EXTRA REGULATION

All Change for Russia and the Customs Union

A look at legislation in Russia and the very recent changes in the conformity assessment requirements applicable to food products and ingredients.

by Svetlana Collier and Nigel Baldwin

At the time of economic recession in Europe, many businesses start looking for the possibilities of exporting their products. With a population of around 143 million and the interest in Western goods, Russia sounds like an attractive market. And now with the creation of the Customs Union of Russia, Belarus and Kazakhstan and the unification of trade procedures in three Member States, the potential for export to these regions increases. But, as in most countries, there is complex and ever-evolving legislation. The regulations of Russia and the Customs Union may look daunting, and it is important to understand them and the way they work.

Conformity Assessment

The majority of products exported to or sold in Russia are subject to conformity assessment in a form of certification or declaration according to the national laws. The most common and best known certification system is “GOST” certification. It was introduced at the end of 1992 as a way of protecting health, safety and the environment of Russian people, and to prevent dangerous and non-compliant goods entering the market.

Under the GOST certification system, food products were subject to a two-stage compliance assessment: Sanitary-Epidemiological certification and GOST certification. Sanitary-Epidemiological certification concentrated on the level of harmful or prohibited substances in the product, and on microbiological and toxicological requirements. GOST assessment concentrated on product formulation, packaging and labeling.

Since 2008, GOST certification system has been gradually replaced by certification to Technical Regulations. A Technical Regulation is a federal law which contains requirements for the entire life cycle of the product, from manufacturing to disposal. It is supported by GOST in terms of product-specific requirements and testing methods.

The first Russian Technical Regulations for the food products were: “Technical Regulation on Milk and Dairy Products,” “Technical Regulation on Products Made of Fruit and Vegetable Juices,” and “Technical Regulation on Oils and Fats.”

The Customs Union of Russia, Belarus and Kazakhstan was created in October 2007 as a form of economic integration (like the European Union), with the aim of becoming a single economic area with common tariffs and absence of Customs duties. Unified product assessment procedures were also developed. Since then, the transition from GOST certification to Technical Regulations certification (TR certification), and transition from certification for Russia to certification for the Customs Union, went in parallel. The first joint document in the area of product conformity assessment was issued in 2010 – “Unified Sanitary-Epidemiological Requirements of the Customs Union” (also known as Decree n°299 of 28.05.2010). This document cancelled Sanitary-Epidemiological certification and divided goods into three lists:

- Goods subject to sanitary-epidemiological control
- Goods subject to State Registration
- Goods exempt from sanitary-epidemiological assessment

The majority of food products went into List 1 – “Subject to Sanitary Epidemiological Control.” Higher-risk food products such as mineral water, baby foods, food additives, alcohol, foods containing GMO’s required State registration.

On July 1, 2013 the following Customs Union Technical Regulations (CU TR) covering food products came into force:
- About safety of food products
- About safety of grain
- Technical Regulation on oil and fat products
- Technical Regulation on products made of fruit and vegetable juices
- About safety of special food products, including food for medical purposes
- Safety requirements for food additives, flavorings and technological aids
- Labeling of food products

The CU TR “About safety of food products” is a generic (“horizontal”) document covering a wide range of issues such as definitions (including those for prebiotics and probiotics, for example), product identification, circulation on the market, safety requirements, requirements for the manufacturing sites and manufacturing processes,
waste disposal, transportation and sale, and disposal of non-compliant food products. The Cu TR also contains the requirements for raw materials and ingredients including organization of slaughter; and safety requirements for processing and handling. This document introduces some new issues not previously considered and includes a definition and requirements for “New Type” (novel) Foods. It requires the manufacturers to develop and adopt food safety principles based on hazards analysis and critical control points (HACCP) and introduces State Registration for the processing sites.

This TR abolishes the two-stage conformity assessment procedure. According to this document, product-conformity assessment can be done either in the form of Declaration of Conformity, State Registration of special food products, State Registration of novel foods, or Veterinary and Sanitary expertise. A Declaration of Conformity can be issued for the majority of food products with the exception of: unprocessed food products of animal origin; special foods; and vinegar. Only legal entities registered in the Customs Union can apply for the Declaration. In most cases, testing of samples in the laboratory accredited by the Customs Union authorities is required.

State Registration Procedure

State Registration of special food products applies to the following groups: food for babies and children, including water; food products for dietary, medicinal, and dietetic preventative nutrition; mineral water with mineralization of above 1mg/dm³; food products for sports nutrition; food for pregnant and lactating women; and food supplements. The procedure for State Registration includes preparation of a dossier (documents submission) and testing of samples at a laboratory accredited by the Customs Union authorities. State Registration certificate has no expiry date unless the product name, product composition or manufacturer changes, or if the products are found to be non-compliant during inspection checks. Registered products are entered into the Unified Register of special food products. The State Registration procedure for “New Type” (novel) foods is similar to the one for special foods. Definition of novel foods is close to the European Union’s Novel Foods Regulation (EC) No 258/97 - “food products not previously used in the Customs Union, specifically - products with new or deliberately changed primary molecular structure; comprising of or extracted from microorganisms, microscopic fungi and algae, plants, extracted from animals, obtained from GMOs or with the use of GMOs; and nanomaterials and products of nanotechnologies.” Novel food products are entered into the Unified register of novel foods and approvals are generic.

State Registration of processing sites applies to the facilities engaged in the following activities: slaughter of cattle and poultry, processing of products of slaughter for manufacturing of food products; receiving and processing of fresh milk and cream; receiving and processing of eggs and egg products; and cultivation and processing of non-fish objects of aquaculture excluding plants. Registered facilities are entered into the Unified Register of processing facilities.

Labeling Aspects

Customs Union Technical Regulations for specific products (“vertical”) apply to the life cycle of these products, from manufacturing to disposal. These rules give more detailed definitions of these products, classification of manufacturing processes, storage and labeling, and safety requirements. The Cu TR on labeling of food products contains detailed information about all labeling aspects - rules for labeling of the ingredients; manufacturing date and shelf life; origin of the product; nutritional values; presence of GMOs; and information about special properties.

In conclusion, when pursuing an interest to place a food product on the Customs Union market, it is necessary to take both general (“horizontal”) and product-specific (“vertical”) legislations into consideration. In terms of product labeling, attention should be paid to the Cu TR “About labeling of food products.” More product-specific Cu TRs are being developed and should come into force in the next two years.

Technical Regulations “About safety of special food products, including food for medical purposes” and “Safety requirements for food additives, flavorings and technological aids” have been developed to bring Customs Union requirements in line with the European requirements and the list of food additives, flavorings and technological aids is identical to the ones permitted for use in the EU. The old GOST Mark of Conformity (PCT mark) has been abolished for food products.

All products assessed in accordance with the new Customs Union legislation must be marked with the Mark of Conformity (EC mark). Documents issued according to the previous national legislations will still be valid in relevant countries until the legislative expiry date or until February 15, 2015; whichever is the earliest.

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