

RADICAL REFORMS IMPACT ON ALL INDUSTRY SECTORS IN RUSSIA

On May 1, 2007 President Vladimir Putin signed Federal Law 65-FZ "On modifications to the Federal Law on technical regulation."

Federal Law 184-FZ "On technical regulation"

Four years ago, on July 1, 2003 Federal Law 184-FZ "On technical regulation" came into force. The law was aimed at entirely transforming technical regulation in Russia, decreasing administrative and economic pressures on industry, eliminating technical barriers in trade and providing better protection of the market from dangerous products. While bringing the Russian approach to technical regulation closer into line with international rules and practice, it should also strengthen the country's case for accession to the WTO.

The basic principles of the law cover a wide scope of activity: products,

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buildings and construction production processes, operation, storage, transportation, marketing and utilisation. The five main ideas behind the law are:

- Replacement of mandatory compliance with standards by mandatory compliance with technical regulations to ensure protection for people, property, the environment, animals and plants, as well as to prevent companies making misleading claims;
- Voluntary application of standards;
- A move away from certification to declaration of conformity (subject to official registration) depending on the level of risk involved in an activity;
- Introduction of a marking system for access to the market;
- Separation of the following functions: certification, accreditation, surveillance.

The law provided for a seven-year transition period for development and publication of the necessary technical regulations. The normative legal acts of the Russian Federation and normative documents of federal executive bodies have been "frozen" for this period.

So far, only one technical regulation has entered into force (concerning vehicle emissions corresponding to EURO-2).

Amendments to Technical Regulations: New Federal Law 65 FZ

Several industry groups have expressed their dissatisfaction with difficulties in implementation of the law and its divergence in places from international principles. A series of amendments



were suggested, and after a long drawn out debate the final list of amendments was adopted by the Duma on the April 6 and by the Council of Federation on the April 18, 2007.

The changes that have the most direct impact on industry are the following:

Content of Technical Regulations:

- In accordance with international practice (including the TBT Agreement), the scope of the requirements contained in the technical regulations are now limited to products and **their related** processes. Processes that have no impact on compliance of products have been removed.
- The scope of the application of technical regulations has to be clearly defined **but not necessarily by means of an exhaustive list of products**.
- Restrictions limiting possible compliance of **innovative products** have been reversed.
- Technical regulations must contain **rules and types of conformity assessment procedures**.
- **International standards** must be used as the basis for drawing up technical regulations in Russia, except where there are justifiable grounds to make an exception on the local market.

Priority list of technical regulations:

Seventeen technical regulations, which will remain until January 1, 2010, are listed in the law. This list takes into account similar European documents, projects already developed in Russia and regulations developed in the CIS.

The list is presented below. For the sake of clarity, we have added (in brackets) the corresponding New Approach Directives, where they exist:

- Equipment and machinery safety (Machinery)
- Low voltage equipment safety (Low voltage)
- Construction material and device safety (Construction Products)
- Building safety
- Drug safety
- Lift safety (Lifts)
- Electric stations and network safety



- Pressure equipment safety (Pressure equipment)
- Electromagnetic compatibility (EMC)
- Wheeled transport equipment safety
- Medical devices safety (Medical devices)
- Personal protective equipment safety (PPE)
- Chemical product safety
- Food safety
- Equipment burning gaseous fuels safety (Appliances burning gaseous fuels)
- Equipment in potentially explosive environments safety (ATEX)
- Package safety (Packaging)

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