

REGULATION
on a procedure of quarantine phytosanitary control (supervision) on
customs border of the customs union

I. The Scope

1.1. Present Regulation on procedure of quarantine phytosanitary control (supervision) at customs border of the customs union (further – Regulation) is developed with a view of realization of positions of the Agreement of the customs union about quarantine of plants from December, 11th, 2009 (further – the Agreement), on the basis of the Decision of Interstate Council of the EurAsEc economic community (supreme body of the customs union) at level of heads of governments from December, 11th, 2009 № 30.

1.2. Present Regulation defines a procedure of quarantine phytosanitary control (supervision):

1) at import of regulated products on customs territory of the customs union, included in the List of regulated products (cargoes, materials, goods under quarantine), subjected to quarantine phytosanitary control (supervision) on customs border of the customs union and at customs territory of the customs union, confirmed by the Commission of the customs union according to Agreement article 5 (further – List of regulated products);

2) at export from customs territory of the customs union of regulated products, in which relation member-states of the customs union (further – the Parties) have accepted international obligations on realization of quarantine phytosanitary control (supervision).

1.3. Present Regulation is obligatory for execution by authorities of the Parties, their authorized bodies, local governments, legal bodies of any organizational-legal form, citizens, including individual businessmen, whose activity is connected with manufacture, preparation, processing, transportation, storage, realization and use of regulated products.

Quarantine phytosanitary control (supervision) in relation to regulated products, imported diplomatic representatives, placed on customs territory of the customs union, consular establishments, other official representations of foreign states, international organizations, personnel of these representations, establishments and organizations, and also in the relation to regulated products, intended for personal use of separate categories of foreign persons, having advantages, privileges and (or)

immunities according to international legislation, is carried out according to the present Regulation, if other is not provided by international agreements of the Parties.

1.4. At realization of quarantine phytosanitary control (supervision) on customs border of the customs union authorized bodies of the Parties are guided by the legislation of its state in cases, if:

- 1) it is directly provided by the present Regulation;
- 2) relations, arising at realization of quarantine phytosanitary control (supervision) on customs border of the customs union, directly not settled by the present Regulation.

II. Terms and definitions

2.1. In the present Regulation following terms and definitions are used:

"Import" – import of regulated products on customs territory of the customs union;

"Export" – export of regulated products from customs territory of the customs union;

«Infection (contamination)» – presence in regulated products of quarantine objects (quarantine harmful organisms);

"Return" – export of regulated products, imported on customs territory of the customs union, under instruction of the official of the authorized body from customs territory of the customs union;

«Quarantine phytosanitary control (supervision) at import» – activity of authorized bodies, directed on revealing of quarantine objects (quarantine harmful organisms), establishment of quarantine phytosanitary condition of regulated products, imported on customs territory of the customs union, and fulfillment of international obligations of the Parties and legislation of the Party in the field of quarantine of plants;

«Quarantine objects (quarantine harmful organisms)» – harmful organisms, which are absent or limited extended at territories of the Parties and brought in national Lists of quarantine objects;

«Arrival place» – arrival place of regulated products, defined according to the Customs code of the customs union on customs territory of the customs union;

«Delivery place» – place, where lot of regulated products follows, placed under a customs procedure of customs transit, defined according to the Customs code of the customs union;

«Place of end of customs registration» – place of release of regulated products by customs bodies in conformity with declared customs procedure, except for a customs procedure of customs transit;

«Departure place» – departure place of regulated products from customs territory of the customs union, defined according to the Customs code of the customs union;

"Disinfecting" – set of actions in relation to regulated products, directed on destruction of quarantine objects (quarantine harmful organisms);

«Lot of regulated products» – quantity of regulated products, intended for sending by one vehicle in one destination to one addressee;

«Movement of lot of regulated products through customs border of the customs union» –import of lot of regulated products on customs territory of the customs union or export of lot of regulated products from customs territory of the customs union;

«Regulated products» – plants, phytogenesis production, container, package, cargoes, soil, organisms or materials, moved through customs border of the customs union and in customs territory of the customs union, which can be carriers of quarantine objects (quarantine harmful organisms) and (or) promote its distribution and in which relation acceptance of quarantine phytosanitary measures is necessary;

« regulated products of high phytosanitary risk» – regulated products, which according to the List of regulated products, is included as regulated products with high phytosanitary risk;

« regulated products of low phytosanitary risk» – regulated products, which according to the List of regulated products, is included as regulated products with low phytosanitary risk;

«Owner of production» – owner of regulated products or other person, authorized for realization of transactions and (or) other actions on behalf of the owner of regulated products in connection with its movement through customs border of the customs union;

"Vehicles" – vehicles, used for movement of lot of regulated products through customs border of the customs union, defined in conformity with the Customs code of the customs union;

«Authorized bodies» – allocated with powers national bodies of the Parties that are carrying out functions of quarantine phytosanitary control (supervision);

«Phytosanitary control post» – equipped according to the legislation of the Parties a frontier point on quarantine of plants at customs border of the customs union, created in check points through frontier of the Parties, or in other places, where points on quarantine of plants are equipped according to the legislation of the Parties;

«Phytopsanitary requirements» – established with a view of maintenance of quarantine of plants according to international obligations of the Parties and their legislation to requirements on phytopsanitary condition of imported regulated products on territory of the corresponding state, package of regulated products and its labeling, means of transportation regulated products, on possible place of arrival on customs territory of the customs union and delivery place, and also to realization of actions for prophylactic disinfection of regulated products before its import;

«Phytopsanitary certificate» –document of international sample, which is accompanying regulated products and issued by authorized body of the state of the country – exporter under the form, established by International convention on quarantine and protection of plants (Rome, 1951, in edition of 1997) and certifying phytopsanitary condition of regulated products. The meaning of «phytopsanitary certificate», used in present Regulation, also includes re-export phytopsanitary certificate.

«Expert organization» –organization, possessing necessary qualification and means for carrying out research of phytopsanitary condition of samples (tests) of regulated products with the use of methods of laboratory control out of place of sampling (tests) of regulated products, which results are admitted by authorized body of the Party according to its legislation.

2.2. Notion of «procedure of customs transit», «commercial and transport (transportation) documents» are used in the meaning, defined by Customs code of the customs union.

Other notions are used in meanings, established by international agreements, signed within the limits of the customs union and the EurAsEc economic community, and in part, not contradicting, – Convention and international standards on phytopsanitary measures.

III. General provisions on realization of quarantine phytopsanitary control at import

3.1. Each lot of regulated products, imported on customs territory of the customs union and included in the List of regulated products, is subjected to quarantine phytopsanitary control (supervision).

3.2. Quarantine phytopsanitary control (supervision) at import is carried out in places of conclusion of customs registration, if other is not provided by point 3.9 of present Regulation. In relation to regulated products, conclusion of customs registration, which occurs at delivery place, is executed by quarantine phytopsanitary control (supervision) at arrival place (primary quarantine phytopsanitary control (supervision)), and also quarantine phytopsanitary control (supervision) in places of

conclusion of customs registration (secondary quarantine phytosanitary control (supervision)).

Quarantine phytosanitary control (supervision) at import is carried out by officials of authorized bodies of the Parties, where the place of arrival or delivery of regulated products is located.

3.3. Quarantine phytosanitary control (supervision) at import is carried out with a view of conformity inspection of imported regulated products to phytosanitary requirements of the Party, where the place of conclusion of customs registration is located.

Authorized bodies of the Parties place information on phytosanitary requirements on official sites (Internet – resources). Information on phytosanitary requirements also is placed in Information system of the EurAsEc economic community in the field of technical regulation, sanitary and phytosanitary measures and Integrated information system of external and mutual trade of customs union.

Till confirmation of placing specified information on official sites (Internet – resources) in accordance to legislation of the Parties and by its authorized bodies, phytosanitary requirements for regulated products of high phytosanitary risk are defined in import quarantine permissions. Import quarantine permission is issued by authorized body of the Party, where the place of conclusion of customs registration is located. Authorized bodies of the Parties notify each other on issued import quarantine permissions and (or) its recall.

3.4. With a view of concentration attention on areas of heightened risk and maintenance of more effective use of available resources, acceleration of realization of quarantine phytosanitary control (supervision) at preservation of reached level of phytosanitary safety, authorized bodies, in cases specified by present Regulation, for defining control actions, executed at import of concrete lot of regulated products, apply control system of phytosanitary risk, if it is provided by the Party legislation, which authorized body carries out the control.

Strategy and tactics of application of control system by phytosanitary risk at realization of quarantine phytosanitary control (supervision) at import is defined by legislation of the Parties.

3.5. Primary quarantine phytosanitary control (supervision) at import provides conducting of following control measures:

- 1) documentary check;
- 2) inspection of vehicles;

3) inspection or examination of regulated products – in relation to regulated products of high phytosanitary risk, selectively, taking into account control system of phytosanitary risk;

4) examination of regulated products – after disinfection of regulated products, if the decision on disinfection of regulated products was made by the official of authorized body by results of its survey or examination.

3.6. In case of direction for examination of samples (tests), selected at carrying out of inspection within the limits of realization of primary quarantine phytosanitary control (supervision) at import, regulated products is not detained till reception by the official of the authorized body results of the expertise, if at visual inspection and (or) analysis of samples (tests) of regulated products organisms, similar to morphological signs with quarantine objects (quarantine harmful organisms), symptoms of illnesses of plants, damage signs of regulated products by quarantine objects (quarantine harmful organisms) were not found.

In this case expert findings are directed at expert organization to the authorized body of the Party that carried out sampling (tests) of regulated products. Specified authorized body notifies authorized body of the Party at place of conclusion of customs registration in case, if expert findings confirm infection (contamination) of regulated products.

3.7. Quarantine phytosanitary control (supervision) at import at place of conclusion of customs registration provides following control measures:

1) documentary check;

2) inspection of vehicles – if place of conclusion of customs registration is arrival place of regulated products;

3) inspection of regulated products – in relation to regulated products of low phytosanitary risk;

4) inspection or examination of regulated products – in relation to regulated products of high phytosanitary risk, selectively, taking into account control system of phytosanitary risk;

5) examination of regulated products – after disinfection of regulated products, if the decision on disinfection of regulated products was accepted by the official of the authorized body by results of its inspection or examination;

3.8. In case of direction of selected for examination within the limits of quarantine phytosanitary control (supervision) in place of customs registration of samples (tests) of regulated products for examination, regulated products is detained till receiving by the official of the authorized body of expert results.

Legislation of the Parties can foreseen deadline, on which regulated products can be detained, and also consequences of expiration of such term till receiving of expert results.

Legislation of the Party can foreseen cases, when till receiving of expert results can be provided the official of the authorized body of the Party makes the decision on the permission of regulated products at observance of conditions (condition on place of storage, restriction on circulation and so forth).

3.9. Quarantine phytosanitary control (supervision) at import of regulated products, which is going as transit through customs territory of the customs union to third countries, in tight, in good order and sealed up carriages, motor vans, containers, auto refrigerators, is carried out at arrival place of regulated products by means of documentary check and inspection of vehicles on presence of quarantine objects, included in national lists of the Parties.

3.10. Results of quarantine phytosanitary control (supervision) on place of arrival and delivery are formed by:

1) putting by the official of the authorized body of the Party, who carried out measures for quarantine phytosanitary control (supervision), an allowing inscription (stamp) on phytosanitary certificate (at its presence) and transport (transportation) document – in case, if by results of realization of quarantine phytosanitary control (supervision), the decision on the permission of import of lot of regulated products or permission on its placement under customs procedure of customs transit is accepted;

2) drawing up of the certificate of quarantine phytosanitary control (supervision) – in case if results of realization of quarantine phytosanitary control (supervision) the decision on import ban of lot of regulated products or ban on its premise under a customs procedure of customs transit or on permission of import of lot of regulated products is accepted with meeting with the conditions. Legislation of the Parties can foresee composition of specified certificate also in cases, if by results of quarantine phytosanitary control (supervision) realization at delivery place, decision on the permission of import of lot of regulated products is accepted.

Forms of allowing inscriptions (stamps) and acts of quarantine phytosanitary control (supervision) are defined by legislation of the Parties. Authorized bodies

notify each other on forms of allowing inscriptions (stamps), certificates used by them according to the present point.

Additional instructions and restrictions on production turnover act to quarantine phytosanitary control (supervision) is not allowed.

3.11. In case if by legislation of the state of the Party collection of payment is foreseen for realization of separate control actions and (or) research of samples (tests) of regulated products, the size of such payment cannot exceed approximate cost of its realization and (or) represent protection of goods of the customs union or taxation in fiscal purposes.

3.12. Officials of authorized bodies, who are carrying out quarantine phytosanitary control (supervision), are provided with uniform in an order, established by legislation of the Parties.

IV. Actions for quarantine phytosanitary control (supervision) at import

4.1. Documentary check

4.1.1. With a view of carrying out of documentary check the official of the authorized body has to be presented with:

1) commercial and transport (transportation) documents on imported lot of regulated products;

2) phytosanitary certificate on imported lot of regulated products – in case of import of lot of regulated products of high phytosanitary risk if other is not provided by point 7.1 of present Regulation;

3) import quarantine permission for imported lot of regulated products – in case of import of lot of regulated products of high phytosanitary risk, if other is not provided by point 7.1 of present Regulation;

4) permission for import of quarantine objects (quarantine harmful organisms) in research purposes – if in conformity with legislation of the Parties, presence of such permission is a condition for import of quarantine objects (quarantine harmful organisms).

4.1.2. Official of the authorized body, on the basis of presented commercial and transport (transportation) documents, establishes:

1) name of regulated products;

2) place of origin (manufactures, formations) of lot of regulated products with a view of application of interdictions for import of lot of regulated products, occurring from specific state, certain district or made (generated) at certain enterprise, entered according to the Party legislation, to which phytosanitary requirements it has to correspond production.

4.1.3. Official of the authorized body on the basis of analysis of presented commercial and transport (transportation) documents makes the decision on ban on import of lot of regulated products or transit of lot of regulated products under customs procedure of customs transit in case, if:

1) on lot of regulated products of high phytosanitary risk phytosanitary certificate is not presented, except for cases provided by point 7.1 of the present Regulation;

2) on lot of regulated products of high phytosanitary risk import quarantine permission is not presented, except for cases provided by point 7.1 of the present Regulation;

3) quarantine objects (quarantine harmful organisms) are imported, and the permission on its import in research purposes is not presented, or import of such objects in research purposes is not authorized according to Party legislation, which phytosanitary requirements correspond lot has to comply;

4) established place of origin (manufacture, formation) of lot of regulated products corresponds to introduced prohibition on import of lot of regulated products, originating from certain state, certain district or made (generated) on certain enterprise, and specified lot has been shipped after the moment, when such interdiction entered into force.

4.1.4. Official of the authorized body checks presented import quarantine permission and makes decision on import ban of lot of regulated products of high phytosanitary risk or its premise under a customs procedure of customs transit in following cases:

1) period of validity of import quarantine permission expired or import quarantine permission is withdrawn in established by legislation of the Parties order;

2) name of regulated products, presented for quarantine phytosanitary control (supervision), place of origin (manufactures, formations) of lot of regulated products, place of arrival and delivery do not correspond to phytosanitary requirements, provided by import quarantine permission.

4.1.5. Official of the authorized body checks presented phytosanitary certificate and makes decision on interdiction of import of lot of regulated products of high phytosanitary risk or its premise under a customs procedure of customs transit in following cases:

1) data, contained in phytosanitary certificate, do not correspond to the information in commercial and transport (transportation) documents;

2) presence of trustworthy information on actual quantity regulated products in a lot of regulated products in ten and more percent exceeds the quantity, specified in phytosanitary certificate;

3) phytosanitary certificate is counterfeit or void;

4) phytosanitary certificate does not confirm compliance of lot of regulated products with provided phytosanitary requirements.

4.1.6. Phytosanitary certificate is admitted counterfeit in following cases:

1) phytosanitary certificate is issued by unauthorized person or organization;

2) phytosanitary certificate does not correspond to established requirements on form, where phytosanitary certificate is issued.

4.1.7. Phytosanitary certificate is nullified in following cases:

1) phytosanitary certificate is not completely issued;

2) phytosanitary certificate was issued on lot of regulated products after its actual departure from the Party territory, by the authorized which body that issued it;

3) period of validity of phytosanitary certificate (term from the moment of issuance of phytosanitary certificate) expired, if such term is provided by the Party legislation, which phytosanitary requirements production has to correspond to;

4) phytosanitary certificate does not contain instructions on name and (or) vehicle number, if requirement on obligatory identification in phytosanitary certificate of vehicle number is provided by the Party legislation, which phytosanitary requirements production has to correspond to;

5) phytosanitary certificate contains not assured by the authorized person or organisation, who issued it, changes or additions;

6) phytosanitary certificate on lot of regulated products, which is forbidden to import, is issued after introduction of such ban by the Party, which phytosanitary requirements production has to correspond, or after date (expiration of certain period), provided by the decision on introduction of such ban.

4.1.8. Phytosanitary certificate admits not confirming necessary phytosanitary condition of imported lot of regulated products, if there is no data on compliance with phytosanitary requirements, operating at the moment of delivery of phytosanitary certificate and not become invalid by the time of carrying out documentary check.

4.1.9. Official of authorized body checks import license of quarantine objects (quarantine harmful organisms) in research purposes and makes decision on an ban of import of lot of quarantine objects (quarantine harmful organisms) or its premise under a customs procedure of customs transit in case, if specified permission is given out by unauthorized person, or does not correspond to lot of quarantine objects

(quarantine harmful organisms), presented to quarantine phytosanitary control (supervision).

4.1.10. In cases, when by results of documentary check the official of the authorized body makes the decision on interdiction of import of lot of regulated products, or party premises of regulated products under a customs procedure of customs transit, regulated products is subjected to return or destruction at the expense of the owner of regulated products.

4.2. Survey of vehicles

4.2.1. At inspection of vehicles the official of the authorized body carries out visual inspection of vehicles and adaptations for transportation (including cabins, salons, luggage and cargo branches of vehicles, containers) without package opening and sampling (tests) of production is carried out.

4.2.2. Survey of vehicles is spent with a view of:

- 1) establishments of conformity of vehicles to the data, specified in phytosanitary certificate;
- 2) definitions of presence or absence of quarantine objects or signs of its infection (contamination) on surface of vehicles and adaptations for transportation.

4.2.3. In case of detection at vehicle survey on its surface and (or) surfaces of adaptations for transportation of organisms similar to morphological signs with quarantine objects (quarantine harmful organisms), sampling (tests) of material, containing specified insects, seeds of weed plants is made for carrying out its research according to section V of present Regulation.

4.2.4. By results of survey of vehicles the official of the authorized body makes the decision on import ban of regulated products or interdiction of its premise under a customs procedure of customs transit in following cases:

- 1) data on vehicle number do not correspond to the data, specified in phytosanitary certificate, if requirement on obligatory instructions in phytosanitary certificate of number of vehicle is provided by Party legislation, which phytosanitary requirements production has to correspond.

In this case regulated products are subjected to return or destruction at the expense of the owner of regulated products;

- 2) found on a surface of a vehicle organisms are quarantine objects (quarantine harmful organisms). In this case vehicle is subjected to clearing and (or) to disinfecting, and at impossibility of it, or refusal by the owner of production, its return together with transported lot of regulated products. After carrying out of clearing and (or) vehicle disinfecting, it is subject to repeated survey, and regulated

products – to other control actions, if it has to take place according to subparagraphs 3.5, 3.8 and 3.10 of present Regulations.

4.3. Survey of regulated products.

4.3.1. At survey of regulated products official of the authorized body carries out visual inspection of regulated products without tare and package opening.

4.3.2. Survey of regulated products is made with a view of:

1) establishing conformity of production to the data, specified in import quarantine permission, phytosanitary certificate, import license of quarantine objects (quarantine harmful organisms) in research purposes;

2) definition of presence or absence of quarantine objects or signs of its infection (contamination) on surface of regulated products, in packing.

4.3.3. At survey of regulated products in case of detection on its surface, in package of organisms, similar to morphological signs with quarantine objects (quarantine harmful organisms), symptoms of illnesses of plants, damage signs of regulated products by quarantine objects (quarantine harmful organisms), sampling (tests) of regulated products and (or) package are made for carrying out its research according to section V of present Regulation.

4.3.4. By results of survey of regulated products official of the authorized body makes the decision on import ban of lot of regulated products or interdiction of its premise under a customs procedure of customs transit in cases, when during survey was established, that:

1) regulated products is regulated products of high phytosanitary risk, and in commercial and (or) transport (transportation) documents name of production with low phytosanitary risk is specified, and phytosanitary certificate is not presented on given lot of regulated products;

2) information on name of production does not correspond to data, specified in phytosanitary certificate;

3) quarantine objects (quarantine harmful organisms) are found on surface of regulated products, in package (taking into account results of research), except for cases, established by subparagraph 7.2 of present Regulation.

In cases, provided by subparagraphs 1 – 2 of present points, regulated products are subjected to return or destruction at the expense of the owner of production.

In case, provided by subparagraph 3 of present point, regulated products are subjected to return, disinfection or destruction at the expense of the owner of production in conformity with subparagraph 6.2 of present Regulation.

4.4. Examination of regulated products

4.4.1. Examination regulated products provides:

- 1) visual inspection of lot of regulated products, completely unloaded from a vehicle or placed on a vehicle in such a way, that the official of the authorized body has an access for inspection of any part of lot of regulated products and possibility to carry out sampling (tests) from various parts of lot of regulated products;
- 2) sampling (tests) from various parts of lot of regulated products;
- 3) research of selected samples (tests).

4.4.2. Sampling (tests) is carried out by the official of the authorized body after establishment of conformity of regulated products to the data, specified in commercial, transport (transportation) documents, import quarantine permission, phytosanitary certificate, import license of quarantine objects (quarantine harmful organisms) in scientific –research purposes, and also establishment the fact of absence on a surface of regulated products of quarantine objects. Quantity and way of sampling (tests) are defined by the Party legislation.

4.4.3. By results of examination of regulated products the official of the authorized body makes the decision on import ban of lot of regulated products or interdiction of its premise under a customs procedure of customs transit in cases, when during examination it is established, that:

1) regulated products is regulated products of high phytosanitary risk, and in commercial and (or) transport (transportation) documents production is indicated as with low phytosanitary risk and phytosanitary certificate on given lot of regulated products is not presented;

2) information on production name does not correspond to the data, specified in phytosanitary certificate;

3) fact of infection (contamination) of regulated products by quarantine objects (quarantine harmful organisms) is established, except for cases, established by subparagraph 7.2 of present Regulation.

In cases, provided by subparagraphs 1 – 2 of present points, regulated products are subjected to return or destruction at the expense of the owner of production.

In case, provided by subparagraph 3 of the present point, regulated products are subjected to return, disinfection or destruction at the expense of the owner of production in conformity with subparagraph 6.2 of present Regulation.

V. Research of samples (tests) of regulated products

5.1. Selected samples (tests) of regulated products are subjected to research by officials of the authorized body at place of its selection (further –analysis of samples

of regulated products), and (or) by expert organization (further – examination of regulated products' samples).

Selected samples (tests), directed for carrying out of its examination, have to be packed and sealed up in the way, providing safety of samples (tests) before carrying out its examination and impossibility of latent substitution of samples (tests).

5.2. Results of the analysis of regulated products, samples, where infection (contamination) of regulated products is established by quarantine objects (quarantine harmful organisms), are reflected in the certificate of quarantine phytosanitary control (supervision).

By results of examination of regulated products' samples, judgment is made and signed by expert (experts).

5.3. Cases, when examination of regulated products' samples is made, are defined by the Party legislation, which authorized body carries out examination of regulated products (survey of vehicle or survey of regulated products, if at its inspection sampling (tests) is supposed).

5.4. At decision-making on presence or absence of infection (contamination) of regulated products by quarantine objects (quarantine harmful organisms) the official of the authorized body is guided by conclusions, stated in judgment.

5.5. Order of compensation of expenses for carrying out researches of regulated products' samples (tests) is defined by the Party legislation, which decision was made by authorized body.

VI. Measures, applied in case of detection of infection (contamination) of imported regulated products by quarantine objects (quarantine harmful organisms)

6.1. In case of detection during survey of regulated products or examination of regulated products of its infection (contamination) quarantine objects (quarantine harmful organisms), authorized body makes the decision on import ban of lot of regulated products or interdiction of its premise under a customs procedure of customs transit, if the other is not provided by subparagraph 6.3 of present Regulation.

6.2. After decision-making on import ban of lot of regulated products or interdiction of its premise under a customs procedure of customs transit as a result of detection of infection (contamination) by quarantine objects (quarantine harmful organisms) the official of the authorized body is obliged to offer the owner of production to choose between production disinfection or destruction, if disinfection

or destruction is supposed according to subparagraphs 6.3 and 6.4 of present Regulations.

At refusal of the owner of production to carry out its disinfection or destruction, or at its impossibility, the official of the authorized body issues instruction on return of production at the expense of the owner of production.

6.3. Regulated products under the statement of the owner of production is subjected to disinfection at the expense of the owner of production at availability at place of carrying out of quarantine phytosanitary control (supervision) of conditions for disinfection of regulated products by methods, which are not creating threat of for human life and health, or cause damage to the environment by using such production after disinfection, and also not leading to essential change of its consumer features.

By results of disinfection the statement is drawn up, and regulated products are subjected to examination.

6.4. Regulated products under request by the owner of production is liable to destruction at the expense of the owner of production at availability at place of quarantine phytosanitary control (supervision) conditions for destruction of regulated products by means, excluding distribution of quarantine objects (quarantine harmful organisms), by which it is infected (littered), and also not creating threat to human life and health, causing damage to the environment.

By results of destruction the statement is drawn up.

6.5. Acceptable means of disinfecting or destruction of regulated products, with a view of a kind of regulated products and quarantine objects (quarantine harmful organisms), by which it can be infected it (littered), are defined by legislation of the Parties.

Disinfection or destruction of regulated products is carried out by persons, authorized on granting specified services according to Party legislation.

VII. Features of realization of quarantine phytosanitary control (supervision) at import of independent types of regulated products

7.1. At realization of quarantine phytosanitary control (supervision) representation of import quarantine permissions and phytosanitary certificates at import of next regulated products of high phytosanitary risk are not required, if:

1) moved through customs border of the customs union by mail, hand luggage of passengers, members of ship crews, planes, carriages, vehicles by the condition that specified production is not a landing or seed material or potato;

2) wood packaging and fixing materials. Official of the authorized body at realization of survey or examination of specified regulated products checks if there is a special marking sign of international sample in conformity with Party legislation;

3) regulated products, being in vehicles and intended for food purposes of commands and crews of these vehicles, without the right of its carrying out for limits of vehicles. Food stocks on vehicles, infected by quarantine objects (quarantine harmful organisms), under the instruction of the official of the authorized body have to be disinfected, destroyed or sealed up in special warehouse for a vehicle finding on customs territory of the customs union.

7.2. Is not basis for acceptance by the authorized body of the decision on import ban of lot of regulated products or its premise under a customs procedure of customs transit detection during survey or examination imported regulated products:

1) fruits with presence of quarantine kinds scale;

2) oil cakes and other firm waste received at extraction of vegetative fats and oils, with presence of quarantine weeds (except for quarantine object *Striga* spp) with a condition of its further direction on enterprises, where deprivation of seeds of viability is made;

3) other regulated products infected (littered) by quarantine objects (quarantine harmful organisms), if import of such production is admitted according to legislation of the Party, where place of arrival of imported regulated products is located, and in cases, when imported regulated products is located under a customs procedure of customs transit – place of delivery of such production is located.

VIII. Registration of lot of regulated products at export from customs territory of the customs union

8.1. In case if according to phytosanitary requirements of the country – importer regulated products have to be accompanied by phytosanitary certificate, specified phytosanitary certificates are issued by authorized body of the Party at sending place according to the Party legislation.

Activity of authorized bodies, directed on issuance of phytosanitary certificate, including establishing phytosanitary condition of regulated products with a view of issuance of phytosanitary certificate, is not quarantine phytosanitary control (supervision).

8.2. In case if defined according to country requirements –importer period of validity of phytosanitary certificate on lot of regulated products, issued by one of Parties, at the moment of crossing of customs border of the customs union has expired, authorized body of the Party, where place of departure of lot of regulated

products is located, issues new phytosanitary, under the statement of the owner of production, with appendix of the original phytosanitary with the expired period of validity certificate, without carrying out of measures, directed on establishing quarantine phytosanitary condition of the given lot of regulated products.

Thus responsibility for conformity of the given lot of regulated products to requirements of country–importer is assigned on the authorized body of the country, issued phytosanitary certificate, which period of validity was expired.

IX. Transitive positions

9.1. Since January, 1st, 2011 position of paragraph 3 point 3.3, subparagraph 3 of subparagraph 4.1.1, subparagraph 2 of subparagraph 4.1.3, subparagraph 4.1.4 of present Regulation are invalid.

9.2. Since January, 1st, 2011 are not subjected to use of position of subparagraph 1 of subparagraph 4.3.2, subparagraph 4.4.2 and subparagraph 7.1 of present Regulation in part of words « import quarantine permission».

9.3. Before formation of control system for phytosanitary risks by authorized bodies of member-states of customs union at choosing control measures, applied at realization of quarantine phytosanitary control (supervision) at import of concrete lots of regulated products, are guided by legislation and well-established administrative practice.

9.4. Before acceptance by Interstate Council EurAsEC (supreme body of customs union) decisions on carrying over of quarantine phytosanitary control (supervision) on external border of customs union in part, concerning Kazakhstan-Russian border, following features of application are established of present Regulation:

1) quarantine phytosanitary control (supervision) of imported regulated products, which arrived on customs territory of customs union in Republic Kazakhstan, and following by transit to Byelorussia or the Russian Federation, through customs territory of Byelorussia or the Russian Federation to third countries, is carried out:

a) at import on customs territory of Republic of Kazakhstan, transit on customs territory of Republic of Kazakhstan, export of regulated products from Republic of Kazakhstan to the Russian Federation – according to national legislation of Republic Kazakhstan;

b) at import on customs territory of the Russian Federation, moving on customs territory of Byelorussia and (or) the Russian Federation before the conclusion of customs registration – according to present Regulation, thus for the purpose of

application of present Regulation arrival place of regulated products on customs territory of customs union is considered arrival place of regulated products on customs territory of Byelorussia (in case of moving by air transport) or the Russian Federation from customs territory of Republic of Kazakhstan;

2) quarantine phytosanitary control (supervision) of imported regulated products, arrived on customs territory of the customs union in Byelorussia or the Russian Federation, and followed by transit to Republic of Kazakhstan or through customs territory of Republic of Kazakhstan to third countries, is carried out:

a) at import on customs territory of Byelorussia, the Russian Federation, moving on customs territory of Byelorussia and (or) the Russian Federation before export in Republic of Kazakhstan – according to present Regulation, thus for application of present Regulation departure place of regulated products from customs territory of the customs union is considered departure place of regulated products on customs territory of Republic of Kazakhstan;

b) at import on customs territory of Republic of Kazakhstan, moving on customs territory of Republic of Kazakhstan and before end of customs registration – according to national legislation of Republic of Kazakhstan.

Before decision-making, specified in present point, present Regulation is applied also at realization of quarantine phytosanitary control (supervision) of regulated products, moved from Republic of Kazakhstan to Byelorussia or the Russian Federation, thus for the purpose of application of present Regulation arrival place on customs territory of the customs union is considered arrival place of regulated products, exported from customs territory of Republic of Kazakhstan, on customs territory of Byelorussia (if production is transported by air transport) or the Russian Federation.
