

Summary of Decision No 318 of the Customs Union

Decision of the Commission of the Customs Union of 18 June 2010 №318 «On ensuring plants quarantine within the Customs Union», which entered into force on 1 July 2010.

Approved by this Decision:

- **List of the quarantinable products (quarantinable cargo, quarantinable material, quarantinable commodities), subject to quarantine and phytosanitary control (surveillance) at the customs boundary of the Customs Union and within the customs territory of the Customs Union** (annex 1);
- **Regulation laying down the procedure of carrying out phytosanitary and quarantine control (surveillance) at the customs border of the Customs Union** (annex 2);
- **Regulation laying down the procedure of carrying out phytosanitary and quarantine control (surveillance) within the customs territory of the Customs Union** (annex 3) - sets up the procedure of carrying out phytosanitary and quarantine control (surveillance) towards the quarantinable products moved within the customs territory of the Customs Union, when the point of departure and the point of destination of the quarantinable products are situated within the territory of the MS of the Customs Union, and the movable consignment is not under customs transit procedure, or under customs procedure providing for the exportation of goods from the customs territory of the CU.

Therefore, only two first documents are relevant for the exports of the quarantinable products from the EU to the CU MS.

List of the quarantinable products (quarantinable cargo, quarantinable material, quarantinable commodities), subject to quarantine and phytosanitary control (surveillance) at the customs boundary of the Customs Union and within the customs territory of the Customs Union (hereinafter referred to as List)

All quarantinable products are divided in 2 groups: with high phytosanitary hazard and with low phytosanitary hazard.

The present list took over the provisions of the relevant Russian legislation, i.e. Classification of commodities subject to quarantine and phytosanitary control of 11 December 2006, with some amendments.

Regulation laying down the procedure of carrying out phytosanitary and quarantine control (surveillance) at the customs boundary of the Customs Union

Parts

I Scope

This Regulation sets up the procedure of carrying out phytosanitary and quarantine control (surveillance):

- when the quarantinable products, added to the list, are imported to the customs territory of the CU;
- when the quarantinable products, in relation to which the CU MS undertook international obligations on carrying of quarantine and phytosanitary control (surveillance), are exported.

When the quarantine and phytosanitary control (surveillance) is carried out at the border of the CU, the competent authorities of the Sides apply the legislation of its country when:

- it is expressly provided for in the present Regulation;
- the relations, arising while carrying out of quarantine and phytosanitary control (surveillance) at the customs border, are not expressly regulated by the present Regulation.

II Terms and definitions

As the definition of quarantine objects (quarantine harmful organisms) is concerned, it is to be noted that the national lists of quarantine objects remain in force.

Phytosanitary certificate is issued by the competent authority of the exporting country according to the form, approved by the INTERNATIONAL PLANT PROTECTION CONVENTION (Rome, 1951).

III General provisions on carrying out of the entry quarantine and phytosanitary control

Each consignment of quarantinable products, added to the List of quarantinable products, is subject to phytosanitary and quarantine control.

The entry phytosanitary and quarantine control is carried in the places of customs clearance completion (except for the quarantinable products in transit through the CU territory to the third countries - in the place of arrival). If the customs clearance completion is carried out in place of delivery, the quarantinable products are subject to controls in the place of arrival (initial phytosanitary and quarantine control), and in the places of customs clearance completion within the territory of the CU MS (phytosanitary and quarantine recontrol).

The aim is to check if the imported quarantinable products conform with the phytosanitary requirements of the Side, where the place of customs clearance completion is situated.

The information about the phytosanitary requirements of the Sides is on the competent authorities official websites. Until competent authorities of the Sides will public the info on the official websites, phytosanitary requirements for the quarantinable products with high phytosanitary hazard are set forth in the import quarantine permit which is issued by the competent authority of the Side, where the place of customs clearance completion is situated (this provision will not be valid from 1 January 2011).

On the basis of the results of such control, when the decision to permit the import of the consignment of the quarantinable products or its customs transit was taken, the official of the competent national authority stamps the phytosanitary certificate (if any) and shipping (transit) document. In case if it was decided to forbid the import or transit of such products or to permit to import under certain conditions, the phytosanitary and quarantine control (surveillance) act is issued.

IV Entry quarantine and phytosanitary control arrangements

4.1. Documentary control

The documents needed to be submitted for controls:

- commercial and shipping (transit) documents;
- phytosanitary certificate and import quarantine permit – only for the quarantinable products of high phytosanitary hazard;
- permit for quarantine objects imported for research purposes – if such a permit is required according to the Sides legislation.

For the quarantinable products with high phytosanitary hazard, the import quarantine permit and phytosanitary certificate are issued by the competent authority of the exporting country. For the quarantinable products with low phytosanitary hazard, these documents are not needed, and in places of destination within the territory of the recipient country its visual inspection will be carried out.

4.2. Inspection of transport

4.3. Inspection of quarantinable products

4.4. Examination of quarantine products

V Analysis of quarantinable products samples

VI Measures to be taken when contamination or soiling of the imported quarantinable products by the quarantine objects (quarantine harmful organisms) is detected

VII Particular considerations relating to carrying out of the quarantine and phytosanitary control when certain types of quarantinable goods are imported

The import quarantine permit and phytosanitary certificates are not requested for the following quarantinable products of high phytosanitary hazard:

1. moving within the customs territory of the CU in mail, hand-luggage of passengers, members of the crew of vessels, planes, passenger coaches, motor vehicles, provided that the specified quarantinable products are not planting material or seeds or potatoes;
2. wood packing and fixing material. The official of the competent authority, when examining and inspecting the specified quarantinable products, checks the presence of the special international mark in accordance with the legislation of the Side;
3. quarantinable products, located in the transport vehicle and intended for food use of its team and crew without the right to take it away outside the transport vehicle. By the order of the official of the competent authority, the food stocks located in the transport vehicles, contaminated by the quarantine objects (quarantine harmful organisms), have to be decontaminated, destroyed or sealed in the special warehouse for the period of transport vehicle location at the customs territory of the CU.

VIII Processing of the consignment of the quarantinable products exported from the customs territory of the Customs Union

IX Transitional provisions

The provisions concerning the import quarantine permit cease to be in force from 1 January 2011.

Until the decision of the Interstate council of EvrAsES on carrying out the phytosanitary and quarantine control at the external border as regards Russian-Kazakhstan border, the following provisions are in place:

1. the control of imported quarantinable products arrived at the customs territory in Kazakhstan, and in transit to Belarus or Russia, or through the customs territory of Belarus or Russia to the third countries, is carried out:

when imported to the customs territory of Kazakhstan, moving through the customs territory of Kazakhstan, exported from Kazakhstan to Russia – in accordance with the national legislation of Kazakhstan;

when imported to the customs territory of Russia, moving through the customs territory of Belarus and/or Russia until the completion of the customs clearance – in accordance with the present regulation, while for the purposes of this Regulation the place of arrival at the customs territory of the CU is considered to be a place of arrival of the quarantinable products to the customs territory of Belarus (in case of air transport) or of Russia from the customs territory of Kazakhstan;

2. the control of imported quarantinable products arrived at the customs territory in Belarus or Russia, and in transit to Kazakhstan, or through the customs territory of Kazakhstan to the third countries, is carried out:

when imported to the customs territory of Belarus, Russia, moving through the customs territory of Belarus and (or) Russia until export to Kazakhstan – in accordance with the present regulation, while for the purposes of this Regulation the place of departure from the customs territory of the CU is

considered to be a place of departure of the quarantinable products to the customs territory of Kazakhstan;

when imported to the customs territory of Kazakhstan, moving through the customs territory of Kazakhstan and until the completion of the customs clearance – in accordance with the national legislation of Kazakhstan;

The present Regulation is also applicable when the quarantine and phytosanitary control (surveillance) of quarantinable products, moving from Kazakhstan to Belarus or Russia is carried out, while for the purposes of the present Regulation the place of arrival at the customs territory of the CU is considered to be a place of arrival of the quarantinable products, exported from the customs territory of Kazakhstan, to the customs territory of Belarus (in case of air transport) or Russia.