



RUSSIAN DESK

Inventory of chemical substances

In 2017 the technical regulation “On the Safety of Chemical Products” was adopted for all the member states of the Eurasian Economic Union (“EAEU”). The Technical Regulation will enter into force on 2 June 2021.

The Technical Regulation establishes uniform requirements on a chemical product being released into circulation which are binding throughout the customs zone of the Eurasian Economic Union, and also the rules and forms for assessing the compliance of the chemical product, rules on identification, requirements on terminology, marking and rules on the marking. After the entry into force of the Technical Regulation, the import of a chemical substance into the Russian Federation/manufacturing of the substance in Russia will be contingent on its inclusion in a respective register.

Accordingly, we recommend that companies importing chemical products into the Russian Federation or manufacturing them in the Russian Federation already prepare now for the enactment of the Technical Regulation.

INVENTORY: WHAT, WHERE AND HOW

The Ministry of Industry and Trade of the Russian Federation has been appointed to prepare Russian industry for the entry into force of the Technical Regulation. The Ministry must compile a list of the chemical substances in circulation in Russia, taking into account the proposals of companies operating in the industry, for subsequent inclusion in the national part of the register of chemical substances which has been introduced by the Technical Regulation.

The inventory is being conducted in the period from **8 November 2019 to 1 May 2020**.

Any chemical substances being released into circulation on the EAEU market must be inventoried: both as an individual product, and also as part of a mixture. In the case of a mixed product, all components accounting for more than 0.1% of the quantity should be taken into account during the inventory. If a substance accounts for less than 0.1% in the concentration, but it is highly likely that the quantity of this substance will increase in future, we recommend including it as well.

An exception to the rule applies only to:

- Chemical substances released into circulation as part of the preparative forms of pesticides;
- Pharmaceuticals, pharmaceuticals for veterinary use, cosmetics, animal feed, nutritional supplements and other chemical products indicated in a special annex to the Technical Regulation.

As a result of the inventory, a corresponding chemical substance will be included in the register automatically as soon as it starts to function, which eliminates the need to carry out any additional costly research and tests of this substance. Consequently, once a chemical substance has been inventoried, it can be freely imported into Russia and manufactured in Russia, also once the Technical Regulation has entered into force.

At present there are no regulations that govern the inventory procedure in detail. At the same time, the Eurasian Economic Commission recommends that companies do not wait for the appearance of such regulations and instead participate in the inventory as soon as possible. Detailed information on the technical aspects for an inventory may be studied on the official website of the Ministry of Industry and Trade of Russia by clicking on the link: <https://gisp.gov.ru/cheminv/i/>.

Only legal entities registered in Russia or individuals as individual entrepreneurs (Russian residents) may be applicants within the framework of the inventory, if they are:

- (i) Manufacturers of chemical substances;
- (ii) Parties recognised as authorised manufacturers of chemical substances, or;
- (iii) Importers of chemical substances.

In other words, in any case foreign companies will not be able to conduct an inventory of the chemical substances that they manufacture and/or import into Russia. For this purpose, they will have to avail themselves, for example, of the services of their trading partners (importers).

At the same time, no permit is required to conduct an inventory. It can be conducted by any interested party that complies with the criteria listed above.

It is namely the chemical substance that is inventoried, and not the specific company as the manufacturer or importer of such a substance. In other words, as soon as a specific chemical substance has been inventoried (it is not important who initiated the process), from the perspective of compliance with the provisions of the Technical Regulation, it can be freely manufactured in Russia and/or imported into Russia by any party.

CONSEQUENCES IF A CHEMICAL SUBSTANCE IS NOT INCLUDED IN THE REGISTER

If there is no information on a chemical substance in the register when the Technical Regulation enters into force, this substance will be identified as new for the customs zone for the EAEU, and the manufacturers and importers of the substance will assume additional obligations to issue a notification on the new chemical substance – the procedure for comprehensive research of its hazardous attributes and the preparation of a report on its chemical safety.

Such a notification must be given before the chemical product is released into circulation on the customs zone of the EAEU, which contains new chemical substances (not included in the register).

CONCLUSIONS AND RECOMMENDATIONS

As the Technical Regulation has still not entered into force, at present its requirements do not affect the manufacturing and/or import of chemical substances into Russia.

Participation in the inventory is not binding. However, in future it will help companies to avoid the expensive procedure of registering a chemical substance.

Accordingly, we recommend that all interested parties proactively participate in the procedure for the inventory of chemical substances that they manufacture and/or import into Russia. The inventory deadline is 1 May 2020.

To simplify the inventory process, it is necessary to identify the party that should be instructed to act as applicant in the inventory system. As already noted above, this party might, for example, be a Russian importer or another Russian legal entity authorised by the foreign manufacturer, or an individual entrepreneur. We would be delighted to help you with the preparation of a corresponding instruction.

We recommend that you promptly provide the applicant with all the information required for the inventory.

Once a chemical substance has been successfully inventoried, we recommend that you duly notify all well-known manufacturers and/or importers of this chemical substance.



Falk Tischendorf

Attorney-at-law | Partner
Head of Moscow office
BEITEN BURKHARDT Moscow
E-mail: Falk.Tischendorf@bblaw.com



Taras Derkatsch

Lawyer | Ph.D. | Associate
BEITEN BURKHARDT Moscow
E-mail: Taras.Derkatsch@bblaw.com



Ilya Titov

Lawyer | LL.M. | Associate
BEITEN BURKHARDT Moscow
E-mail: Ilya.Titov@bblaw.com

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EDITOR IN CHARGE

Taras Derkatsch

Ilya Titov

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YOUR CONTACTS

MOSCOW

Turchaninov Per. 6/2 | 119034 Moscow

Falk Tischendorf

Tel.: +7 495 2329635 | Fax: +7 495 2329633

Falk.Tischendorf@bblaw.com

ST. PETERSBURG

Marata Str. 47-49 | Lit. A | Office 402 | 191002 St. Petersburg

Natalia Wilke

Tel.: +7 812 4496000 | Fax: +7 812 4496001

Natalia.Wilke@bblaw.com