

Technical Regulations for Tobacco Products

Adopted by the State Duma

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Chapter 1. General Provisions

Article 1. Scope of Application of this Federal Law

1. The object of the technical regulations of this Federal Law are tobacco products that are sold on the territory of the Russian Federation.
2. This Federal Law establishes:
 - 1) the requirements for tobacco products;
 - 2) the rules for identification of tobacco products;
 - 3) the rules and forms for the assessment of the compliance of tobacco products with the requirements of this Federal Law.

Article 2. **Basic Concepts**

For the purposes of this Federal Law the following basic concepts are used:

- 1) tobacco – plant of the genus *Nicotiana* of the family of solanaceous species *Nicotiana Tabacum*, *Nicotiana Rustica*, cultivated for the purposes of obtaining raw material for the production of tobacco products;
- 2) raw material for the production of tobacco products – tobacco, which has passed through the post-harvest and (or) other industrial processing;
- 3) tobacco products – products, completely or partially prepared from the tobacco leaf as raw material, prepared in such a manner as to use for smoking, sucking, chewing or snorting;
- 4) type of tobacco product – totality of smoking and non-smoking tobacco products, similar in consumer properties and method of consumption. This includes cigarettes, cigars, cigarillos (small cigars), papirosy, tobacco for a hookah, fine-cut smoking tobacco, pipe tobacco, beedis, kreteks, sucking (snus), chewing tobacco, snuff tobacco, nasvay and other tobacco products;
- 5) smoking tobacco products – tobacco products designated for smoking;
- 6) cigarette – type of smoking tobacco product consisting of chopped raw material for the production of tobacco products, wrapped in cigarette paper;
- 7) filter cigarette – type of smoking tobacco product consisting of chopped raw material for the production of cigarette products, wrapped in cigarette paper (smoking part), and a filter;

8) non-filter cigarette – type of smoking tobacco product consisting of chopped raw material for the production of tobacco products, wrapped in cigarette paper (smoking part);

9) cigar – type of smoking tobacco product manufactured from cigar and other raw material for the production of tobacco products and having three layers: filling from whole, threshed or chopped cigar or other raw materials for the production of tobacco products, a binder from cigar and (or) other raw material for the production of tobacco products and a wrapper made of cigar tobacco leaf. The thickness of the cigar extending one third (or more) of its length should be no less than 15 millimeters (mm);

10) cigarillos (little cigars) – a type of smoking tobacco product, manufactured from cigar and other raw material for the production of tobacco products and which has many layers: filling from chopped or torn cigar and other raw materials for the production of tobacco products, a binder from cigar and (or) other raw material for the production of tobacco products and a wrapper from a cigar tobacco leaf, of reconstituted tobacco or special paper, manufactured from cellulose and tobacco. A cigarillo may not have a binder. A cigarillo may have a filter. The maximum thickness of a cigarillo that has three layers should not exceed 15 mm;

11) papirosa – a type of smoking tobacco product, which consists of chopped raw material for the production of tobacco products and a mouthpiece in the form of a roll of cigarette paper, wrapped with papirosa (cigarette) paper,

connected with a glue-less saw-tooth joint. The filtering material can be inserted into the mouthpiece of the papirosa;

12) tobacco for a hookah – a type of smoking tobacco product, intended for smoking with the use of a hookah and being a mixture of chopped or torn raw material for the production of tobacco products with the addition or without the addition of non-tobacco raw material and other ingredients;

13) finely cut smoking tobacco – a type of smoking tobacco product, intended for the manual production of cigarettes or papirosy and consisting of chopped, torn, rolled or pressed tobacco with the addition or without the addition of non-tobacco raw material, sweeteners and flavorings, in which not less than 25 percent of the weight of the net product comprises a fiber width of 1 mm or less;

14) pipe tobacco – a type of smoking tobacco product, intended for smoking with the use of a smoking pipe and consisting of chopped, torn, rolled or pressed tobacco with the addition or without the addition of non-tobacco raw material, sweeteners and flavorings, in which more than 75 percent of the weight of the net product comprises a fiber width of more than 1 mm;

15) beedi – a type of smoking tobacco product, consisting of a mixture of ground tobacco leaves, tobacco veins and stems, wrapped in a dried leaf of tendu and bound by thread;

16) kretek – a type of smoking tobacco product, consisting of a sweetened and flavored mixture of ground carnation and chopped raw material for the production of tobacco products, wrapped in cigarette paper or a dried leaf from an ear of corn, with a filter or without a filter;

17) non-smoking tobacco products – tobacco products intended for sucking, chewing or snorting;

18) sucking tobacco (snus) – a type of non-smoking tobacco product, intended for sucking and completely or partially prepared from purified tobacco dust and (or) a small fraction of chopped tobacco with the addition or without the addition of non-tobacco raw material or other ingredients;

19) chewing tobacco – a type of non-smoking tobacco product, intended for chewing and prepared from pressed scraps of tobacco leaves with the addition or without the addition of non-tobacco raw material and other ingredients;

20) snorting tobacco – a type of non-smoking tobacco product, intended for snorting and prepared from finely ground tobacco with the addition or without the addition of non-tobacco raw material and other ingredients;

21) nasvay – a type of non-smoking tobacco product, intended for sucking and prepared from tobacco, lime and another non-tobacco raw material;

22) tobacco product – tobacco goods packaged in a consumer container;

23) name of a tobacco product – designation of a tobacco product, assigned by the manufacturer;

24) ingredient – substance (with the exception of the tobacco leaf and other parts of the tobacco), used for the production of the tobacco product and present in the finished tobacco product, including in changed form;

25) non-tobacco materials – materials, which form part of the tobacco product (with the exception of raw material for the production of tobacco products) and which impart to it the characteristics, special features and form established by

the manufacturer. (Non-tobacco materials are subdivided into the following categories: papirosy, cigarettes, tip and mouthpiece paper, wrapping paper for filters (fitsella), filtering material, glues, inks, wrapping material for the portion of the sucking tobacco (snus);

26) consumer packaging – minimum unit of packaging for the tobacco products, in which the tobacco products are obtained by the consumer;

27) the sale of tobacco products – the supply and (or) retail sale of tobacco products on the territory of the Russian Federation (with the exception of export);

28) tar – dehydrated condensate of tobacco smoke, which does not contain nicotine;

29) filter – a device joined during the process of production to the end of the smoking product, intended for retaining part of the tobacco smoke.

Article 3. Rules for the Identification of Tobacco Products

1. The identification of tobacco products for the purposes of establishing its belonging to the sphere of influence of this Federal Law is performed according to the features characterizing it, established by this Federal Law.

2. Features characterizing tobacco products are:

1) its component parts;

2) method of use.

3. The identification of tobacco products is performed according to documentation and (or) visually.

4. With the identification of tobacco products according to documentation, supply agreements, bill of lading documentation or a declaration on the compliance of the tobacco products with the requirements of this Federal Law (henceforth – declaration of conformity) are used as documentation. With the visual identification of tobacco products, the type of tobacco product, the name of the tobacco product and the presence and content of consumer information are determined.

5. The result of the identification is the attribution or non-attribution of the identified product to tobacco products. In the case of the non-attribution of the identified product to tobacco products the federal agency of executive power, authorized for the performance of the functions of state sanitary-epidemiological control (supervision) in the corresponding sphere of activity (henceforth – the agency of state control (supervision) composes an act on this (makes a note in the general act) and the force of this Federal Law does not extend to such a product.

Chapter 2. Requirements for Tobacco Products

Article 4. General Requirements for Tobacco Products

1. The use as ingredients for tobacco products of substances, the sale of which is prohibited in the Russian Federation in accordance with the legislation of the Russian Federation and international agreements of the Russian Federation, is not allowed.

2. Tobacco products are subject to marking with special (excise) stamps, which prevent the possibility of their counterfeiting and repeated use.

3. Requirements for models of special (excise) stamps for marking tobacco products and their price are established by the government of the Russian Federation.

4. The manufacture of special (excise) stamps, their use by the manufacturer and (or) by an importer of tobacco products, the marking by them of tobacco products, the accounting and destruction of damaged special (excise) stamps, and also their identification are carried out in the manner established by the government of the Russian Federation.

5. The sale on the territory of the Russian Federation of tobacco products, which are not marked by special (excise) stamps, is not allowed.

**Article 5. Requirements for Ingredients of Sucking Tobacco (Snus),
Chewing Tobacco and Nasvay**

The use as ingredients for sucking (snus) tobacco, chewing tobacco and nasvay of other substances, except food products, food additives and flavorings, permitted for use in food products in accordance with the legislation of the Russian Federation, is not allowed.

**Article 6. Requirements for the Content of Tar, Nicotine and Carbon
Monoxide in Cigarette Smoke**

1. The content of tar and nicotine in milligrams per one cigarette (mg/cig) in the smoke of one cigarette (filter and non-filter) may not exceed 10 mg/cig and 1.0 mg/cig respectively.

2. The content of carbon monoxide (CO) in milligrams per one cigarette (mg/cig) in the smoke of one filter cigarette may not exceed 10 mg/cig.

3. The list of methods for the determination of the content of tar, nicotine and carbon monoxide in cigarette smoke and the selection of samples (examples) is approved by resolution of the government of the Russian Federation.

Article 7. Requirements for Ingredients Contained in Tobacco Products

1. The manufacturer or importer of tobacco products sold on the territory of the Russian Federation is obligated annually, no later than March 31 of the year following the business calendar, to provide to the federal agency of executive power, which performs the functions for the formation of state policy and normative-legal regulation in the sphere of public health, a report with indication of the ingredients contained in the tobacco products sold by this manufacturer or importer on the territory of the Russian Federation during the business calendar year (henceforth - report on ingredients). The form of the report on ingredients is approved by the government of the Russian Federation.

2. The report on ingredients should contain:

1) a summary list of the names of ingredients added to the tobacco, for each type of tobacco product indicated in Article 2 of this Federal Law. In this case, the maximum portion of each ingredient is indicated in percentages in relation to the mass of the tobacco product;

2) a list of the names of ingredients added to the tobacco, for each name of a tobacco product, if the portion of such ingredients in relation to the mass of the tobacco product exceeds 0.1 percent for cigarettes, papirosy and finely-chopped smoking tobacco and 0.5 percent for other types of tobacco products. The presence of ingredients, the portion of which does not exceed 0.1 percent for cigarettes, papirosy and finely-chopped smoking tobacco and 0.5 percent for other types of tobacco products, is designated in the list by the word "flavorings;"

3) a list of named ingredients contained in non-tobacco materials. Ingredients included in the composition of non-tobacco materials of tobacco products are indicated according to the categories of the non-tobacco materials, in which they are contained.

3. With the composition of a report on the ingredients of the mass of the tobacco product, the mass is considered (with calculation of water content) of one unit of a single tobacco product (cigarette, cigar, cigarillo (little cigar), papirosa, beedi, kretek), 750 milligrams of finely-chopped smoking tobacco, 1 gram of other tobacco product (tobacco for a hookah, pipe tobacco, non-smoking tobacco product). The portion of the ingredients in the tobacco product is calculated in accordance with the formulation (specification) of the tobacco product.

4. If the manufacturer and (or) importer conducted toxicological studies with respect to the ingredients or such studies were conducted at their request, the manufacturer and (or) importer are obligated to report the fact of the performance of toxicological studies in the report on ingredients and at the demand of the federal agency of executive power, which performs the functions for the formation of government policy and normative-legal regulation in the sphere of public health, to present to the indicated federal agency, within a thirty day period from the day of receipt of the request, information on the results of such studies with indication of the methods used in this case, the procedure for the performance of measurements and the types of measuring tools. The fact of the performance of toxicological studies and their results cannot be a commercial secret.

5. The federal agency of executive power, performing the functions for the development of state policy and the normative-legal regulation in the sphere of public health, has the right at its own discretion to reveal information contained in the reports on the ingredients.

Article 8. Rules for Placement of Information for Consumers of Tobacco Products

1. Information for consumers of tobacco products (henceforth also – information), stipulated by Article 9 of this Federal Law, should be placed:

1) on the consumer packaging;

2) on the insert sheet with use for tobacco products (with the exception of cigarettes, papirosy, beedis, kreteks) of a consumer package, on which it is impossible to place information for consumers, and also with the per item sale of cigars and cigarillos (little cigars).

2. The information must be presented in Russian and may be repeated in other languages or given in letters of the Latin alphabet (in part the name of the manufacturer, the licenser and the name of the tobacco product). The text included in the registered trade mark or the industrial standard is provided in the language of registration.

3. The means and methods of providing the information must ensure its preservation during the transportation, storage and sale of tobacco products.

4. The information must be located in such a manner that the integrity of the labels is preserved during opening of the consumer package.

Article 9. **Requirements for the Content of Information for Consumers of Tobacco Products**

1. Information placed on the consumer package and (or) insert sheet must contain:

1) the name of the technical regulations or information on the mandatory confirmation of the compliance of the tobacco product;

2) the name of the type of tobacco product;

3) the name of the tobacco product;

4) the name and location (address) of the manufacturer. If the tobacco product is manufactured by organizations, in which the production process, the quality of the tobacco product used during the production of raw materials for the production of tobacco products and non-tobacco materials are controlled by one organization (henceforth – the controlling organization), along with the name and location (address) of the manufacturer the following information is allowed to be placed on the consumer package and (or) insert sheet: “Prepared under the control of (the name of the controlling organization and its location (address))”;

5) the name and location (address) of the organization registered on the territory of the Russian Federation and authorized by the manufacturer for the acceptance of claims from consumers.

In the case of the absence of such an organization it is indicated that the claims from consumers are accepted by the manufacturer of this tobacco product. The indicated information can be placed on the inside of the consumer package in a place accessible for reading;

- 6) information on the presence of a filter (for filter smoking products);
- 7) information on the number of pieces (for per piece tobacco products) or the mass net in grams (for weighed tobacco products);
- 8) warning labels on the harm from consuming tobacco products, placed in accordance with Article 10 of this Federal Law;
- 9) information on the content of tar and nicotine in the smoke of one cigarette, carbon monoxide in the smoke of one filter cigarette in accordance with Article 11 of this Federal Law;
- 10) sign of market conformity, approved by the government of the Russian Federation;
- 11) information on the maximum retail price in rubles, the month and year of manufacture of the cigarettes and papirosy in cases established by the legislation of the Russian Federation. The application of the aforementioned information on the maximum retail price, the month and year of manufacture of tobacco products on any elements of the consumer package (with the exception of transparent wrapping paper) or gluing of a special (excise) stamp, which cover the surface that is occupied by information on the maximum retail price, the year and month of the manufacture of the tobacco products, is not allowed.

2. Other information can also be displayed on the consumer package and (or) insert sheet at the discretion of the manufacturer.

3. The information must be reliable and must not mislead the consumers with respect to the tobacco product and its manufacturers, and also the features characterizing the tobacco product.

4. If there are words or word combinations placed on the consumer package or the insert sheet, which contain additional characteristics of the tobacco product such as “with low tar content,” “light” and(or) “ultra light,” words similar to the words “low,” “light,” analogous words in foreign languages, and also such analogous words translated from foreign languages into Russian, symbols and other designations (with the exception of registered trade marks), which create the impression that this tobacco product is less harmful to health (henceforth – word or word combination used), the following label is placed on the consumer package: “(word or word combination used with a capital letter in quotation marks) does not mean that this product is less harmful for health.”

5. The label indicated in Part 4 of this article must occupy not less than 10 percent of the area of the larger side of the consumer package of the tobacco products and must be placed on one of the larger sides of the consumer package of the tobacco products with clear, easily readable analogous font, the size of which is not less than the type of the word or word combination used.

6. It is not allowed to place on the consumer package and (or) insert sheet information containing assertions that:

1) consumption of this tobacco product (type of tobacco product) reduces the risk of the occurrence of diseases associated with the consumption of tobacco products;

2) this tobacco product (type of tobacco product) is less dangerous for health than other tobacco products (another type of tobacco product);

3) the risk is reduced of the occurrence of illnesses associated with the consumption of this tobacco product (type of tobacco product), as a result of the presence, absence or reduced content of a substance exhaled during consumption of a tobacco product other than the substances indicated in Article 6 of this Federal Law.

Article 10. Warning Label on the Danger of Consumption of Tobacco Products

1. Placed on each unit of consumer packaging of tobacco products is the main warning label on the danger of smoking – “Smoking kills” and one of the following warning labels on the danger of smoking:

- 1) “Smoking causes heart attacks and strokes;”
- 2) “Smoking is the cause of lung cancer;”
- 3) “Smoking is the cause of chronic lung disease;”
- 4) “Smoking during pregnancy harms your child;”
- 5) “Protect children from tobacco smoke;”
- 6) “See your doctor to stop smoking;”
- 7) “Smoking causes strong dependence, do not start smoking;”
- 8) “Smoking increases the risk of death from heart and lung diseases;”
- 9) “Smoking may cause a slow and painful death;”
- 10) “Smoking may cause impotency;”
- 11) “Smoking causes premature aging of the skin;”
- 12) “Smoking can cause sterility.”

2. Other warning labels on the danger from smoking, with the exception of those indicated in Points 1-12 of Part 1 of this article, may be established by the federal agency of executive power, which performs the functions of the development of a state policy and normative-legal regulation in the sphere of public health. The warning labels indicated in Points 1-12 of Part 1 of this article and of this part may be periodically changed by decision of the federal agency of executive power, which performs the functions for the development of state policy and the normative-legal regulation in the sphere of public health, but not more often than once a year.

3. Each of the warning labels on the danger of smoking indicated in Points 1-12 of Part 1 and Part 2 of this article may be accompanied by drawings (including pictograms) approved by the federal agency of executive power, which performs the functions for the development of state policy and the normative-legal regulation in the sphere of public health, and should be applied to an approximately equal number of units of consumer packaging of one designation of smoking tobacco products put into circulation by the manufacturer of the tobacco product during the course of the calendar year.

4. The main warning label on the danger of smoking must be placed on one larger side (front surface) of a unit of consumer packaging of tobacco products, and another warning label on the danger of smoking – on another larger side (surface of the side opposite the front surface) of a unit of consumer packaging of smoking tobacco products.

5. The information stipulated by Parts 1-3 of this article is placed within a black border. The area encompassed by the border, including the area of this

border, must occupy: for the main warning label – not less than 30 percent of the area of the larger side of the consumer packaging, for the other warning label – not less than 50 percent. The indicated information is given in capital letters in black against a white background, with fat, clear, easily readable font of a maximally large size. The interline spacing should not exceed the height of the font. The information must be equally distributed over the entire area encompassed by the border.

6. One warning label on the danger of the consumption of tobacco products is placed on each unit of consumer packaging of non-smoking tobacco products: “This tobacco product will harm your health.”

7. The information stipulated by Part 6 of this article is placed within the black border. The area encompassed by the border, including the area of the border itself, must occupy not less than 30 percent of the area of one larger side (front surface) of the unit of consumer packaging. The indicated information is given in capital letters in black against a white background, with fat, clear, easily readable font of a maximally large size. The interline spacing must not exceed the height of the font. The information must be equally distributed over the entire area encompassed by the border.

8. One warning label on the danger of consumption of tobacco products is placed on an insert sheet:

1) for smoking tobacco products – “Smoking will harm your health;”

2) for non-smoking tobacco products – “This tobacco product will harm your health.”

9. The information stipulated by Part 8 of this article is placed within a black border. The area encompassed by the border, including the area of the border itself, must occupy not less than 30 percent of the area of the insert sheet. The indicated information is given in capital letters in black against a white background, with fat, clear, easily readable font of maximally large size. The interline spacing should not exceed the height of the type. The information must be distributed equally over the entire area encompassed by the border.

10. The area of the insert sheet must be not less than the area of the largest visible surface of the consumer packaging of this tobacco product.

11. In the case of the introduction of changes to the text, the number or format of the warning labels on the danger of smoking tobacco, the manufacturer and (or) importer is given one year for the introduction of the corresponding changes to the consumer packaging of the tobacco products.

Article 11. Information on the Content of Tar, Nicotine and Carbon Monoxide in the Smoke of One Cigarette

1. On each unit of consumer packaging of filter cigarettes the following information must be placed on the content of tar, nicotine and carbon monoxide in the smoke of one cigarette: “Tar: (rounded off to a whole number, expressing the content of tar in milligrams for one cigarette) mg/cig,” “Nicotine: (a number rounded off to a tenth, expressing the content of nicotine in milligrams for one cigarette) mg/cig,” “CO: (rounded off to a whole number, expressing the content of carbon monoxide in milligrams for one cigarette) mg/cig.”

2. The following information on the content of tar and nicotine in the smoke of one cigarette must be placed on each unit of consumer packaging of non-filter cigarettes: “Tar: (rounded off to a whole number, expressing the content of tar in milligrams for one cigarette) mg/cig,” “Nicotine: (rounded off to the tenth of a whole number, expressing the content of nicotine in milligrams in one cigarette) mg/cig.”

3. The information indicated in Parts 1 and 2 of this article must be placed on one of the lateral sides of the unit of consumer cigarette packaging and must occupy not less than 4 percent of the area of this side.

Chapter 3. Assessment of the Compliance of the Tobacco Products to the Requirements of this Federal Law

Article 12. Forms of Assessment of the Compliance of Tobacco Products to the Requirements of this Federal Law

Assessment of the compliance of tobacco products to the requirements of this Federal Law is made in the forms of:

1) confirmation by the applicant of a declaration on the compliance (henceforth also – applicant) of the tobacco product to the requirements of this Federal Law;

2) performance of state control (supervision) at the stage of the sale of tobacco products.

Article 13. Confirmation of the Compliance of Tobacco Products to the Requirements of this Federal Law

Confirmation of the compliance of tobacco products to the requirements of this Federal Law has a mandatory character and is carried out by means of the adoption of a declaration on compliance.

**Article 14. Declaration of Compliance of Tobacco Products to the Requirements of this Federal Law.
Applicants**

1. The declaration of compliance of tobacco products to the requirements of this Federal Law is made by the applicant according to the plan for adoption of the declaration on compliance on the basis of his own evidence and evidence obtained with the participation of an accredited test laboratory (henceforth also – third party).

2. The applicant, in accordance with the legislation of the Russian Federation, may be a registered legal entity or citizen (physical person) on its territory, which is engaged in business activity without the formation of a legal entity that is either a manufacturer or salesman of tobacco products.

Article 15. Evidentiary Materials of the Compliance of Tobacco Products to the Requirements of this Federal Law

1. With the declaration of the compliance of tobacco products to the requirements of this Federal Law evidentiary materials are:

- 1) a sample of the consumer packaging or the insert sheet;
- 2) protocols of tests performed at an accredited test laboratory, which confirm the correspondence of the content of tar and nicotine in the smoke of one

cigarette, the carbon monoxide in the smoke of one filter cigarette to the requirements of Article 6 of this Federal Law, - for cigarettes.

2. At the applicant's option, in addition to the documents indicated in Part 1 of this article, other documents may be included in the evidentiary materials, which serve as the basis for the declaration on compliance of the declared product to the requirements of this Federal Law, including a quality system certificate, with respect to which is stipulated the control of a certification agency that issued this certificate for the object of certification.

Article 16. Declaration on the Compliance of Tobacco Products to the Requirements of this Federal Law

1. The manufacturer of tobacco products has the right to accept a declaration of compliance for each named tobacco product or one declaration of compliance for the whole assortment of tobacco products of one type that is issued.

2. A salesman of tobacco products has the right to accept a declaration of compliance for each named tobacco product or one declaration of compliance for the entire assortment of tobacco products of one type in the volume of one agreement.

3. The declaration of compliance is composed in Russian and must contain:

- 1) the name and location (address) of the applicant;
- 2) the name and location (address) of the manufacturer;
- 3) information displayed on the consumer packaging and (or) insert sheet,

on:

- a) the type of tobacco product;

- b) the name or names of tobacco products;
- c) the presence or absence of a filter, and also on the content of tar and nicotine in the smoke of one cigarette, of carbon monoxide in the smoke of one filter cigarette – for cigarettes;
- 4) a declaration of compliance of tobacco products to the requirements of this Federal Law;
- 5) the effective period of the declaration of compliance;
- 6) a list of evidentiary materials;
- 7) official details of this Federal Law.

4. The effective period of the declaration of compliance should not exceed five years.

5. Tobacco products produced or imported during the effective period of the declaration of compliance are allowed to be sold during the effective period of the declaration of compliance, and also for one year from the day of expiration of the effective period of the declaration of compliance.

Article 17. Principles of State Control (Supervision)

1. State control (supervision) of the compliance of tobacco products to the requirements of this Federal Law is exercised by the agency of state control (supervision) in accordance with the legislation of the Russian Federation.

2. State control (supervision) of the compliance of tobacco products to the requirements of this Federal Law is exercised at the stage of the sale of tobacco products.

3. The burden of proof for non-compliance of tobacco products to the requirements of this Federal Law falls on the agency of state control (supervision).

Article 18. State Control (Supervision) of the Compliance of Tobacco Products to the Requirements of this Federal Law

1. For the purposes of state control (supervision) of the compliance of tobacco products to the requirements of this Federal Law the following measures are performed:

1) the establishment of the fact of confirmation of compliance of the controlled tobacco products to the requirements of this Federal Law;

2) visual control;

3) instrumental control (for cigarettes).

2. Measures indicated in Part 1 of this article may be performed both as a set as well as separately.

Article 19. Establishment of the Fact of Confirmation of Compliance of the Controlled Tobacco Products to the Requirements of this Federal Law

1. The agency of state control (supervision):

1) carries out identification of tobacco products according to the features characterizing them as established by Article 3 of this Federal Law;

2) establishes the fact of confirmation of compliance of the controlled tobacco products to the requirements of this Federal Law by means of checking for the presence of a declaration of compliance and the sign of market conformity.

2. With doubt of the authenticity of the declaration of compliance or the lack of a sign of market conformity, the agency of state control (supervision) directs the corresponding request to the federal agency of executive power for technical regulation.

3. With the receipt of information on the absence of a declaration of compliance or with the confirmation of the fact that the indicated declaration is not authentic, the agency of state control (supervision) formulates an inspection act and issues to the applicant an order for the elimination of violations or carries out other actions stipulated by the legislation of the Russian Federation, and also agrees with the applicant on a period during which the applicant is obligated to confirm the compliance of the tobacco products to the requirements of this Federal Law.

Article 20. Visual Control of the Compliance of Tobacco Products to the Requirements of this Federal Law

1. With the performance of visual control the agency of state control (supervision) performs:

1) identification of tobacco products according to the features characterizing them as established by Article 3 of this Federal Law;

2) a check of the compliance of information for consumers of tobacco products, placed on consumer packaging or on an insert sheet, to the requirements of Articles 8-11 of this Federal Law;

3) a check of the compliance of the values for the content of tar and nicotine in the smoke of one cigarette, carbon monoxide in the smoke of one filter cigarette,

which is displayed on the consumer packaging, to the requirements of Parts 1 and 2 of Article 6 of this Federal Law.

2. With the performance of visual control the agency of state control (supervision) does not have the right to carry out actions, which may make the further sale of tobacco products impossible.

3. If the agency of state control (supervision) recognizes the compliance of the tobacco products to the requirements of this Federal Law, the tobacco product selected for visual control is returned to the salesman.

4. In the case of the non-compliance of tobacco products to the requirements of this Federal Law, the agency of state control (supervision) issues an order to the applicant and a protocol for the selection of samples (examples) or its copy. Contained in the order is information on violations discovered, references to articles of this Federal Law, the requirements of which were violated, and periods are established, during which the applicant is obligated to notify the agency of state control (supervision) of its actions undertaken in connection with this order. Within ten days from the date of receipt of the order the applicant is obligated to check the authenticity of the information contained in the order.

5. With confirmation of the authenticity of the information contained in the order, the applicant, within ten days from the date of confirmation of the authenticity of the information received, is obligated to develop a program of measures for the prevention of the cause of the harm and to present it for coordination to the agency of state control (supervision).

6. In the case of the non-performance by the applicant of the program indicated in Part 5 of this article, within the period agreed upon with the agency of state control (supervision), the indicated agency takes actions stipulated by the legislation of the Russian Federation, including filing a complaint with the court on the forced recall of tobacco products.

7. With the non-confirmation of the authenticity of the information contained in the order, the applicant, within ten days from the date of the start of the inspection of authenticity of the information received, notifies in writing the agency of state control (supervision) about this. The applicant is obligated to present to the indicated agency evidence of the compliance of tobacco products to the requirements of this Federal Law.

8. If the agency of state control (supervision) agrees with the evidence presented by the applicant, then the tobacco products are considered as complying with the requirements of this Federal Law. If the agency of state control (supervision) does not agree with the evidence presented by the applicant, then the indicated agency has the right to file suit with the court.

9. The applicant has the right to appeal the actions of the agency of state control (supervision) to the court.

Article 21. Instrumental Control of the Compliance of Cigarettes to the Requirements of this Federal Law

1. With the performance of instrumental control the agency of state control (supervision) performs:

1) identification of cigarettes according to the features characterizing them, established by Article 3 of this Federal Law;

2) a check for compliance of the content of tar and nicotine in the smoke of one cigarette, carbon monoxide in the smoke of one filter cigarette to the requirements of Article 6 of this Federal Law and (or) the values indicated on the cigarette consumer packaging.

2. Instrumental control is performed in accordance with the list of methods for determining the content of tar, nicotine and carbon monoxide in the smoke of cigarettes and the selection of samples (examples) indicated in Part 3 of Article 6 of this Federal Law.

3. With the performance of instrumental control the agency of state control (supervision) selects samples (examples). The selected sample (example) is placed into a container guaranteeing its preservation and excluding the possibility of the substitution of samples (examples) of the inspected products. The container is sealed and sent to an accredited test laboratory within two work days from the date of the end of the collection of the samples (examples).

4. The selected sample (example), sent to the accredited test laboratory, must be accompanied by the protocol for the selection of samples (examples).

5. A copy of the protocol for the selection of samples (examples) must be sent to the applicant within two work days from the date of the end of selecting the samples (examples).

6. The product is recognized as complying with the requirements of this Federal Law if, as a result of the tests, it is established that the deviation of the

measured values of the content of tar and nicotine in the smoke of one cigarette, of carbon monoxide in the smoke of one filter cigarette from the values of the corresponding indicators shown on the consumer packaging, and (or) values indicated in Article 6 of this Federal Law, is located within the limits of the confidence interval, corresponding to the applicable method for selection of samples (examples).

7. In the case of the compliance of tobacco products to the requirements of this Federal Law, the agency of state control (supervision) notifies the applicant of the results of the tests. A copy of the protocol of the tests is sent to the applicant.

8. In the case of the non-compliance of products to the requirements of this Federal Law, the agency of state control (supervision) issues an order to the applicant, a protocol for the selection of samples (examples) and a protocol for tests or a copy of the indicated protocols. The order contains information on the violations discovered, references to the articles of this Federal Law, the requirements of which the applicant is obligated to notify the agency of state control (supervision) on its actions undertaken in connection with this order.

9. Within ten days from the date of receipt of the order containing information on the non-compliance of products to the requirements of this Federal Law, if the necessity of establishment of a longer period does not follow from the essence of the performed measures, the applicant is obligated to check the authenticity of the information contained in the order.

10. With confirmation of the authenticity of the information contained in the order, the applicant within ten days from the date of confirmation of the authenticity of the information received, is obligated to develop a program of measures for the prevention of the cause of the harm and to present it for agreement to the agency of state control (supervision).

11. In the case of the non-performance by the applicant of the program indicated in Part 10 of this article, within the period agreed upon with the agency of state control (supervision), the indicated agency performs actions stipulated by the legislation of the Russian Federation, including filing suit in court on the forced recall of tobacco products.

12. With the non-confirmation of the authenticity of the information contained in the order, the applicant, within ten days from the date of the start of the check of the authenticity of the information received, notifies in writing the agency of state control (supervision) about this. The applicant is obligated to present to the agency of state control (supervision) evidence of the compliance of these products to the requirements of this Federal Law, obtained as a result of its own tests and (or) tests by a third party.

13. If the agency of state control (supervision) agrees with the evidence presented by the applicant, then the tobacco products are considered as compliant with the requirements of this Federal Law. If the agency of state control (supervision) does not agree with the evidence presented by the applicant, then the indicated agency has the right to appeal to the court.

14. The applicant has the right to appeal the action of the agency of state control (supervision) to the court.

Chapter 4. Final Provisions

Article 22. Final Provisions

1. Certificates of compliance for tobacco products issued before the date this Federal Law enters into force are considered in effect until the end of the period established in them, but not more than six months from the date this Federal Law enters into force.

2. The manufacturer and (or) the importer has the right to produce and (or) import tobacco products on the basis of the certificates of compliance issued before the date this Federal Law entered into force, within six months from the date of the entry into force of this Federal Law.

3. Tobacco products, produced or imported before the date of the entry into force of Part 1 of Article 6, of Point 9 of Article 1, of Part 4 of Article 9 and Article 10 of this Federal Law, are allowed to be sold within one year after the date of entry into force of Part 1 of Article 6, Point 9 of Article 1 and Part 4 of Article 9 and Part 4 of Article 9 and Article 10 of this Federal Law.

4. Tobacco products produced or imported within six months from the date of entry into force of this Federal Law without compliance with the requirements of Part 2 of Article 6 and the requirements of Articles 9 and 11 of this Federal Law in the part concerning carbon monoxide in the smoke of one filter cigarette are

allowed for sale within one year after the end of six months from the date of entry into force of this Federal Law.

5. To establish that within six months from the date of entry into force of this Federal Law the content of tar and nicotine in milligrams for one cigarette (mg/cig) in the smoke of one cigarette may not exceed: for filter cigarettes – 14 mg/cig and 1.2 mg/cig respectively, for non-filter cigarettes - 16 mg/cig and 1.3 mg/cig respectively.

6. To establish that within two years and six months after the expiration of six months from the date of entry into force of this Federal Law the content of tar and nicotine in milligrams for one cigarette (mg/cig) in the smoke of one cigarette may not exceed: for filter cigarettes – 10 mg/cig and 1.0 mg/cig respectively, for non-filter cigarettes – 13 mg/cig and 1.1 mg/cig respectively.

7. Before bringing federal laws and other normative legal acts of the Russian Federation regulating relationships in the sphere of the technical regulation of tobacco products, in accordance with this Federal Law the indicated acts are applied inasmuch as they do not contradict this Federal Law.

Article 23. On the Acknowledgement of the Loss of Force of Individual Provisions of Legislative Acts of the Russian Federation

To acknowledge as having lost force:

1) Paragraphs 6-14 of Point 3 of Article 3 of the Federal Law from July 10, 2001 No. 87-FZ “On the Restriction of Tobacco Smoking” (Legislative Digest of the Russian Federation, 2001, No. 29, page 2942);

2) Paragraphs 6-15 of Point 1 of Article 2 of the Federal Law from July 26, 2006 No. 134-FZ “On the Introduction of Changes to Chapter 22 of Part Two of the Tax Code of the Russian Federation and Several Other Acts of the Russian Federation” (Legislative Digest of the Russian Federation, 2006, No. 31, page 3433).

Article 24. Entry into Force of this Federal Law

1. This Federal Law enters into force at the end of one year from the date of its official publication, with the exception of Parts 1 and 2 of Article 6, of Points 1, 4, 10 of Part 1 and Parts 4 and 5 of Article 9 and Article 10 of this Federal Law.

2. Part 1 of Article 6 of this Federal Law enters into force at the end of three years from the date of entry into force of this Federal Law.

3. Part 2 of Article 6, Points 1, 4, 10 of Part 1 and of Part 4 and 5 of Article 9 and Article 10 of this Federal Law enter into force at the end of six months from the date of entry into force of this Federal Law.

4. The requirements of Article 9, 11, 15, 16, 20 and 21 of this Federal Law in the part concerning carbon monoxide in the smoke of one filter cigarette, are applicable at the end of six months from the date of entry into force of this Federal Law.

5. From the date of entry into force of this Federal Law the provision of Federal Law from March 30, 1999 No. 52-FZ “On the Sanitary and Epidemiological Welfare of the Population” and the Federal Law from January 2, 2000 No. 29-FZ “On the Quality and Safety of Food Products” in the part of the

assessment and confirmation of the compliance of tobacco products is not applicable.

President
Russian Federation

D. Medvedev