WORLD TRADE ORGANIZATION

G/TBT/W/377

8 November 2013

(13-6186)

Committee on Technical Barriers to Trade

Original: English

RUSSIAN FEDERATION - MEASURE AFFECTING THE IMPORT OF UKRAINIAN CONFECTIONARY PRODUCTS

STATEMENT OF UKRAINE AT THE MEETING OF THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE OF 30 - 31 OCTOBER 2013

The following communication, dated 7 November 2013, is being circulated at the request of the delegation of Ukraine.

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1. Ukraine would like to raise concerns regarding the ban on the import of Ukrainian confectionery products into the Russian Federation, which was introduced on 29 July 2013 based on the *R*esolution of the Federal Service on Customers' Rights Protection and Human Well-being Surveillance of the Russian Federation (Rospotrebnadzor*) (*No. 01/8612-13-23).

2. The measure was introduced suddenly and in a non-transparent manner. There was neither notification nor any information on this measure provided by the Russian Federation, as required by Article 2.9 or 2.10 of the TBT Agreement. In accordance with the provisions of Articles 10 and 2.5 of the TBT Agreement, Ukraine requested on 8 August 2013 relevant information through the TBT/SPS EP of the Russian Federation. To our regret, despite several reminders during a two-month period, Ukraine received neither answers to questions posed, nor any explanation and justification for the introduced ban on trade.

3. In the statements made to the press, Russia's authority claimed that Ukrainian products were inconsistent with labelling requirements related to consumer protection (nutritional value information requirements). However, no official evidence concerning violation of legislation on consumer protection was officially submitted to Ukraine.

4. It should be noted that the same violation of legislation on consumer protection done by domestic producer is punishable by a fine according the Russian Federation legislation (Art. 14.7, 14.8, 14.15, 14.43 of the Code on Administrative Offences). Whereas no ban on the placing on the market is envisaged.

5. Ukraine promptly initiated bilateral consultations with the Russian Federation authorities with all the willingness and preparedness from the Ukrainian side to resolve this issue.

6. Late October experts from the Russian Federation authorities finally came to inspect our factories. So far we have not officially received any results from this expert inspection. Therefore Ukraine expects the Russian Federation will be able to expeditiously provide it with the official reports from the responsible body.

7. Ukraine believes that the measure of the Russian Federation is unjustifiably strict, more trade-restrictive than necessary to fulfil a legitimate objective, taking into account of the risks non-fulfilment would create.

8. Moreover, the measure is applied in a discriminatory manner that is less favourable for Ukrainian products than for like products of national origin and to like products originating in any other country.

9. Thus, Ukraine requests the Russian Federation to provide official detailed clarification and justification of the measure and its compliance with the provisions of the TBT Agreement as well as the long-awaited answers through the TBT/SPS EP of the Russian Federation.

10. Ukraine calls upon the Russian Federation to immediately lift this trade ban and bring the governmental TBT measure in line with the TBT Agreement and commitments signed by the Russian Federation at accession.

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