SPS regulation in the Customs Union of Belarus, Kazakhstan and Russia

Botagoz Nurbayeva,
Deputy Director of the WTO Department,
Ministry of Economic Development and Trade of the Republic of Kazakhstan
E-mail: n.botagoz@gmail.com
Legal Framework

Agreement on Implementation of Coordinated Policy in the Field of Technical Regulation, Sanitary and Phytosanitary Measures of 25 January 2008:

- is based on the WTO Agreements on SPS and TBT;

- SPS measures shall be applied only to the extent necessary to protect life and health of human, animals and plants;

- SPS measures shall be developed and applied on the basis of sufficient scientific evidence, and international, regional standards, guidelines and (or) recommendations.
Legal Framework

- Application of SPS measures by the CU members is regulated by three separate agreements that entered into force on July 1, 2010:
  
  (i) Agreement on Sanitary Measures
  
  (ii) Agreement on Veterinary and Sanitary Measures
  
  (iii) Agreement on Plant Quarantine
Sanitary measures

The CU Commission adopted following documents that implement the provisions of the Agreement on Sanitary measures:

- Unified list of goods subject to sanitary and epidemiological control at the CU border and in the CU territory (19 product groups or 171 product headings);
- Unified Sanitary-Epidemiological Requirements;
- Regulation on state sanitary-epidemiological control of individuals, means of transportation and goods moved through the CU border and in the CU territory;
- Common form of documents confirming the safety of products
Sanitary measures

- The import and circulation of the goods from the Unified List of goods to/in the CU shall be carried out in the presence of a document confirming the safety of products.

- Food products imported from third countries shall be tested for the purposes of compliance with the CU Unified Sanitary Requirements prior to exportation.

- On the basis of the test results, the authorized bodies issue a document confirming the safety of products (unified form).

- CU member-state shall recognize documents confirming safety of products issued by the authorized bodies of other CU member-states.
Sanitary measures

- Section II of the Unified List names commodities which are subject to the **state registration** (11 product groups or 207 product headings). They include:

  - mineral water, bottled water, soft drinks;
  - specialized products, including baby-food, biologically active supplements, dietary food;
  - food additives,
  - food derived from genetically modified organisms,
  - cosmetic products and some other industrial products

These products shall be accompanied with the **state registration certificate** issued by the Authorized bodies of the CU member-states.
Sanitary measures

The CU member-states carry out sanitary and epidemiologic control with respect to imported goods at special checkpoints located at the CU customs border.

Sanitary control of goods on customs border of the CU includes:

- documentary control;
- inspection, sampling of goods for testing;
- transport and (or) commercial documents checks.
Sanitary measures

- Member-states notify each other of any cases of breach of the CU sanitary rules

- The information is also placed at the
  - EurAsEC Information System in the Field of Technical Regulation, Sanitary and Phytosanitary Measures; and
  - CU Integrated Information System of External and Internal Trade
Veterinary-Sanitary Measures

- The CU Commission adopted following documents that implement the provisions of the Agreement on Veterinary-sanitary Measures:
  - List of products subject to veterinary-sanitary control at the CU border and the CU territory;
  - Unified veterinary requirements;
  - Regulation on unified veterinary control procedures at the CU border and on the CU territory;
  - Regulation on joint on-site inspections and sampling of goods
  - Unified Veterinary Certificate forms
Veterinary-Sanitary Measures

Each consignment of goods subject to veterinary and sanitary control imported to the CU shall be accompanied with the following documents:

(i) an import permit, issued by the authorized body of the importing CU member-state; and

(ii) a veterinary certificate, issued by the competent authority of the country of origin of imported goods (third country)
Veterinary-Sanitary Measures

- The authorized body of a CU member-state can bilaterally negotiate model veterinary certificates with the competent authorities of exporting countries based on the Unified form of the veterinary certificate adopted by the CU Commission.

- These certificates shall be submitted to the CU Commission.

- CU member-states shall mutually recognize veterinary certificates issued by authorized bodies.
Veterinary-Sanitary Measures

- Only establishments included into the Register of Entities and Persons Producing, Processing and/or Storing Goods Subject to Veterinary Control Imported into the Customs Territory of the CU can import their products to the CU member-states.

- Each CU member-state maintains its own Register.
Veterinary-Sanitary Measures

- Exporting establishments can be included into the CU member-country’s Register:
  - after joint inspections of exporting establishments conducted by the CU member-states;
  - under the guarantee of an exporting country (of its competent authority) without conducting joint inspections.
Phytosanitary measures

- The CU Commission adopted following documents that implement the provisions of the Agreement on Plant Quarantine:
  - List of quarantine products (cargoes, materials, goods) subject to quarantine-phytosanitary control at the border of the CU, and in the CU territory;
  - Regulation on the Procedures of Quarantine Phytosanitary Control at the CU Customs Border;
  - the Regulation on the Procedures on Quarantine Phytosanitary Control on the CU Customs Territory;
Phytosanitary measures

- The List of products subject to phytosanitary control divides products into two categories:

  (i) products of high phytosanitary risk – pests, primary and certain semi-processed plant products (e.g. grain, trees, flowers, fruits, vegetables etc.); and

  (ii) products of low phytosanitary risk – certain semi-processed plant products, industrial goods made of plant products.
Phytosanitary measures

- Plants and plant products imported into the CU must
  - comply with national phytosanitary requirements of CU member-states, and
  - be accompanied with an export or re-export phytosanitary certificate issued by the authorized body of the exporting or re-exporting country (only products of high phytosanitary risk)
Phytosanitary measures

- From 1 January 2011 import quarantine permit was abolished.

- System of phytosanitary risk management

- Authorized bodies publish information on phytosanitary requirements on their official web-sites as well as in the Integrated Information System
Phytosanitary measures

- Documents to be adopted:
  - Unified phytosanitary requirements (based on risk assessment)
  - Unified list of quarantine objects
Thank you!

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