Распоряжения Правительства») of the *Government of the RF*. Decisions of the Government are the highest normative acts. They are adopted on the basis and in fulfillment of laws and Orders on state, economic and cultural issues. Decisions of the Government of the RF and Governments of the Republics of the RF are the most important among other by-laws. These acts are compulsory throughout a whole territory where they apply. The normative acts standing below the Decisions in the hierarchy of laws must comply with the Decisions of the Government. The Directives of the Government are the acts adopted and signed by the Chairman of the Government or his Deputies, and are applied for a limited number of executors.

*Orders, Decisions, Instructions* («Приказы, Постановления, Инструкции») of the *Ministries, Federal Agencies or the Committees of the RF and its republics*. These normative acts are adopted on the basis of and in compliance with the Laws of the RF, Presidential Decrees, Decisions of the Government. They regulate public relations within the competence of an Executive Body. On the ministerial level the most common normative act is the Decision that contains normative provisions and provides detailed regulation. Instructions (guidelines) are normative acts adopted by collegial bodies in various sectors.

*Regional Normative Acts* («Региональные нормативные акты») are normative Decisions and Resolutions (Нормативные решения и постановления) of local Legislative and Executive Bodies. Application of regional normative acts is restricted by territory.

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<sup>151</sup> the place of international agreements and treaties of the RF as it can be seen in Fig.5. "Hierarchy of normative-legal acts (laws)" followed the version taken from Wikipedia on "Legal system of the Russian Federation". In fact the international agreements are placed differently in the hierarchy of laws of the RF in Russian sources. This issue will be discussed in the chapter 1.3.3.4. Place of international treaties in the hierarchy of laws.

<sup>152</sup> Правовая система Российской Федерации, [https://ru.wikipedia.org/w/index.php?title=Правовая\\_система\\_Российской\\_Федерации&stable=1](https://ru.wikipedia.org/w/index.php?title=Правовая_система_Российской_Федерации&stable=1) [accessed 16.10.2017].



**Municipal Normative Acts** («Муниципальные нормативные акты») is an independent system of normative acts. They are issued by municipalities on issues related with municipal property, taxes, rules of public order.

**Local normative legal acts** («Локальные нормативно-правовые акты») are Charters, work rules and instructions, which are applied in a certain organization or an enterprise.

### 1.3.4. Legislative Process

The laws in Russia are adopted by the State Duma, approved by the Federal Council and signed by the President. Such a complex order of entering into force of a new law is necessary to solve financial issues and avoid any contradictions in the legal system.<sup>153</sup>

#### 1.3.4.1. Validity and Expiry of Normative Acts

The Normative acts enter into force from the date of their adoption by the Legislative Body, as indicated in the normative acts. As a rule, the Laws («законы») of the Russian Federation enter into force after 10 days. The Normative Acts (Decrees and Orders/ «Указы и Распоряжения») of the President and the Government of the RF (Decisions/ «Постановления») enter into force after 7 days. The Normative Acts of Ministries, Agencies and committees enter into force from the date of state registration. Normative Acts are cease upon their expiry date or in case of their repeal or replacement by a new normative act.

Normative Acts of the Federal Bodies are valid across the whole territory of the Federation. Normative acts of the Republics (Subjects) are valid in the territory of the republics, and the normative acts of local authorities are valid in the territory of their jurisdiction.

#### 1.3.4.2. Stages of Legislative Procedure

The first stage of the Legislative Procedure is a legislative initiative. Legislative initiative is the right of the competent Bodies or persons to initiate a law adoption procedure, law repeal or law replacement in front of the Legislative Body which must be considered by the Parliament. The right for a legislative initiative belongs to the President of the RF, the Federal Council, members of the Federal Council, deputies of the State Duma, the Government of the RF, Legislative Bodies of the Subjects of the RF, the Constitutional Court of the RF, and the Supreme Court of the RF (of General Jurisdiction).<sup>154</sup>

The second stage is law drafting. The process of law drafting is based on the parliament and ministerial principle.<sup>155</sup> According to the ministerial principle, the content of the law is prepared by the specialists of an appropriate Ministry. As to the parliament principle, the permanent committees and commissions of the Legislative Body are responsible for law drafting. At this stage, a text of a draft law is to be composed, discussed jointly with the Supreme court, Procurator Offices, the Ministry of Internal Affairs.<sup>156</sup> This stage also includes discussion of a draft law by committees and commissions of the State Duma and their legal expertise.

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<sup>153</sup> Кашанина Т.В., Кашанин А.В. 2003. Основы российского права. Учебник для вузов. 3-е изд., перераб. и доп. Москва: Издательства Норма. с 84.

<sup>154</sup> Статья 104 (1) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>155</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.119.

<sup>156</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.120.

The third stage includes submission of the draft law to an appropriate Legislative committee. A Legislative Committee of the State Duma evaluates the draft law and includes it in the agenda of the next State Duma's meeting.<sup>157</sup>

The next step is discussion. It is called the law adoption stage. Consideration of the draft law is fulfilled with 2 or 3 readings by the State Duma.<sup>158</sup>

The fifth stage is adoption of the law by voting. The voting can be simple or qualified. Federal Laws are adopted by the majority of votes out of total number of State Duma deputies.<sup>159</sup>

Then, the stage of signing the law. Within 5 days the passed law is submitted to the President for his signature.<sup>160</sup> The signing procedure by the President takes 14 days.<sup>161</sup> The President has the right to veto and revoke a law. However, the Federal Council of the State Duma can override the Presidential veto on adoption of law with 2/3 of votes.

The final stage is an official publication of an adopted normative act. Adopted laws are published in special publications and newspapers, and should be officially announced. Presidential normative acts enter into force after 7 days from the date of their publication. Federal laws enter into force after 10 days after their publication if there is no other stipulated procedure for an adopted law. The sources of official publications of federal laws/acts are the newspaper "Russian Newspaper" («Российская газета») and the "Collection of Legislations of the Russian Federation" («Коллекция законодательств Российской Федерации» ).<sup>162</sup>

## 1.4. Food Regulation in the Russian Federation

As it can be seen from the previous sections, the Russian legal system has a strict division of laws into branches. Branches of laws are basic and structural components of the legal system. Each branch has its own specific characteristics, its own subject and a method of regulation, and takes a special place in the system. However, when it comes to food regulation the Russian legal system does not represent a food law as a branch of law in the system. It includes agrarian law, but this branch does not deal directly with food products. Russian agrarian law embodies a complex, specialized branch of law which regulates agrarian issues, namely; land, property, labour, administrative proceedings, covering in general agricultural activities, and agriculture as a branch of economy.<sup>163</sup> In this respect, it partly covers legal regulation on production, processing, storage and selling of agricultural products.

In contrast to the EU Regulation No. 178/2002 (General Food Law Regulation), which is the foundation of food and feed law in the EU, stipulating the general principles and requirements, and setting a coherent framework for the development of food and feed legislation both at Union and national levels, the Russian Federation has not adopted a separate law in this field to be considered as a general food law. Both Y.V. Vasilyev<sup>164</sup> and

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<sup>157</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.120.

<sup>158</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.120.

<sup>159</sup> Статья 105(2) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>160</sup> Статья 107(1) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>161</sup> Статья 107 (2) Конституции Российской Федерации (принята всенародным голосованием 12.12.1993) с учетом поправок, внесенных от 21.07.2014 №11-ФКЗ.

<sup>162</sup> Митин С.И. 2010. Теория государства и права: основы науки. НовГУ им. Ярослава Мудрого. Великий Новгород. с.121.

<sup>163</sup> Боголюбов С.А., Бринчук М.М., Ведышева Н.О. 2011. Аграрное право. Учебник он-лайн. <http://jurisprudence.club/pravo-agrarnoe/agrarnoe-pravo-uchebnik.html> [accessed 28.10.2017].

<sup>164</sup> Vasilyev Y. 2010. The Russian Federation. Ensuring Global Food Safety, Exploring Global Harmonization.



O. Knaul<sup>165</sup> state that the food law is not singled out officially by legislators on its own in Russia. Furthermore, O. Knaul emphasizes that food law issues have not been set apart as a separate legal act at the level of the Customs Union/EAEU, where the Russian Federation is a Member State.<sup>166</sup>

If the Russian legal system lacks a general foundation food law, then a next question arises: how in that case are food or food products regulated in Russia? According to O. Knaul and O. Znabinski, legal regulation of food safety issues are laid down in an extensive number of federal laws and laws of the Subjects of the RF, including by-laws.<sup>167</sup> As Y.V. Vasilyev points out, the academics and legislators rather distinguish food quality and safety as a separate area of social relations under the concept of food security then a food law.<sup>168</sup> Food security, in its turn, represents a more complex system which is incorporated into the national security policy.<sup>169</sup> Therefore, in order to discover and learn the general principles upon which the food related regulations in the Russian Federation are based, it requires to analyze a large number of primary and secondary legal sources.<sup>170</sup> O. Knaul and O. Znabinsky indicate that regulation of food products comprises of legal acts that govern activities on consumer protection, technical standardization, certification and registration of food products, export and import regulations and other related laws on foodstuffs.

Based on the above statements of the scholars, it can be concluded that the food regulation in Russia is multiplex, which is, on the one hand, derived from the national security and food security, serving as a policy to develop legislation in food sector; it contains legal requirements from constitutional, civil, administrative, agrarian laws, the Civil code of the RF, the Criminal Code and the Code of the RF on administrative rules for offenses. It comprises of federal laws as primary sources and by-laws in the form of governmental decisions, directives, orders as a secondary source. On the other hand, since the Russian Federation is a Member State of the Eurasian Economic Union, the scope of the Russian food law includes as well the EAEU Technical Regulations on Food Products.

To have a better understanding how food products are regulated in Russia, the national security and food security policies will be analysed in the first place. Then technical regulation, standardization and certification of food products in the Russian Federation will be examined based on the Russian foundation laws: the Federal Law of the RF of December 27, 2002 No184-FZ "On Technical Regulation" and Federal Law No. 162-FZ of June 29, 2015 "On standardization in the Russian Federation". Lastly, Technical Regulation of the Customs Union TR CU 021/2011 "on Safety of Food Products" which represents a general horizontal regulation on food safety issues for food products for all member states of the EAEU and Technical Regulation of the Customs Union TR CU 022/2011 "On food products in terms of labelling" will be studied. Taking into account a wide scope of legislation to be reviewed, the analysis does not cover the Federal Laws of the RF on food quality, consumer protection or food trade, but focusses primarily on understanding of the aspects of technical regulation in the food sector.

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<sup>165</sup> Knaul A, Znabinski O. 2014. Russian Federation. Global Food Legislation: An Overview, First Edition. Edited by Evelyn Kirchsteiger-Meier and Tobias Baumgartner. Wiley-VCH Verlag GmbH&Co., p.195.

<sup>166</sup> Knaul A, Znabinski O. 2014. Russian Federation. Global Food Legislation: An Overview, First Edition. Edited by Evelyn Kirchsteiger-Meier and Tobias Baumgartner. Wiley-VCH Verlag GmbH&Co., p.200.

<sup>167</sup> Knaul A, Znabinski O. 2014. Russian Federation. Global Food Legislation: An Overview, First Edition. Edited by Evelyn Kirchsteiger-Meier and Tobias Baumgartner. Wiley-VCH Verlag GmbH&Co., p.200.

<sup>168</sup> Vasilyev Y. 2010. The Russian Federation. Ensuring Global Food Safety, Exploring Global Harmonization.

<sup>169</sup> Vasilyev Y. 2010. The Russian Federation. Ensuring Global Food Safety, Exploring Global Harmonization.

<sup>170</sup> Knaul A, Znabinski O. 2014. Russian Federation. Global Food Legislation: An Overview, First Edition. Edited by Evelyn Kirchsteiger-Meier and Tobias Baumgartner. Wiley-VCH Verlag GmbH&Co., p.200.

### 1.4.1. Food Security and National Security Policy

The concept of "food security" was firstly introduced by the Food and Agriculture Organization of the United Nations (FAO) in 1974 at the World Conference on food problems.<sup>171</sup> It was related to the emergence of a global contradiction: absolute overproduction of food in developed countries along with massive hunger and malnutrition in the less developed regions. The concept has undergone a number of changes reflecting the direction of development of the global food complex. FAO's approach to addressing this issue, initially based on two key indicators: own food production and maintenance of adequate reserves. The concept was later supplemented by such factor as economic accessibility of food.<sup>172</sup>

In the Russian Federation, the food security problem became an object of attention in the 1990s due to a sharp decrease in volume of domestic food production, an increase of food imports and a negative shift in the structure of the country's food resources towards foreign products. To solve a national food problem, a number of legislative acts were adopted. Among them, the most important were the National Security Strategy until 2020 and the Doctrine of Food Security of the Russian Federation.<sup>173</sup>

#### 1.4.1.1. National Security Strategy

The National Security Strategy was adopted by the Presidential Decree No 683, on December 31, 2015.<sup>174</sup> It replaced the Decree of the President of the RF of May 12, 1999 No.537 "On national security strategy of the Russian Federation until 2020"<sup>175</sup> and was adopted in accordance with the Federal Law of December 28, 2010 No. 390-FZ "On safety (security)"<sup>176</sup> and the Federal Law of June 28, 2014 No.172-FZ "On strategic planning in the RF".<sup>177</sup> At the state level, the concept of security is presented in the form of a strategy. Therefore, the National Security Strategy of the Russian Federation (hereinafter referred to as "Strategy") is a basic document of strategic planning that determines the national interests and strategic national priorities of the Russian Federation, the goals, objectives and measures in the field of domestic and foreign policy aimed at strengthening the national security of the Russian Federation and ensuring sustainable development of the country for the long term.<sup>178</sup>

The Strategy includes procedures and measures how to ensure national security and it serves as the basis for constructive interaction between state authorities, organizations and public associations. The Strategy, being one of the most important documents, determines the key directions of foreign and domestic policy, and can be considered as the "Constitution of national security".<sup>179</sup>

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<sup>171</sup> Food Security. Policy brief, June 2006, issue 2, <http://www.fao.org/forestry/13128-0e6f36f27e0091055bec28ebe830f46b3.pdf> [accessed 16.11.2017].

<sup>172</sup> Food Security: concepts and measurements, Chapter 2. <http://www.fao.org/docrep/005/y4671e/y4671e06.htm> [accessed 16.11.2017].

<sup>173</sup> Яковлев Т.А. 2010. Продовольственная безопасность Российской Федерации в контексте мировых тенденций. Вестник РУДН, серия Экономика, № 4. С 22-29.

<sup>174</sup> Указ Президента Российской Федерации от 31 декабря 2015 г. № 683 «О Стратегии национальной безопасности Российской Федерации».

<sup>175</sup> Указ Президента Российской Федерации от 12 мая 2009 г. № 537 «О стратегии национальной безопасности Российской Федерации до 2020 года».

<sup>176</sup> Федеральный закон от 28 декабря 2010 года № 390-ФЗ «О безопасности».

<sup>177</sup> Федеральный закон от 28 июня 2014 года № 172-ФЗ «О стратегическом планировании в Российской Федерации».

<sup>178</sup> Раздел 1 (1) Указа Президента Российской Федерации от 31 декабря 2015 г. № 683 «О Стратегии национальной безопасности Российской Федерации».

<sup>179</sup> Гаврилов Ю. Яшманов Б. 2009. 112 заповедей безопасности. Комментарий к Стратегии национальной безопасности России, Российская газета – Федеральный выпуск №4912 (88).

The basic priorities of national security of the RF are national defense, state and public security. In addition, the Strategy includes the following priorities for sustainable development:<sup>180</sup>

- Improvement of living standards quality;
- Economic growth;
- Science, technology and education;
- Healthcare;
- Culture;
- Ecology of living systems and rational nature management;
- Strategic stability and equal strategic partnership.

According to the Strategy, food security is one of the main objectives of improving quality of living standards in the medium term. The Strategy does not provide, however, the concept or definition of food security. Food security is explained rather as a method how it can be ensured: “through achievement of food independence of the RF; accelerated development and modernization of agro-industrial and fisheries complexes, food industry and infrastructure of the internal market; state support for agricultural producers and expansion of their access to product markets; preventing depletion of land resources, reductions of agricultural land and arable land; prevention of uncontrolled sales of genetically modified organisms for release into the environment and products obtained using or containing such organisms; improving the system of technical regulation, sanitary and phytosanitary surveillance, control in the field of food safety for human health; training of scientists and highly qualified specialists in the field of agriculture.”<sup>181</sup>

#### **1.4.1.2. The Doctrine of Food Security**

Based on the objectives of the National Security Strategy, the Doctrine of Food Security of the RF (hereinafter referred to as “the Doctrine”) was adopted by the Presidential Decree No.120<sup>182</sup> in 2010. The Doctrine further develops provisions of the National Security Strategy of the RF regarding the food security in more detail, taking into account the norms of the Maritime Doctrine<sup>183</sup> of the RF for the period until 2020 and other normative legal acts in this field. In this regard, the Doctrine represents a set of official views on objectives, tasks and main directions of state economic policy how to ensure food security in Russia.<sup>184</sup> According to Mishina N.V., the Doctrine should be considered as a method and mechanism of rational construction of legal reality. The legal doctrine, in her opinion, acts as part of legal ideology, which is developed based on scientific research and is recognized by society and the state as mandatory. The Doctrine regulates social relations, improving the legal norms and the system of law in general.<sup>185</sup> It is obvious that adoption of the Food Security Doctrine is an essential step to solving existing problems in this area, to provide policy and guidelines for a certain period of time in development of agro-industrial and fisheries complexes. In accordance with the Doctrine, the Government of the RF should develop a plan how to implement the provisions of the Doctrine and prepare an annual report to the President of the RF on analysis, assessment and forecast of food security. Federal agencies and state

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<sup>180</sup> Раздел III (30) Указа Президента Российской Федерации от 31 декабря 2015 г. № 683 «О Стратегии национальной безопасности Российской Федерации».

<sup>181</sup> Раздел IV (54) Указа Президента Российской Федерации от 31 декабря 2015 г. № 683 «О Стратегии национальной безопасности Российской Федерации».

<sup>182</sup> Указ Президента Российской Федерации от 30 января 2010 г. № 120 «Об утверждении Доктрины продовольственной безопасности Российской Федерации».

<sup>183</sup> Морская доктрина Российской Федерации на период до 2020 года от 27 июля 2001 года №Пр-1387.

<sup>184</sup> П.1, Раздел 1, Указ Президента Российской Федерации от 30 января 2010 г. №120 «Об утверждении Доктрины продовольственной безопасности Российской Федерации».

<sup>185</sup> Мишина Н.В. 2010. Доктринальные детерминанты государственной политики. Государственное и муниципальное управление. Ученые записки СКАГС. No 3.

authorities of the Subjects of the RF are instructed to use the Doctrine in their practical activities and in developing normative legal acts.<sup>186</sup>

The Doctrine lays down the basic concept of food security. According to the Doctrine, food security is “one of the main directions to ensure national security of the country in the medium term, a factor of preserving its statehood and sovereignty, the most important component of the demographic policy, a prerequisite for the implementation of the strategic national priority which is the improvement of Russian citizens’ quality of life by guaranteeing high living standards”.<sup>187</sup> The concept of food security is further elaborated as “the state of the country's economy, which ensures food independence of the Russian Federation, guarantees physical and economic accessibility of food products for every citizen of the country that meet the requirements of the legislation of the Russian Federation on technical regulation, in quantities not less than rational norms of consumption of food required for an active and healthy lifestyle”.<sup>188</sup> Compared to the National Security Strategy, it gives a more comprehensive understanding of food security taking into account the recommendations of Food and Agriculture Organization of the United Nations on the marginal share of imports and food reserves. The definition, stipulated by the Doctrine, underlines its importance for the country, as well as the purpose of its security.

The main strategic goal of food security is that the population is provided with safe agricultural products, fish and food products. To achieve this goal, a sustainable domestic production and availability of necessary reserves are required. The main objectives of food security regardless of external and internal conditions are:

- Timely forecasting, detection and prevention of internal and external threats to food security, minimizing negative consequences by providing with food products and formation of strategic food reserves;
- Sustainable domestic production of food and raw materials to ensure country’s food independence;
- Achievement and maintenance of physical and economic accessibility of safe food products for each citizen in volumes and assortment which corresponds to the established rational norms of consumption of food products necessary for an active and healthy lifestyle;
- Provision of safe food products.

Agriculture, fishery and food industry play a decisive role in ensuring food security. To ensure the safety of food products the Doctrine prioritizes monitoring of compliance with legal requirements at all stages of production, storage, transportation, processing and sale of agricultural, fishery and food products including imported food products, as well as exclusion of uncontrolled distribution of food products obtained from genetically modified plants/microorganisms. Other priorities are improvement of food safety control systems by establishing a modern technical/methodological base; harmonization with international requirements of food safety indicators in nutrition science; formation of a single food market and commodity distribution network with the member states of the Customs Union (CU) and Eurasian Economic Community.<sup>189</sup>

It should be noted that the Doctrine was criticized by academics, Барсукова С.Ю.<sup>190</sup>

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<sup>186</sup> Преамбула. Указ Президента Российской Федерации от 30 января 2010 г. №120 «Об утверждении Доктрины продовольственной безопасности Российской Федерации».

<sup>187</sup> п.2. Раздел 1, Указ Президента Российской Федерации от 30 января 2010 г. №120 «Об утверждении Доктрины продовольственной безопасности Российской Федерации».

<sup>188</sup> п.5, Раздел 1, Указ Президента Российской Федерации от 30 января 2010 г. №120 «Об утверждении Доктрины продовольственной безопасности Российской Федерации».

<sup>189</sup> П.12 Раздел 4, П. 20, Раздел 5. Указ Президента Российской Федерации от 30 января 2010 г. №120 «Об утверждении Доктрины продовольственной безопасности Российской Федерации».

<sup>190</sup> Барсукова С.Ю. 2012. Доктрина продовольственной безопасности: оценка экспертов. Terra economics. Т.10 № 4.

and Грешонков А.М.,<sup>191</sup> for its absolute declaration of normative act and absence of exactly prescribed methods for implementation of its objectives. The Doctrine as well as the Strategy are clearly declarative. Nevertheless, the Doctrine is the basis for the development of normative legal acts as it is stated in the section V of the Doctrine (Mechanisms and resources of ensuring food security) and the normative legal basis for the functioning of agro-industrial and fishery complexes must be improved proceeding from the main directions and mechanisms of the Doctrine provisions. The system of food security should be determined by federal laws, decrees and orders of the President of the RF, including Decisions, Directives and Orders of the Government of the RF and the Security Councils of the RF.<sup>192</sup> Thus, it can be concluded that the Doctrine is a policy and guide to be used in developing of normative legal acts in agricultural, fishery and food industries.

## 1.5. Technical Regulation

### 1.5. Legal Basis for Technical Regulation

The legal basis for technical regulation in the Russian Federation embodies:

- The Federal Law of December 27, 2002 No184-FZ "On Technical Regulation". In 2012, the Russian Federation officially entered the World Trade Organization (WTO).<sup>193</sup> As the experts rightly noted, "this law has been greatly influenced by the WTO rules";<sup>194</sup>
- The International Agreements adopted by the Russian Federation in the field of technical regulation;
- Technical Regulations on food products;
- By-laws adopted by the President of the Russian Federation, the Government of the Russian Federation and the Federal executive bodies (Federal Agencies) on technical regulation.<sup>195</sup>

The technical regulation of the RF and the EAEU are closely interrelated, however, it is important to note that as the technical regulations of the Customs Union/EAEU come into force, the relevant technical regulations in the Russian Federation are ceased to apply.<sup>196</sup>

#### 1.5.2. Technical Regulation of the Russian Federation

The adoption of the Federal Law of December 27, 2002, No. 184-FZ "On Technical Regulation" (hereinafter referred to as "Federal Law "On technical regulation") marked a new stage in existing technical and legal norms of Russia. It lays the foundation for a radical

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<sup>191</sup> Грешонков А.М., Абрамова Л.М. 2014. Смена ориентиров доктрины продовольственной безопасности Российской Федерации. Социально-экономические явления и процессы. Т.9, № 9.

<sup>192</sup> П.22, Раздел 5. Указ Президента Российской Федерации от 30 января 2010 г. №120 «Об утверждении Доктрины продовольственной безопасности Российской Федерации».

<sup>193</sup>The Protocol on the Accession of the Russian Federation to the Marrakesh Agreement Establishing the World Trade Organization of April 15, 1994 was signed in Geneva on December 16, 2011. The Russian Federation ratified this Protocol by Federal Law No. 126-FZ of July 21, 2012. On July 23, 2012, the Government of the Russian Federation officially notified the Secretariat of the World Trade Organization that Russia completed all domestic procedures. Russia's accession to the WTO was held on August 22, 2012.

<sup>194</sup> Тихомиров Ю.А., Саламатов В.Ю., Волтерс Клувер М. 2010. Техническое регулирование: правовые аспекты. Научно-практическое пособие. С. 14.

<sup>195</sup> Михальченкова Н.А. 2009. Правовые основы технического регулирования в Российской Федерации. Сыктывкар. КРАКСиУ, с.36.

<sup>196</sup> By the Decision of the Commission of the Customs Union of September 20, 2010 No. 384 "On the suspension of the entry into force of national technical regulations, the objects of regulation which coincide with the objects of the EurAsEC technical regulations". The Member States are recommended to suspend the entry into force of their national technical regulations, the objects of regulation which coincide with the objects of technical regulations of the EurAsEC/Customs Union.

reform of the entire system and established mandatory requirements for products, production processes, operation, storage, transportation, sale and disposal, performance of works and services, as well as assessment and confirmation of compliance. Active work is being carried out in the EAEU and at the national level to develop and adopt technical regulations.

The Federal Law “On technical regulation” is a comprehensive legislative act of the Russian Federation. It is established at the highest legal level on the basis of the Constitution of the Russian Federation and has a huge socio-economic significance, since it aims at laying down rules for the state regulation on product requirements, including consumer goods, as well as requirements for work and services in the interests of the consumers.<sup>197</sup> The Federal Law “On technical regulation” introduces a new system of state regulation in this area - a system of normative documentation. It clarifies many concepts and fundamentally changes the role and importance of standardization and standards, the order of operation of various institutions in this area, including the organization of state control.<sup>198</sup>

#### **1.5.2.1. Reasons for adoption of Technical Regulation**

The old system of technical regulation in Russia was unsystematic. It consisted of a numerous number of federal laws, decrees of the President of the RF, decisions of the Governments of the RF, normative acts of executive bodies, state standards and mandatory requirements. However it lacked a fundamental law on technical regulation. As an example, the Federal Law of February 7, 1992 No. 2300-1 “On the protection of consumer rights”, although it regulated relations between manufacturers and consumers, could solve only a part of the problems in technical regulation. Although, numerous federal laws contained separate norms of technical regulation, they were in fact not interlinked and even contradicted each other in some parts. Requirements of «СанПин» (sanitary and epidemiological norms) and other departmental documents were not coordinated with other, and sometimes were not scientifically substantiated.<sup>199</sup>

Another problem was standardization. The dualism of standards which contained both mandatory and voluntary requirements became an obstacle for development of businesses. Unclear definition of mandatory or voluntary requirements for applying in existing standards led to situations where business operators interpreted them in their own way, while state controllers or certification bodies differently. Furthermore, elements of conformity assessment procedures such as certification, accreditation, state control and supervision suffered imperfections.<sup>200</sup> Thus, the regulatory framework had a number of shortcomings: parallelism and duplication of requirements, a lag in scientific and technological level.

A reform was needed to create favourable conditions for the functioning of market-based management mechanisms, as the entire structure of Russian economy could not be supported and maintained by an outdated system of state standardization and mandatory certification. Obsolete or simply unnecessary compulsory standards in markets, a huge burden on businesses in the form of excessive mandatory certification, a complete exclusion of business communities from decision-making procedures in product quality assurance did not allow the Russian economy to develop efficiently. Another reason for adoption of a new law on technical regulation was also to prepare Russia for accession to the WTO. It was necessary to harmonize Russian requirements for product safety with international ones.

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<sup>197</sup> Тимофеев В.А. 2003. Правовая политика в сфере технического регулирования. Правовая политика и правовая жизнь. No4 с. 32-39.

<sup>198</sup> Терещенко Л.К., Калмыкова А.В., Лукьянова Ю.В. 2009. Законодательство о техническом регулировании, его развитие. Государство и право. 2009 No8 с.90.

<sup>199</sup> Пономарёв, С.В. 2004. Управление качеством продукции. Введение в системы менеджмента качества: учеб. пособие / Пономарёв С.В., С.В. Мищенко, В.Я. Белобрагин. – М.: Стандарты и качество, С.30.

<sup>200</sup> Михальченко Н.А. 2009. Правовые основы технического регулирования в Российской Федерации. Сыктывкар. КРАКСиУ, с.7.

Therefore, Russian technical regulation was redesigned to eliminate unjustified technical and administrative obstacles in development of entrepreneurship, reduce burden of compulsory certification, stop cost-accounting activity of supervisory bodies and organize development of mandatory technical standards.<sup>201</sup> The reform of technical regulation in accordance with the world market competition practice was aimed at transferring of main responsibilities for quality and safety of products/services from the state and governmental departments to producers and traders.

### **1.5.2.2. Effects of Technical Regulation**

The Federal Law “On technical regulation” established a fundamentally new system of state regulation in requirements for products and related design processes, production, operation, storage, transportation, sales and utilization, and consequently a new system of normative documentation. It radically changed the role and importance of standardization and standards, clarified a number of concepts and the order of operation of various institutions in this field, including the organization of state control. The main change of this law is the creation of a two-level system of normative documents: technical regulations that contain mandatory safety requirements and voluntary standards containing quality requirements.<sup>202</sup>

Transfer of state standards into the category of voluntarily applied norms was a kind of revolution in the process of technical regulation. In connection with the revolutionary character of the Federal Law “On technical regulation”, it was accompanied by abolition of the Federal Law of June 10, 1993 No. 5154-1 “On Standardization” and the Federal Law of June 10, 1993 No. 5151-1 “On Certification of products and services”, and a whole series of legislative acts of more than 120 federal laws and by-laws (over 700 Decrees and Decisions of the Government of the RF).<sup>203</sup>

According to Муратшин А.,<sup>204</sup> the main advantages of technical regulation on providing safe products and ensuring development of the national economy are improvement of product safety and protection of the market by increasing responsibility of the manufacturer to conform their products with mandatory requirements of technical regulation; transition to international trade law, removal of unnecessary administration barriers for international suppliers to access Russian market and development of competition.

## **1.5.3. What is Technical Regulation?**

### **1.5.3.1. Definition of Technical Regulation**

Technical regulation is a legal regulation on establishment, application and implementation of mandatory requirements for products and production processes, operation, storage, transportation, sale and disposal, including the establishment and application of voluntary requirements for products and production processes, operation, storage, transportation, sale and disposal, work or services. Technical regulation is also a legal regulation on establishment, application and implementation of assessment of conformity of products.<sup>205</sup>

In other words, technical regulation defines three main areas of legislative regulation: mandatory requirements, voluntary requirements and assessment of conformity.

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<sup>201</sup> Гусева Т.А. Комментарий к Федеральному закону “О техническом регулировании” (постатейный) / Т.А. Гусева, Л.Е. Чапкевич. – Изд. 3-е, пере- раб. и доп. // Справочно-правовая система “КонсультантПлюс”.

<sup>202</sup> Михальченкова Н.А. 2009. Правовые основы технического регулирования в Российской Федерации. Сыктывкар. КРАКСиУ, с.8.

<sup>203</sup> Промышленные ведомости №5-6 май, июнь 2008 года, статья М.Гельмана.

<sup>204</sup> Муратшин А. 2005. Гармонизация Российского законодательства с международными правилами. Стандарты и качество. № 10.

<sup>205</sup> Статья 2 Федерального закона № 184-ФЗ от 27 декабря 2002 «О техническом регулировании» (с изменениями на 29 июля 2017 года).

Technical regulations by the name of the document establishes mandatory requirements for objects of technical regulation.

Legal forms of adoption of technical regulations may be an international treaty of the Russian Federation, ratified in accordance with the established procedure, a federal law, a decree of the President of the Russian Federation, or a Decision of the Government of the Russian Federation. The procedure for the development, publication and entry into force of those legal acts is established by the legislation of the Russian Federation.

### **1.5.3.2. Objectives of Technical Regulation**

According to the Federal Law “On technical regulation”, technical regulations are accepted only for the following purposes:<sup>206</sup>

1. *protection of life or health of citizens, property of individuals or legal entities, state or municipal property;*
2. *protection of the environment, life or health of animals and plants;*
3. *Preventing actions that mislead consumers.*

The main objective of adopting technical regulations is to establish minimum requirements. Therefore, technical regulations as mandatory should contain requirements guaranteeing the safety of products and processes, and their compliance with the information provided about them. The adoption of technical regulation for other purposes is not allowed.

### **1.5.3.3. Principles of Technical Regulation**

In accordance with Article 3 of the Federal Law “On technical regulation”, the modern system of technical regulation in Russia is based on certain principles. One of the basic principles of technical regulation is the principle on unity of requirements for objects of technical regulation. A need for unity of requirements is explained as follows. Prior to the adoption of the Federal Law “On technical regulation”, product requirements were developed in various departments that caused production of many often overlapping or mutually exclusive requirements. The legal regulation lacked a single system of technical requirements, instead there was a huge amount of them consisting of about 30 thousands of various documents regulating the activities of enterprises.<sup>207</sup> To implement this principle (Article 3), as it is stipulated in the Article 7 (3) that the mandatory requirements in technical regulations for products or products processes (production, storage, transportation, sale and disposal), mandatory requirements for rules and forms of the assessment of conformity, identification rules, terminology, packaging, labelling, have a direct effect across the whole Russia and might be changed only by amendments to the relevant technical regulation. The requirements that are not included in the scope of technical regulations must not be mandatory.<sup>208</sup>

Article 3, in addition to the principle of applying uniform rules for the establishment of requirements for regulated objects, includes the principles of unified rules of accreditation system and the principle of uniform rules and methods of research and measurement when conducting mandatory conformity assessment procedures.<sup>209</sup> Such unification eliminates duplication in the process of technical regulation, but also ensures the access of Russian products to the world market. In connection with Russia's accession to the

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<sup>206</sup> Статья 6, Глава 20 Федерального закона № 184-ФЗ от 27 декабря 2002 «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>207</sup> Гусева Т.А. Комментарий к Федеральному закону “О техническом регулировании” (постатейный) / Т.А. Гусева, Л.Е. Чапкевич. – Изд. 3-е, пере- раб. и доп. // Справочно-правовая система «КонсультантПлюс».

<sup>208</sup> Статья 3. Комментарий к Федеральному закону от 27 декабря 2002 года № 184-ФЗ «О техническом регулировании» (постатейный).

<sup>209</sup> Статья 3 Федерального закона № 184-ФЗ от 27 декабря 2002 «О техническом регулировании» (с изменениями на 29 июля 2017 года).



WTO, it became necessary to bring the research and measurement processes in line with international standards.<sup>210</sup>

Another principle is that accreditation bodies and certification bodies should be independent of each other to guarantee adherence to principles and effectiveness of conformity assessment processes.

#### **1.5.3.4. Scope of Technical Regulation**

The scope of technical regulation includes three areas:<sup>211</sup>

- development, adoption, application and execution of *mandatory requirements* for products, production, operation, storage, transportation, sale and disposal;
- development, adoption, application and execution on a *voluntary basis* of requirements for products, production, operation, storage, transportation, sale and disposal, performance of work or provision of services;
- assessment of conformity.

In other words, the Federal Law “On technical regulation” regulates mandatory requirements, requirements on a voluntary basis and conformity assessment of products, processes and services to these requirements. Paragraph 1 of Art. 1 is of fundamental importance, since it determines the main idea of the Federal Law “On technical regulation” on division of objects of technical regulation into two categories: those for which compulsory state requirements are established and those whose requirements are fulfilled on a voluntary basis. Mandatory requirements are established for products as such, production processes, rules of operation (use, consumption) of products, rules for storage of products, rules for transportation of products, rules for sale and disposal of products. All mandatory requirements are introduced by technical regulations adopted in accordance with legally established procedures. Requirements that are not part of the technical regulations, as an example, requirements of standard or departmental documents, according to the Federal Law cannot be mandatory and are only recommendatory.

#### **1.5.3.5. Types of Technical Regulation**

As a basic principle, the Federal Law “On technical regulation” introduces the division of technical regulations into general and special regulations.<sup>212</sup> The idea of introducing general technical regulation is to identify and reflect general requirements regulating technical aspects of all or a significant majority of any activity, regardless of their specifics. Such approach certainly avoids multiple repetitions of the same requirements in different technical regulations. Otherwise such repetitions will be counted in hundreds or in almost all technical regulations. Besides, it could avoid collisions, when the same requirements can be differently stated in technical regulations of different industries and activities.

General technical regulations are also called horizontal regulations. They set the basic requirements for all objects of technical regulation. Special technical regulations are adopted only for specific groups and types of products in cases where, for their specificity, these requirements require a higher level of requirements than those established by general technical regulations. In addition, special technical regulations may establish requirements that are not included in the general technical regulations. Due to the fact that special technical regulations specify requirements for specific objects of technical regulation, which are

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<sup>210</sup> Михальченкова Н.А. 2009. Правовые основы технического регулирования в Российской Федерации. Сыктывкар. КРАКСиУ, с.31.

<sup>211</sup> Статья 1, Федерального закона № 184-ФЗ от 27 декабря 2002 «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>212</sup> Статья 8, Федерального закона № 184-ФЗ от 27 декабря 2002 «О техническом регулировании» (с изменениями на 29 июля 2017 года).

additional to the requirements of general technical regulations ("building up"), they are called vertical regulations. By January 2010, four vertical technical regulations were adopted on the status of federal laws on safety of certain types of food products in Russia:<sup>213</sup>

- Federal Law of 27 October 2008 No.178-FZ "Technical regulation on fruit and vegetable juices";
- Federal Law of 24 June 2008 No.90-FZ "Technical Regulation on fat and oil products";
- Federal Law of 12 June 2008 No.88-FZ "Technical Regulation on milk and dairy products";
- Federal Law of 22 December 2008 No.268-FZ "Technical Regulation on tobacco products".

With the adoption of technical regulations of the Customs Union (below) in 2013, the Russian federal laws on those products became invalid:

- Technical Regulation of the Customs Union TR CU 033/2013 "On safety of milk and dairy products";
- Technical Regulation of the Customs Union TR CU 023/2011 "On juice products from fruits and vegetables";
- Technical Regulation of the Customs Union TR CU 024/2011 "On fat and oil products".

#### **1.5.3.7. Principal Innovations introduced by Technical Regulation**

Due to its revolutionary approach, technical regulation introduced the following innovations into Russian legal system:<sup>214</sup>

- Technical regulations adopted in the form of federal laws of the RF are mandatory for implementation, whereas application of national standards is voluntary;
- Delineation of scope between technical regulations and standards: scope of technical regulations is limited by requirements of safety and uniformity of measurements, while standards contain voluntary requirements of a broader scale, they are partly developing and specifying requirements of technical regulations and partly independent;
- state supervision is provided only for requirements of technical regulations and only at the stage of circulation of products. Supervision on compliance with requirements at stages of development, production and manufacturing of products is excluded;
- the concept of "conformity assessment" is legalized, which means documentary certification of the conformity of products or production processes, storage, transportation, sale and utilization to the requirements of technical regulations, provisions of standards or contract terms. This concept includes voluntary and mandatory conformity assessment. It means that mandatory confirmation on compliance can be conducted only in cases established by technical regulations and solely for compliance with its requirements. In other words, only safety requirements are subject to mandatory compliance confirmation;
- voluntary conformity assessment can be carried out for establishing compliance with standards, voluntary certification systems, contract terms and other requirements that are not within the scope of regulation of technical regulations.

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<sup>213</sup> Семенов С.В. Качество и безопасность пищевой продукции. Вопросы нормативно-правового регулирования.

<sup>214</sup> Гусева Т.А. Комментарий к Федеральному закону "О техническом регулировании" (постатейный) / Т.А. Гусева, Л.Е. Чапкевич. – Изд. 3-е, пере- раб. и доп. // Справочно-правовая система «КонсультантПлюс».

### 1.5.3.8. Adoption of Technical Regulation of the Russian Federation

The developer of a draft project can be any legal or natural person.<sup>215</sup> Technical regulations can be adopted by an international agreement of the Russian Federation subject to ratification in accordance with the Russian legislation<sup>216</sup> (the Federal Law of June 16, 1995 No. 101-FZ “On international treaties (agreements) of the Russian Federation”).<sup>217</sup>

In exceptional cases, in the event of circumstances leading to an immediate threat to the life or health of citizens, the environment, life or health of animals and plants, and in cases where the safety of products, production processes, operation, storage, transportation, adoption of the relevant regulatory legal act on technical regulations, the President of the Russian Federation has the right to issue technical regulations without public discussion.<sup>218</sup> Priority protection of public life and health on the territory of the Russian Federation is the main principle of Russia's national security policy. Therefore, the Federal Law “On technical regulation” grants to the President of the Russian Federation the right to issue technical regulations by special order.

The notice (information) on the development of a draft technical regulation is published by the Federal Executive authority for technical regulation (“Rosstandart”) on the their website and in the information system of general use (in electronic form).<sup>219</sup>

Technical regulations are also adopted under the Treaty of the Eurasian Economic Union. These are technical regulations of the EAEU.

## 1.6. Standardization

### 1.6.1. Legal Basis of Standardization in the Russian Federation

The legal basis of national standardization system up to date of January 2018<sup>220</sup> in the Russian Federation consists of the following Federal Laws:

- Federal Law No.184-FZ of December 27, 2002 “On technical regulation”;
- Federal Law No. 162-FZ of June 29, 2015 “On standardization in the Russian Federation”;
- Decision No.1762-p of September 24, 2012 of the Government of the Russian Federation “Conception of national standardization system development of Russian Federation for a period until 2020”.

#### 1.6.1.1. Background Information

The economy of the USSR was based on a centralized standardization. State standards regulated all issues of industrial activities, from early design to disposal. In many respects, state standards fulfilled the role of statutes, according to which the domestic enterprises had to operate. That is why non-compliance with a standard was prosecuted by law.<sup>221</sup> As Секацкий В.С.<sup>222</sup> emphasized such approach to standardization should not be

<sup>215</sup> Статья 9(2) Федерального закона № 184-ФЗ от 27 декабря 2002 «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>216</sup> Статья 9(1) Федерального закона № 184-ФЗ от 27 декабря 2002 «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>217</sup> Федеральный закон Российской Федерации от 16 июня 1995 г. № 101-ФЗ «О международных договорах Российской Федерации» (с изменениями на 12 марта 2014 года).

<sup>218</sup> Статья 10(1) Федерального закона № 184-ФЗ от 27 декабря 2002 «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>219</sup> Статья 9(3) Федерального закона № 184-ФЗ от 27 декабря 2002 «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>220</sup> Information is taken from the official website of the Federal Agency of the RF “Rosstandart” about standardization system on January 15, 2018 [<http://new.gost.ru/portal/gost/>]; including provisions of Section II, Conception of national standardization system development of Russian Federation for a period until 2020.

<sup>221</sup> Секацкий В.С., Григорьева О.А. 2008. Стандартизация. Электронное учебное пособие. Красноярск: ИПК СФУ.

<sup>222</sup> Секацкий В.С., Григорьева О.А. 2008. Стандартизация. Электронное учебное пособие Красноярск: ИПК СФУ, с.8.

considered as "bad" or "good", it was adequate to the economy of the USSR. The standards were not adopted on the basis of a compromise between interested parties. The developer of the state standard spoke on behalf of the state to fulfil the state plan. In other words, the interests of the state, and not of the parties, were taken into account. The conservatism of the system in some way prevented innovations because it was easier to follow the standard than to prove the feasibility of innovations.<sup>223</sup>

A significant event in the history of Russian standardization was the adoption of the Federal Law of June 10, 1993 No.5154-1 "On Standardization". It brought standardization itself under the law. It established for the first time a legal basis for standardization: mandatory for all government bodies, enterprises and business entities. With introduction of this federal law, transition from general compulsory standards of the USSR legislation to the standards containing both mandatory and recommended requirements took place.<sup>224</sup>

Consequently, in 2003, the Federal Law "On technical regulation" replaced the provisions of the Federal Law of June 10, 1993 No. 5154-1 "On Standardization" and the Federal Law of June 10, 1993 No.5151-1 "On Certification of products and services". The Federal Law "On technical regulation" introduced a new approach: transition to completely voluntary standards, containing only recommendations.<sup>225</sup> It established the voluntary status of national standards<sup>226</sup> and gave a manufacturer the opportunity to choose different schemes for assessing the conformity of products and services with requirements. Accordingly, the legal status of standards is changed: from mandatory standards to the standards on a voluntary basis.<sup>227</sup> It also separated functions of state control and supervisory bodies from the functions of certification bodies in order to create a unified information system for technical regulation. In this way a two-level structure of normative legal documents was created: the upper stage represent technical regulations and the lower stage voluntary standards harmonized with technical regulations. (see Fig. 2).<sup>228</sup> However, it must be added that such tendency to voluntary standards does not affect the safety requirements for food product. Safety of food products is achieved by meeting the requirements in application of veterinary-sanitary<sup>229</sup> and phytosanitary measures.<sup>230</sup>

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<sup>223</sup> Секацкий В.С, Григорьева О.А. 2008. Стандартизация. Электронное учебное пособие Красноярск: ИПК СФУ, с.8.

<sup>224</sup> Куликова Т.А. 2017. Стандартизация в Российской Федерации. Законы и порядок. Научный журнал КубГАУ, № 128(04), 2017.

<sup>225</sup> Куликова Т.А. 2017. Стандартизация в Российской Федерации. Законы и порядок. Научный журнал КубГАУ, № 128(04), 2017.

<sup>226</sup> From the date of entry into force (since July 1, 2003) of the Federal Law of December 27, 2002 FZ-184 "On technical regulation", a new transitional stage (2003-2010) in the development of standardization in Russia took place, which has changed the status of standards. State standards («ГСС») of the Russian Federation from the main instrument of state technical regulation had been transformed into Russian national standards («НСС») to voluntary technical rules facilitating compliance with mandatory requirements established in technical regulations. (Окара А.И. 2006. Безопасность и качество пищевых продуктов в системе технического регулирования. Хабаровск: РИЦ ХГАЭП, с.4).

<sup>227</sup> Михальченко Н.А. 2009. Правовые основы технического регулирования в Российской Федерации. Сыктывкар. ГРАКСиУ, с. 47.

<sup>228</sup> Секацкий В.С, Григорьева О.А. 2008. Стандартизация. Электронное учебное пособие Красноярск: ИПК СФУ, с.11.

<sup>229</sup> According to Art.2 of the Federal Law No.184-FZ "On technical regulation", veterinary sanitary and phytosanitary measures are mandatory requirements and procedures established to protect against risks arising from penetration, attachment or spreading of pests, diseases, vectors of disease or pathogens, including in case of transfer or distribution animals and (or) plants, with products, goods, materials, vehicles, with presence of additives, pollutants, toxins, pests, weeds, pathogens, including food or feed, as well as binding requirements and procedures established to prevent other associated with harmful spread of pest.

<sup>230</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН. С.13.

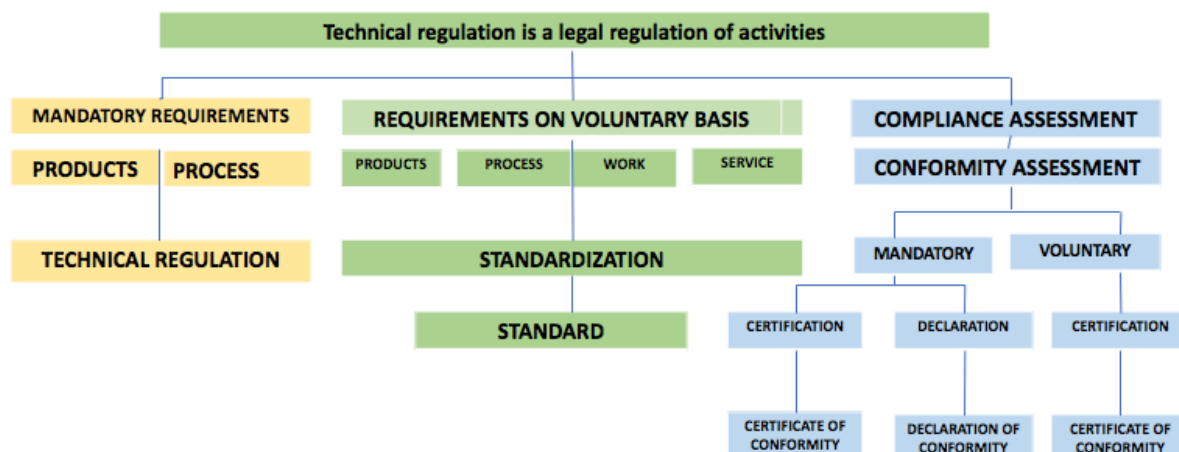


Fig. 6. Basic provisions of Technical regulation.<sup>231</sup>

Among the most important provisions of the Federal Law “On technical regulation” in the field of standardization were:<sup>232</sup>

- convergence of domestic and international standard requirements;
- preservation of mandatory requirements of standards that are subject to legislative regulation worldwide, i.e. safety indicators, technical interchangeability;
- role of standards in testing and evaluation methods of standardization objects;
- a unified standardization documentation system and creation of the Federal Fund of Standards which includes the following documents: national standards, all-Russian classifiers, standards of organizations, rules and recommendations, international agreements in the field of standardization, etc;<sup>233</sup>
- normative documents of the federal executive bodies, such as “СанПиН”<sup>234</sup> of the former Ministry of Health were replaced as mandatory requirements in technical regulations and voluntary standardization documents;<sup>235</sup>
- transition of the Russian accounting and statistics system to an international system for cataloging of products and, as a consequence, formation of territorial and state data banks on products;
- two groups of requirements for standards, some of which are mandatory, while others are optional. A two-level structure of normative legal documents, fully consistent with international practice and the WTO agreement on technical barriers to trade:
  - mandatory requirements for products are made in the field of technical legislation
  - in technical regulations;
  - voluntary requirements for products remain the objects of standards harmonized with technical regulations.<sup>236</sup>

<sup>231</sup> Секацкий В.С, Григорьева О.А. 2008.Стандартизация. Электронное учебное пособие Красноярск: ИПК СФУ, с.11.

<sup>13</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН. С. 14.

<sup>233</sup> Окара А.И. 2006. Безопасность и качество пищевых продуктов в системе технического регулирования. Хабаровск: РИЦ ХГАЭП, с.7.

<sup>234</sup> СанПиН means: Sanitary rules and norms are documents adopted in the Russian Federation for sanitary control.[<https://ru.wikipedia.org/wiki/СанПиН>] accessed 22.01.2018.

<sup>235</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН. С. 18.

<sup>236</sup> Окара А.И. 2006. Безопасность и качество пищевых продуктов в системе технического регулирования. Хабаровск: РИЦ ХГАЭП, с.15.

The “Conception of the national standardization system development of the Russian Federation for a period until 2020”<sup>237</sup> (hereinafter referred to as “Concept until 2020”) was prepared by the Federal Agency on technical regulation and metrology “Rosstandart”, which is the national body for Standardization of the RF. A new conception was required to update the previous version of the “Concept until 2010”. The Concept until 2020 underlines that existing problems in the national system of standardization are largely due to the fact that in the Federal Law “On technical regulation” standardization is mainly considered as a tool to ensure compliance with the requirements of technical regulations. However, the Federal law does not fully reflect the provisions required for development and updating of documents in the field of standardization.<sup>238</sup> The existing national system of standardization within the framework of the Federal Law “On Technical Regulation” does not meet modern economic conditions, it does not allow to solve a wide range of state, social and economic tasks, to overcome technological backwardness, to modernize the Russian economy in order to increase the competitiveness of Russian products.<sup>239</sup>

Therefore, the organizational and functional structure of the standardization system has to be modernized. One of the main aspects of which is to enhance the role of the national standardization body in order to achieve the objectives stipulated by this Concept.

The strategic objectives of the national standardization system for the period until 2020 are:<sup>240</sup>

- improve the standardization system in accordance with the provisions of the World Trade Organization Agreement on Technical Barriers to Trade and the agreements within the Customs Union in the field of technical regulation.

In order to improve the standardization system, it is necessary to solve the following tasks:

- improve organizational structure of standardization at the state and departmental levels, development of national (national preliminary) standards and reducing the time for their development, taking into account the commitments made by the Russian Federation in joining the World Trade Organization, new information technologies and at maximum possible application of international and regional standards for the assessment (confirmation) of conformity of products to the established requirements;
- application of the Code of Good Practice for the development, adoption and application of standards (Annex No 3 to the World Trade Organization Agreement on Technical Barriers to Trade);<sup>241</sup> and other tasks.

Further, strategic objectives include:<sup>242</sup>

- integration of the RF into the world economy and international standardization systems as an equal partner;
- expansion of information technologies in the sphere of standardization;
- coordination of international, regional and national standard development by involving Russian specialists and technical committees on standardization.

<sup>237</sup> The conception of national standardization system development of Russian Federation for a period until 2020 was approved by Decision of the Government of the RF of 24 September 2012 No.1762-p.

<sup>238</sup> Раздел 2, Распоряжение Правительства Российской Федерации от 24 сентября 2012 года №1762-р «Концепция развития национальной системы стандартизации Российской Федерации на период до 2020 года».

<sup>239</sup> Евстигнеева Л.Д. 2016. Новый закон о стандартизации: миф или реальность? Актуальные проблемы авиации и космонавтики, - 2016. Том 2.

<sup>240</sup> Раздел 3, Распоряжение Правительства Российской Федерации от 24 сентября 2012 года №1762-р «Концепция развития национальной системы стандартизации Российской Федерации на период до 2020 года».

<sup>241</sup> Раздел 4, Распоряжение Правительства Российской Федерации от 24 сентября 2012 года №1762-р «Концепция развития национальной системы стандартизации Российской Федерации на период до 2020 года».

<sup>242</sup> Раздел 4, Распоряжение Правительства Российской Федерации от 24 сентября 2012 года №1762-р «Концепция развития национальной системы стандартизации Российской Федерации на период до 2020 года».

- improve the quality of life of the population, protect the environment;
- increasing competitiveness of domestic products (works, services); etc.<sup>243</sup>

Based on the objectives of the Concept until 2020, an important decision was taken to set standardization as a separate independent field of activity. Thus, a new Federal Law of June 29, 2015 No. 162-FZ "On Standardization in the Russian Federation" (hereinafter referred to as Federal Law "On Standardization") was adopted, which came into force on July 1, 2016.<sup>244</sup>

The Federal Law "On Standardization" was developed to improve state regulation in the field of standardization. It lays down basic concepts, objectives, principles of standardization, establishes the organizational and legal status of the national standardization system (development, adoption, modification, cancellation and application of the standardization documents) and its participants; defines types of standardization documents and requirements for them, powers and functions of the national standardization body of the RF, procedures on establishment of technical committees on standardization, etc. The new law is linked to the main directions of standardization, which are stipulated by the Concept until 2020.<sup>245</sup>

In order to avoid overlapping of the scopes of the Federal Law "On Technical Regulation" and the Federal Law "On Standardization", the issues of development and adoption of standards of the national standardization system, and application of standards in the field of technical regulation (application of standards on a voluntary basis to ensure compliance with the requirements of technical regulations) are left in the scope of the Federal Law "On Technical Regulation".<sup>246</sup>

## 1.6.2. What is Standardization?

### 1.6.2.1. Definition

The term "standard" comes from the English "standard" - standard, norm, a level of quality. The definition of the term "standardization" was developed by the International Organization on Standardization (ISO) and approved by the Council of ISO in 1962. It discloses the nature, purpose and content of standardization. The definition of standardization was firstly introduced in the USSR in 1970 by the GOST 1.0-68 "State system of standardization. Basic Provisions", which actually defined the standardization and standard based on the definitions of ISO.<sup>247</sup>

The definition of standardization in legislation of the RF has similar concepts considering "standardization" as a key factor affecting modernization, technological and socio-economic development in Russia, as implementation of the latest solutions is made through the introduction of standards.<sup>248</sup> According to the standard (ГОСТ Р 1.0-92), "standardization is an activity aimed at achieving an optimal degree of ordering in a certain area by establishing provisions for universal and multiple use. Standardization as a

<sup>243</sup> Раздел 4. Распоряжение Правительства Российской Федерации от 24 сентября 2012 года № 1762-р «Концепция развития национальной системы стандартизации Российской Федерации на период до 2020 года».

<sup>244</sup> Евстигнеева Л.Д. 2016. Новый закон о стандартизации: миф или реальность? Актуальные проблемы авиации и космонавтики, - 2016. Том 2.

<sup>245</sup> Евстигнеева Л.Д. 2016. Новый закон о стандартизации: миф или реальность? Актуальные проблемы авиации и космонавтики, - 2016. Том 2.

<sup>246</sup> Евстигнеева Л.Д. 2016. Новый закон о стандартизации: миф или реальность? Актуальные проблемы авиации и космонавтики, - 2016. Том 2.

<sup>247</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.6.

<sup>248</sup> Законы России: опыт, анализ, практика. 2015. Правовые аспекты реализации института стандартизации в деятельности саморегулируемых организаций. Журнал №7. 2015 г.

management system establishes rules, norms and the requirements for the organization and methodology of the implementation of practical work on standardization and is based on normative documents of the national system of standardization”.<sup>249</sup>

The Federal Law “On technical regulation” provides definition of standardization as an activity on setting rules and characteristics for the purpose of their multiple voluntary use, aimed at achieving orderliness in production and circulation of products and increasing competitiveness of products, work or services.<sup>250</sup> The essence of standardization is to ensure a higher quality of products (works and services) than required by technical regulations which on the contrary establish only minimum requirements to products and related processes. At the same time, the application of standards is exclusively voluntary, while the requirements of technical regulations are mandatory.<sup>251</sup>

The latest definition of standardization, however, introduces its specific purpose. According to the Federal Law “On Standardization”, “*standardization is an activity on development (management), approval, modification (updating), cancellation, publication and application of standardization documents and other activities aimed at achieving orderliness with respect to standardization objects*”.<sup>252</sup>

Standardization in agriculture and the food industry includes research and development of scientific standardization methods in order to evaluate and control quality of agricultural products.<sup>253</sup>

#### **1.6.2.2. Objectives of Standardization**

The objectives of standardization<sup>254</sup> are to:

- 1) assist in social and economic development of the Russian Federation;
- 2) promote integration of the RF into the world economy and international standardization systems as an equal partner;
- 3) improve the quality of life of the population;
- 4) ensure the country's defense and state security;
- 5) re-equip the industry technically;
- 6) improve product quality, performing works; provide services and increase competitiveness of Russian products.

The objectives of standardization stipulated in the Federal Law “On Standardization” interrelates with the Concept until 2020, as it gives main directions for the standardization system in the RF. As Куликова Т.А. states, the goals of standardization also correspond with the general concept of the Russian Federation development, aimed at implementation of the state policy and reduction of sanctions effects to a minimum against Russia.<sup>255</sup> Unlike the previous law, the goals are focused more on the social sphere, equal

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<sup>249</sup> Р.3, Государственный стандарт Российской Федерации ГОСТ Р 1.0-92 Государственная система стандартизации Российской Федерации. Основные положения.

<sup>250</sup> Статья 2 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>251</sup> Техническое регулирование, правовые аспекты реформы. 2010. Комментарий к Федеральному закону «О техническом регулировании», коллектив авторов. Москва. Научный эксперт. С 186.

<sup>252</sup> Статья 1, Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>253</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.8.

<sup>254</sup> Статья 3, Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>255</sup> Куликова Т.А. 2017. Стандартизация в Российской Федерации. Законы и порядок. Научный журнал КубГАУ, № 128(04), 2017.



partner relations between states, re-equipment of industry and strengthening of the state's defense capability.<sup>256</sup>

### 1.6.2.3. Principles of Standardization

Standardization as a science and as an activity is based on certain initial assumptions - principles. The principles of standardization reflect the basic laws how to develop standards, justify their need for managing the national economy, determine conditions for effective implementation and development trends.<sup>257</sup>

Standardization is carried out in accordance with the following principles:<sup>258</sup>

1) voluntary application of standardization documents

*This is not only the main principle of standardization but also the main element that determines the legal status of standards in the Russian Federation as documents that do not have a binding nature and are applied exclusively on a voluntary basis. However, there are cases in which the standard can be of mandatory application if the parties of an agreement have expressed their will to impose a binding force on any standard, then the fulfillment of these requirements will be mandatory. Thus, the principle of voluntary application of standards indicates the right of the manufacturer (seller, performer) to voluntarily impose the responsibility for fulfilling the requirements of standards.*<sup>259</sup>

*The principle of voluntary application of standards is that the standards include only the recommended requirements, regulations and procedures. All mandatory requirements are placed in technical regulations, which are approved by governmental decrees or presidential decrees or introduced in the form of laws.*<sup>260</sup>

*Based on voluntary application of standards, the manufacturer has the right to decide on application of documents in standardization. In other words, application of standardization documents can create competitive advantages for a person using them but at the same time no one has the right to force the producer to apply standardization documents. The meaning of this provision is that the minimum requirements for product safety are provided by technical regulations that are mandatory, and standardization documents which assume a higher quality of products are voluntary. The concept of voluntary standardization is that in case of making a decision to use standards, they become obligatory to comply with them;*<sup>261</sup>

2) mandatory application of standardization documents to standardization objects stipulated in Article 6;<sup>262</sup>

3) complexity and systematization of standardization;

4) compliance of common characteristics, rules and general principles established in the documents of the national standardization system, ensuring an up-to-date of development of science, technology, advanced domestic and foreign experience;

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<sup>256</sup> Куликова Т.А. 2017. Стандартизация в Российской Федерации. Законы и порядок. Научный журнал КубГАУ, № 128(04), 2017.

<sup>257</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с 29.

<sup>258</sup> Статья 4, Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>259</sup> Михальченкова Н.А. 2009. Правовые основы технического регулирования в Российской Федерации. Сыктывкар, КРАГСиУ, с 48.

<sup>260</sup> Цалко Е.А. 2013. Основы технического регулирования. Изд-во Томского политехнического университета. С.79.

<sup>261</sup> Техническое регулирование, правовые аспекты реформы. 2010. Комментарий к Федеральному закону «О техническом регулировании», коллектив авторов. Москва. Научный эксперт. С 192.

<sup>262</sup> According to Article 6, mandatory application of standardization documents are used for defense products (goods, works, services) under the state defense order, products used to protect information that constitutes state secrets, products related to ensuring safety in the use of atomic energy, as well as processes.

- 5) openness in development of documents of the national standardization system, participation of all stakeholders in development of such documents, consensus building in development of national standards;
  - 6) establishment of requirements to monitor their implementation in the documents on standardization;
  - 7) unification of development, approval, modification, cancellation, publication and application of standardization documents;
  - 8) conformity of the standardization documents to the technical regulations in force on the territory of the Russian Federation;
- One of the objectives of standardization is to promote compliance with the requirements of technical regulations. In accordance with this objective, the standards can complement, specify (but not duplicate) any requirements of technical regulations, ensuring the level of safety established in them, but not in any way to contradict them;*<sup>263</sup>
- 9) consistency of national standards to each other;
  - 10) accessibility of information about standardization documents, taking into account the restrictions established by the regulatory legal acts of the Russian Federation in the field of protection of information constituting state secrets or attributed to other restricted access information protected in accordance with the legislation of the Russian Federation.

The Federal Law “On standardization” provides more principles than the Federal Law “On technical regulation”. However, the Federal Law “On standardization” does not include application of the international standards as the basis for development of a national standard in the list of principles as it is stipulated in the Federal Law “On technical regulation”. In the Federal Law “On standardization”, this is mentioned in the article 15 (3).

### 1.6.3. Standardization Documents

A Standardization document is a document in which, for voluntary and repeated use, general characteristics of the standardization object are established, as well as rules and general principles with respect to the standardization object,<sup>264</sup> unless the mandatory application of the standardization documents is established by Federal Law “On standardization”.<sup>265</sup>

Standardization documents according to the Federal Law “On standardization” are:<sup>266</sup>

1. Documents of the national standardization system are:
  - National Standard of the RF («ГОСТ Р»);
  - Fundamental National Standard;
  - Preliminary National Standard;
  - Rules of Standardization;
  - Recommendations for Standardization («Р»);
  - Information and Reference Book.
2. All-Russian classifiers («ОКС»);
3. Standards of organizations («СТО»);

<sup>263</sup> Михальченкова Н.А. 2009. Правовые основы технического регулирования в Российской Федерации. Сыктывкар, КРАГСиУ, с 50.

<sup>264</sup> According to article 2 of the Federal Law No. 162-FZ “On standardization in the RF”, the object of standardization can be products (including works, services), processes, management systems, terminology, symbols, studies (tests) and measurements (including sampling) and test methods, marking, conformity assessment procedures and other objects.

<sup>265</sup> Статья 2 Федерального закона от 29 июня 2015 г. №162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>266</sup> Статья 14 Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

4. Technical specifications («ТУ»);
5. Codes of practice («Своды»);
6. Documents on standardization, which establish mandatory requirements for standardization.<sup>267</sup>

Standardization documents established by the Federal Law “On technical regulation” are interrelated with the Federal Law on Standardization, except for codes of practice which are not listed in the Federal Law “On technical regulation”.<sup>268</sup> However, the Federal Law “On standardization” does not include international standards, regional standards, interstate standards, regional codes of rules, foreign standards, codes of rules of foreign states in the list of standardization documents; although these types of documents are repeatedly referred to as the basis for the development of relevant national documents in the Article 5 (3) of the Federal Law “On standardization”. As Докукин А.В.<sup>269</sup> points out the wording of Article 5 (Legal regulation in standardization) does not directly refer to the relevant norms of the Federal Law “On technical regulation”, although they are still valid.

### 1.6.3.1. Documents of the National Standardization System

Documents of the national standardization system<sup>270</sup> are:<sup>271</sup>

- 1) National Standard of the RF  
*A National Standard of the Russian Federation is developed for objects of inter-industry importance, adopted by the national standardization body. After registration in the register, its effect extends to all enterprises and organizations of Russia, regardless of departmental subordination;*<sup>272</sup>
- 2) Fundamental National Standard of the RF  
*A Fundamental National Standard is a national standard that establishes general provisions for the implementation of standardization work, as well as types of national standards;*<sup>273</sup>
- 3) Preliminary National Standard of the RF  
*A Preliminary National Standard is a document on standardization which contains general characteristics established for general application, as well as rules and general principles regarding a standardization object for a limited period for the purpose to accumulate experience in the application of a preliminary national standard for a possible further development based on its national standard;*<sup>274</sup>
- 4) Rules of Standardization  
*A Rule of Standardization is a document of the national standardization system which contains organizational and methodological provisions that complement or specify certain provisions of the fundamental national standard and determine the order and*

<sup>267</sup> According to Article 6, mandatory application of standardization documents are used for defense products (goods, works, services) under the state defense order, products used to protect information that constitutes state secrets, products related to ensuring safety in the use of atomic energy, as well as processes.

<sup>268</sup> Статья 13 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>269</sup> Докукин А.В., Журавлева Т.Б., Нарицын Е.А. 2016. Регулятивные стратегии использования стандартов в социально-сетевых формах экономической деятельности. Экономика. Transport Business in Russia, № 5, 2016.

<sup>270</sup> National Standardization System is a set of standards under the name "Standardization in the Russian Federation" (NSS RF) which came into force on July, 2005. It consists of nine national standards, including a key document - the basic standard of the ГОСТ Р.О - 2004, which defines the main provisions of the standardization system in Russia.

<sup>271</sup> Статья 2(1) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>272</sup> Цапко Е.А. 2013. Основы технического регулирования. Изд-во Томского политехнического университета. С.79.

<sup>273</sup> Статья 2(8) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>274</sup> Статья 2(10) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

*methods for the implementation of standardization work;*<sup>275</sup> Example, “ГП 50.1.024-2005”. Rules of standardization. Basic provisions and order of development, introduction and application of classifiers;

5) Recommendations for Standardization

*A Recommendation for Standardization is a document of national standardization system, containing organizational and methodological provisions relating to the conduct of standardization work and promoting the application of the relevant national standard or provisions that are pre-tested in practice before they are established in the national standard or preliminary national standard;*<sup>276</sup> example, “Г 50.1.057-2006” – Recommendation in standardization. Completion, storage, filing of documents of Federal Information Fund on technical regulations and standards;

6) Information and Technical Reference Book

*Information and Technical Reference Book is a document containing systematized data in a certain area, including description of technologies, processes, methods, methods, equipment and other data.*<sup>277</sup>

Documents of the national standardization system are applied on a voluntary basis and equally, regardless of the country and (or) the place of origin of the products (goods, works, services).<sup>278</sup> However, the Federal Law “On standardization” introduced a new provision regarding the national standards compared with the Federal Law “On technical regulation”: it is the obligation to refer to national standards when describing the goods in the procurement documentation.<sup>279</sup> According to the Article 26 (3), “*application of the national standard is mandatory for the manufacturer and /or performer in the case of a public declaration of conformity of products to the national standard, including when national standard is marked in labelling, in operational (technical specification) or other documentation, and /or marking products with the sign of the national standardization system*”.<sup>280</sup>

Also, the new types of standards in the national standardization systems are introduced by the Federal Law “On Standardization” such as “fundamental national standard of the RF” and “preliminary national standard of the RF”.

### 1.6.3.2. National Standard of the Russian Federation (“ГОСТ Р”)

A National Standard of the RF is a standardization document developed by the participant or participants, based on the results of technical committee for standardization or the project technical committee for standardization.<sup>281</sup> It contains general characteristics of the standardization object<sup>282</sup> for general application, as well as rules and general principles. A National standard is adopted by the National Standardization Body of the RF “Rosstandart”

<sup>275</sup> Статья 2(9) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>276</sup> Статья 2(11) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>277</sup> Статья 2(3) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>278</sup> Статья 26 Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>279</sup> Докукин А.В., Журавлева Т.Б., Нарицын Е.А. 2016. Регулятивные стратегии использования стандартов в социально-сетевых формах экономической деятельности. Экономика. Transport Business in Russia, № 5, 2016.

<sup>280</sup> Статья 26 Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>281</sup> Статья 2(5) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>282</sup> According to article 2 of the Federal Law No. 162-FZ “On standardization in the RF”, the object of standardization can be products (including works, services), processes, management systems, terminology, symbols, studies (tests) and measurements (including sampling) and test methods, marking, conformity assessment procedures and other objects.

together with the Ministry of Industry and Trade of the RF. The application of a national standard is confirmed by a sign of compliance with the national standard on a voluntary basis. The validity period of the standard is not fixed.<sup>283</sup> Cancellation of a standard is carried out in cases of product withdrawal from production or when an international standard is introduced for the same standardization object (products, services, process, rules, norms).<sup>284</sup>

Both National standards and preliminary national standards are developed on the basis of:

- 1) scientific research (tests) and measurements;
- 2) international standards,<sup>285</sup> regional standards,<sup>286</sup> regional codes of practice, foreign standards, codes of rules of foreign countries, standards of organizations and technical conditions that contain new and (or) progressive requirements for standardization objects and contribute to improving the competitiveness of products (works, services);
- 3) practical experience in application of new types of products, processes and technologies.<sup>287</sup>

When developing national standards, the international standards are used as a basis, except for cases when compliance with requirements of international standards is impossible due to climatic and geographical features of the RF, technical or other grounds.<sup>288</sup> As an example, the international standard ISO 22000, ISO 22000: 2005 "Management systems for food and food safety - Requirements for any organization in the supply chain" was the basis for development of the national standard in Russia. It was approved and put into operation under the number ГОСТ Р ISO 22000-2007. Its text is identical to the text of the international standard and is prepared on the basis of translation. The enterprises in the territory of the Russian Federation have the right to choose the option of developing a food safety management system according to any of the three standards:<sup>289</sup>

- ГОСТ 51705.1-2001 - Food quality management based on HACCP principles;
- ГОСТ Р ISO 22000-2007 - Food safety management systems. Requirements for organizations involved in the chain of food production;
- ISO 22000: 2005 - Management systems for food and food safety - Requirements for any organization in the supply chain.

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<sup>283</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.44.

<sup>284</sup> Курьянова Н.Х. 2008. Стандартизация, сертификация и метрология. Учебное пособие. Технологический институт- филиал ФГОУ ВПО «Ульяновская ГСХА», Димитровград. С.27.

<sup>285</sup>International standards are ISO, IEC, ITU. Example, ISO 22000, ISO 22000: 2005 "Management systems for food and food safety - Requirements for any organization in the supply chain". This international standard was the basis for development of the national standard of the RF. Russia entered the IEC (International Electro-technical Commission) in 1911, resumed its participation as the member of the USSR in 1921. The USSR was one of the founders of the ISO (International Organization for Standardization), a permanent member of the governing bodies, twice a representative of the Chairman of the Organization. The Russian Federation became a member of the ISO as the legal successor of the USSR and entered the Commission on September 23, 2005.

[[https://ru.wikipedia.org/w/index.php?title=Международная\\_организация\\_по\\_стандартизации&stable=1](https://ru.wikipedia.org/w/index.php?title=Международная_организация_по_стандартизации&stable=1)].

<sup>286</sup>The regional standard ("ГОСТ") is also called "inter-state standard". It is a standard adopted by the states that joined the Agreement on the implementation of a coordinated policy in the field of standardization, metrology and certification between the CIS countries, applied in the RF in the form of national standards. Regional (interstate) standards are approved by the Interstate Council for Standardization, Metrology and Certification. The inter-state standards throughout the EAEU territory are applied on a voluntary basis. [

[https://ru.wikipedia.org/w/index.php?title=Межгосударственный\\_стандарт&stable=1](https://ru.wikipedia.org/w/index.php?title=Межгосударственный_стандарт&stable=1) ] accessed 22.01.2018. Example, ГОСТ 31904-2012 Food products. Sampling methods for microbiological testing/ GOST ISO 11037-2013 Organoleptic analysis. Guidelines for assessing the color of food.

<sup>287</sup> Статья 17 (2,3) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>288</sup> Статья 15 Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>289</sup> ISO 22000 – series of international standards on Management System in food safety, data are taken from [https://ru.wikipedia.org/wiki/ISO\\_22000](https://ru.wikipedia.org/wiki/ISO_22000) (ISO 22000 — серия международных стандартов на Системы менеджмента в области безопасности пищевой продукции. Википедия) accessed 20.01.2018.

### 1.6.3.3. National Standard of the Russian Federation (“ГОСТ Р”) in Food Industry

The standardization documents in food industry include normative documents and technical documents. Normative documents are interstate (regional) standards, national standards, standards of enterprises. The technical documents are technical specifications for one particular product name or product group, technological instructions, recipes, orders for the output of products, consumption of materials and raw materials.<sup>290</sup>

An interstate standard between the CIS countries (“ГОСТ”) is a supranational regional standard which was adopted by the CIS states in accordance with the Agreement on the coordinated policy in the field of standardization, metrology and certification, and applied directly by them.<sup>291</sup> Objects of the ГОСТ standardization are products, works and services, in particular, products of mass application, including food products. The designation of an interstate standard is, for example: ГОСТ 6441 -77 "pastry confectionery".<sup>292</sup>

An example of a National Standard of the RF (“ГОСТ Р”) is ГОСТ Р- 50365-92 "dry breakfast: corn and wheat flour."<sup>293</sup> The National standard in food industry is based on the standardization document “ГОСТ Р 51074-2003 Food products. Information for the consumer. General requirements (with Changes N 1, 2)"/ “ГОСТ Р 51074-2003, Group Н09”.<sup>294</sup> It was developed by the All-Russian Research Center for Standardization, Information and Certification of Raw Materials, Materials and Substances (ФГУП «ВНИИЦМБ») and adopted by the Decree<sup>295</sup> of the Federal Agency “Rosstandard”. This standard applies to food products of domestic and foreign production, packaged in consumer containers and sold in the Russian Federation in wholesale and retail trade, supplied to public catering establishments, schools, children's, medical institutions and other enterprises directly connected with consumer services, and establishes general requirements for information about them for the consumer.<sup>296</sup> The national standard “ГОСТ Р 51074-2003 Food products” provides requirements for product name, net weight, or volume, quantity of product, composition of the product, nutritional value, etc.

The obligatory set of documents for food production includes:<sup>297</sup>

- *Product standard (ГОСТ, ГОСТ Р, СТО) or technical specification for products (ТУ);*
- *technological instruction for manufacturing;*
- *Recipe.*

The users of the standards are:<sup>298</sup>

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<sup>290</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.59.

<sup>291</sup> «Соглашение о проведении согласованной политики в области стандартизации, метрологии и сертификации» от 13 марта 1992 г.

<sup>292</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.44.

<sup>293</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.44.

<sup>294</sup> ГОСТ Р 51074-2003. Продукты пищевые. Информация для потребителя. Общие требования (с изменением №1).

<sup>295</sup> Постановление Государственного Комитета Российской Федерации по стандартизации и метрологии от 29 декабря 2003 г. № 401-ст «Об утверждении и введении в действие национального стандарта Российской Федерации».

<sup>296</sup> Раздел 1 Постановления Государственного Комитета Российской Федерации по стандартизации и метрологии от 29 декабря 2003 г. № 401-ст «Об утверждении и введении в действие национального стандарта Российской Федерации».

<sup>297</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.60.

<sup>298</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.60.

- *manufacturers of products (enterprises of various forms of ownership, persons engaged in self-employment);*
- *consumers (trading organizations);*
- *state bodies for supervision of standards and quality of products (sanitary service, veterinary service, centers for standardization and metrology, accredited laboratories).*

National “ГОСТ Р” and interstate “ГОСТ” standards contain the following information:<sup>299</sup>

- *Assortment;*
- *Technical requirements (general technical requirements);*
- *Acceptance rules and test methods;*
- *Packaging, labelling, transportation and storage;*
- *Marking.*

Assortment includes a list of products to which the standard is applied. The list can include:<sup>300</sup>

- *specific product names;*
- *various commodity groups of raw materials, for example, types of grain; varieties of flour; categories of meat, etc;*
- *commodity groups of finished products, for example, varieties of sausages and bread; categories of processed by-products, etc.*

Technical Requirements include actual indicators that characterize the quality of products, which largely depends on the properties of raw materials used. That is why this section consists of several sub-sections:<sup>301</sup>

- *characteristics (indicators) of products (these are mandatory indicators subject to verification and certification. Among them there should be those that allow the product to be identified reliably and distinguish it from others);*
- *requirements for raw materials, materials, purchased products;*
- *Recipe.*

Packaging, marking, transportation and storage include:<sup>302</sup>

- *list of defects, in the presence of which the product is not allowed to be sold;*
- *the way of packing;*
- *the number of products in one packaging unit and the quantity of products in a unit of consumer packaging (briquettes, bottles, etc.);*
- *list of documents to be put in a container.*

Marking section defines:<sup>303</sup>

- *Place of marking (label, labels on the product or on the packaging);*
- *method of marking (etching, printing, lithography);*
- *the content of the marking (number of the manufacturer, name of the product standard, type of product, date of issue).*

<sup>299</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.61.

<sup>300</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.61.

<sup>301</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.61.

<sup>302</sup> Шейфель О.А. 2006. Метрология, стандартизация, сертификация. Конспект лекций. Кемеровский технологический институт пищевой промышленности. С.27.

<sup>303</sup> Шейфель О.А. 2006. Метрология, стандартизация, сертификация. Конспект лекций. Кемеровский технологический институт пищевой промышленности. С.28.

#### 1.6.3.4. All-Russian Classifier (“OKC”)

The All-Russian classifier (“OKC”) is a standardization document that distributes technical, economic and social information in accordance with its classification (classes, groups, types and others) and is mandatory for use in government information systems and with inter-departmental information exchange.<sup>304</sup> The procedure for the development, maintenance, modification and application of all-Russian classifiers is established by the Government of the Russian Federation.<sup>305</sup> It is an official document approved by Decision of the Russian Government of November 10, 2003 No. 667.<sup>306</sup>

The All-Russian classifier (“OKC”) in simple words represents a kind of reference book, which provides a systematized list of records indicating the names and codes of objects of technical, economic and social information and mandatory for data exchange between industries. The objects of classification of OKC are standards, other normative and technical documents.<sup>307</sup>

The All-Russian classifier is part of the Unified System for Classification and Coding of Technical, Economic and Social Information (“ECKK”) of the Russian Federation. This classifier is harmonized with the International Classifier of Standards (ISS) and the Interstate Standard Classifier. Additionally, it is used in making catalogs, indexes, selective lists, bibliographic materials, the formation of databases on international, interstate and national standards and other normative and technical documents, ensuring the provision of information and the dissemination of these documents on a national, interstate and international scale.

All food products in accordance with the All-Russian Classifier are included in the “OKП”, which means all-Russian classifier for products. It is a set of codes and names for product groupings, constructed according to a hierarchical classification system. According to the OKП, all food products are included in classes 91 “Products of Food Industry” and 92 “Products of meat, dairy, fish, flour-milling, cereal, mixed feed and microbiological industries”. The products of the food industry are classified under the following codes:<sup>308</sup>

Classifier: ОКП

**Code: 910000 Products of the Food industry**

Number of branch codes: 19

The entry in the classifier with code 910000 contains 19 specifying (branch) codes:

*910011 Confectionery products (total)*

*910012 Confectionery products in wrapping and packaging (total)*

*910013 Dietary confectionery products*

*910014 Confectionery products, diabetic*

*910015 Confectionery products wrapped (total)*

*910016 Confectionery products, packaged (total)*

*910017 Confectionery products packaged in boxes (total)*

*910021 Canned food (total)*

*910022 Canned food*

*910023 Canned fruits and vegetables*

*911000 Products of sugar and bakery industry*

<sup>304</sup> Статья 2 Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>305</sup> Статья 20 Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>306</sup> Постановление Правительства Российской Федерации от 10 ноября 2003 г. № 677 «Об общероссийских классификаторах технико-экономической и социальной информации в социально-экономической области».

<sup>307</sup> ОК (МК (ИСО/ИНФКО МКС) 001-96) 001-2000 Общероссийский классификатор стандартов (ОКС) (с изменениями N 1-5).

<sup>308</sup> Data (2012-2018) are taken from the official website All-Russian Classifiers at Classifier.ru [http://classifikators.ru/okp/910000 ] accessed 22.01.2018.



912000 Confectionery sugar products  
 913000 Confectionery pastry  
 914000 Products fat and oil, pasta products  
 915000 Production of the perfume, cosmetics and essential oil industry  
 916000 Products of processing of fruits, vegetables, mushrooms, including fruit and vegetable juice products  
 917000 Products of the wine industry  
 918000 Products of the alcoholic beverages, alcohol, brewing, production of non-alcoholic beverages, starch and syrup industry  
 919000 Products of the tea, salt, tobacco and tobacco industry and food concentrates

Code: 920000 Products of meat, dairy, fish, flour, cereals, mixed feed and microbiological industry.<sup>309</sup>

Number of branch codes: 12

The entry in the classifier with the code 920000 contains 12 specifying (branch) codes:

920001 Fish catch (including extraction of sea animals, whales, seafood and crustaceans)  
 920002 Fish catch in inland waters (including extraction of sea animals, seafood and crustaceans)  
 920003 Commodity food fish products, including canned fish  
 921000 Products of the meat and poultry processing industry (including egg products)  
 922000 Milk and dairy products  
 923000 Waste from the meat and dairy industry  
 924000 Catch of fish (without whales, sea animals, seafood and crustaceans)  
 925000 Extraction of whales, sea animals, seafood and crustaceans  
 926000 Commodity fish products of fish (excluding canned fish)  
 927000 Canned and preserved fish and seafood  
 Other food, feed and technical products  
 929000 Products of microbiological and flour-and-cereals industry

Furthermore, the product class 91 0000 comprises of subclass 9, which represents 9 categories such as production of the tea, salt, tobacco and tobacco industry, food concentrates and etc. As an example, the following product groups are included in the subclass 9 of the class 91:

1 - production of the tea industry (91 9100)  
 2 - products of the salt industry (91 9200)  
 3 - products of the tobacco industry (91 9300)  
 4 - the first and second dishes - food concentrates (91 9400)  
 5 - sweet dishes, convenience foods and milk concentrates (91 9500)  
 6 - products from corn and other types of grain and waste products of their production (91 9600)  
 7 - dry products for children's, dietary and curative-preventive nutrition and waste products of their production (91 9700)  
 8 - dry drinks - concentrates (coffee, tea, chicory, dry kvass) and waste products of their production (91 9800)  
 9 - spices flavoring, seasonings and additives - concentrates and waste products of their production (91 9900)

Within a group, there are also subgroups. For example, the subgroup 8 of the subclass 9 in the class 91 (91 9800) classifies the following subgroups:<sup>310</sup>

1 - natural coffee (91 9810)  
 2 - tea and flavored drinks (91 9820)  
 3 - drinks / coffee (91 9830)

<sup>309</sup> Data (2012-2018) are taken from the official website All-Russian Classifiers at Classifier.ru [http://classifikators.ru/okp/910000 ] accessed 22.01.2018.

<sup>310</sup> Курьянова Н.Х. 2008. Стандартизация, сертификация и метрология. Учебное пособие. Технологический институт- филиал ФГОУ ВПО «Ульяновская ГСХА», Димитровград. С.34.

4 - chicory (91 9840) and so on.

#### 1.6.3.5. Standard of the Organization (“СТО”)

Standard of the organization («СТО») is a standardization document approved by a legal entity, including a state corporation, a self-regulating organization, as well as an individual entrepreneur to improve production and ensure quality of a product, a work/services.<sup>311</sup> It is a document developed for products used in the organization, processes and services provided, as well as products produced and supplied by this organization to the internal and external market, to the work performed by this organization on the one side, and services rendered by it on the other side in accordance with concluded contracts (contracts).<sup>312</sup>

The standards of organizations are developed by organizations independently on the basis of the need for their application. The organization has the right to set the requirements to the quality and safety of its products in technical specifications. Such standards of the organization should comply with the requirements of legislation on standardization. That means that if the manufacturer wants to produce products other than state standards («ГОСТ»), or products that do not have standards, it is obliged to develop a Technical specifications (“ТН”) or standards of the organization (“СТО”). The development of the organization standards (СТО) is carried out taking into account the requirements of ГОСТ Р 1.5-2012 "Standardization in the Russian Federation., National Standards: Rules for the Construction, Presentation, Design and Designation."<sup>313</sup>

#### 1.6.3.6. Technical Specification (“ТН”)

Technical Specification is a kind of organization's standard developed and approved by the manufacturer of the product or the contractor (of work/service)<sup>314</sup> and applied in accordance with the conditions established in the contracts.<sup>315</sup> Technical Specification as a document establishes technical requirements that products must satisfy, taking into account the interests of consumers. The requirements should be based on advanced achievements of science and technology, and current technical regulations and national standards. Technical specifications are normally developed and approved by organizations independently. However, they should comply with the provisions established by the national standardization body. They practically fulfill the role of a preliminary standard in case when production becomes serial or mass and, therefore, they can be used to develop a national standard.<sup>316</sup>

Development of the technical specifications (ТН) is carried out in accordance with established standards. As for food products, they are developed based on the national standard: ГОСТ Р 51740-2016 "Specifications for food products. General requirements for design."<sup>317</sup> The National standard ГОСТ Р 51740-2016 "Technical Specifications for food

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<sup>311</sup> Статья 2 (13) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>312</sup> Information is taken from the official website of State Centre of Testing, Certification and Standardization at Gociss.ru. [[http://www.gociss.ru/technicheskie\\_usloviya](http://www.gociss.ru/technicheskie_usloviya)] accessed 21.01.2018.

<sup>313</sup> Data are taken from the official website of State Centre of Testing, Certification and Standardization at Gociss.ru. [[http://www.gociss.ru/technicheskie\\_usloviya](http://www.gociss.ru/technicheskie_usloviya)] accessed 21.01.2018.

<sup>314</sup> Статья 2 (15) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>315</sup> Статья 21(3) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>316</sup> Information is taken from the official website of the Federal Budget Organization “Rostest”, Moscow in the field of practical metrology, certification and laboratory tests. [http://www.rostest.ru/tekhnicheskie-usloviya.php?clear\\_cache=Y](http://www.rostest.ru/tekhnicheskie-usloviya.php?clear_cache=Y) [accessed 22.07.2018].

<sup>317</sup> Data are taken from the official website of State Centre of Testing, Certification and Standardization at Gociss.ru. [http://www.gociss.ru/technicheskie\\_usloviya](http://www.gociss.ru/technicheskie_usloviya) [accessed 21.01.2018].

products. Specifications for food products. General requirements for development and lay out” lays down general requirements for construction, presentation, maintenance, registration, designation, approval, registration, updating, cancellation of technical specifications (TY) for food products produced and /or released in circulation on the territory of the Russian Federation.<sup>318</sup> The standard was prepared by the Joint Stock Company "All-Russian Scientific Research Institute of Certification" (OAO "ВНИИС") and the Technical Committee for Standardization (TC 335) “"Methods of testing agro-industrial products for safety", and adopted the Federal Agency “Rosstandart”.<sup>319</sup> It came into force on January 1, 2018.

In addition, technical specification for food products of a manufacturer sets out requirements for quality and safety of a particular food product in order to identify the product, control its quality and safety in production, storage, transportation. To identify a specific food product unambiguously in the specification, its name, organoleptic, physical and chemical indices, the composition and content of the ingredients, and, if necessary, the shape, size, mass, category, grade and other indices are provided.<sup>320</sup>

Technical specifications are developed:<sup>321</sup>

- in the absence of a national standard of the Russian Federation (ГОСТ Р) or an interstate standard (ГОСТ) operating in the Russian Federation as a national standard;
- in case of available standards (general technical specification or technical specification), when the original holder considers it necessary to clarify or supplement the requirements for a specific food product (for example, adding the name "invented name" of a particular manufacturer according to the technical regulations; the recipe; the expiration date established by the manufacturer; storage and transportation conditions and other requirements).

The main part of the “TY” consists of the following sections:<sup>322</sup>

- "Application area";
- "Requirements for quality and safety";
- "Marking";
- "Packaging";
- "Rules of acceptance";
- "Control methods";
- "Rules of transportation and storage."

The name of a specific food product used in the «TY» must comply with the requirements of ГОСТ Р 51074-2016. The designation of the Technical Specification is «TY 1115-017-38576343-93», where 1115 - the code of the group of products by ОКР; 017 - registration number; 38576343 - company code for ОКПО.<sup>323</sup>

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<sup>318</sup> Раздел 1 Государственного стандарта Российской Федерации ГОСТ Р 51740-2016. Технические условия на пищевую продукцию. Общие требования к разработке и оформлению. 01.01.2018.

<sup>319</sup> Приказ Министерства промышленности и торговли Российской Федерации Федеральное Агентство по техническому регулированию и метрологии от 28 ноября 2016 года №1816-ст «Об утверждении национального стандарта Российской Федерации».

<sup>320</sup> Раздел 3 Государственного стандарта Российской Федерации ГОСТ Р 51740-2016. Технические условия на пищевую продукцию. Общие требования к разработке и оформлению. 01.01.2018.

<sup>321</sup> Раздел 1 Государственного стандарта Российской Федерации ГОСТ Р 51740-2016. Технические условия на пищевую продукцию. Общие требования к разработке и оформлению. 01.01.2018.

<sup>322</sup> Раздел 4 Государственного стандарта Российской Федерации ГОСТ Р 51740-2016. Технические условия на пищевую продукцию. Общие требования к разработке и оформлению. 01.01.2018.

<sup>323</sup> Мырзина М.В., Радостева Э.М., Бартова Е.В., Зырянова А.А., Русинова О.Ю. 2015. Стандартизация, метрология, сертификация: учебное пособие . Пермь: Пермская ГСХА, с.11.

#### 1.6.3.7. Code of Practices («Сводьы»)

A Code of Practice («Сводьы») is a standardization document, which contains technical rules and/or description of design processes (including surveys), production, construction, installation, commissioning, operation, storage, transportation, sale and disposal of products.<sup>324</sup> It can be approved by the federal agency “Rosstandart” or the State Atomic Energy Corporation “Rosatom” and is applied on voluntary basis in order to comply with the requirements of technical regulations.<sup>325</sup> The procedure for developing, approving, publishing, amending and repealing sets of rules is established by the Government of the Russian Federation.

#### 1.6.3.8. Coding of Standards in Food Industry

The coding of standards is carried out in accordance with the All-Russian Classifier of Standards (“OKC”). It complies with the International Classification of Standards approved by the ISO and recommended for use in the ISO member countries. The “OKC” also corresponds to the Interstate Classifier of Standards. In accordance with the “OKC”, food standards are included in section 67 “Food technology”, which is divided into fifteen groups:<sup>326</sup>

*67.020 Processes in the food industry*  
*67.040 Agricultural food products in general*  
*67.060 Cereals, pulses and products of their processing*  
*67.080 Fruit. Vegetables*  
*67.100 Milk and milk products*  
*67.120 Meat, meat products and other animal products*  
*67.140 Tea, coffee, cacao*  
*67.160 Drinks*  
*67.180 Sugar. sugar products. starch*  
*67.190 Chocolate*  
*67.200 Oils and fats. Oilseeds*  
*67.220 Spices. food additives*  
*67.240 Organoleptic analysis*  
*67.250 Materials and articles in contact with foodstuffs*  
*67.260 Installations and equipment for the food industry*  
*For example, group 67.120 is divided into the following subgroups:*  
*67.120.01 Animal products in general*  
*67.120.10 Meat and meat products*  
*67.120.20 Poultry and eggs*  
*67.120.30 Fish and fish products*

The main functions of the coding system are:

- to create a single information center in Russia;
- to systematize information according to the unified classification rules and their use in accounting and reporting, forecasting;
- to streamline standardization and certification of products and services;
- to harmonize the coding system with international and regional classifications and standards.

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<sup>324</sup> Цапко Е.А. 2013. Основы технического регулирования. Изд-во Томского политехнического университета. С.79.

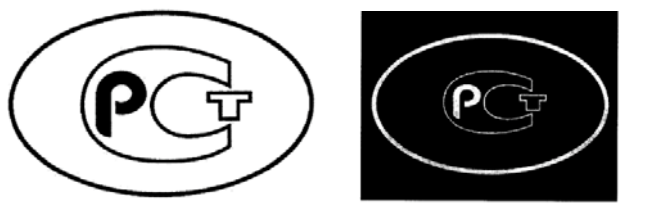
<sup>325</sup> Статья 2 (12) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>326</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.59.

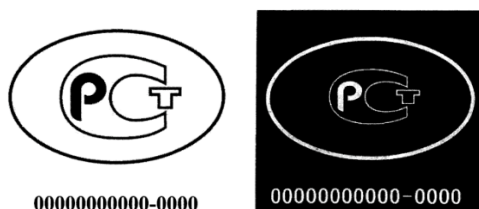
### 1.6.3.9. Image and form of the sign of the national standardization system

The documents of the national standardization system are marked by the sign of the national standardization system to inform the interested persons that they belong to the national standardization system, and that the products correspond to the national standard. Operational or other documentation attached to such products can be also marked with this standard sign.<sup>327</sup>

1. Signs used for marking documents in the national standardization system:<sup>328</sup>



2. Signs used for marking products (work, services) and (or) operational or other documentation attached to it:<sup>329</sup>



## 1.6.4. Authority in Standardization/Technical Regulation

### 1.6.4.1. Federal Agency on Technical Regulation and Metrology (“Rosstandart”)

The responsible organization, who manages the Russian national standardization and technical regulation is the Federal Agency on Technical Regulation and Metrology “Rosstandart”.<sup>330</sup> The Federal Agency<sup>331</sup> for Technical Regulation and Metrology was renamed into “Rosstandart” in June, 2010. Previously, it was the “Rostechregulirovaniye” (2004- 2010). As the standardization body, it is recognized at the national level and represents the Russian Federation in international and regional organizations on standardization.<sup>332</sup>

<sup>327</sup>Статья 31 Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>328</sup> Приложение № 1 к Изображению и описанию знака национальной системы стандартизации, утвержденным Приказом Минпромторга и Федерального агентства по техническому регулированию и метрологии от 23 июня 2016 г. № 795 «Об утверждении изображения и описания знака национальной системы стандартизации».

<sup>329</sup> Приложение № 1 к Изображению и описанию знака национальной системы стандартизации, утвержденным Приказом Минпромторга и Федерального агентства по техническому регулированию и метрологии от 23 июня 2016 г. № 795 «Об утверждении изображения и описания знака национальной системы стандартизации».

<sup>330</sup>It was established in accordance with the Decree of the President of the Russian Federation of May 20, 2004 No. 649 "Issues of the structure of federal executive bodies".

<sup>331</sup>The federal state agency is a federal executive body of Russia. The main functions are law enforcement, provision of public services, management of state property. The status of federal agencies was streamlined in 2004 as a result of administrative reform. Most federal agencies are under the jurisdiction of the relevant federal ministries, but some directly report to the President or the Government of Russia.

<sup>332</sup> П.5.17, Постановление Правительства Российской Федерации от 13 мая 2016 года № 409 «О внесении изменений в постановление Правительства Российской Федерации от 17 июня 2004 г. №294».

The Federal Agency for Technical Regulation and Metrology is part of the system of federal executive bodies of the Russian Federation. It is under the jurisdiction of the Ministry of Industry and Trade of the RF.<sup>333</sup> The “Rosstandart”, being as the federal executive body, is responsible for providing public services, managing state property in the area of technical regulation, standardization and metrology.<sup>334</sup> The Federal Agency “Rosstandart” carries out control and supervision over compliance with the mandatory requirements of national standards and technical regulations<sup>335</sup> and carries out state metrological supervision.<sup>336</sup> The Federal Agency carries out its activities directly, through its territorial bodies and through subordinate organizations such as research institutes of the Russian standard and technical committees for standardization.<sup>337</sup> The “Rosstandart” is located in Moscow, the RF.

The functions and powers of “Rosstandart” in the field of *standardization* are:

- to implement the state policy of the Russian Federation in the sphere of standardization;<sup>338</sup>
- to examine draft national standards;
- to develop documents of the national standardization system and work on standardization in the national system of standardization, international standardization and regional standardization, as well as on interstate standardization;<sup>339</sup>
- to form, maintain and publish a list of national standards, information and technical reference books, references;
- to approve, modify (update) and cancel documents of the national standardization system, to set the date of their implementation, to develop and register the basic national standards and standardization rules, and the date of their implementation;
- to prepare proposals regarding the state policy of the Russian Federation in the sphere of standardization for the Ministry of Industry and Trade of the Russian Federation;<sup>340</sup>
- to manage activities of technical committees for standardization, project technical committees for standardization;
- to introduce interstate standards, to abolish interstate standards or suspend interstate standards;
- to create and liquidate technical committees on standardization and project technical committees on standardization;<sup>341</sup>
- approve national standards.

The functions and duties of “Rosstandart” in the field of *technical regulation* are:

- to develop a unified information system for technical regulation;<sup>342</sup>

<sup>333</sup> П.2, Раздел 1, Постановление Правительства Российской Федерации от 17 июня 2004 года № 294 «О федеральном агентстве по техническому регулированию и метрологии» (с изменениями на 14 февраля 2017 года).

<sup>334</sup> П.1, Раздел 1, Постановление Правительства Российской Федерации от 17 июня 2004 года № 294 «О федеральном агентстве по техническому регулированию и метрологии» (с изменениями на 14 февраля 2017 года).

<sup>335</sup> Постановление Правительства Российской Федерации от 13 мая 2016 года № 409 «О внесении изменений в постановление Правительства Российской Федерации от 17 июня 2004 г. №294».

<sup>336</sup> Постановление Правительства Российской Федерации от 15 июня 2009 года № 482 «О внесении изменений в некоторые постановления Правительства Российской Федерации».

<sup>337</sup> Никитченко В.Е., Васильев В.А., Никитченко Д.В. 2008. Стандартизация в пищевой промышленности как фактор повышения качества продуктов. М.: РУДН, с.39.

<sup>338</sup> Постановление Правительства Российской Федерации от 13 мая 2016 года № 409.

<sup>339</sup> Постановление Правительства Российской Федерации от 13 мая 2016 года № 409.

<sup>340</sup> Постановление Правительства Российской Федерации от 13 мая 2016 года № 409.

<sup>341</sup> П.5.4.4, Постановление Правительства Российской Федерации от 17 июня 2004 года № 294 «О федеральном агентстве по техническому регулированию и метрологии» (с изменениями на 14 февраля 2017 года).

<sup>342</sup> П.5.4.17, Постановление Правительства Российской Федерации от 17 июня 2004 года № 294 «О федеральном агентстве по техническому регулированию и метрологии» (с изменениями на 14 февраля 2017 года).

- to develop a List of products subject to mandatory confirmation of compliance;
- to introduce a single register of registered voluntary certification systems;
- to collect and process information in cases of harm caused by violation of the requirements of technical regulations, as well as to inform purchasers, manufacturers and sellers on compliance with the requirements of technical regulations;
- to publish draft technical regulations, draft federal law on technical regulations adopted by the State Duma or the Federal Assembly of the RF on the first reading, as well as the conclusions of expert commissions on technical regulation for public discussion;<sup>343</sup>
- to publish notifications on development, completion of public discussion and approval of the national standard, a list of national standards that can be applied voluntarily to comply with the requirements of technical regulations, the official publication of national standards and all-Russian classifiers of technical, economic and social information and their dissemination;<sup>344</sup>

#### 1.6.4.2. Technical Committees

Technical committees for standardization (“TK”) are created by the federal executive body in the sphere of standardization.<sup>345</sup> The technical committees may include representatives of federal executive bodies, the State Atomic Energy Corporation “Rosatom”, other state corporations, executive authorities of the constituent entities of the Russian Federation and municipal entities, scientific organizations, including manufacturers and public associations of the consumers.<sup>346</sup> The “TK” can also be created on the basis of enterprises (organizations), specializing in certain types of products and possessing the highest scientific and technical potential in this area.

Technical committees for standardization take part in the development of national standards, international standards, regional standards and interstate standards.<sup>347</sup> To determine the status of a “TK”, the Federal Agency “Rosstandart” adopted a standard ГОСТ Р 1.1-2005 “Standardization in the Russian Federation. Technical committees for standardization. The order of creation and activities”, as well as the Recommendation on Standardization “P 50.1.065-2008” Standardization in the Russian Federation. The Model Provision on Technical Committees for Standardization”, which provide detailed provisions on the functions of the “TK”.

The development of food standards is carried out by the following technical committees(TK):<sup>348</sup>

- *Technical Committee TK003 “Bakery and pasta”*
- *Technical Committee TK036 “Specialized food products”*
- *Technical Committee TK040 “Products of organic production”*
- *Technical Committee TK091 “Beer non-alcoholic and wine products”*
- *Technical Committee TK092 “Transportation and storage of food products”*

<sup>343</sup> П.5.4.1, Постановление Правительства Российской Федерации от 17 июня 2004 года № 294 «О федеральном агентстве по техническому регулированию и метрологии» (с изменениями на 14 февраля 2017 года).

<sup>344</sup> П.5.4.2, Постановление Правительства Российской Федерации от 17 июня 2004 года № 294 «О федеральном агентстве по техническому регулированию и метрологии» (с изменениями на 14 февраля 2017 года).

<sup>345</sup> Статья 11 (1) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>346</sup> Статья 11 (2) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>347</sup> Статья 11 (17) Федерального закона от 29 июня 2015 года № 162-ФЗ «О стандартизации в Российской Федерации» (с изменениями на 3 июля 2016 года).

<sup>348</sup> Data are taken from the official website of the Federal Agency on Technical Regulation and Metrology “Rosstandart” about Technical Committees, updated on 16.11.2015 <http://www.gost.ru/wps/portal/pages.TechCom> Accessed 25.01.2018.

- *Technical Committee TK093 “Products from processed fruits, vegetables and mushrooms”*
- *Technical Committee TK116 “Egg, poultry and products of their processing”*
- *Technical Committee TK149 “Confectionery”*
- *Technical Committee TK 152 Food concentrates, tea, coffee, natural flavors and dyes*
- *Technical Committee TK 154 Food additives, flavors, salt.*
- *Technical Committee TK176 Alcohol, yeast and alcoholic beverages*
- *Technical Committee TK178 Fresh fruits, vegetables and mushrooms, products of essential oil, medicinal, nut-fruit crops and floriculture*
- *Technical Committee TK226 Meat and meat products, TK238 Vegetable oils and products of their processing*
- *Technical Committee TK250 Starch products and potato products*
- *Technical Committee TK451 Tea, coffee and drinks based on them*
- *Technical Committee TK470 Milk and milk processing products*

## 1.7. Certification in the Russian Federation

### 1.7.1. Legal Basis for Certification in the Russian Federation

In a market economy, the most effective way to confirm that the products and services provided by manufacturers comply with the established requirements is certification.<sup>349</sup> The Certification was introduced in Russia in 1992 as a protective measure against dangerous and bad quality products in accordance with the Law of the Russian Federation of February 7, 1992 No. 2300-1 “On protection of consumers’ rights”, which established compulsory certification for safety of consumers’ products.<sup>350</sup> In accordance with this law, to ensure safety of life and health of the consumer, and the environment, to prevent damage to the property of the consumer, the assessment of conformity of goods including works and service to the specified requirements is introduced as mandatory confirmation, in case the mandatory requirements are established by the law or other legal acts.<sup>351</sup> Based on this provision, the Government of the RF establishes a list of goods subject to mandatory certification.<sup>352</sup>

Since certification is one of the activities for assessment of conformity,<sup>353</sup> consequently an important federal law was adopted, the Federal Law of June 10, 1993 No.5151-1 “On Certification of products and services”. In accordance with this law, the state committee of the RF on standardization, metrology and certification “Gosstandart” established the certification system «ГОСТ Р»<sup>354</sup> to provide principles, structure and rules of the Certification system for compulsory certification,<sup>355</sup> as well as procedures for voluntary certification. As for food products, a complementary normative basis is “The rules on certification of food products and raw materials” registered by the Ministry of Justice of the

<sup>349</sup> Кутырев Г.А., Сысоева Е.В. 2012. Контроль качества продуктов питания. Казань. Издательство КНИТУ, с.67.

<sup>350</sup> Лифиц И.М. 2005. Стандартизация, метрология и сертификация: Учебник. – 5-е изд., перераб. и доп. Москва: Юрайт-Издат., с.227.

<sup>351</sup> Статья 7(4) Закона Российской Федерации от 7 февраля 1992 г. № 2300-1 «Защите прав потребителей» (ред. От 01.05.2017).

<sup>352</sup> Статья 7(4) Закона Российской Федерации от 7 февраля 1992 г. № 2300-1 «Защите прав потребителей» (ред. От 01.05.2017).

<sup>353</sup> Лифиц И.М. 2005. Стандартизация, метрология и сертификация: Учебник. – 5-е изд., перераб. и доп. Москва: Юрайт-Издат., с.223.

<sup>354</sup> Certification system «ГОСТ Р» was introduced by the Decision of the State Committee of the RF on standardization, metrology and certification “Gosstandart” of March 17, 1998 No.11 “About establishment of the provisions on Certification System ГОСТ Р”.

<sup>355</sup> Преамбула Постановления Государственного комитета Российской Федерации по стандартизации, метрологии и сертификации от 17 марта 1998 г. № 11 «Об утверждении Положения о Системе сертификации ГОСТ Р \*О» (с измен. на 12 мая 2009 г.).



RF on May 5, 1999 No. 1777.<sup>356</sup> The rules on certification of food products and raw materials were developed in accordance with the Federal Law No.5151-1 “On certification of products and services” and the Law of the RF No. 2300-1 “On protection of consumers’ rights”.<sup>357</sup>

However, with the adoption of the Federal Law “On technical regulation”, standardization and certification systems have undergone significant changes which resulted in abolition of both the Federal Law of June 10, 1993 No. 5154-1 “On Standardization” and the Federal Law of June 10, 1993 No.5151-1 “On Certification of products and services”. The Federal Law “On technical regulation” introduced new principles for assessment of conformity in the certification system of the RF. Furthermore, since September 22, 2016 the Order of September 22, 2016 No.3358 of the Ministry of Industry and Trade of the RF, has abolished the provisions on certification system «ГОСТ Р» which were established by the Decision of “Gosstandart” of 17 March 1998 No.11, the Decision of 22 April 2002 No. 30 and the Order of “Rostechregulirovaniye” of 12 May 2009 No.1721.<sup>358</sup> Some experts believe that voluntary certification on quality of products will replace the system of mandatory certification in Russia.<sup>359</sup> In 2017, the Federal Agency on technical regulation and metrology “Rosstandart” with support of the Ministry of Industry and Trade of the RF planned to launch the project on a voluntary certification system of products and services, and by 2018 it is forecasted to implement the voluntary certification system in Russia in full.<sup>360</sup>

The legal consequences of the order of September 22, 2016 No. 3358 of the Ministry of Industry and Trade of Russia to abolish provisions on certification system “ГОСТ Р” of 1998, 2002 and 2009, resulted in abolishment of forms (blanks) of the ГОСТ Р Certification System for mandatory certification.<sup>361</sup> As a result, the provisions on certification system “ГОСТ Р” of 1998, 2002 and 2009 are no longer valid on the basis of the order of No.3358 since November 25, 2016.<sup>362</sup> However, the adoption of the order No. 3358 of the Ministry of Industry and Trade of Russia does not change the legal regulation of activities in the field of voluntary certification.<sup>363</sup> The voluntary assessment of conformity is regulated by Article 21 of the Federal Law "On Technical Regulation".<sup>364</sup>

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<sup>356</sup> Окара А.И. 2006. Безопасность и качество пищевых продуктов в системе технического регулирования. Хабаровск: РИЦ ХГАЭП, с. 26.

<sup>357</sup> Раздел 1 Постановления Государственного комитета Российской Федерации по стандартизации и метрологии от 28 апреля 1999 г. № 21 «О правилах проведения сертификации пищевых продуктов и продовольственного сырья (Минюст № 1777 от 05.05.99 с изменениями на 18 июня 2002 года)».

<sup>358</sup> Приказ Министерства промышленности и торговли Российской Федерации от 22 сентября 2016 г. № 3358 «О признании не подлежащим применению постановлений Госстандарта России от 17 марта 1998 г. № 11 и от 22 апреля 2002 г. № 30 и приказа Ростехрегулирования от 12 мая 2009 г. № 1721».

<sup>359</sup> Certification system ГОСТ Р is abolished in Russia. On-line magazine Attek experts 22/11 / В России отменяется система сертификации, онлайн-журнал 22/11 <https://www.centrattek.ru/info/otmena-GOST-R/> [accessed 30.01.2018].

<sup>360</sup> In 2017, in Russia a pilot project on voluntary certification system is planned./ В 2017 году в России будет запущен пилотный этап реализации системы добровольной сертификации. Онлайн-журнал Attek experts 18/11 <https://www.centrattek.ru/novosti/2110/> [accessed 30.01.2018].

<sup>361</sup> Explanations of the Ministry of Industry and Trade of the RF of November 30, 2016: Разъяснения Министерства промышленности и торговли РФ от 30 ноября 2016 г. «Разъяснения по вопросу добровольной сертификации в Системе сертификации ГОСТ Р в связи с изданием приказа Минпромторга России от 22 сентября 2016 г. № 3358 «О признании не подлежащими применению постановлений Госстандарта России от 17 марта 1998 г. № 11 и от 22 апреля 2002 г. № 30 и приказа Ростехрегулирования от 12 мая 2009 г. № 1721».

<sup>362</sup> Преамбула Приказа Министерства промышленности и торговли Российской Федерации от 22 сентября 2016 г. № 3358 «О признании не подлежащим применению постановлений Госстандарта России от 17 марта 1998 г. № 11 и от 22 апреля 2002 г. № 30 и приказа Ростехрегулирования от 12 мая 2009 г. № 1721».

<sup>363</sup> Explanations of the Ministry of Industry and Trade of the RF of November 30, 2016. <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=207898&rnd=299965.212710933&dst=100009&fld=134#0> [accessed 30.01.2018].

<sup>364</sup> Explanations of the Ministry of Industry and Trade of the RF of November 30, 2016. <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=207898&rnd=299965.212710933&dst=100009&fld=134#0> [accessed 30.01.2018].

Thus, taking into account that there is no new adopted legislation in place of the abolished legal acts on the certification system in the RF, the Federal Law “On technical regulation” will be analyzed to understand the principles of certification and provisions on voluntary assessment of conformity. In addition, the following subordinate documents, which should be used for guidance<sup>365</sup> in procedures for voluntary certification of products and works/services in the ГОСТ Р system according to the Ministry of Industry and Trade of Russia, will be included in the analysis, when necessary:

1. Decision of the State Committee of the RF on Standardization, Metrology and Certification of August 5, 1997 No.17 "On adoption and enforcement of the Certification Rules".

*These rules are used for mandatory and voluntary certification of works and services in the Russian Federation. On the basis of these certification rules, federal executive bodies within their competence can develop and adopt rules for certification of homogeneous works and services;*<sup>366</sup>

2. Decision of the State Committee of the RF on Standardization, Metrology and Certification of September 21, 1994 No.15 "On establishment of certification rules in the Russian Federation";<sup>367</sup>

3. Decision of the State Committee of the RF on Standardization, Metrology and Certification of March 17, 1998 No.12 "On approval of the rules for certification"ГОСТ Р” Certification System. Forms of basic documents used in the System".

*The Decision covers the main forms of documents used for certification in the ГОСТ Р Certification System and establishes the forms of applications and declarations of conformity, as well as the forms and rules for the completion of certificates of conformity;*<sup>368</sup>

4. Decision of the State Committee of the RF on Standardization and Metrology of November 4, 2000 No. 76 "On putting into effect the Voluntary Certification System for the products of the State Standard of Russia».

*The Decision lays down objectives, principles, structure and rules of the Voluntary Product Certification System, established by the State Standard of Russia in accordance with the Federal Law of the Russian Federation "On certification of products and services" of June 10, 1993 No. 5151-1, as amended, introduced by federal laws of December 27, 1995 N 211-FZ, dated March 2, 1998 N 30-FZ, dated July 31, 1998 N 154-FZ;*<sup>369</sup>

5. Decision of State Committee of the RF on Standardization and Metrology of April 28, 1999 No.21 “On the Rules for Certification of Food and Food Raw Materials (Ministry of Justice No. 1777 05.05.99) (as amended on June 18, 2002)”<sup>370</sup>

*The Decision was developed in accordance with the Law of the Russian Federation "On certification of products and services" of June 10, 1998 N 5151-1 for compulsory certification which was provided by the Law of the Russian Federation "On the Protection of Consumer Rights" in the version of federal laws of 09.01.96 N 2-FZ, of 17.12.99 N 212-FZ. This document is used for compulsory certification of food products, as well as voluntary*

<sup>365</sup> Explanations of the Ministry of Industry and Trade of the RF of November 30, 2016.

<http://www.garant.ru/products/ipo/prime/doc/71451796/> [accessed 30.01.2018].

<sup>366</sup> Преамбула Постановления Государственного комитета Российской Федерации по стандартизации, метрологии и сертификации от 5 августа 1997 г. № 17 «О принятии и введении в действие Правил сертификации».

<sup>367</sup> Decision of September 21, 1994 No.15 was included in the list (2016), however it was abolished by the Order of the Ministry of Industry and Trade of the RF dated 05.04.2017 No.1037.

<sup>368</sup> Р.1 Постановления Государственного комитета Российской Федерации по стандартизации, метрологии и сертификации от 17 марта 1998 г. № 12 «Об утверждении правил по сертификации «Система сертификации ГОСТ Р. Формы основных документов, применяемых в Системе» (с изменениями на 12 мая 2009 года).

<sup>369</sup> Постановление Госстандарта России от 4 ноября 2000 г. № 76 «О введении в действие Системы добровольной сертификации продукции Госстандарта России».

<sup>370</sup> Decision of April 28, 1999 No.21 was not included in the list for guidance provided by the Ministry of Industry and Trade of the RF (2016). Since the Decision of April 28, 1999 No. 21 “On the rules for certification of food and food raw materials” as amended on June 18, 2002 is still effective, this document will be also used in this chapter on certification.

certification of such products, taking into account the specifics established by this document.<sup>371</sup>

To note that the terms, definitions, objectives, principles, participants, general rules of certification, stipulated in the above Decisions, still correlate with the Federal law of June 10, 1993 No.5151-1 “On certification of products and services” which was abolished with adoption of the Federal Law “On technical regulation”.

### 1.7.2. What is Certification?

As it was discussed in the chapter on technical regulation in the RF, the basic provisions of technical regulation consists of three major parts: mandatory requirements on safety of products and processes, standards that are used on a voluntary basis and assessment of conformity, which includes mandatory and voluntary certification. See Fig.7.

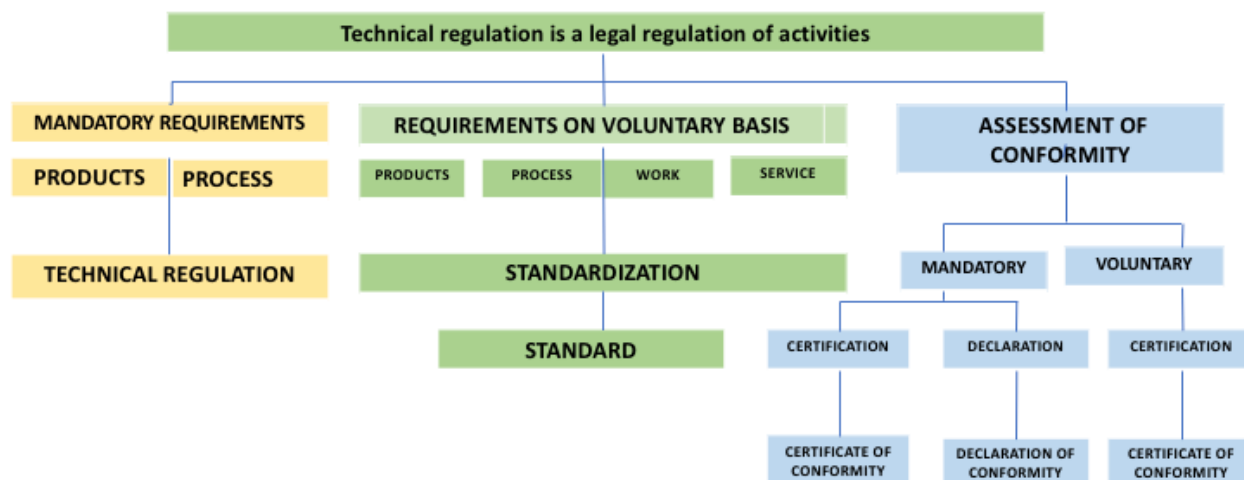


Fig.7. Basic provisions of Technical regulation.<sup>372</sup>

Taking into account the legal changes of 2016 in the certification system of the RF<sup>373</sup> and following the guidelines of the Ministry of Industry and Trade of the RF, the main focus will be given to the assessment of conformity based on a voluntary certification with a brief information about mandatory certification merely to understand its concept.

#### 1.7.2.1. Definition

According to the Art.2 of the Federal Law “On technical regulation”, certification is the form of conformation that the objects comply with the requirements of technical regulations, standardization documents or contractual terms by the certification body.<sup>374</sup> The form of conformation is the assessment of conformity (*“подтверждение соответствия”*). The assessment of conformity, according to the Art. 2 of the Federal Law “On technical regulation”, is a documentary certification of compliance (conformity) of products or other objects, design processes (including surveys), production, construction, installation, commissioning, operation, storage, transportation, sale and disposal,

<sup>371</sup> Преамбула Постановления Государственного комитета Российской Федерации по стандартизации и метрологии от 28 апреля 1999 г. № 21 «О правилах проведения сертификации пищевых продуктов и продовольственного сырья (Минюст № 1777 от 05.05.99 с изменениями на 18 июня 2002 года)».

<sup>372</sup> Секацкий В.С, Григорьева О.А. 2008. Стандартизация. Электронное учебное пособие Красноярск: ИПК СФУ, с.11.

<sup>373</sup> Приказ Министерства промышленности и торговли Российской Федерации от 22 сентября 2016 г. № 3358 «О признании не подлежащим применению постановлений Госстандарта России от 17 марта 1998 г. № 11 и от 22 апреля 2002 г. № 30 и приказа Ростехрегулирования от 12 мая 2009 г. № 1721».

<sup>374</sup> Статья 2 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

performance of work or provision of services to the requirements of technical regulations, standardization documents or contractual conditions.<sup>375</sup> The assessment of conformity can be voluntary and mandatory. The assessment of conformity is carried out in the forms of: a Certificate of Conformity and a Declaration of Conformity. The definition of the assessment of conformity, according to the Decision of the State Committee of the Russian Federation for Standardization and Metrology of May 10, 2000 No. 26 "On Approval of the Rules for Conducting Certification in the Russian Federation" has a precise explanation: it is a procedure, the result of which is a documentary evidence (certificate of conformity or declaration of conformity), certifying that the product meets the established requirements.<sup>376</sup>

The Russian term *“подтверждение соответствия”* has three different English interpretations: “attestation”, “compliance conformation” and “assessment (conformation) of conformity” with the same meaning. For example, the English courtesy translations of the Federal Law “On technical regulation” provided on the WTO.org website gives the translation for *“подтверждение соответствия”* as “compliance confirmation”,<sup>377</sup> while interpretation of the Technical Regulation of the Customs Union TR CU 021/2011 “On safety of food products” into English (by USDA FAS GAIN Report) refers to “assessment (conformation) of conformity”.<sup>378</sup>

To have a better understanding of this term, international standard for vocabulary was used. According to the adopted international standard in Russia “ГОСТ ISO/IEC 17000-2012 Оценка соответствия. Словарь и общие принципы”(Conformity Assessment. Vocabulary and general principles),<sup>379</sup> the Russian term *“подтверждение соответствия”*<sup>380</sup> is translated into English as *“attestation”* which means the issuance of an application based on the decision taken after the *review* that the fulfillment of the *specified requirements* is proven. Review (итоговая проверка) means to verify suitability, adequacy and efficiency of selection and determination, as well as their effectiveness, of the object of conformity assessment subject to the fulfillment of specified requirements.<sup>381</sup> However, the English term *“attestation”* for the Russian term *“подтверждение соответствия”* was not used in either English translations of the Federal Law.

To avoid confusion, the English version of USDA GAIN Report *“assessment of conformity”* will be used for the Russian term *“подтверждение соответствия”* in this research, because the term «оценка соответствия» is translated into Russian as “conformity assessment” in the ISO/IEC 17000, which has the following definitions: in the Federal Law “On technical regulation” -conformity assessment («оценка соответствия») is

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<sup>375</sup> Статья 1 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>376</sup> Р. 1 (1.1) Постановления Государственного комитета Российской Федерации по стандартизации и метрологии от 10 мая 2000 г. № 26 « Об утверждении Правил по проведению сертификации в Российской Федерации Минюст № 2284 27.06.2000» (с изменениями на 5 июля 2002 года).

<sup>377</sup> Article 1/ Article 18 -21 of the Federal Law of December 27, 2002 No. 184-FZ “On technical regulation”.

<sup>378</sup> Article 4/Article 21 of the Technical Regulation of the Customs Union TR CU 021/2011 “On safety of food products”.

<sup>379</sup> The international standard ISO/IEC 17000 was adopted in Russia under “ГОСТ ISO/IEC 17000-2012 Оценка соответствия. Словарь и общие принципы/Conformity assessment. Vocabulary and general principles” by the Order of the Federal Agency on technical regulation and metrology of 25 December 2012 No1962-ст, which came into effect in 01.09.2013 as a national standard. This standard establishes general terms and definitions relating to conformity assessment, including the accreditation of conformity assessment bodies, as well as the use of conformity assessment for the purpose of facilitating trade.

<sup>380</sup> *“подтверждение соответствия (attestation): Выдача заявления, основанного на принятом после **итоговой проверки** (review) решении о том, что выполнение **заданных требований** (specified requirements) доказано”*. Раздел 5 (5.2) Межгосударственного стандарта. Оценка Соответствия. Словарь и Общие принципы. Conformity assessment. Vocabulary and general principles. ГОСТ ISO/IEC 17000-2012 Оценка соответствия. Словарь и общие принципы.

<sup>381</sup> Раздел 5 (5.1) Межгосударственного стандарта. Оценка Соответствия. Словарь и Общие принципы. Conformity assessment. Vocabulary and general principles. ГОСТ ISO/IEC 17000-2012 Оценка соответствия. Словарь и общие принципы.

a direct or indirect determination of compliance with the requirements for the facility,<sup>382</sup> and in the International Standard ISO/IEC 17000 “conformity assessment («оценка соответствия») is the evidence that the specified requirements for the product, process, system, person or body are met”.<sup>383</sup>

### **1.7.2.2. Objectives of Assessment of Conformity**

Assessment of Conformity is carried out in order to:<sup>384</sup>

- certify conformity of products, production processes, operation, storage, transportation, sale and disposal, works, services or other objects to technical regulations, standards, contract terms;
- assist consumers in making a competent choice of products, works, services;
- increase competitiveness of products, works, services in the Russian and international markets;
- create conditions for free movement of goods across the territory of the Russian Federation, as well as for international economic, scientific and technical cooperation and international trade.

It should be noted that the main objective of certification “to ensure safety of life and health of the consumer” stipulated in the Art.3 of the Law of the RF No.2300-1 “On protection of consumers’ rights” was transformed into as “to assist consumers in making a competent choice of products and services” in the Federal Law “On technical regulation” .

The objectives of Assessment of Conformity cover both mandatory and voluntary certification. However, the objective “to increase competitiveness of products” relates mainly to voluntary certification.<sup>385</sup> The products, including work/services that passed voluntary certification procedure and are labelled with the conformity mark of the voluntary certification system acquire certain competitive advantages.

### **1.7.2.3. Principles of Assessment of Conformity**

Assessment of Conformity is based on the following principles:<sup>386</sup>

- provide information about the assessment of conformity procedure to the interested persons;
- mandatory assessment of conformity must not be applied to the objects for which the requirements of technical regulations are not established;
- establish a list of forms and schemes of mandatory assessment of conformity for certain types of products in the relevant technical regulations;
- reduce mandatory assessment of conformity terms and costs of an applicant;
- voluntary assessment of conformity must not be compulsory, including in a certain system of voluntary certification;
- protect an applicant’s property interests, maintain commercial secrets with respect to information obtained for conformity assessment;
- mandatory assessment of conformity must not be substitute with a voluntary certification;

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<sup>382</sup> Статья 2 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>383</sup> Р 2 (2.1) Межгосударственный стандарт ГОСТ ISO/IEC 17000-2012. Оценка соответствия. Словарь и общие принципы.

<sup>384</sup> Статья 18 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>385</sup> Техническое регулирование. 2010. Правовые аспекты реформы (комментарий к Федеральному закону «О техническом регулировании». Коллектив авторов. Москва. Научный эксперт, с.247.

<sup>386</sup> Статья 19 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

- assessment of conformity is to be developed and applied equally regardless of the country and (or) the place of origin of products, processes of production, operation, storage, transportation, sale and utilization, performance of works and services, types or features of transactions and (or) persons, who are manufacturers, executors, sellers, purchasers.

The Federal Law “On technical regulation” provides new principles with regards to assessment of conformity, such as “accessibility of information about conformity assessment to the interested persons”. Such information is included in technical regulations and standards, which are available as a result of the work of the Federal Information Fund of TR and standards.<sup>387</sup> Based on this principle all information regarding certification of products, including the terms of contracts and the cost should be available to applicants.

Another new principle is “mandatory assessment of conformity should not be applied to the products for which there are no requirements in the TR, and “mandatory assessment of conformity must not be substituted with voluntary certification”. This principle is included due to the fact that in practice this principle was often enough violated, as well as it led to an increase of certification costs.<sup>388</sup> The principle “voluntary assessment of conformity must not be compulsory” is also a new one.

### 1.7.3. Forms of the Assessment of Conformity

Assessment of Conformity in the territory of the Russian Federation may be voluntary or mandatory according to the Federal Law “On technical regulation”. Voluntary Assessment of Conformity is carried out in the form of voluntary certification – “Certificate of Conformity”. The mandatory assessment of conformity is carried out in two forms:

1. Declaration of Conformity;
2. Mandatory certification – “Certificate of Conformity”.<sup>389</sup>

Declaration is to be done by the first party, while certification for products, processes, systems, personnel is to be done by a third party.<sup>390</sup>

The structural scheme of assessment of conformity is given in the Fig.8.

<sup>387</sup> Окара А.И. 2006. Безопасность и качество пищевых продуктов в системе технического регулирования. Хабаровск: РИЦ ХГАЭП, с. 28.

<sup>388</sup> Окара А.И. 2006. Безопасность и качество пищевых продуктов в системе технического регулирования. Хабаровск: РИЦ ХГАЭП, с. 29.

<sup>389</sup> Статья 20 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>390</sup> Раздел 5 (5.4/5.5) Межгосударственного стандарта. Оценка Соответствия. Словарь и Общие принципы. Conformity assessment. Vocabulary and general principles. ГОСТ ISO/IEC 17000-2012 Оценка соответствия. Словарь и общие принципы.



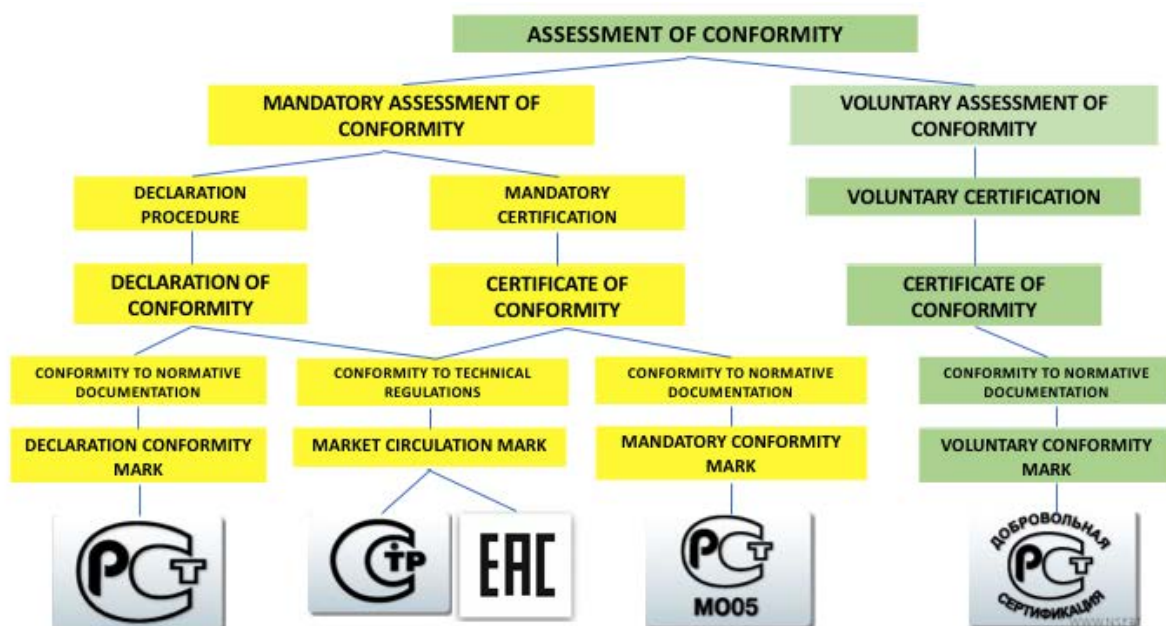


Fig.8. The structural scheme of Assessment of Conformity Forms.<sup>391</sup>

Mandatory assessment of conformity is carried out only with respect to products being issued for circulation on the territory of the Russian Federation. In this case, compliance with mandatory requirements of the regulations is confirmed and the safety of products entering the market for sale is guaranteed. Voluntary assessment of conformity is carried out at the request of an applicant for compliance with requirements of standards, codes of practice, technical conditions, or contracts, and serves as a guarantee to the consumer that the requirements of these documents are fulfilled.<sup>392</sup>

#### 1.7.3.1. Voluntary Assessment of Conformity

Voluntary Assessment of Conformity is carried at the applicant's initiative in accordance with contractual terms between the applicant and the Certification Body. Voluntary Assessment of Conformity may be done to conform compliance of the objects with national standards, organization standards, voluntary certification systems, contract terms, technical specifications, sanitary rules and norms, and hygienic norms.<sup>393</sup>

The objects of Voluntary Assessment of Conformity can be products, production, operation, storage, transportation, sale and disposal processes, works and services, as well as other facilities for which standards, voluntary certification systems and contracts establish certain requirements.<sup>394</sup>

<sup>391</sup>The structural scheme of Assessment of Conformity Forms was taken/adapted from [http://life-prog.ru/1\\_31353\\_registratsiya-i-podtverzhdienie-sootvetstviya.html](http://life-prog.ru/1_31353_registratsiya-i-podtverzhdienie-sootvetstviya.html) [accessed 03.05.2018].

<sup>392</sup>Цапко Е.А. 2013. Основы технического регулирования: учебное пособие. Томск: Изд-во Томского политехнического университета, с. 210.

<sup>393</sup>Раздел 2 (2.6) Постановления Государственного комитета Российской Федерации по стандартизации и метрологии от 28 апреля 1999 г. № 21 «О правилах проведения сертификации пищевых продуктов и продовольственного сырья (Минюст № 1777 от 05.05.99 с изменениями на 18 июня 2002 года)».

<sup>394</sup>Статья 21 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

As for the food sector, the objects of voluntary certification in the «ГОСТ Р» system can be any food products, food raw materials, food additives and other natural and synthetic components used in the production of food products.<sup>395</sup>

The scheme of voluntary assessment of conformity is seen on the Fig.9.

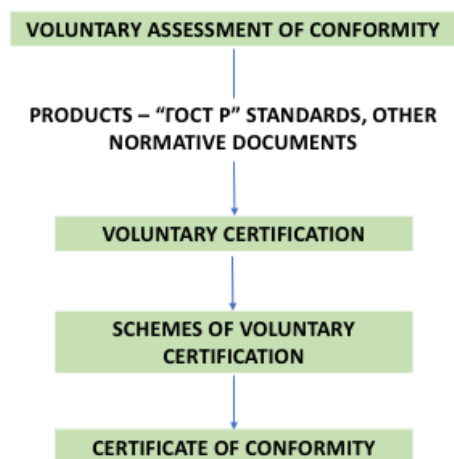


Fig.9. Voluntary Assessment of Conformity.<sup>396</sup>

Voluntary certification in the scheme is a form of the assessment of conformity for products to the requirements of standards. The standard (ГОСТ Р) establishes requirements for product characteristics and a certification body carries out the assessment of conformity on a voluntary basis at the manufacturer's initiative.<sup>397</sup>

Voluntary certification in the Food and Raw Food Certification System is carried out by Certification Bodies accredited in the «ГОСТ Р» system. Voluntary certification is initiated by the applicants (manufacturers, sellers) in order to confirm compliance with the requirements of the documents defined by applicant. The Certification Bodies should provide a list of products, indicators and normative documentation for carrying out the declared tests. Certificates of Conformity for voluntary certification are issued on a special form of the «ГОСТ Р» Certification System.

Voluntary certification of food products and food raw materials is carried out according to similar rules and procedures as mandatory certification. Voluntary certification of food products included in the nomenclature of products subject to mandatory certification can be carried out in one of the following cases:<sup>398</sup>

- If the product is not intended for sale to citizens for personal domestic needs, or for delivery to the state material reserve;
- if the products are not intended for sale on the territory of the Russian Federation;
- if, at the request of an applicant, it is necessary to confirm in addition to mandatory requirements the compliance with requirements of Russian legislation which is not in the scope mandatory certification.

<sup>395</sup> Раздел 2 (2.1) Постановления Государственного комитета Российской Федерации по стандартизации и метрологии от 28 апреля 1999 г. № 21 «О правилах проведения сертификации пищевых продуктов и продовольственного сырья (Минюст № 1777 от 05.05.99 с изменениями на 18 июня 2002 года)».

<sup>396</sup> Кретьова Ю.И. 2014. Современные подходы к решению проблемы повышения качества продукции пищевой промышленности. Вестник ЮУрГУ. Серия «Пищевые биотехнологии». Том 2, № 2.

<sup>397</sup> Кретьова Ю.И. 2014. Современные подходы к решению проблемы повышения качества продукции пищевой промышленности. Вестник ЮУрГУ. Серия «Пищевые биотехнологии». Том 2, № 2.

<sup>398</sup> Раздел 2 (2.6) Постановления Государственного комитета Российской Федерации по стандартизации и метрологии от 28 апреля 1999 г. № 21 «О правилах проведения сертификации пищевых продуктов и продовольственного сырья (Минюст № 1777 от 05.05.99 с изменениями на 18 июня 2002 года)».



Just as in the case of mandatory certification, with voluntary certification of food products and food raw materials, a mandatory initial stage is the identification of products.<sup>399</sup> Certification bodies should use the test results of food products obtained from accredited testing laboratories to have a full and reliable identification of products and confirm compliance of food products with the requirements established in regulatory documents.<sup>400</sup> During this process the information on production, standard documents regulating indicators and test methods, nomenclature of the indicators subject are studied. The identification procedure of products includes checking the origin, conformity of normative documentation, etc. Tests are conducted to check the characteristics (indicators) of products.

Food products can be certified according to the schemes. There are ten certification schemes. Certification schemes 1, 6, 8 are not used for food products certification, and the scheme 9 is mainly recommended for certification of products sold by farms and consumer cooperatives.<sup>401</sup> For voluntary certification of food products, schemes 2, 3 and 7 are mainly applied. (See Fig.10).

**Certification Schemes**

Scheme Number	Scheme Specifications		
	Scheme conditions	Testing	Inspection Control
2	Limited volume of production output (series)	Type sample	Testing of certified samples
3	Stability of series production is proven	Type sample	Testing of certified samples
7	One-time batch production	Lot samples	--

Fig.10. Certification schemes.<sup>402</sup>

It should be noted that a voluntary Certificate of Conformity is issued at the request of a producer or seller and does not replace mandatory certification. This procedure is carried out exclusively in the «ГОСТ Р» system, since the Customs Union technical regulations do not provide for voluntary certification. Therefore, voluntary certificates are valid only on the territory of Russia.<sup>403</sup>

A final result of a voluntary certification is the issuance of a Certificate of Conformity. The Certificate of Conformity is a document that certifies compliance of products with the requirements of standards or contractual terms. It can be issued on the basis of positive test results of samples of products in accredited testing laboratories during the subsequent inspection control of certified products based on the tests of samples taken from the sphere of trade.<sup>404</sup>

<sup>399</sup> Раздел 2 (2.6) Постановления Государственного комитета Российской Федерации по стандартизации и метрологии от 28 апреля 1999 г. № 21 «О правилах проведения сертификации пищевых продуктов и продовольственного сырья (Минюст № 1777 от 05.05.99 с изменениями на 18 июня 2002 года)».

<sup>400</sup> Раздел 2 (2.10) Постановления Государственного комитета Российской Федерации по стандартизации и метрологии от 28 апреля 1999 г. № 21 «О правилах проведения сертификации пищевых продуктов и продовольственного сырья (Минюст № 1777 от 05.05.99 с изменениями на 18 июня 2002 года)».

<sup>401</sup> Раздел 2 (2.14) Постановления Государственного комитета Российской Федерации по стандартизации и метрологии от 28 апреля 1999 г. № 21 «О правилах проведения сертификации пищевых продуктов и продовольственного сырья (Минюст № 1777 от 05.05.99 с изменениями на 18 июня 2002 года)».

<sup>402</sup> Кретьова Ю.И. 2014. Современные подходы к решению проблемы повышения качества продукции пищевой промышленности. Вестник ЮУрГУ. Серия «Пищевые биотехнологии». Том 2, № 2.

<sup>403</sup> Кретьова Ю.И. 2014. Современные подходы к решению проблемы повышения качества продукции пищевой промышленности. Вестник ЮУрГУ. Серия «Пищевые биотехнологии». Том 2, № 2.

<sup>404</sup> Раздел 2 (2.10) Постановления Государственного комитета Российской Федерации по стандартизации и метрологии от 28 апреля 1999 г. № 21 «О правилах проведения сертификации пищевых продуктов и продовольственного сырья (Минюст № 1777 от 05.05.99 с изменениями на 18 июня 2002 года)».

### 1.7.3.2. Mandatory Assessment of Conformity

Mandatory *assessment of conformity* is carried out only in cases established by relevant technical regulations and solely for compliance with the requirements of technical regulations. Mandatory *assessment of conformity* is required only for products produced for circulation on the territory of the Russian Federation.<sup>405</sup> The scope of mandatory certification is restricted. According to the Art.23 (1) only products (and not services, work, processes) are subject to mandatory certification and only product that are produced for circulation in Russia.<sup>406</sup> The form and schemes of mandatory *assessment of conformity* can be established only by technical regulations, taking into account the degree of risk/failure to achieve the objectives of technical regulations.<sup>407</sup>

Mandatory Assessment of Conformity is carried out in two forms: a Declaration of Conformity and a Certificate of Conformity. Both the Declaration of Conformity and the Certificate of Conformity have equal legal effect, irrespective of the mandatory conformity certification schemes, and they are acceptable throughout the territory of the Russian Federation.<sup>408</sup> The Declaration of Conformity adopted in any place of the RF or issued Certificate of Conformity for a certain type of products does not require re-confirmation in another place, they are recognized automatically throughout the territory of the RF. This norm correlates with the provisions of the WTO Agreement on TBT.<sup>409</sup> Mandatory *assessment of conformity* fees are paid by the applicant. The Government of the Russian Federation establishes the costs of mandatory *assessment of conformity* and provides uniform rules and pricing principles for identical or similar products regardless of the country of origin.<sup>410</sup>

According to the Decision of the Government of the RF of December 1, 2009 No.982 “On approval of a single list of products subject to mandatory certification, and a single list of products for which assessment of conformity is carried out in the form of a declaration of conformity”, the list of food products subject to declaration of conformity was established.<sup>411</sup> However, since February 15, 2010 there has been a tendency to abolish the mandatory certification for various types of food products.<sup>412</sup> The result of which was the Decision of the Government of the RF of October 4, 2013 No.870 “About changes in the single list of products for which assessment of conformity is carried out in the form of a declaration of conformity” to cancel the single list of food products<sup>413</sup> upon adoption of the Customs Union Technical Regulations for certain food products.

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<sup>405</sup> Статья 23(1) Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>406</sup> Техническое регулирование. 2010. Правовые аспекты реформы (комментарий к Федеральному закону «О техническом регулировании». Коллектив авторов. Москва. Научный эксперт, с.270.

<sup>407</sup> Статья 23(2) Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>408</sup> Статья 23 (3) Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>409</sup> Техническое регулирование. 2010. Правовые аспекты реформы (комментарий к Федеральному закону «О техническом регулировании». Коллектив авторов. Москва. Научный эксперт, с.272.

<sup>410</sup> Статья 23 (4) Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>411</sup> Постановление Правительства Российской Федерации от 1 декабря 2009 г. № 982 «Об утверждении единого перечня продукции, подтверждение соответствия которой осуществляется в форме принятия декларации о соответствии».

<sup>412</sup> Кутырев Г.А., Сысоева Е.В. 2012. Контроль качества продуктов питания. Казань.Издательство КНИТУ, с.76.

<sup>413</sup> Постановление Правительства Российской Федерации от 4 октября 2013 г. № 870 «О внесении изменений в единый перечень продукции, подтверждение соответствия которой осуществляется в форме принятия декларации о соответствии».

### 1.7.4. Certification Systems

The certification system is a set of certification participants that carry out certification according to the rules established in this system.<sup>414</sup> In other words, certification system represents a set of rules applied in certification work, and includes its participants and rules for the functioning of the certification system as a whole.<sup>415</sup> According to the level at which certification is conducted, certification systems are divided into three types: national, regional and international.<sup>416</sup>

The National certification system has weight only at the national level. In the Russian Federation, the right to manage the national certification system belongs to the Federal Agency for Technical Regulation and Metrology. At the national level there are mandatory and voluntary certification systems. Regional certification systems work at the level of different countries. At this level, there are about 100 options for certification systems. International certification system is formed at the level of several states by a governmental international organization. A great popularity in the field of international certification is the ISO system of standards.<sup>417</sup>

#### 1.7.4.1. Voluntary Certification Systems

A Voluntary certification system is a system in which voluntary certification of products is carried out. In other words, it is a system where the applicants (manufacturers, sellers, performers) apply for certification in order to confirm the conformity of products (services) with requirements that are not subject to mandatory confirmation of compliance.<sup>418</sup> The voluntary certification system is designed for voluntary certification of domestic and foreign products to confirm compliance with all requirements of state standards, interstate standards, as well as international, regional and national standards of other countries indicated by the applicant.<sup>419</sup>

The main objective of the voluntary certification system is to create conditions to enhance competitiveness of domestic products, increase the authority of national standards in the Russian Federation and abroad, and develop voluntary certification in the national standardization system of Russia.<sup>420</sup>

The normative basis of the voluntary certification system consists of the state (national) standards and interstate standards, which establish general technical conditions (technical specifications) or general technical requirements for products, and methods of their assessment (tests, measurements, analysis), as well as international, regional, national standards of other countries as indicated by the applicant.<sup>421</sup>

The voluntary certification system can be created by a legal entity, an individual entrepreneur, several legal entities and (or) individual entrepreneurs.<sup>422</sup> The voluntary

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<sup>414</sup> Р.1 (1.3) Постановление Государственного комитета Российской Федерации по стандартизации и метрологии от 10 мая 2000 г. № 26 « Об утверждении Правил по проведению сертификации в Российской Федерации» (с изменениями на 5 июля 2002 года).

<sup>415</sup> Статья 2 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>416</sup> Ребёзов М.Б., Салихова Э.М., Зинина О.В., Максимюк Н.Н., Богатова О.В. 2015. Системы сертификации. Научный журнал «Вопросы экономики и управления», № 1(01), 2015.

<sup>417</sup> Ребёзов М.Б., Салихова Э.М., Зинина О.В., Максимюк Н.Н., Богатова О.В. 2015. Системы сертификации. Научный журнал «Вопросы экономики и управления», № 1(01), 2015.

<sup>418</sup> Кутырев Г.А., Сысоева Е.В. 2012. Контроль качества продуктов питания. Казань.Издательство КНИТУ, с.66.

<sup>419</sup> Р. 1(1.2) Постановление Госстандарта России от 4 ноября 2000 г. № 76 «О введении в действие Системы добровольной сертификации продукции Госстандарта России».

<sup>420</sup> Р. 1(1.3) Постановление Госстандарта России от 4 ноября 2000 г. № 76 «О введении в действие Системы добровольной сертификации продукции Госстандарта России».

<sup>421</sup> Р. 1(1.5) Постановление Госстандарта России от 4 ноября 2000 г. № 76 «О введении в действие Системы добровольной сертификации продукции Госстандарта России».

<sup>422</sup> Статья 2 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

certification system can be registered by the Federal agency on technical regulation and metrology.

The certification system becomes officially recognized after registration in a single register of registered voluntary certification systems with identification number.<sup>423</sup> An example of a voluntary certification system is the “System of Voluntary certification of biologically active food supplements, specialized foods and food products obtained from genetically modified sources or using them”, registered with the identification number: POCC RU.3354.04BЯ00.<sup>424</sup>

The voluntary certification systems have to establish a list of objects which are subject to certification and their characteristics for compliance, as well as, rules and payment procedure. The voluntary certification system may provide a conformity mark to be used. A conformity mark is a designation that serves to inform consumers about the conformity of certification object with the requirements of both a voluntary certification system and the requirements of a national standard.<sup>425</sup> An application for a conformity mark can be only submitted if it is provided by the voluntary certification system.<sup>426</sup>

The Certification Body confirms that the objects of voluntary *assessment of conformity* comply with conformity requirements and issues certificates for the objects that have passed a voluntary certification. The Certification Body may suspend or terminate the issued certificates of conformity.<sup>427</sup>

#### 1.7.4.2. Authorities in Certification Systems

The certification system in Russia has 5 levels of organizations involved in certification, shown in Figure 11.<sup>428</sup> The organizational structure includes the following organizations:<sup>429</sup>

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<sup>423</sup> Цапко Е.А. 2013. Основы технического регулирования: учебное пособие. Томск: Изд-во Томского политехнического университета, с. 218.

<sup>424</sup> Data are taken from the official website of the Federal Agency Rosstandart.

[https://www.gost.ru/portal/gost/home/activity/compliance/VoluntaryAcknowledgement/reestr?portal:componentId=11f30a16-f554-4d49-a27a-](https://www.gost.ru/portal/gost/home/activity/compliance/VoluntaryAcknowledgement/reestr?portal:componentId=11f30a16-f554-4d49-a27a-e277ebf53b2f&portal:isSecure=false&portal:portletMode=view&navigationalstate=JBPNS_rO0ABXc5AAZhY3Rpb24AAABABBBjb25jcmV0ZURvY3VtZW50AAZkb2NfaWQAAAABAAQxNzAzAAAdfX0VPRI9f)

[e277ebf53b2f&portal:isSecure=false&portal:portletMode=view&navigationalstate=JBPNS\\_rO0ABXc5AAZhY3Rpb24AAABABBBjb25jcmV0ZURvY3VtZW50AAZkb2NfaWQAAAABAAQxNzAzAAAdfX0VPRI9f](https://www.gost.ru/portal/gost/home/activity/compliance/VoluntaryAcknowledgement/reestr?portal:componentId=11f30a16-f554-4d49-a27a-e277ebf53b2f&portal:isSecure=false&portal:portletMode=view&navigationalstate=JBPNS_rO0ABXc5AAZhY3Rpb24AAABABBBjb25jcmV0ZURvY3VtZW50AAZkb2NfaWQAAAABAAQxNzAzAAAdfX0VPRI9f)

[accessed 01.02.2018].

<sup>425</sup> Кретьова Ю.И. 2014. Современные подходы к решению проблемы повышения качества продукции пищевой промышленности. Вестник ЮУрГУ. Серия «Пищевые биотехнологии». Том 2, № 2.

<sup>426</sup> Статья 21 (2) Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>427</sup> Статья 21 (1) Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>428</sup> Ребезов М.Б., Садигова Э.М., Зинина О.В., Максимюк Н.Н., Богатова О.В. 2015. Системы сертификации. Научный журнал «Вопросы экономики и управления», № 1(01).

<sup>429</sup> Ребезов М.Б., Салихова Э.М., Зинина О.В., Максимюк Н.Н., Богатова О.В. 2015. Системы сертификации. Научный журнал «Вопросы экономики и управления», № 1(01).

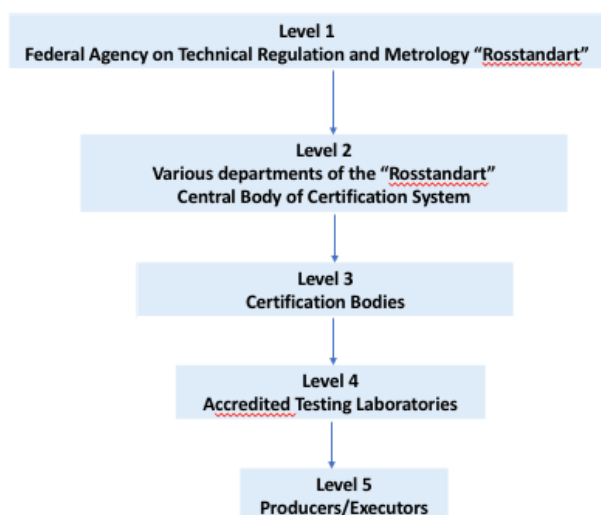


Fig.11. Organizational levels in certification system.<sup>430</sup>

- The Federal Agency on Technical Regulation and Metrology “Rosstandart” functions in accordance with the Federal Law “On technical regulation”;
- Certification Authorities (various departments of “Rosstandart”):  
The Central Body of the Certification System is the Methodological Center: All-Russian Scientific Research Institute of Certification of the State Standard of Russia (VNIIS).<sup>431</sup> The Methodological Center of the System maintains the System Register and registers the participants of the system and the objects of certification. It further carries out archival storage of materials;<sup>432</sup>
- Certification Bodies;
- Accredited Testing Laboratories;
- Producers and Executors.

The structure of the Certification System for food products includes:<sup>433</sup>

- The Federal Agency on Technical Regulation and Metrology;
- Certification Authorities:  
The Central Body of the System: Management of agricultural products, food, light and chemical industries of the State Standard of Russia. The Management includes:
  - the Council of the System - an advisory body to the central body of the System;
  - the Commission for Appeals under the central authority of the System;
  - the Expert appraisal board: Scientific and Methodological Center under the central authority of the System on the basis of the All-Russian Research Institute of Certification of the State Standard of Russia (VNIIS);
- Certification Bodies;

<sup>430</sup> Ребёзов М.Б., Салихова Э.М., Зинина О.В., Максимюк Н.Н., Богатова О.В. 2015. Системы сертификации. Научный журнал «Вопросы экономики и управления», № 1(01).

<sup>431</sup> Р 2 (2.3./пreamбула 5) Постановления Госстандарта России от 4 ноября 2000 г. № 76 «О введении в действие Системы добровольной сертификации продукции Госстандарта России».

<sup>432</sup> Р 2 (2.3) Постановления Госстандарта России от 4 ноября 2000 г. № 76 «О введении в действие Системы добровольной сертификации продукции Госстандарта России».

<sup>433</sup> Р. 3 (3.1) Постановления Государственного комитета Российской Федерации по стандартизации и метрологии от 28 апреля 1999 г. № 21 «О правилах проведения сертификации пищевых продуктов и продовольственного сырья (Минюст № 1777 от 05.05.99 с изменениями на 18 июня 2002 года».

- Accredited Testing Laboratories.

Certification of products in the System includes the following main stages:<sup>434</sup>

1. filing an application;
2. consideration and decision-making on the application;
3. carrying out the necessary checks (analysis of documents, testing, monitoring the functioning of the quality system);
4. an analysis of the results obtained and a decision on issuing a certificate;
5. issuance of a certificate and permission to apply the voluntary certification system conformity mark;
6. Inspection control of certified products in accordance with the certification scheme.

Certification is carried out in accordance with the schemes established in the certification system. In each certification system there can be several schemes. Each specific scheme must take into account the specifics of production, testing or delivery, required level of evidence, scope of work and costs of the applicant.<sup>435</sup>

The time for consideration and decision-making on the application from a manufacturer(seller) is no more than two weeks from the moment of its submission. The validity period of the Certificate of Conformity and permission to apply the conformity mark is not established. It is limited to the period of service or the expiration date. Inspection control over certified products is carried out by certification bodies that certified this product. The frequency of inspection control is established in the certification contract. The validity of the Certificate of Conformity is decided by the certification body based on the results of inspection control.<sup>436</sup>

### 1.7.5. The Conformity Mark

According to the Federal Law “On technical regulation”, the Conformity Mark is a designation that serves to inform purchasers, including consumers about the conformity of the certification object with the requirements of the voluntary certification system.<sup>437</sup> The following Conformity Marks are effective in the national standard system “ГОСТ Р”, including the conformity mark of the EAEU in Russia:

- Conformity Mark of voluntary certification «ГОСТ Р»;
- Conformity Mark to national standards «ГОСТ Р»;
- Conformity Mark of mandatory certification «ГОСТ Р»;
- Conformity Mark of declaration of conformity «ГОСТ Р»;
- Conformity Mark of the Customs Union Technical Regulation to be replaced by the Conformity Mark of the EAEU.

#### 1.7.5.1. The Conformity Mark of Voluntary Certification «ГОСТ Р»

The Conformity Mark of the Voluntary certification System is applied to mark products, packaging, technical and supporting documentation, as well as the use of this sign

<sup>434</sup> Р 2 (3.1) Постановления Госстандарта России от 4 ноября 2000 г. № 76 «О введении в действие Системы добровольной сертификации продукции Госстандарта России».

<sup>435</sup> РЗ Постановления Госстандарта России от 4 ноября 2000 г. № 76 «О введении в действие Системы добровольной сертификации продукции Госстандарта России».

<sup>436</sup> РЗ (3.5) Постановления Госстандарта России от 4 ноября 2000 г. № 76 «О введении в действие Системы добровольной сертификации продукции Госстандарта России».

<sup>437</sup> Статья 2 Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

by the applicant for advertising purposes, commercial flyers, demonstrations of exhibitors at exhibitions and fairs, if an applicant has the right to label certified products with this mark.<sup>438</sup>

The mandatory condition to apply a Conformity Mark is availability of the Certificate of Conformity. The procedure for applying such a sign is established by the voluntary certification system.<sup>439</sup> For example, the certification body can issue permission for application of the Conformity Mark or conclude a special agreement (license agreement) with an applicant where responsibilities of the parties are laid down.<sup>440</sup>

According to the national standard ГОСТ Р 50460-92<sup>441</sup> the Conformity Mark of voluntary certification is marked with additional wording: «ДОБРОВОЛЬНАЯ СЕРТИФИКАЦИЯ», which means "VOLUNTARY CERTIFICATION" (see fig.12)



Fig.12. Picture of conformity mark for voluntary certification.<sup>442</sup>

The place of application of the Conformity Mark of the voluntary certification System on products, packaging and documentation is determined by the manufacturer who has received permission to use it.<sup>443</sup>

#### 1.7.5.2. The Conformity Mark to national standards «ГОСТ Р»

The application of the Conformity Mark to the national standard is carried out by the applicant on a voluntary basis in any convenient manner for the applicant.<sup>444</sup> Certainly, the objects that have not been confirmed in accordance with the established procedure cannot be marked with a Conformity Mark.<sup>445</sup> The Conformity Mark is established by the national standard ГОСТ Р 1.9-2004. "Standardization in the Russian Federation. Mark of Conformity to national standards of the RF. Representation. Application order".

<sup>438</sup> Р 2 (2.2) Постановления Госстандарта России от 4 ноября 2000 г. № 76 «Положение о знаке соответствия системы добровольной сертификации продукции Госстандарта России».

<sup>439</sup> Статья 22 (1) Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>440</sup> Техническое регулирование. 2010. Правовые аспекты реформы (комментарий к Федеральному закону «О техническом регулировании»). Коллектив авторов. Москва. Научный эксперт, с.268.

<sup>441</sup> Data is taken from Practical guidelines on certification at <http://progost.com/sertifikaciya-tovarov/sertifikat-sootvetstviya/> accessed 01.02.2018.

<sup>442</sup> Приложение Б. Форма знака соответствия при добровольной сертификации продукции (работ, услуг) Постановления Государственного комитета Российской Федерации по стандартизации, метрологии и сертификации от 29 июня 1998 г. № 50 «Об утверждении нормативных документов Системы сертификации ГОСТ Р при проведении добровольной сертификации продукции (работ, услуг) с изменениями на 4 ноября 2000 г.». Приложение к Постановлению Госстандарта России от 4 ноября 2000 г. № 76.

«Положение о знаке соответствия системы добровольной сертификации продукции Госстандарта России».

<sup>443</sup> Р 2 (2.7) Приложение к Постановлению Госстандарта России от 4 ноября 2000 г. № 76 «Положение о знаке соответствия системы добровольной сертификации продукции Госстандарта России».

<sup>444</sup> Статья 22 (2) Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

<sup>445</sup> Статья 22 (3) Федерального закона от 27 декабря 2002 г. № 184-ФЗ «О техническом регулировании» (с изменениями на 29 июля 2017 года).

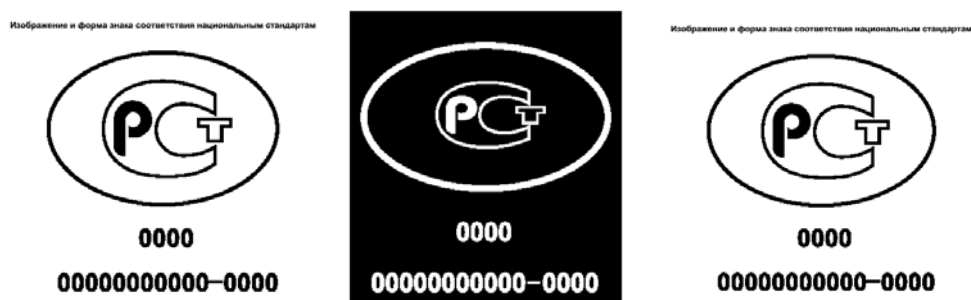


Fig.13. Picture of conformity marks to national standards.<sup>446</sup>

The Conformity Mark to national standards is applied in case of documentary confirmation that a specific product complies with all requirements of the national standards.<sup>447</sup> Labelling of products with the Conformity Mark to national standards is carried out on a voluntary basis at the initiative of manufacturers (producers) of products and if it is agreed in the contract for supply of products. The Conformity Mark to national standards can be labelled on products for which national standards such as General Technical Specifications or General Technical Requirements are available.<sup>448</sup> The Conformity Mark to national standards does not exclude:<sup>449</sup>

- mandatory certification of the product or acceptance of a declaration of conformity (if there are requirements of technical regulations for the products);
- the possibility of voluntary certification of products to the standards of organizations, standards of voluntary certification systems, to the contract terms according to the Federal Law "On Technical Regulation";
- the possibility of marking the products with the sign of circulation on the market (Conformity Mark of technical regulations) and the Conformity Mark of the voluntary certification system according to the Federal Law "On Technical Regulation".

The Conformity Mark to national standards is applied completely according to its picture, shown in the Fig. 13, depending on the background of the surface on which the sign is placed. It is not allowed to apply individual elements of its image.<sup>450</sup> The Conformity Mark of certification is applied on the product itself, packaging or label.

### 1.7.5.3. The Conformity Mark of Mandatory Certification «ГОСТ Р»

The Conformity Mark of mandatory certification is established by the national standard "ГОСТ Р 50460-92."<sup>451</sup> Mark of conformity for mandatory certification. Forms, dimensions and technical requirements."

<sup>446</sup> Национальный стандарт Российской Федерации ГОСТ Р 1.9-2004. Стандартизация в Российской Федерации. Знак соответствия национальным стандартам Российской Федерации. Изображение. Порядок применения.

<sup>447</sup> Р.6 (6.1) Национального стандарт Российской Федерации ГОСТ Р 1.9-2004. Стандартизация в Российской Федерации. Знак соответствия национальным стандартам Российской Федерации. Изображение. Порядок применения.

<sup>448</sup> Раздел 6 (6.5) Национальный стандарт Российской Федерации ГОСТ Р 1.9-2004. Стандартизация в Российской Федерации. Знак соответствия национальным стандартам Российской Федерации. Изображение. Порядок применения.

<sup>449</sup> Раздел 6 (6.5) Национальный стандарт Российской Федерации ГОСТ Р 1.9-2004. Стандартизация в Российской Федерации. Знак соответствия национальным стандартам Российской Федерации. Изображение. Порядок применения.

<sup>450</sup> Раздел 6 (6.18) Национальный стандарт Российской Федерации ГОСТ Р 1.9-2004. Стандартизация в Российской Федерации. Знак соответствия национальным стандартам Российской Федерации. Изображение. Порядок применения.

<sup>451</sup> ГОСТ Р 50460-2. Знак соответствия при обязательной сертификации. Форма, размеры и технические требования (с изменениями № 1,2,3).



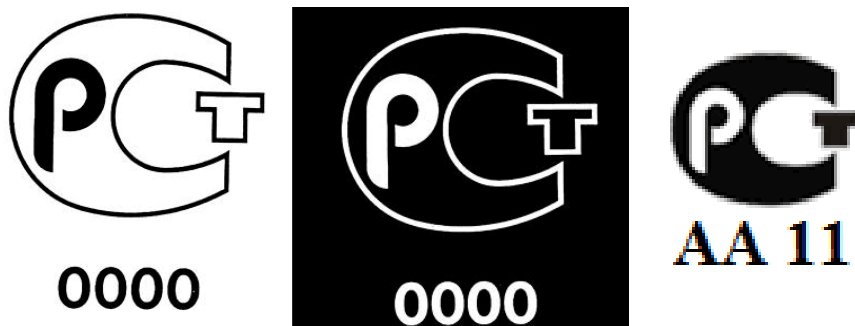


Fig.14. Conformity mark of mandatory certification.<sup>452</sup>

If products are subject to mandatory certification, a mandatory Certificate of Conformity is issued and the products are marked with the conformity mark (“PCT”). The Conformity Mark reflects information about a certification body that issues the Certificate of Conformity. The alphabetic and numeric designations correspond to the number of the certification body.<sup>453</sup>

#### 1.7.5.4. The Conformity Mark for Declaration of Conformity «ГОСТ Р»

The Conformity Mark for Declaration for Conformity in the national system «ГОСТ Р» is marked with the “PCT”<sup>454</sup>(Russian Standard) Conformity mark without information code of the certification body. The application of this conformity mark is a mandatory requirement for the marking of goods that are included in the product range to be confirmed by quality in the form of a Declaration of Conformity.<sup>455</sup>



Fig.15 Conformity mark of Declaration of Conformity.

Food products are excluded from the list of products subject to mandatory certification (Certificate of Conformity) and the list of products subject to Declaration of Conformity according to the Decision of the Government of the RF of December 1, 2009 No.982 “On approval of a single list of products subject to mandatory certification, and a single list of products, the confirmation of compliance with which is carried out in the form of the adoption of a declaration of conformity (as amended on January 19, 2018)”.<sup>456</sup>

<sup>452</sup> ГОСТ Р 50460-2. Знак соответствия при обязательной сертификации. Форма, размеры и технические требования (с изменениями № 1,2,3).

<sup>453</sup> Conformity mark: sign of EAEU and sign of “PCT” (Russian Standard). Data are taken from the Centre of certification “Rospromtest” at <http://www.rospromtest.ru/content.php?id=24> [accessed 05.02.2018].

<sup>454</sup> Russian abbreviation “PCT” of the Conformity Mark on the Certificate of Conformity or Declaration of Conformity means “Russian Standard” – «PCT -Российский Стандарт», <https://1cert.ru/vopros-otvet/cto-takoe-rst-sertifikatsiya> [accessed 05.02.2018].

<sup>455</sup> Conformity mark: sign of EAEU and sign of “PCT” (Russian Standard). Data are taken from the Centre of certification “Rospromtest” at <http://www.rospromtest.ru/content.php?id=24> [accessed 05.02.2018].

<sup>456</sup> Постановление Правительства Российской Федерации от 1 декабря 2009 г. № 982 «Об утверждении единого перечня продукции, подлежащей обязательной сертификации, и единого перечня продукции, подтверждение соответствия которой осуществляется в форме принятия декларации о соответствии»( с изменениями на 19 января 2018 года).

#### 1.7.5.5. The Conformity Mark of the EAEU/Customs Union Technical Regulation

The Conformity Mark of the EAEU is used for labelling the products that are subject to mandatory certification (Certificate of Conformity) or Declaration of Conformity according to the requirements of the technical regulations of the Customs Union. The EAEU conformity mark informs the consumer that a certificate or declaration of the Customs Union was issued for the products. The application of the EAEU to the packaging is a mandatory requirement of the current technical regulations of the Customs Union/EAEU.<sup>457</sup>



Fig.16. Conformity Mark of the EAEU.

The Conformity Mark of the EAEU replaced the Conformity Mark of CU Technical Regulations.



Fig.17. Conformity Mark of the Customs Union Technical Regulations.

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<sup>457</sup> Conformity mark: sign of EAEU and sign of “PCT” (Russian Standard). Data are taken from the Centre of certification “Rospromtest” at <http://www.rospromtest.ru/content.php?id=24> [accessed 05.02.2018].

## **PART II. RUSSIA AND EURASIAN ECONOMIC UNION**

### **2. Russia and Eurasian Economic Integration from the Commonwealth of Independent States to the Eurasian Economic Union**

According to Кашкин С.Ю. и Четвериков А.О.,<sup>458</sup> traditionally, there are two main methods in development of international integration depending on integration activities: negative and positive integration. Negative integration envisages mutual elimination of obstacles in development of cross border links by integrating states and elimination of barriers for free movement of goods, services, capital and labour. Negative integration can be seen on the example of American integration. It is, in particular, used by the WTO. Positive integration goes further. It leads to the development and implementation of common policies in many sectors on a common integrated territory. For an example, a common agricultural policy, a common transport policy, economic and currency policies. That is not only elimination of barriers but it also includes a joint activities in the areas which were previously under sovereign governing of the Member States.

The EAEU is based on both negative and positive integration and in case of its further successful project, the level of positive integration would inevitably be strengthened.<sup>459</sup> The EAEU integration includes the two largest geographical regions – Europe and Asia. It demonstrates a tendency to the expansion. As an illustration, Armenia and the Kyrgyz republics joined the three founders of the Eurasian Union – Russia, Belarus and Kazakhstan. Moreover, negotiations on establishment of a free trade zone with the EAEU is conducted by geographically remote countries such as Israel, Egypt, Vietnam and Turkey. This allows to evaluate the EAEU as an example of interregional integration, within the framework of which various forms of integration can be used. Further, the Eurasian integration demonstrates the aims of its Member States to endow their union with certain powers to govern public life in their territories, including the issuance of legally binding normative acts for Member States and their citizens, which allows to classify it as a supranational organization.<sup>460</sup> The EAEU has been operating since 2015 as an international organization of regional economic integration, with a supranational character.<sup>461</sup>

#### **2.1. Pre-requisites for formation of the Eurasian Economic Union**

The creation of the EAEU is the result of 20-years of efforts to form an integration between Russia, Kazakhstan and Belarus, former republics of the USSR. The first organization, the Commonwealth of Independent States (CIS),<sup>462</sup> united the majority of Soviet republics after the collapse of the USSR. This was succeeded by the Customs Union of 1995 which failed to achieve its objectives but its experience undoubtedly served as a platform for creation of the Eurasian Economic Community (EurAsEC), followed by formation of a new Customs Union in 2010 and the Common Economic Space which are considered as pre-requisites and real stages of formation of the EAEU. Out all these associations, only the EurAsEC ceased its functioning. The creation of the EAEU in fact

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<sup>458</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО “Перспектив”.

<sup>459</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО “Перспектив”.

<sup>460</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО “Перспектив”.

<sup>461</sup> Евразийский Экономический Союз. 2017. Факты и цифры ЕАЭС. Библиотека Евразийской интеграции.

<sup>462</sup> Out of 15 republics of the former USSR, the CIS Member States in 2015 were 11: Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine. The Baltic Republics of the former USSR such as Latvia, Lithuania, Estonia had never been the members of the CIS, and Georgia withdrew from it. Turkmenistan and Ukraine, although they took part in the CIS, they did not sign the CIS Charter.

entailed existence of EurAsEC, its prototype and a predecessor. All other integration associations operating in the post-Soviet space continue their functioning till present. Among them, first of all, is the Commonwealth of Independent States, which was created immediately after the collapse of the USSR in 1991.

### **2.1.1. Commonwealth of Independent States**

After dissolution of the Soviet Union in December 1991, the former republics of the USSR including Russia created the Commonwealth of Independent States (CIS). It consisted of nine independent and two associate states (21 December, 1991 Almaty Declaration). The attempts of the CIS economic integration resulted in the signing of many Agreements within a period of 1991-1994. Among these the Agreement to establish a free trade zone (April, 1994) prompted the formation of an Intergovernmental Economic Committee. The Committee became the first body of the CIS where decisions were taken by a majority of votes.<sup>463</sup> However, the CIS failed to become an effective integration organization as the Member States pursued different goals and priorities in their domestic and foreign policies. The only significant achievement of economic integration within the CIS was the creation of a free trade zone, although, it had many exceptions and restrictions.<sup>464</sup>

The creation of the CIS is seen by many experts as the initial stage of the EAEU economic integration in the post-Soviet area. However, on the official website of the EAEU, the chronology of its development begins only in 1994, when during the first official visit to Russia, on March 29, 1994, at the Moscow State University M.V. Lomonosov, the President of Kazakhstan N. Nazarbaev for the first time came up with the idea of forming a Eurasian Union of States.<sup>465</sup> The President of Kazakhstan proposed to create a Eurasian Union “as a competitive global economic association, as a strong link connecting the Euro-Atlantic and Asian areas of development, and as a self-sufficient regional financial association”.<sup>466</sup> In this regard, there are reasons to consider the date of the beginning of the Eurasian integration precisely from 1994. At this date, within the framework of the CIS, also the Treaty on the establishment of the Free Trade Zone was signed.<sup>467</sup> This document was designed to create conditions for free movement of goods and services, to ensure a balanced mutual trade and stabilization of the internal economic situation of the participating states. At present the Free Trade Zone Treaty is in full effect in the territory of its 9 Member States (Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyz, Moldova, Russian, Tajikistan, Uzbekistan).<sup>468</sup>

### **2.1.2. Customs Union of 1995**

The second stage of economic integration in the post-Soviet space was the creation of the Customs Union. Originally it was meant for all the CIS States. However, subsequently for various reasons, some of the CIS states withdrew their participation. As a result, on January 6, 1995, the Agreement on the establishment of the Customs Union was concluded between Russia and Belarus.<sup>469</sup> Two weeks later, the intention to join was expressed by Kazakhstan.

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<sup>463</sup> Зиновьев В.П., Троицкий Е.Ф. 2016. Евразийская экономическая интеграция: эволюция, проблемы и перспективы. Русин, № 4 (46), с. 252-263.

<sup>464</sup> Зиновьев В.П., Троицкий Е.Ф. 2016. Евразийская экономическая интеграция: эволюция, проблемы и перспективы. Русин, № 4 (46), с. 252-263.

<sup>465</sup> Евразийский Экономический Союз. 2017. Факты и цифры ЕАЭС. Библиотека Евразийской интеграции.

<sup>466</sup> Выступление Президента Республики Казахстан Н.А. Назарбаева в Московском государственном университете имени М.В.Ломоносова. От идеи Евразийского союза – к новым перспективам евразийской интеграции.

<sup>467</sup> Соглашение стран СНГ от 15 апреля 1994 года «О создании зоны свободной торговли».

<sup>468</sup> Содружество Независимых государств, материал из Википедии,

[https://ru.wikipedia.org/w/index.php?title=Содружество\\_Независимых\\_Государств&stable=1](https://ru.wikipedia.org/w/index.php?title=Содружество_Независимых_Государств&stable=1) [accessed 05.01.2018].

<sup>469</sup> Соглашение между Правительством Российской Федерации и Правительством Республики Беларусь «О Таможенном Союзе» (подписано в г. Минске 6 января 1995 года)/ Соглашение о Таможенном Союзе между

This was a basis for concluding a new agreement on the establishment of the Customs Union.<sup>470</sup> Subsequently, the Customs Union was joined by the Kyrgyz Republic (March 29, 1996), and Tajikistan (February 26, 1999). The basic principles of the Customs Union within the framework of these five states were laid down in the Treaty on the Customs Union and the Common Economic Space of 26 February, 1999.<sup>471</sup>

The Treaty on the Customs Union envisaged the creation of a single customs territory before the end of 1996 and implementation of a wide number of ambitious integration objectives. Although, the Customs Union failed to achieve its goals, it served as a basis for further integration of former Soviet countries and provided an institutional framework for formation of the Eurasian Economic Community (EurAsEC).<sup>472</sup>

### 2.1.3. Eurasian Economic Community

In 1996, three republics of the CU and the Kyrgyz Republic signed a treaty on the deepening of integration in economic and humanitarian areas.<sup>473</sup> The Treaty underlined closeness of culture and economies, common history and future prospects on united economic development.<sup>474</sup> In 1998, the Republic of Tajikistan joined the Treaty. The objectives of the five member states to harmonizing their regulatory frameworks and restructuring their economies led to a new formation – EurAsEC. As a result, in May 2000, the Member States of the CU decided to create an international organization on the basis of CU agreements. In October, 2000, Russia, Belarus, Kazakhstan, Kyrgyziya and Tajikistan signed a Treaty on the establishment of Eurasian Economic Community (EurAsEC).<sup>475</sup> The Treaty introduced a new system of decision adoption: a qualified majority on the basis of weighted voting.<sup>476</sup>

In April, 2003 an ambitious program of the EurAsEC was adopted to create a customs union, a single energy market, a single capital market, and transportation union, and a coordinated agrarian policy. It was intended to harmonize customs tariffs between the Member States of EurAsEC, to develop a coordinated strategy to enter the WTO and to introduce single currency.<sup>477</sup> However, the objectives to form a full-fledged Customs Union and Common Economic Space under the EurAsEC as a whole have not been reached. The Russian government admitted that many aspects of EurAsEC activity lacked an essential foundation.<sup>478</sup> There was a real gap in economic development between Russia, Kazakhstan and Belarus on the one hand, and the Kyrgyz Republic and Tajikistan, on the other hand. The

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Российской Федерации и Республикой Беларусь (ратифицировано Федеральным законом РФ от 4 ноября 1995 года № 164-ФЗ).

<sup>470</sup> Соглашение стран СНГ «О Таможенном Союзе» от 20 января 1995 года между Правительством Республики Беларусь, Правительством Российской Федерации и Правительством Республики Казахстан.

<sup>471</sup> Договор о Таможенном Союзе и Едином экономическом пространстве от 26 февраля 1999 года.

<sup>472</sup> Фролов А.С. 2013. Таможенный союз ЕврАзЭС и германский Таможенный союз: польза и границы аналогий. Журнал «Экономика» Санкт-Петербургского Государственного Университета. № 1-2 (163).

<sup>473</sup> Договор между Республикой Белоруссия, Республикой Казахстан, Киргизской Республикой и Российской Федерацией об углублении интеграции в экономической и гуманитарной областях от 21 мая 1996 года № 44-ФЗ.

<sup>474</sup> Преамбула Договора между Республикой Белоруссия, Республикой Казахстан, Киргизской Республикой и Российской Федерацией об углублении интеграции в экономической и гуманитарной областях от 21 мая 1996 года № 44-ФЗ.

<sup>475</sup> Договор от 10 октября 2000 года «Об утверждении Евразийского экономического сообщества» (ред. От 06.10.2007 с изменениями от 10.10.2014) подписан в г. Астане 10.10.2010.

<sup>476</sup> Статья 13 Договора от 10 октября 2000 года «Об утверждении Евразийского экономического сообщества».

<sup>477</sup> Решение Межгосударственного Совета Евразийского экономического сообщества от 27 апреля 2003 г. № 112 «О Приоритетных направлениях развития ЕврАзЭС на 2003-2006 годы, подготовленных на основе доклада Председателя Межгосударственного Совета Евразийского экономического сообщества Н.А.Назарбаева «О положении дел в Евразийском экономическом сообществе и предложениях по ускорению интеграционного сотрудничества» (Принято в г. Душанбе 27.04.2003).

<sup>478</sup> Путин В.В. 2016. Выступление на заседании Межгосударственного совета ЕврАзЭС, 27 апреля 2003 года в г. Душанбе.

Member States had different levels of economic, and social development and structures of their national economies. As a result, the EurAsEC did not manage to fulfil its goals to develop a legal framework for formation of the Customs Union within two-three years.

In the end, Russia, Belarus and Kazakhstan decided to complete the construction of the Customs Union as a “Troika”<sup>479</sup> with the possibility of later accession of the remaining EurAsEC Member States.<sup>480</sup> In accordance with this decision, the EurAsEC Intergovernmental Council in 2007 approved the Action Plan for the Formation of the Customs Union within the framework of the Eurasian Economic Community for the period 2007-2010.<sup>481</sup> As a result, the Customs Union within its three members – Belarus, Kazakhstan and Russia, began to operate on January 1, 2010. It was then, according to Баландина Г.В. “a transition to a unified customs and tariff, and non-tariff regulation in the Customs Union”<sup>482</sup>.

#### 2.1.4. Customs Union of 2010

In 2007-2009 a number of documents were signed, which constituted the Treaty and legal basis of the cooperation of the three Member States. As the first step, Russia, Belarus and Kazakhstan concluded the Treaty on the Creation of a Single Customs Territory and the formation of the Customs Union on October 6, 2007.<sup>483</sup> The main objective of the CU was to form a Common Economic Space by introducing a single market of goods with free movement of goods between Russia, Kazakhstan and Belarus. In order to ensure effective governing of the Customs Union, a supranational body, the Commission of the Customs Union, was established.<sup>484</sup> The global economic crisis of 2008 pushed the integration process by forcing the CU members to find new ways for sustainable economic growth and minimizing economic risks. As a result, in February, 2009, a supra-national Executive Body Commission of the Customs Union began its work.<sup>485</sup> The functioning of the Commission was based on the principle of voluntary gradual transfer of some powers of the state bodies to the Commission.<sup>486</sup> A single customs tariff was established and the CU began to function.

The formation of the CU was largely completed on June 1, 2011. Since that date customs and other types of control over the movement of goods have been cleared at the borders between Russia, Belarus and Kazakhstan. The customs territories of the three states were combined into a common customs territory. The Customs Code of the CU (July 6, 2010) was introduced including a single customs tariff, a single system of foreign trade and the common legal framework on technical regulations.

During the period of 2010-2013, the CU adopted the following technical regulations in the field of food sector:

- Technical Regulation of the Customs Union TR CU 021/2011 “On safety of food products”;
- Technical Regulation of the Customs Union TR CU 022/2011 “On food

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<sup>479</sup> Troika means three member states: Russia, Belarus and Kazakhstan.

<sup>480</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО “Перспектив”, с.24.

<sup>481</sup> Решение Евразийской экономической комиссии от 10 октября 2008 года № 378 «О формировании таможенного союза и единого экономического пространства в рамках Евразийского экономического сообщества»// Решение Межгосударственного Совета ЕвразЭС от 6 октября 2007 года № 1 «О формировании правовой базы таможенного союза в рамках евразийского экономического союза».

<sup>482</sup> Баландина Г.В. 2016. Евразийский экономический союз. Таможенное регулирование. Материал для презентации.

<sup>483</sup> Договор о создании единой таможенной территории и формировании Таможенного союза от 6 октября 2007 года.

<sup>484</sup> Договор от 6 октября 2007 года «О Комиссии таможенного союза» (подписан в г. Душанбе 06.10.2007, ред. От 09.12.2010).

<sup>485</sup> Договор от 6 октября 2007 года «О Комиссии таможенного союза» (подписан в г. Душанбе 06.10.2007, ред. От 09.12.2010).

<sup>486</sup> Статья 2 Договора от 6 октября 2007 года «О Комиссии таможенного союза» (подписан в г. Душанбе 06.10.2007, ред. От 09.12.2010).

- products in terms of labelling”;
- Technical Regulation of the Customs Union TR CU 023/2011 “On juice products from fruits and vegetables”;
- Technical Regulation of the Customs Union TR CU 024/2011 “On fat and oil products”;
- Technical Regulation of the Customs Union TR CU 015/2011 “On safety of grain”;
- Technical Regulation of the Customs Union TR CU 005/2011 “On safety of packaging”;
- Technical Regulation of the Customs Union TR CU 027/2012 “On safety of certain types of specialized food products including dietary curative and dietary preventive nutrition”;
- Technical Regulation of the Customs Union TR CU 029/2012 “On safety requirements for food additives, flavors and processing aids”;
- Technical Regulation of the Customs Union TR CU 033/2013 “On safety of milk and dairy products”;
- Technical Regulation of the Customs Union TR CU 034/2013 “On safety of meat and meat products”.

### 2.1.5. Common Economic Space

At the end of 2009, even before the completion of process of the Customs Union, the Heads of Russia, Kazakhstan and Belarus decided to ensure full integration of their economies and not to limit it to only free movement of goods. With this objective, the Members laid down the Action Plan of actions on formation of the Common Economic Space (CES).<sup>487</sup> In this regard, formation of the Common Economic Space would provide not only free movements of goods, but also well free movement of services, capital and work power.

An important stage in the development of Eurasian economic integration was the signing of the Declaration on Eurasian economic integration by the leaders of the CU in November 2011. It announced the transition to the next stage of integration process – the Common Economic Space (CES).<sup>488</sup> The Declaration expressed the importance of joining the WTO and the establishment of the Eurasian Economic Commission in order to finalize the regulatory framework of the CU and the CES by codification of international treaties by January 2015.<sup>489</sup>

The CES has been functioning since January 1, 2012.<sup>490</sup> As a result, national legislations have been harmonized and unified, resulting in coordinated policies in agriculture, economics and other sectors. The creation of the CES was an important step of economic integration, because it allowed to unite a large market with 170 million consumers, by introducing four freedoms within its territories - free movement of goods, services, capital and labor.<sup>491</sup> The CES has been functioning in key areas of economic regulation such as competition policy, macroeconomics, industrial and agricultural subsidies, transport, energy, tariffs of natural monopolies. That was an important move from resource-based economy to innovation economy. Due to coordinated policy in the agricultural sector the creation was expected of transparent conditions for bilateral trade, an increase of self-sufficiency of

<sup>487</sup> Решение Межгосударственного Совета ЕврАзЭС от 19 декабря 2009 года № 35 «О Плане действий по формированию Единого экономического пространства Республики Беларусь, Республики Казахстан и Российской Федерации».

<sup>488</sup> Декларация о евразийской экономической интеграции от 18 ноября 2011 года.

<sup>489</sup> Декларация о евразийской экономической интеграции от 18 ноября 2011 года.

<sup>490</sup> Единое экономическое пространство. [https://ru.wikipedia.org/wiki/Единое\\_экономическое\\_пространство](https://ru.wikipedia.org/wiki/Единое_экономическое_пространство) [accessed 28.10.2017].

<sup>491</sup> Евразийский Экономический Союз. 2017. Факты и цифры ЕАЭС. Библиотека Евразийской интеграции.



common agricultural product and food market. Supra-national coordination between the EEC and authorities of the Member States contributed to stimulation and development of the agricultural product markets at this stage. The work of the Member States on deepening the integration had created conditions to transform the CU into the Eurasian Economic Union.<sup>492</sup>

Another significant step in the development of Eurasian integration processes was 2013 when Armenia expressed the intention to join the Customs Union and the Common Economic Space.<sup>493</sup> For this accession, a “roadmap” was developed and the accession itself took place in Minsk on October 10, 2014.<sup>494</sup> On the same date, the “roadmap on accession of the Kyrgyz Republic to the CES”<sup>495</sup> was approved, which became a full member of all integration associations since August 12, 2015.<sup>496</sup> However, compared to the Customs Union, the process of creation of the CES has not been fully completed. It is still going on within the framework of the EAEU.<sup>497</sup>

## 2.2. Eurasian Economic Union

By codifying the legal framework of the Customs Union and the CES based on the WTO norms, the Declaration on Eurasian Economic Integration of 18 November, 2011 also set a general objective to create on this basis a new integrational organization – The Eurasian Economic Union by January 1, 2015<sup>498</sup> and to establish the Eurasian Economic Commission.

The Treaty on the Eurasian Economic Commission was signed in November 2011 and entered into force on January 1, 2012.<sup>499</sup> In the same context, the EurAsEC Member States agreed on to establish a permanent Supranational Judiciary Body – the EurAsEC Court.<sup>500</sup> (The Statute of the EurAsEC Court dated July 5, 2010 ). Although the EurAsEC Court formally acted as the Body of the EurAsEC in general, however in practice it considered only cases related to the functioning of the Customs Union and Common Economic Space between Russia, Kazakhstan and Belarus, with participation of the judges only from these states.<sup>501</sup>

### 2.2.1. Establishment of the Eurasian Economic Union

During 2011-2014 Russia, Kazakhstan and Belarus drafted the constituent agreement of the EAEU, the Treaty on Eurasian Economic Union. As a result, the Treaty was signed by the Presidents of Russia, Belarus and Kazakhstan on May 29, 2014 in Astana, Kazakhstan.<sup>502</sup> The Treaty on the EAEU came into force after ratification by the national parliaments of the Member States on January 1, 2015. In Russia, the Treaty was ratified through the Federal

<sup>492</sup> Евразийский Экономический Союз. 2017. Факты и цифры ЕАЭС. Библиотека Евразийской интеграции.

<sup>493</sup> Договор о присоединении Республики Армения к Договору о Евразийском экономическом союзе от 29 мая 2014 года (с изменениями на 11 апреля 2017 года).

<sup>494</sup> Евразийский Экономический Союз. 2017. Факты и цифры ЕАЭС. Библиотека Евразийской интеграции.

<sup>495</sup> Договор о присоединении Кыргызской Республики к Договору о Евразийском экономическом союзе от 29 мая 2014 года (с изменениями на 11 апреля 2017 года).

<sup>496</sup> Присоединение Кыргызской Республики к Евразийскому интеграционному проекту.

[http://www.eurasiancommission.org/ru/act/integr\\_i\\_makroec/dep\\_razv\\_integr/Pages/Новые%20страницы/О%20присоединении%20Кыргызской%20Республики%20к%20ЕАЭС.aspx](http://www.eurasiancommission.org/ru/act/integr_i_makroec/dep_razv_integr/Pages/Новые%20страницы/О%20присоединении%20Кыргызской%20Республики%20к%20ЕАЭС.aspx) [accessed 26.10.2017].

<sup>497</sup> Before establishment of the EAEU, the Customs Union and CES were considered as special integration unions of Russia, Belarus and Kazakhstan within the framework of EurAsEC. Since January 1, 2015, the effective date of Treaty on Eurasian Economic Union, the Customs Union and CES are being under regulation of the EAEU.

<sup>498</sup> Декларация о евразийской экономической интеграции от 18 ноября 2011 года.

<sup>499</sup> Договор о Евразийском экономической комиссии (прекратил действие с 01.01.2015 на основании международного договора от 29.05.2014).

<sup>500</sup> Решение Межгоссовета ЕврАзЭС (на уровне глав государств) от 5 июля 2010 года № 502 «О Статуте Суда Евразийского экономического сообщества» (с изменениями на 10 октября 2011 года/действие приостановлено с 01.01.2015).

<sup>501</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО “Проспект”.

<sup>502</sup> Евразийский Экономический Союз. 2017. Факты и цифры ЕАЭС. Библиотека Евразийской интеграции.



Law of 3 October, 2014 No.279-FZ.<sup>503</sup>

Since then, the EAEU has started to function fully. Simultaneously, its historical predecessor EurAsEC which was created in 2010, ceased its functioning. In 2015, the EAEU consisted of five member states (the Russian Federation, Kazakhstan, Belarus, Armenia and the Kyrgyz Republic) with more than 182.7 million consumers. Since January 1, 2015 a single market of the EAEU has included 43 service sectors. After signing the Treaty on the EAEU, the Union acquired an international legal status. The importance of the EAEU on the international market increased considerably due to growing interest from China, Vietnam, Iran, India, Israel, Egypt, Singapore, Mercosur and Asean to cooperate with the EAEU.<sup>504</sup>

In 2016, the Member States under coordination of the EEC agreed on agro-industrial policy to provide state support for agriculture, regulate the common agricultural market, establish uniform requirements for product manufacture and circulation, including food export, agricultural product development and scientific and innovative development of the agro-industrial complex.<sup>505</sup>

Further, In March 2017 the EEC issued a White Paper indicating the results of the EEC work on removing barriers and restrictions to implement four “freedoms” in the Union internal market. The Member States of the EAEU signed the Treaty on the Customs Code of the Eurasian Economic Union in April, 2017.<sup>506</sup> The new Customs Code of the EAEU has been effective from January 1, 2018. The new Customs Code would decrease paperwork flow and introduce modern software and hardware at all stages from filing a declaration to releasing the goods.

As Бойко А.И. и др.<sup>507</sup> note the external factors such as economic sanctions and barriers to Russia seems to give good chances for the self-development of the EAEU. They became effective incentives for the development of import substitution and formation of the common market of the EAEU. Transition to a single currency within the Union is also in the prospect.<sup>508</sup>

## 2.2.2. The Treaty on the Eurasian Economic Union

The Treaty on the Eurasian Economic Union is a legal regulatory basis for the EAEU’s functioning. It is based on the framework of the CU and CES. The provisions of the CU and CES were updated, contradictions were excluded and a new conceptual framework was formed in compliance with WTO rules.<sup>509</sup>

The Treaty on the Eurasian Economic Union laid down general provisions on technical regulations. One of the main principles is to establish unified compulsory requirements for products and related processes. These requirements are stipulated in technical regulations. By July 2017, the number of adopted technical regulations of the EAEU consisted of 44 documents, 35 of which entered into force. Out of these 11 technical regulations designed for food products<sup>510</sup> including horizontal technical regulations on labelling (TR CU 022/2011) and on packaging (TR CU 005/2011) are being effective.

<sup>503</sup> Федеральный закон Российской Федерации «О ратификации Договора о Евразийском экономическом союзе» от 3 октября 2014 года № 279-ФЗ.

<sup>504</sup> Евразийский Экономический Союз. 2017. Факты и цифры ЕАЭС. Библиотека Евразийской интеграции.

<sup>505</sup> Евразийский Экономический Союз. 2017. Факты и цифры ЕАЭС. Библиотека Евразийской интеграции.

<sup>506</sup> Договор о Таможенном кодексе Евразийского экономического союза от 11 апреля 2017 года (ратифицирован Федеральным законом РФ от 14 апреля 2017 года № 317-ФЗ).

<sup>507</sup> Бойко А.И., Лазарева Н.Ю., Ныrkova Н.А., Терентьева М.С., под ред. Чучуева А.И. 2017. Правовое обеспечение интеграционных процессов в рамках Евразийского экономического союза. Монография. М: ООО “Проспект”.

<sup>508</sup> Евразийский Экономический Союз. 2017. Факты и цифры ЕАЭС. Библиотека Евразийской интеграции.

<sup>509</sup> Евразийский Экономический Союз. 2017. Факты и цифры ЕАЭС. Библиотека Евразийской интеграции.

<sup>510</sup> Information Reference from the website of Eurasiancommission.org, a number of effective technical regulations from 9 rose to 11 by January 2018.

<http://www.eurasiancommission.org/ru/nae/news/Pages/27-01-2015-2.aspx> [accessed 20.01.2018].

### 2.2.3. Objectives of the Eurasian Economic Union

The main objectives of the EAEU are:<sup>511</sup>

- To provide conditions for the Member States' stable development of economies in order to improve the living standards of their population;
- To form a single market for goods, services, capital and labor within the framework of the EAEU;
- To modernize, cooperate, increase comprehensively the competitiveness of national economies in the conditions of global economy.

In order to achieve these objectives, the EAEU formed a system of executive Bodies consisting of authorized representatives of Member States or independent officials appointed by them. The bodies of the EAEU are obliged to operate within the limits of their powers according to the Treaty and international treaties within the framework of the Union.<sup>512</sup>

### 2.2.4. Executive Bodies of the EAEU

<b>The Supreme Eurasian Economic Council</b> <i>(Presidents of Member States of EAEU)</i>	
<ul style="list-style-type: none"> <li>Examines fundamental questions of the EAEU activities;</li> <li>Defines the strategy, directions and prospects of development of integration; and</li> <li>Takes decisions aimed at implementing the objectives of the EAEU.</li> </ul>	
<b>Eurasian Intergovernmental Council</b> <i>(Prime Ministers of Member States of EAEU)</i>	
<ul style="list-style-type: none"> <li>Ensures the implementation and monitoring of the EAEU Treaty, international agreements in the framework of the Union and the decisions of the Supreme Eurasian Economic Council; and</li> <li>Performs other duties pursuant to the Treaty on the EAEU and international agreements in the framework of the Union.</li> </ul>	
<b>The Eurasian Economic Commission (EEC)</b>	
<b>Council:</b> 5 Deputy Prime Ministers of Member States of EAEU	<b>Board:</b> 2 Members of Board (Ministers) of the Commission from each member country
<b>Departments</b> 23 departments with 20 Advisory committees Chairmen of committees are Members of Board (Ministers)	
<ul style="list-style-type: none"> <li>Makes decisions, directives and recommendations in order to ensure the conditions for the functioning and development of the EAEU, the solution of problems in the sphere of economic integration within the EAEU.</li> </ul>	
<b>Advisory body to the board of EEC</b> <i>Consultative Committee on Technical Regulation, Application of Sanitary, Phytosanitary and Veterinary Measures</i>	
<ul style="list-style-type: none"> <li>Provides consultations with representatives of Member States of EAEC; and</li> <li>Elaboration of proposals in the sphere of technical regulation, application of sanitary, phytosanitary and veterinary measures</li> </ul>	
Technical regulation	Economy and financial policy
Competition and antitrust regulation	Trade
Energy and Infrastructure	Customs cooperation
Integration and macroeconomics	Industry and agro-industrial complex
<b>Court of the Eurasian Economic Union</b>	
<ul style="list-style-type: none"> <li>The status, composition, jurisdiction, functioning and formation procedures of the Court of the Union shall be determined by the Statute of the Court of the Eurasian Economic Union in accordance with Annex 2 to this Treaty.</li> </ul>	

<sup>511</sup> Статья 4 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>512</sup> Статья 8 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

Fig.18. Structure of the EAEU Executive Bodies.<sup>513</sup>

The Leading Bodies of the EAEU are:<sup>514</sup>

- Bodies of political leadership: the Supreme Eurasian Economic Council (Presidents of Member States of the EAEU) and the Eurasian Intergovernmental Council (Prime Ministers of Member State of the EAEU);
- Regulating Body: the Eurasian Economic Commission (EEC);
- Judiciary Body: the Court of the EAEU.

The chairmanship in the Bodies of the EAEU, except for the Court, is carried out on a rotational basis as to the Russian alphabet by one Member State during one calendar year without the right to renew.<sup>515</sup> In 2015, the chairmanship in most of the bodies of the EAEU was entrusted to Belarus.<sup>516</sup><sup>517</sup> The governing Bodies of the EAEU, in their political and legal nature, are supranational bodies of general competence. They are authorized to adopt mandatory decisions on various aspects of the EAEU functioning in relation to various spheres of economic life.<sup>518</sup>

The Advisory bodies are subordinate to the EEC, they are in charge of drafting guidelines (recommendations). The Advisory bodies consist of experts in the fields of energy, agriculture and etc. The Experts are the authorized representatives of state authorities, as well as representatives of businesses, scientific and public organizations by proposal of the Member States or independent experts.<sup>519</sup> The working language of all bodies of the EAEU is the Russian language.<sup>520</sup>

#### **2.2.4.1. Supreme Eurasian Economic Council**

The Supreme Eurasian Economic Council (or Supreme Council) («Высший Евразийский экономический совет») has the status of the Supreme Body of the EAEU.<sup>521</sup> The composition of the Supreme Council includes the Heads of the Member States, the Presidents.<sup>522</sup> The Supreme Council functions in accordance with the procedure established by the Treaty on the EAEU,<sup>523</sup> as well as with the procedures established by the Council.<sup>524</sup> The regular sessions of the Supreme Council are held once a year. For urgent issues, extraordinary meetings can be called at the initiative of any of the Member States or the

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<sup>513</sup>Nurgaliyeva M.T., Von Wright A, Lindroos K, Smagulov A, Iskakova Z. 2017. Analysis of the Food Safety Legislation of the Eurasian Economic Union. EFFL, No.3 pp 237.

<sup>514</sup> Статья 8 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>515</sup> Статья 8 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>516</sup> Решение Высшего Евразийского экономического совета от 23 декабря 2014 года № 97 «О председательстве в органах Евразийского экономического союза».

<sup>517</sup> Except for the Board of the Eurasian Economic Union, which was headed by the representative from Russia, V.Christenko during 2012-2015.

<sup>518</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО «Проспект».

<sup>519</sup> пара 44-45, Приложения 1 к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>520</sup> Статья 110 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>521</sup> Статья 10 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>522</sup> Статья 10 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>523</sup> Статья 11 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>524</sup> Решение Высшего Евразийского экономического совета от 23 декабря 2014 года № 98 «О регламенте работы Евразийской экономической комиссии».

Chairman of the Supreme Council.<sup>525</sup>

The Chairman of the Supreme Council, whose position is alternately occupied by the Heads of the Member States for one year, performs the following functions: chairs the sessions of the Supreme Council; organizes the work of the Supreme Council; provides overall guidance in preparation of issues submitted for consideration to Supreme Council.<sup>526</sup>

The Supreme Council, as the supreme body of the EAEU, is empowered to consider the principle issues of the EAEU activities, determine strategies, directions and prospects for the development of integration.<sup>527</sup> Specific mandates of the Supreme Council are to form the EAEU governing bodies such as the Eurasian Economic Commission and the EAEU Court; to govern international activities of the EAEU, including adoption of the Decisions on signing of international agreements of the EAEU with the third parties.<sup>528</sup>

#### **2.2.4.2. Eurasian Intergovernmental Council**

The Eurasian Intergovernmental Council (or Intergovernmental Council) «Евразийский Межправительственный совет» is the second most important body of the EAEU. Its composition consists of the Heads of the Governments of the Member States, the Prime Ministers.<sup>529</sup> Like the Supreme Council, the Eurasian Intergovernmental Council functions in accordance with the procedure stipulated in the Treaty on the EAEU<sup>530</sup> and the procedure<sup>531</sup> supplemented by the Intergovernmental Council. The Intergovernmental Council meets at regular meetings more often than the Supreme Council if necessary, but at least 2 times a year. In case of urgent issues the meetings of the Intergovernmental Council are convened at the initiative of any Member State or the Chairman of the Intergovernmental Council.<sup>532</sup>

Duties of the Chairman of the Intergovernmental Council are similar to those of the Chairman of the Supreme Council such as to chair the meetings of the Intergovernmental Council, organize work and provide overall guidance in preparation of issues submitted to the Intergovernmental Council for consideration.<sup>533</sup>

Being the second important body of the EAEU, the Intergovernmental Council is in charge of monitoring over the implementation of the Treaty, international treaties within the Union and the decisions of the Supreme Council; nomination of candidates for the Eurasian Economic Commission; cancellation, modification or suspension of the Commission's Decisions; consideration of issues on which Commission could not reach consensus; instructing the Commission.<sup>534</sup>

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<sup>525</sup> Статья 11 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>526</sup> Статья 11(2) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>527</sup> Статья 12 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>528</sup> Статья 12 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>529</sup> Статья 14 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>530</sup> Статья 15 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>531</sup> Решение Высшего Евразийского экономического совета от 21 ноября 2014 года № 89 «О порядке организации проведения заседаний Евразийского межправительственного совета».

<sup>532</sup> Статья 15 (1) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>533</sup> Статья 15 (1) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>534</sup> Статья 16 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

#### 2.2.4.3. Eurasian Economic Commission

The Eurasian Economic Commission (or Commission, EEC) «Евразийская экономическая комиссия» is defined as a permanent regulatory body<sup>535</sup> of the Union in the Treaty on the EAEU. The legal status, duties and functions of the Commission are stipulated in the Annex 1 to the Treaty.<sup>536</sup>

The Commission carries out its activities in the following areas:<sup>537</sup>

- customs regulation;
- technical regulation;
- sanitary, veterinary-sanitary and quarantine phytosanitary measures;
- establishment of trade regimes with third parties;
- external and mutual trade statistics;
- industrial and agricultural subsidies;
- intellectual property;
- mutual trade of services and investments, and other activities.

The Commission functions on two levels compared to other bodies, it consists of two structural departments – *the Council* and *the Board*.<sup>538</sup>

*The Council of the Commission* has the right to form structural subdivisions. Decisions, Directives and Recommendations of the Commission are adopted by the Commission's Board and the Council's Board. The Decisions («Решения») of the Commission are binding on the Member States, while its Directives («Распоряжения») are of organizational and administrative nature, and the Recommendations of the Commission («Рекомендации») are not binding.<sup>539</sup> Decisions of the Commission are included in the Treaty of the Union and are subject to direct application in the territories of the Member States. The Decisions of the Commission enter into force no earlier than 30 calendar days after the date of their official publication, if it is not otherwise provided by the Treaty and international treaties within the Union. The Decisions of the Commission in exceptional cases, which require prompt response, may have a different period of entry into force, but not less than 10 calendar days from the date of their official publication.

The Supreme Council may authorize the Commission to sign the international agreements within the competence of the Commission.<sup>540</sup> The Council of the Commission includes representatives of Member States at the level of Deputy Heads of the Government – one representative from each Member State.<sup>541</sup> The Council is the highest internal division in the structure of the Commission. It has two main functions: general regulation of integration processes in the EAEU and overall management of the Commission's activities.<sup>542</sup> In the framework of the first main function, the Council approves the key decisions; establishes and modifies duties of the single customs tariff; adopts Technical Regulations of the EAEU. In

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<sup>535</sup> Статья 18 (1) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>536</sup> Приложение 1 «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>537</sup> Пара 3 Приложения 1 «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>538</sup> Пара 11 Приложения 1 «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>539</sup> Пара 13 Приложения 1 «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>540</sup> Пара 6 Приложения 1 «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>541</sup> Пара 23 Приложения I «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>542</sup> пара 22 Приложения I «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

the second main function, the Council exercises political control over the Board and may revise the Decisions adopted by the Board.<sup>543</sup>

Meetings of the Council of are held in accordance with the regulation rules. Any member of the Council of the Commission may initiate a meeting of the Council of the Commission, as well as make proposals to the agenda of the meeting of the Commission's Board.<sup>544</sup>

**The Board of the Commission** is the executive body of the Commission.<sup>545</sup> It is formed on the principle of equal representation of the Member States.<sup>546</sup> Unlike members of the Council and members of the EAEU, the members of the Board work on a permanent basis and in the exercise of their powers, they are independent government bodies and officials of the Member States, they cannot seek or receive instructions from the authorities or officials of the Member States.<sup>547</sup> The members of the Board are appointed by the Supreme Council for a term of 4 years with a possible extension of office. One of these members can be appointed as the Chairman of the Board for a period of 4 years but without the right of extension.<sup>548</sup> Sessions of the Board of the Commission are held, as a rule, at least once a week.

The Board is in charge of adopting the *Decisions* («*Решения*»), *Directives* («*Распоряжения*») and *Recommendations* («*Рекомендации*»). It enacts the Decisions and Directives adopted by the Supreme Council, Intergovernmental Council and Commission. The Board monitors and controls the enacted international treaties and the issues on formation and functioning of the EAEU. It assists the Member States in settling disputes prior to application to the Court and drafts international treaties and prepares the expert conclusions in written for the Member states.<sup>549</sup>

The Board may establish **Advisory/Consultative Committees** («*Консультативные органы при Коллегии Комиссии*»). The advisory bodies of the Board of the Commission include authorized representatives of the public authorities of the Member States. These are representatives of the business community, scientific and public organizations, and other independent experts.<sup>550</sup>

In addition to the Council and Board, the Commission includes **Departments** («*Департаменты*»). These are departments on macroeconomics, agro-industrial policy, financial and legal sectors. There are around 20 departments. The Commission as a permanent regulating body of the EAEU has a permanent location. This place is the capital of the RF, Moscow.<sup>551</sup>

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<sup>543</sup> Пара 24 Приложения I «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>544</sup> Пара 26 Приложения I «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>545</sup> пара 31 Приложения I «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>546</sup> The first Board of the Commission (2012-2015) which began its work before the establishment of the EAEU on the basis of the Treaty on the Eurasian Economic Commission, dated 18 November, 2011, there was a rule of “one Member State – three members of the Board”, the number of representatives of the Board may be revised upwards or downwards.

<sup>547</sup> Пара 34 Приложения I «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>548</sup> Пара 33 Приложения I «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>549</sup> Пара 43 Приложения I «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>550</sup> Пара 45 Приложения I «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>551</sup> Статья 18 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

#### 2.2.4.4. Court of the Eurasian Economic Union

The Court of the EAEU (*The Court of the Union/ «Суд Союза»*) is the permanent judicial organ of the EAEU.<sup>552</sup> The legal status, composition, competence, formation procedure and functioning of the Court is determined by the Statute of the Court of the EAEU, in Annex 2 to the Treaty on the EAEU.<sup>553</sup> The Decision of the EEC of 23 December, 2014 No. 101 "On the Approval of the Regulations of the Court of the Eurasian Economic Union"<sup>554</sup> lays down the procedures on consideration of cases in the Court.

The Court of the EAEU consists of judges – 2 judges from each Member State. Judges are appointed by the Supreme Council on the proposal of the Member States for a term of 9 years.<sup>555</sup> The highest official of the Court is the Chairman of the Court, who has one deputy. The Chairman and Deputy shall not be citizens of the same state.<sup>556</sup> The EAEU Court has its own office, which includes its Secretariat and individual secretariats of judges including their advisers and assistants. The court of the EAEU has a permanent office, in the capital of the Republic of Belarus, Minsk.<sup>557</sup>

The Court considers the cases related to interpretation and application of the EAEU Treaty, international treaties within the framework of the EAEU and the Decisions of the EAEU bodies. In detail, the competence of the EAEU Court includes consideration of disputes on issues of the EAEU law, i.e. the case of lawsuit. Based on the results of their consideration, the EAEU court makes legally binding Decisions. The competence of the EAEU Court also covers the official interpretation (clarification) of the sources and norms of the EAEU law. The Court considers corresponding cases in an indisputable order. Based on the results of the consideration, the Court issues an advisory opinion, which is of a recommendatory nature and does not deprive the Member States of those rights to have a joint interpretation of international treaties included in the legal system of the EAEU.<sup>558</sup>

### 2.3. Legal System of the EAEU

The formation of the EAEU caused the emergence of a new legal system of integration nature – the law of the Eurasian Economic Union.<sup>559</sup> Like the Russian legal system, the law of the EAEU has specific features of the action in time, in space and in a circle of persons. From the point of view of the validity in time, the EAEU law officially exists from January 1, 2015 – the date of entry into force of the EAEU Treaty and launch of this international organization. At the same time, many elements of this law were laid in the previous stages of Eurasian economic integration such as in the context of formation of the former EurAsEC, legal framework of the CU, followed then by the CES between Russia, Belarus and Kazakhstan. Some agreements adopted during 2007-2014 are left in force by the

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<sup>552</sup> Статья 19 (2) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>553</sup> Статья 19 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>554</sup> Решение Высшего Евразийского экономического совета от 23 декабря 2014 г. № 101 «Об утверждении Регламента Суда Евразийского экономического союза».

<sup>555</sup> пара 7/8 Приложения 2 «Статут Суда Евразийского экономического союза» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>556</sup> Пара 14/15 Приложения 2 «Статут Суда Евразийского экономического союза» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>557</sup> Статья 19 (3) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>558</sup> Пара 45/47 Приложения 2 «Статут Суда Евразийского экономического союза» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>559</sup> Статья 6 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

Treaty on the EAEU. The same applies to the Decisions<sup>560</sup> of the CU and the CES between Russia, Belarus and Kazakhstan. From the point of view of the action in space, the EAEU law is mandatory on the territories under the jurisdiction of the EAEU Member States. These include, first of all, state territories of these countries, but also some other areas of geographical space over which Member States have sovereign rights, like exclusive economic zones. From the viewpoint of action on a circle of persons, EAEU law establishes subjective rights and imposes obligations on all its EAEU Member States, the authorities of the EAEU, citizens and legal entities of the EAEU. The EAEU law also includes citizens and legal entities of the third countries to the extent when they exercise their economic activities on the territory of the EAEU Member States, as well as when they move their property through a single external border of the EAEU.

### 2.3.1. Sources of EAEU Law

All sources of EAEU law are official documents, have a written nature. Unwritten sources in the form of legal customs of the EAEU are not provided. At the same time, when considering specific cases, the EAEU Court may apply existing international customs as evidence of universal practice and recognized as a legal norm. The main sources of law of the EAEU are listed in the Article 6 of the Treaty on the EAEU. According to the first paragraph of this Article, the law of the Union consists of:<sup>561</sup>

- the Treaty on the Eurasian Economic Union;
- International Treaties within the EAEU;
- International Agreements of the EAEU with a third party;
- Decisions (*«Решения»*) and Orders (*«Распоряжения»*) of the Supreme Eurasian Economic Union, the Eurasian Intergovernmental Council, the Eurasian Economic Commission.<sup>562</sup>

The Treaty on the EAEU does not establish official classification of the sources of the EAEU Law. However, classification, according to Кашкин С.Ю. и Четвериков А.О.,<sup>563</sup> can be carried out on the basis of the importance and legal effect of the sources. Sources, that are fundamental in the legal system of the EAEU and have the highest legal force, can be called the sources of its primary law, so called “constitutional” acts of the EAEU.<sup>564</sup>

The primary law of the EAEU consist of the Treaty on the Eurasian Economic Union and international treaties within the framework of the Union. The *Decisions* (*«Решения»*) and *Orders* (*«Распоряжения»*) of the EAEU are issued on the basis of the primary law and they should comply with it. They are the secondary sources of EAEU law. In addition, the sources of secondary law may include international treaties of the Union with a third party (with other states, international organizations and integration unions within the framework of the international activity of the EAEU).<sup>565</sup>

The jurisprudence of the EAEU Court is not considered as a source of law. According to the Statute on the EAEU Court, the Eurasian Court does not change or abolish the existing norms and rules of the EAEU law, legislations of the Member States or does not create new

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<sup>560</sup> Статья 99 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>561</sup> Статья 6 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>562</sup> Decisions of the Supreme Eurasian Economic Council and the Eurasian Intergovernmental Council are enacted by Member States in the manner provided for by their national legislation. (Article 6).

<sup>563</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО “Перспектив”, с.62.

<sup>564</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО “Перспектив”, с.62.

<sup>565</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО “Перспектив”, с.63.



ones.<sup>566</sup> However, a judicial practice of the EAEU has an important interpretive and explanatory meaning, it serves as a means of official interpretation of sources of primary and secondary laws of the EAEU which should be taken into account by other bodies of the EAEU, Member States, legal entities in practical application of such sources.<sup>567</sup>

### **2.3.2. Sources of EAEU primary law**

Sources of the primary law are:<sup>568</sup>

- Treaty on the Eurasian Economic Union;
- International Treaties within the legal framework of the EAEU.

#### **2.3.2.1. Treaty on the Eurasian Economic Union**

The Treaty on the EAEU was signed in Astana on May 29, 2014 and entered into force on January 1, 2015. It is the constituent document of the EAEU. It is the core of its legal systems, the source of law possessing the highest legal force in the system. The Treaty is the result of the codification<sup>569</sup> of the previously adopted contractual and legal framework of the CU and the CES between Russia, Belarus and Kazakhstan.

The Treaty on the EAEU as the codified source has a significant volume and a complex structure, containing the preamble, the basic provisions (118 articles are grouped into four parts and XXVIII sections) and 33 annexes in total. Despite its multi-level structure, the Treaty on the EAEU in general is a single source of law. All its norms have equal legal force and are equally applied to all Member States of the EAEU, unless otherwise provided by the Treaty.

#### **2.3.2.2. International Treaties**

International Treaties within the framework of the EAEU are the agreements concluded between the Member States on issues related to the functioning and development of the EAEU.<sup>570</sup> Only the Member State of the EAEU can be parties to international treaties within the Union. International Treaties within the Union are divided into two groups, depending on the time of their conclusion. The First group of international treaties are those that were concluded before signing of the Treaty on EAEU. This group includes some elements of the legal framework of the CU and the CES within the former EurAsEC, which were not covered by codification process and were not abolished in connection with entry into force of the Treaty on the EAEU.<sup>571</sup> This group includes mainly sources of the single customs regulation of the EAEU: the Agreement on the Customs Code of the Customs Union dated November 27, 2009 and supplementary agreements. These Agreements are to be abolished after adoption of a new Agreement on the Customs Code of the EAEU (January, 2018). The second group of international agreements within the framework of the Union are the agreements concluded after the signing of the Treaty on Eurasian Economic Union. The

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<sup>566</sup> пара 102, Приложения 2 «Статут Суда Евразийского экономического союза» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>567</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО «Перспектив», с.63.

<sup>568</sup> Статья 6 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>569</sup> According to the data of the Eurasian Economic Commission, 236 agreements were used in the work on codification, including 96 agreements within the framework of the Customs Union and the CES between Russia, Belarus and Kazakhstan, 133 agreements signed within the framework of EurAsEC. The List of codified agreements are in the Annex 33 to the Treaty on the EAEU, See: Eurasian Economic Union. Questions and Answers. Figures and Facts. M.: Eurasian Economic Commission, 2014, p.20.

<sup>570</sup> Статья 2 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>571</sup> Статья 99 (1) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

international agreements within the legal framework of the EAEU, although they relate to the sources of primary law, they complement the EAEU Treaty and should comply with the Treaty, and in case of contradictions, the latter will have priority.<sup>572</sup> Other sources of the primary law can be the Amendments, which are accepted in the form of international agreements between the EAEU members. They must be signed and ratified.

### 2.3.3. Sources of EAEU secondary law

The secondary sources of EAEU law are the *Directivess* («Распоряжения») and the *Decisions* («Решения»).<sup>573</sup> The Directives may be issued by any bodies of the EAEU and they usually relate to the current activities.

The *Decision* is an act, containing provisions of a regulatory and legal nature. There are two types of Decisions:

- Decisions of the Supreme Council and Intergovernmental Council;
- Decisions of the Eurasian Economic Commission (EEC).

*Decisions* of the Supreme Council and Intergovernmental Council are mainly of a strategic nature. They are mandatory for the EEC, but not intended for direct regulation of public relations in the territory of the Member States. According to the Treaty on the EAEU, the Decisions of the Supreme Council and the Intergovernmental Council are subject to the execution by the Member States in the manner determined by their national legislation.<sup>574</sup> The Member State determines itself how to implement the Decisions of the Councils in its territory.

*Decisions* of the EEC are mandatory for all Member States and are subject to direct application in their territories.<sup>575</sup> The Decisions of the Commission form the integration legislation of the EAEU. Decisions and Directives, as sources of the secondary law, should comply with the sources of the primary law, in particular the Treaty on the EAEU.<sup>576</sup>

In addition to Directives and Decisions, the Bodies of the EAEU can also issue acts that do not have binding force such as Guidelines, Recommendations, Declarations, Model Laws. Since they are not mandatory, they are not considered as the source of EAEU law.

### 2.3.4. Publication of Legislation and Entry into force

According to the principle of publication and entry into force stipulated by the Treaty on the EAEU, international agreements within the Union, international treaties of the Union with a third party and the Decisions of the Bodies are subject to official publication on the official website of the EAEU.<sup>577</sup> The order of publication on the official website is determined by the Intergovernmental Council.<sup>578</sup> The Decisions of the EAEU bodies must be published in draft for public discussion. Interested persons have the right to submit comments and proposals on the draft legislation to the relevant body of the EAEU. The Draft Decisions

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<sup>572</sup> Статья 6(3) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>573</sup> Статья 2 и статья 6 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>574</sup> Статья 6 (1) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>575</sup> пара 13 Приложения 1 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>576</sup> Статья 6(3) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>577</sup> Статья 111 (1) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>578</sup> Решение Высшего Евразийского экономического совета от 20 ноября 2014 г. № 90 «Об официальном опубликовании международных договоров в рамках Евразийского экономического союза, международных договоров Евразийского экономического союза, заключаемых с третьими государствами, их интеграционными объединениями и международными организациями, решений органов Евразийского экономического союза».

should be published at the official website of the EAEU no later than 30 days before the planned date of their adoption.<sup>579</sup> If the Decisions are made in exceptional cases that require a prompt response, their drafts may be published in shorter terms.

The Decisions of the EAEU bodies are sent to the Member States not later than 3 calendar days from the date of their adoption.<sup>580</sup> The main language of the sources of the EAEU law is the Russian language, which is also the working language of all the bodies of the EAEU.<sup>581</sup> International Treaties within the framework of the Union and the Decisions of the Commission, which are binding on Member States, should subsequently be translated into the state languages of the Member States, if required by their national law.<sup>582</sup>

### **2.3.5. The EAEU Law and the WTO**

The question of correlation of the legal mechanisms of the Eurasian and global economic integration was raised at the stage of the formation of the Customs Union between Russian, Kazakhstan and Belarus. In order to regulate the relationship between the legal systems of the Customs Union and the WTO, these organizations have concluded a special agreement on May 19, 2011 “Treaty on the functioning of the Customs Union in the framework of the multilateral trading system”.<sup>583</sup> The Treaty has the status of international treaty within the legal framework of the EAEU and supplements the foundation agreement “The Treaty on the EAEU”. It fully retains its force and is applied to regulate relevant relations within the framework of the EAEU.<sup>584</sup>

In accordance with the “Treaty on the functioning of the Customs Union within the framework of the multilateral trading”, the WTO’s requirements are officially recognized as an integral part of the legal system of the CU, and hence of EAEU law.<sup>585</sup> The Member States of the EAEU have undertaken to harmonize the legal system of the CU with the WTO requirements, and in case of contradictions, to guarantee the priority of WTO law over the provisions of international treaties concluded within the framework of the Customs Union and the Decisions of its bodies. WTO law was not only incorporated into EAEU law, but also had a significant impact on the content of the norms of its legal system and development of the EAEU Treaty. In addition to WTO law, EAEU law had been influenced and borrowed legal norms from EU law.<sup>586</sup>

#### **2.3.5.1. Hierarchy of Legislation under EAEU Law**

The hierarchy of legislation within the legal framework of the EAEU demonstrates

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<sup>579</sup> Статья 111 (4) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>580</sup> Статья 111 (3) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>581</sup> Статья 110 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>582</sup> Статья 110 (2) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>583</sup> Договор о функционировании Таможенного союза в рамках многосторонней торговой системы от 19 мая 2011 года.

<sup>584</sup> Приложение 31 «Протокол о функционировании Евразийского экономического союза в рамках многосторонней торговой системы» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>585</sup> The Member States of the EAEU agreed to recognize the WTO law as an integral part of the legal system of the Customs Union, despite the fact the prior to formation of the EAEU only Russia accessed the WTO out of three initial the CU Members, and the other two (Belarus and Kazakhstan) were candidates for WTO accession. Later, new Member States of the EAEU (Armenia and Kyrgyzstan) were already the WTO members by the time of their accession to the EAEU. The Kyrgyz Republic joined the WTO in 1998, one of the first among the former Soviet republics, and Armenia accessed the WTO in 2003.

<sup>586</sup> Бойко А.И., Лазарева Н.Ю., Ныркова Н.А., Терентьева М.С., под ред. Чучуева А.И. 2017. Правовое обеспечение интеграционных процессов в рамках Евразийского экономического союза. Монография. М: ООО “Проспект”, 271 с.

the priority of universal international norms over regional norms. The hierarchy of legislation in the field of foreign economic activity and customs regulations can be seen as follows:

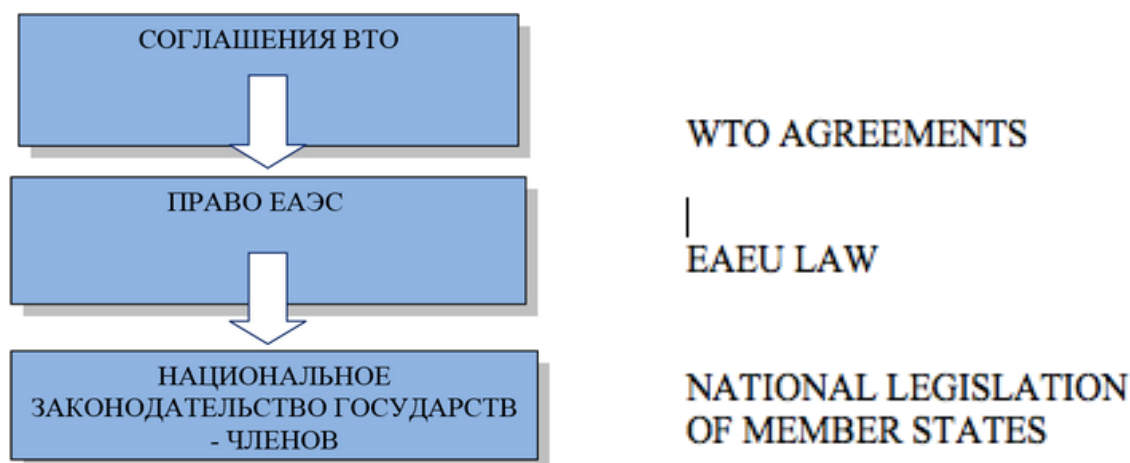


Рисунок 4 – Иерархия законодательства в рамках ЕАЭС

Fig.19. Hierarchy of laws within the legal framework of the EAEU.<sup>587</sup>

The EAEU Member States take into account the rules and principles of the WTO, objectives and principles of the UN Charter, and other universally recognized principles and norms of international law.<sup>588</sup> The WTO agreements are part of the legal system of the Customs Union.<sup>589</sup> The WTO agreements have priority over the relevant provisions of international treaties concluded within the framework of the Customs Union and the Decisions taken by its Bodies.<sup>590</sup>

The first Member State, that joined the WTO, was the Kyrgyz Republic (November, 1998),<sup>591</sup> then Armenia (February, 2003),<sup>592</sup> followed by the Russian Federation (July, 2012),<sup>593</sup> and Kazakhstan (October, 2015).<sup>594</sup> Belarus has been negotiating with the WTO on its accession since 1993.<sup>595</sup> However, as a member of the EAEU, Belarus has been already de facto observing the WTO rules since 2012, as these rules, as well as the obligations of the Russian Federation in the WTO, formed the basis of EAEU law.<sup>596</sup>

<sup>587</sup> Бойко А.И., Лазарева Н.Ю., Ныrkova Н.А., Терентьева М.С., под ред. Чучуева А.И. 2017. Правовое обеспечение интеграционных процессов в рамках Евразийского экономического союза. Монография. М: ООО “Проспект”, с 145.

<sup>588</sup> Преамбула Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>589</sup> Статья 1 Договора от 19 мая 2011 года «О функционировании Таможенного союза в рамках многосторонней торговой системы».

<sup>590</sup> Статья 2 Договора от 19 мая 2011 года «О функционировании Таможенного союза в рамках многосторонней торговой системы».

<sup>591</sup> Закон Кыргызской Республики от 17 ноября 1998 г. № 146 «О ратификации протокола о присоединении Кыргызской Республики к Марракешскому соглашению об учреждении Всемирной торговой организации от 15 апреля 1994 года».

<sup>592</sup> Вступление и членство ВТО, [https://ru.wikipedia.org/wiki/Вступление\\_и\\_членство\\_в\\_ВТО](https://ru.wikipedia.org/wiki/Вступление_и_членство_в_ВТО) [accessed 16.10.2017].

<sup>593</sup> Федеральный закон Российской Федерации от 21 июля 2012 г. № 126-ФЗ «О ратификации Протокола о присоединении Российской Федерации к Марракешскому соглашению об учреждении Всемирной торговой организации от 15 апреля 1994 года».

<sup>594</sup> Закон Республики Казахстан от 12 октября 2015 г. № 356-V «О ратификации протокола о присоединении Республики Казахстан к Марракешскому соглашению об учреждении Всемирной торговой организации от 15 апреля 1994 года».

<sup>595</sup> Беларусь и ВТО: плюсы и минусы от вступления. 2016. Аналитка.

<https://sputnik.by/analytics/20160407/1021573301.html> [accessed 16.12.2017]

<sup>596</sup> Переговорный процесс по присоединению Беларуси к ВТО, <http://mfa.gov.by/export/wto/accession/> [accessed 16.12.2017].

The Russian Federation joined the WTO and the WTO Agreement by ratification of a Protocol on accession of Russia to WTO<sup>597</sup> on July 21, 2012. The WTO norms have become an integral part of the Russian legal system.

### 2.3.6. Harmonization of National Legislations under EAEU Law

Creation of a common (single) market<sup>598</sup> requires coordination of policies and harmonization of National laws of the Member States with respect to different spheres of economic life which are of common interest between the Member States. Coordination of the policies of the Member States aims at developing a uniform approach to regulating the economy under the EAEU system. Depending on the scope of economic relations, such coordination can reach a more or less high degree.<sup>599</sup> In this regard, the Treaty on the EAEU provides for three forms of policy coordination:<sup>600</sup>

- “coordinated policy” («скоординированная политика») implies implementation of cooperation of the Member States on the basis of common approaches approved within the framework of the EAEU bodies;
- “agreed policy” («согласованная политика») presupposes harmonization of legal regulation of the Member States on the basis of Decisions of the EAEU bodies;
- “unified policy” («единая политика») presupposes application of unified legal regulation by Member States on the basis of Decisions of the EAEU bodies.

The legal result of coordination of policies and other measures is the harmonization of the Member States’ national legislations. The harmonization of national legislations can also reach more or less a high degree depending on the sphere of economic relations. The Treaty provides for two forms in approximation of national legislations:<sup>601</sup>

- harmonization of national legislations, aimed at establishing a similar normative legal regulation;
- unification of national legislations, aimed at establishing identical mechanism of legal regulation.

### 2.3.7. Technical Regulation under the EAEU Treaty

The Treaty on the Eurasian Economic Union provides a legal basis for technical regulation<sup>602</sup> and serves as the foundation law for development of technical regulations in various sectors of the EAEU economy, including the regulation of food products.

Technical regulation, according to the EAEU Treaty, means a legal regulation of relations in the field of establishing, applying and executing mandatory requirements for products and associated processes (including research), production, construction, installation, commissioning, operation, storage, transportation, sale and disposal (recycling), as well as the legal regulation of activities in the field of conformity assessment.<sup>603</sup> The EAEU

<sup>597</sup> Протокол о присоединении Российской Федерации к Марракешскому соглашению об учреждении Всемирной торговой организации от 15 апреля 1994 года.

<sup>598</sup> common (single) market is the unity of economic relations within the EAEU, under which freedom of movement of goods, services, capital and labor are to be ensured (Article 2 to the Treaty on the EAEU).

<sup>599</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО “Проспект”.

<sup>600</sup> Статья 2 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>601</sup> Статья 2 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>602</sup> Раздел X «Техническое регулирование» Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>603</sup> Пара 2 Протокола о техническом регулировании в рамках Евразийского экономического союза Приложения №9 к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

Technical Regulations are documents adopted by the Commission, which lay down requirements for application and execution of technical regulations in the EAEU territory.<sup>604</sup>

The legal framework of EAEU technical regulation consists of the following documents:

- Treaty on the Eurasian Economic Union;
- Annex 9 to the Treaty, Protocol on Technical Regulation within the EAEU (rules and procedures of the EAEU technical regulation);
- Annex 10 to the Treaty, protocol on the conduct of a coordinated policy in the field of ensuring the uniformity of measurements;
- Annex 11 to the Treaty, Protocol on recognition of the accreditation authorities on conformity assessments;
- Annex 12 to the Treaty, Protocol on application of sanitary, veterinary and quarantine phytosanitary measures.

As for food products, the framework includes as well:

- The Unified sanitary-epidemiological and hygienic requirements for food products subject to sanitary-epidemiological supervision;
- The List of unified standards.

In addition, the legal framework of the EAEU is supplemented by national laws, by-laws and standards of the Member States.<sup>605</sup> In case of absence of EAEU Technical Regulations on any food product, the national laws of the Member States must be applied or legal acts of the EEC.<sup>606</sup>

In the Russian Federation, the EAEU legal framework for technical regulation on food products is accompanied by the following important laws:

- Federal Law of the Russian Federation No.2300-1 dated 01.02.1992 "On Protection of Consumer Rights" (including Federal Law No.212-FZ of December 17, 1999 "On Amending the Law of the Russian Federation about Protection of Consumer Rights" amended 18.07.2011).

*The Federal law regulates relations between manufacturers, contractors, sellers, purchasers, including consumers, in the sale of goods (works, services); establishes the rights of consumers to purchase goods (works, services) of adequate quality and safe for their life and health, as well as obtaining information about goods (works, services); provides state and public protection of consumers' interests;*

- Federal Law No.52-FZ of March 30, 1999 "On Sanitary and Epidemiological Welfare of the Population" (as amended in 2007).

*The Federal Law determines main directions in the field of preserving sanitary well-being of the Russian population, including setting requirements for hygienic assessment of food and food raw materials, mandatory of which are included in the state standards;*

- Federal Law No. 29-FZ of January 2, 2000 "On quality and safety of food" (amended 19.07.2011)

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<sup>604</sup> Пара 2 Протокола о техническом регулировании в рамках Евразийского экономического союза Приложения №9 к Договору о Евразийском экономическом союзе ( с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>605</sup> Nurgaliyeva M.T., Von Wright A, Lindroos K, Smagulov A, Iskakova Z. 2017. Analysis of the Food Safety Legislation of the Eurasian Economic Union. EFFL, No.3, p. 236.

<sup>606</sup>Пара 3 Протокола о техническом регулировании в рамках Евразийского экономического союза Приложения №9 к Договору о Евразийском экономическом союзе ( с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

*The Federal Law lays down a legal framework in regulation of chain “production-consumption of food products, determines competence and responsibilities of state bodies, organizations, legal entities in the field of quality and safety of food products, provides a framework on state regulation, registration, licensing and certification of food products;*

- Federal Law No.184-FZ of 27 December 2002 "On Technical Regulation".

The procedure on development and adoption of the EAEU technical regulations, as well as the procedure on amendments and cancellations therein, are determined by the Commission in its by-law, the Decision of 20 June, 2012 No. 48.<sup>607</sup>

The EAEU Technical Regulations have direct effect on the territory of the Member States. The procedure on enacting of adopted technical regulations of the EAEU and their transitional provisions are stipulated in the EAEU technical regulations and (or) the act of the Commission.<sup>608</sup> Technical Regulation of the EAEU replace previously acting technical regulations of the Member States on the same food products.

The EAEU technical regulations lay down mandatory requirements for products, as well as product identification rules, forms, schemes and procedures of the assessment of conformity. The relevant international standards (rules, directives, recommendations and other documents adopted by international standards organizations) are applied as a basis for the development of the EAEU technical regulations, except when these relevant documents are not available or they do not meet the objectives of the EAEU technical regulations, including climatic and geographical, technological or other factors. In the absence of necessary EAEU documents, the regional documents (legislations, directives, decisions, standards, rules and other documents); national (state) standards; national technical regulations or their draft regulations are applied.<sup>609</sup>

The EAEU technical regulations may contain requirements for definitions, packaging, labelling, marking, sanitary requirements and procedures, as well as veterinary-sanitary and quarantine phytosanitary requirements of a general nature. However, the EAEU technical regulations may also contain specific requirements reflecting climatic, geographic or technological factors that only apply in the territories of some Member States. The EAEU technical regulations, taking into account the risk degree of harm, may also contain specialized requirements for products and production processes, storage, transportation, sale and disposal, including requirements for definitions, packaging, labelling, marking and rules for their application in order to protect certain categories of consumers (such as children under 18, pregnant women, nursing mothers, invalids).

The EAEU technical regulations are developed in accordance with the Recommendations on the Contents and Structure of the EAEU technical regulations.<sup>610</sup> They are also developed on the basis of Regulations and Directives of the European Union, international and European standards.<sup>611</sup>

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<sup>607</sup> Решение Совета Евразийской экономической комиссии от 20 июня 2012 г. № 48 «О Порядке разработки, принятия, изменения и отмены технических регламентов Евразийского экономического союза» (ред. от 18.10.2016).

<sup>608</sup> Статья 52 (2) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>609</sup> Пара 3 Протокола о техническом регулировании в рамках Евразийского экономического союза Приложения №9 к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>610</sup> Решение Совета Евразийской экономической комиссии от 21 августа 2016 г. № 50 «О Рекомендациях по содержанию и типовой структуре технического регламента Евразийского экономического союза».

<sup>611</sup> Ловкис З.В., Моргунова Е.М. 2013. Технические регламенты Таможенного союза – ключ к конкурентоспособности отечественной продукции. РУП «Научно-практический центр НАН Беларуси по продовольствию», г. Минск, Республика Беларусь.

### 2.3.7.1. Principles of the EAEU Technical Regulation

Technical regulation within the legal framework of the EAEU is based on the following principles:<sup>612</sup>

- mandatory requirements for products and production processes, storage, transportation, sale and disposal;
- unified mandatory requirements in the technical regulations of the EAEU or national mandatory requirements in the Member States legislation for products included in a single list of products subject to mandatory requirements within the EAEU;
- application and execution of the EAEU technical regulations in the Member States without exceptions;
- independence of the Member States' Accreditation Bodies,<sup>613</sup> Bodies for assessment of conformity and supervisory (control) authorities of the Member States from manufacturers, sellers, contractors and purchasers, including consumers;
- unity of rules and methods in research (testing) and measurement when conducting mandatory conformity assessment<sup>614</sup> procedures;
- unity in application of technical regulation requirements, regardless of the types and (or) features of transactions;
- state control (supervision) over compliance with the EAEU technical regulations on the basis of harmonization of the Member States legislation;
- voluntary application of standards;
- development and application of inter-state standards;<sup>615</sup>
- harmonization of interstate standards with international and regional standards;
- unity of rules and procedures in mandatory conformity assessment;
- harmonization of the Member States legislation with regard to establishing liability for violation of mandatory requirements for products, and rules/procedures for conducting mandatory conformity assessment;
- establishment of transitional provisions for a gradual transition of new requirements and documents.

The above principles of technical regulation in the EAEU do not apply to the establishment and application of sanitary, veterinary-sanitary and quarantine phytosanitary measures.<sup>616</sup>

### 2.3.7.2. Objectives of the EAEU Technical Regulations

The objectives of the EAEU Technical Regulations related to food products are:<sup>617</sup>

- protection of human life and (or) health;
- protection of the environment;
- protection of life and (or) health of animals and plants;
- prevent actions that mislead consumers.

Adoption of technical regulations of the Union for other purposes is not allowed.

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<sup>612</sup> Статья 51 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>613</sup> accreditation body means a body or a legal entity authorized in accordance with the legislation of a Member State to conduct accreditation (para 2, Annex 9)/ Приложение № 9 «Протокол о техническом регулировании в рамках Евразийского экономического союза» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>614</sup> Mandatory assessment of conformity is a documentary certification of the conformity of products and processes (including surveys), production, storage, transportation, sale and disposal to the EAEU technical regulations (para 2, Annex 9).

<sup>615</sup> The inter-state standard is a regional standard adopted by the Interstate Council for Standardization, Metrology and Certification of the Commonwealth of Independent States (CIS) (para 2, Annex 9).

<sup>616</sup> Статья 51(2) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>617</sup> Статья 52 (1) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).



### 2.3.7.3. The EAEU Unification of Technical Regulations

In order to remove technical barriers to trade of goods in the EAEU, the most radical mechanism, such as the unification of technical regulations, has been chosen, which proposes a gradual replacement of national technical regulations by the EAEU Technical Regulations.<sup>618</sup>

The main approach in harmonization of national legislation was the adoption of unified agreements, listed in the Fig.20

<b>1. Unified contracts</b>
<i>(The major international treaties designed to simplify the movement of goods in the territory of the Member States)</i>
<ul style="list-style-type: none"> <li>• Agreement on coordinated policy in the field of technical regulations, sanitary, veterinary and phytosanitary measures;</li> <li>• Agreement on common principles and rules of technical regulations;</li> <li>• Agreement on the basis of harmonization of technical regulations;</li> <li>• Agreement on the application of a single sign of products on the market of the Member States of EAEU;</li> <li>• Agreement on the establishment of an information system of the EAEC in the field of technical regulation, sanitary, veterinary and phytosanitary measures;</li> <li>• Agreement on the treatment of products subjected to mandatory assessment (confirmation) of compliance, on the territory of the EAEU; and</li> <li>• Agreement on mutual recognition of accreditation of certification bodies (conformity assessment) and testing laboratories (centers), executing the works on conformity assessment.</li> </ul>
<b>2. Unified technical regulations</b>
<i>(Must cover a substantial part of the products, which come within the framework of the EAEU, and developed only in respect of products included in the unitary list of products for which mandatory requirements are established within the Union.)</i>
<b>3. Unified conformity assessment</b>
<ul style="list-style-type: none"> <li>• A single list of products are subjected to mandatory assessment (confirmation) within the Customs Union with issuance of unitary documents;</li> <li>• Unitary forms of the certificate of conformity and declaration on conformity of the EAEU;</li> <li>• Unitary Register of certification bodies and testing laboratories (centers) of the EAEU;</li> <li>• Regulations on the inclusion of certification bodies and testing laboratories (centers) in the Unitary Register of certification bodies and testing laboratories (centers) of the EAEU, as well as its formation and maintenance;</li> <li>• Regulations on the formation and maintenance of the Unitary Register of issued certificates of conformity and registered declarations of conformity issued by the Uniform; and</li> <li>• The order of import of products (goods) is subject to mandatory assessment (confirmation), on the customs territory of the EAEU.</li> </ul>
<b>4. Unified standards</b>
<i>(on the purpose of implementing technical regulations of the EAEU)</i>
<ul style="list-style-type: none"> <li>• Regulations on the development and approval of the list of international and regional standards, and in case of the absence of the national (state) standards of Member States of the Customs Union, ensuring compliance with the technical regulations of the Customs Union and necessary for the implementation of evaluation (confirmation) of conformity.</li> </ul>
<b>5. Unified labeling</b>
<i>(an evidence of product compliance with technical regulations of the EAEU)</i>
<ul style="list-style-type: none"> <li>• Provision of a single label for the products on the market of the Eurasian Economic Union and the procedure for its application.</li> </ul>
<b>6. Unified responsibilities</b>
<ul style="list-style-type: none"> <li>• The responsibilities of the manufacturer, of a person authorized by the manufacturer, or importer regarding the safety and quality of products released on the market; and</li> <li>• The responsibility of a body for the certification, or testing laboratory concerning the accuracy of the results and completeness of conducted procedures on conformity assessment.</li> </ul>

Fig.20. The main approaches of EAEU in harmonization of legal and regulatory activities.<sup>619</sup>

- **Unified Agreements.** The first step in harmonization of national legislation was the adoption of a number of unified Agreements on coordinated policies in technical regulation to facilitate the movement of goods in the territory of the EAEU. (see Fig. above).
- **Unified Technical Regulations.** Based on the principles of the EAEU Treaty about technical regulation and unified Agreements, the unification process resulted in adoption of unified Technical Regulations applicable in all Member States. There are more than 30 Technical Regulations, among which 11 Technical Regulations on food products have been adopted by January 2018, including two horizontal technical

<sup>618</sup> Кашкин С.Ю., Четвериков А.О. 2015. Право Евразийского экономического союза. МГЮА. ООО "Проспект", с.120.

<sup>619</sup> Nurgaliyeva M.T., Von Wright A, Lindroos K, Smagulov A, Iskakova Z. 2017. Analysis of the Food Safety Legislation of the Eurasian Economic Union. EFL, No.3 p. 238.

regulations on labelling (TR CU 022/2011) and on packaging (TR CU 005/2011).<sup>620</sup>

The Member States set out unified mandatory requirements, unified forms and schemes for the assessment of conformity of products until the day of entry into force of the EAEU technical regulation for such products.

For such products, the unified or comparable methods of research (tests) and product measurements are applied when conducting mandatory assessment of conformity, which are included in a Single List of products subject to mandatory assessment of conformity with issuance of unified forms of the Certificate of Conformity and the Declaration of Conformity. Such products are admitted for circulation on the EAEU market territory, if they have passed the following procedures in the territory of a Member State:<sup>621</sup>

- certification of products by a Conformity Assessment Body, which is included in the Single Register of the EAEU Conformity Assessment Bodies;
- testing of products in the Testing Laboratories (centers), which are included in a Single Register of the EAEU Conformity Assessment Bodies;
- registration of the Certificate of Conformity and the Declaration of Conformity in the Unified Forms.

The Unified List of products and the Unified forms of the Certificates of Conformity and the Declarations of Conformity, including their procedures are approved by the Commission.

➤ ***Unified Assessment of Conformity.*** It involves the following steps:

1. **a Single List of products subject to mandatory requirements (conformity).**

The EAEU Technical Regulations or national mandatory requirements apply only to products included in the Single List approved by the Commission. The Commission establishes and maintains the List.<sup>622</sup> This Single List of products subject to mandatory requirements consists of 66 categories of products(/production), including Food products, Alcohol products, Grain and Tobacco products.<sup>623</sup> The Member States are not allowed to establish mandatory requirements in their national legislations for products which are not included in the Single List.<sup>624</sup>

2. **the Unified forms of the Certificate of Conformity and the Declaration of Conformity of the EAEU.** The unified forms of the Certificate of Conformity and the Declaration of Conformity are applied to the products in accordance with the Unified List<sup>625</sup> of products subject to mandatory Certificate of

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<sup>620</sup> Information Reference from the website of Eurasiancommission.org, a number of effective technical regulations from 9 rose to 11 by January 2018.

<http://www.eurasiancommission.org/ru/nae/news/Pages/27-01-2015-2.aspx> [accessed 20.01.2018].

<sup>621</sup> Пара 7 Протокола о техническом регулировании в рамках Евразийского экономического союза Приложения №9 к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>622</sup> Решение Совета Евразийской экономической комиссии от 17 марта 2016 г. № 23 «О Порядке формирования и ведения единого перечня продукции, в отношении которой устанавливаются обязательные требования в рамках Евразийского экономического союза».

<sup>623</sup> Решение Комиссии Таможенного союза от 28 января 2011года № 526 «О Едином перечне продукции, в отношении которой устанавливаются обязательные требования в рамках Таможенного союза» (с изменениями на 23 ноября 2012 года).

<sup>624</sup> Статья 52 (1) Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>625</sup> Решение Комиссии Таможенного союза от 7 апреля 2011 г. № 620 «О Едином перечне продукции, подлежащей обязательному подтверждению соответствия с выдачей сертификатов соответствия и деклараций о соответствии по единой форме» (с изменениями на 15 сентября 2017 года).

Conformity and the Declaration of Conformity with the issuance of unified forms.

The *Certificate of Conformity* is issued by a certification body included in the Single Register of the EAEU Conformity Assessment Bodies.<sup>626</sup> The applicants can be a manufacturer or seller or a person authorized by the manufacturer, registered in accordance with the legislation of a Member State as a legal entity or an individual entrepreneur.

ЕВРАЗИЙСКИЙ ЭКОНОМИЧЕСКИЙ СОЮЗ  
СЕРТИФИКАТ СООТВЕТСТВИЯ

(2) № ЕАЭС \_\_\_\_\_ (3)  
Серия \_\_\_\_\_ № \_\_\_\_\_ (4)

ОРГАН ПО СЕРТИФИКАЦИИ \_\_\_\_\_ (5)  
ЗАЯВИТЕЛЬ \_\_\_\_\_ (6)  
ИЗГОТОВИТЕЛЬ \_\_\_\_\_ (7)  
ПРОДУКЦИЯ \_\_\_\_\_ (8)  
КОД ТН ВЭД ЕАЭС \_\_\_\_\_ (9)  
СООТВЕТСТВУЕТ ТРЕБОВАНИЯМ \_\_\_\_\_ (10)  
СЕРТИФИКАТ СООТВЕТСТВИЯ ВЫДАН НА ОСНОВАНИИ \_\_\_\_\_ (11)  
ДОПОЛНИТЕЛЬНАЯ ИНФОРМАЦИЯ \_\_\_\_\_ (12)  
СРОК ДЕЙСТВИЯ С \_\_\_\_\_ (13) ПО \_\_\_\_\_ (14)  
ВКЛЮЧИТЕЛЬНО

Руководитель (уполномоченное \_\_\_\_\_ М.П. \_\_\_\_\_ (15)  
лицо) органа по сертификации (подпись) (Ф. И. О.)

Эксперт (эксперт-аудитор) \_\_\_\_\_  
(эксперты (эксперты-аудиторы)) (подпись) (Ф. И. О.)

ТАМОЖЕННЫЙ СОЮЗ  
СЕРТИФИКАТ СООТВЕТСТВИЯ

№ ТС: \_\_\_\_\_  
Серия: \_\_\_\_\_ №: \_\_\_\_\_

ОРГАН ПО СЕРТИФИКАЦИИ: \_\_\_\_\_

ЗАЯВИТЕЛЬ: \_\_\_\_\_

ИЗГОТОВИТЕЛЬ: \_\_\_\_\_

ПРОДУКЦИЯ: \_\_\_\_\_

КОД ТН ВЭД ТС: \_\_\_\_\_

СООТВЕТСТВУЕТ ТРЕБОВАНИЯМ: \_\_\_\_\_

СЕРТИФИКАТ ВЫДАН НА ОСНОВАНИИ: \_\_\_\_\_

ДОПОЛНИТЕЛЬНАЯ ИНФОРМАЦИЯ: \_\_\_\_\_

СРОК ДЕЙСТВИЯ: \_\_\_\_\_

Fig.21. A blank form and a sample of the certificate of conformity.<sup>627</sup>

The *Declaration of Conformity* to the requirements of the EAEU technical regulations is a blank form (the sheet of a white A4 paper 210 x 297 mm). The applicants may be a manufacturer or seller, or a person authorized by the manufacturer, registered in accordance with the national legislation of the Member State in its territory as a legal entity or an individual entrepreneur. Both the Certificate and Declaration of Conformity are issued in Russian and in case of the requirements of the national legislation, they are also issued in the state language of the Member State.<sup>628</sup> The validity of the unified forms of the Certificate of Conformity and the Declaration of Conformity for the products does not exceed five years.<sup>629</sup>

<sup>626</sup> Раздел II (1) Решения Коллегии Евразийской экономической комиссии от 26 декабря 2012 г. № 293 «О единых формах сертификата соответствия и декларации о соответствии требованиям технических регламентов Евразийского экономического союза и правилах их оформления» (с изменениями на 15 ноября 2016 года).

<sup>627</sup> Решение Коллегии Евразийской экономической комиссии от 26 декабря 2012 г. № 293 «О единых формах сертификата соответствия и декларации о соответствии требованиям технических регламентов Евразийского экономического союза и правилах их оформления» (с изменениями на 15 ноября 2016 года).

<sup>628</sup> Раздел II (1/2) Решения Коллегии Евразийской экономической комиссии от 26 декабря 2012 г. № 293 «О единых формах сертификата соответствия и декларации о соответствии требованиям технических регламентов Евразийского экономического союза и правилах их оформления» (с изменениями на 15 ноября 2016 года).

<sup>629</sup> Примечание 3 Решения Комиссии Таможенного союза от 7 апреля 2011 г. № 620 «О Едином перечне продукции, подлежащей обязательному подтверждению соответствия с выдачей сертификатов соответствия и деклараций о соответствии по единой форме» (с изменениями на 15 сентября 2017 года).

ЕВРАЗИЙСКИЙ ЭКОНОМИЧЕСКИЙ СОЮЗ ДЕКЛАРАЦИЯ О СООТВЕТСТВИИ		(1)
Заявитель _____ (2)		
в лице _____ (3)		(3)
заявляет, что _____ (4)		(4)
соответствует требованиям _____ (5)		(5)
Декларация о соответствии принята на основании _____ (6)		(6)
Дополнительная информация _____ (7)		(7)
Декларация о соответствии действительна с даты регистрации по _____ (8)		(8)
исключительно _____ (9)		(9)
_____ (подпись) _____ (Ф.И.О. заявителя) _____ (10)		(10)
Регистрационный номер декларации о соответствии: ЕАЭС N _____ (11)		(11)
Дата регистрации декларации о соответствии: _____ (12)		(12)

**Заявитель:** Общество с ограниченной ответственностью «Дилон». Место нахождения: 143022, Россия, Московская область, Одинцовский район, поселок Летний Отдых, Звенигородское шоссе, владение 3, строение 19. Основной государственный регистрационный номер: 1155033005160, телефон: +7(495) 609-67-28, адрес электронной почты: dilon@dilon.ru

**Исполнитель:** Общество с ограниченной ответственностью «Дилон»

Место нахождения: 143022, Россия, Московская область, Одинцовский район, поселок Летний Отдых, Звенигородское шоссе, владение 3, строение 19.

Продукция изготовлена в соответствии с ГОСТ 31649-2012 Продукция декоративной косметики на жировосковой основе

Код ТН ВЭД ЕАЭС 3304 20 000 0

серийный выпуск \_\_\_\_\_

Соответствует требованиям ТР ТС 009/2011 "О безопасности парфюмерно-косметической продукции"

Декларация о соответствии принята на основании протокола № 00183-314-1-17/БМ от 13.01.2017 года. Испытательная лаборатория Общества с ограниченной ответственностью "БизнесМаркет", аттестат аккредитации регистрационный № РОСС RU.0001.21AB90 Схема декларирования 3а

Дополнительная информация: Условие хранения и срока годности продукции установлены в соответствии с требованиями ТР ТС 009/2011 "О безопасности парфюмерно-косметической продукции" и указаны в прилагаемой к продукции товаросопроводительной документации и/или на упаковке каждой единицы продукции.

Декларация о соответствии действительна с даты регистрации по 15.01.2022 включительно

Романенко Дмитрий Викторович

(подпись и печать уполномоченного лица заявителя или физического лица, зарегистрированного в качестве индивидуального предпринимателя)

Ссылка на регистрацию декларации о соответствии: \_\_\_\_\_

Регистрационный номер декларации о соответствии: ЕАЭС № RU-D-RUA/81.B.01808

Дата регистрации декларации о соответствии 16.01.2017

Fig.22. A blank form/filled in the Declaration of Conformity.<sup>630</sup>

The Unified List of products subject to unified forms of certification and declaration is valid for a specific type of product until the unified technical regulation (s) come into force for this type of product. The products are excluded from the Unified List from the effective date of these unified technical regulations in all the member states of the EAEU. The forms, schemes and procedures for assessment of conformity are established in relevant technical regulations on the basis of the standard conformity assessment schemes approved by the Commission. The assessment of conformity for the products to the requirements of the EAEU technical regulations must be carried out before placing the products on the market.<sup>631</sup> Mandatory assessment of conformity is carried out only in cases stipulated by relevant technical regulations and exclusively for the compliance with the requirements of the EAEU technical regulations.

**It is important to note** that from January 24, 2018 the Finished Food Products (Chapter 22) have been excluded from the Unified List<sup>632</sup> subject to mandatory unified forms of the Certificate of Conformity and the Declaration of Conformity under the Decision of the EEC of 15 September, 2017 No. 84,<sup>633</sup> as well as the Tobacco Products (Chapter 10) from March 10, 2017 by the Decision of the EEC of 18 October, 2016 No. 146.<sup>634</sup>

<sup>630</sup> Решение Коллегии Евразийской экономической комиссии от 26 декабря 2012 г. № 293 «О единых формах сертификата соответствия и декларации о соответствии требованиям технических регламентов Евразийского экономического союза и правилах их оформления» (с изменениями на 15 ноября 2016 года).

<sup>631</sup> Пара 5 Протокола о техническом регулировании в рамках Евразийского экономического союза Приложения №9 к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>632</sup> Решение Комиссии Таможенного союза от 7 апреля 2011 г. № 620 «О Едином перечне продукции, подлежащей обязательному подтверждению соответствия с выдачей сертификатов соответствия и деклараций о соответствии по единой форме» (с изменениями на 15 сентября 2017 года).

<sup>633</sup> Решение Совета Евразийской экономической комиссии от 15 сентября 2017 г. № 84 «О внесении изменений в Единый перечень продукции, подлежащей обязательному подтверждению соответствия с выдачей сертификатов соответствия и деклараций о соответствии по единой форме».

<sup>634</sup> Решение Совета Евразийской экономической комиссии от 18 октября 2016 г. № 146 «О внесении изменений в Решение Комиссии Таможенного союза от 7 апреля 2011 г. № 620».

**3. The Unified register of certification bodies and testing laboratories (centers)** of the EAEU, assessing the conformity of products included in the Unified List of products subject to mandatory assessment (conformity) with the issuance of unified documents, is approved by the Decision of the Commission of the Customs Union of 07.04.2011 № 620. The Unified registers of issued or accepted certificates and declarations are posted on the official website of the EAEU.

- ***Unified Standards.*** In order to comply with the requirements of the Technical Regulations, the Commission approves a list of relevant standards – international, regional (interstate) and national standards. Standards provide detailed requirements for manufacturing processes of products, technical rules and methods. International, regional (interstate) standards can be applied on a voluntary basis to meet the requirements of the EAEU Technical Regulations and the assessment of conformity. In the absence of international and regional (interstate) standards, the national standards of the Member States are applied. International and regional standards are applied, when they are accepted as interstate or national (state) standards.<sup>635</sup> The application of the relevant standards on a voluntary basis included in the List is a sufficient condition for compliance with the requirements of the relevant technical regulations. However, non-application of the standards included in the List cannot be considered as non-compliance with the requirements of the EAEU technical regulations.<sup>636</sup> If the standards included in the List are not used, the assessment of conformity is carried out on the basis of a risk analysis.

Based on the Decision of the Customs Union Commission of December 9, 2011 No. 880,<sup>637</sup> the Commission established the List of standards (unified inter-state and national standards)<sup>638</sup> as a result of which on a voluntary basis, compliance with the requirements of the Technical Regulation of the Customs Union TR CU 021/2011 "On safety of food products" can be fulfilled and the List<sup>639</sup> of standards containing the rules and methods of research (tests), measurements and sampling rules for application of the Technical Regulation of the Customs Union TR CU 021/2011 "On safety of food products" and implementation of the assessment of conformity.

- ***Unified Labelling.*** Products that meet the requirements of the EAEU technical regulations, applicable to this product, and have passed the assessment of conformity procedures stipulated in the technical regulations, are subject to mandatory labelling with a single product circulation mark on the EAEU market.<sup>640</sup> A single product circulation mark proves that the products, labelled by this sign, have passed the

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<sup>635</sup> Пара 4 Протокола о техническом регулировании в рамках Евразийского экономического союза Приложения №9 к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>636</sup> Пара 4 Протокола о техническом регулировании в рамках Евразийского экономического союза Приложения №9 к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>637</sup> Решение Комиссии Таможенного Союза от 9 декабря 2011 г. № 880 «О принятии технического регламента Таможенного союза «О безопасности пищевой продукции» (с изменениями на 10 июня 2014 года).

<sup>638</sup> Перечень стандартов, в результате применения которых на добровольной основе обеспечивается соблюдение требований Технического Регламента Таможенного союза «О безопасности пищевой продукции» (ТР ТС 021/2011), утвержден Решением Комиссии Таможенного союза от 9 декабря 2011 года № 880.

<sup>639</sup> Перечень стандартов, содержащих правила и методы исследований (испытаний) и измерений, в том числе правила отбора образцов, необходимые для применения и исполнения требования Технического регламента «О безопасности пищевой продукции» (ТР ТС 021/2011) и осуществлении оценки (подтверждения) соответствия продукции, утвержден Решением Комиссии Таможенного союза от 9 декабря 2011 г. № 880.

<sup>640</sup> Пара 6 Протокола о техническом регулировании в рамках Евразийского экономического союза Приложения №9 к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).



assessment of conformity procedures stipulated in the technical regulations and comply with the requirements of all EAEU technical regulations applicable to this product. Labelling with a single sign of circulation is made before the release of products into circulation on the EAEU market. The EEC approved the image of a single product circulation mark (sign) and its application procedure.

The image of a single product circulation mark presents a combination of three stylized letters "E", "A" and "C", graphically executed with the use of right angles, which have the same height and width, exact proportions of the square on the light (Fig.23) or on a contrasting background (Fig.24). The EAC stands for Eurasian Conformity.<sup>641</sup> The dimensions of a single sign of circulation is determined by the manufacturer, the person authorized by the manufacturer, the importer (supplier), who has obtained the right to use it. However, the basic size of a single mark must be at least 5 mm.<sup>642</sup> The labelling of products for circulation on the EAEU territory must be done in Russian and, if applicable national legislation of the Member States requires of, also in the state language of the Member State in the territory where the products are sold.<sup>643</sup>



Fig.23./Fig.24 The image of the single sign of products circulation.<sup>644</sup>

### 2.3.8. Technical Regulations of the Customs Union/EAEU on Food Products

Technical regulation of food products in the EAEU includes both "horizontal" "vertical" technical regulations. "Horizontal" technical regulations apply to all food products such as Technical Regulations of the Customs Union TR CU 021/2011 "On safety of food products", TR CU 022/2011 "On food products in terms of labelling", TR CU 029/2012 "On safety requirements for food additives, flavourings and technological aids". "Vertical" technical regulations are technical regulations for certain types of food products (such as milk, meat, fish, fat and oil products, juices, grain, etc.).<sup>645</sup>

The "horizontal" Technical Regulation TR CU 021/2011 "On safety of food products" sets out mandatory food safety requirements and production requirements based on HACCP principles, including productions processes (storage, transportation, sale and utilization of food products). The "vertical" technical regulations lay down mandatory requirements for safety and nutritional values for certain types of food products.

<sup>641</sup> Решение Комиссии Таможенного союза от 15 июля 2011 г. № 711 «О едином знаке обращения продукции на рынке Евразийского экономического союза и порядке его применения» (с изменениями на 17 марта 2016 года).

<sup>642</sup> Раздел 3 Решения Комиссии Таможенного союза от 15 июля 2011 г. № 711 «О едином знаке обращения продукции на рынке Евразийского экономического союза и порядке его применения» (с изменениями на 17 марта 2016 года).

<sup>643</sup> Пара 6 Протокола о техническом регулировании в рамках Евразийского экономического союза Приложения №9 к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

<sup>644</sup> Решение Комиссии Таможенного союза от 15 июля 2011 г. № 711 «О едином знаке обращения продукции на рынке Евразийского экономического союза и порядке его применения» (с изменениями на 17 марта 2016 года).

<sup>645</sup> Nurgaliyeva M.T., Iskakova Zh.A., Mamayeva L.A., Zhamurova V.S., Atte von Wright, Smaguliv A.K. 2017. Studying effectiveness of the European and Eurasian Economic Union Food Safety Legislation. European Research Studies Journal, Volume XX, Issue 3A, p. 731.

The technical regulations that have passed procedures for consideration and public discussion are adopted by the Decision of the Eurasian Economic Commission. As of March 2017, in total 38 technical regulations were adopted, out of which 35 came into force. The technical regulations that came into force are distributed in the following areas: food products - 9 regulations or 26%; transport – 8 (23%), equipment - 8 (23%), goods for children - 2 (5.5%), explosives - 2 (5.5%) and others, including personal protective equipment, furniture products, pyrotechnic products, perfumery and cosmetic products, light industry products (6 technical regulations).<sup>646</sup>

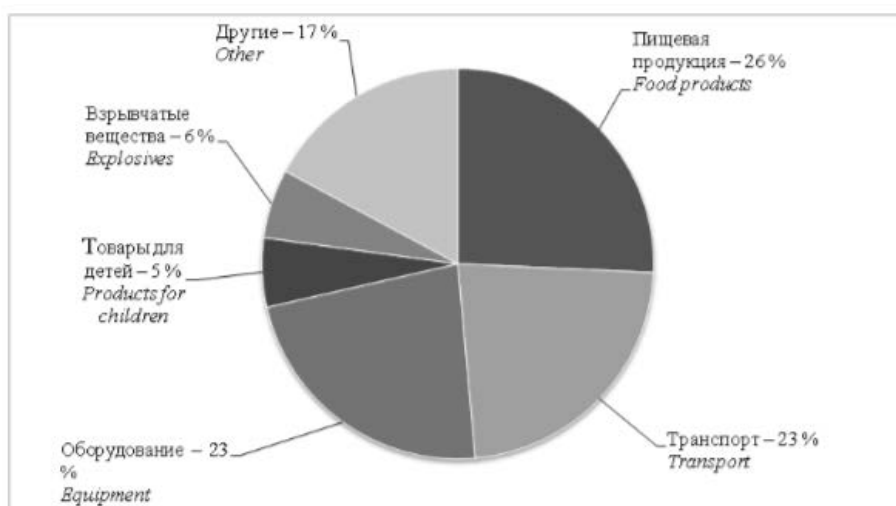


Рис. 1. Распределение вступивших в силу технических регламентов по областям регулирования безопасности  
Fig. 1. Distribution of technical regulations in force in areas of safety regulation

Fig.25. Distribution of technical regulations in force in areas of safety regulation as of March, 2017.<sup>647</sup>

To ensure safety of food is the main task of the Member States, as it is proved by the fact that the largest number among effective technical regulations is related to the safety of food products.

### 2.3.8.1. Technical Regulations on Food Products

Technical Regulations (effective) on Food Products<sup>648</sup> adopted by the Customs Union/EAEU are:

➤ **Technical Regulation of the Customs Union TR CU 005/2011 “On safety of packaging”**

Technical Regulation of the Customs Union TR CU 005/2011 “On safety of packaging” was adopted by the Decision of the Customs Union Commission of August 16, 2011 No.769 and came into force on July 1, 2012.<sup>649</sup>

The technical regulation applies to all types of packaging (metal, polymeric, paper and cardboard, glass, wooden, from combined materials, of textile materials, ceramic) and closures (closing means are of metal, polymeric, combined and cardboard), which

<sup>646</sup> Казанцева Н.К., Александров В.А, Волынкин В.В. 2017. Технические регламенты Таможенного союза в области безопасности пищевой продукции. Аграрный вестник Урала № 05 (159).

<sup>647</sup> Казанцева Н.К., Александров В.А, Волынкин В.В. 2017. Технические регламенты Таможенного союза в области безопасности пищевой продукции. Аграрный вестник Урала № 05 (159).

<sup>648</sup> Data are taken from the Federal Agency “Rosпотребнадзор” website [http://89.rosпотребнадзор.ru/directions/prava/99634/] accessed 12.12.2017.

<sup>649</sup> Решение комиссии Таможенного союза от 18 августа 2011 г. № 769 «О принятии технического регламента Таможенного союза «О безопасности упаковки» (с изменениями на 15 ноября 2016 года).

are finished goods produced in circulation in the territory of CU/EAEU, regardless of the country of origin.<sup>650</sup> It establishes requirements for packaging (closures) and related requirements for storage, transportation and utilization processes in the territory of the CU/EAEU for protection of human life and health, property, the environment, life or health of animals and plants, as well as preventive actions that mislead consumers about packaging (closures) regarding its purpose and safety.<sup>651</sup>

➤ ***Technical Regulation of the Customs Union TR CU 021/2011 "On safety of food products"***

Technical Regulation TR CU 021/2011 was adopted by the Decision of the Customs Union Commission of December 9, 2011 No. 880 and came into force on July 1, 2013.<sup>652</sup>

It covers food products and related requirements on processes for food production (manufacture), storage, transportation, sale and disposal. TR CU 021/2011 does not apply to food products produced by citizens at home, in private plots or by citizens engaged in gardening, animal husbandry, including processes in production, storage, transportation and disposal of food products intended only for personal consumption and not intended for release into circulation, cultivation of crops and productive animals in natural conditions. When applying TR CU 021/2011, the requirements of technical regulations of the Customs Union (EAEU) must be taken into account which establish mandatory requirements for certain types of food products and related processes for production, storage, transportation, sale and disposal, as they supplement and (or) specify the requirements of TR CU 021/2011.<sup>653</sup>

➤ ***Technical Regulation of the Customs Union TR CU 022/2011 "On food products in terms of labelling"***

Adopted by the Decision of the Customs Union Commission of December 9, 2011, No. 881, which came into force on July 1, 2013.<sup>654</sup>

Technical Regulation TR CU 022/2011 does not apply to food products produced by public catering organizations to provide public catering services for consumption at the place of production, as well as food products, production of which is carried out by individuals at personal subsidiary plots not for the purpose of carrying out entrepreneurial activities. When applying TR CU 022/2011, additional requirements of technical regulations of the Customs Union (EAEU) for certain types of food products in terms of its labelling, which do not contradict TR CU 022/2011, should be taken into account.<sup>655</sup>

➤ ***Technical Regulation of the Customs Union TR CU 029/2012 "On safety requirements for food additives, flavors and processing aids"***

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<sup>650</sup> Раздел 1 (4/5) Технического регламента Таможенного союза ТР ТС 005/2011 «О безопасности упаковки» (с изменениями на 18 октября 2016 года).

<sup>651</sup> Раздел 1 (3) Технического регламента Таможенного союза ТР ТС 005/2011 «О безопасности упаковки» (с изменениями на 18 октября 2016 года).

<sup>652</sup> Решение Комиссии Таможенного Союза от 9 декабря 2011 г. № 880 «О принятии технического регламента Таможенного союза «О безопасности пищевой продукции» (с изменениями на 10 июня 2014 года).

<sup>653</sup> Раздел 1 Технического регламента Таможенного союза ТР ТС 021/2011 «О безопасности пищевой продукции» (с изменениями, внесенными решением Коллегии ЕЭК от 25 июня 2013 года № 147 и решением Коллегии ЕЭК от 10 июня 2014 года №91).

<sup>654</sup> Решение Комиссии Таможенного союза от 9 декабря 2011 г. № 881 «О принятии технического регламента Таможенного союза «Пищевая продукция в части ее маркировки».

<sup>655</sup> Раздел 1 Технического регламента Таможенного союза ТР ТС 022/2011 «Пищевая продукция в части ее маркировки».



Technical Regulation TR CU 029/2012 was adopted by the Decision of the EEC Commission of July 20, 2012 No. 58, which came into force on July 1, 2013.<sup>656</sup>

The Technical Regulation lays down unified mandatory requirements in the territory of CU/EAEU for food additives, flavors and technological aids and their content in food products, to ensure free movement of food additives, flavors and technological aids produced in circulation on the single customs territory of the EAEU.<sup>657</sup>

It applies to food additives, compound food additives, flavors, technological aids; food products in terms of the content of food additives, biologically active substances from flavors, residual amounts of technological aids, including processes of production, storage, transportation, sale and utilization of food additives, flavors and technological aids.<sup>658</sup>

➤ ***Technical Regulations of the Customs Union TR CU 023/2011 "On juice products from fruits and vegetables"***

Technical Regulation TR CU 023/2011 was adopted by the Decision of the Customs Union Commission of December 9, 2011 No. 882 and came into force on July 1, 2013.<sup>659</sup>

It covers unified mandatory requirements for fruit and vegetable juice products and processes requirements for production, storage, transportation and sale.<sup>660</sup>

➤ ***Technical Regulation of the Customs Union TR CU 024/2011 "On fat and oil products"***

Technical Regulation TR CU 024/2011 was adopted by the Decision of the Customs Union Commission of December 9, 2011 No. 883 and came into force on July 1, 2013.<sup>661</sup>

It covers oil and fat products (vegetable oils, vegetable oil fractions, oils (fats) inter-esterified refined deodorized oils (fats) hydrogenated refined deodorized, margarines, vegetable-cream and vegetable-fat spreads, mixtures of melted vegetable-cream and vegetable-fat; special fats, including culinary fats, confectionery, bakery; substitutes for milk fat; cocoa butter equivalents; cocoa butter improvers SOS-type; POP-type cocoa butter substitutes; cocoa butter substitutes non-tempered non-lauric type; cocoa butter substitutes non-tempered lauric type; sauces based on vegetable oils; mayonnaise; mayonnaise sauces; creams on vegetable oils; glycerol distilled; non-food fat and oil products, natural crude glycerin and household soap) and related production processes, storage, transportation, sale.<sup>662</sup>

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<sup>656</sup> Решение совета Евразийской экономической комиссии от 20 июля 2012 г. № 58 «О принятии технического регламента Таможенного союза «Требования безопасности пищевых добавок, ароматизаторов и технологических вспомогательных средств».

<sup>657</sup> Предисловие Технического регламента Таможенного союза ТР ТС 029/2012 «Требования безопасности пищевых добавок, ароматизаторов и технологических вспомогательных средств» (с изменениями на 18 сентября 2014 года).

<sup>658</sup> Статья 3 (1) Технического регламента Таможенного союза ТР ТС 029/2012 «Требования безопасности пищевых добавок, ароматизаторов и технологических вспомогательных средств» (с изменениями на 18 сентября 2014 года).

<sup>659</sup> Решение комиссии Таможенного союза от 9 декабря 2011 г. № 882 «О принятии технического регламента Таможенного союза «Технический регламент на соковую продукцию из фруктов и овощей» (с изменениями на 15 декабря 2015 года).

<sup>660</sup> Предисловие (2) Технического регламента Таможенного союза ТР ТС 023/2011 «на Соковую продукцию из фруктов и овощей» (с изменениями от 15 декабря 2015 года решением Коллегии ЕЭК № 167).

<sup>661</sup> Решение комиссии Таможенного союза от 9 декабря 2011 г. № 883 «О принятии технического регламента Таможенного союза «Технический регламент на масложировую продукцию» (с изменениями на 10 мая 2016 года).

<sup>662</sup> Статья 1 Технического регламента Таможенного союза ТР ТС 024/2011 «на Масложировую продукцию» (с изменениями на 23 апреля 2015 года).

The scope of TR CU 024/2011 does not include oil and fat products obtained from non-industrial production, with the exception of vegetable oil; and non-food fat-and-oil production, except for natural crude glycerin and household soap.<sup>663</sup>

- ***Technical Regulation of the Customs Union TR CU 015/2011 "On safety of grain"***  
Technical Regulation TR CU 015/2011 was adopted by the Decision of the Customs Union Commission of December 9, 2011 No. 874 and came into force on July 1, 2013.<sup>664</sup>

It lays down mandatory requirements for grain used for food and feed purposes and related production processes, storage, transportation, sale and disposal. TR CU 015/2011 does not apply to grain intended for seed purposes, and processed grain products.<sup>665</sup>

- ***Technical Regulation of the Customs Union TR CU 027/2012 "On safety of certain types of specialized food products, including dietary curative and dietary preventive nutrition"***

Technical Regulation TR CU 027/2012 was adopted by the Decision of the EEC Commission of June 15, 2012 No. 34 and came into force on July 1, 2013.<sup>666</sup>

It applies to certain types of specialized food products intended for nutrition of athletes, pregnant and lactating women, food products of dietary therapeutic and dietary preventive nutrition, including baby food.<sup>667</sup> The scope does not include food products for baby food, except for food products for dietary therapeutic and dietary preventive nutrition for baby food; food products manufactured by catering and in organized collectives; mineral natural, medicinal-table, medicinal mineral water with mineralization of more than 1 mg / dm<sup>2</sup> or with less mineralization, containing biologically active components in an amount not lower than the balneological norms; biologically active food supplements.<sup>668</sup>

- ***Technical Regulation of the Customs Union TR CU 033/2013 "On safety of milk and dairy products"***

Technical Regulation TR CU 033/2013 was adopted by the Decision of the Eurasian Economic Commission of 9 October, 2013 No.67 and came into force on May 1, 2014.<sup>669</sup>

This technical regulation applies to milk and dairy products released in circulation in the territory of the EAEU and used for food purposes. The scope includes raw milk - raw materials, skimmed milk (raw and thermally processed); cream (raw and

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<sup>663</sup> Глава 1(1) Технического регламента Таможенного союза ТР ТС 024/2011 «на Масложировую продукцию» (с изменениями на 23 апреля 2015 года).

<sup>664</sup> Решение комиссии Таможенного союза от 9 декабря 2011 г. № 874 «О принятии технического регламента Таможенного союза «О безопасности зерна» (с изменениями на 18 июля 2014 года).

<sup>665</sup> Статья 1 Технического регламента Таможенного союза ТР ТС 015/2011 «О безопасности зерна» (с изменениями на 16 мая 2016 года).

<sup>666</sup> Решение совета Евразийской экономической комиссии от 15 июня 2012 г. № 34 «О принятии технического регламента Таможенного союза «О безопасности отдельных видов специализированной пищевой продукции, в том числе диетического лечебного и диетического профилактического питания».

<sup>667</sup>Статья 2 Технического регламента Таможенного союза ТР ТС 027/2012 «О безопасности отдельных видов специализированной пищевой продукции, в том числе диетического лечебного и диетического профилактического питания».

<sup>668</sup> Статья 2 Технического регламента Таможенного союза ТР ТС 027/2012 «О безопасности отдельных видов специализированной пищевой продукции, в том числе диетического лечебного и диетического профилактического питания».

<sup>669</sup> Решение совета Евразийской экономической комиссии от 9 октября 2013 г. № 67 «О техническом регламенте Таможенного союза «О безопасности молока и молочной продукции».

thermally processed); dairy products, including dairy compound products, milk-containing products, by-products of milk processing; milk products for children of early age (from 0 to 3 years), preschool age (from 3 to 6 years), school age (from 6 years and older), adapted or partially adapted initial or subsequent dairy mixtures (including dry ones), dry sour-milk mixes, milk drinks (including dry drinks) for nutrition of young children, milk porridges ready for use, and milk porridges dry (restored for readiness at home with drinking water) for nutrition of young children; processes of production, storage, transportation, sale and disposal of milk and dairy products; and functional components necessary for the production of milk processing products.<sup>670</sup>

➤ ***Technical Regulation of the Customs Union TR CU 034/2013 “On safety of meat and meat products”***

Technical Regulation TR CU 034/2013 was adopted by the Decision of the Eurasian Economic Commission of 9 October, 2013 No.68 and came into force on May 1, 2014.<sup>671</sup>

The technical regulation lays down safety requirements for products of slaughter and meat products, including requirements for production, storage, transportation, sale and disposal processes, as well as requirements for labelling and packaging of slaughter and meat products. The scope covers slaughter products and meat products, namely: meat, by-products, raw fat and products of its processing, including melted animal fats, blood and products of its processing, bone and products of its processing, mechanical meat deboning; raw intestinal, collagen-containing raw materials and products of its processing (including gelatin), Meat and meat-containing products from meat, meat and meat-containing sausages, meat and meat-containing semi-finished products and culinary products, meat and meat preserves; broths meat and meat-containing, dry meat and meat products, products from bacon, slaughter products for baby food and meat products for baby food.<sup>672</sup>

➤ ***Technical Regulation of the Eurasian Economic Union TR EAEU 040/2016 “On safety of fish and fish products”***

Technical Regulation TR EAEU 040/2016 was adopted by the Decision of the Eurasian Economic Commission of 18 October, 2016 No.162<sup>673</sup> and came into force on September 1, 2017 (excluding para 15).

The regulation lays down mandatory requirements for safety and security of food fish products put into circulation in the territory of the EAEU and requirements for production, storage, transportation, sale and disposal processes, including labelling and packaging requirements of food products from fish. The scope includes food products from fish derived from catches of aquatic biological resources and aquaculture, vegetable and animal origin, in the processed or unprocessed form, including (live fish and live aquatic invertebrates; raw fish (fresh), fresh aquatic invertebrates, fresh aquatic mammals, raw algae (fresh) and fresh aquatic plants; boiled-frozen aquatic invertebrates, algae and other aquatic plants, chilled food fish

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<sup>670</sup> Раздел 1 (2) Технического регламента Таможенного союза ТР ТС 033/2013 «О безопасности молока и молочной продукции» (с изменениями на 20 декабря 2017 года).

<sup>671</sup> Решение совета Евразийской экономической комиссии от 9 октября 2013 г. № 68 «О техническом регламенте Таможенного союза «О безопасности мяса и мясной продукции».

<sup>672</sup> Раздел 1 (2) Технического регламента Таможенного союза ТР ТС 034/2013 «О безопасности мяса и мясной продукции».

<sup>673</sup> Решение совета Евразийской экономической комиссии от 18 октября 2016 г. № 162 «О техническом регламенте Евразийского экономического союза «О безопасности рыбы и рыбной продукции».

products, frozen food fish products, pasteurized food fish products; dried fish products; marinated food fish products; salted food fish products; hot smoked fish food products; smoked food fish products; food fish products used for baby food, including food products of complementary foods on vegetable and fish basis, food products of complementary foods on fish-plant basis, food products of complementary foods on fish basis; fish culinary product; fish culinary semi-finished products; forcemeat from food fish products; canned fish; natural canned fish; natural canned fish with the addition of oil; canned fish; preserves; granular caviar; yasticeous caviar; caviar-grain; pasteurized fish caviar; stewed caviar; breakout salted caviar; caviar fish product; fatty food from fish, aquatic invertebrates and aquatic mammals; hydrolyzate from food fish products and imitated food fish products.<sup>674</sup>

In addition to 11 effective technical regulations for food products including general technical regulations on labelling (TR CU 022/2011) and packaging (TR CU 005/2011), there are 5 technical regulations for food products, which are in the drafting process and draft provisions on chocolate products to the TR CU 021/2011:<sup>675</sup>

- ***Technical Regulation of the Eurasian Economic Union TR EAEU 044/2017 “On safety of packaged drinking water, including natural mineral water”<sup>676</sup>(not effective yet)***

Technical Regulation was adopted by Decision No.45 of 23 June, 2017 of the Eurasian Economic Commission and will come into force on January 1, 2019.<sup>677</sup>

The technical regulation applies to packaged drinking water related to food products, issued in circulation on the customs territory of the EAEU and intended for sale to consumers, including natural mineral water (table natural mineral water, therapeutic table natural mineral water and medicinal natural mineral water); blended drinking water; treated drinking water; natural drinking water; drinking water for baby food; artificially mineralized drinking water; processes of production, storage, transportation, sale and disposal of packaged drinking water.<sup>678</sup>

- ***Draft Technical Regulation of the Customs Union TR CU 00\_/201\_ “On the safety of feed and feed additives”.<sup>679</sup>***
- ***Draft Technical Regulation of the Eurasian Economic Union TR EAEU 0\_/201\_ “On safety of poultry meat and processed products”.<sup>680</sup>***

<sup>674</sup> Раздел 1 (2) Технического регламента Евразийского экономического союза ТР ЕАЭС 040/2016 «О безопасности рыбы и рыбной продукции».

<sup>675</sup> Information Reference from the website of Eurasiancommission.org, a number of effective technical regulations from 9 rose to 11 by January 2018.

<http://www.eurasiancommission.org/ru/nae/news/Pages/27-01-2015-2.aspx> [accessed 20.01.2018].

<sup>676</sup> Технический регламент Евразийского экономического союза ТР ЕАЭС 044/2017 «О безопасности упакованной питьевой воды, включая природную минеральную воду» (документ в силу не вступил).

<sup>677</sup> Решение совета Евразийской экономической комиссии от 23 июня 2017 г. № 45 «О техническом регламенте Евразийского экономического союза «О безопасности упакованной питьевой воды, включая природную минеральную воду».

<sup>678</sup> Пара 4 Раздела 1 Технического регламента Евразийского экономического союза ТР ЕАЭС 044/2017 «О безопасности упакованной питьевой воды, включая природную минеральную воду» (документ в силу не вступил).

<sup>679</sup> Казанцева Н.К., Александров В.А., Волынкин В.В. 2017. Технические регламенты Таможенного союза в области безопасности пищевой продукции. Аграрный вестник Урала № 05 (159).

Постановление Правительства республики Казахстан №15, 2008 года «Об утверждении Технического регламента Требования безопасности кормов и кормовых добавок», данный технический регламент применяется на территории РФ с 1 июля 2010 г.

- *Draft Technical Regulation of the Eurasian Economic Union TR EAEU “On safety of materials in contact with food products”*.<sup>681</sup>
- *Draft Technical Regulation of the Eurasian Economic Union TR EAEU “On safety of alcohol products”*.<sup>682</sup>
- *Draft Decision of the Eurasian Economic Commission “About amendments in the Technical Regulation of the Customs Union TR CU 021/2011 “On safety of food products” to add provisions on chocolate and chocolate products”*.<sup>683</sup>

### 2.3.8.2. Unified Sanitary-Epidemiological and Hygienic Requirements

The legal framework of EAEU on food production comprises of technical Regulations for food products and the Unified sanitary-epidemiological and hygienic requirements for food products subject to sanitary-epidemiological supervision (given in Table 1).

The Sanitary measures applied within the framework of the Eurasian Economic Union in accordance with the Treaty of the Eurasian Economic Union are based on international and regional standards, guidelines and /or recommendations, taking into account the WTO norms and food safety indicators based on fundamental research in the field of nutrition science.<sup>684</sup> The only exception is when sanitary measures are introduced on the basis of an appropriate scientific justification, which provide a higher level of sanitary protection. The Eurasian Economic Commission has the authority to establish uniform sanitary-epidemiological and hygienic requirements and procedures for products subject to sanitary and epidemiological supervision (control). Unified sanitary and epidemiological and hygienic requirements and procedures for products are included in technical regulations in accordance with the acts of the Commission.<sup>685</sup> Certain provisions of the unified sanitary requirements concerning the quality of food products and procedure for confirming the compliance of food products with the requirements of technical regulations in the form of state registration or declaration of certain types of products are included in the technical regulations. The provisions of technical regulations also include separate norms for veterinary and sanitary examination of products, in particular, the requirement to accompany animal products with veterinary certificates.<sup>686</sup>

The Unified sanitary-epidemiological and hygienic requirements for products were adopted by the Decision of the Customs Union Commission of May 28, 2010 No 299 “On

<sup>680</sup> Приказ Министерства сельского хозяйства Российской Федерации от 5 февраля 2014 г. №32 «О создании рабочей группы по разработке технического регламента Таможенного союза «О безопасности мяса птицы и продукции его переработки» (с изменениями на 8 декабря 2015 года).

<sup>681</sup> Проект Технического регламента ЕЭК «О безопасности материалов, контактирующих с пищевой продукцией» (Технический регламент Таможенного союза).

<sup>682</sup> Раздел 2 Распоряжения Правительства Российской Федерации от 17 апреля 2012 г. № 559-р «Об утверждении Стратегии развития пищевой и перерабатывающей промышленности Российской Федерации» (с изменениями г 13 января 2017 года).

<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Documents/TP%20TC%20Алкоголь%20BFC.pdf> [accessed 03.03.2018].

<sup>683</sup> Проект Решения Совета Евразийской экономической комиссии «О внесении изменений в технический регламент Таможенного союза «О безопасности пищевой продукции» (ТР ТС 021/2011) – предлагается внести положения о шоколаде и шоколадных изделий.

<sup>684</sup> Литвина Л.А. 2016. Общая санитарная микробиология: учебное пособие. Новосибирск: Издво НГАУ, Ч.1, с.28.

<sup>685</sup> Арнаутов О.В. 2016. Анализ нормативной базы Евразийского экономического союза в сфере качества и безопасности пищевой продукции. Кубанский научный медицинский вестник № 2 (157).

<sup>686</sup> Арнаутов О.В. 2016. Анализ нормативной базы Евразийского экономического союза в сфере качества и безопасности пищевой продукции. Кубанский научный медицинский вестник № 2 (157).

application of sanitary measures in the Eurasian Economic Union” (with amendments of August 29, 2017).<sup>687</sup>

The unified sanitary-epidemiological and hygienic requirements lay down hygienic indicators and safety standards for products, which are included in the Unified List of Products (Goods) subject to state sanitary and epidemiological supervision (control) at the customs border and the customs territory of the Eurasian Economic Union.<sup>688</sup> The unified sanitary requirements are mandatory for compliance by the executive authorities of the member states of the Eurasian Economic Union, local governments, legal entities of any organizational and legal form, individual entrepreneurs.<sup>689</sup>



<sup>687</sup>Решение Комиссии Таможенного союза от 28 мая 2010 г № 299 «О применении санитарных мер в Евразийском экономическом союзе» (с изменениями на 29 августа 2017 года).

<sup>688</sup> Статья 1 Единых санитарно-эпидемиологических и гигиенических требований к продукции(товарам), подлежащей санитарно-эпидемиологическому надзору (контролю) с изменениями на 10 ноября 2015 года (утверждено Решением Комиссии таможенного союза от 28 мая 2010 г № 299).

<sup>689</sup>Статья 1(1.3) Единых санитарно-эпидемиологических и гигиенических требований к продукции(товарам), подлежащей санитарно-эпидемиологическому надзору (контролю) с изменениями на 10 ноября 2015 года (утверждено Решением Комиссии таможенного союза от 28 мая 2010 г № 299).

Table 1. Legal framework of EAEU on production of food products.<sup>690</sup>

***Sanitary-epidemiological and hygienic safety requirements (Chapter II. Section 1: Safety requirements and nutritional value of food products)*** apply to food products according to the classification of goods by codes of the single Commodity Nomenclature for Foreign Economic Activity of the Eurasian Economic Union,<sup>691</sup> which were developed on the basis of Member States' legislations and international documents in the field of food safety.<sup>692</sup> The classification of goods is as follows:<sup>693</sup>

Group 02 Meat and edible meat by-products;

Group 03 Fish and crustaceans, mollusks and other aquatic invertebrates;

Group 04 Dairy products; eggs of birds; natural honey; food products of animal origin;

Group 07 Vegetables and some edible roots and tubers;

Group 08 Edible fruits and nuts; peel of citrus fruits or melon peels;

Group 09 Coffee, tea, maté, or Paraguayan tea, and spices;

Group 11 Products of flour-grinding industry; malt; starches; inulin; wheat gluten;

Group 12 Oil seeds and fruits; other seeds, fruits and grains; medicinal plants and plants for technical purposes;

Group 15 Animal or vegetable fats and oils; ready-made edible fats; waxes of animal or vegetable origin;

Group 16 Ready-made products from meat, fish or crustaceans, mollusks or other aquatic invertebrates;

Group 17 Sugar and sugar confectionery;

Group 19 Ready-made products from cereals, flour, starch or milk; flour products, etc.

In total 96 food groups are classified. Section 1 includes scope, terms and definitions, general provisions, general requirements for labelling of food products, hygienic safety requirements for nutritional value of food products, requirements for storage and transportation, as well as a lists of food products subject to unified sanitary requirements.

***The section 9 (Requirements for drinking water, packaged in containers)*** of the unitary sanitary requirements lays down hygienic safety requirements for bottled drinking water, bottles, containers, packages intended for sale to the consumer, except for mineral natural waters (medical, medical-dining room water). The production and sale of prepackaged water is permitted in case of available document confirming the safety of drinking water, packaged in a container, and technical specifications/technological instruction approved and agreed in accordance with the established procedure.<sup>694</sup> Section 9 includes scope, general provisions, classification of packaged drinking water quality, safety requirements for packaged water in containers, requirements for packaging, labelling, transportation, storage, general requirements for radiation safety of drinking water and drinks based on it.

<sup>690</sup> Nurgaliyeva M.T., Von Wright A, Lindroos K, Smagulov A, Iskakova Zh. 2017. Analysis of the Food Safety Legislation of the Eurasian Economic Union. EFFL, No.3.

<sup>691</sup> Решение Совета Евразийской экономической комиссии от 16 июля 2012 г. № 54 «Об утверждении единой Товарной номенклатуры внешнеэкономической деятельности Евразийского экономического союза и Единого таможенного тарифа Евразийского экономического союза» с изменениями на 27 ноября 2017 года (редакция, действующая с 1 февраля 2018 года).

<sup>692</sup> П1,2 Раздел 1 Единых санитарно-эпидемиологических и гигиенических требований к продукции(товарам), подлежащей санитарно-эпидемиологическому надзору (контролю) с изменениями на 10 ноября 2015 года (утверждено Решением Комиссии таможенного союза от 28 мая 2010 г № 299).

<sup>693</sup> Литвина Л.А. 2016. Общая санитарная микробиология: учебное пособие. Новосибирск: Издво НГАУ, Ч.1, с.6.

<sup>694</sup> Раздел 9. Требования к питьевой воде, расфасованной в емкости. Единые санитарно-эпидемиологические и гигиенические требования к продукции.

***Unified sanitary-epidemiological and hygienic requirements (Section 15: requirements for pesticides and agrochemicals)*** apply to pesticides produced and imported into the territory of the EAEU, regardless of the country of origin. The requirements are developed on the basis of the Member states legislation and international law aimed at maximum safety of pesticides for humans and their habitats. The requirements are binding for all citizens and legal entities involved in pesticide sector and in case of violation of uniform requirements, administrative, disciplinary and criminal liability are applied in accordance with the national legislation.<sup>695</sup> Section 15 covers scope, terms and definitions, general provisions, criteria for assessment of safety of pesticides and their active substances, toxicological and hygienic assessment of pesticides, packaging and labelling of pesticides and requirements for agrochemicals produced and imported into the EAEU.

***Section 16 sets out sanitary and epidemiological requirements for materials and products made of polymeric and other materials intended for contact with food and media*** that do not release substances in contact with model solutions and the air environment in quantities harmful to human health, exceeding permissible amounts of migration, as well as compounds that can cause carcinogenic, mutagenic and other long-term effects. Sanitary and chemical research is conducted in accordance with the established procedure. Failure to comply with sanitary and epidemiological requirements poses a threat to human life or health.<sup>696</sup> It includes scope, terms and definitions, general provisions, the single lists subject to sanitary-epidemiological control.

***Section 21 of the Uniform Sanitary Requirements sets out hygienic safety requirements for human consumption of natural mineral drinking medicinal water, including therapeutic water of various chemical composition*** intended for use for medical and preventive purposes.<sup>697</sup> It includes scope, terminology and definitions, general provisions, safety requirements for mineral water, requirements for packaging, labelling, transportation and storage of mineral water.

***Sanitary-epidemiological and hygienic requirements for safety of food additives and flavors of Section 22*** apply to food additives and flavors in terms of their production, sales and storage, as well as food products containing food additives and flavors in the production of food products. Section 22 contains scope of application, terminology and definitions, general provisions, safety requirements, labelling requirements, annexes with hygienic regulations.<sup>698</sup>

***Sanitary-epidemiological and hygienic requirements for safety of processing aids (section 23)*** apply to processing aids as well as to food products with regard to the use of processing aids in production of food products.<sup>699</sup> Section 23 includes scope, terminology and definitions, general provisions, safety requirements and annexes with hygienic regulations.

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<sup>695</sup>Раздел 15. Требования к пестицидам, ввозимым и производимым в ЕАЭС. Единые санитарно-эпидемиологические и гигиенические требования к продукции.

<sup>696</sup> Раздел 16. Требования к материалам и изделиям, изготовленным из полимерных и других материалов, предназначенных для контактов с пищевыми продуктами и средами. Единые санитарно-эпидемиологические и гигиенические требования к продукции.

<sup>697</sup> Раздел 21. Требования к минеральным водам. Единые санитарно-эпидемиологические и гигиенические требования к продукции.

<sup>698</sup> Раздел 22. Требования безопасности пищевых добавок и ароматизаторов. Единые санитарно-эпидемиологические и гигиенические требования к продукции.

<sup>699</sup> Раздел 23. Требования безопасности технологических вспомогательных средств. Единые санитарно-эпидемиологические и гигиенические требования к продукции.



### **2.3.8.3. Standards in Technical Regulations on Food Products**

To implement the requirements of each technical regulation, a plan of necessary measures should be taken such as preparation of the following documents if necessary:<sup>700</sup>

- program for development of (amending, revising) standards, which are applied on a voluntary basis to ensure compliance with the requirements of technical regulations;
- lists of already existing standards, which on the basis of voluntary application, the compliance with the requirements of technical regulations can be fulfilled;
- list of products in respect of which the submission of a customs declaration is accompanied by the documents of the assessment of conformity.

The Table 2.<sup>701</sup> demonstrates all required normative documents are provided for 9 technical regulations for food products.

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<sup>700</sup> Казанцева Н.К., Александров В.А, Волынкин В.В. 2017. Технические регламенты Таможенного союза в области безопасности пищевой продукции. Аграрный вестник Урала № 05 (159).

<sup>701</sup> Казанцева Н.К., Александров В.А, Волынкин В.В. 2017. Технические регламенты Таможенного союза в области безопасности пищевой продукции. Аграрный вестник Урала № 05 (159).

**Information on the acting technical regulations of the Customs Union for food stuff**

Название технического регламента <i>The name of the technical regulations</i>	Номер технического регламента <i>The number of technical regulations</i>	Документы для реализации требований технических регламентов <i>Documents to implement the requirements of technical regulations</i>				
		Программа по разработке (внесению изменений, пересмотру) стандартов, в результате применения которых обеспечивается выполнение требований технического регламента <i>The program on development (modification, revision) of standards, the application of which ensures compliance with the technical regulations</i>		Перечни стандартов, в результате применения которых обеспечивается выполнение требований технического регламента <i>The lists of standards, the application of which ensures compliance with the technical regulations</i>		Перечень продукции, в отношении которой подача таможенной декларации сопровождается предоставлением документов по оценке соответствия <i>The list of products in respect of which submission of a customs declaration accompanied by the submission of documents for conformity assessment</i>
		Наличие <i>Presence</i>	Количество стандартов <i>The number of standards</i>	Наличие <i>Presence</i>	Количество стандартов <i>The number of standards</i>	
О безопасности зерна <i>On grain safety</i>	TP TC 015/2011 <i>TR CU 015/2011</i>	Да <i>Yes</i>	11	Да <i>Yes</i>	70	Да <i>Yes</i>
О безопасности пищевой продукции <i>On the safety of food products</i>	TP TC 021/2011 <i>TR CU 021/2011</i>	Нет <i>No</i>	–	Да <i>Yes</i>	1033	Нет <i>No</i>
Пищевая продукция в части ее маркировки <i>Food products regarding its marking</i>	TP TC 022/2011 <i>TR CU 022/2011</i>	Нет <i>No</i>	–	Нет <i>No</i>	–	Нет <i>No</i>
Технический регламент на соковую продукцию из фруктов и овощей <i>Technical regulations for juice products from fruits and vegetables</i>	TP TC 023/2011 <i>TR CU 023/2011</i>	Да <i>Yes</i>	32	Да <i>Yes</i>	154	Да <i>Yes</i>
Технический регламент на масложировую продукцию <i>Technical regulation for oil and fat products</i>	TP TC 024/2011 <i>TR CU 024/2011</i>	Да <i>Yes</i>	33	Да <i>Yes</i>	161	Да <i>Yes</i>
О безопасности отдельных видов специализированной пищевой продукции в том числе диетического лечебного и диетического профилактического питания <i>On the safety of certain types of specialized food products, including dietary medical and dietary preventive nutrition</i>	TP TC 027/2012 <i>TR CU 027/2012</i>	Да <i>Yes</i>	16	Да <i>Yes</i>	114	Нет <i>No</i>
Требования к безопасности пищевых добавок, амортизаторов и технологических вспомогательных средств <i>Safety requirements of food additives, shock absorbers and auxiliary substances</i>	TP TC 029/2012 <i>TR CU 029/2012</i>	Да <i>Yes</i>	49	Да <i>Yes</i>	121	Нет <i>No</i>
О безопасности молока и молочной продукции <i>On the safety of milk and dairy products</i>	TP TC 033/2013 <i>TR CU 033/2013</i>	Нет <i>No</i>	–	Да <i>Yes</i>	518	Нет <i>No</i>
О безопасности мяса и мясной продукции <i>On the safety of meat and meat products</i>	TP TC 034/2013 <i>TR CU 034/2013</i>	Нет <i>No</i>	–	Да <i>Yes</i>	270	Нет <i>No</i>

As can be seen from the above Table 2. as an example a full set of required normative documents are prepared for the following technical regulations: TR CU 015/2011 “On safety of grain”, TR CU 023/2011 “On safety of juice products from fruits and vegetables” and TR CU 024/2011 “On safety of fats and oil products”. For these technical regulations, it is planned to use existing standards, develop new standards and revise the applied standards. Also, the documents that must be submitted for customs declaration are defined.

As for technical regulations TR CU 033/2013 “On safety of milk and dairy products” and TR TC 034/2013 “On safety of meat and meat products”, only the lists of applicable standards are specified that contribute to implementation of the requirements of technical regulations.<sup>702</sup>

Regarding the Technical Regulation TR CU 021/2011 “On safety of food products”, only one document has been prepared, which is the List of Standards in order to ensure the compliance with the requirements of this technical regulation. The Standard List includes 1033 standards (normative documents), and it is divided into two groups:<sup>703</sup>

1. a list of standards (346 standards), application of which on a voluntary basis can ensure compliance with the regulation requirements.

The list of standards contains the standards that specify technical requirements for the product. The list comprises of different level standards: interstate standards (GOST) - 186, and national standards of the Member States, for example, Russian Federation (GOST R) - 92, and the standards of the Republic of Belarus (BLS) – 68;

2. a list of standards (556 standards + 131 methods) containing rules and methods of research, measurements, including procedures of sampling, which are necessary in implementation of technical regulation requirements.

The second list contains standards on sampling rules, test and measurement methods, or in other words, conditions for assessing the compliance of food products with mandatory requirements.

### **2.3.9. Agricultural Policy**

The availability of agricultural products is the key condition for food security. The Treaty on the EAEU provides two types of integration measures with regard to agriculture: 1) the measures to coordinate policies implemented by the Member States in this area; 2) the measures to regulate the state support for agriculture in order to prevent distortions of the competitive environment on the common market. Section XXV “Agricultural Sector” of the Treaty provides the legal basis for coordination of the Member States’ policies. The agricultural sector not only includes agriculture but also other types of economic activities related to production and sales of agricultural products such as fertilizer production, food industry and agricultural machinery. The Treaty lays down provisions on development and implementation of a coordinated agricultural policy.<sup>704</sup> Agreed (coordinated) agricultural policy should aim at achieving the following objectives: to effectively implement the Member States’ resource potential; to optimize production of competitive agricultural products and food; to meet the needs of the common agrarian market; to increase export of agricultural products and food. The tasks for implementation of coordinated policy are: to balance development of production and markets of agricultural products and food; to ensure fair competition between entities of the Member States, including equal conditions for access to a common agrarian market; to unify requirements related to the circulation of agricultural products and food; to protect interests of producers of the Member States in domestic and external markets. The Treaty also stipulates the main directions of coordinated agricultural

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<sup>702</sup> Казанцева Н.К., Александров В.А, Волынкин В.В. 2017. Технические регламенты Таможенного союза в области безопасности пищевой продукции. Аграрный вестник Урала № 05 (159).

<sup>703</sup> Казанцева Н.К., Александров В.А, Волынкин В.В. 2017. Технические регламенты Таможенного союза в области безопасности пищевой продукции. Аграрный вестник Урала № 05 (159).

<sup>704</sup> Статья 94 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

policy.<sup>705</sup> The main directions determine priority issues for the Member States and the EAEU bodies. They are: forecasting in agricultural sector; state support of agriculture, regulation of a common agrarian market; uniform requirements on production and circulation of products; development of exports of agricultural products and food; scientific and innovative development of agricultural sector; integrated information cooperation of agricultural sector.

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<sup>705</sup> Статья 95 Договора о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

## PART III. FOOD SAFETY TECHNICAL REGULATION

### 3. Food Safety Technical Regulation

The main technical regulation on food safety is the Technical Regulation of the Customs Union TR CU 021/2011 “On safety of food products”.

#### 3.1. Technical Regulation of the Customs Union TR CU 021/2011 “On Safety of Food Products”

The Technical Regulation of the Customs Union TR CU 021/2011 “On safety of food products” (hereinafter referred to as “Technical Regulation “On safety of food products””) was adopted by the Decision of the Customs Union Commission of December 9, 2011 No.880.<sup>706</sup> The Technical Regulation “On safety of food products” came into force on July 1, 2013 and has been effective throughout the Russian Federation and the Member States of the Customs Union and the Eurasian Economic Union. The Technical Regulation “On safety of food products” lays down general framework for all food products, as well as mandatory safety requirements for food and its process. It is a general horizontal technical regulation.<sup>707</sup>

The Technical Regulation “On safety of food products” sets out provisions for objects of technical regulation, terms and definitions, market circulation rules of food products, identification rules of food products as the objects of technical regulation, mandatory safety requirements such as single (uniform) safety requirements for food products, single safety requirements for processes (productions, storage, transportations, sale and disposal), safety principles in food production based on HACCP, the forms and procedures for the assessment of conformity, including requirements for state registration.

To meet the requirements listed in the legislative and regulatory acts, the food enterprises are required to implement a quality management system based on the ISO 9000 standards, the HACCP food safety system and the ISO 14000 environmental safety standards system. This can be challenging for small food companies.<sup>708</sup>

#### 3.1.1. General Provisions

##### 3.1.1.1. Scope and Objectives

The scope of the Technical Regulation “On safety of food products” provides a policy statement explaining its purpose and areas to be covered. The Scope of the Technical Regulation covers:<sup>709</sup>

- objects of technical regulation;
- safety requirements including sanitary-epidemiological and veterinary requirements to the objects of technical regulation;
- identification rules for the objects;

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<sup>706</sup> Решение Комиссии Таможенного Союза от 9 декабря 2011 г. № 880 «О принятии технического регламента Таможенного союза «О безопасности пищевой продукции» (с изменениями на 10 июня 2014 года).

<sup>707</sup> О техническом регламенте Таможенного союза «О безопасности пищевой продукции ТР ТС 021/2011», [http://59.rospotrebnadzor.ru/262.jsessionid=9061AC161731338A6BB9183A468690AF?p\\_auth=9NtzwjUN&p\\_p\\_id=101\\_I\\_NSTANCE\\_rBg7&p\\_p\\_lifecycle=1&p\\_p\\_state=exclusive&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-1&p\\_p\\_col\\_count=1&\\_101\\_INSTANCE\\_rBg7\\_struts\\_action=%2Fasset\\_publisher%2Fexport\\_journal\\_article%2F101\\_INSTANCE\\_rBg7\\_groupId=10156&\\_101\\_INSTANCE\\_rBg7\\_articleId=561170&\\_101\\_INSTANCE\\_rBg7\\_targetExtension=pdf](http://59.rospotrebnadzor.ru/262.jsessionid=9061AC161731338A6BB9183A468690AF?p_auth=9NtzwjUN&p_p_id=101_I_NSTANCE_rBg7&p_p_lifecycle=1&p_p_state=exclusive&p_p_mode=view&p_p_col_id=column-1&p_p_col_count=1&_101_INSTANCE_rBg7_struts_action=%2Fasset_publisher%2Fexport_journal_article%2F101_INSTANCE_rBg7_groupId=10156&_101_INSTANCE_rBg7_articleId=561170&_101_INSTANCE_rBg7_targetExtension=pdf) [accessed 20.01.2018].

<sup>708</sup> Куприянов А.В. 2014. Система обеспечения качества и безопасности пищевой продукции. Вестник ОГУ №3 (164), март 2014 г.

<sup>709</sup>Статья 1(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

- forms and procedures of the assessment of conformity .

Further, the scope of the Technical Regulation “On safety of food products” includes:

- requirements for food products in terms of its labelling, packaging materials, products and equipment for food production in contact with food products, stipulated by the relevant technical regulations of the Customs Union.<sup>710</sup>

The relevant Technical Regulations are:

- Technical Regulation of the Customs Union TR CU 022/2011 “On food products in terms of labelling”;
- Technical Regulation of the Customs Union TR CU 005/2011 “On safety of packaging”.
- mandatory requirements of the Technical Regulations of the Customs Union for certain types of food products, including their requirements in production, storage, transportation, sale and disposal. These mandatory requirements add to and (or) specify the requirements of the Technical Regulation “On safety of food products”.<sup>711</sup> Nevertheless, the requirements for certain types of food products and related processes of production, storage, transportation, sale and disposal, established by other technical regulations of the Customs Union, cannot change the requirements of the Technical Regulation “On safety of food products”.

The objectives of the Technical Regulation “On safety of food products” are:<sup>712</sup>

- to protect human life and (or) health;
- to prevent actions that mislead the purchasers (consumers);
- to protect the environment.

### 3.1.1.2. Objects of Technical Regulation

The objects of the Technical Regulation are:<sup>713</sup> 1) food products; and 2) requirements associated with food production processes (manufacturing), storage, transportation, marketing and disposal.

It is important to note that the scope of the Technical Regulation “On safety of food products” does not include:<sup>714</sup>

- food products produced by citizens at home, in private plots or by citizens engaged in horticulture, gardening, animal husbandry;
- processes of manufacturing (production), storage, transportation and disposal of food products intended only for personal consumption, and not intended for circulation in the customs territory of the EAEU;
- cultivation of crops and productive livestock in natural conditions.

### 3.1.1.3. What are Food Products? Definitions

The term “food products” in the Technical Regulation is broad as it includes various types of products. Food products are *“of animal, plant, microbial, mineral, synthetic or biotechnological origin in natural, treated or processed form, which are intended for human consumption, including specialized food products, drinking water, packaged in containers, drinking mineral water, alcoholic beverages (including beer and beer-based drinks), soft drinks, biologically active food supplements («БАД»),<sup>715</sup> chewing gum, and sourdough*

<sup>710</sup>Статья 1(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции»

<sup>711</sup>Статья 1(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>712</sup>Статья 2 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>713</sup>Статья 3(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>714</sup>Статья 3(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>715</sup> Abbreviation «БАД» in Russian means biologically active food supplements.

*starter cultures of microorganisms, yeast, food additives and flavorings and food raw materials”.*<sup>716</sup>

Additionally, the Technical Regulation “On safety of food products” provides definitions for the following food products categories:<sup>717</sup>

- **aquaculture food products**  
*aquaculture objects extracted (caught) from semi-free conditions of their maintenance, breeding or artificially created habitat;*
- **novel food products**  
*food products (including food additives and flavors), previously not used by man for food in the customs territory of the Customs Union, namely: with a new or intentionally altered primary molecular structure; consisting of or isolated from microorganisms, microscopic fungi and algae, plants, isolated from animals, obtained from GMOs or with their use, nanomaterials and nanotechnology products; with the exception of food products obtained by traditional methods in circulation and by experience considered safe;*
- **dehydrated food products**  
*food products, from which water (that was originally present) is completely or partially removed;*
- **complementary foods (for babies)**  
*food products for baby food, which are introduced into children’s diet during the first year of their life as a supplement to women’s milk, women’s milk substitutes or subsequent milk formulas and produced (manufactured) on the basis of animal and (or) vegetable products;*
- **mixed food products**  
*food products consisting of two or more components, with exception of food additives and flavors;*
- **perishable food products**  
*food products with the shelf life not exceeding 5 days, unless otherwise stipulated by the technical regulations of the EAEU for certain types of food products, which requires specially created temperature regimes for storage and transportation) in order to maintain safety and prevent development of pathogens, microorganisms of spoilage and (or) the formation of toxins to levels dangerous to human health;*
- **specialized food products;**  
*food products for which requirements for composition and (or) the ratio of individual substances or all substances and components have been established; and (or) the composition and (or) the ratio of individual substances relative to their natural content has been changed; and composition includes substances or components that are not initially present (other than food additives and flavors); and (or) the manufacturer declares their therapeutic and (or) prophylactic properties, and which are intended for safe use by certain categories of people;*
- **enriched food products**  
*food products in which one or more food and (or) biologically active substances and (or) probiotic microorganisms are added, which were not present initially in them, or are present in insufficient quantity or lost in the process of production (manufacture); while the manufacturer’s guaranteed content of each food or biologically active substance used for enrichment is brought to the level corresponding to criteria of food products as the source of food substance or other distinguishing features of food products, and the maximum level of food and (or) biologically active substances content in such products should not exceed the upper safe level of consumption of such substances upon receipt from all possible sources (if such levels are available);*
- **non-processed food products of animal origin**

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<sup>716</sup> Статья 4 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>717</sup> Статья 4 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

*non-processed carcasses of productive animals of all kinds, their parts (including blood and offal), raw milk, raw skimmed milk, raw cream, beekeeping products, eggs and egg products, aquatic biological resources, aquaculture products.*

#### **3.1.1.4. Identification of Food Products**

Identification of food products is the procedure when food products are associated (related) with the objects of technical regulations.<sup>718</sup> Identification of food products as the objects of technical regulation is carried out according to the following methods:

- identification of their names and (or) their characteristics which are stated in definitions of the Technical Regulation “On safety of food products” and other related technical regulations for certain types of food products;
- visual method;
- organoleptic method;
- analytical method.<sup>719</sup>

Identification by names means comparing the name and purpose of food products written on labelling of consumer package and (or) shipping documents with the name given in the definitions of food products in the Technical Regulation “On safety of food products” or technical regulations for specific food products.<sup>720</sup>

Visual identification method means to compare appearance of food products with the characteristics stated in the definition of such food products of the Technical Regulation.<sup>721</sup>

Organoleptic method of identification is used when food products cannot be identified by their names or visual method. This method includes comparison of organoleptic characteristics of food products.

Analytical method is the last method to be involved, when identification of food products cannot be completed by name, visual and organoleptic comparisons. It is a complex procedure. It analyses compliance of physicochemical, microbiological indicators with the characteristics indicated in the definitions of such food products of the Technical Regulation.<sup>722</sup>

### **3.2. Food Safety Requirements**

The Technical Regulation “On safety of food products” lays down the general provisions for safety of food products as well as specific safety requirements for specialized food and tonic beverages.

#### **3.2.1. General Food Safety Requirements**

Unlike the General Food Law of the EU No.178/2002, the Technical Regulation “On safety of food products” provides the definition for food safety or safety of food products. Safety of food products means “*the state of food products indicating that there is no unacceptable risk associated with adverse effects on humans and future generations*”.<sup>723</sup> The concept of safe food products includes the main requirement: circulated food products throughout the territory of the Customs Union/EAEU must be safe when used as intended within their established period of validity.<sup>724</sup> What is exactly a safe food product? What are the requirements to comply with in order to state that the food product is safe? The Technical

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<sup>718</sup> Статья 4 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>719</sup> Статья 6(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>720</sup> Статья 6(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>721</sup> Статья 6(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>722</sup> Статья 6(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>723</sup> Статья 4 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>724</sup> Статья 7(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».



Regulation “On safety of food products” sets out general requirements for food products to be considered as safe, as well as safety requirements for specialized food products.

General requirements for food safety include the following conditions:

- infectious agents, parasitic diseases, their toxins, which are dangerous for human and animal health should not be present in food products;<sup>725</sup>
- packaging material and products which are in contact with food must comply with requirements of the Technical Regulation TR CU 005/2011 “On safety of packaging”;<sup>726</sup>
- requirements for food additives, flavors and technological aids used in production of food products are stipulated by the Technical Regulation TR CU 029/2012 “On safety requirements for food additives, flavors and technological aids”;<sup>727</sup>
- GMO lines should pass the state registration of food products produced from food raw materials obtained from GMOs of plant, animal and microbial origin. If the manufacturer has not used the GMOs in food products and the content of GMOs (0.9 percent or less) in food products is a random or technically unrecoverable mixture, such food products are not identified as food products containing the GMOs;<sup>728</sup>
- production of baby food products for children of the first life year should be carried out at specialized production facilities, or in specialized workshops, or on specialized processing lines;<sup>729</sup>
- fresh and freshly frozen greenery, vegetables, fruits and berries must not contain eggs of helminths and cysts of intestinal pathogenic protozoa;<sup>730</sup>
- content of each food or biologically active substance in enriched food products must be brought to the level of consumption in 100 ml or 100 g, or a single portion of such production of not less than 5% of the level of daily intake.<sup>731</sup>
- shelf life and storage conditions for food products are set by the manufacturer.<sup>732</sup>

Mandatory safety requirements for food products are laid down in 10 Annexes of the Technical Regulation “On safety of food products”. The Regulation provides six categories of food safety indicators:

- Microbiological requirements (Annex 1, 2);
- Pathogen-specific requirements (Annex 1, 2);
- Hygiene requirements (Annex 3);
- Permissible levels of radionuclides (Annex 3);
- Requirements for unprocessed raw materials of animal origin (Annex 5);
- Parasitological indicators of safety for fish and crustaceans. (Annex 6).

**Annex 1.** Microbiological safety standards (pathogenic);

**Annex 2.** Microbiological safety standards for:<sup>733</sup>

- Meat and meat products; poultry, eggs and products of their processing;
- Fish, non-fish fisheries and products derived from them;
- Grain (seeds), flour-grinding and bakery products;

<sup>725</sup>Статья 7(5) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>726</sup>Статья 7(7) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>727</sup>Статья 7(8) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>728</sup>Статья 7(9) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>729</sup>Статья 7(10) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>730</sup>Статья 7(11) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>731</sup>Статья 7(12) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>732</sup>Статья 7(6) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>733</sup> Приложение 2 к техническому регламенту Таможенного союза ТР ТС 021/2011 «О безопасности пищевой продукции». Микробиологические нормативы безопасности.

- Sugar and confectionery;
- Fruit and vegetable products;
- Oilseeds and fatty products;
- Beverages;
- other products;
- Biologically active food additives;
- Food for pregnant and lactating women;
- Specialized food products for baby food and young children, produced (manufactured) in dairy kitchens;
- Specialized food products for preschool and school children;
- Specialized food products for dietary therapeutic nutrition for children, for premature and low-weight babies;
- Main types of food raw materials and components used in production of specialized food products for baby food;
- Microbiological indicators for safety of canned food products.

**Annex 3.** Hygienic food safety requirements.

The Annex 3 includes all food products mentioned in the Annex 2, except for specialized food products for babies and children; main types of food raw materials used for specialized baby food and microbiological indicators for safety of canned food products. However, hygiene food safety requirements provide indicators for baby food; milk and dairy products; as well requirements for antibiotics in food.

**Annex 4** provides permissible radionuclide levels of cesium-137 and strontium-90 (for example: Meat, meat products and offal – specific activity of cesium-137, Bq / kg (l) is 200)

**Annex 5.** Requirements for unprocessed food raw materials of animal origin (Requirements for meat and other meat raw materials; poultry meat; horse meat; meat of domestic rabbits; raw milk obtained from large and small cattle and raw cream; meat of wild animals; aquatic biological resources and aquaculture facilities; natural honey and bee products; egg powder, melange, albumin; eggs.

**Annex 6.** Parasitological indicators for safety of fish, crustaceans, mollusks, amphibians, reptiles and their products, which include freshwater fish and its products; feed fish and its products; sea fish and its products; crustaceans, mollusks, amphibians, reptiles and their products.

The safety indicators (except for microbiological) for mixed food products and dehydrated food products are provided in the Annexes (1 – 6) and technical regulations for certain types of food products.

### 3.2.2. Safety Requirements for Specialized Food Products

Specialized food includes the following food products:<sup>734</sup>

- food products for baby food;  
*specialized food products intended for children's nutrition (for children from 0 to 3 years old, preschool children from 3 to 6 years, children of school age from 6 years and older), meeting relevant physiological needs of the child's organism and not causing harm to child's health of corresponding age;*
- food products of dietary therapeutic nutrition  
*specialized food products with a given food and energy value, physical and organoleptic properties and intended for use in therapeutic diets;*
- food products of dietary preventive nutrition

<sup>734</sup> Статья 4 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

*specialized food products intended for correction of carbohydrate, fat, protein, vitamin and other types of metabolism, in which the content and (or) the ratio of individual substances relative to their natural content has been modified, and (or) composition of which includes substances or components that are not initially present, as well as food products designed to reduce the risk of developing diseases;*

- food products for athletes  
*specialized food products of a given chemical composition, increased nutritional value and (or) directed effectiveness, consisting of a complex of products or represented by their separate species, which has a specific effect on increasing the adaptive capacity of a person to physical and neuro-emotional stress.*

Safety requirements for specialized food products include baby food products and food products for pregnant and lactating women. The following requirements should be met:

- production of baby food, food for pregnant and lactating women must not use food raw materials containing GMOs;<sup>735</sup>
- production of baby food must not contain food raw materials using pesticides according to Annex 10;<sup>736</sup>
- food products for pregnant and lactating women<sup>737</sup> must meet the requirements set out in Annexes 1, 2, 3 to the Technical Regulation “On safety of food products” and/or technical regulations of the Customs Union for certain types of food products;
- food products for children of the first year of life should correspond to the age-related physiological characteristics of the digestive system of a child of this age;<sup>738</sup>
- production of biologically active food additives for children from 3 to 14 years old and production of children's herbal drinks (herbal teas) for young children, only plant materials specified in Annex 8 are allowed;<sup>739</sup>
- production of food products for infant nutrition of young children must use vitamins and mineral salts specified in Annex 9;<sup>740</sup>
- production of biologically active food additives must not use plants and their processing products, objects of animal origin, microorganisms, fungi and biologically active substances that are hazardous to human life and health in accordance with the Annex 7;<sup>741</sup>
- production of food products for children of all age groups may use only natural food flavors (flavoring substances) in order to give a specific flavor and taste, and for children older than 4 months – may use vanillin.<sup>742</sup>

The Technical Regulation “On safety of food products” lays down an extensive list of mandatory safety requirements for production of baby food such as excluding benzoic, sorbic acids and their salts, a list of certain food raw materials (specific spices, vegetable oils, specific parts of meat, fish, etc.).

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<sup>735</sup>Статья 8(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>736</sup>Annex 10. Pesticides banned for use in production of food raw materials intended for production of baby food.

<sup>737</sup>food products for pregnant and lactating women are specialized food products, in which the content and (or) the ratio of individual substances with respect to their natural content is changed, and (or) which contains substances that are not present initially, or components, designed to meet the physiological needs of the organism pregnant and lactating women. (Article 4, Technical Regulation TR CU 027/2012 “On safety of certain types of specialized food products, including dietary curative and dietary preventive nutrition”.

<sup>738</sup>Статья 8(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>739</sup>Annex 8. Kinds of vegetable raw materials for use in production of biologically active food additives for children from 3 to 14 years old and children's herbal teas (tea drinks) for young children.

<sup>740</sup>Annex 9. Vitamins and mineral salts used in the production of food products for baby food.

<sup>741</sup>Annex 7. List of plants and products of their processing, objects of animal origin, microorganisms, fungi and biologically active substances, prohibited for use in the composition of biologically active food additives.

<sup>742</sup>Статья 8(12) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

### 3.2.3. Safety Requirements for Tonic Beverages

Tonic drinks (beverages) are non-alcoholic and low-alcohol drinks (including energy drinks) containing tonic components, including the ingredients of vegetable origin.<sup>743</sup> Tea, coffee and beverages based on them are not classified as tonic drinks.

Tonic components (substances) can be caffeine and plants containing it (plant extracts), tea, coffee, guarana, as well as medicinal plants and their extracts (ginseng, levzey, rhodiola rosea, lemongrass, eleuterococcus), which exert a tonic effect. However, caffeine content should not exceed 400 mg / dm<sup>3</sup> in tonic beverages and the composition of soft tonic drinks should contain no more than two tonic substances, and low-alcohol tonic beverages should have no more than one tonic ingredient.<sup>744</sup>

Production of tonic beverages may use minerals, easily assimilated carbohydrates, vitamins and vitamin-like substances, substrates and stimulants of energy metabolism.<sup>745</sup>

## 3.3. Safety Requirements for Process

### 3.3.1. HACCP in Production Process

The main safety requirement in production processes of food products is that the manufacturer must develop, implement and maintain procedures based on the HACCP principles.<sup>746</sup>

HACCP Principles are based on 12 procedures:<sup>747</sup>

1. selection of food production processes to provide food safety;
2. selection of sequence and flow of technological operations for production of food products in order to eliminate contamination of food raw materials and food products;
3. determine controlled stages of technological operations and production stages of food in production control programs;
4. control over food raw materials, technological means, packing materials, products used in food production, as well as facilities for food products to ensure necessary reliability and completeness of control;
5. control over technological equipment operation to ensure production of food products, meeting the requirements of the Technical Regulation "On safety of food products" and (or) technical regulations of the Customs Union for certain types of food products;
6. documentation of information during controlled stages of technological operations and food control results;
7. compliance with the conditions of storage and transportation of food products;
8. maintain industrial premises, technological equipment and inventory used in production of food products in order to eliminate contamination of food products;
9. selection of hygiene methods and observance of personal hygiene rules by workers in order to maintain safety of food production;
10. selection of food safety methods, frequency of cleaning, washing, disinfection, deratization, disinsectization of industrial premises, technological equipment and equipment used in production process of food products;

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<sup>743</sup> Статья 4 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>744</sup> Статья 9 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>745</sup> Статья 9 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>746</sup> Статья 10(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>747</sup> Статья 10(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

11. keeping and filing of documentation on paper and (or) electronic media to confirm compliance of food production with the requirements stipulated by the Technical Regulation “On safety of food products” and (or) technical regulations of the Customs Union for certain types of food products;
12. traceability of food products.

### 3.3.2. Requirements for Producers

Producers must carry out safety procedures in food production processes to ensure that their food products placed on the market comply with the requirements of the Technical Regulation “On safety of food products” and/or technical regulations for certain types of food products.<sup>748</sup> Producers should ensure safety of food production and carry out food control independently and/or with participation of a third party.<sup>749</sup>

To ensure food safety requirements in production process, the producers must determine:

1. a list of hazardous factors that may cause production of food products, which do not meet the requirements of technical regulations;
2. a list of critical control points in the production process;
3. parameter limits, which should be controlled in critical control points;
4. monitoring procedure of critical control points during the production process;
5. operational procedures if indicator values (of para 3) deviate from the established limits;
6. frequency of inspection for conformity of products released into circulation<sup>750</sup> to the requirements of technical regulations;
7. frequency of cleaning, washing, disinfections, deratization and disinsectization of production premises, as well as cleaning, washing, disinfections of technological equipment and utensils used in food production process;
8. measures to prevent the entry of rodents, insects, synanthropic birds and animals into production premises.

Producers are obliged to keep documentation regarding the safety measures taken in the production process of food products, including documents confirming safety of unprocessed food raw materials of animal origin, on paper and (or) electronic media. Documents confirming safety of unprocessed food raw materials of animal origin should be stored for three years from the date of their issue.<sup>751</sup>

Requirements for employees engaged in food production processes:

1. mandatory medical examinations prior to employment, including periodical medical examinations in accordance with national legislation of the EAEU Member State;<sup>752</sup>
2. Patients with infectious diseases, persons suspected of such diseases, persons who have been in contact with sick infectious diseases, persons who carry infectious agents should not be allowed to work in production of food products.<sup>753</sup>

<sup>748</sup>Статья 11(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>749</sup>Статья 11(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>750</sup> Term “food product released into circulation” means purchase and sale including other methods of transfer of food products by manufacturer or importer throughout the Customs Union /EAEU territory” (Article 4, Technical Regulation TR CU 021/2011).

<sup>751</sup>Статья 11(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>752</sup>Статья 11(6) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>753</sup>Статья 11(7) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

### 3.3.3. Requirements for Water Supply in Production Process

Technical Regulation “On safety of food products” provides certain requirements for cold and hot water, steam and ice in food production process, in contact with food raw materials and packaging materials. These requirements should be met in different aggregate states:

- water must comply with the requirements for drinking water according to the legislation of the Member State of the Customs Union/EAEU;<sup>754</sup>
- steam should not be a source of contamination for food products;<sup>755</sup>
- ice must be made from drinking water in accordance with the requirements of drinking water under the national legislation of the EAEU Member States.<sup>756</sup>

Regarding the water supply, there are two requirements. Firstly, water used in production processes such as for fire-fighting system, cooling of refrigerating equipment, steam production and etc., as well as in processing of food raw materials of plant origin for technical needs (hydro-feeding, washing) do not have to meet the requirements for drinking water. Pipelines used for such processes should be marked with special signs and not be used for drinking water supply.<sup>757</sup> Secondly, water used to cool containers and equipment in cooking processes (heat treatment) of food raw materials and food products should not contaminate food products.<sup>758</sup>

### 3.3.4. Safety Requirements for Food Raw Materials

Food raw materials used for food production should meet the requirements of the Technical Regulation “On safety of food products” and technical regulations for certain types of food products. The safety requirements for food raw materials are as follows:

- Vegetable raw materials can be used for food production provided that information about pesticides used in cultivation of the plants, fumigation of industrial premises and containers for storing such raw material is provided in order to protect them from pests and diseases of agricultural plants;<sup>759</sup>
- Unprocessed food raw materials of animal origin should be obtained from productive animals that were not exposed to natural and synthetic estrogenic, hormonal substances, thyreostatic drugs (growth stimulators), antibiotics and other veterinary medicinal products, which were introduced before slaughter and the expiry of the deadline removal from the organisms of such animals.<sup>760</sup>
- Storage of food raw materials and ingredients used in production of food products should prevent spoilage and protect the raw materials from polluting substances.<sup>761</sup>

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<sup>754</sup>Статья 12(2) Технического Регламента Таможенного Союза ТР ТС 021/2011«О безопасности пищевой продукции».

<sup>755</sup> Статья 12(2) Технического Регламента Таможенного Союза ТР ТС 021/2011«О безопасности пищевой продукции».

<sup>756</sup> Статья 12(2) Технического Регламента Таможенного Союза ТР ТС 021/2011«О безопасности пищевой продукции».

<sup>757</sup> Статья 12(3) Технического Регламента Таможенного Союза ТР ТС 021/2011«О безопасности пищевой продукции».

<sup>758</sup> Статья 12(3) Технического Регламента Таможенного Союза ТР ТС 021/2011«О безопасности пищевой продукции».

<sup>759</sup> Статья 13(2) Технического Регламента Таможенного Союза ТР ТС 021/2011«О безопасности пищевой продукции».

<sup>760</sup> Статья 13(3) Технического Регламента Таможенного Союза ТР ТС 021/2011«О безопасности пищевой продукции».

<sup>761</sup> Статья 13(4) Технического Регламента Таможенного Союза ТР ТС 021/2011«О безопасности пищевой продукции».

### 3.3.5. Requirements for Production Premises

The layout of industrial premises, their design, location and size should provide:<sup>762</sup>

- flow of technological operations, excluding counter or crossing of food raw materials with food products; contaminated equipment with clean equipment;
- prevention or minimization of air pollution in production process;
- protection from penetration of animals, including rodents, and insects into production premises;
- necessary technical maintenance and routine maintenance of technological equipment, cleaning, washing, disinfection, disinfestation and deratization of production facilities;
- required space for technological operations;
- protection from accumulation of dirt, scattering of particles in produced food products, formation of condensation or mold on the surfaces of industrial premises;
- conditions for storage of food raw materials, packaging materials and food products.

The food production facilities must be equipped with:<sup>763</sup>

- natural and mechanical ventilation to avoid contamination of food products, and design of which should provide access to filters and other parts of these systems for cleaning or replacement;
- natural or artificial lighting in accordance with the national legislation of the EAEU Member States;
- toilet doors should not open into production premises and must be equipped with hangers for working clothes, equipped with washbasins and hand-washing devices;
- washbasins for washing hands with hot and cold water, washing means and devices for wiping and /or drying hands.

Specific requirements for floors, walls, ceilings, windows, doors are also laid down for the parts of productions premises where food products are produced.

### 3.3.6. Requirements for Technological Equipment and Utensils

The technological equipment and utensils used in food production processes should meet the following requirements:<sup>764</sup>

- their design and operational characteristics should comply with the requirements of Technical Regulation “On safety of food products” and technical regulations for certain types of food products;
- design should make possible washing, cleaning and disinfection;
- made of materials that meet the requirements for materials in contact with food;
- technological equipment should be equipped with appropriate control devices, if it is necessary to achieve the objectives of the Technical Regulation “On safety of food products” and other technical regulations;<sup>765</sup>
- working surfaces of process equipment which come in contact with food products must be made of non-absorbent materials.<sup>766</sup>

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<sup>762</sup> Статья 14(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>763</sup> Статья 14(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>764</sup> Статья 15(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>765</sup> Статья 15(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

### 3.3.7. Requirements for Storage and Disposal of Waste Products

One of the main requirements regarding the waste products is that the waste should be regularly removed from the food production premises. Wastes, formed in the process of food production, are divided into the following categories:<sup>767</sup>

- waste consisting of animal tissues;
- productive animal waste (bio waste);
- other waste (solid waste, garbage).

Waste according to its category should be separately placed in marked closable containers, which are used exclusively for collection and storage of such waste and debris.<sup>768</sup> Design of such containers should allow cleaning and protection from animals. Removal and destruction of waste from industrial premises and food production facilities should not cause contamination of food products, the environment, threat to human life and health.<sup>769</sup>

### 3.3.8. Requirements for Storage, Transportation and Sale of Food Products

#### 3.3.8.1. Requirements for Storage of Food Products

According to the general food safety requirements, it is the responsibility of a manufacturer to set the shelf life and storage conditions for food products.<sup>770</sup> Storage conditions and expiry date specified by the manufacturer should be observed while storing food products. Therefore, food products must contain information on storage conditions and shelf life of the product.<sup>771</sup> Food products must not be stored together with other types of food and non-food products if this can cause contamination of food products.<sup>772</sup>

#### 3.3.8.2. Requirements for Transportation of Food Products

Manufacturer sets out the conditions for transportation of food products and in case of their absence, transportation of food products should be carried out in accordance with storage conditions for food products.<sup>773</sup> Possibilities of contact, contamination and change of organoleptic properties of food products should be excluded during transportation of different food products and other goods by vehicles and (or) containers.<sup>774</sup> The construction of vehicle compartments and containers should protect food products from pollution, penetration of animals, including rodents and insects, cleaning, washing and disinfection procedures.<sup>775</sup> The inside surface of cargo vehicle compartments and containers must be made of washable and

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<sup>766</sup> Статья 15(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>767</sup> Статья 16(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>768</sup> Статья 16(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>769</sup> Статья 16(5) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>770</sup> Статья 7(6) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>771</sup> Статья 17(9) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>772</sup> Статья 17(8) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>773</sup> Статья 17(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>774</sup> Статья 17(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>775</sup> Статья 17(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».



non-toxic materials. The cargo vehicle compartments and containers must be regularly cleaned, washed, disinfected to avoid product contamination. Water used for washing the inside surfaces of vehicle compartments and containers must comply with the requirements for drinking water established by the national legislation of the EAEU Member States.<sup>776</sup>

### **3.3.8.3. Requirements for Sale of Food Products**

When selling food products, their storage conditions and shelf life established by the manufacturer must be observed.<sup>777</sup> If food products for sale are not packaged in consumer packaging or part of information is presented on leaflets attached to the package, the seller must inform the consumer about such products.<sup>778</sup> Employees engaged in the storage, transportation and sale of food products, who have direct contact with food raw materials and (or) food products should have mandatory medical examinations prior to their employment including regular medical inspections in accordance with the national legislation of the EAEU Member States.<sup>779</sup> Patients with infectious diseases, people suspected of such diseases, people who have come into contact with infected patients, persons who carry infectious agents are not allowed to work related to storage, transportation and sale of food products.<sup>780</sup>

### **3.3.9. Requirements for Utilization Processes of Food Products**

Food products that do not comply with the requirements of technical regulations are subject to utilization. Utilization of food products means the effective use (recycling) of food products, which do not comply with technical regulations of the Customs Union/EAEU, for purposes other than the food products are intended for or bringing of food products into a condition not suitable for any of their use and application, as well as excluding their adverse effect on humans, animals and the environment.<sup>781</sup> Authorized state veterinary authorities or other authorized persons in accordance with the veterinary legislation of the EAEU Member States should decide when the food products, which do not meet requirements of technical regulations, can be used for animal feed.<sup>782</sup>

Food products that do not meet the requirements of Technical Regulation “On safety of food products” and other technical regulations, including food products with expired shelf life, must be withdrawn from circulation by the producer (owner of food products) independently, or under the instruction of the authorized bodies of state control of the EAEU Member State.<sup>783</sup> Such food products should be utilized. Prior to the utilization process, the food products should be transferred for storage that excludes an unauthorized access to it.<sup>784</sup>

The authorized body of state control issues an order regarding the utilization process of food products, which do not meet the requirements of technical regulations

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<sup>776</sup> Статья 17(6) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>777</sup> Статья 17(12) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>778</sup> Статья 17(13) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>779</sup> Статья 17(10) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>780</sup> Статья 17(11) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>781</sup> Статья 4 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>782</sup> Статья 18(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>783</sup> Статья 5(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>784</sup> Статья 18(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

including food products with expired shelf life. However, the owner of food products must choose utilization methods and conditions. In case the food products are not suitable for any of their use and application, excluding their adverse impact on humans, animals and the environment, the destruction of food products is carried out by any technically accessible method with observance of mandatory requirements under the national legislation of the EAEU Member States on the environment protection.<sup>785</sup> In cases when unsuitable food products are subject to destruction, because these food products pose a risk of spreading of diseases or of poisoning of people and animals, of pollution of the environment, the owner of food products must notify in writing the authorized body of state control of the Member State (that issued an order to dispose food products) about selected location, time, methods and recycling options.<sup>786</sup>

Infected food products, dangerous to humans and animals, before decontamination or during the process of destruction, are subject to disinfection.<sup>787</sup> The producer (or importer/seller) is obliged to submit a document confirming the fact of food products utilization in the order established by the Member State legislation to the state control body which had issued the Order on disposal of food products.<sup>788</sup>

### **3.3.10. Requirements for Processes related to Unprocessed Food Products of Animal Origin**

Slaughter of producing animals should be carried out in specially designated places. Hygienic and veterinary-sanitary requirements should be observed at slaughter production facilities in order to maintain production of meat and meat products, to produce safe food and non-food products, as well as to prevent unacceptable risks.<sup>789</sup> Only healthy producing animals from safe farms/premises and areas are allowed to be slaughtered for food purposes. Producing animals, which have been treated with insect repellent preparations and (or) veterinary medicinal drugs intended for fattening, treatment, disease prevention, must not be slaughtered for food purpose before expiration of their medicine removal periods.

Producing animals are subject to pre-slaughter holding for use in food production. Pre-slaughter handling facilities should include a mandatory quarantine unit, an isolation ward, and a sanitary slaughterhouse. In the absence of a sanitary slaughterhouse, the slaughter of producing animals is allowed in specially designated workshops or in the primary processing workshop of producing animals at the end of the shift when all the carcasses and other slaughter products of healthy productive animals are removed from the workshop.<sup>790</sup> Before slaughter, producing animals are subject to pre-veterinary examination.<sup>791</sup> After the slaughter, the carcasses of producing animals and other unprocessed food raw materials of animal origin, obtained from the slaughter, are subject to post-slaughter inspection and veterinary-sanitary examination.<sup>792</sup>

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<sup>785</sup> Статья 18(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>786</sup> Статья 18(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>787</sup> Статья 18(7) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>788</sup> Статья 18(8) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>789</sup> Статья 19(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>790</sup> Статья 19(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>791</sup> Статья 19(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>792</sup> Статья 19(5) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

Additional specific requirements for processes related to unprocessed food products of animal origin<sup>793</sup> are stipulated in the technical regulations of the Customs Union/EAEU: TR CU 034/2013 “On safety of meat and meat products”, TR CU 033/2013 “On safety of milk and dairy products”, TR EAEU 040/2016 “On safety of fish and fish products”.

### **3.3.11. Conformity of Food Products with Safety Requirements**

Conformity of food products with the Technical Regulation “On safety of food products” is ensured by compliance with safety requirements stipulated in the Technical Regulation “On safety of food products” and safety requirements of technical regulations for certain types of food products.<sup>794</sup>

Research methods (tests) and measurements of food products are established in the List of Standards containing rules and methods of research (tests) and measurements, including sampling rules necessary for application and implementation of requirements of Technical Regulation “On safety of food products”, as well as the assessment of conformity of food products.<sup>795</sup> The List of Standards is approved by the Decision of the Customs Union Commission of 9 December, 2011 No. 880 “About the List of Standards containing the rules and methods of research (tests) and measurements, including sampling rules, necessary for the application and implementation of the requirements of the Technical Regulation “On safety of food products” and the implementation of the assessment (confirmation) of the conformity of products”.<sup>796</sup>

## **3.4. Pre-Market Approval**

### **3.4.1. Assessment of Conformity**

Technical regulations are based on the principle that the quality and safety of industrial food products must be supported by a document. Therefore, the assessment of Conformity is required not only for food products, but also for production processes, storage, transportation, sale and utilization of food products. The Technical Regulation “On safety of food products” does not provide a definition for the assessment of conformity. In accordance with the requirements of Technical Regulation “On safety of food products”, the assessment of conformity for food products is carried out in the following forms:<sup>797</sup>

1. Declaration of conformity of food products;
2. State registration of specialized food products;
3. State registration of novel food products;
4. Veterinary and Sanitary examination.

The Assessment of Conformity for production processes, storage, transportation, sale and utilization of food products to the requirements of technical regulations is carried out in the form of state supervision (control), excluding production processes of unprocessed food raw materials of animal origin. The assessment of conformity for production processes

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<sup>793</sup> Unprocessed food products of animal origin include unprocessed carcasses of producing species of all kinds, their parts (including blood and by-products), raw milk, raw skimmed milk, raw cream, beekeeping products, eggs and egg products, aquatic biological resources, aquaculture products (Article 4).

<sup>794</sup> Статья 20(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>795</sup> Статья 20(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>796</sup> Перечень стандартов, содержащих правила и методы исследований (испытаний) и измерений, в том числе правила отбора образцов, необходимые для применения и исполнения требования Технического регламента «О безопасности пищевой продукции» (ТР ТС 021/2011) и осуществлении оценки (подтверждения) соответствия продукции.

<sup>797</sup> Статья 21(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

of unprocessed food raw materials of animal origin is carried out in the form of state registration.<sup>798</sup>

The Assessment of Conformity for food products of non-industrial production<sup>799</sup> and food products of catering enterprises (public catering) intended for sale, including sale of these food products, is carried out in the form of state supervision (control) over compliance with the requirements for food products established by the Technical Regulation “On safety of food products” and (or) technical regulations of the Customs Union for certain types of food products.<sup>800</sup>

The applicant, applying for the Assessment of Conformity except the cases involving state control (supervision), can be a registered legal entity or an individual entrepreneur, a manufacturer, a seller, or representative of a foreign manufacturer on the basis of a contract with him to ensure compliance of food products with Technical Regulation requirements.<sup>801</sup> The applicant must ensure compliance of food products with the requirements of Technical regulation “On safety of food products” and other related regulations.<sup>802</sup>

### 3.4.2. Declaration of Conformity

In fact, all food products produced for circulation in the territory of the CU/EAEU are subject to the Declaration of Conformity, except for:<sup>803</sup>

- Unprocessed food products of animal origin;<sup>804</sup>
- Specialized food products;
- Vinegar.

Unprocessed food products of animal origin are subject to veterinary and sanitary examination with issuance of a veterinary certificate, while specialized food products are subject to the State Registration with issuance of a certificate of State Registration. Vinegar is not subject to any form of the Assessment of Conformity.<sup>805</sup>

The Assessment of Conformity for products as to the requirements of Technical Regulation “On safety of food products” and technical regulations for certain types of products is carried out by an applicant on the basis of his own evidence and/or evidence obtained with participation of a third party.<sup>806</sup> Evidence materials should contain the results of tests confirming compliance of food products with the requirements of technical regulations. The tests can be conducted in the applicant's own testing laboratory or in another

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<sup>798</sup> Статья 21(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>799</sup> food products of non-industrial manufacture are food products produced by citizens at home and (or) in personal part-time farms or citizens engaged in horticulture, truck farming, livestock and other activities (Article 4, TR CU 021/2011).

<sup>800</sup> Статья 21(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>801</sup> Статья 22(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>802</sup> Статья 22(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>803</sup> Статья 23(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>804</sup> Unprocessed food products of animal origin are non-processed carcasses of productive animals of all kinds, their parts (including blood and offal), raw milk, raw skimmed milk, raw cream, beekeeping products, eggs and egg products, aquatic biological resources, aquaculture products. (Article 4, TR CU 021/2011).

<sup>805</sup> «Документы, необходимые для реализации пищевой продукции в торговой сети и общественном питании», Роспотребнадзор, [http://59.rospotrebnadzor.ru/256/-/asset\\_publisher/t1lg/content/документы-необходимые-для-реализации-пищевой-продукции-в-торговой-сети-и-общественном-питании?sessionId=24F59FD6E2D21F64C301B366A978878B?redirect=http%3A%2F%2F59.rospotrebnadzor.ru%2F256%3B%3BsessionId%3D24F59FD6E2D21F64C301B366A978878B%3Fp\\_id%3D101\\_INSTANCE\\_t1lg%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dnormal%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-1%26p\\_p\\_col\\_pos%3D1%26p\\_p\\_col\\_count%3D2](http://59.rospotrebnadzor.ru/256/-/asset_publisher/t1lg/content/документы-необходимые-для-реализации-пищевой-продукции-в-торговой-сети-и-общественном-питании?sessionId=24F59FD6E2D21F64C301B366A978878B?redirect=http%3A%2F%2F59.rospotrebnadzor.ru%2F256%3B%3BsessionId%3D24F59FD6E2D21F64C301B366A978878B%3Fp_id%3D101_INSTANCE_t1lg%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_pos%3D1%26p_p_col_count%3D2) [accessed 05.01.2018].

<sup>806</sup> Статья 23(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

testing laboratory under contract with the applicant.<sup>807</sup> The applicant may choose the schemes for Declaration of Conformity, unless otherwise established by technical regulations for certain types of food products.<sup>808</sup>

ЕВРАЗИЙСКИЙ ЭКОНОМИЧЕСКИЙ СОЮЗ  
ДЕКЛАРАЦИЯ О СООТВЕТСТВИИ (1)

(2)

Заявитель \_\_\_\_\_ (3)

в лице \_\_\_\_\_ (4)

заявляет, что \_\_\_\_\_ (5)

соответствует требованиям \_\_\_\_\_ (6)

Декларация о соответствии принята на основании \_\_\_\_\_ (7)

Дополнительная информация \_\_\_\_\_ (8)

Декларация о соответствии действительна с даты регистрации по включительно. \_\_\_\_\_ (9)

\_\_\_\_\_ М.П. \_\_\_\_\_ (10)  
(подпись) (Ф.И.О. заявителя)

Регистрационный номер декларации о соответствии: \_\_\_\_\_ (11)  
ЕАЭС N \_\_\_\_\_

Дата регистрации декларации о соответствии: \_\_\_\_\_ (12)

Fig.26 Forms of Declaration of Conformity.<sup>809</sup>

### 3.4.2.1. Schemes for Declaration of Conformity

According to the Technical Regulation “On safety of food products”, there are three schemes for a Declaration of Conformity (1d, 2d, 3d), which can be chosen by an applicant. The scheme for Declaration of Conformity (1d) includes the following procedures:<sup>810</sup>

- *Stage 1: Preparation and analysis of technical documentation:*

At this stage the applicant must take all necessary measures to ensure a stable production process and ensure conformity of food products to the requirements of the Technical Regulation “On safety of food products” and/or technical regulations for certain types of products. An applicant prepares technical documentation and conducts analysis.<sup>811</sup>

- *Stage 2: Implementation of production control:*

Applicant ensures production control

- *Stage 3: Testing of product samples:*

In order to check whether the food products comply with the requirements of the Technical Regulation(s), an applicant carries out testing of food samples. The testing of food samples can be done in a testing laboratory or an accredited testing laboratory at the choice of the applicant.<sup>812</sup>

- *Stage 4: Acceptance and registration of a Declaration of Conformity:*

The applicant draws up a declaration of conformity and registers it based on the notification principle.

<sup>807</sup> Статья 23(7) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>808</sup> Статья 23(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>809</sup> Решение Коллегии Евразийской экономической комиссии от 15 ноября 2016 г. № 154 «О внесении изменений в Решение Коллегии Евразийской экономической комиссии от 25 декабря 2012 г. № 293».

<sup>810</sup> Статья 23(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>811</sup> Статья 23(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>812</sup> Статья 23(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

- *Stage 5: Application of a Single Sign of product circulation on the market of the EAEU:*

The applicant applies a single sign of product circulation on the market of the CU/EAEU, unless otherwise established by the technical regulations.<sup>813</sup>

The stages for the schemes (2d) and (3d) are almost the same as for the scheme (1d), except that the scheme (2d) is for testing of food products in batches<sup>814</sup> and the scheme (3d) includes implementation of production control.<sup>815</sup> However, it should be noted that technical regulations for certain types of food products may set out other schemes for a Declaration of Conformity.<sup>816</sup>

### **3.4.2.2. Requirements for Declaration of Conformity**

Declaration of Conformity should contain the following data:<sup>817</sup>

- Name and address (location) of the applicant;
- Name and address (location) of the manufacturer;
- Information about the object (product) of conformity assessment (for product identification);
- Reference to the Technical Regulation “On safety of food products” or technical regulations for certain types of products;
- Applicant’s statement on safety of food products when used in accordance with the measures accepted by the applicant to ensure the compliance of food products with requirements of technical regulations;
- Information on research(tests) and measurements conducted, as well as documents that served as the basis for the assessment of conformity of food products with the requirements of the Technical Regulation(s);
- Validity of a Declaration of Conformity;
- Other information required by relevant technical regulations.

The Certification Bodies or authorized bodies of the Member States register Declarations of Conformity. Validity of a Declaration of Conformity is established by an applicant, unless otherwise stipulated by technical regulations for certain types of food products.<sup>818</sup> When mandatory requirements for food products are changed, evidence documents should be changed as well to confirm compliance with such requirements. At the same time, a new Declaration of Conformity is not required.<sup>819</sup>

Since February 15, 2015, all food products, except for fish and fish products, produced for circulation in the territory of the EAEU are subject to mandatory assessment of conformity in the manner established by Technical Regulation “On safety of food products”. According to the requirements of “On safety of food products”, the main form to confirm

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<sup>813</sup> Статья 23(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>814</sup> Статья 23(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>815</sup> Статья 23(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>816</sup> Статья 23(5) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>817</sup> Статья 23(9) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>818</sup> Статья 23(10) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>819</sup> Статья 23(11) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

compliance of food products is a mandatory Declaration of Conformity. This is a document, which confirms compliance with mandatory safety requirements for products.<sup>820</sup>

### 3.4.3. State Registration of Specialized Food Products

According to the Art. 23(1) of the Technical Regulation “On safety of food products”, specialized food products are subject to state registration. State registration is one of the forms confirming the compliance of food products with the requirements of technical regulations.

Specialized food products include:<sup>821</sup>

- food products for baby food, including drinking water for baby food;
- food products for dietary curative and dietary preventive nutrition;
- natural mineral water, therapeutic-drinking water, therapeutic mineral water with mineralization of more than 1 mg / dm<sup>3</sup> or with less mineralization, containing biologically active substances in an amount not lower than the balneological norms;
- food products for nutrition of athletes, pregnant and lactating women;
- biologically active food supplements.<sup>822</sup>

Production, storage, transportation and sale of specialized food products subject to state registration is allowed only after its state registration.<sup>823</sup> State registration of specialized food products is carried out at the stage of their preparation for production in the territory of the EAEU. As for the imported specialized food products into the EAEU, they should be registered prior their importation.<sup>824</sup> State registration of specialized food products is permanent, it can be terminated or suspended by the registration authority for specialized food products in cases of non-compliance with the requirements of Technical Regulation “On safety of food products” as a result of state control (supervision) and (or) by decision of the judicial bodies of the Member State.<sup>825</sup>

In order to obtain the State Registration, food business operators should prepare a dossier (application documents) and have testing samples done at a laboratory accredited by the EAEU authorities. The State Registration Certificate is issued without expiry date unless the product name, product composition or the manufacturer’s name are changed, and in case the food products are found to be non-compliant with the requirements of technical regulations during inspection. Upon approval, the food products are registered in the Single

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<sup>820</sup> «Документы, необходимые для реализации пищевой продукции в торговой сети и общественном питании», Роспотребнадзор/ Documents required for selling of food products in commercial network and public catering, from official website “Rospotrebnadzor” [accessed 05.01.2018].

<sup>821</sup> Статья 24(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>822</sup> “О формах подтверждения соответствия пищевой продукции требованиям технических регламентов”.

Роспотребнадзор/ Since February 15, 2017 novel food products (of a new kind) is also included in the category of specialized food products subject to state registration according to Rospotrebnadzor information “About assessment of conformity of food products to the requirements of technical regulations”. [http://57.rospotrebнадзор.ru/bytag1/-/asset\\_publisher/qS9W/content/o-формах-подтверждения-соответствия-пищевой-продукции-требованиям-технических-регламентов?sessionId=E39B2C7460A68DEB6A4D1188FEE17340?redirect=http%3A%2F%2F57.rospotrebнадзор.ru%2Fbytag1%3BsessionId%3DE39B2C7460A68DEB6A4D1188FEE17340%3Fp\\_p\\_id%3D101\\_INSTANCE\\_qS9W%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dnormal%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-1%26p\\_p\\_col\\_pos%3D1%26p\\_p\\_col\\_count%3D2](http://57.rospotrebнадзор.ru/bytag1/-/asset_publisher/qS9W/content/o-формах-подтверждения-соответствия-пищевой-продукции-требованиям-технических-регламентов?sessionId=E39B2C7460A68DEB6A4D1188FEE17340?redirect=http%3A%2F%2F57.rospotrebнадзор.ru%2Fbytag1%3BsessionId%3DE39B2C7460A68DEB6A4D1188FEE17340%3Fp_p_id%3D101_INSTANCE_qS9W%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_pos%3D1%26p_p_col_count%3D2) [accessed 28.01.2018].

<sup>823</sup> Статья 24(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>824</sup> Статья 24(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>825</sup> Статья 24(6) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

Register of specialized food products.<sup>826</sup> The applicant has the right to appeal against the decision of the state registration body for specialized food products in court.<sup>827</sup> The state registration of specialized food products is carried out by the authorized body of the EAEU Member State. In the Russian Federation, the Federal Agency for Supervision of Consumer Rights Protections and Human Well-Being “Rospotrebnadzor” is in charge of the state registration of food products.<sup>828</sup>

### 3.4.3.1. Procedure of Specialized Food State Registration

There are two main steps in the state registration procedure of specialized food products: 1) to consider documents submitted by the applicant and confirm the safety of the products and their compliance with the requirements of the Technical Regulation “On safety of food products” and other technical regulations; and 2) to register the names of specialized food products and their applicant into a Single Register of specialized food products or to inform the applicant about refusal of the state registration.<sup>829</sup>

To apply for the state registration of specialized food products, the applicant must submit the following documents:<sup>830</sup>

- application indicating the names of specialized food products and applicant’s contact details (name, address of legal entity; identity document data for individual entrepreneurs;
- the results of studies (tests) of samples of specialized food products conducted in an accredited testing laboratory, including documents confirming the compliance of such products with the requirements of relevant technical regulations;
- information about the intended use of food products;

The application and attached documents can be sent to the registration agency of specialized food products by postal mail or in the form of an electronic document certified by an electronic signature in accordance with the national legislation of the Member State.<sup>831</sup> Consideration of an application is carried out within a period of not more than five working days from the date of receipt of all necessary documents.<sup>832</sup> After approval of an application, the specialized food products are registered in the single register of specialized food products within three days.<sup>833</sup> The applications may be denied for two main reasons: 1) incompleteness or unreliability of the documents submitted by the applicant; and 2) non-conformity of specialized food products with the requirements of Technical Regulation “On safety of food products” and other technical regulations, including misleading information for the consumer. The decision about refusal is sent to the applicant within three working days in

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<sup>826</sup> Collier S, Baldwin N. 2014. All Change for Russia and the Customs Union. The world of Food ingredients. 02.2014/49.

<sup>827</sup> Статья 24(7) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>828</sup> Постановление Правительства Российской Федерации от 30 июня 2004 г. № 322 «Об утверждении Положения о Федеральной службе по надзору в сфере защиты прав потребителей и благополучия человека» (с изменениями на 20 сентября 2017 года).

<sup>829</sup> Статья 25(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>830</sup> Статья 25(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>831</sup> Статья 25(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>832</sup> Статья 25(5) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>833</sup> Статья 25(6) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».



writing or electronically indicating the reasons of denial.<sup>834</sup> The applicant has the right to appeal the decision of the registration agency in court.<sup>835</sup>

#### **3.4.3.2. Single Register of Specialized Food Products**

The single register of specialized food products is an integral part of the Unified Register of Registered Food Products. It consists of the national single registers of specialized food products of the Member States that conduct state registration of specialized food products.<sup>836</sup> The single register of specialized food products includes the following information:<sup>837</sup>

- name and location of the legal entity, registration address; information about identification document of individual entrepreneurs;
- name of specialized food products;
- information on reference of products to the category of specialized food products;
- date and number of state registration decision;
- name and location of registration body of specialized food products that carried out the state registration.

The single register of specialized food products is maintained in the form of an electronic database. Information from the single register of specialized food products is open to the public and is placed on a daily updated specialized search server on the Internet.<sup>838</sup>

#### **3.4.4. State Registration of Novel Food Products**

Novel food products (of a new type) are the food products (including food additives and flavors) that were not previously used by man for food in the territory of the Customs Union/EAEU, namely: with a new or intentionally altered primary molecular structure; consisting or isolated from microorganisms, microscopic fungi and algae, plants, isolated from animals, obtained from GMOs or with their use, nanomaterials and nanotechnology products.<sup>839</sup> Novel food products do not include food products using well-known traditional methods and by experience being considered as safe, produced and already applied technologies, which include ingredients and food additives, already used for human consumption, even if such products and ingredients (components) are produced according to a new recipe.<sup>840</sup>

Novel food products are subject to the state registration. The state registration of novel food products is carried out at the stage of its preparation for production for the first time in the territory of the EAEU. Imported novel food products must be registered before their importation for the first time into the EAEU.<sup>841</sup> The state registration of novel food products is carried out by a national authorized body. In the Russian Federation, both the Ministry of Agriculture and the Ministry of Health and Social Development carry out

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<sup>834</sup> Статья 25(7) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>835</sup> Статья 25(8) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>836</sup> Статья 26(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>837</sup> Статья 26(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>838</sup> Статья 26(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>839</sup> Статья 4 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>840</sup> Статья 27(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>841</sup> Статья 27(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

normative and legal regulation in state registration of novel food products of animal origin,<sup>842</sup> including the Federal Agency for Supervision of Consumer Rights Protections and Human Well-Being “Rospotrebnadzor”, which is in charge of the state registration of novel food.<sup>843</sup>

After the state registration, the novel food products are no longer considered as novel and are not subject to the state registration by other applicants and under different names.<sup>844</sup> Validity of the state registration for novel food products is unlimited. The Assessment of conformity is required for every item of novel food products according to the procedure of Technical Regulation TR CU 021/2011.<sup>845</sup> The state registration of novel food products may be terminated or suspended by the registration body in cases when harm is revealed by the state control (supervision) and by decision of the judicial bodies of the Member State.<sup>846</sup>

#### **3.4.4.1. Procedure of Novel Food State Registration**

The state registration procedure of novel food products is similar to the registration procedure of specialized food products, which consists of two main steps: consideration of the application and inclusion of novel food products in the single register. However, in addition to the application, the applicant must submit the following documents:<sup>847</sup>

- results of studies (tests) of novel food samples conducted in an accredited testing laboratory, as well as other documents confirming its safety for human life and health;
- information from reliable sources about its effect on the human body, confirming absence of harmful effects on human health.

The application and attached documents can be sent by post mail or in the form of electronic documents certified by an electronic signature to the registration body.<sup>848</sup> Consideration of application should take no more than five working days from the date of receipt of an application and all necessary documents.<sup>849</sup> State registration of novel food may be refused if:<sup>850</sup>

- application is not complete or inaccurate;
- food products do not comply with the requirements of Technical Regulations TR CU 021/2011, TR CU 029/2012 “On safety requirements for food additives, flavors and technological aids” ;
- a harmful impact on human organism is detected.

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<sup>842</sup> Пара 2 Постановления Правительства Российской Федерации от 14 декабря 2009 г. № 1009 «О порядке совместного осуществления Министерством здравоохранения Российской Федерации и Министерством сельского хозяйства Российской Федерации функции по нормативно-правовому регулированию в сфере контроля за качеством пищевых продуктов и по организации такого контроля» (с изменениями на 4 сентября 2012 года).

<sup>843</sup> Постановление Правительства Российской Федерации от 30 июня 2004 г. № 322 «Об утверждении Положения о Федеральной службе по надзору в сфере защиты прав потребителей и благополучия человека» (с изменениями на 20 сентября 2017 года).

<sup>844</sup> Статья 27(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>845</sup> Статья 27(6) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>846</sup> Статья 27(7) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>847</sup> Статья 28(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>848</sup> Статья 28(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>849</sup> Статья 28(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>850</sup> Статья 28(6) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

The applicant receives the decision about refusal in writing or electronically with statements of refusal reasons within three working days. The applicant has the right to appeal the decision of the registration body in court.<sup>851</sup>

#### **3.4.4.2. A Single Register of Novel Food Products**

Information on the state registration of novel food products is included in a single register of novel food products. The single register of novel food products is similar to the single register of specialized food products. The following information is recorded in the single register of novel food products:<sup>852</sup>

- 1) description of novel food products;
- 2) the date and number of the decision on the state registration.

Registered applications and attached documents constitute the *Information Fund* and are subject to permanent storage at the registration body of novel food products.<sup>853</sup> Information from the single register of novel food products is accessible to the public on a daily updated specialized search server on the Internet.<sup>854</sup>

#### **3.4.5. Sanitary-Epidemiological Assessment**

Before release into circulation in the territory of the CU/EAEU, the unprocessed food products of animal origin (non-processed carcasses of productive animals of all kinds and their parts, raw milk, raw skimmed milk, raw cream, beekeeping products, eggs and egg products, fish, aquatic invertebrates and mammals, algae) are subject to veterinary and sanitary examination, and should be accompanied by a document containing information confirming their safety.<sup>855</sup> Processed food products of animal origin are not subject to veterinary and sanitary examination.<sup>856</sup> As for the food products of non-industrial production of animal origin, the assessment of conformity to the requirements of technical regulations can be done in the form of a veterinary and sanitary inspection.<sup>857</sup>

Veterinary and sanitary examination of unprocessed food products of animal origin is required in order to:<sup>858</sup>

- confirm compliance of food products and production processes, storage, transportation, sale and utilization with the safety requirements of the Technical Regulation “On safety of food products” and technical regulations for certain types of food products (Technical Regulations TR CU 034/2013 “On safety of meat and meat products”, TR CU 033/2013 “On safety of milk and dairy products”, TR EAEU 040/2016 “On safety of fish and fish products”;
- confirm that production facilities (farms) of animal origin are safe in terms of veterinary aspects.

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<sup>851</sup> Статья 28(7) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>852</sup> Статья 29(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>853</sup> Статья 29(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>854</sup> Статья 29(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>855</sup> О формах подтверждения соответствия пищевой продукции требованиям технических регламентов. Роспотребнадзор, 13.04.2015 [accessed 28.01.2018].

<sup>856</sup> Статья 30(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>857</sup> Статья 30(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>858</sup> Статья 30(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

The veterinary and sanitary examination and registration of their results is carried out in accordance with the national legislation of the Member State and the Treaty on the Eurasian Economic Union<sup>859</sup> (Section XI. Sanitary, Veterinary and Quarantine Phytosanitary Measures).<sup>860</sup> In the Russian Federation, the applicable legislation on veterinary and sanitary examination/registration is the Federal Law of the Russian Federation “About veterinary” (as amended on July 3, 2016).<sup>861</sup>

### 3.4.6. State Registration of Production Premises

The production premises (facilities), designated for obtaining and processing of unprocessed food raw materials of animal origin for food production, are subject to the state registration.<sup>862</sup> State registration of production premises means that a legal entity or individual entrepreneur is allowed to use production premises and carry out related production processes only after the state registration. This requirement includes the following processes:<sup>863</sup>

1. slaughtering of producing animals and poultry, processing of slaughter products of producing animals and poultry for production of food products;
2. obtaining of raw milk, raw cream and raw skimmed milk and (or) their processing in the manufacture of dairy products;
3. production and processing of eggs of agricultural poultry and products of their processing;
4. production and processing of aquaculture products and catch of aquatic biological resources (non-fish fishery objects), with the exception of plant products.

Only after registration of production premises, the producer has the right to carry out the above-mentioned processes for food production.<sup>864</sup> The State registration of production premises is carried out by the authorized Member State of the EAEU.

The applicant sends an application to the registration body of production premises in the location of where the launch of planned processes of food production is planned. Application and attached documents can be sent by *post mail or in electronic form*.<sup>865</sup> *The applicant bears responsibility for credibility of information in the attached documents, which should be certified.*<sup>866</sup> The registration body of production premises should verify the conformity of production premises to the requirements for production processes in accordance with Technical Regulations TR CU 021/2011, TR CU 034/2013 “On safety of meat and meat products”, TR CU 033/2013 “On safety of milk and dairy products”, TR EAEU 040/2016 “On safety of fish and fish products” within 30 days from the date of the receipt of an application. Verification is carried out in the order established by Member State legislation.<sup>867</sup> Based on the results of the inspection/verification of the production premises,

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<sup>859</sup> Article 30 (3) of TR CU 021/2011 refers to the national legislation of the Member State and the Agreement of the Customs Union “On veterinary and sanitary measures”. However, the Agreement of the Customs Union “On veterinary and sanitary measures” as amended of May 21, 2010 has been cancelled since January 1, 2015 based on the international treaty of 29 May, 2014 – Treaty on the EAEU), <http://docs.cntd.ru/document/902207256> [accessed 22.03.2018].

<sup>860</sup> Статья 30(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>861</sup> Закон Российской Федерации от 14 мая 1993 г. № 4979-І «О ветеринарии» (с изменениями на 3 июля 2016 года).

<sup>862</sup> Статья 32 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>863</sup> Статья 32 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>864</sup> Статья 31 (1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>865</sup> Статья 31 (5) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>866</sup> Статья 31 (5) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>867</sup> Статья 31 (7) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

the registration body may register production premises, assign an identification number and include the production premise in the register of production premises subject to state registration, or issues an order to eliminate detected violations.<sup>868</sup>

After the violations indicated in the order have been eliminated, the applicant can notify the registration body in writing about implementation of the order. Notification is to be sent in the same manner as an application.<sup>869</sup> The registration body of production premises has the right to verify/inspect production premises within fifteen working days from the date of receipt of the notification and take a decision on the state registration of production premises or refuse its registration.<sup>870</sup> The validity of state registration of production premises, like the state registration of specialized and novel food products, is unlimited.<sup>871</sup>

The grounds for refusal of the state registration of production premises is the failure to comply with the order and to eliminate detected violations. The refusal in writing must be handed over to the applicant in person, or sent to the applicant by postal service with a notice of delivery.<sup>872</sup>

The state registration may be terminated by the registration body in case of non-conformity with the requirements of Technical Regulation “On safety of food products” as a result of the state control (supervision) and by decision of national judicial bodies.<sup>873</sup> The applicant has the right to appeal the decision of the registration body in court.<sup>874</sup>

#### **3.4.6.1. State Registration Application for Production Premises**

The application for the state registration of production premises (objects) should contain the following information:<sup>875</sup>

1. name and location (for a legal entity), registration address, personal identification information (for an individual entrepreneur);
2. actual address of the production premise (facility);
3. a list of production processes of food products planned to be implemented;
4. information about the registration certificate of a legal entity (for a legal entity);
5. information about the registration certificate of an individual entrepreneur (for an individual entrepreneur).

The application for state registration of production premises should indicate the compliance of production premises with the requirements of Technical Regulation “On safety of food products” and (or) technical regulations TR CU 034/2013 “On safety of meat and meat products”, TR CU 033/2013 “On safety of milk and dairy products”, TR EAEU 040/2016 “On safety of fish and fish products”.<sup>876</sup> The applicant is responsible for

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<sup>868</sup>Статья 31 (8) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>869</sup>Статья 31 (9) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>870</sup>Статья 31 (10) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>871</sup>Статья 31 (11) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>872</sup>Статья 31 (12) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>873</sup>Статья 31 (13) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>874</sup>Статья 31 (14) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>875</sup>Статья 33(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>876</sup>Статья 33(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

correctness of information in the application. An application form is established by the registration body and is officially published in the public informational database.<sup>877</sup>

#### **3.4.6.2. State Registration Documents for Production Premises**

When an application for the state registration is approved, the production premise is given an identification number and is registered in the register of production premises for food products subject to state registration. Upon applicant's request, the applicant may receive an extract from the register of production premises for food products in an established form.<sup>878</sup> The extract contains the following information:<sup>879</sup>

1. identification number stated in the register of production premises for food products subject to the state registration;
2. name and location (for a legal entity), personal identification information: surname, name, patronymic name, registration address (for an individual entrepreneur);
3. actual address of the production premise;
4. a list of production processes of food products planned to be implemented.

The form of the extract is established by the registration body for production premises. The approved form of the extract must be officially published in the public information system in electronic-digital form.<sup>880</sup>

The applicant is obliged to notify the registration body of production premises within 14 days about the following changes:<sup>881</sup>

- 1) change of the location of the legal entity;
- 2) change of the surname, name, patronymic, registration address, data of the document proving the identity of an individual entrepreneur;
- 3) reorganization of a legal entity.

#### **3.4.6.3. Register of Production Premises subject to State Registration**

Information about state registration of production premises is recorded in the register of production premises for food products subject to state registration by the registration body.<sup>882</sup> Information about state registration of production premises includes the following data:<sup>883</sup>

- identification number of the registered production premise;
- name and location (for a legal entity), last name, first name, patronymic, data of an identity document (for an individual entrepreneur);
- actual address of the production premise;
- a list of processes for food production;
- name and location of the registration body of production premises that registered the production premise;

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<sup>877</sup>Статья 33(4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>878</sup> Статья 34(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>879</sup> Статья 34(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>880</sup> Статья 34(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>881</sup> Статья 35 (1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>882</sup> Статья 36 (1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>883</sup> Статья 36 (2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

Applications constitute the Information Fund of the register of production premises for food products subject to the state registration and are subject to permanent storage.<sup>884</sup> Data from the register of production premises must be published in the public information system, including the Internet in electronic form.<sup>885</sup>

### 3.5. State Control (Supervision)

#### 3.5.1. Keeping Record of Production Premises for Food Products

A producer (or individual entrepreneur) has the right to initiate production of food products, except for food production processes at the premises subject to state registration, after sending an application to a state control (supervision) executive body according to the national legislation of the Member State.<sup>886</sup> The Member States of the CU/EAEU keep a record of production premises (facilities) where food production activities are carried out, excluding food production processes subject to state registration.<sup>887</sup> Information on production facilities where food production activities are carried out is recorded in the Register of production premises for food products not subject to State registration. The authorized Member State of the CU/EAEU is responsible for registration and record keeping.<sup>888</sup> The register of production premises for food products is maintained in the form of an electronic database protected from damage and unauthorized access. The information from the Register is open to the public and is placed on a daily updated specialized search server on the Internet.<sup>889</sup>

#### 3.5.2. Authorities

The responsible authorities for state control (supervision) over the compliance of food products and related production processes, storage, transportation, sale and utilization with the requirements of Technical Regulation “On safety of food products” in the Eurasian Economic Union are:<sup>890</sup>

- The State Agency on Safety of Food Products of the Ministry of Agriculture, Republic of Armenia;
- The Ministry of Agriculture and Food, Republic of Belarus;
- The Ministry of Health, Republic of Belarus;
- The State Committee on Standardization, Republic of Belarus;
- The Ministry of National Economy, Republic of Kazakhstan;
- The Ministry of Agriculture, Republic of Kazakhstan;
- The Department of Disease Prevention and State Sanitary and Epidemiological Surveillance, the Ministry of Health, the Kyrgyz Republic;

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<sup>884</sup> Статья 36 (3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>885</sup> Статья 36 (4) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>886</sup> Статья 37 (1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>887</sup> Статья 37 (2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>888</sup> Статья 37 (3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>889</sup> Статья 37 (3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>890</sup> Authorized bodies, responsible for the implementation of state control (supervision) for TR CU 021/2011, <http://eec.eaeunion.org/ru/act/technreg/deptexreg/tr/Pages/PischevayaProd.aspx> [accessed 16.03.2018].

- The Federal Agency on Veterinary and Phyto-Sanitary Surveillance “Rosselkhoz nadzor” («Россельхознадзор»), the Russian Federation;
- The Federal Agency on Alcohol Market Regulation “Rosalkoholregulirovaniye” («Росалкогольрегулирование»), the Russian Federation.

### 3.5.3. State Control over Compliance with Technical Regulation

The state control (supervision) over compliance of food products and related production processes, storage, transportation, sale and utilization with the requirements of Technical Regulation “On safety of food products” is carried out in accordance with the national legislation of the Member State.<sup>891</sup> In the Russian Federation, applicable legislations are the Federal Law "On Technical Regulation" and the Federal Law No29-FZ of January 2, 2000 “On quality and safety of food”.

The Member States of the EAEU are obliged to take all measures to prevent release of food products, that do not comply with the requirements of Technical Regulation “On safety of food products”, into circulation in the territory of the EAEU, and withdraw non-compliant food products from circulation.<sup>892</sup>

The grounds for these measures are: 1) non-compliance with the requirements of Technical Regulation “On safety of food products”; and 2) improper application of standards interconnected with Technical Regulation “On safety of food products”, if these standards were applied.<sup>893</sup> The authorized body of the Member State is obliged to notify the authorized bodies of other Member States of the EAEU about decision taken, indicating the reasons and providing evidence for this measure.<sup>894</sup>

### 3.6. Labelling

Labelling of food products must comply with the requirements of Technical Regulation of the Customs Union TR CU 022/2011 “On food products in terms of labelling” (hereinafter referred to as “Technical Regulation “On food products in terms of labelling”) and (or) the relevant requirements of technical regulations of the Customs Union for certain types of food products.<sup>895</sup>

The Technical Regulation “On food products in terms of labelling” lays down labelling requirements for food products in order to prevent actions that can mislead consumers and ensure consumers' rights to reliable information about food products.<sup>896</sup> In addition, labelling requirements of the technical regulations for certain types of food products should be taken into account when applying the Technical Regulation “On food products in terms of labelling”. However these requirements should not contradict to Technical Regulation “On food products in terms of labelling”.<sup>897</sup>

Labelling of food products is defined as *“the information on food products printed in the form of inscriptions, drawings, signs, symbols, other symbols and (or) their combinations on consumer packaging, transport packaging or other kind of information*

<sup>891</sup> Статья 38 Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>892</sup> Статья 40(1) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>893</sup> Статья 40(3) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>894</sup> Статья 40(2) Технического Регламента Таможенного Союза ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>895</sup> Статья 39(1) Технического Регламента ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>896</sup> Статья 1(3) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>897</sup> Статья 1(4) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».



*carrier attached to consumer packaging and / or to transport packaging, or placed in them or attached to them”.*<sup>898</sup>

### **3.6.1. Scope of Technical Regulation “On Food Products in Terms of Labelling”**

Technical Regulation “On food products in terms of labelling” applies to labelling of food products produced for circulation in the territory of the Customs Union/EAEU.<sup>899</sup> The scope of Technical Regulation “On food products in terms of labelling” does not include food products produced by public catering organizations that provide public catering services for food consumption at the place of production, as well as food products that are manufactured by individuals in private subsidiary farms which are not intended for entrepreneurial activities.<sup>900</sup>

### **3.6.2. Labelling Requirements for Food Products**

#### **3.6.2.1. Labelling of Packaged Food Products**

The labelling of packaged food products<sup>901</sup> should contain the following information:<sup>902</sup>

1. name of food products, (*name of food products should be indicated in Russian language and state languages of the CU/EAEU in case of relevant requirements of national legislations of the Member states*);<sup>903</sup>
2. composition of food products, except for some food products<sup>904</sup> and unless otherwise provided by technical regulations for certain types of food products;
3. quantity of food products;
4. date of manufacture of food products;<sup>905</sup>
5. shelf life of food products;
6. storage conditions of food products established by the manufacturer or provided by technical regulations for certain types of food products. If quality and safety of food products changes after opening of packaging, the storage conditions after opening the package should also be indicated;
7. name and location of the manufacturer of food products or the surname, name, patronymic and location of the individual entrepreneur, who is the manufacturer of food products, and in the cases established by Technical Regulation “On food products in terms of labelling”, the name and location of the person authorized by manufacturer, name and location of importing organization or the surname, name, patronymic and location of the individual entrepreneur-importer;<sup>906</sup>
8. recommendations and(or) restrictions on use, including preparation of food products when the use of food products is difficult without recommendations or restrictions, or

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<sup>898</sup> Статья 2 Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>899</sup> Статья 1(1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>900</sup> Статья 1(2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>901</sup> Packaged food products are food products, placed in consumer packaging (Article 2, TR CU 022/2011).

<sup>902</sup> Статья 4(4.1/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>903</sup> Статья 4(4.4/7) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>904</sup> Composition of food production does not apply to 1) fresh fruits (including berries) and vegetables (including potatoes) that are not peeled, cut or treated in a similar manner; 2) vinegar obtained from one type of food raw material (without adding other components); 3) food products, consisting of one component, provided that the name of food products allows to determine the presence of this component. (Article 4 (4.4./7 of Technical Regulation TR CU 022/2011).

<sup>905</sup> Date of manufacture of food products is the end date of technological process of food production (article 2, TR CU 022/2011).

<sup>906</sup> Information on location name of the manufacturer from third countries may be indicated in letters of the Latin alphabet and in Arabic numerals or in the state language (s) of the country at the location of the manufacturer of food products, provided that the name of the country is indicated in Russian. (Article 4 (4.8/3) Technical Regulation TR CU 022/2011).

- may cause harm to consumers' health, their property, and may lead to a decrease or loss of taste of food products;
9. nutritional value (food value indicators) of food products, taking into account the requirements for labelling of nutrition value;
  10. information on presence of components (ingredients) obtained from genetically modified organisms, (GMOs), in food products;
  11. a single sign of product circulation in the market of the Member States of the EAEU.

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 Пищевая ценность в 100 г продукта: белок – не менее 15 г; жир – не более 12 г.  
 Энергетическая ценность - 168 ккал (702 кДж)/100 г.  
 Упаковано под вакуумом.  
 Допускается появление белого соляного налета на поверхности продукта, что не является признаком ухудшения качества.  
 Условия хранения и сроки годности: Общий срок годности при t° от 0 до 6 °С - не более 180 суток. После вскрытия упаковки хранить при t° от 0 до 6 °С и относительной влажности воздуха не выше 70-80 % - не более 15 суток.  
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 Масса нетто

ЕАС, HACCP, ГОСТ, Торговый Дом ВИК, ISO 22000, Recycle, Barcode: 4 650062 971044

Изготовлено и упаковано

Name of Food Product: Raw Jerky Beef. (High quality). The single sign of EAEU circulation.  
 National Russian Standard. Voluntary Standard of the RF.  
 СТО 0174308620-004-2012 - Standard of Organization  
 Composition  
 Nutrition Value  
 Storage conditions/Shelf life  
 Name of Producer  
 Address (location of producer)

Additional information may be indicated in the labelling of packaged food products. Such information can be the document according to which food products have been identified, the invented name<sup>907</sup> of food products, a trademark, information about the holder of exclusive right to a trademark, name of the place of food products origin, name and location of the licensor, signs of voluntary certification systems.<sup>908</sup>

Additional requirements for labelling of packaged food products can be stipulated in the technical regulations for certain types of food products, provided that they do not

<sup>907</sup> invented name of food products is a word or phrase that can complement the name of food products. The invented name of food products may not reflect its consumer properties and should not replace the name of food products (Article 2, TR CU 022/2011).

<sup>908</sup> Статья 4(4.1/3) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

contradict to requirements of the Technical Regulation “On food products in terms of labelling”.<sup>909</sup>

Non-alcoholic drinks containing caffeine in an amount exceeding 150 mg / l and / or medicinal plants and their extracts in an amount sufficient to provide a tonic effect on the human body should be marked with inscription *"It is not recommended to drink for children under the age of 18, pregnant and lactating women, as well as people suffering from increased nervous excitability, insomnia, arterial hypertension"* / («Не рекомендуется употребление детьми в возрасте до 18 лет, при беременности и кормлении грудью, а также лицами, страдающими повышенной нервной возбудимостью, бессонницей, артериальной гипертензией»).<sup>910</sup>

### 3.6.2.2. Labelling of Food Products in Transport Packages

Labelling of transport packages into which the food products are placed must contain the following information:<sup>911</sup>

1. name of food products;
2. quantity of food products;
3. date of manufacture of food products;
4. shelf life of food products;
5. food storage conditions;
6. information to identify a batch of food products (for example, batch number);
7. name and location of the manufacturer of food products or the surname, name, patronymic and location of the individual entrepreneur (the manufacturer of food products).



Fig.27.20 palets of Bretons (a sample of transport package.)

If transport packages contain the food products without consumer packaging intended for further packaging (sweets, granulated sugar and other food products), the labelling of the transport package in which the food products are placed must comply with the requirements on labelling of packaged food products.<sup>912</sup>

When the labelling of packaged food products is done onto the transport package and if such labelling can provide information to consumers without disrupting the integrity of the transport package, then a specified labelling on the transport package might be excluded.<sup>913</sup>

<sup>909</sup> Статья 4(4.1/4) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>910</sup> Статья 4(4.1/5) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>911</sup> Статья 4(4.2/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>912</sup> Статья 4(4.2/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>913</sup> Статья 4(4.2/3) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

Additional information might be indicated in the labelling similarly as to the packaged food products. The technical regulations for certain types of food products may establish additional requirements.

### 3.6.2.3. Food Products Name

The name of food product, indicated in the labelling, should allow to classify food product as a foodstuff, to characterize it and distinguish it from other food products.<sup>914</sup> The name of food products must also meet the requirements of technical regulations for certain types of food products.<sup>915</sup>



Fig.28. Black Tea (Name of a food product).

The name of a food product should include information about physical properties and (or) special methods of food products processing (for example, “*reconstituted, smoked, marinated, ground, ionized radiation, freeze-dried food products*”/ «*восстановленная, копченая, маринованная, молотая, обработанная ионизирующим излучением, сублимированная пищевая продукция*» and similar information about it) or such information can be placed close to the name in order not to mislead the consumer. Requirements for such information are established by technical regulations for certain types of food products



Fig.29. Sweet pepper (Bulgarian) Marinated.

The name of food products must not indicate the ingredients of food products, if such ingredients or products of their processing are not included in the composition of food products.<sup>916</sup> However, when flavoring is used in the food composition, the name of the

<sup>914</sup>Статья 4(4.3/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>915</sup> Статья 4(4.3/2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>916</sup> Статья 4(4.3/4) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

ingredient, replaced by this flavoring and not included in the food products, may be included in the name of the food products as "with taste and (or) flavor" («со вкусом и (или) с ароматом»).

<sup>917</sup>


Fig.30. "Capelin caviar. With a smoked flavour".

Technical regulations for certain type of products may provide additional requirements for the name of food products, if they do not contradict to the Technical Regulation "On food products in terms of labelling".

<sup>918</sup>

### 3.6.2.4. Food Content

In general, the ingredients included in the food products should be indicated in decreasing order of their mass share at the time of food production. However, there might be other specified requirements under the technical regulations for certain types of food products. The ingredients should be placed under the wording "Ingredients" («Состав»).

<sup>919</sup>


Fig.31. Dutch Cheese Russia (Vamin).

Ingredients.

If a food product contains a complex ingredient,<sup>920</sup> the list of all used ingredients in the complex ingredient must be indicated in decreasing order of their mass share or they must be indicated in brackets as to their decreasing mass. If the mass of a complex ingredient is 2% and less, the ingredients need not be mentioned. However, this does not apply to food additives, flavors and biologically active substances in food additives, medicinal plants, ingredients obtained with the use of GMOs and allergenic ingredients.

<sup>921</sup>

Ingredient, whose mass is 2% or less of the total mass of the food product, can be indicated in any order after the ingredients with a mass of more than 2%, provided that there

<sup>917</sup> Статья 4(4.3/5) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>918</sup> Статья 4(4.3/6) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>919</sup> Статья 4(4.4/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>920</sup> A complex component consists of two or more components in a food product.

<sup>921</sup> Статья 4(4.4/2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».



are no other requirements stipulated by the technical regulations for certain types of food products.<sup>922</sup>

Fruits (including berries), vegetables (including potatoes), nuts, cereals, mushrooms, spices, spices that are used in mixtures and have no significantly different mass fraction, may be indicated in the ingredient list of the food products in any order, indicating as "in variable ratios" («в изменяемых соотношениях»).923

Sweeteners/sugar alcohols included in the ingredients of food products must be labelled in the wording as "Contains a sweetener (sweeteners). In case of excessive use, it may have a laxative effect" («Содержит подсластители. При чрезмерном употреблении могут вызывать слабительное действие»).924

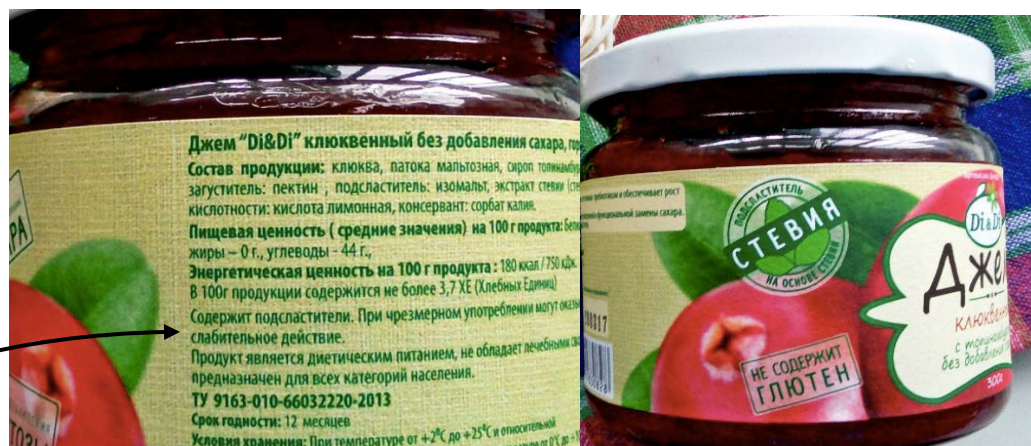


Fig.32. "Contains sweeteners. In case of excessive use, it may have a laxative effect". Cranberry Jam.

A flavoring in the food product should be labelled with the word "flavor(s)" («ароматизатор/ы»). It is allowed not to indicate the invented name of food products with regard to flavors (flavoring agents) in the list of food product ingredients.<sup>925</sup> An invented name is a word or group of words that may not characterize the consumer properties of the product, but allow us to distinguish between products that are similar in composition and organoleptic characteristics from each other.<sup>926</sup>

The functional (technological) purpose (acidity regulator, stabilizer, emulsifier, other functional (technological) purpose) of a food additive in the food products and the name of the food additive, which can be replaced by the index of a food additive according to the International Numbering System (INS) or the European Numbering system (E), must be indicated. However, when food additive has different functional purposes, only a functional purpose, corresponding to the purpose of its use, should be indicated.<sup>927</sup>

The ingredients, reconstituted from concentrated, condensed or dry food products during food production processes, may be indicated in accordance with their mass fraction after their recovery.<sup>928</sup>

<sup>922</sup> Статья 4(4.4/3) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>923</sup> Статья 4(4.4/11) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>924</sup> Статья 4(4.4/12) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>925</sup> Статья 4(4.4/5) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>926</sup> Раздел 2 Определения. Национальный стандарт Российской Федерации ГОСТ Р 51074-2003. Продукты пищевые. Информация для потребителя. Общие требования (с изменениями 1,2,3).

<sup>927</sup> Статья 4(4.4/6) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>928</sup> Статья 4(4.4/10) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

#### 3.6.2.4.1. Allergenic Ingredients

The following most common ingredients, which can cause allergic reactions or are contraindicated in certain types of diseases, are:<sup>929</sup>

1. peanuts and products of its processing;
2. aspartame and aspartame-acesulfame salt;
3. mustard and products of its processing;
4. sulfur dioxide and sulphites, if their total content is more than 10 milligrams per kilogram or 10 milligrams per liter in terms of sulfur dioxide;
5. cereals containing gluten, and products of their processing;
6. sesame and its processing products;
7. lupin and products of its processing;
8. mollusks and products of their processing;
9. Milk and products of its processing (including lactose);
10. nuts and products of their processing;
11. crustaceans and their processing products;
12. Fish and products of its processing (except fish gelatin, used as a basis in preparations containing vitamins and carotenoids);
13. celery and products of its processing;
14. soybean and products of its processing;
15. eggs and products of their processing.



Fig.33. White Milk Bread (allergenic ingredients are not in bold).

<sup>929</sup> Статья 4(4.4/14) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».



Fig.34.Milk Chocolate with Caramel and Peanuts (allergenic ingredients are indicated in bold).



Fig.35. Milk Chocolate “Milka” (allergenic ingredients are not in bold).

Information about allergenic properties of the ingredients is not required to be indicated in the labelling of food products. Exception is given to aspartame and aspartame acesulfame salt, when they are used in production of food products, the inscription must be *"Contains a source of phenylalanine"* («Содержит источник фенилаланина») after indication of its composition.<sup>930</sup> If the above-mentioned ingredients have not been used in production of food products, but their presence in food products is completely impossible to exclude, information about possible availability of such ingredients is placed immediately after indicating the list of food product ingredients.<sup>931</sup>

<sup>930</sup> Статья 4(4.4/15) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>931</sup> Статья 4(4.4/17) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».



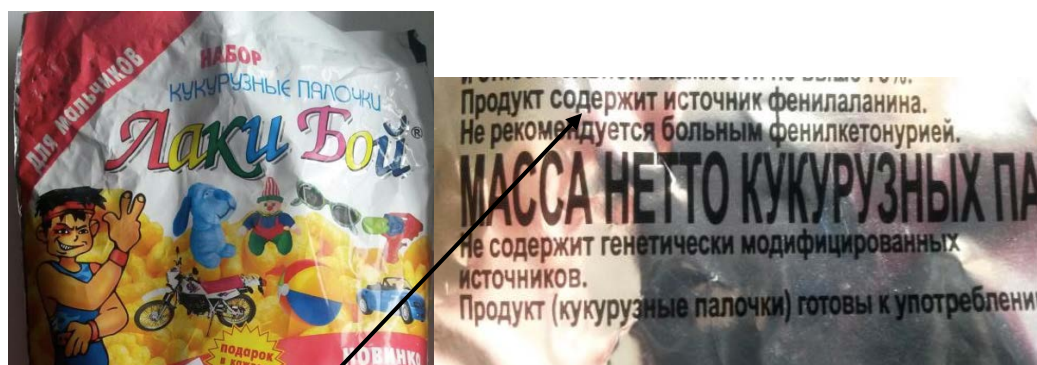


Fig.36.Corn sticks. “Contains a source of phenylalanine”/ “It is not recommended for patients with phenylketonuria”.

The ingredients (including food additives, flavors) and biologically active additives which can cause allergic reactions or is contraindicated in certain types of diseases must be indicated in the ingredient list of food products regardless of their quantity.<sup>932</sup>

As for food products containing grain ingredients, it is allowed to place the inscription “Does not contain gluten” («Не содержит глютена»), if the grain ingredients containing gluten were not used or gluten was removed.<sup>933</sup>



Fig.37. Crispy amaranth CHIPS with shrimps and paprika. Does not contain gluten.

The food products, containing colorants (azorubin E122, yellow quinoline E104, yellow "sunset sunset" FCF E110, red charming AS E129, Ponso 4R E124 and tartrazine E102) must have a warning label: “Contains a colorant (s) that (may) have a negative impact on the activity and attention of children”/ («Содержит краситель (красители), который (которые) может (могут) оказывать отрицательное влияние на активность и внимание детей»).<sup>934</sup> Alcoholic beverages and food products, in which these colorants are used to stamp the products of slaughter and meat products, or for marking or decorative coloring of Easter eggs are excluded from the warning label.<sup>935</sup>

#### 3.6.2.4.2. Food Ingredients Excluded from Labelling

The following ingredients in food products are not subject to labelling:<sup>936</sup>

<sup>932</sup> Статья 4(4.4/13) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>933</sup> Статья 4(4.4/16) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>934</sup> Статья 4(4.4/18) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>935</sup> Статья 4(4.4/18) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>936</sup> Статья 4(4.4/8) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

- substances that in food production process are removed from the ingredients specified in the list of food ingredients and are added to food products in subsequent stage of manufacturing process without exceeding the amount of these starting materials;
- substances that are part of one or more ingredients, which do not alter the properties of food products containing such ingredients;
- technological aids used in production of specific food products;
- substances that are part of flavors or food additives as solvents, carriers of flavors;

Water can be excluded from labelling in composition of food products in following cases:<sup>937</sup>

- when used in food production process to restore concentrated, condensed or dry food products;
- when it is a part of the liquid ingredient (including broth, marinade, brine, syrup, brine), indicated in the ingredient list of food products.

Carbon dioxide, used as an ingredient in the production of food products, is not required to be indicated in food products if the wording "*sparkling*" («*газированная*») or similar is included in the labelling of food products.<sup>938</sup>

### 3.6.2.5. Quantity of Packaged Food

The quantity of packaged food products should be labelled in terms of volume (milliliters, centilitres or liters/«миллилитрах, сантилитрах или литрах»), mass (grams or kilograms/ «граммах или килограммах») or in units (pieces/ «штуках»). It is allowed to use abbreviated names of these units. Weight or volume of eggs, fruits, vegetables sold per piece does not need to be indicated.<sup>939</sup> The same rules are applied to quantity of food products placed in transport packaging, indicating the amount of food products placed in each packaging unit.<sup>940</sup> Labelling of food products, placed in a liquid medium,<sup>941</sup> should indicate both volume or mass of food products together with the liquid medium and volume or weight of food products placed in the liquid medium. This requirement also applies to food products placed in a liquid medium with subsequent freezing.<sup>942</sup>

The choice of volume to indicate the quantity of packaged food products, excluding food products sold per piece, is subject to the following rules, unless otherwise specified by technical regulations for certain types of food products:<sup>943</sup>

- liquid food products should be indicated in volume;
- pasty, viscous or viscous-plastic consistency food products should be labelled either in volume or mass;
- solid, loose, a mixture of solid and liquid food products should be labelled in mass.

Labelling may contain simultaneous use of two quantities, for example, mass and number of pieces, mass and volume.

Labelling of the amount of food products in a group package should be as follows:<sup>944</sup>

- food products of one name are packed into several consumer packages, then a group package should indicate the total quantity of products and a number of consumer packages;

<sup>937</sup> Статья 4(4.4/9) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>938</sup> Статья 4(4.4/6) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>939</sup> Статья 4(4.5/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>940</sup> Статья 4(4.5/4) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>941</sup> for example water, aqueous solutions of sugar, aqueous solutions of food acids, aqueous solutions of salt, brines, vinegar, fruit or vegetable juices.

<sup>942</sup> Статья 4(4.5/5) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>943</sup> Статья 4(4.5/2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>944</sup> Статья 4 (4.5/3) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

- when properties of a group package make it possible to clearly see the quantity of food products and easily calculate the number of consumer packages, then it is allowed not to specify them on the group package;
- packed food products consisting of several consumer packages with the products of different types and names and (or) separate products of different names, then a group package of packaged food products should indicate the name and quantity of products of each consumer package and (or) the name, the number of pieces, or the mass of each product.

An indefinite indication of quantity for packaged food products and a range of values for quantity of packaged food products are not allowed.<sup>945</sup>

### 3.6.2.6. Date of Food Products

Labelling of the date of manufacture, depending on the shelf life of food products, should use the following wording:<sup>946</sup>

1. *"date of manufacture"* («дата изготовления»), indicating the hour, date, month and shelf life up to 72 hours;
2. *"date of manufacture"* («дата изготовления»), indicating the day, month, year with a shelf life from 72 hours to three months;
3. *"date of manufacture"* («дата изготовления»), indicating the month, year or date, month, year with a shelf life of three months or more;
4. *"year of manufacture"* («год изготовления») - for sugar.

Date of manufacture of food products means the end date of the technological process of food production.<sup>947</sup> The words *"date of manufacture"* («дата изготовления») can be replaced by the words *"production date"* («дата производства») or by words similar in meaning.<sup>948</sup> After the words *"date of manufacture"* («дата изготовления»), the date of food production or the place of applying this date to consumer packaging should be indicated.<sup>949</sup> However, to note that technical regulations for certain types of food products may have other concepts defining the date of the end of the technological process of certain types of food products, for example, the date of bottling for beverages, the date of sorting for eggs, the year of harvest for crops, the year of collection for wild-growing fruits, nuts, bee products.<sup>950</sup> Furthermore, technical regulations for certain types of food products may set out additional requirements for the date of manufacture of food products, provided that they do not contradict to requirements of Technical Regulation "On food products in terms of labelling".<sup>951</sup>

### 3.6.2.7. Shelf Life

Labelling of shelf life for food products should include the following indications (wording):<sup>952</sup>

- *"Best before"* («зоден до»), indicating the hour, day, month with a shelf life of less than 72 hours;
- *"Best before"* («зоден до»), indicating the day, month, year with a shelf life from 72 hours to three months;

<sup>945</sup> Статья 4 (4.5/6) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>946</sup> Статья 4 (4.6/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>947</sup> Статья 2 Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>948</sup> Статья 4 (4.6/3) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>949</sup> Статья 4 (4.6/2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>950</sup> Статья 4 (4.6/4) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>951</sup> Статья 4 (4.6/4) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>952</sup> Статья 4 (4.7/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

- *"Best before the end of"* («зоден до конца»), indicating the month, year or *"Best before"* («зоден до»), indicating the day, month, year with a shelf life of at least three months.

Labelling of shelf life may use the wording *"Best before"* («зоден»), indicating the number of days, months or years, or if a shelf life of less than 72 hours, the word *"Best before"* («зоден до»), indicating a number of hours.<sup>953</sup> After the words *"Best before"* and *"Best before the end of"* either the shelf life of food products or the place for putting this information (the time) on packaging should be indicated.<sup>954</sup> The wordings *"Best before"*, *"Best before the end of"* in the labelling of food products can be replaced by *"shelf life"* («Срок годности»), *"Consume before"* («Употребить до») or the words with a similar meaning.<sup>955</sup> For some food products a manufacturer sets an unlimited shelf life. In this case the food products should be labelled as *"The shelf life is unlimited if the storage conditions are observed"* («Срок годности не ограничен при соблюдении условий хранения»).<sup>956</sup> Technical regulations for certain types of food products may provide additional requirements for indicating shelf life of food products, provided that they do not contradict the requirements of Technical Regulation "On food products in terms of labelling".<sup>957</sup>

### 3.6.2.8. Name and Location of Producer

A name and location of a manufacturer of the food products is indicated in the labelling of food products, regardless whether the food products are produced in the territory of the Member States of the EAEU or supplied from a third country. The location of the manufacturer of food products is determined by the place of state registration of the organization or individual entrepreneur.<sup>958</sup>

Labelling of food products includes an officially registered name and the location (address, including the country) of the manufacturer. In case the manufacturer's location differs from the manufacturer's address, the labelling must indicate the address of production place/s and the person authorized by the manufacturer to accept the claims from consumers in its territory.<sup>959</sup> If the manufacturer has a person authorized by the manufacturer, the name and location of such a person authorized by the manufacturer must be indicated in the labelling of food products.<sup>960</sup>

<sup>953</sup> Статья 4 (4.7/2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>954</sup> Статья 4 (4.7/3) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>955</sup> Статья 4 (4.7/5) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>956</sup> Статья 4 (4.7/4) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>957</sup> Статья 4 (4.7/6) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>958</sup> Статья 4 (4.8/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>959</sup> Статья 4 (4.8/2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>960</sup> Статья 4 (4.8/6) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».



Fig.38. Name and Location (address) of the Producer (Cottage Cheese).

Labelling of location name of the manufacturer from a third country may be indicated in letters of the Latin alphabet and in Arabic numerals, or in the state language (s) of the country of the food product manufacturer's location and in this case the name of the country should be indicated in Russian language.<sup>961</sup> The labelling of food products supplied from third countries should indicate the name and location of the importer.<sup>962</sup>

Labelling of food products manufactured by several manufacturers may specify the name and location of each manufacturer, however, such information should be clearly communicated to consumers by using letters, numbers, symbols, font separations to identify the manufacturer of a specific food product.<sup>963</sup>

### 3.6.2.9. Nutritional Value

Labelling of nutritional value of food products includes the following indicators:<sup>964</sup>

- energy value (calorific value), indicated in joules and calories, or in multiples or sub-units of these quantities;
- amount of proteins, fats, carbohydrates<sup>965</sup> (indicated in grams or in multiples or sub-units of these quantities);
- amount of vitamins and minerals<sup>966</sup> (indicated in units of the International System of Units (SI) (milligrams or micrograms) or in other units of values admitted for use in the member states of the CU/EAEU in accordance with national legislation).

<sup>961</sup> Статья 4 (4.8/3) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>962</sup> Статья 4 (4.8/7) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>963</sup> Статья 4 (4.8/3) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>964</sup> Статья 4 (4.9/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>965</sup> Amount of proteins, fats, carbohydrates and energy value (caloric content) of food products should be indicated in relation to proteins, fats, carbohydrates and energy values (calories), for which such amounts are in 100 grams or 100 milliliters or in one portion of food products (nutritional value per serving) is 2% or more per cent of values reflecting an adult average daily need in proteins, fats, carbohydrates and energy. In other cases, the amount of protein, fat, carbohydrates and energy value (caloric content) of food products may be indicated at the discretion of the manufacturer. (Article 4.9 (7) TR CU 022/2011).

<sup>966</sup> Amount of vitamins and minerals in food products should be indicated, if vitamins and minerals are added to food products during its production. In other cases, the amount of vitamins and minerals in food products may be indicated as reference to vitamins/minerals for which such amount in 100 grams or 100 milliliters or in one portion of food products (nutritional value per serving) is 5 and more percentages of values reflecting an adult average daily need in vitamins and minerals. (Article 4.9 (8) of Technical Regulation TR CU 022/2011).



Fig.39. Nutritional Value of Milk Ultra-Pasteurized.

The nutritional value of food products must be given per 100 grams or 100 milliliters and (or) per serving (a certain amount of food indicated in its labelling as one serving, with an obligatory indication of the amount of such a portion) of food products.<sup>967</sup> Annex 2<sup>968</sup> of Technical Regulation “On food products in terms of labelling” provides values for an adult’s average daily need in proteins, fats, carbohydrates and energy, in vitamins, minerals and other substances and for certain categories of consumers. The calculation is based on the average daily requirement for this category of consumers.<sup>969</sup>

Nutritional values of food products may be rounded off in accordance with Annex No.3<sup>970</sup> of Technical Regulation “On food products in terms of labelling” for labelling of energy value (caloric content) of food products and the content of proteins, fats, carbohydrates in food.<sup>971</sup> Labelling may include the wording: “Mean (average) values” («Средние значения») for nutritional values of food products.<sup>972</sup>

Nutritional value of the following products can be excluded from the labelling, unless otherwise stipulated by technical regulations for certain types of products.<sup>973</sup>

- flavorings,
- chewing gum,
- coffee,
- natural mineral water,
- bottled drinking water,
- food additives,
- raw food products (mushrooms, slaughter products of productive animals and poultry, fish, vegetables (including potatoes),
- fruits (including berries),
- table salt,

<sup>967</sup> Статья 4 (4.9/2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>968</sup> Annex 2. The average daily requirement for basic food substances and energy for labelling food products. TR CU 022/2011.

<sup>969</sup> Статья 4 (4.9/9) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>970</sup> Annex 3, Table 1. Rules for rounding the values of the energy value of food products, Table 2. Rules for rounding the values of the amount of proteins, fats, carbohydrates of food products, TR CU 022/2011.

<sup>971</sup> Статья 4 (4.9/13) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>972</sup> Статья 4 (4.9/14) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>973</sup> Статья 4 (4.9/2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».



- spices,
- vinegar,
- tea

Technical Regulations for certain types of food products may provide additional requirements for labelling of nutritional value of food products, only if they do not contradict the requirements of Technical Regulation “On food products in terms of labelling”.<sup>974</sup>

### 3.6.2.10. Information about Distinctive Properties (“Health and Nutrition Claims”)

Information about distinctive properties of the food products (“health and nutrition claims”) is the information about food products that indicate the characteristics of food products such as food value, origin, composition and other properties in order to distinguish them from other food products.<sup>975</sup> Such information on distinctive properties of food products is labelled on a voluntary basis.<sup>976</sup> When the information on distinctive properties of food products is used in labelling, including absence of ingredients obtained from GMOs or using GMOs in food products, such information should be confirmed by the producer providing evidence independently or by a third party. The evidence on presence of distinctive properties of food products is subject to filing by the producers or individual entrepreneurs and is presented when required in accordance with the national legislation of the Member State.<sup>977</sup>

Information about distinguishing properties of food products specified in Annex 5<sup>978</sup> to the Technical Regulation “On food products in terms of labelling” can be used only if the conditions specified in this annex are observed, unless otherwise stipulated by the technical regulations for certain types of food products. Example from the Annex 5:<sup>979</sup>

Nutrition indicator or ingredient	Information on the distinctive properties of food products	The condition, the observance of which is mandatory when using information about the distinctive properties of food products in labelling of food products
Energy value (caloric value)	Reduced	The energy value (calorie content) is reduced by at least 30 percent relative to the energy value (caloric value) of similar food products
Protein	High content	The protein provides at least 20% of the energy value (caloric value) of food products

Table 3. Extract from Annex 5 to Technical Regulation “On food products in terms of labelling”.

Information about nutritional properties of the food products should include the amount of relevant nutritional substances that determine the nutritional value of food products in the labelling.<sup>980</sup>

### 3.6.2.11. GMO Food Products

Labelling of food products obtained with the use of GMOs, including food products that do not contain deoxyribonucleic acid (DNA) and protein, must have the following wording: *“genetically modified products”* («генетически модифицированная продукция»)

<sup>974</sup> Статья 4 (4.9/17) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>975</sup> Статья 2 Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>976</sup> Статья 4 (4.10/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>977</sup> Статья 4 (4.10/2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>978</sup> Annex 5. Conditions when using in the labelling of food products information about the distinctive features of food products, TR CU 022/2011.

<sup>979</sup> Приложение 5. Условия при использовании в маркировке пищевой продукции информации об отличительных признаках пищевой продукции к техническому регламенту Таможенного союза ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>980</sup> Статья 4 (4.10/4) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

or "products derived from genetically modified organisms" («продукция, полученная из генно-модифицированных организмов»), or "the product contains components of genes modified organisms (продукция содержит компоненты генно-модифицированных организмов)".<sup>981</sup>

Food products obtained from genetically modified microorganisms "GMM" such as bacteria, yeasts and filamentous fungi, the genetic material of which has been changed using genetic engineering methods or with their use, must have the following labelling:<sup>982</sup>

- for containing live GMM - "The product contains live genetically modified microorganisms" («Продукт содержит живые генно-модифицированные микроорганизмы»);
- for containing non-viable GMM - "The product was obtained using genetically modified microorganisms" («Продукт получен с использованием генно-модифицированных микроорганизмов»);
- for those released from technological GMMs or for those obtained using components from GMM - "The product contains components obtained using genetically modified microorganisms" («Продукт содержит компоненты, полученные с использованием генно-модифицированных микроорганизмов»).

GMO is not indicated in the labelling in case:<sup>983</sup>

- the manufacturer did not use genetically modified organisms in food production;
- the content of GMO is 0.9 percent or less in food products and is an accidental or technically unrecoverable admixture;
- the processing aids made from or using GMOs.<sup>984</sup>

According to the Decision of Eurasian Economic Commission of December 20, 2017 No. 90 "On amendments to the technical regulation of the Customs Union TR CU 022/2011 "On food products in terms of labelling", along with the single sign of circulation (EAEU) in the market of the Eurasian Economic Union, the labelling of food products obtained with the use of GMOs, identical with it in form and size, must include a wording "GMO" («ГМО»).

### 3.6.2.12. Labelling Methods

Labelling of packaged food products and food products placed in transport packages should be understandable, easy to read, reliable and not mislead the consumers. The wording (inscriptions), signs, symbols should have a contrasting background. The method of labelling must provide its safety during the entire shelf life of food products, provided that the storage conditions specified by the manufacturer are observed.<sup>986</sup>

Labelling of the name, date of manufacture, shelf life and storage conditions of food products should be applied on the consumer package and/or on the label<sup>987</sup> should be done in a way that makes removal of such information from the consumer packaging difficult.<sup>988</sup>

<sup>981</sup> Статья 4 (4.11/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>982</sup> Статья 4 (4.11/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>983</sup> Статья 4 (4.11/2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>984</sup> Статья 4 (4.11/3) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>985</sup> Пункт 1 Решения Совета Евразийской Экономической Комиссии от 20 декабря 2017 г. № 90 «О внесении изменений в технический регламент Таможенного Союза «Пищевая продукция в части её маркировки ТР ТС 022/2011».

<sup>986</sup> Статья 4 (4.12/1) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>987</sup> label is a carrier of labelling information, attached to the consumer package and (or) transport packaging, including by gluing this information (Article 2, TR CU 022/2011).

<sup>988</sup> Статья 4 (4.12/2) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».



Labelling of composition of food products, quantity, name and location of manufacturer, recommendations and restrictions on use/preparation of food products, nutrition values, information on GMOs in food products and the single sign of circulation of EAEU should be applied on consumer package and/or on the label; and/or on the leaflet;<sup>989</sup> and(or) on the leaflet placed in each packing unit or attached to each packaging unit.<sup>990</sup>

Labelling of food products placed directly in the transport packages should be applied on the transport packages and /or on the label, and/or in the leaflet placed in each transport package or attached to each transport package or indicated in the documents accompanying food products.<sup>991</sup>

Labelling of food products should not contain an image of food products that are not contained in the consumer packaging or have not been used in food production.<sup>992</sup>

Labelling of food products printed as an image of a dish in preparation of which this food product is used must have the wording "variant of the prepared dish" («вариант приготовленного блюда») or words similar in meaning.<sup>993</sup>



Fig.40.PILAV WITH CHICKEN. Mixture for preparing a dish.

### 3.6.3. Market Circulation Rules

Food products can be placed on the market provided they comply with the labelling requirements of Technical Regulation "On food products in terms of labelling", including other technical regulations of the Customs Union/EAEU in respect of labelling.<sup>994</sup>

#### 3.6.3.1. Sign of Circulation (EAEU) for Food Products

Food products that have passed assessment of conformity must be marked with a single product circulation mark in the market of the Member States of the CU/EAEU, unless otherwise stipulated by the technical regulations for certain types of food products. The single product circulation mark is not applied for non-food manufactured products produced by citizens at home, in personal part-time farms or by citizens engaged in gardening, animal husbandry, intended for circulation in the territory of the CU/EAEU, including food products sold at food enterprises (catering).<sup>995</sup>

<sup>989</sup> leaflet is carrier of labelling information, placed in the consumer package and (or) transport packaging or is attached to the consumer package and / or to the shipping package (Article 2 TR CU 022/2011).

<sup>990</sup> Статья 4 (4.12/3) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>991</sup> Статья 4 (4.12/7) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>992</sup> Статья 4 (4.12/8) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>993</sup> Статья 4 (4.12/8) Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>994</sup> Статья 3 Технического Регламента ТР ТС 022/2011 «Пищевая продукция в части её маркировки».

<sup>995</sup> Статья 39 Технического Регламента ТР ТС 021/2011 «О безопасности пищевой продукции».

As for unpackaged food products, a single product circulation mark is applied on shipping documents, unless otherwise established by the technical regulations for certain types of food products.<sup>996</sup>



рис.1



рис.2

*Fig.41.Images of a single sign of products circulation on the market of the Eurasian Economic Union.*<sup>997</sup>



*Fig.42.National Standard of the Russian Federation/ A single sign of EAEU circulation mark.*

The image of the single sign of the circulation of products on the market of the Eurasian Economic Union is a combination of three stylized letters "E", "A" and "C", graphically executed with the use of right angles, of the same height and width, making exact proportions of the square on light (Fig. 1) or on a contrasting background (Fig. 2). The abbreviation "EAC" stands for Eurasian Conformity.<sup>998</sup> The single sign of circulation can be made in any way that provides a clear image of it throughout the shelf life of the product.<sup>999</sup>

The single sign of circulation indicates that products have passed the procedure for assessment of conformity stipulated in the technical regulations of the Customs Union/EAEU and complies with the requirements of all technical regulations of the Eurasian Economic Union applicable to this food product. The marking (labelling) with the single sign of

<sup>996</sup> Статья 39 Технического Регламента ТР ТС 021/2011 «О безопасности пищевой продукции».

<sup>997</sup> Решение Комиссии Таможенного союза от 15 июля 2011 года №711 «О едином знаке обращения продукции на рынке Евразийского экономического союза и порядке его применения» с изменениями на 17 марта 2016 года.

<sup>998</sup> Решение Комиссии Таможенного союза от 15 июля 2011 года №711 «О едином знаке обращения продукции на рынке Евразийского экономического союза и порядке его применения» с изменениями на 17 марта 2016 года.

<sup>999</sup> Раздел 3(3.4)Решения Комиссии Таможенного союза от 15 июля 2011 года №711 «О едином знаке обращения продукции на рынке Евразийского экономического союза и порядке его применения» с изменениями на 17 марта 2016 года.

circulation is made before releasing food products into circulation on the market of the Eurasian Economic Union.<sup>1000</sup>

The single sign of circulation is applied to each product unit, packaging or accompanying documentation. The image of the single sign of circulation must be monochrome and contrast with the color of the surface on which it is applied. The place of applying a single sign of circulation for products, packaging and documentation is established in the technical regulations of the CU/ EAEU.<sup>1001</sup>

Manufacturers, a person authorized by the manufacturer, and importers (suppliers) of products have the right to mark their food products with the single sign of circulation, if the products have passed all the procedures for assessment of conformity in the territory of any of the Member States of the Eurasian Economic Union, established by the relevant technical regulations of the EAEU/CU.<sup>1002</sup>

#### **4. Conclusion**

The following conclusions can be drawn on the research questions:

##### ***Russian Legal System:***

To comprehend the Russian legal system without displaying coordination of the state and law is a seemingly impossible task. Therefore, the research begins with its main elements – Legislative, Executive and Judiciary Bodies to present their main functions and roles in the state apparatus. It shows that the highest Legislative Body, the Federal Assembly, is responsible for drafting constitutional and federal laws, laws on customs regulation and ratification of international treaties. All these federal laws constitute the primary sources of the Russian legislation. The role of the Executive bodies, as can be seen, as well is very important. Because, apart from the state administration, the Executive Bodies are authorized to take legislative initiative to propose the bills and draft laws. For example, about 80% of draft legislations are proposed by the Government of the Russian Federation. Compared to the Legislative and Executive Bodies, the Judiciary Bodies do not make any laws. They are not in direct subordination to each other as they have specific independent power. Judicial Power does not subordinate to any Executive bodies, it operates independently of the Legislative and Executive bodies. However, the jurisdiction of the Constitutional court includes reviewing the federal laws and interpreting the Constitution of the RF.

The analysis of the Russian Executive Bodies in the state apparatus allows to exhibit the main Executive Bodies in food regulation of Russia, which are the Government of the RF, Ministries of the RF and the Federal State Agencies. The objectives of the Government of the RF in food regulation to provide legislative, economic and infrastructural conditions for safety and quality of food products, clearly demonstrate that the Russian Government is the main player in food regulation. It develops uniform national state policies on food safety such as Doctrines on Food Security and Food Safety, and directs its subordinated executive bodies. For example, the responsible Ministries of the RF develop further the state policy and legal regulation in the agro-industrial complex (agricultural and food products), quality and safety

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<sup>1000</sup>Раздел 2Решения Комиссии Таможенного союза от 15 июля 2011 года №711 «О едином знаке обращения продукции на рынке Евразийского экономического союза и порядке его применения» с изменениями на 17 марта 2016 года.

<sup>1001</sup> Раздел 5 (5.1/5.2/5.3) Решения Комиссии Таможенного союза от 15 июля 2011 года №711 «О едином знаке обращения продукции на рынке Евразийского экономического союза и порядке его применения» с изменениями на 17 марта 2016 года.

<sup>1002</sup> Раздел 4 Решения Комиссии Таможенного союза от 15 июля 2011 года №711 «О едином знаке обращения продукции на рынке Евразийского экономического союза и порядке его применения» с изменениями на 17 марта 2016 года.

of food products, state registration of novel food products of animal origin, technical regulations, standardization, certification, foreign trade activity and economic development. The Federal Agencies, in their turn under the supervision of the Government and the Ministries, develop and implement state policy and legal regulation in the fields of consumer rights protection and human well-being; veterinary, hygienic standards and phytosanitary supervision; alcohol market regulation and sales of alcohol containing products; technical regulation, national standards and metrology; accreditation and certification systems; antitrust service in the commodity markets and advertising.

Understanding of any legal system begins with its classification into legal families. As the research shows, classification of the Russian legal system is disputed among the scholars. Such dispute can be explained on the grounds that indeed the Russian legal system embodies various legal doctrines representing original synthesis of European and Eurasian cultures. The Russian legal system has undeniably been influenced by the Roman-Germanic legal family. This allows to categorize the Russian law as similar to the Civil/Continental law, although not in its pure form, but it definitely helps to distinguish it from the other legal families. Further, the Russian legal system has some elements of the Slavonic legal family, and unquestionably those of the Soviet socialist law. Moreover, the contemporary Russian legal system has been experiencing many reforms since the collapse of the Soviet Union. Even now, it has been influenced as well by a new legal system of integration nature – the law of the Eurasian Economic Union.

The analysis of the Russian legal system brings out its main elements that the Russian law is formed by a legislator and the normative legal acts («нормативно-правовой акт») represent the most important source of law. It has a structured, organized system with a strict division into branches of law, public and private law, codification of law, normative and federative nature of its legal system. Due to its normative nature, the sources of Russian law are based on legal normative acts and divided into two large groups: laws and by-laws. The hierarchy of laws adheres to a strict order of subordination with the Laws («Законы») as primary source in the first place, followed by the By-laws («Подзаконные акты») as secondary source. Detailed examination of Laws («Законы») and By-laws («Подзаконные акты») of the Russian law provides a practical understanding of their juridical power and purpose.

### ***Food Regulation in the Russian Federation:***

The research on the Russian legal system has unveiled that food law is not represented as a separate branch of law in the system. The Russian legislators have not adopted a general food law comparable with the EU Regulation No.178/2002 as a foundation food law that lays down a coherent framework for development of Russian food legislation. It means that the Russian Food Law does not represent one document of legal and institutional framework, which sets out general principles and requirements in food regulation. On the contrary, it consists of many federal laws, doctrines, by-laws, standards, including technical regulations of the EAEU. All these legal normative acts, as the most important sources of the law, cover many food-related activities. And all of them together constitute a functional field of “Russian Food Law”.

However, as the research shows, the foundations laws for development of Russian food legislation are available in its legal system. These are the basis documents: the National Security Strategy of the Russian Federation; the Food Security Doctrine; the Federal Law of December 27, 2002 No.184-FZ “On technical regulation”; the Federal Law of June 29, 2015 No. 162-FZ “On standardization in the Russian Federation”. It is important to note that the fundamental laws “On technical regulation” and “On standardization in the Russian

Federation” are not solely designed for food industry but for various sectors of the Russian economy, including the food production. As the basis documents, the National Security Strategy determines the key directions of domestic policy such as food security to improve the quality of living standards. The Food Security Doctrine represents the basis, a policy and a guide for development of normative legal acts in agricultural, fishery and food industries of the RF. The Federal Laws “On technical regulation” and “On standardization” determine general principles and requirements how Russian food legislation is to be developed, including other sectors of the Russian economy.

The research focus was on understanding of the technical regulation system in the food sector. Due to its revolutionary approach in the legal system, the Federal Law “On technical regulation” has radically changed the standardization system in Russia and introduced new concepts. New concepts constitute three main systems of legal normative documents. These are: 1) technical regulations that contain mandatory safety requirements for products, production processes, operation, storage, transportation, sale and disposal; 2) voluntary standards containing quality requirements; and 3) the assessment of conformity (certification). All mandatory requirements are introduced by technical regulations adopted in accordance with legally established procedures. Requirements that are not part of the technical regulations are only recommendatory. In Russia, by January 2010, only four vertical technical regulations were adopted on the status of federal laws on safety of certain types of food products. These were the first food technical regulation on the national level. However, with the adoption of technical regulations of the Customs Union in 2013, the Russian federal laws on those products became invalid. Since the entry in force of the Treaty on the EAEU, the technical regulations on food products have only been developed on the EAEU level. They have a direct effect in its Member States. Nevertheless, the Member State may initiate drafting technical regulation on food, if it is not yet adopted by the Eurasian Economic Commission.

As to the Federal Law “On technical regulation”, the standards in the RF have become voluntary, containing only recommendations and not mandatory. It means that the manufacturer may choose different schemes for assessing the conformity of products with requirements. It is important to note that voluntary standards do not affect the safety requirements for food products. Safety of food products is achieved by meeting the requirements of veterinary-sanitary and phytosanitary measures. Despite the new provisions on the standardization system introduced by the Federal Law “On technical regulation”, the national standardization system under the Federal Law “On technical regulation” was mainly considered as a tool to ensure compliance with the requirements of technical regulations. The scope of the Federal law does not fully cover development and updating of documents in the field of standardization. To improve state regulation in this field, the legislators, based on the objectives of the Concept on Russian national standardization system until 2020, adopted another foundation law, the Federal Law No. 162-FZ “On Standardization in the RF” and have set the standardization as a separate independent field of activity. This fundamental law provides more provisions, particularly, on organizational and legal status of the national standardization system (development, adoption, modification, cancellation and application of the standardization documents) and its participants; defines types of standardization documents and requirements for them, powers and functions of the national standardization body of the RF. One new requirement was introduced by the Federal Law “On standardization” is that national standards of the RF must be applied by the manufacturer in case of a public declaration of conformity of products to the national standard and in case of the national standard of the RF is indicated in technical specification or other documentation. However, the Federal Law “On standardization” does not include application of the

international standards as the basis for development of a national standard as it is stipulated in the Federal Law “On technical regulation”.

The assessment of conformity is regulated under the Federal Law “On technical regulation”, which introduced new principles for the assessment of conformity in the certification system of Russia. As can be seen, the certification system in the RF has been going through many changes. From September, 2016 the provisions on mandatory certification system «ГОСТ Р» have been abolished. Voluntary certification on quality of products may replace the system of mandatory certification in Russia. Although, the legal regulation of voluntary certification is still effective under the Federal Law "On Technical Regulation". Certification in the Russian legal system is meant to form the conformation that the objects comply with the requirements of technical regulations, standardization documents or contractual terms by the certification body. The assessment of conformity is carried out in the forms of a Certificate of Conformity and a Declaration of Conformity.

### ***The Legal System of Eurasian Economic Union:***

A historical development of the Eurasian Economic Union from the CIS to its final formation as an international organization of regional economic integration has demonstrated intensive transformations of its legal system within a period of 20 years of its integration process. Formation of the EAEU caused the emergence of a new legal system of an integration nature – the law of the Eurasian Economic Union. Since January, 2015, the official date of inception of the EAEU, its legal system is represented by the Executive Bodies (Supreme Eurasian Council and Eurasian Intergovernmental Council), the Regulating/Legislative Body (Eurasian Economic Commission) and the Judiciary Body (Court of the EAEU). Similarly to the Russian legal system, the Judiciary body of the EAEU does not make any laws. The EAEU Court does not change or abolish the existing norms and rules of the EAEU law, not the legislations of the Member States. However, unlike the Judicial Body of the RF, which is only authorized to review the Russian federal laws and interpret the Constitution of the RF, the EAEU Court is empowered to provide official interpretation of both primary and secondary sources of EAEU law. The EAEU Court interpretations (guidelines) should be taken into account by executive bodies of the EAEU, the Member States and legal entities in their practical application of such sources. EAEU law is mandatory on the territories under the jurisdiction of the EAEU Member States. The Treaty on the EAEU represents a single source of law, despite its multi-level structure. All its norms have equal legal force and are equally applied to all Member States of the EAEU.

### ***The EAEU Technical Regulations on food products:***

To coordinate technical regulation on food products on the EAEU level, the Member States are required to harmonize their national legislations and policies in order to develop a uniform approach. As a result, the most radical mechanism has been chosen to remove technical barriers to trade of goods in the EAEU, such as the unification of technical regulations. The unification of technical regulation proposed a gradual replacement of national technical regulations by the EAEU Technical Regulations based on the unified agreements, unified technical regulations, unified conformity assessment, unified standards and unified labelling.

The Treaty on the Eurasian Economic Union provides a legal basis for technical regulation and serves as a foundation law for development of technical regulations in various sectors of the EAEU economy, including regulation of food products. The EAEU Technical regulation in food sector means a legal regulation of mandatory requirements for products

and associated processes (production, storage, transportation, sale and disposal), and the assessment of conformity. The EAEU Technical Regulations are documents adopted by the Eurasian Economic Commission and are applied in the EAEU territory. Technical regulations of the CU/EAEU are developed on the basis of Regulations and Directives of the European Union, international and the EU standards.

The legal framework of the EAEU technical regulation on food products consists of the Treaty on the Eurasian Economic Union; Annexes 9-12 to the Treaty; the Unified sanitary-epidemiological and hygienic requirements for food products subject to sanitary-epidemiological supervision; the List of unified standards. Sanitary measures for food products are based on international and regional standards, guidelines and /or recommendations, taking into account the WTO norms and food safety indicators based on fundamental research in the field of nutrition science. The only exception is when sanitary measures are introduced on the basis of an appropriate scientific justification, which provide a higher level of sanitary protection. Certain provisions of the unified sanitary requirements concerning the quality of food products and procedure of state registration or declaration of certain types of products are included in the technical regulations. The unified sanitary requirements are mandatory for compliance by the executive bodies of the EAEU Member States, local governments, legal entities of any organizational and legal form and individual entrepreneurs.

In addition, the legal framework of the EAEU is supplemented by the national laws, by-laws and standards of the Member States. In case of absence of the EAEU Technical Regulations on any food product, the national laws of the Member States or legal acts of the EEC must be applied. The EAEU Technical Regulations on food products replace previously acting technical regulations of the Member States on the same food products. Technical regulations on food products in the EAEU include both horizontal and vertical technical regulations.

As of January 2018, there are 11 effective technical regulations in the food sector including 2 horizontal regulations TR CU 005/2011 “On safety of food packaging” and TR CU 022/2011 “On food products in terms of labelling”. In addition, there are 5 more food technical regulations are in drafting process and it is considered to amend the Technical Regulation TR CU 021/2011 “On safety of food products” by adding new provisions on chocolate and chocolate products in its scope.

#### ***Technical Regulation of the Customs Union TR CU 021/2011 “On safety of food products”:***

Technical Regulation “On safety of food products” came into force on July 1, 2013, which is aimed at ensuring safety of all food products produced and released into circulation in the territory of Eurasian Economic Union. Technical Regulation “On safety of food products” embodies general rules for all food products and mandatory safety requirements (including sanitary-epidemiological, hygienic and veterinary) for the products and their processes such as production, storage, transportation, sale and utilization, as well as pre-market approvals for specialized food products and novel food in the forms of the assessment of conformity. It contains references to 1,033 standards at different levels (interstate and national standards).

Technical Regulation “On safety of food products” provides an extensive list of definitions of food products, including substances used in food production. Food products are categorized into classes depending on their purpose and a target group of consumers. Unlike the General Food Law of the EU No.178/2002, Technical Regulation “On safety of food products” lays down the definition for food safety or safety of food products. The concept of

safe food products includes the main requirement: circulated food products throughout the territory of the Customs Union/EAEU must be safe when used as intended within their established period of validity. Food products that do not meet the requirements of Technical Regulation “On safety of food products” and other technical regulations, including food products with expired shelf life, must be withdrawn from circulation by the producer (owner of food products) independently, or under the instruction of the authorized bodies of state control of the EAEU Member State. Mandatory safety requirements are divided into general and specific (for specialized food products), and are stipulated in the Annexes.

Technical Regulation “On safety of food products” also provides safety requirements for processes of production, storage, transportation, sale and disposal of food products. The main requirement is a direct duty of manufacturers and sellers of food products to carry out these processes in accordance with the requirements of technical regulations for food products. At the same time, food manufacturers must develop, implement and maintain procedures based on principles of the Food Safety Management System - HACCP. The manufacturer is obliged to maintain and keep documentation on implementation of safety measures in production of food products, including documents confirming the safety of unprocessed food raw materials of animal origin, on paper and (or) electronic form.

Premarket approval for food products is implemented by the assessment of conformity. The assessment of conformity for food products is carried out in the form of a Declaration of conformity; State registration of specialized food products and novel food; and Veterinary and sanitary examination. The assessment of conformity for processes of production, storage, transportation, sale and utilization (disposal) is carried out in the form of state supervision (control). Production premises (facilities) for processing of unprocessed food raw materials of animal origin are also subject to mandatory state registration. The application and attached documents for premarket approval can be sent to the registration agencies by postal mail or in the form of an electronic document certified by an electronic signature under the national legislation of the Member State. Consideration of an application takes no more than 5 working days from the date of receipt of all necessary documents. The applicant may receive the decision about refusal in writing or electronically with statements of refusal reasons within 3 working days. The applicant has the right to appeal the decision of the registration body in court. The validity of state registration of specialized and novel food products, as well as production premises is unlimited.

***Technical Regulation of the Customs Union TR CU 022/2011 “On food products in terms of labelling”:***

Labelling of food products must comply with the requirements of Technical Regulation of the Customs Union TR CU 022/2011 “On food products in terms of labelling”, including relevant requirements of technical regulations of the Customs Union for certain types of food products. The Technical Regulation “On food products in terms of labelling” lays down labelling requirements for food products in order to prevent actions that can mislead consumers and ensure consumers' rights to reliable information about food products.

The labelling of packaged food products should contain the name of food products; its composition (list of ingredients); quantity; date of manufacture; shelf life; storage conditions of food products; name and location of the manufacturer; recommendations and (or) restrictions on use; nutritional value; information on presence of GMOs; and the EAEU single sign of product circulation. The Technical regulation specifies 15 most common ingredients, which can cause allergic reactions or are contraindicated in certain types of diseases. Nevertheless, information about allergenic properties of the ingredients is not required to be indicated in the labelling of food products. Although, there are some



exceptions such as aspartame and aspartame acesulfame salt, which should be indicated in a warning label. Even if these ingredients have not been used in the production of food products, but their presence in food products is completely impossible to exclude, the warning label still should refer to a possible availability of such ingredients. Exception is also given to ingredients such as food additives, flavors and biologically active additives, which can cause allergic reactions or are contraindicated in certain types of diseases. They must be indicated in the ingredient list of food products regardless of their quantity. Food products, containing certain colorants must have a warning label. However, alcoholic beverages and food products, in which these colorants are used to label products of slaughter and meat products, or for marking or decorative coloring of Easter eggs are excluded from the warning label.

The wording "date of manufacture" («дата изготовления») can be replaced by the words "production date" («дата производства») or by words with a similar meaning. To note, the technical regulations for certain types of food products may have other concepts defining the date of manufacture, for example, the date of bottling for beverages or the date of sorting for eggs. The wordings "Best before", "Best before the end of" in the labelling of food products can be replaced by "shelf life" («Срок годности»), "Consume before" («Употребить до») or words with a similar meaning. For some food products a manufacturer sets an unlimited shelf life. Technical regulations for certain types of food products may provide additional requirements for indicating shelf life of food products, provided they do not contradict the requirements of Technical Regulation "On food products in terms of labelling".

Food products obtained with the use of GMOs, including food products that do not contain deoxyribonucleic acid (DNA) and protein, must be labelled with relevant warnings. This also relates to the food products obtained from genetically modified microorganisms "GMM" such as bacteria, yeasts and filamentous fungi, the genetic material of which has been changed using genetic engineering methods or with their use.

Food products can be placed on the market provided they comply with the labelling requirements of Technical Regulation "On food products in terms of labelling", including other technical regulations of the Customs Union/EAEU in respect of labelling. Food products that have passed assessment of conformity must be marked with a single product circulation mark in the market of the Member States of the CU/EAEU, unless otherwise stipulated by the technical regulations for certain types of food products. The single sign of circulation indicates that products have passed the procedure for assessment of conformity stipulated in the technical regulations of the Customs Union/EAEU and complies with the requirements of all technical regulations of the Eurasian Economic Union applicable to this food product. The marking (labelling) with the single sign of circulation is made before releasing food products into circulation on the market of the Eurasian Economic Union. Food products are marked with the single sign of product circulation "EAC" in the market of the EAEU.

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- Постановление Правительства Российской Федерации от 7 апреля 2004 г. № 189 «Вопросы Федеральной антимонопольной службы» (с изменениями на 14 сентября 2016 года)  
<http://docs.cntd.ru/document/901894196> [accessed 21.01.2018]
- Постановление Государственного Комитета Российской Федерации по стандартизации и метрологии от 29 декабря 2003 г. № 401-ст «Об утверждении и введении в действие национального стандарта Российской Федерации».  
<http://docs.cntd.ru/document/902347562> [accessed 20.01.2018]
- Постановление Правительства Российской Федерации от 10 ноября 2003 г. № 677 «Об общероссийских классификаторах технико-экономической и социальной информации в социально-экономической области».  
[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_44955/](http://www.consultant.ru/document/cons_doc_LAW_44955/) [accessed 24.01.2018]
- Постановление Правительства Российской Федерации от 13 мая 2016 года № 409 «О внесении изменений в постановление Правительства Российской Федерации от 17 июня 2004 г. № 294».  
[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_197937/92d969e26a4326c5d02fa79b8f9cf4994ee5633b/](http://www.consultant.ru/document/cons_doc_LAW_197937/92d969e26a4326c5d02fa79b8f9cf4994ee5633b/) [accessed 28.01.2018]

Постановление Правительства Российской Федерации от 17 июня 2004 года № 294 «О федеральном агентстве по техническому регулированию и метрологии» (с изменениями на 14 февраля 2017 года).  
<http://docs.cntd.ru/document/901900525> [accessed 22.01.2018]

Постановление Правительства Российской Федерации от 15 июня 2009 года № 482 «О внесении изменений в некоторые постановления Правительства Российской Федерации».  
<http://docs.cntd.ru/document/902161707> [accessed 28.01.2018]

Постановление Государственного Комитета Российской Федерации по стандартизации, метрологии и сертификации от 17 марта 1998 г. № 11 «Об утверждении Положения о Системе сертификации ГОСТ Р \*О» (с изменениями на 12 мая 2009 года).  
<http://docs.cntd.ru/document/901707533> [accessed 30.01.2018]

Постановление Государственного комитета Российской Федерации по стандартизации и метрологии от 28 апреля 1999 г. № 21 «О правилах проведения сертификации пищевых продуктов и продовольственного сырья (Минюст № 1777 от 05.05.99 с изменениями на 18 июня 2002 года)».  
<http://docs.cntd.ru/document/901733412> [accessed 31.01.2018]

Постановление Госстандарта России от 5 августа 1997 г. № 17 «О принятии и введении в действие Правил сертификации» ( ред. От 05.07.2002).  
<http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=38065&fld=134&dst=1000000001,0&rnd=0.8246183267514479#0> [accessed 31.01.2018]

Постановление Государственного комитета Российской Федерации по стандартизации, метрологии и сертификации от 17 марта 1998 г. № 12 «Об утверждении правил по сертификации «Система сертификации ГОСТ Р. Формы основных документов, применяемых в Системе» (с изменениями на 12 мая 2009 года).  
<http://docs.cntd.ru/document/58835811> [accessed 31.01.2018]

Постановление Государственного комитета Российской Федерации по стандартизации и метрологии от 4 ноября 2000 г. № 76 «О введении в действие Системы добровольной сертификации продукции Госстандарта России (пункт 10).  
<http://docs.cntd.ru/document/901784102> [accessed 31.01.2018]

Постановление Комитета Российской Федерации по стандартизации, метрологии и сертификации (Госстандарт России) от 21 сентября 1994 г. № 15 «Об утверждении Порядка проведения сертификации продукции в Российской Федерации» (с изменениями на 11 июля 2002 года) не применяются с 13 мая 2017 года на основании приказа Минпромторга России от 5 апреля 2017 года № 1037.  
<http://docs.cntd.ru/document/9027696> [accessed 26.01.2018]

Постановление Государственного комитета Российской Федерации по стандартизации

и метрологии от 10 мая 2000 г. № 26 « Об утверждении Правил по проведению сертификации в Российской Федерации Минюст № 2284 27.06.2000» (с изменениями на 5 июля 2002 года).

<http://docs.cntd.ru/document/901762003> [accessed 03.02.2018]

Постановление Правительства Российской Федерации от 1 декабря 2009 г. № 982 «Об утверждении единого перечня продукции, подлежащей обязательной сертификации, и единого перечня продукции, подтверждение соответствия которой осуществляется в форме принятия декларации о соответствии» (с изменениями на 19 января 2018 года).

<http://docs.cntd.ru/document/902189451> [accessed 28.01.2018] New regulation

Постановление Правительства Российской Федерации от 1 декабря 2009 г. № 982 «Об утверждении единого перечня продукции, подтверждение соответствия которой осуществляется в форме принятия декларации о соответствии».

<http://base.garant.ru/12171546/> [accessed 01.02.2018]/ old regulation

Постановление Правительства Российской Федерации от 4 октября 2013 г. №870 «О внесении изменений в единый перечень продукции, подтверждение соответствия которой осуществляется в форме принятия декларации о соответствии».

<http://docs.cntd.ru/document/499049345> [accessed 01.02.2018]

Постановление Государственного комитета Российской Федерации по стандартизации, метрологии и сертификации от 29 июня 1998 г. № 50 «Об утверждении нормативных документов Системы сертификации ГОСТ Р при проведении добровольной сертификации продукции (работ, услуг) с изменениями на 4 ноября 2000 г.».

<http://docs.cntd.ru/document/901720227> [accessed 03.02.2018]

Постановление Правительства Российской Федерации от 1 декабря 2009 г. № 982 «Об утверждении единого перечня продукции, подлежащей обязательной сертификации, и единого перечня продукции, подтверждение соответствия которой осуществляется в форме принятия декларации о соответствии»( с изменениями на 19 января 2018 года).

<http://docs.cntd.ru/document/902189451> [accessed 05.02.2018]

Постановление Госстандарта России от 21 сентября 1994 г. № 15 «Об утверждении «Порядка проведения сертификации продукции в Российской Федерации».

<http://docs.cntd.ru/document/9027696> [accessed 31.01.2018]

Постановление Правительства республики Казахстан №15, 2008 года «Об утверждении Технического регламента Требования безопасности кормов и кормовых добавок», данный технический регламент применяется на территории РФ с 1 июля 2010 г.

<http://docs.cntd.ru/document/902206832> [accessed 02.02.2018]

Приложение Б. Форма знака соответствия при добровольной сертификации продукции

(работ, услуг) Постановления Государственного комитета Российской Федерации по стандартизации, метрологии и сертификации от 29 июня 1998 г. № 50 «Об утверждении нормативных документов Системы сертификации ГОСТ Р при проведении добровольной сертификации продукции (работ, услуг) с изменениями на 4 ноября 2000 г.». /Приложение к Постановлению Госстандарта России от 4 ноября 2000 г. № 76.

«Положение о знаке соответствия системы добровольной сертификации продукции Госстандарта России».

Приказ Министерства промышленности и торговли Российской Федерации и Федерального Агентства по техническому регулированию и метрологии от 28 ноября 2016 года №1816-ст «Об утверждении национального стандарта Российской Федерации».

<http://docs.cntd.ru/document/456043719> [26.01.2018]

Приказ Министерства промышленности и торговли Российской Федерации и Федерального агентства по техническому регулированию и метрологии от 23 июня 2016 г. № 795 «Об утверждении изображения и описания знака национальной системы стандартизации».

<http://docs.cntd.ru/document/420364024> [accessed 22.01.2018]

Приказ Министерства промышленности и торговли Российской Федерации от 22 сентября 2016 г. № 3358 «О признании не подлежащим применению постановлений Госстандарта России от 17 марта 1998 г. № 11 и от 22 апреля 2002 г. № 30 и приказа Ростехрегулирования от 12 мая 2009 г. № 1721».

<http://docs.cntd.ru/document/420378425> [accessed 30.01.2018]

Приказ Министерства сельского хозяйства Российской Федерации от 5 февраля 2014 г. № 32 «О создании рабочей группы по разработке технического регламента Таможенного союза «О безопасности мяса птицы и продукции его переработки» (с изменениями на 8 декабря 2015 года).

<http://docs.cntd.ru/document/499079142> [accessed 02.02.2018]

Приложение № 1 «Положение о Евразийской экономической комиссии» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_163855/8e3543f8dc9861d6acfa6a0c6678b972da1d07d0/](http://www.consultant.ru/document/cons_doc_LAW_163855/8e3543f8dc9861d6acfa6a0c6678b972da1d07d0/) [accessed 03.12.2017]

Приложение № 2 «Статут Суда Евразийского экономического союза» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_163855/59c6c990db8e37a1c23e01df97ee446e834cf60b/](http://www.consultant.ru/document/cons_doc_LAW_163855/59c6c990db8e37a1c23e01df97ee446e834cf60b/) [accessed 03.12.2017]

Приложение № 31 «Протокол о функционировании Евразийского экономического союза в рамках многосторонней торговой системы» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).



[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_163855/cacce0667c8b47c6337d74d7ccd1549298081691/](http://www.consultant.ru/document/cons_doc_LAW_163855/cacce0667c8b47c6337d74d7ccd1549298081691/) [accessed 29.11.2017]

Приложение № 9 «Протокол о техническом регулировании в рамках Евразийского экономического союза » к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_163855/d4a8ed9c96e6b5519b558f85f72112ed06b1e527/](http://www.consultant.ru/document/cons_doc_LAW_163855/d4a8ed9c96e6b5519b558f85f72112ed06b1e527/) [accessed 03.12.2017]

Приложение к Постановлению Госстандарта России от 4 ноября 2000 г. № 76 «Положение о знаке соответствия системы добровольной сертификации продукции Госстандарта России».

<http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=EXP&n=295219&rnd=299965.266586385#0> [accessed 03.02.2018]

Приложение № 1 к Изображению и описанию знака национальной системы стандартизации, утвержденным Приказом Федерального агентства по техническому регулированию и метрологии от 23 июня 2016 г. № 795 «Об утверждении изображения и описания знака национальной системы стандартизации».

<https://minprom.ru/prikaz-rosstandarta-795-ot-23-06-2016/> [accessed 28.01.2018]

Приложение № 11 «Протокол о признании результатов работ по аккредитации органов по оценке соответствия» к Договору о Евразийском экономическом союзе (с изменениями на 11 апреля 2017 года, редакция, действующая с 12 августа 2017 года).

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_163855/17cc789c56e7433d2e0536e98c6664e70554baba/](http://www.consultant.ru/document/cons_doc_LAW_163855/17cc789c56e7433d2e0536e98c6664e70554baba/) [accessed 03.12.2017]

Приложение 2 к техническому регламенту Таможенного союза ТР СТ 021/2011 «О безопасности пищевой продукции». Микробиологические нормативы безопасности.

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_124768/0f6779199561e1eccecdff8714951409288ef22d/](http://www.consultant.ru/document/cons_doc_LAW_124768/0f6779199561e1eccecdff8714951409288ef22d/) [accessed 20.01.2018]

Приложение 7 к техническому регламенту Таможенного союза ТР СТ 021/2011 «О безопасности пищевой продукции».

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_124768/aedf3bbfdb57b891c8fe530123eb025449eb28a/](http://www.consultant.ru/document/cons_doc_LAW_124768/aedf3bbfdb57b891c8fe530123eb025449eb28a/) [accessed 20.01.2018]

Приложение 8 к техническому регламенту Таможенного союза ТР СТ 021/2011 «О безопасности пищевой продукции».

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_124768/00dd811677fbe1241874d9e9aab09a2506b2424d/](http://www.consultant.ru/document/cons_doc_LAW_124768/00dd811677fbe1241874d9e9aab09a2506b2424d/) [accessed 20.01.2018]

Приложение 9 к техническому регламенту Таможенного союза ТР СТ 021/2011 «О безопасности пищевой продукции».

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_124768/00dd811677fbe1241874d9e9aab09a2506b2424d/](http://www.consultant.ru/document/cons_doc_LAW_124768/00dd811677fbe1241874d9e9aab09a2506b2424d/) [accessed 20.01.2018]

- Приложение 10 к техническому регламенту Таможенного союза ТР СТ 021/2011 «О безопасности пищевой продукции».  
[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_124768/00dd811677fbe1241874d9e9aab09a2506b2424d/](http://www.consultant.ru/document/cons_doc_LAW_124768/00dd811677fbe1241874d9e9aab09a2506b2424d/) [accessed 20.01.2018]
- Приложение 2 к техническому регламенту Таможенного союза ТР ТС 022/2011 «Пищевая продукция в части ее маркировки».  
[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_124614/6ab20e093bf33afdae0c68aa39dfe35a7958b065/](http://www.consultant.ru/document/cons_doc_LAW_124614/6ab20e093bf33afdae0c68aa39dfe35a7958b065/) [accessed 28.01.2018]
- Приложение 3 к техническому регламенту Таможенного союза ТР ТС 022/2011 «Пищевая продукция в части ее маркировки».  
[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_124614/6ab20e093bf33afdae0c68aa39dfe35a7958b065/](http://www.consultant.ru/document/cons_doc_LAW_124614/6ab20e093bf33afdae0c68aa39dfe35a7958b065/) [accessed 28.01.2018]
- Приложение 5. Условия при использовании в маркировки пищевой продукции информации об отличительных признаках пищевой продукции к техническому регламенту Таможенного союза ТР ТС 022/2011 «Пищевая продукция в части ее маркировки».  
<http://docs.cntd.ru/document/902320347> [accessed 16.03.2018]
- Проект Технического регламента ЕЭК «О безопасности материалов, контактирующих с пищевой продукцией» (Технический регламент Таможенного союза).  
<http://docs.cntd.ru/document/902382078> [accessed 23.02.2018]
- Проект Решения Совета Евразийской экономической комиссии «О внесении изменений в технический регламент Таможенного союза «О безопасности пищевой продукции» (ТР ТС 021/2011) – предлагается внести положения о шоколаде и шоколадных изделий.  
<http://www.consultant.ru/law/hotdocs/50019.html> [accessed 23.02.2018]
- Протокол о присоединении Российской Федерации к Марракешскому соглашению об учреждении Всемирной торговой организации от 15 апреля 1994 года.  
<http://docs.cntd.ru/document/902339157> [accessed 16.10.2017]
- Разъяснения по вопросу проведения добровольной сертификации в системе сертификации ГОСТ Р в связи с изданием приказа Минпромторга России от 22 сентября 2016 г. № 3358 «О признании не подлежащим применению постановлений Госстандарта России от 17 марта 1998 г. № 11 и от 22 апреля 2002 г. № 30 и Приказа Ростехрегулирования от 12 мая 2009 г. № 1721».  
<http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=207898&rnd=299965.212710933&dst=100009&fld=134#0>  
<http://www.garant.ru/products/ipo/prime/doc/71451796/> [accessed 31.01.2018]
- Распоряжение Правительства Российской Федерации от 24 сентября 2012 г. №1762-р «Концепция развития национальной системы стандартизации Российской Федерации на период до 2020 года».  
<http://docs.cntd.ru/document/902371448> [accessed 19.01.2018]



Распоряжение Правительства Российской Федерации от 17 апреля 2012 г. № 559-р «Об утверждении Стратегии развития пищевой и перерабатывающей промышленности Российской Федерации» (с изменениями на 13 января 2017 года).

<http://docs.cntd.ru/document/902343994> [accessed 03.03.2018]

Решение Комиссии Таможенного союза от 20 сентября 2010 г. № 384 «О приостановлении вступления в силу национальных технических регламентов, объекты регулирования которых совпадают с объектами технических регламентов ЕврАзЭС».

<http://docs.cntd.ru/document/902235321> [accessed 24.10.2017]

Решение Межгосударственного Совета Евразийского экономического Сообщества от 27 апреля 2003 г. № 112 «О Приоритетных направлениях развития ЕврАзЭС на 2003-2006 годы, подготовленных на основе доклада Председателя Межгосударственного Совета Евразийского экономического сообщества Н.А.Назарбаева «О положении дел в Евразийском экономическом сообществе и предложениях по ускорению интеграционного сотрудничества» (Принято в г. Душанбе 27.04.2003).

[https://base.spinform.ru/show\\_doc.fwx?rgn=5699](https://base.spinform.ru/show_doc.fwx?rgn=5699) [accessed 04.12.2017]

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[accessed 06.12.2017]

Решение Межгосударственного Совета ЕвразЭС от 6 октября 2007 г. № 1 «О формировании правовой базы таможенного союза в рамках евразийского экономического союза».

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Решение Межгосударственного Совета ЕврАзЭС от 19 декабря 2009 г. № 35 «О Плане действий по формированию Единого экономического пространства Республики Беларусь, Республики Казахстан и Российской Федерации».

[https://tengrinews.kz/zakon/mejdunarodnyie\\_organyi\\_i\\_organizatsii/evrazes/id-H09E0000035/](https://tengrinews.kz/zakon/mejdunarodnyie_organyi_i_organizatsii/evrazes/id-H09E0000035/) [accessed 16.12.2017]

Решение Высшего Евразийского экономического совета от 23 декабря 2014 г. № 97 «О председательстве в органах Евразийского экономического союза».

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Решение Высшего Евразийского экономического совета от 21 ноября 2014 года

№ 89 «О порядке организации проведения заседаний Евразийского межправительственного совета».

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Решение Высшего Евразийского экономического совета от 23 декабря 2014 г. № 101 «Об утверждении Регламента Суда Евразийского экономического союза».

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Решение Высшего Евразийского экономического совета от 20 ноября 2014 г. № 90 «Об официальном опубликовании международных договоров в рамках Евразийского экономического союза, международных договоров Евразийского экономического союза, заключаемых с третьими государствами, их интеграционными объединениями и международными организациями, решений органов Евразийского экономического союза».

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_171424/5a9041f086137b20254101c6d204b9ed504d7cdf/](http://www.consultant.ru/document/cons_doc_LAW_171424/5a9041f086137b20254101c6d204b9ed504d7cdf/) [accessed 15.12.2017]

Решение Совета Евразийской экономической комиссии от 20 июня 2012 г. № 48 «О Порядке разработки, принятия, изменения и отмены технических регламентов Евразийского экономического союза» ( ред. от 18.10.2016).

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Решение Совета Евразийской экономической комиссии от 21 августа 2016 г. № 50 «О Рекомендациях по содержанию и типовой структуре технического регламента Евразийского экономического союза».

<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/metod/Documents/Рекомендации%20по%20структуре%20ТР.pdf> [accessed 06.03.2018]

Решение Совета Евразийской экономической комиссии от 17 марта 2016 г. № 23 «О Порядке формирования и ведения единого перечня продукции, в отношении которой устанавливаются обязательные требования в рамках Евразийского экономического союза».

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Решение Комиссии Таможенного союза от 28 января 2011 г. № 526 «О Едином перечне продукции, в отношении которой устанавливаются обязательные требования в рамках Таможенного союза» ( с изменениями на 23 ноября 2012 года).

<http://docs.cntd.ru/document/902262116> [accessed 02.03.2018]

Решение Комиссии Таможенного союза от 7 апреля 2011 г. № 620 «О Едином перечне продукции, подлежащей обязательному подтверждению соответствия с выдачей сертификатов соответствия и деклараций о соответствии по единой форме» (с изменениями на 15 сентября 2017 года).

<http://docs.cntd.ru/document/902278804> [accessed 02.03.2018]

Решение Коллегии Евразийской экономической комиссии от 26 декабря 2012 г. № 293

«О единых формах сертификата соответствия и декларации о соответствии требованиям технических регламентов Евразийского экономического союза и правилах их оформления» (с изменениями на 15 ноября 2016 года).

<http://docs.cntd.ru/document/902389542> [accessed 06.03.2018]

Решение Совета Евразийской экономической комиссии от 15 сентября 2017 г. № 84 «О внесении изменений в Единый перечень продукции, подлежащей обязательному подтверждению соответствия с выдачей сертификатов соответствия и деклараций о соответствии по единой форме».

<http://docs.cntd.ru/document/556135841> [accessed 06.03.2018]

Решение Совета Евразийской экономической комиссии от 18 октября 2016 г. № 146 «О внесении изменений в Решение Комиссии Таможенного союза от 7 апреля 2011 г. № 620».

<http://docs.cntd.ru/document/456041033> [accessed 06.03.2018]

Решение Комиссии Таможенного Союза от 9 декабря 2011 г. № 880 «О принятии технического регламента Таможенного союза «О безопасности пищевой продукции» (с изменениями на 10 июня 2014 года).

<http://docs.cntd.ru/document/902320287> [accessed 16.12.2017]

Решение Комиссии Таможенного союза от 15 июля 2011 года №711 «О едином знаке обращения продукции на рынке Евразийского экономического союза и порядке его применения» с изменениями на 17 марта 2016 года.

<http://docs.cntd.ru/document/902293429> [accessed 19.02.2018]

Решение Межгоссовета ЕврАзЭС (на уровне глав государств) от 5 июля 2010 года № 502 «О Статуте Суда Евразийского экономического сообщества» (с изменениями на 10 октября 2011 года /действие приостановлено с 01.01.2015).

<http://docs.cntd.ru/document/902279047> [accessed 20.10.2017]

Решение комиссии Таможенного союза от 18 августа 2011 г. № 769 «О принятии технического регламента Таможенного союза «О безопасности упаковки» (с изменениями на 15 ноября 2016 года).

<http://docs.cntd.ru/document/902298069> [accessed 16.12.2017]

Решение Комиссии Таможенного союза от 9 декабря 2011 г. № 881 «О принятии технического регламента Таможенного союза «Пищевая продукция в части ее маркировки».

<http://docs.cntd.ru/document/902320288> [accessed 15.12.2017]

Решение комиссии Таможенного союза от 9 декабря 2011 г. № 883 «О принятии технического регламента Таможенного союза «Технический регламент на масложировую продукцию» (с изменениями на 10 мая 2016 года).

<http://docs.cntd.ru/document/902320293> [accessed 16.12.2017]

Решение комиссии Таможенного союза от 9 декабря 2011 г. № 882 «О принятии

технического регламента Таможенного союза «Технический регламент на соковую продукцию из фруктов и овощей» (с изменениями на 15 декабря 2015 года).

<http://docs.cntd.ru/document/902320290> [accessed 16.12.2017]

Решение совета Евразийской экономической комиссии от 20 июля 2012 г. № 58 «О принятии технического регламента Таможенного союза «Требования безопасности пищевых добавок, ароматизаторов и технологических вспомогательных средств».

<http://docs.cntd.ru/document/902359396> [accessed 16.12.2017]

Решение комиссии Таможенного союза от 9 декабря 2011 г. № 874 «О принятии технического регламента Таможенного союза «О безопасности зерна» (с изменениями на 18 июля 2014 года).

<http://docs.cntd.ru/document/902320286> [accessed 16.12.2017]

Решение совета Евразийской экономической комиссии от 15 июня 2012 г. № 34 «О принятии технического регламента Таможенного союза «О безопасности отдельных видов специализированной пищевой продукции, в том числе диетического лечебного и диетического профилактического питания».

<http://docs.cntd.ru/document/902352829> [accessed 16.12.2017]

Решение совета Евразийской экономической комиссии от 9 октября 2013 г. № 67 «О техническом регламенте Таможенного союза «О безопасности молока и молочной продукции».

<http://docs.cntd.ru/document/499049950> [accessed 16.12.2017]

Решение совета Евразийской экономической комиссии от 9 октября 2013 г. № 68 «О техническом регламенте Таможенного союза «О безопасности мяса и мясной продукции».

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Решение совета Евразийской экономической комиссии от 18 октября 2016 г. № 162 «О техническом регламенте Евразийского экономического союза «О безопасности рыбы и рыбной продукции».

<http://docs.cntd.ru/document/456050502> [accessed 16.12.2017]

Решение совета Евразийской экономической комиссии от 23 июня 2017 г. № 45 «О техническом регламенте Евразийского экономического союза «О безопасности упакованной питьевой воды, включая природную минеральную воду».

<http://docs.cntd.ru/document/456090346> [accessed 16.12.2017]

Решение Комиссии Таможенного союза от 28 мая 2010 г. № 299 «О применении санитарных мер в Евразийском экономическом союзе» (с изменениями на 29 августа 2017 года).

<http://docs.cntd.ru/document/902227557> [accessed 24.02.2018]

Решение Совета Евразийской экономической комиссии от 16 июля 2012 г. № 54 «Об утверждении единой Товарной номенклатуры внешнеэкономической деятельности Евразийского экономического союза и Единого таможенного

тарифа Евразийского экономического союза» с изменениями на 27 ноября 2017 года (редакция, действующая с 1 февраля 2018 года).  
<http://docs.cntd.ru/document/902360112> [accessed 20.02.2018]

Решение Коллегии Евразийской экономической комиссии от 15 ноября 2016 г. № 154 «О внесении изменений в Решение Коллегии Евразийской экономической комиссии от 25 декабря 2012 г. № 293».  
[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_207428/601a561568aac11bfae82e72a54dc995a6a947b4/](http://www.consultant.ru/document/cons_doc_LAW_207428/601a561568aac11bfae82e72a54dc995a6a947b4/) [accessed 07.03.2018]

Решение Совета Евразийской экономической комиссии от 20 декабря 2017 г. № 90 «О внесении изменений в технический регламент Таможенного Союза «Пищевая продукция в части её маркировки ТР ТС 022/2011».  
<http://docs.cntd.ru/document/556173298> [accessed 15.02.2018]

Решение Комиссии Таможенного союза от 15 июля 2011 г. № 711 «О едином знаке обращения продукции на рынке Евразийского экономического союза и порядке его применения» (с изменениями на 17 марта 2016 года).  
<http://docs.cntd.ru/document/902293429> [accessed 06.03.2018]

Решение Комиссии Таможенного союза от 7 апреля 2011 г. № 620 «О Едином перечне продукции, подлежащей обязательному подтверждению соответствия с выдачей сертификатов соответствия и деклараций о соответствии по единой форме» (с изменениями на 15 сентября 2017 года).  
<http://docs.cntd.ru/document/902278804> [accessed 06.03.2018]

Соглашение стран СНГ от 15 апреля 1994 года «О создании зоны свободной торговли».  
[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_3635/](http://www.consultant.ru/document/cons_doc_LAW_3635/) [accessed 05.12.2017]

Соглашение о проведении согласованной политики в области стандартизации, метрологии и сертификации» от 13 марта 1992 г (с изменениями на 22 ноября 2007 года).  
<http://docs.cntd.ru/document/1902961> [accessed 16.12.2017]

Соглашение между Правительством Российской Федерации и Правительством Республики Беларусь «О Таможенном Союзе».  
<http://docs.cntd.ru/document/1900563> [accessed 18.12.2017]

Соглашение о Таможенном Союзе между Российской Федерации и Республикой Беларусь (подписано в г. Минске 6 января 1995 года, ратифицировано Федеральным законом РФ от 4 ноября 1995 года № 164-ФЗ).  
<http://docs.cntd.ru/document/1900563/> [18.12.2017]

Соглашение стран СНГ «О Таможенном Союзе» от 20 января 1995 года между Правительством Республики Беларусь, Правительством Российской Федерации и Правительством Республики Казахстан.  
[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_6257/](http://www.consultant.ru/document/cons_doc_LAW_6257/) [accessed 18.12.2017]

Соглашение Таможенного союза по ветеринарно-санитарным мерам (с изменениями на 21 мая 2010 года) (прекратило действие с 01.01.2015 на основании международного договора от 29.05.2014).

<http://docs.cntd.ru/document/902207256> [accessed 18.12.2017]

Технический регламент Таможенного союза ТР ТС 021/2011 «О безопасности пищевой продукции» (с изменениями, внесенными решением Коллегии ЕЭК от 25 июня 2013 года № 147 и решением Коллегии ЕЭК от 10 июня 2014 года №91).

<http://docs.cntd.ru/document/902320560> [accessed 02.09.2017]

Технический Регламент Таможенного союза ТР ТС 022/2011 «Пищевая продукция в части ее маркировки».

<http://docs.cntd.ru/document/902320347> [accessed 15.01.2018]

Технический регламент Таможенного союза ТР ТС 005/2011 «О безопасности упаковки» (с изменениями на 18 октября 2016 года).

<http://docs.cntd.ru/document/902299529> [accessed 23.01.2018]

Технический регламент Таможенного союза ТР ТС 029/2012 «Требования безопасности пищевых добавок, ароматизаторов и технологических вспомогательных средств» (с изменениями на 18 сентября 2014 года).

<http://docs.cntd.ru/document/902359401> [accessed 11.11.2017]

Технический регламент Таможенного союза ТР ТС 023/2011 «на Соковую продукцию из фруктов и овощей» (с изменениями от 15 декабря 2015 года решением Коллегии ЕЭК № 167).

<http://docs.cntd.ru/document/902320562> [accessed 12.12.2017]

Технический регламент Таможенного союза ТР ТС 024/2011 «на Масложировую продукцию» (с изменениями на 23 апреля 2015 года).

<http://docs.cntd.ru/document/902320571> [accessed 16.12.2017]

Технический регламент Таможенного союза ТР ТС 015/2011 «О безопасности зерна» (с изменениями на 16 мая 2016 года).

<http://docs.cntd.ru/document/902320395> [accessed 16.12.2017]

Технический регламент Таможенного союза ТР ТС 027/2012 «О безопасности отдельных видов специализированной пищевой продукции, в том числе диетического лечебного и диетического профилактического питания».

<http://docs.cntd.ru/document/902352823> [accessed 18.12.2017]

Технический регламент Таможенного союза ТР ТС 033/2013 «О безопасности молока и молочной продукции» (с изменениями на 20 декабря 2017 года).

<http://docs.cntd.ru/document/499050562> [accessed 20.01.2018]

Технический регламент Таможенного союза ТР ТС 034/2013 «О безопасности мяса и мясной продукции».



<http://docs.cntd.ru/document/499050564> [accessed 12.10.2017]

Технический регламент Евразийского экономического союза ТР ЕАЭС 040/2016 «О безопасности рыбы и рыбной продукции».

<http://docs.cntd.ru/document/420394425> [accessed 12.01.2018]

Технический регламент Евразийского экономического союза ТР ЕАЭС 044/2017 «О безопасности упакованной питьевой воды, включая природную минеральную воду» (документ в силу не вступил).

<http://docs.cntd.ru/document/456090353> [accessed 12.01.2018]

Технический регламент ЕЭК «О безопасности материалов, контактирующих с пищевой продукцией» (Проект Технического регламента Таможенного союза).

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Техническое регулирование, правовые аспекты реформы. 2010. Комментарий к Федеральному закону «О техническом регулировании», коллектив авторов. Москва. Научный эксперт.

Указ Президента Российской Федерации от 20 мая 2004 г. № 649 «Вопросы структуры федеральных органов исполнительной власти» (с изменениями на 30 апреля 2016 года).

<http://docs.cntd.ru/document/901898178> [accessed 21.01.2018]

Указ Президента Российской Федерации от 24 января 2011 г. № 86 «О единой национальной системе аккредитации» (с изменениями на 28 октября 2014 года).

<http://docs.cntd.ru/document/902257613> [accessed 21.01.2018]

Указ Президента Российской Федерации от 31 декабря 2015 г. № 683 «О Стратегии национальной безопасности Российской Федерации».

<http://docs.cntd.ru/document/420327289> [accessed 05.01.2018]

Указ Президента Российской Федерации от 30 января 2010 г. № 120 «Об утверждении Доктрины продовольственной безопасности Российской Федерации».

<http://docs.cntd.ru/document/902195504/> [accessed 05.01.2018]

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<http://docs.cntd.ru/document/901900525> [accessed 22.01.2018]

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of August 5, 1997 No. 17 "On acceptance and introduction into effect of the Rules of certification" (as of 05.07.2002).

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Decision of the State Committee of the Russian Federation on Standardization, Metrology and Certification of March 17, 1998 No. 12 "On approval of the rules on certification "GOST R Certification System Forms of the main documents used in the System" (as amended on May 12, 2009).

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Decision of the State Committee of the Russian Federation on Standardization and metrology dated November 4, 2000, No. 76 "On putting in place the Voluntary Certification System for the products of the State Standard of Russia (item 10)".

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Decision of the Committee of the Russian Federation on Standardization, Metrology and certification (Gosstandart of Russia) of September 21, 1994 No. 15 "On Approval of the Procedure for Conducting Product Certification in the Russian Federation" (as amended on July 11, 2002) shall not be applied from May 13, 2017 on the basis of the order of the Ministry of Industry and Trade of Russia of April 5, № 1037.

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Decision of the Government of the Russian Federation of December 1, 2009 No. 982 "On approval of a single list of products subject to compulsory certification, and a single list of products, the confirmation of compliance is carried out in the form of the adoption of a declaration of conformity" (as amended on January 19, 2018).

<http://docs.cntd.ru/document/902189451> New regulation [28.01.2018]

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<http://base.garant.ru/12171546/> [accessed 01.02.2018]/ old regulation

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<http://docs.cntd.ru/document/499049345> [accessed 01.02.2018]

Decision of the State Committee of the Russian Federation on Standardization, metrology and certification of June 29, 1998 No. 50 "On approval of normative documents of the GOST R Certification System for the voluntary certification of products (works, services) as amended on November 4, 2000".

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<http://docs.cntd.ru/document/902189451> [accessed 05.02.2018]

Decision of the Gosstandart of Russia of September 21, 1994 No. 15 "On Approval of Procedure for certification of products in the Russian Federation".

<http://docs.cntd.ru/document/9027696> [accessed 31.01.2018]

Decision of the Government of the Republic of Kazakhstan No. 15, 2008 "On Approval of Technical Regulation on safety Requirements of feed and feed additives ", this technical regulation is applied in the territory of the Russian Federation from July 1, 2010.

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Appendix B. The form of the sign of conformity for voluntary certification of products (works, services) under the Decision of the State Committee of the Russian Federation for Standardization, Metrology and Certification of June 29, 1998 No. 50 "On approval of the normative documents of the GOST R Certification System for the voluntary certification of products (works, services) as amended on November 4, 2000. . " / Annex to the Decision of the Gosstandart of Russia of November 4, 2000 No. 76 "Provisions on the sign of conformity for voluntary certification system of products of the Gosstandart of Russia".

Order of the Ministry of Industry and Trade of the Russian Federation and the Federal Agency for Technical Regulation and Metrology of November 28, 2016 No. 1816-cr "On Approval of the National Standard of the Russian Federation".

<http://docs.cntd.ru/document/456043719> [26.01.2018]

Order of the Ministry of Industry and Trade of the Russian Federation and the Federal Agency for Technical Regulation and Metrology of 23 June 2016 No. 795 "On approval of the image and description of the sign of the national standardization system".

<http://docs.cntd.ru/document/420364024> [accessed 22.01.2018]

Order of the Ministry of Industry and Trade of the Russian Federation of 22 September, 2016 No. 3358 "On abolishment of the Decision of the Gosstandart of Russia No. 11 of March 17, 1998 and No. 30 of April 22, 2002 and the Order of the Rostekhregulirovaniya of May 12, 2009 No. 1721".

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Annex 2 "The Statute of the Court of the Eurasian Economic Union" to the Treaty on the Eurasian Economic Union (with amendments of 11<sup>th</sup> April 2017, edition, effective from August 12, 2017).

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Annex No. 31 "Protocol on the functioning of the Eurasian Economic Union within the framework of the multilateral trading system" to the Treaty on the Eurasian Economic Union (as amended on April 11, 2017, edition effective from August 12, 2017).

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Annex No. 9 "Protocol on Technical Regulation within the framework of the Eurasian Economic Union" to the Treaty on the Eurasian Economic Union (as amended on April 11, 2017, edition effective from August 12, 2017).

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