

Voluntary Report – Voluntary - Public Distribution

Date: April 27, 2021

Report Number: RS2021-0013

Report Name: Draft Amendments to EAEU Phytosanitary Requirements
Notified to WTO

Country: Russian Federation

Post: Moscow

Report Category: WTO Notifications, Sanitary/Phytosanitary/Food Safety, FAIRS Subject Report

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Report Highlights:

On April 6, 2021, Russia notified the World Trade Organization (WTO) of draft amendments to the Eurasian Economic Union (EAEU) phytosanitary regulations via G/SPS/N/RUS/219 and G/SPS/N/RUS/220. The draft measures add phytosanitary requirements for fungal spawn and introduce changes to the EAEU phytosanitary regulations related to the use of electronic documents. The public comment period for the drafts will close on June 5, 2021. Interested U.S. parties are encouraged to share their comments and/or concerns with USDA's enquiry point (us.spsenquiry@fas.usda.gov). For potential inclusion in the U.S. official position, please send your comments by May 21, 2021.

General Information

The Eurasian Economic Commission (EEC), which is the regulatory body of the Armenia-Belarus-Kazakhstan-Kyrgyzstan-Russia Eurasian Economic Union¹ (EAEU), published the following draft documents on its website:

- [On draft decision of the Council of the Eurasian Economic Commission “On Amending Table 8 of the Unified Phytosanitary Quarantine Requirements for Regulated Products and Regulated Objects at the Customs Border and in the Customs Territory of the Eurasian Economic Union”](#)
- [On draft decision of the Council of the Eurasian Economic Commission “On Amending Decision of the Customs Union Commission No. 318 of June 18, 2010”](#)

On April 6, 2021, Russia notified the World Trade Organization (WTO) of the drafts via [G/SPS/N/RUS/219](#) and [G/SPS/N/RUS/220](#), respectively. The Kyrgyz Republic later also notified the WTO of the same documents via [G/SPS/N/KGZ/22](#) and [G/SPS/N/KGZ/23](#), respectively. The public comment period for the drafts will close on June 5, 2021. Interested U.S. parties are encouraged to share their comments and/or concerns with USDA’s enquiry point (us.spsenquiry@fas.usda.gov). For potential inclusion in the U.S. official position, please send your comments by May 21, 2021.

The draft amendments to Table 8 of the EAEU Phytosanitary Requirements is yet another EAEU draft aimed at adding requirements for fungal spawn to the EAEU phytosanitary regulations, following on two other similar EAEU drafts (for details please see GAIN report [RS2021-0004 Draft Amendments to EAEU Phytosanitary Requirements Notified to WTO.](#))

The draft amendments to Decision of the Customs Union Commission No. 318 of June 18, 2020, introduced changes related to the use of electronic form of commercial, transport (shipping) documents and phytosanitary certificates by the competent authorities within the framework of the EAEU phytosanitary control.

An unofficial English translation of the proposed measures can be found below.

¹ For details, please see 2016 GAIN report [RS1611 Eurasian Economic Union One Year On.](#)

BEGIN UNOFFICIAL TRANSLATION:

**EURASIAN ECONOMIC COMMISSION
COUNCIL**

DECISION

_____ 20____ No. _____ city

On Amending Table 8 of the Unified Phytosanitary Quarantine Requirements for Regulated Products and Regulated Objects at the Customs Border and in the Customs Territory of the Eurasian Economic Union

In accordance with paragraph 3 of Article 59 of the Treaty on the Eurasian Economic Union of May 29, 2014, and paragraph 55 of Annex No. 1 to the Rules of Procedure of the Eurasian Economic Commission approved by Decision of the Supreme Eurasian Economic Council No. 98 of December 23, 2014, the Council of the Eurasian Economic Commission **has resolved:**

1. Table 8 of the Unified Phytosanitary Quarantine Requirements for Regulated Products and Regulated Objects at the Customs Border and in the Customs Territory of the Eurasian Economic Union approved by Decision of the Council of the Eurasian Economic Union No. 157 of November 30, 2016, shall be supplemented with item 13 as follows:

“13 Fungal mycelium (0602 90 100 0) They should originate from zones, places and (or) sites of production free of potato wart disease (*Synchytrium endobioticum*) and Texas root rot (*Phymatotrichopsis omnivora*), from places and (or) sites of production free of coffin fly (*Megaselia scalaris*).”

2. The present Decision shall come into effect after 30 calendar days from its official publication.

Members of the Council of the Eurasian Economic Commission:

From the Republic of Armenia	From the Republic of Belarus	From the Republic of Kazakhstan	From the Kyrgyz Republic	From the Russian Federation
M. Grigoryan	I. Petrishenko	A. Smailov	U. Karmyshakov	A. Overchuk

END UNOFFICIAL TRANSLATION.

BEGIN UNOFFICIAL TRANSLATION:

**EURASIAN ECONOMIC COMMISSION
COUNCIL**

DECISION

_____ 20____ No. _____ city

On Amending Decision of the Customs Union Commission No. 318 of June 18, 2010

In accordance with item 18 of the Protocol on the Application of Sanitary, Veterinary and Sanitary and Phytosanitary Quarantine Measures (Annex No. 12 to the Treaty on the Eurasian Economic Union of May 29, 2014) and item 50 of Annex No. 1 to the Rules of Procedure of the Eurasian Economic Commission approved by Decision of the Supreme Eurasian Economic Council No. 98 of December 23, 2014, the Council of the Eurasian Economic Commission **has resolved:**

1. To amend Decision of the Customs Union Commission No. 318 of June 18, 2010 “On Ensuring Quarantine of Plants in the Eurasian Economic Union” in accordance with the attachment.
2. The present Decision shall come into effect after 30 calendar days from its official publication.

Members of the Council of the Eurasian Economic Commission:

From the Republic of Armenia	From the Republic of Belarus	From the Republic of Kazakhstan	From the Kyrgyz Republic	From the Russian Federation
M. Grigoryan	I. Petrishenko	A. Smailov	U. Karmyshakov	A. Overchuk

ATTACHMENT

to Decision of the Council
of the Eurasian Economic Commission
No. of , 2020

AMENDMENTS

to Decision of the Customs Union Commission No. 318 of June 18, 2010

1. In the Regulation on the Procedure of Phytosanitary Quarantine Control (Supervision) at the Customs Border of the Eurasian Economic Union, approved by the stated decision:

a) Item 3.1 shall be supplemented by the following paragraph:

“A phytosanitary certificate issued in electronic form for the purposes of phytosanitary quarantine control (supervision) is provided by the authorized body of the exporting country (re-exporter) through the information system.”;

b) the third paragraph of item 3.2 after the words “exporting country” shall be supplemented with the words “issued on paper,”;

c) supplement with item 3.3¹ as follows:

“3.3¹. For the purposes of phytosanitary quarantine control (supervision) when importing regulated products into the customs territory of the Eurasian Economic Union, preliminary information in electronic form may be used, forwarded by the owner of the product to the regulatory authorities of the Member States.”;

d) in item 3.10:

subparagraph 1) after the word “document” shall be supplemented with the words “issued on paper,”;

supplement with subparagraph 1¹) as follows:

“1¹) affixing by an official of the authorized body that carried out measures of phytosanitary quarantine control (supervision), marks in electronic form in the information system in case of submission of a phytosanitary certificate and (or) transport (shipping) document in electronic form, in accordance with Annex No. 3.”;

subparagraph 2 after the words “Annex No. 2” shall be supplemented with the words “which can be issued electronically.”;

e) supplement with item 3.10¹ as follows:

“3.10¹. In case of submission of a phytosanitary certificate and (or) transport (shipping) document in electronic form, the results of the phytosanitary quarantine control (supervision) are sent to other regulatory authorities and the person who submitted documents and information in electronic form through the information system.”;

f) in item 4.1.1:

subparagraph 1 after the word “products” shall be supplemented with the words “which can be issued electronically.”;

subparagraph 2 shall be read as follows:

“2) a phytosanitary certificate issued on paper for an imported consignment of regulated products (with a translation, if necessary, into the state language of the Member State, to the official of the authorized body to whom it is presented) - in case of import of a batch of regulated products of high phytosanitary risk, except for cases of import of wood packaging and fastening materials (if there is a

marking in accordance with one of the forms provided for by phytosanitary requirements, confirming the processing of these materials by heating through the entire thickness of the wood or fumigation), as well as cases provided for by the Unified phytosanitary quarantine requirements or information on the number, date and country of issue of the phytosanitary certificate issued in electronic form.”;

supplement with the following paragraphs:

“The official of the authorized body checks the availability of the phytosanitary certificate, issued in electronic form, using the information system.

If the place of completion of customs clearance of a batch of regulated products is located in another Member State, the official of the authorized body exercising primary phytosanitary quarantine control (supervision), on the basis of the information provided in item 2 of this Procedure, through the interaction of information systems, confirms the existence of a phytosanitary certificate, issued in electronic form.”;

subparagraph 3 shall read as follows:

“3) a permit for the import of quarantine pests for research purposes, issued on paper or information about the number, date of issue and the name of the authorized body that issued the permit for the import of quarantine pests for research purposes, issued in electronic form.”;

subparagraph 3 shall be supplemented with the following paragraph:

“An official of the authorized body checks the availability of a permit, issued in electronic form, for the import of quarantine pests for research purposes, using the information system”;

g) subparagraph 5 of item 4.1.6 after the word “certificate” shall be supplemented with the words “issued on paper,”;

h) the second paragraph of item 6.2 after the word “products” shall be supplemented with the words “which can be issued electronically.”;

i) the second paragraph of item 6.3 after the word “act” shall be supplemented with the words “which can be issued electronically,”;

j) the second paragraph of item 6.4 after the word “act” shall be supplemented with the words “which can be issued electronically,”;

k) item 8.2 shall be amended as follows:

“8.2. If the period of validity of a phytosanitary certificate issued on paper for a batch of regulated products issued in one of the Member States, determined in accordance with the requirements of the importing country, has expired at the time of crossing the customs border of the Eurasian Economic Union, the authorized body of the Member State, on whose territory the place of departure of the batch of regulated products is located, at the request of the owner of the product, which can be submitted in electronic form, issues a new phytosanitary certificate for the exported batch of regulated products with the attachment of the original phytosanitary certificate, issued on paper, with an expired validity period, without measures aimed at establishing the phytosanitary quarantine status of a given batch of regulated products.”;

l) supplement with item 8.2¹ as follows:

“8.2¹. If the period of validity of a phytosanitary certificate issued in electronic form for a batch of regulated products issued in one of the Member States, determined in accordance with the requirements of the importing country, has expired at the time of crossing the customs border of the Eurasian Economic Union, the authorized body, in whose territory the place of departure is located, at the request of the owner of the product and the information provided by him about the date and number of the phytosanitary certificate, issued in electronic form, confirms the issuance of the phytosanitary certificate issued in electronic form in the authorized body of the Member State, on whose territory the batch of regulated products was formed, and without taking measures aimed at establishing the

phytosanitary quarantine status of a given batch of regulated products, depending on the availability of agreements with the authorized body of the importing country, issues a phytosanitary certificate on paper or in electronic form.”;

o) supplement with item 9.2 as follows:

“9.2. As soon as the information systems of the Member States are ready, for the purposes of phytosanitary quarantine control (supervision) documents can be used (phytosanitary certificate, transport (shipping) documents, permit to import quarantine pests for research purposes, order to return products, act on the results of product decontamination, act on the results of the destruction of products), issued in electronic form, as well as the results of the implementation of phytosanitary quarantine control (supervision) can be issued electronically.”

o) Annex No. 3 to the Regulation on the Procedure of Phytosanitary Quarantine Control (Supervision) at the Customs Border of the Eurasian Economic Union, approved by the stated decision, shall be amended as follows:

“Annex No. 3 to the Regulation on the
Procedure of Phytosanitary Quarantine
Control (Supervision) at the Customs Border
of the Eurasian Economic Union

The mark “Import is permitted, subject to phytosanitary quarantine control (supervision) at the place of delivery” - is affixed electronically by using the information system at checkpoints across the customs border of the Eurasian Economic Union, if, based on the results of phytosanitary quarantine control (supervision), a decision has been made to allow the import of a batch of regulated products.

The “Import prohibited” mark is affixed electronically by using the information system at the customs border checkpoints of the Eurasian Economic Union, if, based on the results of phytosanitary quarantine control (supervision), a decision has been made to prohibit the import of a batch of regulated products.

The mark “Transit allowed” is affixed electronically by using the information system at checkpoints across the customs border of the Eurasian Economic Union, if, based on the results of phytosanitary quarantine control (supervision) of regulated products, a decision has been made to allow their movement.

The “Transit prohibited” mark is affixed electronically by using the information system at checkpoints across the customs border of the Eurasian Economic Union, if, based on the results of phytosanitary quarantine control (supervision) of regulated products, a decision has been made to prohibit their entry through the customs territory of the Eurasian Economic Union.

The mark “Release allowed without the right to sell” is affixed in electronic form by using the information system at the places where the customs clearance of regulated products is completed, in cases where it is necessary to carry out phytosanitary quarantine measures at the place of destination of the cargo.

The mark “Release allowed” is affixed in electronic form by using the information system at the places of completion of customs clearance (delivery points) of regulated products, in cases of their compliance with the phytosanitary quarantine requirements.

The mark “Release is prohibited” is affixed in electronic form by using the information system at the places of completion of customs clearance (delivery points) of regulated products, in cases of non-compliance with phytosanitary quarantine requirements.

The mark “Subject to phytosanitary quarantine control (supervision) at the place of unloading” is affixed electronically by using the information system at the roadstead of sea and river vessels before unloading at river and sea checkpoints across the customs border of the Eurasian Economic Union, in order to carry out phytosanitary quarantine measures at the place of unloading.”.

2. In the Regulation on the Procedure of Phytosanitary Quarantine Control (Supervision) in the Customs Territory of the Eurasian Economic Union, approved by the stated decision:

a) in item 3.2:

the fourth paragraph after the word “departure” shall be supplemented with the words “issued on paper.”;

after the fourth paragraph, it shall be supplemented with the following paragraphs:

“A phytosanitary certificate issued in electronic form for the purposes of phytosanitary quarantine control (supervision) is provided by the authorized body of the state of departure through the information system.”;

“In the places of destination of regulated products of high phytosanitary risk, the phytosanitary certificate issued in electronic form shall be cancelled by an official of the authorized body of the state of destination using the information system.”;

the fifth paragraph shall read as follows:

“The exchange of phytosanitary certificates issued in electronic form between the authorized body of the state of departure and the authorized body of the state of destination is carried out using the integrated information system of the Eurasian Economic Union.”;

b) item 3.6 shall read as follows:

“3.6. In order to conduct a documentary check, the following shall be presented to an official:

1) commercial and transport (shipping) documents for the imported batch of regulated products, which can be issued in electronic form;

2) a phytosanitary certificate issued on paper or information about the number and date of issue of a phytosanitary certificate issued in electronic form, issued by the authorized body of the state of departure;

The official of the authorized body checks the availability of the phytosanitary certificate, issued in electronic form, using the information system.”

c) subparagraph 4 of item 3.9 after the word “certificate,” shall be supplemented with the words “issued on paper.”;

d) the third paragraph of subparagraph 2 of item 3.15, after the word “act”, shall be supplemented with the words “, which can be issued in an electronic form.”;

e) item 3.16 after the word “products” shall be supplemented with the words “, which can be issued in an electronic form.”;

f) in item 3.19:

subparagraph 1 after the words “Annex No. 1” shall be supplemented with the words “, which can be issued electronically.”;

subparagraph 2 after the word “certificate” shall be supplemented with the words “issued on paper.”;

supplement with subparagraph 2¹) as follows:

“2¹) affixing by an official of the authorized body of a Member State that has carried out measures for phytosanitary quarantine control (supervision), marks in electronic form in the information system of the authorized body of a Member State in case of submission of a phytosanitary certificate and (or) transport (shipping) document in electronic form, according to Annex No. 3.”;

f) supplement with item 3.19¹ as follows:

"3.19¹. In case of submission of a phytosanitary certificate and (or) transport (shipping) document in electronic form, the results of the phytosanitary quarantine control (supervision) are forwarded to the person who submitted the documents and information in electronic form through the information system."

g) supplement with item 3.21¹ as follows:

"3.21¹. As soon as the information systems of the Member States are ready, for the purposes of phytosanitary quarantine control (supervision) documents can be used (phytosanitary certificate, transport (shipping) documents, permit to import quarantine pests for research purposes, order to return products, act on the results of disinfection of products, act on the results of the destruction of products), issued in electronic form, as well as the results of phytosanitary quarantine control (supervision) can be issued in electronic form.";

h) Annex No. 3 to the Regulation on the Procedure of Phytosanitary Quarantine Control (Supervision) in the Customs Territory of the Eurasian Economic Union, approved by the stated decision, shall be amended as follows:

“Annex No. 3 to the Regulation on the
Procedure of Phytosanitary Quarantine
Control (Supervision) in the Customs
Territory of the Eurasian Economic Union

The “Release allowed” mark is affixed in electronic form by using the information system at the destinations of the regulated products in the event that such regulated products comply with the phytosanitary quarantine requirements;

The mark “Release prohibited” is affixed in electronic form through the use of the information system at the destinations of regulated products in case of non-compliance of such regulated products with phytosanitary quarantine requirements.”

END UNOFFICIAL TRANSLATION.

Attachments:

No Attachments.