

FEDERAL LAW NO. 102-FZ OF JULY 21, 2005 ON AMENDING THE FEDERAL LAW ON THE STATE REGULATION OF PRODUCTION AND CIRCULATION OF ETHYL ALCOHOL, ALCOHOLIC PRODUCTS AND ALCOHOL-CONTAINING PRODUCTS AND ON DECLARING AS NO LONGER VALID CERTAIN PROVISIONS OF THE FEDERAL LAW ON AMENDING THE FEDERAL LAW ON THE STATE REGULATION OF PRODUCTION AND CIRCULATION OF ETHYL ALCOHOL, ALCOHOLIC PRODUCTS AND ALCOHOL-CONTAINING PRODUCTS (with the Amendments and Additions of December 31, 2005, December 1, 2007)

Adopted by the State Duma on July 8, 2005

Approved by the Federation Council on July 13, 2005

Article 1

The following amendments are hereby made to Federal Law No. 171-FZ of November 22, 1995 on the State Regulation of Production and Circulation of Ethyl Alcohol, Alcoholic Products and Alcohol-Containing Products (in the wording of Federal Law No. 18-FZ of January 7, 1999) (Sobranie Zakonodatelstva Rossiyskoy Federatsii, item 4553, No. 48, 1995; item 245, No. 2, 1999; item 5022, No. 53, 2001; items 3026, 3033, No. 30, 2002; item 4377, No. 45, 2004):

1) in Article 1:

a) in Item 1 the word "industrial" shall be deleted;

b) in Item 2:

the words "meeting the requirements established by the present Federal Law" shall be added after the words "forms of ownership";

the words "alcoholic and" shall be deleted;

c) Item 3 shall be supplemented with the following paragraphs:

"the activity of production of, and circulation of, beer;

the activity of production of, and circulation of, natural beverages with an ethyl-alcohol content not exceeding six per cent by volume of the finished product made from wine materials produced without the addition of ethyl alcohol.";

2) Article 2 shall be set out as follows:

"Article 2. The Basic Terms Used in the Present Federal Law

The following basic terms are used for the purposes of the present Federal Law:

1) "ethyl alcohol", meaning alcohol produced from food or non-food raw materials, including denatured ethyl alcohol, head fraction of ethyl alcohol (alcohol production waste) and raw alcohol;

2) "denatured ethyl alcohol" meaning ethyl alcohol with the denaturing substances content required by the present Federal Law;

3) "alcohol-containing products" meaning food or non-food products with an ethyl alcohol content exceeding 1.5 per cent by volume in the finished product;

4) "alcohol-containing food products" meaning food products (including wine materials, any solutions, emulsions, suspensions, distillates (alcohol-containing raw materials) grape, fruit, cognac, calvados, whisky) (except for alcoholic products) with a content of ethyl alcohol made from food raw materials exceeding 1.5 per cent by volume in the finished product;

5) "alcohol-containing non-food products" meaning non-food products (including denatured alcohol-containing products, alcohol-containing perfumes and cosmetics products, any solutions, emulsions, suspensions) produced with the use of ethyl alcohol, another alcohol-containing products or alcohol-containing waste of ethyl alcohol production that has an ethyl alcohol content of over 1.5 per cent by volume in the finished product;

6) "denatured alcohol-containing products" meaning alcohol-containing non-food products with the denaturing substances content required by the present Federal Law;

7) "alcoholic products" meaning food products produced with the use of ethyl alcohol made from food raw materials and/or alcohol-containing food products with an ethyl alcohol content exceeding 1.5 per cent by volume in the finished product. Alcoholic products are divided into such types as potable ethyl alcohol, alcoholic beverages (including vodka), wine (including natural wine);

8) "potable ethyl alcohol" meaning rectified ethyl alcohol with an ethyl alcohol content of up to 95 per cent by volume in the finished product, made from food raw materials and diluted with softened water;

9) "alcoholic beverages" meaning alcoholic products produced with the use of ethyl alcohol made from food raw materials and/or alcohol-containing food products which are neither classified as potable ethyl alcohol nor as wine;

10) "vodka" meaning an alcoholic beverage produced on the basis of ethyl alcohol made from food raw materials and water, and having an ethyl alcohol content from 38 to 56 per cent by volume in the finished product;

11) "wine" meaning alcoholic products produced from wine materials, and containing ethyl alcohol made from food raw materials, with ethyl alcohol content being equal to up to 22 per cent by volume in the finished product;

12) "natural wine" meaning alcoholic products produced from wine materials (made without the addition of ethyl alcohol) without the addition of ethyl alcohol, flavour and taste additives, with an ethyl alcohol content of up to 15 per cent by volume in the finished product, including sparkling wine, carbonated wine, effervescent wine, champagne;

13) "wine materials" meaning alcohol-containing food products that are used as raw materials for the production of wine and are produced as the result of alcohol fermenting of grapes, grape must or fruit or berry juice without the addition of flavour and taste additives, without or with the addition of ethyl alcohol made from food raw materials and/or distillates, and with an ethyl alcohol content of up to 22.5 per cent by volume in the finished product;

14) "water-free (100-per cent) alcohol" meaning a conditional term used for calculation purposes;

15) "production of ethyl alcohol, alcoholic products and alcohol-containing products" meaning the production of such products by an organisation for the purpose of selling them and getting a profit, and also for one's own needs;

16) "circulation" meaning purchase (including import), deliveries (including export), storage and retail sales;

17) "notice" meaning a document confirming a purchase (including for one's own need) or delivery of ethyl alcohol (including denatured one) and non-bottled alcohol-containing products with an ethyl alcohol content of over 60 per cent by volume in the finished product of which the availability is compulsory for the organisation that purchases or delivers these products.";

3) in Article 5:

a) in the title the words "Jurisdiction" shall be replaced with the words "The Powers of Governmental Bodies";

b) in Paragraph 1 the words "The jurisdiction" shall be replaced with the words "The powers of governmental bodies";

c) in Paragraph 2 the words "(setting minimum prices for specific types of alcoholic beverages)" shall be deleted;

d) Paragraph 4 shall be deemed no longer valid;

e) Paragraph 5 shall be set out as follows:

"the organisation and conduct of state control over the production, circulation, quality and safety of ethyl alcohol, alcoholic products and alcohol-containing products, over the observance of legislation in the area of production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products as well as the terms of licences;"

f) in Paragraph 6 the words ", excise stamps and regional special" shall be replaced with the words "and excise";

g) in Paragraph 8 the words "state standards and approved specifications" shall be replaced with the words "national standards and approved technical regulations";

h) in Paragraph 9 the word "federal" shall be deleted, and the words "except for alcoholic-product retailing licences" shall be added;

i) in Paragraph 10 the word "consolidated" shall be deleted;

j) in Paragraph 12 the words "(except for retailing)" shall be added after the words "and circulation", and the words ", and also of the procedure for submission, at the established time, to the federal body of executive power carrying out the interbranch coordination and functional regulation in the sphere of the state statistics, of information about the volume of the retail sale of alcoholic products" shall be added;

k) in Paragraph 13 the words "including the establishment of a uniform procedure for accreditation of organisations holding licences for the purchase, storage and delivery of alcoholic products and alcohol-containing products" shall be deleted;

l) in Paragraph 14 the words "of denatured alcohol", "denatured" and "and the procedure for state registration of the names of the said products" shall be deleted;

m) Paragraph 15 shall be set out as follows:

"the establishment of a procedure for certification of basic technological equipment for the production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products, and also the approval of the list of the types of such equipment;"

n) new Paragraphs 17 and 18 of the following wording shall be added:

"the setting of a maximum ethyl-alcohol content for alcohol-containing products;

the introduction of a comprehensive state automated information system intended for keeping record of the amounts of production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products (hereinafter referred to as "the comprehensive state automated information system") to exercise state control over the output and circulation volume of the said products;"

o) Paragraph 17 shall be deemed Paragraph 19;

4) in Article 6:

a) in the title the words "Matters under the Joint Jurisdiction of the Russian Federation and" shall be replaced with the words "The Powers of Governmental Bodies";

b) in Item 1:

in Paragraph 1 the words "1. Matters under the joint jurisdiction of the Russian Federation and" shall be replaced with the words "1. The powers of governmental bodies";

Paragraphs 2 and 3 shall be deemed no longer valid;

Paragraphs 4 and 5 shall be set out as follows:

"the definition of a licensing procedure and the issuance of alcoholic-product retailing licences, the keeping of state registration records of issued, suspended and annulled licences;

the declaration of alcoholic-product retailing and the establishment of a procedure for filing alcoholic-product retailing declarations;"

in Paragraph 6 the words "the pursuance of the types of activity defined by the present Federal Law" shall be replaced with the words "retail trade in alcoholic products";

Paragraphs 8 and 9 shall be deemed no longer valid;

c) Item 2 shall be set out as follows:

"2. The procedure for financing the activity of exercising the powers of governmental bodies of subjects of the Russian Federation specified in Item 1 of the present article shall be defined by the subjects of the Russian Federation.";

5) in Article 8:

a) the title shall be set out as follows:

"Article 8. The Duties of Organisations Using Equipment to Produce and Circulate Ethyl Alcohol, Alcoholic Products and Alcohol-Containing Products";

b) in Item 1 the words "and alcoholic products" shall be replaced with the words ", alcoholic products and alcohol-containing products", and the words "basic technological" shall be added after the words "for these purposes";

c) Item 2 shall be set out as follows:

"2. Basic technological equipment for the production of ethyl alcohol, alcoholic products and alcohol-containing products, except for equipment for the production of wine and wine materials and for the manufacture, in accordance with the list established by the Government of the Russian Federation, of spirituous nonfood products, shall be equipped with automated facilities intended for measuring and recording the content and volume of water-free alcohol in finished products as well as finished product output.

Basic technological equipment for the production of wine and wine products shall be equipped with automated facilities intended for measuring and recording finished product output.

The basic technological equipment mentioned in Paragraphs 1 and 2 of the present item, and equipment intended for keeping record of the circulation volume and/or use for one's own needs of ethyl alcohol, alcoholic products and alcohol-containing products (except for keeping record of retail volume) must be equipped with technical facilities intended for recording and transmitting information on the output and circulation of ethyl alcohol, alcoholic products and alcohol-containing products to the comprehensive state automated information system, including information security features allowing the prevent a distortion or modification of the information recorded and transmitted.

The requirements for the automated facilities intended for measuring and keeping record of the content and volume of water-free alcohol in finished products, finished product output, the technical facilities intended for recording and transmitting information on the output and circulation volume of ethyl alcohol, alcoholic products and alcohol-containing products to the comprehensive state automated information system and the procedure for running the comprehensive state automated information system shall be defined by the Government of the Russian Federation.

The list of the types of the main technological equipment for the manufacture and turnover of ethyl alcohol and alcoholic and spirituous products shall be approved by the Government of the Russian Federation.";

d) Item 3 shall be deemed no longer valid;

e) Items 5 and 6 shall be set out as follows:

"5. The production of ethyl alcohol made by a technology that generates distillery grains (basic alcohol production waste) is only permissible on the condition that they are fully processed and/or disposed of by means of purification facilities.

6. It is hereby prohibited to rent basic technological equipment intended for the production of ethyl alcohol, alcoholic products and alcohol-containing products.";

f) Item 7 shall be deemed no longer valid;

g) Items 8 and 9 of the following wording shall be added:

"8. For the production of ethyl alcohol, including denatured one, one shall use the food and non-food raw materials included in a list drawn up by the Government of the Russian Federation.

9. Ethyl alcohol may be produced by state enterprises and also by other organisations whose paid-up charter capital (charter fund) is not below 10,000,000 roubles.";

6) Article 9 shall be set out as follows:

"Article 9. The Circulation of Ethyl Alcohol and the Delivery of Alcoholic Products and Alcohol-Containing Products

1. The purchase of ethyl alcohol intended for the production of alcoholic products and alcohol-containing products and/or for one's own needs shall be carried out if a notice is presented.

2. The delivery of ethyl alcohol, alcoholic products and alcohol-containing products for federal state needs shall be carried out in accordance with the legislation of the Russian Federation on the delivery of products for federal state needs.

3. The delivery of ethyl alcohol or non-bottled alcohol-containing products with an ethyl alcohol content of over 60 per cent by volume in the finished product shall be carried out if a notice is presented.

4. The delivery of ethyl alcohol shall be carried out only by organisations holding licences for the production, storage and delivery of produced ethyl alcohol, including denatured alcohol.

5. The procedure for the filing of notices by organisations and the forms of such notices shall be approved by the Government of the Russian Federation.";

7) Article 10 shall be deemed no longer valid;

8) Articles 10.1 and 10.2 of the following wording shall be added:

"Article 10.1. The Requirements for the Production and Circulation of Denatured Ethyl Alcohol and Non-Food Alcohol-Containing Products

1. Ethyl alcohol and non-food alcohol-containing products shall be deemed denatured if inside them they have the following denaturing substances or mixtures of such substances at the manufacturer's choice:

1) kerosene or petroleum: at least 0.5 per cent by volume of ethyl alcohol;

2) benzoate denatonium (bitrex): at least 0.0015 per cent by weight of ethyl alcohol;

3) cretonne aldehyde: at least 0.2 per cent by volume of ethyl alcohol.

2. If during the course of production of ethyl alcohol denaturants are produced as natural admixtures, and their content is not below that specified by Item 1 of the present article, the production and circulation of ethyl alcohol shall be regulated in the procedure established by the Federal law for the production and circulation of denatured alcohol.

3. The procedure for exercising state control over the denaturing (addition of denaturants) of ethyl alcohol and alcohol-containing non-food products, over the content of the denaturants specified in Item 1 of the present article, and also the procedure for using denatured ethyl alcohol or denatured alcohol-containing products shall be established by the Government of the Russian Federation.

4. Apart from other compulsory details, the labels of alcohol-containing non-food products intended for retail sale shall contain information on prohibition of use of the alcohol-containing non-food products as food (in this case the word "denatured" shall be used in place of the words "ethyl alcohol" when reference is made to denatured alcohol-containing products). This information shall be located on the front side of the label and it shall occupy at least 10 per cent of the area thereof (except for labels for perfume and cosmetics products).

Article 10.2. Documents Pertaining to the Circulation of Ethyl Alcohol, Alcoholic Products and Alcohol-Containing Products

1. The circulation of ethyl alcohol, alcoholic products and alcohol-containing products shall be carried out only if the following accompanying documents are available as attesting the legal nature of the production and circulation thereof:

1) a consignment note/waybill;

2) a statement attached to a cargo customs declaration (for imported ethyl alcohol, alcoholic products and alcohol-containing products);

3) a statement attached to the consignment note/waybill (for ethyl alcohol, alcoholic products and alcohol-containing products produced on the territory of the Russian Federation);

4) a notice (for ethyl alcohol (including denatured one) and non-bottled alcohol-containing products with ethyl alcohol content over 60 per cent by volume in the finished product).

2. Ethyl alcohol, alcoholic products and alcohol-containing products circulated completely or partially without the accompanying documents specified in Item 1 of the present article shall be deemed a product in illegal circulation.

3. The form of the statement attached to a cargo customs declaration, the form of the statement attached to a consignment note/waybill, and the procedure for filling in such statements is established by the Government of the Russian Federation.";

9) in Article 11:

a) the title shall be set out as follows:

"Article 11. Special Requirements for the Production and Circulation of Alcoholic Products and Alcohol-Containing Food Products";

b) Items 2.1 and 2.2 of the following wording shall be added:

"2.1. The production and circulation (except for retail sale) of alcoholic products with an ethyl alcohol content exceeding 15 per cent by volume in the finished product (except for vodka) may be carried out by state enterprises and also by other organisations with paid-up charter capital (charter fund) not below 10,000,000 roubles. This limitation on the amount of paid-up charter capital (charter fund) does not extend to organisations located in Extreme North areas.

2.2. Vodka may be produced by state enterprises and also by other organisations with paid-up charter capital (charter fund) not below 50,000,000 roubles.";

c) in Item 3:

in Paragraph 7 the words "state standards" shall be replaced with the words "technical regulations";

in Paragraph 10 the words "state standards" shall be replaced with the words "technical regulations";

d) Item 4 of the following wording shall be added:

"4. The Government of the Russian Federation shall establish general requirements applicable to the means of capping for alcoholic product consumer containers whereby one can visually determine whether or not the container has been opened up before.";

paragraphs four to seven shall be invalidated;

paragraphs shall be added reading as follows:

"For the acquisition of federal special marks or excise marks the organisation must submit the following documents to the state body authorised by the Government of the Russian Federation or to the customs body:

an application for the issuance of marks with indication of the type of alcoholic products in accordance with Article 2 of this Federal Law, the content of ethyl alcohol therein, the volume of alcoholic products to be marked, the capacity of the consumer tare that is subject to marking of the alcoholic products, and the number of the marks requested;

a reference of the tax body about the absence with the organisation of indebtedness in payment of taxes and fees or a reference of the customs body about the absence with the organisation of indebtedness in making the customs payments;

a report about the use of the earlier issued marks in the form established by the Government of the Russian Federation;

a copy of the licence stipulated by this Federal Law;

copies of the conformance certificates of the technical facilities of fixation and the transfer of information about the volume of the manufacture and turnover of alcoholic products to the United State Automated Information System;

a copy of the agreement (contract) on the delivery of alcoholic products (for an organisation carrying out the import of alcoholic products);

a confirmation in the procedure established by the Government of the Russian Federation of the lawfulness of the use on the alcoholic products of a trademark protected in the Russian Federation;

a commitment on the use of the acquired marks in accordance with their purpose and also a document confirming the ensuring of the fulfilment of that commitment in the procedure established by the Government of the Russian Federation.

It shall be impermissible to demand any other documents from the organisation in the issuance of marks.";

c) Item 3 shall be set out as follows:

"3. The federal special stamp and the excise stamp are state accountability documents that attest that the production and/or circulation - on the territory of the Russian Federation - of the alcoholic products specified in Item 2 of the present Article are legal, that the payment of taxes is monitored, and they are also used as carriers of information of the comprehensive state automated information system and a confirmation that information is recorded on alcohol products sold on the territory of the Russian Federation in the comprehensive state automated information system.";

c. 1) Items 3.1 and 3.2 shall be added reading as follows:

"3.1. The federal special mark and the excise mark must contain the following information about the alcoholic products to be marked with them:

1) name of the alcoholic product;

2) type of the alcoholic products;

3) content of ethyl alcohol;

4) volume of alcoholic products in the consumer tare;

5) name of the manufacturer of the alcoholic products;

6) location of the manufacturer of the alcoholic products;

- 7) country of origin of the alcoholic products;
- 8) confirmation of the conformance to the established requirements of quality and safety;
- 9) confirmation of the lawfulness of the use on the alcoholic products of the trademark protected in the Russian Federation;
- 10) other information determined by the Government of the Russian Federation.

3.2. The information stipulated by Subitems 1 to 5 of Item 3.1 of this Article shall be indicated in the Russian language."

d) in Item 4:
in Paragraph 1 the words ", excise stamps and regional special" shall be replaced with the words "and excise";

Paragraph 2 shall be set out as follows:

"The manufacture of federal special marks and excise marks, the establishment of their price, the putting down thereon of the information indicated in Item 3.1 of this Article, and the marking with them of alcoholic products shall be carried out in the procedure established by the Government of the Russian Federation.";

Paragraph 3-5 shall be deemed no longer valid;

Paragraph 6 shall be set out as follows:

"The technology of manufacturing and applying federal special stamps and excise stamps must preclude the possibility of their being counterfeited or used again, allow the possibility of application of data on the alcoholic products being marked with them to the stamps as well as reading such data by means of technical facilities of the comprehensive state automated information system.";

e) in Item 5 the words ", excise stamps, regional special" shall be replaced with the words "and excise";

f) in Item 6 the words ", excise stamps, regional special" shall be replaced with the words "and excise";

11) in Article 13:

a) Item 1 shall be set out as follows:

"1. Export of alcoholic products from the customs territory of the Russian Federation or import thereof onto the customs territory of the Russian Federation shall be carried out by organisations in the procedure envisaged by the customs legislation of the Russian Federation in compliance with the requirements established by the present Federal Law.";

b) Item 2 shall be deemed no longer valid;

c) in Item 3 the words "state standards, specifications in the area of production and circulation of alcoholic products" shall be replaced with the words "technical regulations";

12) Article 14 shall be set out as follows:

"Article 14. Keeping Record of, and Declaring the Output and Circulation Volume of Ethyl Alcohol, Alcoholic Products and Alcohol-Containing Products

1. Organisations carrying out the production, purchase and delivery of ethyl alcohol, alcoholic products and alcohol-containing food products and also of alcohol-containing non-food products with an ethyl alcohol content exceeding 40 per cent by volume in the finished product shall keep record of, and declare the output and circulation volume thereof.

2. The output, circulation (except for retailing) and/or use for one's own needs of ethyl alcohol, alcoholic products and alcohol-containing products shall be recorded by means of equipment meeting the requirements set out in Item 2 of Article 8 of the present Federal Law.

3. Organisations carrying out the purchase of ethyl alcohol for the production of alcoholic products and alcohol-containing products shall declare the volume of ethyl alcohol used.

4. The procedure for keeping record of production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products envisaged by Item 2 of the present article, the procedure for filing declarations and the form of declarations (except for the procedure for filing and the forms of declarations concerning alcohol product retail sales) are established by the Government of the Russian Federation.

5. Subjects of the Russian Federation are entitled to introduce the declaration of alcoholic product retail sales in their territories, and to establish a procedure for filing, and the form of, declarations of alcohol product retail sales.";

13) Article 15 shall be deemed no longer valid;

14) in Article 16:

a) Items 1-3 shall be set out as follows:

"1. The delivery and/or retail sale of alcoholic products shall be carried out only by organisations in the presence of the relevant licences.

2. Retail trading in alcohol products is prohibited:

in children's, educational and medical organisations;

at all means of urban and suburban public transport (mass transit systems);
in organisations of culture (except for the public catering organisations and outlets located therein, including those operating without the formation of a legal entity), physical education and health rehabilitation as well as sport facilities;
to minors;
without accompanying documents according to the provisions of Article 10.2 of the present Federal Law, without certificates of conformity or without marking in accordance with Article 12 of the present Federal Law.

3. Retailing of alcoholic products with an ethyl alcohol content exceeding 15 per cent by volume in the finished product is prohibited in places of mass public congregation and high-hazard places (including railway stations, airports, underground stations, wholesale foodstuffs markets, military installations) and in adjacent areas as well as at stalls, kiosks, tents, containers, by vendors, from movable stalls, trucks, and other places unfit for the sale of a given product.

The adjacent areas shall be defined by local self-government bodies in the procedure established by the subjects of the Russian Federation.";

b) Items 3.1 and 3.2 of the following wording shall be added:

"3.1. The subjects of the Russian Federation are entitled to establish additional limitations on the business hours of retail for alcohol products with an ethyl alcohol content exceeding 15 per cent by volume in the finished product.

3.2. The subjects of the Russian Federation shall establish requirements for organisations pursuing the retail sale of alcoholic products (except for public catering organisations) applicable to the minimum amount of paid-up charter capital (charter fund) in an amount not exceeding 1,000,000 roubles.";

c) in Item 4 the words "potable alcohol" shall be replaced with the words "potable ethyl alcohol";

d) in Item 5 the words "13 per cent" shall be replaced with the words "15 per cent", and the words "cash registers" shall be replaced with the words "cash-registration facilities";

15) in Article 18:

a) Item 1 shall be set out as follows:

"1. The types of activity relating to the production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products are subject to licensing, except for the purchase of ethyl alcohol, alcoholic products and alcohol-containing products (to be used as raw materials or auxiliary material in the production of alcoholic, alcohol-containing and other products or for technical purposes or other purposes not relating to the production of the said products) and retail sale of alcohol-containing products.";

b) in Item 2:

Paragraph 4 shall be deemed no longer valid;

Paragraph 6 shall be set out as follows:

"the purchase, storage and delivery of alcoholic and alcohol-containing products;"

Paragraphs 7 and 8 shall be deemed no longer valid;

in Paragraph 9 the words "and also the other types of production activity in which ethyl alcohol is used as raw material or auxiliary material" shall be deleted;

c) Item 4 shall be set out as follows:

"4. Licences for the pursuance of the types of activity specified in Paragraphs 5 and 6 of Item 2 of the present article are issued separately for ethyl alcohol, alcoholic products and alcohol-containing products.";

d) in Item 5 the words "and alcoholic" shall be replaced with the words ", alcoholic and alcohol-containing";

e) Items 6 and 7 shall be deemed no longer valid;

f) Item 10 shall be set out as follows:

"10. Alcoholic-product retailing licences shall be issued only to organisations by subjects of the Russian Federation in the procedure established by them with due regard for the provisions of the present Federal Law. The powers for licensing the retail trading in alcohol products may be assigned by a subject of the Russian Federation to local self-government bodies in accordance with Article 7 of the present Federal Law. An alcoholic-product retailing licence issued by one subject of the Russian Federation can have effect on the territory of another subject of the Russian Federation, provided there is an agreement to this effect between them.";

16) Article 19 shall be set out as follows:

"Article 19. Procedure for Issuing a Licence

1. If an organisation intends to obtain a licence for the pursuance of one of the types of activity relating to the production of ethyl alcohol, alcoholic products and alcohol-containing products and specified in Item 2 of Article 18 of the present Federal Law it shall file the below documents with the licensor:

1) a licence application containing an indication of the full and/or brief name and the organisational legal form of the legal entity (organisation, its whereabouts, the whereabouts of the detached units thereof that pursue the licensed types of activity, the name of the bank and settlement bank account, the type of activity subject to licensing that will be pursued by the organisations, the type of product (in accordance with Items 3 and 4 of Article 18 of the present Federal Law) and the term for which the licence is sought;

2) copies of the constitutive documents and a copy of a document on the state registration of the organisation as a legal entity (with originals being shown if the copies have not been attested by a notary);

3) a copy of a document confirming that the organisation has registered with a tax body;

4) a copy of a document confirming that the licence fee has been paid;

5) the tax body's statement confirming that the organisation has no debts relating to the payment of taxes and fees;

6) a statement of specifically-empowered state bodies on the compliance of the organisation's production and warehouse premises with the sanitation-epidemiological, fire-safety, ecological rules and regulations;

7) a document acknowledging the technical competence (accreditation) of the laboratory intended for the chemical and technological monitoring of the production of ethyl alcohol, alcoholic products and alcohol-containing products or a copy of a contract with such a laboratory for such a monitoring;

8) copies of the certificates of conformity of basic technological equipment;

9) a document confirming that the organisation has its charter capital (charter fund) in accordance with Item 9 of Article 8 and Items 2.1 and 2.2 of Article 11 of the present Federal Law.

2. It is hereby prohibited to demand that an organisation file other documents than the ones specified in Item 1 of the present article.

3. If an organisation intends to obtain a licence for the pursuance of one of the types of activity relating to the circulation (except for retailing) of ethyl alcohol, alcoholic products and alcohol-containing products and specified in Item 2 of Article 18 of the present Federal Law it shall file with the licensor the documents specified in Item 1 of the present article save for the documents envisaged by Subitem 6 of Item 1 of the present article in as much as it concerns the demand for a statement from the federal executive governmental body empowered to carry out ecological expert examination in respect of the premises intended for storing alcoholic products and also Subitem 7 of Item 1 of the present article.

4. If an organisation that holds a licence for the pursuance of one of the types of activity specified in Item 2 of Article 18 of the present Federal Law (except for alcoholic-product retailing) is seeking a licence for the pursuance of another type of activity, except for an activity relating to the production of ethyl alcohol, alcoholic products and alcohol-containing products, it shall file with the licensor only a licence application, a copy of a document confirming that the licence fee has been paid and the tax body's statement on the organisation's lacking debts relating to the payment of taxes and fees.

5. The documents filed by an organisation with the licensor for the purpose of obtaining a licence for the production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products shall be registered and subject to an expert examination by the licensor.

6. The keeping of a state register of issued licences (except for licences for alcoholic-product retailing), suspended licences and annulled licences is the responsibility of the federal executive governmental body empowered to keep the register.

7. A decision on the issuance of a licence for the production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products or on refusal to grant such a licence shall be taken within 30 days after the receipt of the application and all the necessary documents. If an additional expert examination is required this term may be extended by the period of completion of the examination, but not exceeding 30 days.

8. A decision of the issuance of a licence for the production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products or on refusal to grant such a licence together with reasons for the refusal shall be sent in writing to the organisation within three days after the date of the decision.

9. An application for a licence for the production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products may be declined:

1) if unreliable or distorted information is discovered in the documents filed;

2) if the requirements set out in Article 8 of the present Federal Law are not met;

3) if the organisation does not comply with the other licence requirements established by the present Federal Law.

10. When a new basic technological equipment is acquired to be used for the production of ethyl alcohol and alcoholic products the licensee shall file a list of the types of this equipment and the certificates of conformity with the licensor. The licensor shall consider these documents within 30 days after they are filed.

If unreliable information is discovered in the document filed and/or if the licensee is in breach of the requirements set forth in Article 8 of the present Federal Law the licensor shall adopt a decision on the prohibition of the use of the new basic technological equipment for the production of ethyl alcohol and alcoholic products. The licensee shall be notified in writing of this decision within three days after the date of the decision.

The use of a new basic technological equipment for the production of ethyl alcohol and alcoholic products is allowed upon the expiry of 45 days after the filing of lists of the equipment and certificates of conformity with the licensor, unless the decision mentioned in Paragraph 2 of the present item is taken.

It is hereby prohibited to use a new basic technological equipment for the production of ethyl alcohol and alcoholic products if the decision specified in Paragraph 2 of the present item has been taken.

11. In the event of re-organisation of an organisation the remaking of a licence shall be carried out in the procedure established for the issuance thereof, on the application of the organisation or its successor.

12. In the event of change of the name of an organisation (without its re-organisation), change of the location thereof or of the location of its detached units, change in other details specified in the licence or loss of a licence the licence shall be re-made on the organisation's application filed together with documents confirming that these changes have been made or that the licence has been lost. In such cases the remaking of the licence is carried out by means of issuing a new licence, with the effective term of the licence remaining unchanged, on the condition that the previous licence is returned (except for the case of loss thereof) to the licensor.

13. A licence re-making application shall be filed with the licensor within 30 days after the occurrence of circumstances that have caused the need for licence re-making.

14. Until the completion of licence re-making the organisation or its successor may pursue its activity under the licence issued earlier.

15. Until the taking of a decision on the issuance of a licence the licensor shall be entitled to inspect the organisation to verify its compliance with the licence requirements established by the present Federal Law.

16. The term for the licensor to take its decision on re-making of a licence shall not exceed the term established for a decision on the issuance of a licence or on refusal to issue a licence.

17. A licence for the production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products shall be issued for the term specified by the organisation, such a term not exceeding five years. The effective term of the licence shall be extended on the organisation's request filed by the organisation as an application in writing with the licensor together with the tax body's statement on the lack of debts relating to the payment of taxes and fees and a copy of a document confirming that the fee has been paid in accordance with Item 18 of the present article. On the organisation's request such a licence may be extended by a term shorter than five years. The licensor shall consider an application for extension of the effective term of a licence within 15 days, take its decision on extending the effective term of the licence or refusing to extend it, and notify the organisation accordingly in writing within three days after the date of the decision, including reasons for refusal if it is decided to refuse extending the effective term of the licence.

18. A fee shall be charged at the rates and in the procedure established by a federal law for the issuance of licences for the pursuance of the types of activity specified in Item 2 of Article 18 of the present Federal Law, except for licences for alcoholic-product retailing, for the extension of effective terms of such licences and for the re-making of licences.

19. The following shall be indicated in the licence: the name of the licensor, the full and/or brief name and organisational legal form of the organisation, its whereabouts and the whereabouts of its detached units pursuing the licensed types of activity, the type of activity licensed, the type of product according to Items 3 and 4 of Article 18 of the present Federal Law, the licence's effective term, number and date of issue. This list of details is exhaustive.

20. A licence for the production of ethyl alcohol, alcoholic products and alcohol-containing products that is issued to an organisation extends to the activities of the organisation's detached units only if their whereabouts are mentioned in the licence.";

17) in Article 20:

a) in Item 1:

Paragraphs 5 and 6 shall be deemed no longer valid;

Paragraphs 7-9 shall be set out as follows:

"the use of a basic technological equipment intended for the production of ethyl alcohol made from food raw materials and/or of alcoholic products and/or for the storage thereof, for the production and/or storage in the same equipment of non-food products, except for basic production waste;

the use of a basic technological equipment which is intended for the production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products (except for retailing) and which is not equipped with automated facilities for measuring and recording the content and volume of water-free

alcohol in finished products and finished product output, technical facilities for recording and transmitting information on the output and circulation volume of ethyl alcohol, alcoholic products and alcohol-containing products to the comprehensive state automated information system in accordance with the provisions of Article 8 of the present Federal Law;

the circulation of ethyl alcohol, alcoholic products and alcohol-containing products in breach of the provisions of Article 10.2 of the present Federal Law as well as non-food alcohol-containing products, apart from that, in breach of the provisions of Item 4 of Article 10.1 of the present Federal Law;";

new Paragraphs 10-15 of the following wording shall be added:

"the organisation's default within the established term on the provision to the federal executive governmental body charged with interindustrial coordination and functional regulation in the area of state statistics of information on the output and delivery volume of alcoholic products and alcohol-containing products;

the delivery, purchase of ethyl alcohol, including denatured one, and non-bottled alcohol-containing products with an ethyl alcohol content exceeding 60 per cent by volume in the finished product without notification;

the lack of a technological equipment allowing to fully process, and/or dispose of, distillate grains (basic alcohol-production waste) by means of purification facilities (for organisations pursuing the production of ethyl alcohol);

the use of a new basic technological equipment for the production of ethyl alcohol and of alcoholic products in breach of the provisions of Item 10 of Article 19 of the present Federal Law;

a breach of the provisions of Items 2.1 and 2.2 of Article 11 of the present Federal Law;

the transfer of federal special stamps and excise stamps to another organisation;";

Paragraphs 10-12 shall be deemed Paragraphs 16-18 respectively;

Paragraph 13 shall be deemed Paragraph 19 and its wording shall be as follows:

"Having received a statement from an organisation on the elimination of the circumstances that have caused the suspension of a licence, the licensor shall within ten days take its decision on resuming the licence or on refusing to resume the licence and on filing a licence annulment application with the court. If within the said term the licensor has not taken any of these decisions the licence is deemed resumed.";

paragraph 14 shall be deemed Paragraph 20;

b) in Item 3:

Paragraph 4 shall be deemed no longer valid;

in Paragraph 5 the words "quotas for the purchase thereof" shall be deleted;

Paragraph 6 shall be set out as follows:

"the circulation of alcoholic products without marking in accordance with Article 12 of the present Federal Law or with counterfeit stamps;";

Paragraph 10 shall be deemed no longer valid;

in Paragraph 11 the words "state standards" shall be replaced with the words "the requirements set out in technical regulations";

in Paragraph 14 the words "alcohol-metering devices" shall be replaced with the words "automatic facilities intended for measuring and recording the content and volume of water-free alcohol in finished products, finished product output and technical facilities intended for recording and transmitting information on the output and circulation volume of ethyl alcohol, alcoholic products and alcohol-containing products to the comprehensive state automated information system";

in Paragraph 15 the words "alcohol-metering devices" shall be replaced with the words "automatic facilities intended for measuring and recording the content and volume of water-free alcohol in finished products, finished product output and technical facilities intended for recording and transmitting information on the output and circulation volume of ethyl alcohol, alcoholic products and alcohol-containing products to the comprehensive state automated information system";

new Paragraphs 16-19 of the following wording shall be added:

"the production and circulation of alcohol-containing products with an ethyl alcohol content exceeding the set maximum limit on ethyl alcohol content in alcohol-containing products in accordance with Paragraph 17 of Article 5 of the present Federal Law;

the circulation of ethyl alcohol, alcoholic products and alcohol-containing products about which no entry has been made in the comprehensive state automated information system;

the delivery of denatured alcohol or denatured alcohol-containing products with a content of denaturants that does not comply with the list and denaturant-content established by the present Federal Law or in breach of the procedure for the use of denatured alcohol or denatured alcohol-containing products;

the delivery of ethyl alcohol to organisations not holding appropriate licences, and repeated deliveries of ethyl alcohol without notification over the year;";

Paragraphs 16 and 17 shall be deemed Paragraphs 20 and 21 respectively;

c) Item 5 of the following wording shall be added:

"5. When a licence is annulled the licensor - acting on the organisation's application with account taken of the grounds on which the licence has been annulled - is entitled to issue a temporary permit for a right to store and sell the remaining volume of ethyl alcohol, alcoholic products and alcohol-containing products including an indication of the volume thereof in the form of a special annotation on the licence. The sale of the remaining volume of such products shall be carried out under the supervision of the licensor.";

18) Article 21 shall be deemed no longer valid;

19) Article 23 shall be set out as follows:

"Article 23. State Control over the Production, Circulation, Quality and Safety of Ethyl Alcohol, Alcoholic Products and Alcohol-Containing Products, the Observance of the Legislation on These Matters and the Terms of Relevant Licences

1. State control over the production, circulation, quality and safety of ethyl alcohol, alcoholic products and alcohol-containing products, the observance of the legislation on these matters and the terms of relevant licences shall be exercised by the empowered federal executive governmental bodies and governmental bodies of the subjects of the Russian Federation within the scope of their powers.

2. State control shall not be performed on the account of organisations being inspected.";

20) in Article 25:

a) in Item 1:

in Paragraph 4 the words "federal special stamps, excise stamps or regional special stamps" shall be deleted;

Paragraph 5 shall be set out as follows:

"without compliance with the requirements set out in technical regulations;"

new Paragraph 6 of the following wording shall be added:

"without recording and transmitting information on the output and circulation volume of ethyl alcohol, alcoholic products and alcohol-containing products to the comprehensive state automated information system;"

Paragraphs 6-8 shall be deemed Paragraphs 7-9 respectively;

b) in Item 4 the words "state standards and specifications" shall be replaced with the words "the requirements set out in technical regulations";

21) in Article 26:

a) in Item 1:

Paragraph 3 shall be deemed no longer valid;

paragraph 4 shall be set out as follows:

"the production of ethyl alcohol, alcoholic products and alcohol-containing products (except for wine, wine materials and, in accordance with the list established by the Government of the Russian Federation, spirituous nonfood products) without their being recorded by automatic facilities intended for measuring and recording the content and volume of water-free alcohol in finished products, finished product output and the production of wine without its being recorded by automatic facilities intended for measuring and recording finished product output, and also without the technical facilities intended for recording and transmitting information on the output and circulation volume of ethyl alcohol, alcoholic products and alcohol-containing products to the comprehensive state automated information system;"

Paragraph 5 shall be deemed no longer valid;

Paragraph 7 shall be set out as follows:

"the production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products without appropriate licences;"

Paragraph 8 shall be set out as follows:

"the circulation of ethyl alcohol, alcoholic products and alcohol-containing products without the accompanying documents established in accordance with the requirements set out in the present Federal Law;"

in Paragraph 9 the words "federal special stamps, excise stamps or regional special stamps" shall be deleted;

in Paragraph 10 the words "state standards" shall be replaced with the words "technical regulations";

paragraph 11 shall be set out as follows:

"renting a basic technological equipment for the production of ethyl alcohol, alcoholic products and alcohol-containing products;"

in Paragraph 13 the words "or alcoholic products" shall be replaced with the words ", alcoholic and alcohol-containing products";

new Paragraphs 14-25 of the following wording shall be added:

"the delivery and retail sale of products containing ethyl alcohol and made at home, for instance by natural persons;

the performance of any technological processes and operations of processing denatured ethyl alcohol or denatured alcohol-containing products for the purpose of removing denaturants;

the use of food raw materials in the production of ethyl alcohol from non-food raw materials;

the retail sale of alcohol products without the provision of information within the established term to the federal executive governmental body charged with inter-industrial coordination and functional regulation in the area of state statistics on the volume of retail sales of alcohol products;

the production and circulation of an alcohol-containing product with an ethyl alcohol content exceeding the maximum content of ethyl alcohol in the alcohol-containing product established in accordance with Paragraph 17 of Article 5 of the present Federal Law;

the production of denatured alcohol or a denatured alcohol-containing product with a denaturant content that does not comply with the list and denaturant content established by the Federal Law or in breach of the procedure for the use of denatured alcohol or denatured alcohol-containing products;

the production of ethyl alcohol in the absence of a technological equipment that allows to fully process and/or dispose of distillate grains (basic alcohol production waste) by means of purification facilities;

the circulation of ethyl alcohol, alcoholic products and alcohol-containing products about which information has not been entered in the comprehensive state automated information system;

the retail sale of alcohol products that contains ethyl alcohol made from non-food raw materials or denaturants;

the retail sale of alcohol products without accompanying documents required by Article 10.2 of the present Federal Law;

the retail sale of alcohol products in breach of the provisions of Article 16 of the present Federal Law;

the retail sale of ethyl alcohol and potable ethyl alcohol, except for the case envisaged by Item 4 of Article 16 of the present Federal Law;";

Paragraph 14 shall be deemed Paragraph 26 and inside it the word "retail" shall be added after the word "rules";

b) in Item 2 the words "including limitations concerning the delivery of ethyl alcohol, alcoholic products and alcohol-containing products carried out in the territory of the Russian Federation";

c) in Item 3 the words "The officials of organisations and citizens" shall be replaced with the words "Legal entities, officials and citizens".

Article 2

1. The present Federal Law shall enter into force as of January 1, 2006, except for the provisions for which other effective dates are established by the present article.

2. Until appropriate amendments are made, the other federal laws and regulatory legal acts of the Russian Federation regulating the production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products shall be applicable in as much as it is consistent with the provisions of the Federal Law on the State Regulation of the Production and Circulation of Ethyl Alcohol, Alcoholic Products and Alcohol-Containing Products (in the wording of Federal Law No. 18-FZ of January 7, 1999) (in the wording of the present Federal Law).

3. Paragraph 3 of Subitem "b" of Item 1, Subitem "k" of Item 3, Paragraph 9 of Subitem "b" of Item 10, Item 13, Paragraph 2 of Subitem "a" of Item 14, Paragraph 12 of Subitem "b" of Item 17, Paragraphs 5-7 of Subitem "a" of Item 20, Paragraph 23 of Subitem "a" of Item 21 of Article 1 of the present Federal Law shall enter into force as of July 1, 2006.

4. The provisions of Subitem "c" of Item 5, Subitem "d" of Item 15, Paragraph 5 of Subitem "a" of Item 17, Paragraph 4 of Subitem "a" of Item 21 of Article 1 of the present Federal Law - in as much as it concerns the installation - on equipment for the production of ethyl alcohol, alcoholic and alcohol-containing products - of automatic facilities for measuring and recording the content of water-free alcohol in finished products, finished product output and technical facilities for recording and transmitting information on the output and circulation volume of ethyl alcohol, alcoholic products and alcohol-containing products to the comprehensive state automated information system shall enter into force as of July 1, 2006.

5. The second paragraph of Subitem (e) of Item 5, the tenth paragraph of Subitem (a) of Item 17, the 22nd paragraph of Subitem (a) of Item 21 of Article 1 of the present Federal Law shall enter into force from January 1, 2009.

6. The provisions of Subitem "g" of Item 3, Subitem "c" of Item 9, Subitem "c" of Item 11, Paragraph 7 of Subitem "b" of Item 17, Paragraph 4 of Subitem "a" and Subitem "b" of Item 20, Paragraph 11 of Subitem "a" of Item 21 of Article 1 of the present Federal Law on the compliance of ethyl alcohol, alcoholic products and alcohol-containing products with the requirements set out in technical regulations shall enter into force as of the date of entry into force of relevant technical regulations.

7. Paragraph 2 of Subitem "b" of Item 10 of Article 1 of the present Federal Law, in as much as it concerns repealing the provision that requires that natural wine be marked with regional special stamps, shall enter into force as of the date of official publication of the present Federal Law.

Article 3

The organisations holding licences for the production and circulation of ethyl alcohol, alcoholic products and alcohol-containing products as of January 1, 2006 shall bring their activities in line with the licence requirements set out in the Federal Law on the State Regulation of the Production and Circulation of Ethyl Alcohol, Alcoholic Products and Alcohol-Containing Products (in the wording of Federal Law No. 18-FZ of January 7, 1999) (in the wording of the present Federal Law) and shall obtain new licences before July 1, 2006 (except for licences for retail sale of alcoholic products).

Article 4

The purchase, storage and delivery of alcohol-containing non-food products by organisations shall be subject to licensing starting from July 1, 2006.

Article 4.1

1. The turnover (except for importation into the customs territory of the Russian Federation) of alcoholic products marked till December 31, 2005 inclusive in the established procedure shall be permissible till June 30, 2006 inclusive.

2. The importation into the customs territory of the Russian Federation of alcoholic products marked with excise marks issued till December 31, 2005 inclusive in the established procedure shall be permissible till March 31, 2006 inclusive, and the turnover (except for importation into the customs territory of the Russian Federation) of alcoholic products - till June 30, 2006 inclusive.

Article 5

Item 2, Paragraphs 7-10, 16-18 of Item 3 of Article 1 of Federal Law No. 186-FZ of December 29, 2001 on Amending the Federal Law on the State Regulation of the Production and Circulation of Ethyl Alcohol, Alcoholic Products and Alcohol-Containing Products (Sobranie Zakonodatelstva Rossiyskoy Federatsii, item 5022, No. 53, 2001) shall be deemed no longer valid.

President
of the Russian Federation

V. Putin

The Kremlin, Moscow