

Summary of the draft Federal Law 'On quarantine of plants'

In connection with the formation of the CU legislation in the field of plant quarantine the amendments were introduced into the legislation of the Russian Federation, and in particular new Federal Law "On quarantine of plants" has been recently drafted. It is expected to enter into force on 1 January 2011, and will repeal the current Federal law № 99 of 15 July 2000 'On quarantine of plants'.

The draft Federal law aligns with CU phytosanitary requirements:

- it is stipulated that the rules of the federal law are applicable insofar as it is not in conflict with the CU Agreement on quarantine of plants (11 December 2009) and the legal acts approved by the CU Commission;

- the list of regulated products is considered as the CU single list of regulated products;

- the reference to the Harmonization System Code of the Customs Union for wood packing and fixing material is mentioned;

- the strategy of the implementation of the system of the management of the phytosanitary risks is set forth in the draft federal law (is not regulated by the CU Regulation on procedure of quarantine phytosanitary control (supervision) at customs border of the customs union, but the Regulation stipulates that it is to be specified in the legislation of the Parties to the CU);

- each lot of regulated products imported to the territory of RF shall be inspected at the border according to the procedure established by the CU Commission taking into account particular rules stipulated by this federal law (ex. Special requirements for regulated products of high risk, particular rules for the examination of lots of regulated products considered as with max risk and with high risk).

This draft Federal Law takes also into account the Protocol for modification of the Agreement of the customs union on quarantine of plants of December, 11th, 2009, which is not in force for the moment, but according to the draft Agenda of Interstate Council meeting will be discussed and signed this year to be applicable from the 1 January 2011.

This protocol will change article 2 of the Agreement on quarantine of plants: for the moment import of regulated products is based on import permit and export (re-export) certificate, and when the protocol will enter into force, the import permit will not be required anymore and export or re-export phytosanitary certificate will only be required for the group of regulated products with high phytosanitary risk.

The following provisions concerning phytosanitary requirements will be also introduced by the Protocol:

'Regulated products, imported on customs territory of the customs union, have to correspond to phytosanitary requirements of the Party (of the CU), where destination point of regulated products is located.

Parties provide placing of official information on phytosanitary requirements, shown to imported regulated products, on official sites (the Internet - resources) of authorized bodies of the Parties, and also in Information system of EurAsEC economic community in the field of technical regulation, sanitary and phytosanitary measures and in Integrated information system of international and mutual trade of the customs union.'

Therefore, phytosanitary requirements for regulated products (min requirements for regulated products, its production, storage, transport and circulation; and for the use of quarantinable objects; for every type of regulated products there shall be the info about the specific quarantine harmful

organisms) will be drafted and approved at national levels. And there is the entire article of the draft Federal Law on quarantine of plants dedicated to this issue - art.6. The rules on the public consultation of the drafts of the phytosanitary requirements are set forth - notification about the elaboration of a new draft or its amendment, providing the copy of the draft at the request of the interested party, interested parties could comment on the draft and present its comments in writing, min period for the public discussion is 2 months from the date of publication of the notification. There will be national register of the phytosanitary requirements for the regulated products which could be consulted at the official website.

As far as wood packing and fixing material is concerned, draft Federal Law stipulates that when imported it shall be free from bark and harmful organisms, and subject to disinfection. The compliance with these requirements is confirmed by the identification mark (CU rules mentioned international identification mark in accordance with Party's legislation) which is a particular way of confirmation of conformity in form of declaration of conformity on the basis of its own evidences. It is expected to draft technical regulation regarding marking, form of the mark, methods of application.