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Russian Federation

Biotechnology

Russia Establishes 0.9 % Threshold for Biotech Labeling

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Report Highlights:
Russia has officially established a 0.9 percent threshold level for biotech components in food products, as of September 1, 2007. All food products with more than 0.9 percent biotech components (including those that do not have DNA or biotech proteins) shall have consumer information about the presence of biotech components.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Moscow [RS1]
[RS]

Executive Summary

The resolution of the Chief Medical Officer #42 of June 25, 2007 approved SanPiN 2.3.2.2227-07[1] "Additions and Changes #5 to the Sanitary-Epidemiological Rules SanPiN 2.3.2.1078-01 "Hygiene Requirements to Safety and Nutrition Value of Food Products"[2]. The SanPin 2.3.2.2227-07 establishes a 0.9 percent threshold level for biotech components in food products for labeling. Presence of 0.9 percent or less biotech components in food products is acknowledged as adventitious presence and these products shall not be considered biotech products, and shall not require special consumer information. The Resolution was registered in the Ministry of Justice of the Russian Federation on July 16 (Registration # 9852), and thus became a federal level norm[3]. SanPiN 2.3.2.2227-07 will take effect on September 1, 2007.

The Resolution eliminates ambiguities in the Federal Law on the "Protection of Consumer Rights" that required consumer information on presence of biotech components in food products, but did not establish a threshold level. The 0.9 percent threshold clarifies consumer labeling norms, and is favorable for food companies that pay premium prices for non-biotech ingredients but could never guarantee absolute absence of biotech traces in food components. However, this low (EU's level) threshold will depress the market for biotech products in Russia, and will push up food prices. However, most Russian consumers prefer inexpensive food products, and probably will pay minimal attention to the biotech labels. Many small and medium size food producers are likely to ignore the labeling requirement, despite the risk of being caught by Rospotrebnadzor's[4] inspectors for violations of consumer information laws[5].

Although the Resolution removes ambiguities on biotech labeling, it may increase litigation risk as some Russian regions have implemented differing and potentially conflicting biotech labeling laws, such as Moscow's[6] "GMO-free" labeling regime. Furthermore, food companies may attempt to harm their competitors by reporting on those who do not label presence of biotech ingredients. Given that specialized GMO-testing laboratories in Moscow can only test for the presence and not the quantity of biotech ingredients in food products, Moscow's attempt to force food producers to pay for these tests will be thwarted if these laboratories do not merge with the official laboratories of Rospotrebnadzor, which issue certificates of

[1] Hereinafter referred to as SanPiN 2.3.2.2227-07

[2] Hereinafter referred to as SanPiN 2.3.2.1078-01 "Hygiene Requirements to Safety and Nutrition Value of Food Products" of 2002

[3] Approval of the Chief Medical Officer's Resolution by the Ministry of Justice was made possible after adoption of Amendments to the Federal Law on Technical Regulations (Federal Law No 65-FZ of May 1, 2007). Amendment to Article 46 reads: "Up to the day of coming into force of the respective technical regulations the Government of the Russian Federation and the federal bodies of executive power … within their decision authorities have the right to introduce …changes to the regulatory norms of the Russian Federation, which [the norms} are used until the respective technical regulations come to force, and federal bodies of executive power – to regulatory documents of the federal bodies of executive power, which are used until the respective technical regulations come to force".

[4] Rospotrebnadzor is the abbreviation of the Federal Service for Surveillance in the Sphere of Protection of Consumer Rights and Well-being of Population at the Ministry of Health and Social Development. The Chief Medical Officer of the Russian Federation is the Head of Rospotrebnadzor.

[5] For more information see GAIN RS-7028 *Russian Sanitary Inspector Strengthens Control Over Biotech Food*, and GAIN RS-6014 *GMO Labeling Requirements*

[6] GAIN RS-7023 "*GMO-Free" Labeling in Food Products in Moscow"*

conformity of food products and conduct quantitative and qualitative tests on biotech ingredients.

Resolution of the Chief Medical Officer #42 of June 25, 2007

On July 16, 2007, the Russian Ministry of Justice registered the Resolution of the Chief Medical Officer of the Russian Federation #42 dated June 25, 2007, "On Approval of SanPiN 2.3.2.2227-07". The resolution refers to the following federal laws as the basic framework for biotech legislation, and the ability of Rospotrebnadzor to issue normative documents in the field of food safety:

- Federal Law #53-FZ dated March 30, 1999, "On Sanitary-Epidemiological Well-Being of the Population";
- Resolution of the Government of the Russian Federation #554 dated July 24, 2000 "On Approval of the Status of the federal sanitary-epidemiological service of the Russian Federation and the Status of the federal sanitary-epidemiological rule-making".

The Chief Medical Officer orders to approve the SaNPiN 2.3.2.2227-07 "Additions and Changes #5 to the Sanitary-Epidemiological Rules SanPiN 2.3.2.1078-01 "Hygiene Requirements to Safety and Nutrition Value of Food Products (registered in the Russian Ministry of Justice on March 22, 2002, registration No 3326) (Attachment), with changes and additions introduced by several Resolutions of the Chief Medical Officer of the Russian Federation in course of 2002 and 2003. The Chief Medical Officer orders to put in force SanPiN 2.3.2.2227-07 on September 1, 2007

Text of Attachment (non-official translation)

Attachment

APPROVED
by the Resolution of the Chief
Medical Officer of the Russian Federation
Of June 25, 2007, # 42

2.3.2 FOOD RAW MATERIALS AND FOOD PRODUCTS

Additions and changes #5 to SanPiN 2.3.2.1078-01 "HYGIENE REQUIREMENTS TO SAFETY AND NUTRITION VALUE OF FOOD PRODUCTS"

Sanitary-epidemiological rules SanPiN 2.3.2.2227-07

1. To write the following additions and changes to SanPiN 2.3.2.1078-01:
   1.1. In Chapter II "General Provisions":
   1.1.1. In article 2.18:
   - in the first paragraph to substitute the words "from genetically modified sources" with the words ", containing components, derived from [with use – YV] of genetically engineered organisms (hereinafter – GMO)";
   - the sixth paragraph shall read as follows:
   "- for food products derived from GMO, including those products that do not contain DNA and protein, the following information is necessary "genetically modified product", or "products derived from genetically-engineered-modified organisms", or product contain components of genetically-engineered-modified organisms" (presence in food products of 0.9 percent or less components, derived from GMO, is considered

an adventitious or technically intractable substance, and food products, which contain the mentioned quantity of GMO, do not belong to the category of food products containing components derived from GMO")".
- to exclude the eighth paragraph.
1.2. To exclude Attachment 4[7]"

[7] Attachment 4 of SanPiN 2.3.2.1078-01 was a table with list of products derived from genetically modified sources, and this table consisted of two parts: a) food products subject to labeling; and b) food products, which are not subject to labeling. The second part included products that were derived from biotech sources, but did not have DNA or protein.