

## Technical Regulations TR CU 035/2014

In accordance with Article 3 of the Treaty on the Eurasian Economic Commission dated 18 November 2011, the Council of the Eurasian Economic Commission **decided:**

1. To adopt the attached Technical Regulation of the Customs Union "Technical Regulation on Tobacco Products" (TR CU 035/2014).
2. To establish that the Technical Regulation of the Customs Union "Technical Regulation on Tobacco Products" (TR CU 035/2014) shall enter into force on 15 May 2016.
3. Within a three-month period, the Ministries of Health of the Member States of the Customs Union and the Common Economic Space shall consider the preparation of an international treaty prohibiting the production, import and circulation of non-smoking tobacco articles in the territories of the Member States of the Customs Union and the Common Economic Space.
4. To establish that, until the adoption of the international treaty referred to in paragraph 3 of this Decision, the production, import and circulation of non-smoking tobacco articles in the territories of the Member States of the Customs Union and the Common Economic Space shall be carried out in accordance with the legislation of the Member States of the Customs Union and the Common Economic Space.
5. This Decision shall enter into force upon the expiry of 30 calendar days from the date of its official publication.

*Members of the Council of the Eurasian Economic Commission:*

|                                         |                                            |                                        |
|-----------------------------------------|--------------------------------------------|----------------------------------------|
| <i>From the Republic of<br/>Belarus</i> | <i>From the Republic of<br/>Kazakhstan</i> | <i>From the Russian<br/>Federation</i> |
| <i>S. Rumas</i>                         | <i>B. Sagintayev</i>                       | <i>I. Shuvalov</i>                     |

**ADOPTED**  
by Decision of the Council  
of the Eurasian Economic Commission  
dated 12 November 2014 No. 107

## **TECHNICAL REGULATION of the Customs Union "Technical Regulation on Tobacco Products" (TR CU 035/2014)**

This Technical Regulation was developed in accordance with the Agreement on Common Principles and Rules of Technical Regulation in the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation dated 18 November 2010, and taking into account certain provisions of the WHO Framework Convention on Tobacco Control.

This Technical Regulation establishes requirements for Tobacco Products that are mandatory for application and compliance in the customs territory of the Customs Union and are placed on the market in the customs territory of the Customs Union, as well as requirements for the information (marking) applied to the consumer packaging of Tobacco Products to ensure their free movement.

If other Technical Regulations of the Customs Union establishing requirements for Tobacco Products, as well as requirements for the information (marking) applied to consumer packaging, have been adopted in respect of Tobacco Products, the Tobacco Products and the information (marking) applied to consumer packaging shall comply with the requirements of all Technical Regulations of the Customs Union applicable to them.

## **I. Scope of Application**

1. This Technical Regulation was developed for the purposes of protecting human life and health and the environment, preventing actions that mislead consumers of Tobacco Products regarding their intended purpose and safety, and applies to Tobacco Products placed on the market in the customs territory of the Customs Union.

2. This Technical Regulation does not apply to the following Tobacco Products:

- a) tobacco product samples imported into the customs territory of the Customs Union by laboratories, manufacturers of tobacco articles and/or importers (sellers) of tobacco articles and intended for quality and safety control, measurements in accordance with international standards, interlaboratory comparative testing, measurements of regulated parameters in accordance with the requirements of the Technical Regulations of the Customs Union, equipment calibration, comparative tests, tastings and design studies;
- b) tobacco product samples imported into the customs territory of the Customs Union by organisers and/or participants of international exhibitions and fairs as samples and exhibits;

c) Tobacco Products supplied for export under foreign trade agreements outside the customs territory of the Customs Union;

d) non-smoking tobacco articles.

3. This Technical Regulation establishes requirements that are mandatory for application and compliance in the customs territory of the Customs Union for Tobacco Products and the information (marking) applied to the consumer packaging of Tobacco Products, as well as the forms, schemes and procedures of conformity assessment of Tobacco Products.

## **II. Basic Concepts**

4. For the purposes of applying this Technical Regulation, the following concepts and their definitions are used:

“bidi” – a type of smoking tobacco article consisting of a mixture of shredded tobacco leaves, tobacco veins and stems wrapped in a dried tendu leaf and tied with thread;

“type of tobacco article” – a group of smoking or non-smoking tobacco articles similar in consumer properties and method of consumption;

“placing tobacco products on the market” – the supply or import of Tobacco Products (including dispatch from the manufacturer’s warehouse or shipment without warehousing) for the purpose of distribution in the customs territory of the Customs Union in the course of commercial activity, whether free of charge or for consideration;

“identification of tobacco products” – the procedure for assigning Tobacco Products to the scope of application of this Technical Regulation;

“manufacturer” – a legal entity or an individual registered as an individual entrepreneur, including a foreign manufacturer, that carries out, in its own

name, the production or production and sale of Tobacco Products and is responsible for their compliance with the requirements of this Technical Regulation;

“importer” – a resident of a state that is a Member State of the Customs Union and the Common Economic Space that has concluded with a non-resident of a state that is a Member State of the Customs Union and the Common Economic Space a foreign trade contract for the import of Tobacco Products into the customs territory of the Customs Union, and also sells Tobacco Products and is responsible for their compliance with the requirements of this Technical Regulation;

“ingredient” – a substance (excluding tobacco leaf and other parts of tobacco) used in the production of a tobacco article and present in the finished tobacco article, including in modified form;

“controlling organisation” – an organisation that monitors the production process in the manufacture of Tobacco Products, the raw materials and materials used, and the quality of the manufacturer’s Tobacco Products;

“kretek” – a type of smoking tobacco article consisting of a mixture of shredded cloves, ingredients and cut raw tobacco material wrapped in cigarette paper or a dried corn-husk leaf, with or without a filter;

“smoking tobacco articles” – tobacco articles intended for smoking;

“insert leaflet” – a sheet containing information for the consumer, used when selling tobacco articles in consumer packaging on which it is impossible to place information for the consumer, and when selling cigars and cigarillos (cigaritas) individually;

“licensor” – a legal or natural person holding the right to a trademark and granting the right to use such trademark under a licence agreement;

“carbon monoxide” – a product of incomplete combustion of carbon-containing substances;

“name of Tobacco Products” – a designation of Tobacco Products assigned by the manufacturer;

“non-tobacco materials” – materials forming part of a tobacco article (excluding raw tobacco material) and imparting characteristics, properties and form specified by the manufacturer, including: papirosa, cigarette, tipping and mouthpiece paper, wrapping paper for filters (ficle), filter material, adhesives, inks, and wrapping material for a portion of oral tobacco (snus);

“non-smoking tobacco article” – a tobacco article intended for sucking, chewing or sniffing;

“nicotine” – an alkaloid contained in plants of the genus *Nicotiana* of the family *Solanaceae*, species *Nicotiana Tabacum* and *Nicotiana Rustica*;

“papirosa” – a type of smoking tobacco article consisting

of cut raw tobacco material and a mouthpiece in the form of a roll of mouthpiece paper wrapped in papirosa (cigarette) paper joined by a glueless toothed seam. Filter material may be inserted into the mouthpiece of a papirosa;

“consumer packaging” – packaging intended for the sale or primary packaging of products sold to the final consumer;

“health warning on the harms of tobacco consumption” – information on the devastating consequences of consuming tobacco articles and tobacco smoke for human health, placed on the consumer packaging of tobacco articles in the form of colour drawings or photographic images containing text;

“cigar” – a type of smoking tobacco article made from cigar and other raw tobacco material and having 3 layers: a filler made of whole, shredded or cut cigar and/or other raw tobacco material, a binder made of cigar and/or other raw tobacco material, and a wrapper made of cigar tobacco leaf. The thickness of a cigar over one-third or more of its length must be at least 11 mm;

“cigarette” – a type of smoking tobacco article consisting of cut raw tobacco material wrapped in cigarette paper;

“filterless cigarette” – a type of smoking tobacco article consisting of cut raw tobacco material wrapped in cigarette paper (smoking part);

“reduced ignition propensity cigarettes” – cigarettes for which the number of cigarettes burned along their entire length does not exceed 25 percent of the total number of cigarettes tested when their ignition propensity is analysed by the standard method on 10 layers of filter paper;

“filtered cigarette” – a type of smoking tobacco article consisting of cut raw tobacco material wrapped in cigarette paper (smoking part) and a filter;

“cigarillo (cigarita)” – a type of smoking tobacco article made from cigar and other raw tobacco material and having multiple layers: a filler made of cut or torn cigar and other raw tobacco material, a binder made of cigar and/or other raw tobacco material, and a wrapper made of cigar tobacco leaf, reconstituted tobacco or special paper made on the basis of cellulose and tobacco. A cigarillo (cigarita) may have a filter and may have no binder. The maximum thickness of a cigarillo (cigarita) must not exceed 11 mm;

“tar” – a dehydrated condensate of tobacco smoke that does not contain nicotine;

“raw tobacco material” – tobacco that has undergone post-harvest and/or other industrial processing and is used in the production of Tobacco Products;

“tobacco plant” – a plant of the genus *Nicotiana* of the family Solanaceae, species *Nicotiana Tabacum* and *Nicotiana Rustica*, cultivated for the purpose of obtaining raw tobacco material;

“hookah tobacco” – a type of smoking tobacco article intended for smoking using a hookah and consisting of a mixture of cut or torn raw tobacco material with or without added ingredients;

“fine-cut smoking tobacco” – a type of smoking tobacco article intended for the manual manufacture of cigarettes or papirosas and consisting of cut, torn, twisted or pressed tobacco with or without added ingredients, in which fibres with a width of 1 mm or less constitute at least 25 percent of the net weight of the product;

“pipe tobacco” – a type of smoking tobacco article intended for smoking using a smoking pipe and consisting of cut, torn, twisted or pressed tobacco with or without added ingredients, in which fibres with a width of more than 1 mm constitute more than 75 percent of the net weight of the product;

“Tobacco Products” – a tobacco article packaged in consumer packaging;

“tobacco article” – a product made wholly or partly from tobacco leaf and/or other parts of the tobacco plant as raw tobacco material and prepared for use in smoking;

“person authorised by the manufacturer” – a legal entity or an individual registered as an individual entrepreneur in accordance with the procedure established by the legislation of a state that is a Member State of the Customs Union and the Common Economic Space, in the territory of that

state, which, under a contract with the manufacturer, including a foreign manufacturer, acts on behalf of that manufacturer in conformity assessment and the placing of Tobacco Products on the market in the territory of the Customs Union, and is also responsible for the non-compliance of Tobacco Products with the requirements of this Technical Regulation;

“filter” – a device attached during the production of Tobacco Products to the end of a smoking article and intended to retain part of the tobacco smoke.

### **III. Identification of Tobacco Products**

5. Identification of Tobacco Products for the purpose of assigning them to the scope of application of this Technical Regulation is carried out by:

the manufacturer (person authorised by the manufacturer), importer (seller);

a body of a state that is a Member State of the Customs Union and the Common Economic Space (hereinafter, the Member State) responsible for exercising state control (supervision) over compliance with the requirements of this Technical Regulation;

other interested persons.

6. Identification of Tobacco Products is carried out by their name and/or by the characteristics identifying them established in this Technical Regulation.

The characteristics identifying Tobacco Products are: component composition (presence of tobacco leaf and/or other parts of the tobacco plant), its characteristics and the method of use of Tobacco Products.

7. Identification of Tobacco Products is carried out:

- a) by type name – by comparing the name of the type of tobacco article contained in the information placed on the consumer packaging (insert leaflet) and/or in the accompanying documents (originals (certified copies) of the supply contract, shipping documentation or declaration of conformity of Tobacco Products) with the definitions of types of tobacco articles in accordance with this Technical Regulation;
- b) by visual method – by comparing the appearance of the tobacco article with the characteristics set out in the definition of that tobacco article in accordance with this Technical Regulation.

8. The result of identification is the assignment or non-assignment of the identified product to Tobacco Products.

## **IV. Rules for the Circulation of Tobacco Products on the Market of the Member States**

9. Tobacco Products are placed on the market of the Member States provided that they comply with the requirements of this Technical Regulation and the requirements of other Technical Regulations of the Customs Union applicable to them.

10. Tobacco Products that comply with the requirements of this Technical Regulation and the requirements of other Technical Regulations of the Customs Union applicable to them and that have undergone conformity assessment must bear the single mark of product circulation on the market of the states that are Member States of the Customs Union.

## **V. Requirements for Tobacco Products**

11. The use of substances as ingredients in the manufacture of Tobacco Products in accordance with the Appendix is not permitted.

12. The content of tar and nicotine in the smoke of one cigarette (filtered or filterless) may not exceed 10 mg/cig. and 1,0 mg/cig., respectively.

13. The content of carbon monoxide in the smoke of one filtered cigarette may not exceed 10 mg/cig.

14. The methods for determining the content of tar and nicotine in the smoke of cigarettes (filtered or filterless) and carbon monoxide in the smoke of filtered cigarettes, the sampling rules, and the methods for determining the accuracy of data on the content of tar, nicotine and carbon monoxide are established in the standards specified in Clause 32 of this Technical Regulation.

15. The use, in the sale of Tobacco Products, of insert leaflets placed inside the consumer packaging of Tobacco Products, attached to the outside of or enclosed with such packaging is not permitted, except for consumer packaging to which consumer information cannot be applied, and for the sale of cigars and cigarillos (cigaritas) individually.

## **VI. Rules for Presenting the Report on the Composition of Tobacco Articles and the Substances Emitted by Them**

16. The manufacturer, controlling organisation and/or importer of Tobacco Products sold in the territory of a Member State shall annually, no later than the last day of the first quarter of the year following the reporting calendar year, submit to the authorised body of the Member State in the field of public health a report containing information on the composition of tobacco articles sold during the reporting calendar year and the substances emitted by them, in the form approved by the Eurasian Economic Commission.

17. If the manufacturer or importer conducted toxicological studies of ingredients, or if such studies were conducted on their behalf, such persons shall, in the report specified in Clause 16 of this Technical Regulation, indicate the fact that such toxicological studies were conducted and, at the request of the authorised body of the Member State in the field of public health, submit, within 30 days from the date of receipt of the relevant request, information on the results of the studies, indicating the methods and measurement procedures used, as well as the types of measuring instruments.

## **VII. Requirements for the Content of Information for Consumers of Tobacco Products**

18. Special marks (excise stamps, accounting and control stamps or other marks) that preclude their counterfeiting and repeated use (hereinafter referred to as marks) shall be affixed to the consumer packaging of Tobacco Products.

19. Information for consumers of tobacco articles shall be affixed to the consumer packaging (insert leaflet) and shall contain:

- a) the name of the type of tobacco article;
- b) the name of the Tobacco Products;
- c) the name of the legal entity registered in the territory of a Member State and authorised by the manufacturer to accept consumer complaints, its location (country and address, including the actual address) (if there is no such person, it shall be indicated that consumer complaints are accepted by the manufacturer of the relevant Tobacco Products registered in the territory of a Member State). This information may be placed on the outer or inner side of the consumer packaging in a location accessible for reading;

- d) the name of the manufacturer, person authorised by the manufacturer or importer, its location (country and address, including the actual address) and/or the name of the controlling organisation (if any), its location (country and address, including the actual address). In the event of changes to the information, the manufacturer, person authorised by the manufacturer or importer shall, within 180 calendar days from the date of such changes, make the relevant changes to the information on the consumer packaging of the Tobacco Products (insert leaflet). At the same time, the manufacturer, person authorised by the manufacturer or importer shall be entitled, during the specified period, to place Tobacco Products bearing the previous information on the market;
- e) information on the presence of a filter (for smoking tobacco articles with a filter);
- f) information on the number of pieces (for piece tobacco articles) or net weight (g) (for tobacco articles sold by weight);
- g) a health warning on the harms of tobacco consumption;
- h) the single mark of product circulation on the market of the Member States of the Customs Union;
- i) information on the maximum retail price, month and year of manufacture of the tobacco article in accordance with the procedure established by the legislation of the Member States. It is not permitted to apply any elements of consumer packaging over the specified information (except for transparent wrapping film) or to affix marks;
- j) information on systemic poisons, carcinogenic and mutagenic substances.

20. Information affixed to the consumer packaging (insert leaflet) shall be reliable and shall not mislead consumers.

21. Information affixed to the consumer packaging (insert leaflet) shall not contain any terms, descriptions, signs, symbols or other designations that directly or indirectly create a false impression that the tobacco article is less harmful than other tobacco articles, including such words or word combinations as "low tar", "light", "very light", "mild", "extra", "ultra", words, signs and symbols that create associations between the tobacco article and a food product (Food Additive) or that directly or indirectly create a false impression that the tobacco article has the flavour of a food product (Food Additive), words derived from such words, equivalents of such words in foreign languages, as well as equivalents of such words transliterated from foreign languages into the state languages of the Member States.

Information affixed to the consumer packaging (insert leaflet) shall not contain images of food products, medicinal products, medicinal plants, or words or word combinations that directly or indirectly create associations between the tobacco article and a food product, medicinal product or medicinal plant.

The use in the information affixed to the consumer packaging (insert leaflet) of words or word combinations indicating the presence of menthol in tobacco articles or the nature of the flavour of cigars, cigarillos (cigaritas), hookah tobacco, fine-cut smoking tobacco and pipe tobacco is permitted.

22. It is not permitted to affix to the consumer packaging (insert leaflet) quantitative indicators of the content of tar, nicotine and carbon monoxide in the smoke of tobacco articles, or information containing statements that:

a) consumption of the relevant tobacco article (type of tobacco article) reduces the risk of diseases associated with the consumption of tobacco articles;

b) the relevant tobacco article (type of tobacco article) is less hazardous to health than other tobacco articles (another type of tobacco article);

c) the risk of diseases associated with the consumption of the relevant tobacco article (type of tobacco article) is reduced due to the presence (absence or reduced content) of a substance emitted during consumption of the tobacco article.

23. Information affixed to the consumer packaging (insert leaflet) shall be applied in clear, legible, easily readable, indelible letters or symbols resistant to climatic factors.

The means and methods of applying information to the consumer packaging (insert leaflet) shall ensure the preservation of such information during the transportation, storage and sale of Tobacco Products.

24. Information affixed to the consumer packaging, except for the name of the Tobacco Products, shall be arranged so that the integrity of the inscriptions is not compromised when the consumer packaging is opened.

25. Information affixed to the consumer packaging shall not be printed on transparent wrapping film or any other outer wrapping material, be covered by other printed information, and may be partially covered by marks, except on the front side of the consumer packaging.

26. The information on Tobacco Products provided for in Clause 19 of this Technical Regulation shall be affixed in Russian and in the state language (state languages) of the Member State, where the relevant requirements are established by the legislation of the Member State in which the Tobacco Products are sold, and may be repeated in other languages with respect to the name of the manufacturer (person authorised by the manufacturer), importer or controlling organisation, as well as the name of the Tobacco Products. Text forming part of a registered trademark or industrial design shall be affixed in the language of registration.

27. A health warning on the harms of tobacco consumption shall be affixed to each consumer package of Tobacco Products (insert leaflet).

Drafts of health warnings on the harms of tobacco consumption and the parameters for their application to the consumer packaging of Tobacco Products shall be developed by the authorised bodies of the Member States in the field of public health and approved by the Eurasian Economic Commission.

28. The manufacturer (person authorised by the manufacturer) or importer (seller) shall ensure that drafts of health warnings on the harms of tobacco consumption are applied to the consumer packaging of Tobacco Products in accordance with the drafts within a period not exceeding 12 months from the date of their approval.

29. The health warning on the harms of tobacco consumption shall be placed on the upper parts of the front and back main sides of the consumer packaging of Tobacco Products. On the back main side of the consumer packaging of Tobacco Products, the health warning on the harms of tobacco consumption shall be placed on the lower part if it is covered by a mark or damaged during normal opening of the consumer packaging.

The health warning on the harms of tobacco consumption shall occupy at least 50 percent of the area of these sides.

On the front main side of the consumer packaging of Tobacco Products, the text of the health warning on the harms of tobacco consumption shall be affixed in the state language (state languages) of the Member State in whose territory the Tobacco Products are sold, where the relevant requirements are established by the legislation of that State, and on the back main side—in Russian.

Drafts of health warnings on the harms of tobacco consumption shall be applied to an equal number of consumer packages of Tobacco Products.

30. Information on the content of systemic poisons, carcinogenic and mutagenic substances shall be affixed to the side surface of the consumer packaging of Tobacco Products in a colour contrasting with the main colour of the consumer packaging, in Helvetica font, in the form of the inscription: "Contains systemic poisons, carcinogenic and mutagenic substances", which shall occupy at least 17 percent of the surface area of the side of the consumer packaging of Tobacco Products.

## **VIII. Ensuring Compliance of Tobacco Products with the Requirements of the Technical Regulation**

31. Compliance of Tobacco Products with this Technical Regulation shall be ensured by directly fulfilling its requirements.

32. The methods of testing and measurement of Tobacco Products shall be established in the standards included in the list of standards containing rules and methods of testing and measurement, including sampling rules, required for the application and fulfilment of the requirements of this Technical Regulation and the conformity assessment of products.

## **IX. Conformity Assessment of Tobacco Products**

33. Conformity assessment of Tobacco Products is carried out in the form of state control (supervision) and in the form of conformity confirmation.

34. Tobacco Products shall undergo conformity confirmation before being placed on the market of the Member States in the form of a declaration of conformity under one of the following schemes:

a) for cigarettes – schemes 3d, 4d and 6d;

b) for other types of tobacco products – 1d and 2d.

35. For the declaration of conformity of Tobacco Products, the applicant may be a legal entity or an individual registered in accordance with the legislation of the Member State in whose territory it operates, acting as the manufacturer (person authorised by the manufacturer) or importer (seller).

36. The declaration of conformity of cigarettes manufactured in serial production shall be carried out under schemes 3d and 6d; that of other types of Tobacco Products manufactured in serial production – under scheme 1d; that of a batch of cigarettes – under scheme 4d; and that of a batch of other types of Tobacco Products – under scheme 2d.

37. For the declaration of conformity of Tobacco Products, the applicant may be:

a) for schemes 1d, 3d and 6d – the manufacturer (person authorised by the manufacturer);

b) for schemes 2d and 4d – the manufacturer (person authorised by the manufacturer) or importer (seller).

38. The applicant shall select the declaration of conformity scheme for Tobacco Products.

39. The declaration of conformity of Tobacco Products under schemes 1d and 2d shall be carried out by the applicant on the basis of own evidence. At the applicant's discretion, testing of tobacco product samples shall be carried out in the applicant's own testing laboratory, or in an accredited testing laboratory (centre) included in the Unified Register of Certification Bodies and Testing Laboratories (Centres) of the Customs Union, or in

another testing laboratory of the Customs Union.

The declaration of conformity of Tobacco Products under schemes 3d, 4d and 6d shall be carried out by the applicant on the basis of own evidence and evidence obtained with the participation of an accredited testing laboratory (centre) included in the Unified Register of Certification Bodies and Testing Laboratories (Centres) of the Customs Union.

40. For the declaration of conformity of Tobacco Products, the applicant shall:

a) compile and analyse documents confirming the conformity of Tobacco Products with the requirements of this Technical Regulation, including:

a consumer packaging sample (if available);

an insert leaflet (if available);

a test report (test reports) for tobacco product samples confirming conformity with the requirements of this Technical Regulation (for cigarettes);

a supply contract (contract) and shipping documentation (schemes 2d, 4d);

a quality management system certificate (copy of the certificate) (scheme 6d);

other documents selected by the applicant that served as the basis for confirming the conformity of Tobacco Products with the requirements of this Technical Regulation, as well as with the requirements of other Technical Regulations of the Customs Union applicable to them (if available);

- b) identify the Tobacco Products in accordance with Section III of this Technical Regulation;
- c) ensure production control and take all necessary measures to ensure that the production process of Tobacco Products ensures their conformity with the requirements of this Technical Regulation (schemes 1d, 3d and 6d);
- d) take all necessary measures to ensure the stable functioning of the quality management system (scheme 6d);
- e) adopt a declaration of conformity, which shall be drawn up in accordance with the unified form and rules approved by Decision No. 293 of the Board of the Eurasian Economic Commission dated 25 December 2012;
- f) affix the single mark of product circulation on the market of the Member States of the Customs Union;
- g) after completion of the conformity confirmation procedure, compile a set of documents that includes the documents stipulated by subparagraph "a" of this paragraph and the declaration of conformity.

41. The manufacturer (person authorised by the manufacturer) shall have the right to adopt a declaration of conformity for each name of Tobacco Products or one declaration of conformity for the declared range of manufactured Tobacco Products of one type.

The importer (seller) shall have the right to adopt a declaration of conformity for each name of Tobacco Products or one declaration of conformity for the declared range of Tobacco Products of one type under one supply contract (contract).

42. The declaration of conformity shall be registered in accordance with the procedure stipulated by Decision No. 76 of the Board of the Eurasian Economic Commission dated 9 April 2013.

The validity period of the declaration of conformity when declaring the conformity of Tobacco Products under schemes 1d and 3d shall be no more than 3 years, and under scheme 6d – no more than 5 years. No validity period shall be established for a declaration of conformity for a batch of Tobacco Products.

## **X. State Control (Supervision) over Compliance with the Requirements of this Technical Regulation**

43. State control (supervision) over compliance with the requirements of this Technical Regulation in respect of Tobacco Products shall be carried out in accordance with the legislation of the Member State.

## **XI. Marking of Tobacco Products with the Single Mark of Product Circulation on the Market of the Member States of the Customs Union**

44. Tobacco Products that have undergone conformity assessment for compliance with the requirements of this Technical Regulation and other Technical Regulations of the Customs Union applicable to them shall bear the single mark of product circulation on the market of the Member States of the Customs Union.

45. Marking with the single mark of product circulation on the market of the Member States of the Customs Union shall be carried out before Tobacco Products are placed on the market.

46. The single mark of product circulation on the market of the Member States of the Customs Union shall be affixed to the consumer packaging (insert leaflet) of Tobacco Products by any method ensuring its clear and distinct image.

47. Marking with the single mark of product circulation on the market of the Member States of the Customs Union certifies the conformity of Tobacco Products with the requirements of this Technical Regulation, as well as with the requirements of other Technical Regulations of the Customs Union applicable to them.

## **XII. Safeguard Clause**

48. The authorised bodies of the Member States shall take all measures to restrict and prohibit the placing on the market in the customs territory of the Customs Union of Tobacco Products that do not comply with the requirements of this Technical Regulation and the Technical Regulations of the Customs Union applicable to them, and to withdraw such products from circulation.

In this case, the authorised body of the Member State shall notify the authorised bodies of the other Member States of the adoption of the relevant decision, stating the reason for its adoption and providing evidence explaining the need to take the relevant measure.

**APPENDIX**  
**to the Technical Regulation**  
**of the Customs Union**  
**"Technical Regulation**  
**on Tobacco Products"**  
**(TR CU 035/2014)**

## **List of Substances Prohibited for Use as Ingredients in the Manufacture**

## **of Tobacco Products**

### 1. Substances:

agaricinic acid (Acidumagaricinicum);

birch tar oil (OleumBetulaeempyreumaticum);

bitter almond oil (OleumAmygdalarumamarum) containing free or bound hydrocyanic acid;

sassafras oil (OleumSassafratis);

juniper tar oil (OleumJuniperiempyreumaticum);

camphor oil (Oleumcamphoratum);

camphor;

coumarin;

safflower;

thujone.

2. Substances whose circulation is prohibited in accordance with international treaties of the Member States of the Customs Union and the Common Economic Space.

### 3. Flavouring and flavour substances made from:

the woody stem of bittersweet nightshade (Stipites Dulcamarae);

camphor tree wood ((Lignum Camphorae);

rhizome of common polypody (Rhizoma Poiypodii);

pennyroyal herb (flea mint) (Herba Pulegii);

quassia wood (Lignum Quassiae);

soapberry tree bark (Cortex Quillaja);

tansy herb (Herba Tanacetii);

rue herb (Herba Rutae);

stems, leaves and bark of sassafras (Stipes, Folium, Cortex Sassafratis);

sweet clover (Millilotus officinalis);

tonka beans (Semen Toncae);

fragrant liatris (Liatris odoratissima);

woodruff (Asperula odorata).

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