

**Voluntary Report** – Voluntary - Public Distribution

**Date:** August 26,2020

**Report Number:** RS2020-0039

**Report Name:** Draft Amendments to EAEU Regulation on Packaging  
Notified to WTO

**Country:** Russian Federation

**Post:** Moscow

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

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**Report Highlights:**

On July 24, 2020, Russia notified the World Trade Organization (WTO) of draft amendments to the Eurasian Economic Union (EAEU) Technical Regulation (TR) on Safety of Packaging via G/TBT/N/RUS/102. The draft measure amends conformity assessment procedures, brings the TR in line with the EAEU Treaty as well as updates the TR based on the practice of its implementation since 2012. The public comment period for the draft will close on September 24, 2020. Interested U.S. parties are encouraged to share their comments and concerns with the National Institute of Standards and Technology at [ncsci@nist.gov](mailto:ncsci@nist.gov). For potential inclusion in the U.S. official position, please send your comments by September 10, 2020.

## General Information

The Eurasian Economic Commission (EEC), which is the regulatory body of the Armenia-Belarus-Kazakhstan-Kyrgyzstan-Russia Eurasian Economic Union<sup>1</sup> (EAEU), published the following draft document on its website:

- [On Amending the Technical Regulation of the Customs Union "On Safety of Packaging" \(TR TS 005/2011\)](#)

On July 24, 2020, Russia notified the World Trade Organization (WTO) of the above draft via [G/TBT/N/RUS/102](#). The public comment period for the draft will close on September 24, 2020. Interested U.S. parties are encouraged to share their comments and concerns with the National Institute of Standards and Technology at [ncsci@nist.gov](mailto:ncsci@nist.gov). For potential inclusion in the U.S. official position, please send your comments by September 10, 2020.

According to the notification, the draft measure amends conformity assessment procedures, brings the Technical Regulation (TR) in line with the EAEU Treaty as well as updates the TR based on the practice of its implementation since 2012.

An unofficial unedited automated English translation of the notified measure can be found below.

For translation of the full text of the original Technical Regulation of the Customs Union “On Safety of Packaging” please see GAIN report [RS1253 Customs Union Technical Regulation on Safety of Packaging](#). For information on previous amendments to this document please see GAIN report [RS1361 Draft Amendments to CU Technical Regulation on Safety of Packaging](#).

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

BEGIN UNOFFICIAL AUTOMATED TRANSLATION:

**EURASIAN ECONOMIC COMMISSION  
COUNCIL**

**DECISION**

\_\_\_\_\_ 20\_\_\_\_ No. \_\_\_\_\_ city

**On amendments to the technical regulations of the Customs Union "On the safety of packaging"  
(TR CU 005/2011)**

In accordance with Article 52 of the Treaty on the Eurasian Economic Union dated May 29, 2014 and paragraph 29 of Appendix No. 1 to the Rules of Procedure of the Eurasian Economic Commission, approved by the Decision of the Supreme Eurasian Economic Council No. 98 dated December 23, 2014, the Council of the Eurasian Economic Commission decided:

1. To amend the technical regulations of the Customs Union "On the safety of packaging" (TR CU 005/2011), adopted by the Decision of the Commission of the Customs Union of August 16, 2011 No. 769, changes according to the appendix.

2. This Decision shall enter into force upon the expiration of 6 months from the date of its official publication.

**Members of the Council of the Eurasian Economic Commission:**

|   |   |  |                                     |  |
|---|---|--|-------------------------------------|--|
| <b>From the Republic<br/>of Armenia</b> | <b>From the Republic<br/>of Belarus</b> | <b>From the Republic of<br/>Kazakhstan</b> | <b>From the Kyrgyz<br/>Republic</b> | <b>From the Russian<br/>Federation</b> |
| <b>M. Grigoryan</b>                     | <b>I. Petrishenko</b>                   | <b>A. Smailov</b>                          | <b>E. Asrandiev</b>                 | <b>A. Overchuk</b>                     |

ATTACHMENT  
to Decision of the Council  
of the Eurasian Economic Commission  
No. \_\_\_\_\_ dated \_\_\_\_\_ 20\_\_

CHANGES,  
to the technical regulations of the Customs Union  
"On the safety of packaging"  
(TR TS 005/2011)

1. The first paragraph of Article 2 of the technical regulation of the Customs Union "On the safety of packaging" (TR CU 005/2011) (hereinafter - TR CU 005/2011) shall be stated as follows:

“For the purposes of applying this technical regulation, the concepts established by the Protocol on technical regulation within the framework of the Eurasian Economic Union (Appendix No. 9 to the Treaty on the Eurasian Economic Union of May 29, 2014) (hereinafter referred to as the Union) are used, standard conformity assessment schemes approved by the Council Decision Of the Eurasian Economic Commission of April 18, 2018 No. 44 (hereinafter, respectively - standard schemes, Commission), as well as concepts that mean the following: ”.

2. Paragraphs 3 and 4 of Article 2 of CU TR 005/2011 shall be deleted.

3. Article 3 of CU TR 005/2011 shall be amended as follows:

"Article 3. Rules of circulation on the market

1. Packaging (closures) is released into circulation on the territory of the Union if it meets the requirements of this technical regulation, as well as the requirements of other technical regulations of the Union, which apply to it.

2. Packaging (closures) that meets the requirements of this technical regulation, as well as the requirements of other technical regulations of the Union, which apply to it, having passed the conformity assessment procedure, must be marked with a single mark of product circulation on the Union market. "

4 Article 4 of CU TR 005/2011 shall be amended as follows:

"Article 4. Ensuring compliance with safety requirements

1. The conformity of packaging (closures) to this technical regulation is ensured by the fulfillment of the safety requirements of this technical regulation directly or the requirements of standards included in the list of international and regional (interstate) standards, and in their absence - national (state) standards, as a result of which compliance with the requirements of this technical regulation is ensured on a voluntary basis.

2. Methods of research (testing) and measurements of packaging (closures) are established in the standards included in the list of international and regional (interstate) standards, and in their absence - national (state) standards containing rules and methods of research (testing) and measurements, including the rules for sampling necessary for the application and fulfillment of the requirements of this technical regulation and the implementation of the conformity assessment of packaging (closures). "

5. Clause 7 of CU TR 005/2011 shall be amended as follows:

"Article 7. Conformity assessment

1. Before putting into circulation on the market of the Union, packaging (closures) must undergo an assessment of compliance with the requirements of this technical regulation in the form of confirmation of compliance.

Confirmation of the conformity of packaging (closures) to the requirements of this technical regulation is carried out in accordance with standard schemes, taking into account the features established by this technical regulation.

2. Confirmation of conformity of packaging (closures) is carried out in the form of a declaration of conformity according to one of the following schemes:

2.1. schemes 3d, 4d, 6d - in relation to packaging (closures) intended for packaging food products, including baby food, perfumery and cosmetic products that have direct contact with packaged products, toys and baby products that have direct contact with the child's mouth ( in the case of packaging (closures) that has different materials, standard sizes, thickness of the materials used, tests can be carried out on standard samples, including features of the type of packaging (closures);

2.2. schemes 1d and 2d - in relation to packaging (closures) not specified in subparagraph 2.1 of this paragraph (in the case of packaging (closures) having different materials, standard sizes, thickness of the materials used, tests can be carried out on standard samples, including type features packaging (closures).

3. When declaring compliance with the requirements of this technical regulation, the applicant is a legal entity registered in the territory of a Member State of the Union in accordance with its legislation or an individual as an individual entrepreneur, who are:

for serially produced packaging (closures) - by the manufacturer (a person authorized by the manufacturer);

for a batch of packaging (closures) - by the manufacturer (the person authorized by the manufacturer), the seller (importer).

4. The set of documents that served as the basis for the adoption of the declaration of conformity, depending on the scheme used by the applicant for the declaration of conformity, includes:

a) for packaging (closures) of serial production (schemes 1d, 3d, 6d):

a copy of technical documentation (design, and (or) technological, and (or) technical conditions (descriptions)) for packaging (closures), containing the main parameters and characteristics of packaging (closures), as well as its description, in order to assess the conformity of the packaging (closures) to the requirements of this technical regulation;

a list of standards (indicating their designations and names, as well as sections (points, sub-clauses), if compliance with the requirements of this technical regulation can be ensured by the use of individual sections (clauses, sub-clauses) of these standards, and not standards in general) included in the list of standards specified in paragraph 1 of Article 4 of this technical regulation (if applied by the applicant);

a description of the adopted technical solutions and the results of risk assessment, confirming the fulfillment of the requirements of this technical regulation, if the standards included in the list of standards specified in paragraph 1 of Article 4 of this technical regulation are absent or have not been applied (if necessary);

an agreement with the manufacturer (including with a foreign manufacturer), providing for the implementation of actions on behalf of the manufacturer when confirming compliance with the requirements of this technical regulation and the release into circulation of packaging (closures) on the territory of the Union, as well as liability for non-compliance of such packaging (closures) with the specified requirements (for a person authorized by the manufacturer);

certificate of conformity of the management system (for scheme 6d);

information about the registration or account (individual, identification) number of the applicant assigned during the state registration of a legal entity or an individual as an individual entrepreneur in accordance with the legislation of the Member States of the Union;

other documents at the choice of the applicant, which served as the basis for the adoption of the declaration of conformity (if any);

b) for a batch of packaging (closures) (schemes 2d and 4d):

a copy of the contract (supply agreement) and shipping documents identifying the batch of packaging (closures), including its size;

a list of standards (indicating their designations and names, as well as sections (points, sub-clauses), if compliance with the requirements of this technical regulation can be ensured by the use of individual sections (clauses, sub-clauses) of these standards, and not standards in general) included in the list of standards specified in paragraph 1 of Article 4 of this technical regulation (if applied by the applicant);

information about the registration or account (individual, identification) number of the applicant assigned during the state registration of a legal entity or an individual as an individual entrepreneur in accordance with the legislation of the Member States of the Union;

other documents at the choice of the applicant, which served as the basis for the adoption of the declaration of conformity (if any).

5. The set of documents specified in paragraph 4 of this article is formed on paper or electronic media.

6. The manufacturer, depending on the applied conformity declaration scheme:

carries out production control and takes all necessary measures to ensure that the production process is stable and ensures that the manufactured packaging (closures) comply with the requirements of this technical regulation (schemes 1d, 3d);

carries out production control and takes all necessary measures to ensure the stability of the functioning of the implemented and certified management system and production conditions for the manufacture of packaging (closures) that meets the requirements of this technical regulation (Scheme 6d).

7. The applicant, depending on the applied scheme of declaration of conformity:

generates and analyzes the set of documents that served as the basis for the adoption of the declaration of conformity, the list of which is specified in paragraph 4 of this article;

ensures identification and selection of samples (standard samples) of packaging (closures);

provides research (testing) and measurements of selected samples (typical samples) of packaging (closures) in an accredited testing laboratory (center) (for schemes 1d, 2d, 3d, 4d and 6d) or the manufacturer's own testing laboratory (for schemes 1d and 2d ) at the choice of the applicant;

accepts a declaration of conformity in a uniform form and rules approved by the decision of the Commission and registers it in the manner approved by the Commission;

provides labeling of packaging (closures) with a single mark of product circulation on the Union market in the manner approved by the Commission;

generates and stores a set of evidentiary materials confirming the compliance of packaging (closures) with the requirements of this technical regulation, which includes:

documents listed in paragraph 4 of this article;

research (test) and measurement protocols of packaging (closures);

registered declaration of conformity.

8. The declaration of conformity is drawn up for a specific name of packaging (closures) or for a group of packaging (closures) made of the same materials and having the same design, and meeting the same safety requirements.

9. To register the declaration of conformity, the applicant submits the documents provided for by the Procedure for registration, suspension, renewal and termination of the declaration of conformity of

products to the requirements of the technical regulations of the Eurasian Economic Union, approved by the Decision of the Commission Board dated March 20, 2018 No. 41, and also:

- a) a set of documents and information provided for by paragraph 4 of this article;
- b) a copy of the protocol (protocols) of studies (tests) and measurements of packaging (closures) carried out depending on the scheme for declaring conformity in an accredited testing laboratory (center) or the manufacturer's own laboratory (provided that since the moment of registration of the protocol (protocols) no more than one year).

10. Validity period of the declaration of conformity:

for serially produced packaging (closures) - no more than 5 years;

for a batch of packaging (closures) - the validity period of the declaration of conformity is not established.

The Declaration of Conformity for a batch of packaging (closures) is valid only for packaging (closures) related to a specific batch.

11. At the request of the applicant, the declaration of conformity according to schemes 1d and 2d can be replaced by the declaration of conformity according to schemes 3d, 4d, 6d.

12. The storage period for the applicant of the declaration of conformity and the set of evidentiary materials is:

for serially produced packaging (closures) - for at least 10 years from the date of withdrawal (discontinuation) of such packaging (closures) from production;

for a batch of packaging (closures) - for at least 10 years from the date of sale of the last product from the batch.

13. The period of keeping a copy of the declaration of conformity and a set of evidentiary materials with the certification body is:

at least 5 years from the expiration date of the declaration of conformity;

at least 10 years from the date of registration of the declaration of conformity, if the validity of the declaration of conformity is not limited.

14. Used packaging (closures) is not subject to confirmation of compliance with the requirements of this technical regulation. "

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END UNOFFICIAL AUTOMATED TRANSLATION.

#### **Attachments:**

No Attachments.