



HOW RUSSIA'S MEMBERSHIP IN THE WORLD TRADE ORGANIZATION IMPROVES SANITARY AND PHYTOSANITARY MEASURES AND HOW THEY ARE APPLIED IN THE RUSSIAN FEDERATION

Pre-Accession Situation in Russia:

- Many of Russia's sanitary and phyto-sanitary (SPS) measures are inconsistent with the WTO Agreement on Sanitary and Phytosanitary Measures (SPS Agreement) and international standards. Russia has maintained and applied measures that are more stringent than international standards, guidelines, and recommendations without scientific justification or risk assessments done in conformity with international standards.
- Russia's requirements for inspections to decide if U.S. establishments met the requirements to export to Russia were applied in an arbitrary and non-transparent manner.
- On January 1, 2010 Russia established a Customs Union with Belarus and Kazakhstan; on July 1, 2010 the three governments granted the Customs Union authority to adopt SPS measures that would apply in Russia.
- Initially, many of the Customs Union measures were even more stringent than the Russian measures and lacked a scientific justification and risk assessment for departing from international standards.
- Both Russia and the Customs Union lacked the legal framework to implement key obligations of the SPS Agreement, including those on equivalence, non-discrimination, conducting risk assessments, and application of some international standards, e.g., Codex standards.
- U.S. companies were barred from exporting to Russia or had shipments stopped at the border based on these WTO-inconsistent measures, and enforcement was arbitrary and non-transparent.

SPS BENEFITS OF RUSSIA'S ACCESSION TO THE WTO

- U.S. negotiators have insisted that the Customs Union and Russia adopt the legal framework necessary for Russia to comply with its WTO obligations before the Working Party on Russia's Accession to the WTO completes its task.
- In addition to having the mechanisms to implement the obligations described below, the Customs Union or Russia has adopted measures--
 - Mandating use of international standards, if Russia or the Customs Union does not have a standard or if there is no scientific evidence and risk assessment justifying a standard that is more stringent than the international standard;
 - Allowing for negotiation of export certificates with the Customs Union that have requirements that differ from the Customs Union common requirements and extending the validity of current certificates;
 - Establishing requirements for risk assessments and mechanisms for recognizing the equivalence of WTO Members SPS measures;
 - Implementing public notice and comment procedures that require a minimum 60-day comment period for Customs Union SPS measures
 - Establishing a systems approach to inspection of establishments exporting goods subject to veterinary control (e.g., meat and poultry)to Russia and for issuing import permits, where required, for these goods;

- Eliminating the requirement to have a veterinary certificate, import permit or be on a list of establishments approved for export for key products of interest to the United States, such as soybeans and corn, and modifying requirements for other products such as dairy products.
- Russia will establish transparent and detailed criteria and procedures for inspection of establishments exporting goods subject to veterinary control, based on international standards, recommendations, and guidelines.

WTO Rules on Application of SPS Measures and Russia's Specific Commitments.

- WTO Members have the right to apply SPS measures necessary for the Member to achieve its appropriate level of protection of human, animal or plant life or health and that minimize the negative effect on trade. Members are required to apply measures that are no more trade restrictive than necessary to achieve its appropriate level of protection, if these measures are technically and economically feasible.
- Members are strongly encouraged to harmonize their SPS measures on as wide a basis as possible on international standards, guidelines or recommendations, i.e., those of the Codex OIE and the International Plant Protection Convention (IPPC).
- If a Member applies a measure that results in a higher level of protection (i.e., it is more stringent) than the relevant international standard, recommendation or guideline, that Member must have a scientific justification for that measure and an assessment of the risk to human, animal or plant life or health to back up the measure that provides a higher level of protection.
- WTO Members must have a mechanism to recognize that other Members' measures can achieve the relevant level of protection, even if the measures differ. An exporting Member must demonstrate that its measure achieves the importing Member's appropriate level of protection. Thus, the Russian Federation must have a mechanism in place so that the United States can demonstrate that its measures achieve Russia's appropriate level of protection. In that case, a U.S. exporter can simply comply with the U.S. measure rather than demonstrating that it complies with the Russian or Customs Union measure.
- Members may request the risk assessment and science that justifies an SPS measure that differs from the corresponding international standard, and the Member applying the measure must provide this information. Members are required to notify changes in their SPS measures and provide information on their SPS measures.
- Members are also required to ensure that their control, inspection and approval procedures are in accord with the provisions of the SPS Agreement and are not more trade restrictive than required to achieve the appropriate level of protection.
- Other issues on which Russia is undertaking specific obligations include negotiating and signing veterinary certificates that are OIE compliant for BSE attestations; basing requirements for goods subject to veterinary control on international standards; including with regard to certain antibiotic residues, and that its measures will not discriminate between imports from WTO Members or between Russia's products and imports; and that any actions that are taken in response to non-compliance with Russian or Customs Union requirements will be proportional to the non-compliance.
- These obligations will enter into force upon Russia's accession to the WTO.

BILATERAL EFFORTS AND WORK AFTER ACCESSION

- The United States will continue work to revise the Customs Union's common veterinary requirements so that these requirements are aligned with the relevant international standard.
- We will negotiate new U.S.-CU veterinary certificates.
- The United States will work with Russia to develop inspection guidelines that are based on Codex guidelines.
- We will continually monitor Russia's application of its new SPS regime to ensure that trade flows as smoothly as possible.