

## FOOD PRODUCTS AND INGREDIENTS SAFETY ISSUES IN THE CUSTOMS UNION' COMMON ECONOMIC SPACE

Dmitry Kulyov<sup>1\*</sup>, Ilyana Negrutsa<sup>2</sup>

<sup>1</sup>All-Russia Research and development institute for Food Flavors, Acids and Colors,  
 Liteiny pr., 55, 191014 St. Petersburg, Russia

<sup>2</sup>INPAKK Company Limited, Donskaya str., bldg. 10, litt. A, 199178 Sankt-Petersburg, Russia

\*e-mail: dkulyov@inbox.ru

### Abstract

The integration of the Russian Federation, the Republics of Belarus and Kazakhstan into the Common Economic Space of Eurasian Economic Community (EurAsEC) and the Customs Union (CU) has demanded a number of measures and decision-making. First of all they have been aimed to improve import and goods circulation safety on the territory including food products, raw materials and ingredients.

For that matter technical regulation and actualization of special protective, anti-dumping and countervailing measures take on enormous importance, for raw materials, ingredients and food products crossing Russian and the Customs Union borders are to meet sanitary, phytosanitary and veterinary control harmonized with international norms.

Eight Customs Union' regulations on different food products are currently in force. Seven regulations more will have been approved by the Eurasian Economic Commission by the end of 2013 and will come into force in 2014. That is to say, all fundamental range of items will be subject to safety requirements of the Customs Union' technical regulations.

According to *the Technical Regulation on Food Safety*, commercial food products conformity assessment is carried out in the following forms:

- Food product conformity declaration;
- Specialized food product state registration;
- New food product state registration;
- Veterinary evaluation.

The food products which are not subject to the Customs Union technical regulation are to pass the conformity assessment with the Unified sanitary-hygienic, phytosanitary and veterinary requirements of the Customs Union.

**Key words:** Food products, Safety, Customs Union, Technical regulation, Harmonization, Conformity assessment.

### 1. Introduction

The Customs Union (CU) is a form of trade and economic integration of the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation with a common customs area without customs duties and economic restrictions for mutual trade except special safeguard, antidumping and countervailing measures [1]. Thus, the Customs Union member countries apply a uniform customs tariff rate and other common regulatory measures for trade with third countries [2-7]. Officially the common economic space has begun functioning since January 2012. First of all, actions have been taken to improve imported goods including food products, raw materials and ingredients and their circulation within the territories of these countries.

Among more than a score of adopted fundamental documents, *the Agreement on single principles and rules of technical regulation in the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation* was ratified on November 18, 2010 [8]. There were approved the *Common list of goods subject to mandatory requirements in the CU frame* [6], the *Common sanitary-epidemiological and hygienic requirements for goods subject to sanitary and epidemiological control* [7], and the development schedule for top priority technical regulations.

Although seven technical regulations (TR) for food products safety, packaging and labeling have been developed up to date and have come into force since 01.07.2013, not the whole range of rated food items is under the regulations requirements. The main commodities are regulated by *the Common sanitary-epidemiological and hygienic requirements ...* [7].

The objective of the present article is to traverse emergent problems and their solving in the transient conditions after the CU technical regulations (CUTR) for food safety have come into effect.

## 2. Technical requirements brief description

In table 1, there are given eight regulations that came into force after having been developed, brought into line and approved by the Eurasian Commission – the Customs Union supreme executive body.

CUTR 005/2011 - *On packaging safety* has come into effect since 01.07.2012, and the rest seven regulations - since 01.07.2013.

Technical regulations requirements deal with products, production processes, assembly, adjustment, operation, storage, transportation, sale and recovering. Besides, they fix rules for identification, conformity assessment (confirmation) forms, schemes and procedures. Terminology, requirements for goods packaging, labeling, phytosanitary requirements and procedures are fixed in them as well.

They are generally harmonized with international European Union norms, EU Regulations and Directives, the ISO standards and the Codex Alimentarius.

CU member states' national standards, regional standards, some ISO standards, the EN, and the Codex Alimentarius form the technical regulations evidentiary base.

Tree regulations out of seven are common for all food production branches ("horizontal" regulations). They are: CUTR 021/2011 - *On food products safety*, CUTR 022/2011 *Food products labeling* and CUTR 029/2012 *Safety requirements for food additives, flavors and processing aid means* (table 1). Four regulations fix requirements for specific products ("vertical" regulations): CUTR 015/2011 - *On grain safety*, CUTR 024/2011 - *For fat-and-oil products safety*, CUTR 023/2011 - *For fruit and vegetable juice products*, CUTR 027/2012 - *On some specialized food items safety including dietary treatment and dietary prevention nutrition*.

Requirements for labeling, packaging, and food products contact with other materials, prescribed by the corresponding Customs Union technical regulations, shall be taken into account when the basic Technical Regulations CUTR 021/2011 *Food products safety* is applied.

Besides, requirements for certain food items subject to other CUTR are also to be taken into consideration.

Food products in compliance with CUTR 021/2011 and other regulations shall be released to CU market circulation provided that they conform to them. All products shall be identified by their name and with the help of visual, organoleptic and analytic methods. The Regulations fix rated safety indexes for all products. Shelf life and storage conditions shall be established by product manufacturers. Safety indexes (except microbiological ones) for multi-ingredient food are to be determined

by special ingredients subject to mass concentration and safety indexes for the ingredients established by the CU regulations.

**Table 1. CU Technical Regulations for food products safety**

Item	Date of entry into force	Transient period date of term
CUTR 005/2011 <i>On packaging safety</i>	01.07.2012	15.02.2014
CUTR 015/2011 <i>On grain safety</i>	01.07.2013	15.02.2015
CUTR 024/2011 <i>For fat-and-oil products safety</i>	01.07.2013	15.02.2015
CUTR 021/2011 <i>On food products safety</i>	01.07.2013	15.02.2015
CUTR 022/2011 <i>Food products labeling</i>	01.07.2013	15.02.2015
CUTR 023/2011 <i>For fruit and vegetable juice products</i>	01.07.2013	15.02.2015
CUTR 027/2012 <i>On some specialized food items safety including dietary treatment and dietary prevention nutrition</i>	01.07.2013	15.02.2015
CUTR 029/2012 <i>Safety requirements for food additives, flavors and processing aid means</i>	01.07.2013	15.02.2015

All the factories which produce food products with genetically modified organisms (GMO) shall undergo the State registration. Alimentary raw materials with GMO shall be prohibited to produce food products for infant's food, expectant women and nursing mothers.

There have been fixed norms for nutrition with biologically active additives in food for children of different age as well as restrictions on harmful substances and hazardous ingredients content in nutrition. These norms are harmonized with the European Union regulatory documents.

The use of plants and their derivatives, products of animal origin, microorganisms, mushrooms and biologically active substances that can pose threat for people and their health is restricted in biologically active food additives (BAA) production. A list of such substances is given in Annex 7 to CUTR 021/2011.

An updated approved additives list (357 units) has been established in the regulation CUTR 029/2012 *Safety requirements for food additives, flavors and processing aid means* versus prior *Common requirements* .... New additives have been introduced: rosemary extract (E392) and neotame (E961). Application norms for gluconic acid (E574) and polyvinyl alcohol (E1203) application in food products have been fixed for the first time ever. There have been established additional requirements for colors that are used to keep a food product reference color in consequence of processing treatment and storage. Sweeteners application has been limited. Food flavors terminology has been updated and harmonized with EC regulations No 1334/2008 of 16.12.2008 [9]. Chemical flavoring substances list for flavor production has been determined (Annex 19 to the regulations).

### 2.1. Technical regulation in the transient period

A transient period for the seven regulations is fixed until February 15, 2015, according to the Eurasian Commission decision. That is to say, the documents that confirm conformity to obligatory requirements, fixed in accordance with the Customs Union member states legislation and issued before the regulations have come into force, remain valid. These documents are in force until the expiry date but no later than February 15, 2015. Such products are to have a label (mark) in accordance with a Customs Union member state or CU Commission decision № 386 of 20.09.2010. Products subject to regulatory regulations and put into circulation after the regulations have come into force shall be labeled with a special mark for product circulation in the CU market.

Technical regulations possess an evidentiary base which is an integral part of the regulations: Standards list for products and sampling procedures, rated substances content identification and determination in food products. Analysis of standards forming part of these lists has shown that the regulations are not fully provided with CU Republics national and regional standards. These lists should be daily updated and new standards should be developed. Methodological standards are particularly topical.

### 2.2. Conformity assessment (confirmation)

Products subject to the adopted CU regulations are put into circulation provided that their conformity has been assessed and confirmed as it is established by the CU technical regulations.

Product compliance assessment, according to the CU regulation requirements, is carried out in a form of the conformity confirmation (conformity declaration, certification), state registration.

Certification of Conformity confirmation, depending on the certification master scheme, is put into force by Accredited Certification Authorities, Accredited Body for management system certification included into the Unified register of the Customs Union certification bodies and the Customs Union testing laboratories (centers).

Commercial food production compliance assessment according to *the Technical Regulation on Food Products Safety* is carried out in the following forms:

- Food product conformity declaration;
- Specialized food product state registration;
- New food product state registration;
- Veterinary evaluation.

The declaration of the food product compliance to the above mentioned technical regulation requirements is carried out by the applicant's conformity declaration on the basis of the own proofs or the proofs received with the participation of the third party.

Products which are not subject to the Customs Union technical regulation are to pass the conformity assessment to the Unified sanitary-hygienic, phytosanitary and veterinary requirements of the Customs Union.

Problem products such as food additives, flavors, processing aid means are assessed and confirmed today in the form of the obligatory state registration with the presentation of a number of evidentiary documents. This is a labor-intensive, expensive and time-consuming procedure. The business community has applied a considerable effort to make the conformity assessment (confirmation) be carried out in a form of a declaration provided by the Customs Union Technical regulation CUTR 029/2012 *Safety requirements for food additives, flavors and processing aid means*. Producers are concerned with the fact that the Customs Union documents do not establish any transient period to re-issue documents from State Registration Certificates to Declaration for above mentioned products. Specialists consider that it is possible to come to a certain compromise dividing products subject to the regulation CUTR 029/2012 into rated in food products and not-rated and used "according to TD" (technical documentation). In this case, not-rated products could be assessed as declaration making the authorized bodies' work and producers and suppliers efforts from third countries simpler.

### 2.3. Technical regulations in the nearest future

Seven regulations more on food products safety will be adopted and carried into effect in 2013-2014 (Table 2).

**Table 2. CU technical regulations drafts**

Item	State
CUTR <i>On feed and feed additives safety</i>	Agitation
CUTR <i>For milk and dairy products</i>	Intrastate approval
CUTR <i>On meat and meat products safety</i>	As above
CUTR <i>On requirements for fertilizers</i>	As above
CUTR <i>Alcoholic beverages safety</i>	As above
CUTR <i>On tobacco products</i>	As above
CUTR <i>On fish and fish products</i>	As above

Today they are passing through domestic coordination procedure. In such a manner, the basic range and list of circulated food products will be subject to the Technical regulations requirements. The fact that the technical regulations have come into force makes the food products circulated in the CU territory safer serving as a kind of shield from adulterated food import from the third countries.

Today, when Russia has become a WTO member, such problems as raw materials and products traceability from a field or a farm up to the shop counter and consumers should be resolved as it is done in European Union countries, the USA and other states. Even now in the Technical regulation there has been inserted a requirement according to which a manufacturer shall develop, put into production and support procedures based on HACCP principles. He has to guarantee the food products safety during the manufacturing process. The all-round introduction of the HACCP system and the ISO standards to the agribusiness enterprises will only progress. The practice has shown that candy, soft drink, brewing and oil-and-fat enterprises working in accordance with the ISO standards produce high-quality and competitive products.

Another significant issue is to improve harmonization of intrastate standards with international regulations. The harmonization level in food industry accounts for only 32% now, according to Rosstandard data, and here is a problem for technical committees to work at.

There is a necessity to toughen certain Technical regulation requirements. It is especially important for domestic oil-and-fat industry (peroxide number indexes, fat acids and trans-isomers content, saturated and unsaturated acids correlation in oils). The first experience after Russia has become a WTO member has shown that some kinds of processed agricultural animal-based products supplied in the CU market from third countries shall pass through the veterinary checks and certification (bird's carcasses, meat and fish farce products and others). That is to say, there are perils left

in respect of the animal origin products which are not subject to heating.

If the appropriate measures have not been taken, a passage-way will appear to export hazardous products to the CU countries.

Technical regulations that have come into force and the fact that Russia has become a WTO member demand a detailed elaboration and updating for the products and OK-005-93 services Classifier, FEACN and others, their harmonization with international classifiers. It is of high priority especially for new food products and ingredients.

### 3. Conclusions

- Common products circulation is established for both products produced in the territory of the CU states and those that are imported from third countries once the Customs Union technical regulations have come into force.
- Food products, raw materials and ingredients safety requirements in the technical regulations are harmonized with European and international standards.
- Products manufacture and circulation in the common Customs Union economic space are carried out in accordance with the previously established *Common sanitary-epidemiological and hygienic requirements for goods subject to sanitary and epidemiological control*. Commodities and products subject to regulation under the technical regulations in force are to conform to the correspondent CUTR safety requirements. Thus, conformity assessment (confirmation) documents issued before the CUTR have come into effect shall be considered as valid until the food product expiry date if it is indicated in the document.

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