The United States appreciates the opportunity to offer comments on the Draft Technical Regulation of the Customs Union "Poultry Meat and Poultry Processed Products" notified to the World Trade Organization (WTO) as G/TBT/N/RUS/41 on December 9, 2014.

General Comments

The United States appreciates the opportunity to review this draft measure, however is concerned with the absence of any equivalence provision, which allows for alternative sanitary measures to the ones dictated in the notified document. In addition, many of the requirements in Sections VII through XVI are very prescriptive and, again, do not seem to allow for different, but equivalent sanitary measures. Consequently, will Russia accept alternative, but equivalent, sanitary measures and technical requirements and be willing to conduct an analysis of the United States' poultry inspection system? If not, can Russia please explain the rationale behind this decision?

We note that the stated objective for this measure includes protection of health and safety. Therefore, we ask that this measure also be notified to the WTO under the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

Specific Comments

Section V

Paragraph 18, second paragraph: Providing residue test results of all poultry products imported into the customs territory is unnecessarily burdensome and trade restrictive. As is the international norm, periodic random sampling will provide acceptable and reliable results without the cost or burden required in this paragraph. Can Russia provide adequate justification for this requirement?

Paragraph 18, third paragraph: Certain hormones have been proven safe at specific maximum residue levels in product. The United States suggests that the Customs Union use the Maximum Residue Limits (MRLs) that are established by Codex for these substances, or in the alternative explain why these MRLs are inappropriate.

Paragraph 19: How will these ingredients be approved by the Customs Union and how long will that process take? Will already used ingredients in products that have been successfully imported be allowed without an approval process? The United States suggests that the Customs Union determine the competence of the Central Competent Authority for the product in question and its authority to determine the acceptability of the ingredients.

Paragraph 20: As noted above, will the Customs Union consider equivalent foreign regulations and inspection systems, and the equivalence of individual sanitary measures?

Paragraph 21: Will individual State registration be required of all establishments exporting to the Customs Union? If so, the United States suggests that the Customs Union consider waivers to countries whose competent authority and inspection system has been shown to be competent in

this regard and ensures that only eligible establishments export poultry products to the Customs Union.

Paragraph 22: As previously mentioned, will the Customs Union consider equivalent foreign regulations and inspection systems, and the equivalence of individual sanitary measures, including water potability?

Paragraph 25: Production facilities must store packaging material somewhere that is reasonably accessible to production. Can Russia explain why it does not allow production facilities to store packaging materials in a separate room or part of the same facility and explain how this is accomplished in Russia's domestic facilities?

Section VII

Paragraph 27: Will the Customs Union consider equivalent foreign regulations and inspection systems, or the equivalence of individual sanitary measures? Please note, as indicated in the general comments that this comment applies to all text that refers to meeting or complying with this regulation and/or the other regulations of the Customs Union.

Paragraph 32: Please provide a more detailed explanation on how the identification and traceability of slaughtered products throughout the production process can be applied to foreign inspection systems and how, if applied on a bird-by-bird basis, this is necessary to the safety of the final product.

Paragraph 33, section f: Will the Customs Union consider alternative methods of ensuring that the internal organs are identified as those from a particular bird?

Paragraph 37: Will the Customs Union consider other time frames, particularly those that separate contact from non-contact equipment?

Paragraph 52, section g: Please confirm that the text should say 'after' the expiration date, not before.

Paragraph 54: The United States requests more details on the difference between a. products and c. products. In addition, could the Customs Union explain why chilled products appear to be a problem for the Customs Union relative to mechanical separation?

Section VIII

Paragraph 77: Can Russia provide scientific justification and a risk assessment for an all-out ban of all genetically engineered and modified organisms (GEMO) products?

Paragraph 83: The United States believes these packaging requirements to be overly prescriptive and specific. Can Russia provide a justification for such specific packaging requirements? As

noted above, will the Customs Union consider equivalent foreign regulations and inspection systems, and the equivalence of individual technical and sanitary measures?

Section XI

Paragraph 111, section a: Can Russia confirm that this is an official Central Competent Authority stamp or printed image and not one that specifically identifies a particular veterinarian that is employed by that Central Competent Authority?

Section XII

Paragraph 124: Many, if not all, of the conformity schemes require that the product be tested before being allowed into commerce. The United States is concerned that the frequency and extent of testing could pose a significant barrier to trade and would not provide any significant additional measure of certainty regarding product conformity. Can Russia explain this requirement in more detail and address the United States concerns?

Paragraph 125, second paragraph: Regarding imported product, it appears by this language that this refers to the importer-of-record that resides in the member states where the product will ultimately end up. Is this correct, or is it some other person or entity? In addition, if true, how would the Customs Union ensure that registration practices and requirements be applied the same by each member state? This also applies to the subsequent paragraph.

Paragraph 129: Are all these evidentiary materials required for each shipment? If so, it would be unnecessarily burdensome for product from the same producer and country. The United States believes that for subsequent shipments, after the first shipment, only a certificate from the United States Central Competent Authority and relevant shipping documents need to be provided to Russia's import inspectors.

Paragraph 137: As noted above, how does this apply to system equivalence and imported products, including periodic audits of a foreign inspection system?

Section XIV

Paragraph 138, second paragraph: Who will apply this unified mark, and when, and will it be in addition to the United States mark of inspection?

ANNEX 1 (permissible level of microbiological organisms)

The United States Department of Agriculture, Food Safety and Inspection Service (USDA-FSIS) strongly objects to a zero-tolerance for certain pathogenic bacteria, including Salmonella spp., in raw, non-thermally processed (not ready-to-eat) products due to the endemic and environmental prevalence of the bacteria and the common practice of cooking such products (such bacteria are easily destroyed) before consumption. In general, USDA/FSIS believe that a zero tolerance for

Salmonella spp in raw poultry products is not scientifically feasible. Can Russia provide scientific justification and alternative risk mitigation measures for this requirement?

USDA/FSIS has no standards for mesophilic aerobic and facultative anaerobic microorganisms in any regulated products. Although the indicated tolerance levels appear to be acceptable, can provide scientific evidence that these will serve as indicators of the processing conditions in the processing establishment?

Regarding Russia's zero-tolerance for *Staphylococcus aureus, S. aureus* is a common bacteria typically found on human skin and low levels of *S. aureus* do not produce toxins, which are responsible for foodborne illness. Therefore, can Russia explain the scientific reasoning behind a zero-tolerance of *S. aureus*? In particular, for the products in sections 3g and 3h, and all of section 4.

Regarding the zero tolerance for Sulfite-reducing *Clostridia, Clostridia* are spore forming bacteria that can be found in all meat and poultry products. As noted for *S. aureus*, high levels of clostridia are needed to produce toxins, which is responsible for foodborne illness. In addition, even though the vegetative cells can be killed by heat or other methods; the spores can survive these processes and germinate under the right conditions. Therefore Russia should explain the scientific reasoning behind a zero-tolerance for sulfite-reducing *Clostridia* and its use as an indicator organism.

Regarding the zero tolerance for *Coliform* and generic *E. coli* bacteria, USDA/FSIS believes that these endemic and pervasive bacteria, like *Salmonella spp*., is not a reasonable nor scientifically feasible goal. In addition, neither generic *E. coli* nor *Coliforms* are considered pathogens and present little, if any, public health risk.

Regarding the zero tolerance for *Proteus* spp., given similar reason as that given for *Salmonella* spp., can Russia explain the scientific reasoning behind a zero-tolerance of *Proteus spp* for non-fish products?

Regarding low level of *Bacillus cereus, B. cereus* is a spore forming microbe and the tolerance levels set by Russia are relatively low for this bacteria. Consequently, since this requirement could be problematic, can Russia explain the scientific reasoning behind this low level of *B. cereus* for the products in question?

The United States thanks Russia for its favorable consideration of these comments and respectfully requests delay in implementation of the measure until United States' comments are taken into account.

WORLD TRADE ORGANIZATION

G/TBT/N/RUS/41

9 December 2014

(14-7156)

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	**Notifying Member:** RUSSIAN FEDERATION **If applicable, name of local government involved (Article 3.2 and 7.2):**
2.	**Agency responsible:** Eurasian Economic Commission **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above**: Eurasian Economic Commission Department for Technical Regulation and Accreditation Tel: +7(495)669-24-00 Fax: +7(495)669-24-15 E-mail: dept_techregulation@eurasiancommission.org Website: http://www.eurasiancommission.org
3.	**Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [X], 5.7.1 [ ], other:**
4.	**Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Poultry meat and poultry processed products
5.	**Title, number of pages and language(s) of the notified document:** Draft Technical Regulation of the Customs Union "Poultry Meat and Poultry Processed Products" (106 pages, in Russian)
6.	**Description of content:** Draft Technical Regulation of the Customs Union "Poultry Meat and Poultry Processed Products" establishes requirements to poultry meat and poultry processed products aimed at ensuring health and life protection and preventing consumer deception.
7.	**Objective and rationale, including the nature of urgent problems where applicable:** Health, safety, environmental protection
8.	**Relevant documents:** Draft Technical Regulation of the Customs Union "Poultry Meat and Poultry Processed Products" http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Pages/projectsPublic.aspx
9.	**Proposed date of adoption:** - **Proposed date of entry into force:** Enters into force 6 months after adoption of the technical regulation
10.	**Final date for comments:** 5 February 2015

11. Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:

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