

DECISION
OF THE GOVERNMENT OF THE RUSSIAN FEDERATION
NO. 1263 OF SEPTEMBER 29, 1997
ON THE APPROVAL OF THE REGULATIONS ON THE CARRYING OUT OF AN EXPERT
EXAMINATION OF THE INFERIOR QUALITY AND DANGEROUS EDIBLE RAW
MATERIALS AND FOODSTUFFS AND ON THEIR USE OR DESTRUCTION
(with the Amendments and Additions of October 2, 1999, April 16, 2001)

To protect the health of the population from the inferior quality and dangerous edible raw materials and foodstuffs, and to preclude their turnover on the consumer market of the Russian Federation, the Government of the Russian Federation hereby resolves:

1. To approve the enclosed [Regulations](#) on the Carrying Out of an Expert Examination of the Inferior Quality and Dangerous Edible Raw Materials and Foodstuffs and on Their Use or Destruction.

[Decision of the Government of the Russian Federation No. 295 of April 16, 2001 reworded Item 2 of this Decision](#)

[See the previous text of the Item](#)

2. To lay it down that an expert examination of the inferior quality and dangerous edible raw materials and foodstuffs shall be carried out by the state supervision and control bodies in the field of ensuring high quality and safety of foodstuffs within the scope of their jurisdiction which shall take decisions concerning the possibility of the further use or destruction of such products";

3. The Ministry of Public Health of the Russian Federation, the Ministry of Agriculture and Foodstuffs of the Russian Federation, the Ministry of Foreign Economic Relations and of Trade of the Russian Federation, the State Committee of the Russian Federation on the Standardization, Metrology and Certification, and the State Bread Inspection under the Government of the Russian Federation, shall be obliged to elaborate and approve in 1997 the instructional and methodological documents, regulating the state supervision and control in the sphere of the expert examination of the inferior quality and dangerous edible raw materials and foodstuffs and of their use or destruction.

4. To recommend that the executive power bodies of the subjects of the Russian Federation define, in agreement with the state supervision and control bodies, the organizations which shall be entrusted with a temporary storage, processing or destruction of the inferior quality and dangerous edible raw materials and foodstuffs, as well as the order and terms of their activity.

Chairman of the Government
of the Russian Federation

V. Chernomyrdin

REGULATIONS
ON THE CARRYING OUT OF AN EXPERT EXAMINATION OF THE INFERIOR
QUALITY AND DANGEROUS EDIBLE RAW MATERIALS AND FOODSTUFFS
AND ON THEIR USE OR DESTRUCTION
(Approved by the [Decision](#) of the Government of
the Russian Federation No. 1263 of September 29, 1997)

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Destruction of the Foodstuffs

I. General Provisions

1. The present Regulations shall lay down the procedure for the carrying out of an expert examination of the inferior quality and dangerous edible raw materials and foodstuffs (hereinafter referred to as the foodstuffs), and for their further use (utilization) or destruction, and shall be applied to the legal entities, irrespective of their form of ownership, and to the individual businessmen.

Decision of the Government of the Russian Federation No. 295 of April 16, 2001 reworded Items 2 and 3 of these Regulations

See the previous text of the Item

2. Seen as the inferior quality and dangerous shall be the foodstuffs:

- not satisfying the demands of normative documents;
- showing clear signs of an inferior quality, undoubted for representatives of bodies exercising the state supervision over the quality and safety of foodstuffs (hereafter referred to as bodies of the state supervision and control) when checking such products;
- having no quality and safety certificates (in respect to foodstuffs produced in Russia), documents of the manufacturer and supplier confirming the origin of foodstuffs, in respect to which there is no information about their state registration and about confirmation of their meeting the requirements of normative documents (for foodstuffs subject to the state registration and obligatory confirmation of their meeting such requirements);
- not corresponding to presented information and arising suspicions that they are falsified;
- not having fixed storage lives (for foodstuffs in respect to which the fixing of storage life is obligatory) or having the expired storage life;
- not having marks containing data provided for by the law or by a state standard, or if such information is absent.

Such foodstuffs are subject to be withdrawn from the circulation, to be put under an expert examination, to be utilized or destroyed.

3. An expert examination of inferior quality and dangerous foodstuffs shall be conducted in order to determine whether they can be further used or shall be destroyed.

4. The foodstuffs, whose owner cannot confirm their origin, and also those showing manifest signs of inferiority and therefore presenting a direct threat to human life and health, shall be subject to utilization or to destruction without carrying out an expert examination. Before such foodstuffs are utilized or destroyed, their owner shall denature them, using any technically available and reliable method, so as to exclude the possibility of its use as a food, in the presence of a representative from the state supervision and control body.

5. For a period, necessary to carry out an expert examination and to accept and execute a decision on their further use or destruction, the inferior quality and dangerous foodstuffs shall be kept in the set-apart premises in the store-house, or in the refrigerator (in an isolated chamber), under conditions making access to them impossible.

The foodstuffs, put into a temporary storage, shall be subject to strict accounting.

Decision of the Government of the Russian Federation No. 295 of April 16, 2001 supplemented Item 5 of these Regulations with the following paragraph:

Responsibility for preservation of such foodstuffs shall bear their owner;

6. The samples (the specimen) of the foodstuffs, subject to an expert examination or to the laboratory studies (tests), shall be selected by a representative from the state supervision and control bodies in the presence of the foodstuffs owner.

7. The financial outlays on the transportation of the inferior quality and dangerous foodstuffs,

on their storage, expert examination, on their use or destruction, shall be borne by the foodstuffs owner.

II. The Procedure for the Conducting of an Expert Examination of the Foodstuffs

8. An expert examination (the sanitary and hygiene, the veterinary and sanitary, the commodity research, etc.) of the inferior quality and dangerous foodstuffs shall be carried out by the state supervision and control bodies in conformity with their competence.

9. An expert examination shall include an assessment of the correspondence of the accompanying documentation on the foodstuffs to the demands of the normative and technical documentation, and to the results of the expert examination and the study of the foodstuffs, and of the state of their packing and marking.

Decision of the Government of the Russian Federation No. 295 of April 16, 2001 amended paragraph 2 of Item 9 of these Regulations

See the previous text of the paragraph

In the course of the expert examination also shall be identified the terms for the foodstuffs' output, purchase, delivery, transportation, storage and sale; if necessary, laboratory studies (tests) of the product quality and safety shall also be staged as well as its identification;

Decision of the Government of the Russian Federation No. 295 of April 16, 2001 rewoded Items 10 -12 of these Regulations

See the previous text of the paragraph

10. The results of the carried out expert examination shall be formalized in a conclusion, in which there shall be pointed out the non- correspondence of the examined foodstuffs to the demands of the normative and technical documentation, and there shall be also determined the possibility of their utilization or destruction.

11. On the ground of this conclusion bodies of state control and supervision shall issue a resolution concerning the prohibition to use the foodstuffs to the purpose, its utilization or destruction.

If it is established by the results of the expert examination that foodstuffs do not meet the demands of normative documents, a decision on the possibility of their use as a fodder for animals only shall be passed by the state veterinary supervision bodies.

12. If a decision is taken to destruct foodstuffs, the owner of such foodstuffs shall substantiate the probable ways and terms of their destruction, to be agreed with the state sanitary and epidemiological supervision bodies;

Decision of the Government of the Russian Federation No. 1104 of October 2, 1999 rewoded Item 13 of these Regulations

See the previous text of the Item

13. The decision, adopted by the body of state supervision and control, on the possibility of the further use or destruction of foodstuffs that have the conformance certificate, or he conformance of which to the established requirements is confirmed by the conformance declaration, shall be sent to the body that issued the certificate or registered the said declaration, with an order on the suspension or invalidation of the conformance certificate or the deregistration of the conformance declaration with the deprivation of the manufacturer of the products of the right to mark them with the conformance mark.

14. The decisions of the state supervision and control bodies on the prohibition against using the foodstuffs as food or on their destruction shall be appealed against in conformity with the procedure, established by the legislation of the Russian Federation.

III. The Procedure for the Use or for the Destruction of the Foodstuffs

15. The responsibility for handing over the foodstuffs, prohibited for use as food, into a further use or for destruction, shall rest with their owner.

16. The foodstuffs, prohibited for human food, may be used as fodder for animals, or as a raw material for processing, or for a technical utilization.

The owner of such foodstuffs shall, within a three-day term after it has been handed over for the utilization, not involved in utilizing it as food, shall be obliged to submit to the state supervision and control body which has adopted the decision on the utilization, the document or its notarially certified copy, confirming that the foodstuffs have been accepted by the organization which has undertaken to perform their further use.

17. The destruction of the foodstuffs shall be effected using any technically available method, with the observation of the obligatory demands of the normative and technical documents on the environmental protection, and in the presence of the commission, made by the foodstuffs' owner jointly with the organization responsible for the destruction thereof.

In the cases, when undergoing the destruction are the foodstuffs presenting a threat of the inception and spread of diseases, of the poisoning of people or animals and of the environmental pollution, into the composition of the said commission shall be included representatives from the state supervision and control bodies.

The infected foodstuffs, dangerous for people and animals, shall be disinfected before being destroyed.

The destruction of the foodstuffs shall be accompanied with the filling in of a form of an established order, whose copy shall be submitted, within a three-day term, to the state supervision and control body which has taken the decision on their destruction.

Decision of the Government of the Russian Federation No. 295 of April 16, 2001 supplemented these Regulations with Item 18

18. The present Regulations, except for Paragraph Two of Item 11 and Item 16, shall be also extended to perfumery and cosmetic products, means and products for mouth cavity hygiene and to tobacco products.