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Voluntary Public

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Draft Regulation on Marking of New Products

Report Categories:

FAIRS Subject Report

Policy and Program Announcements

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

Russia's Ministry of Economic Development (MED) invites all interested parties to comment on a draft GOR decree "On the Specifics of Marking of Products Released to Circulation for the First Time, Including a Market Circulation Mark or a Conformity Mark and the Procedure of Informing Purchasers, Including Consumers, on Potential Harm of Such Products and its Causing Factors" in order to assess the regulatory impact of the document. Comments should be submitted to MED by May 31, 2012. Among other things, this is an opportunity to bring any of the draft document's inconsistencies with international standards to the attention of the Russian Government.

General Information:

Russia's Ministry of Economic Development (MED) invites all interested parties to comment on a draft GOR decree "On the Specifics of Marking of Products Released to Circulation for the First Time, Including a Market Circulation Mark or a Conformity Mark and the Procedure of Informing Purchasers, Including Consumers, on Potential Harm of Such Products and its Causing Factors" in order to assess the regulatory impact of the document. Comments should be submitted to MED by May 31, 2012. Among other things, this is an opportunity to bring any of the draft document's inconsistencies with international standards to the attention of the Russian Government.

Interested U.S. parties are encouraged to forward their comments and concerns in Russian directly to MED's Department for Assessment of Regulatory Impact at KuzminaEV@economy.gov.ru. Please also consider copying FAS/Moscow at AgMoscow@fas.usda.gov on your comments in order for them to be considered as part of the official U.S. Government comments to the Russian Government. FAS/Moscow can also assist you in translation if you provide your comments to us one week before the end of the comment period.

An unofficial translation of the MED notice inviting public comments on the document and the draft GOR decree "On the Specifics of Marking of Products Released to Circulation for the First Time, Including a Market Circulation Mark or a Conformity Mark and the Procedure of Informing Purchasers, Including Consumers, on Potential Harm of Such Products and its Causing Factors" follows.

By herewith the Ministry of Economic Development of the Russian Federation notifies about public consultations for the regulatory impact assessment of a regulatory legal act

Draft act: draft decree of the Government of the Russian Federation "On the Specifics of Marking of Products Released to Circulation for the First Time, Including a Market Circulation Mark or a Conformity Mark and the Procedure of Informing Purchasers, Including Consumers, on Potential Harm of Such Products and its Causing Factors" (hereinafter – draft act)

Developer of the draft act:

Russia's Ministry of Industry and Trade

Public consultations period:

May 18, 2012 – May 31, 2012.

Method of forwarding responses:

Forwarding electronically to the following e-mail: KuzminaEV@economy.gov.ru as an attached file.

Contact person for questions on filling out the form and its forwarding:

Department for Assessment of Regulatory Impact of Russia's Ministry of Economic Development, Yekaterina Vladimirovna Kuz'mina, phone: +7 (499) 795 66 61, from 9-30 am to 5-00 pm on work days.

Documents attached to the request:

Draft act

Responsible divisions of Russia's Ministry of Economic Development:
Department for Assessment of Regulatory Impact.

Comment

The present expert review is carried out in accordance with Decree of the Government of the Russian Federation No. 633 of July 19, 2011 «On Expert Review of Regulatory Legal Acts of the Federal Executive Bodies for the Purpose of Detecting Provisions therein, which Unreasonably Hamper Entrepreneurial and Investment Activity, and on Amending Some Acts of the Government of the Russian Federation».

In accordance with item 14 of the Regulation on the procedure of preparation of conclusions on the regulatory impact assessment approved by Order of Russia's Ministry of Economic Development No. 398 of August 31, 2010, the Ministry of Economic Development is holding public consultations for the purpose of the regulatory impact assessment of the draft act and detection of provisions therein, which impose excessive administrative and other restrictions and responsibilities on performers of entrepreneurial or other activities, as well as provisions conducive to imposing unreasonable expenses on performers of entrepreneurial or other activities or budgets of all levels of the budget system of the Russian Federation. All interested persons are invited to forward their opinion in the framework of the mentioned consultations.

GOVERNMENT OF THE RUSSIAN FEDERATION

DECREE

Dated: _____ # _____

On the Specifics of Marking of Products Released to Circulation for the First Time, Including a Market Circulation Mark or a Conformity Mark and the Procedure of Informing Purchasers, Including Consumers, on Potential Harm of Such Products and its Causing Factors

For implementing Article 25, paragraph 3, and Article 46, paragraph 10, of Federal Law dated December 27, 2002, #184-FZ “On Technical Regulation,” the Government of the Russian Federation resolves hereby:

1. To approve the attached Specifics of Marking of Products Released to Circulation for the First Time, Including a Market Circulation Mark or a Conformity Mark and the Procedure of Informing Purchasers, Including Consumers, on Potential Harm of Such Products and its Causing Factors.
2. This Decree shall become effective after 6 months from the date of its official publication.

Government of the Russian Federation
Chairman
D. Medvedev

Specifics of Marking of Products Released to Circulation for the First Time, Including a Market Circulation Mark or a Conformity Mark and the Procedure of Informing Purchasers, Including Consumers, on Potential Harm of Such Products and its Causing Factors

1. These specifics of marking of products released to circulation for the first time, including a market circulation mark or a conformity mark and the procedure of informing purchasers, including consumers, on potential harm of such products and its causing factors, for which the manufacturer (entity performing functions of the foreign manufacturer) has declared conformity based on its own evidences shall be established for products released to circulation for the first time in accordance with Article 25, paragraph 3, and Article 46, paragraph 10, of Federal Law dated December 27, 2002, #184-FZ “On Technical Regulation” (hereinafter – the “Federal Law”).
2. Specifics of marking of products released to circulation for the first time shall be established to prevent actions misleading purchasers, including consumers, as a part of assurance of the exercise of rights of purchasers, including consumers, for having adequate and reliable information about such products.
3. These specifics of marking shall be used by legal entities and individual entrepreneurs, manufacturing products released to circulation for the first time and releasing them into the territory of the Russian Federation, as well as officials implementing state control (surveillance) over compliance with the requirements of the technical regulations and the mandatory requirements established in accordance with Article 46, paragraph 1, of the Federal Law, before the date when the relevant technical regulations become effective.
4. Products released to circulation for the first time shall be marked, e.g. by a conformity mark or a market circulation mark, pursuant to the RF legislation on technical regulation. In order to prevent actions misleading purchasers, including consumers, in the process of selection of products, the conformity mark or market circulation mark placed on the products released to circulation for the first time, shall be accompanied by the following statement: “products released to circulation for the first time.”
5. Marking of products released to circulation for the first time shall, in addition to the information envisaged in the RF legislation with regard to product marking, contain the following data:
 - data that compulsory certification of such products had not been carried out or data on a lack of evidences received with the involvement of a third party in the process of conformity declaring in the form of information message “compulsory certification was not performed” or “in the process of conformity declaring, no evidences received with the involvement of a third party were used” (hereinafter – the “Information Message”);

- data on potential risks of causing harm to life or health of citizens; property of individuals or legal entities; federal or municipal property; environment; life or health of animals and plants from the use (storage, transportation and disposal) of products, including those associated with exposure to biological, mechanical, thermal, chemical, electrical and radiation factors, as well as irradiation, explosion hazard, fire hazard, and electromagnetic compatibility factors as related to safety assurance in the operation of instruments and equipment and safety of products (technical devices applied at hazardous production facilities) and their risk levels;

- rules on the safe product use, storage, transportation and disposal.

6. Marking of products released to circulation for the first time must include information on the risk of causing harm, e.g. resulting from the application of such products for purposes other than intended, with the clarification of exposure specifics and data on potential consequences for life or health of citizens; property of individuals or legal entities; federal or municipal property; environment; life or health of animals and plants.

7. Marking of products released to circulation for the first time which may cause harm to child health and development must include information on the prohibition of their use or application in the presence of children.

8. Marking of products released to circulation for the first time made in the form of a picture showing the possibility of using these products should be accompanied by a wording “option of use (application)” or other words with a similar sense.

9. Provision of information to purchasers, including consumers, shall be supported by any method ensuring the opportunity of justified selection of products released to circulation for the first time (e.g. by putting this information on the consumer package and/or label, and/or package insert, and/or accompanying documents placed into each consumer package or attached to each consumer package).

10. The information message used for marking products released to circulation for the first time shall be placed on transportation containers/crates and/or labels, and/or package inserts put in each transportation container/crate or attached to each transportation container/crate, or included in the documents accompanying such products; and, it should be written by fonts of the same size as the fonts used in the product name.

11. When marking is made on products released to circulation for the first time, the accompanying documents shall specify information on products released to circulation for the first time, determined by the manufacturer (entity performing functions of the foreign manufacturer) of such products which indicates the availability of properties and signs of such products enabling to distinguish them from other products of the same category or type during the process of identification. The distinctive features of products released to circulation for the first time must be proved by evidences generated by the manufacturer (entity performing functions of the foreign manufacturer) individually or obtained with the involvement of a third party.

12. In case when information on distinctive features and/or special methods of application of products released to circulation for the first time is missing, such information must be placed during marking.

13. Marking of products released to circulation for the first time shall be presented as a message or other symbols and/or their combinations on the consumer packages, transportation containers/crates or another type of information carrier appended to the consumer packages, transportation containers/crates, put into or attached to them.

14. Data envisaged in p. 5 must be depicted on each consumer package and/or label, and/or package insert placed into each consumer package or attached to each consumer package.

15. In case when the area of the larger side of consumer package of products released to circulation for the first time does not exceed 10 square cm, the data envisaged in p.p. 5 and 16 should be placed on the consumer package and/or label, and/or package insert put into each consumer package or transportation container/crate or attached to each consumer package or each transportation container/crate.

16. The information message concerning non-packed products released to circulation for the first time as well as such products which are filled at the retail spots in the presence of consumers, shall be communicated to the consumers by any way ensuring justified selection of such products.