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Mandatory labeling of commodities and system for monitoring circulation thereof in Russia

On 1 January 2019 amendments to the Federal Laws “On the Basics of State Regulation of Trading Activities in the Russian Federation” and “On the Use of Cash Registers when Making Settlements in the Russian Federation”, introduced by Federal Law No. 488 – FZ of 25.12.2018, came into force (the “Law No. 488 – FZ”), providing for the creation of a state information system for monitoring the circulation of commodities subject to mandatory labeling by means of identification, and requirements to it.

The list of commodities subject to mandatory labeling by means of identification, approved by the Resolution of the Government of the Russian Federation of 28.04.2018 No. 792-p, includes the following commodities and terms for their mandatory labeling:

Name of commodities group		Deadline for mandatory labeling
1.	Tobacco products	1 March 2019
2.	Perfume and Eau de Toilette	1 December 2019
3.	New pneumatic tires and tires	1 December 2019
4.	Garments, including work clothes, made from natural or composite leather	1 December 2019
5.	Blouses, shirts and blousons, knitted or crocheted, for women or for girls	1 December 2019
6.	Coats, car coats, capes, raincoats, jackets (including skiing), windbreakers, jackets and similar products for men or boys	1 December 2019
7.	Coats, car coats, capes, raincoats, jackets (including ski), windbreakers, jackets and similar products for women or girls	1 December 2019
8.	Bed linen, table, toilet and kitchen linen	1 December 2019
9.	Shoe products	1 July 2019
10.	Cameras (except movie cameras), flash and flash lamps	1 December 2019

The means of identification is defined by Law No. 488- FZ as a marking bar code in machine-readable form, either recorded on a radio-frequency tag, or presented using another means (technology) of automatic identification.

The Government of the Russian Federation is vested with a number of powers related to the implementation of mandatory labeling of commodities with means of identification in order to implement the provisions of Law No. 488 – FZ.

The state information system for monitoring the circulation of commodities subject to mandatory labeling by means of identification (“monitoring system”) shall be created in order to automate the process of collecting and processing information

on the circulation of commodities subject to mandatory labeling by means of identification, storing such information, providing access to it and dissemination, improve the exchange of information about the circulation of such commodities and ensure their traceability, as well as for other purposes provided for by federal laws.

The monitoring system operator is determined by the Government of the Russian Federation and centrally ensures the generation of a verification code using technical means for such generation.

Business entities engaged in trading activities related to the acquisition and sale of commodities subject to mandatory labeling by means of identification, as well as business entities carrying out the supply of such commodities, including manufacturers (participants in the circulation of commodities subject to mandatory labeling) are obliged to submit to the operator of the monitoring system information on the circulation of commodities subject to mandatory labeling, in accordance with the rules established by Government of the Russian Federation.

The monitoring system shall contain the following information:

- information about participants in the circulation of commodities subject to the mandatory labeling with means of identification;
- information on commodities subject to the mandatory labeling;
- information on identification means applied to commodities subject to the mandatory labeling;
- information on the technical means used by participants in the circulation of commodities subject to the mandatory labeling, for the exchange of information with the information monitoring system;
- information on violations of the requirements for mandatory labeling of commodities identified by consumers of these commodities;
- other information established by the Government of the Russian Federation.

The information contained in the monitoring system is of limited access, with the exception of information access to which may not be restricted under federal laws, as well as information classified by the Russian Government to publicly available information that is published by the operator of the monitoring system on the Internet.

The operator of the monitoring system has the right of access to the information, including information of limited access, contained in the monitoring system, and to process it. Users of the monitoring system have the right to access information contained in the monitoring system, subject to restrictions established by federal laws, but are not entitled to process it.

Manufacturers of commodities subject to mandatory labeling by means of identification may receive the information contained in the monitoring system about commodities produced by them and being in public circulation in Russia, free of charge in the manner established by the Government of the Russian Federation.

The Federal Law No. 54-FZ of 22.05.2003 "On the Use of Cash Registers when Making Settlements in the Russian Federation" is supplemented with the provision according to which processing by the operator of the monitoring system and the federal state information system for monitoring the circulation of medicinal products from the manufacturer to the end user, of the information transferred to it by the operator of fiscal data for and on behalf of the user in accordance with the terms of the contract concluded between the operator of the fiscal data and the user, is not subject to this law.

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