

Unofficial Translation

ACCEPTED

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**TECHNICAL REGULATIONS**  
**of the**  
**Customs Union "Technical Regulations for Tobacco Products"**  
**(TR CU\_ / 20\_)**

These technical regulations were developed in accordance with the Agreement on common principles and rules of technical regulations in the Republics of Belarus, Kazakhstan, and the Russian Federation on November 18, 2010, taking into account separate provisions of the World Health Organization's Framework Convention on Tobacco Control (WHO FCTC).

These technical regulations establish mandatory requirements for application and enforcement on the customs territory of the Customs Union for tobacco products released into circulation on the customs territory of the Customs Union, as well as requirements for information (labeling), applied to consumer packaging of tobacco products to ensure its free movement.

In case with respect to tobacco products, there are adopted other technical regulations of the Customs Union that establish requirements for tobacco products, as well as information requirements (labeling), applied to consumer packaging, then the tobacco products and information (labeling), applied to consumer packaging, shall comply with all technical

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regulations of the Customs Union, an action to which they are subject.

**1. Scope of Application**

1. These technical regulations were developed with the goals of protecting the life and health of a person, the environment, forewarning of activities that mislead consumers of tobacco products regarding purpose and safety and apply to tobacco products, put into circulation on the customs territory of the Customs Union.

2. These technical regulations do not apply to the following tobacco products:

a) samples of tobacco products, imported into the customs territory of the Customs Union by laboratories, manufacturers of tobacco products and (or) importers (sellers) and designated for quality control and safety, for measuring compliance with international standards, the conduction of inter-laboratory comparative tests, measurements of normalized parameters in compliance with the requirements of the technical regulations of the Customs Union, equipment calibration, comparative tests, conducting tastings, and

study of design;

b) samples of tobacco products, imported into the customs territory of the Customs Union by the organizers and (or) the participants of international exhibitions and fairs as samples and displays;

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c) tobacco products, which are exported according to foreign trade agreements in accordance with the customs territory of the Customs Union;

d) smokeless tobacco products

3. These technical regulations establish mandatory requirements for application and enforcement in the customs territory of the Customs Union for tobacco products, information (labeling), applied to the consumer packaging of tobacco products, as well as the shape, plan (diagram), and compliance assessment procedure for tobacco products.

## II. Basic Concepts

4. For the purposes of the application of these technical regulations, the following terms and their definitions are used:

"beedi -- a type of smoking tobacco product, consisting of a mixture of crushed tobacco leaves, tobacco veins and stems, wrapped in dried tendu leaf, tied with string;

"type of tobacco product" -- the totality of smoking or smokeless tobacco products that are similar in consumer properties and the method of consumption;

"tobacco products put into circulation" -- delivery or import of tobacco products (including shipping from the manufacturer's warehouse or shipping without storage) for distribution in the customs territory of the Customs Union during commercial activities on a free of charge or reimbursable basis;

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**"identification of tobacco products"** -- a procedure referencing tobacco products to the scope of the application of these technical regulations;

"manufacturer" - a legal entity or an individual, registered as an individual entrepreneur, including a foreign manufacturer who on their behalf carry out manufacture or manufacture and sale of tobacco products and are responsible for its compliance with the requirements of these technical regulations;

"importer" - a resident of the state -- a member of the Customs Union and the Common Economic Space, who entered into a foreign trade agreement (contract) with a non-resident of the state -- a member of the Customs Union of the Common Economic Space to import tobacco products into the customs territory of the Customs Union and also carries out the sale of tobacco products and is responsible for its compliance with the requirements of these technical regulations;

"ingredient" -- a substance (with the exception of tobacco leaves and other parts of the tobacco) that is used in the manufacture of tobacco products and is present in the final tobacco product, including in a modified form; .

"inspection agency" -- an organization that oversees the production process in the

manufacture of tobacco products, raw materials and materials used, as well as the quality of the tobacco production manufacturer;

"kretek" - a type of smoking tobacco product, consisting of a mixture of crushed cloves, ingredients, and chopped raw material,

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wrapped in cigarette paper or dried leaf (corn husk) from an ear of corn, with or without filter;

"smoking tobacco products" -- tobacco products intended for smoking;

"package insert" - a sheet with information for consumers, used during the sale of tobacco products in consumer packaging, where it is impossible to relay the information to the consumer on the exterior, and for individual cigars and cigarillos (cigarettes);

"licensor" - a legal entity or individual, who has the right to a trade mark, which is the right to use such a trademark under a license agreement;

"carbon monoxide" -- a product of incomplete combustion of carbon-containing substances;

"name of tobacco products" -- the designation of tobacco products, assigned by the manufacturer;

"non-tobacco materials" -- materials that are part of a tobacco product (except for raw materials) and imparting characteristics specified by the manufacturer, specific features and a form which include: papirosa paper, cigarette paper, tipping and tipping paper, wrapping paper for the filter (fitsella), filter material, adhesives, ink, wrapping material for a portion of sucking tobacco (snus);

"smokeless tobacco product" -- a tobacco product, intended for sucking, chewing, and snuffing;

"nicotine" -- an alkaloid, contained in plants of the genus *Nicotiana* of the family of the solanaceous species *Nicotiana Tabacum* and *Nicotiana Rustica*;

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"papirosa" -- a type of tobacco product, consisting of chopped raw material and a mouthpiece in the form of a package of tipping paper, wrapped papirosa (cigarette) paper, bonded with a glueless serrated suture. In the mouthpiece of the cigarette, filter material can be inserted;

"consumer packaging" -- packaging intended for sale or primary packaging of products sold to the final consumer;

"warning about the dangers of tobacco consumption" -- information about the devastating effects of tobacco use and tobacco smoke to human health, applied to consumer packaging of tobacco products in the form of color drawings or photographic images, including a text;

"cigar" -- a type of smoking tobacco product, made of cigar and other raw materials and having three layers: a stuffing of whole, threshed, or cut cigar and (or) other raw materials, a wrapper from a cigar and (or) other raw material and a wrapping of a cigar tobacco leaf. The thickness of a cigar over one-third or more of its length must not be less than 11 mm;

"cigarette" -- a type of smoking tobacco product, consisting of chopped raw material, wrapped in cigarette paper;

"unfiltered cigarette" -- a type of smoking tobacco product, consisting of chopped raw material, wrapped in cigarette paper (the smoking part);

"a cigarette with reduced ignition propensity" -- cigarettes, for which the burn length does not exceed 25 percent of the total length in the number of cigarettes tested when

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analyzing their igniting ability using a standard method for 10 layers of filter paper;

"a cigarette with a filter" -- a type of smoking tobacco product, consisting of chopped raw material, wrapped in cigarette paper (the smoking part), and a filter;

"a cigarillo (a cigarette)" - a type of smoking tobacco product made from cigar (tobacco) and other raw materials and having many layers: a filling of cut or torn cigar and other raw materials, a wrapper of cigar and (or) other raw materials and a wrapper of the cigar leaf tobacco, reconstituted tobacco or of special paper made of cellulose-based paper and tobacco. Cigarillos (cigarettes) can have a filter but not a wrapper.

The maximum thickness of a cigarillo (cigarette) should not exceed 11 mm;

"resin" -- dehydrated smoke condensate, not containing nicotine;

"raw materials" - tobacco, developed via postharvest (or) other industrial processing, used in the manufacture of tobacco products;

"tobacco" - a plant of the genus *Nicotiana* of the family of the solanaceous species *Nicotiana Tabacum* and *Nicotiana Rustica*, cultivated in order to obtain raw materials;

"tobacco for the hookah" -- a type of smoking tobacco product, designated for smoking, using the hookah and consisting of a mixture of chopped or torn materials with or without the addition of ingredients;

"thin cut smoking tobacco" - a type of smoking tobacco product, intended for hand-made cigarettes or

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"papirosa," consisting of chopped, torn, twisted, or pressed tobacco with or without added ingredients, wherein at least 25 percent of the net weight of the product is the fiber width of 1 mm or less;

"pipe tobacco" -- a type of smoking tobacco product, designated for smoking with a pipe, consisting of chopped, torn, curled, or pressed tobacco with added or no added ingredients, in which more than 75% percent of the net weight of the product is the fiber of a width of more than 1 mm;

"tobacco products" -- a tobacco product, packaged in consumer packaging;

"tobacco product" -- a product, fully or partially made from tobacco leaf and (or) other parts of the tobacco plant as raw materials, prepared in such a way that it may be used for smoking;

"An individual authorized by the manufacturer" --registered in the established legislation of a state -- a member of the Customs Union and the Common Economic Space registered within its territory. A legal entity and individual as an individual entrepreneur, which on the basis of a contract with the manufacturer, including the

foreign manufacturer, acts on behalf of the manufacturer in evaluating compliance and the introduction of tobacco products on the territory of the Customs Union and are also responsible for the non-compliance of tobacco products with the requirements of these technical regulations;

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"Filter" - a device attached during the process of tobacco production towards the end of the smoking product, intended for the detention of part of the tobacco smoke.

### III. Identification of Tobacco Products

5. Identification of tobacco products for the purpose of its classification in the sphere of these technical regulations is carried out by the:

- manufacturer (a person authorized by the manufacturer), importer (the seller);
- authority of the state - a member of the Customs Union and the Common economic space (Hereinafter - member state) responsible for the implementation of state control (supervision) compliance with the requirements of these technical regulations;
- other interested persons.

6. Identification of tobacco products are carried out by the names and (or) by features that characterize them, specified in these technical regulations.

Signs describing tobacco products are: component composition (presence of tobacco leaf and (or) other parts of the tobacco plant), its characteristics, and methods of use of tobacco products.

7. Identification of tobacco products is carried out by:

- a) naming the type - by comparing the names of tobacco products, contained in the information shown on the consumer packing (package insert) and (or) in the accompanying documents (originals (certified copies)

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of the agreement (contract) for the delivery, shipping, documentation, or a declaration of compliance of tobacco products with the definitions of types of tobacco products in compliance with these (the current) technical regulations;

- b) visual method - by comparing the appearance of tobacco products having the product features set forth in the definition of the tobacco products in compliance with these technical regulations.

8. the results of the identification is the classification or non-classification of the identifiable products to tobacco products.

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

9. Tobacco products are put in circulation on the market of member states in compliance with these technical regulations and also other requirements of the technical regulations of the Customs Union, an action to which they are subject.

10. Tobacco products, in compliance with requirements of these technical regulations and also requirements of other technical regulations of the Customs Union, actions to which they are subject, having undergone a compliance assessment, shall be marked with a single product conformity sign for the products on the market of member states of the Customs Union.

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## V. Requirements for Tobacco Products

11. In the production of tobacco products, it is not permitted to use ingredients of substances according to the enclosure.

12. The contents of tar and nicotine in the smoke of one cigarette (with or without a filter) may not exceed 10 mg / cig. and 1.0 mg / cig., respectively.

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

14. Methods for determining tar and nicotine content in the smoke of cigarettes (with or without a filter) and carbon monoxide in the smoke of filtered cigarettes and the rules of sampling and determining the accuracy of information about the content of tar, nicotine, and carbon monoxide are established in the standards, referred to in item 32 of these technical regulations.

15. During the sale of tobacco products, it is not permitted to use package inserts, placed inside the consumer packaging of tobacco products, attached outside or attached to the package except for the consumer packaging, where it is impossible to relay the information to the consumer on the exterior, as well for the sale of individual cigars and cigarillos (cigarettes).

## VI. Rule of Reporting the Contents of Tobacco Products and their Emissions

16. The manufacturer, the supervising agency, and (or) the importer of tobacco products, sold in the territory of a member state, must annually, not later than the last day of the first quarter of the year,

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of the following year, according to the calendar reporting year, submit to the authorized body of a Member State a health report, containing information on the composition of the sold tobacco products and emissions within the calendar reporting year in a form approved by the Eurasian Economic Commission.

17. If the manufacturer or importer carried out toxicological investigations of ingredients or if the research was conducted on their order, such persons in the report, referred to in item 16 of these technical regulations, shall include the fact that such toxicological studies occurred and on request of the authorized body of the Member State in the sphere of healthcare, provide within 30 days of receiving the request for information, the results of the studies (research), showing the methods and techniques measurements, as well as types of measuring instruments.

## VII. Requirements for the Content of Information for Tobacco Product Consumers

18. On the sales packaging of tobacco products are applied special (excise, accounting and control, or other) stamps, excluding the possibility of counterfeiting and reuse (Hereinafter - brands).

19. Information for consumers of tobacco products is applied to consumer packaging (package inserts) and shall include:

- a) the name of the type of tobacco product;
- b) the name of the tobacco product

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c) the name of the legal entity, registered in the territory of a member state, who is authorized by the manufacturer to accept claims from consumers, his location (country and address, including the actual address) (in the absence of such a person, the claims of the consumer is accepted by the manufacturer of the given tobacco products, registered on the territory of the member state). The specified information can be posted on the outer or inner side of consumer packaging in a place accessible for reading;

d) the name of the manufacturer, authorized by the manufacturer person or importer, its location (country and address, including the actual address) and (or) naming the controlling organization (if available), its location (country and address, including the actual address). In case of changes in the information, the manufacturer, person authorized by the manufacturer or importer, shall, within 180 calendar days from the date of such changes, make corresponding changes to the information on the consumer packaging of tobacco products (package insert). Wherein the manufacturer, a person or importer, authorized by the manufacturer, within the specified period has the right to release into the circulation tobacco products with the previous information;

e) information on the availability of filters (for smoking tobacco products with a filter);

f) information on the number of individual items (for individual tobacco products) or net weight (g) (for weighted tobacco products);

- g) a warning about the dangers of the consumption of tobacco products;

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h) single conformity sign for products in market states - members of the Customs Union;

i) information on the maximum retail price, month and year of the manufacture of tobacco products in the manner prescribed by legislation of the member states. It is not allowed to cover the specified information on consumer packaging (except with a transparent wrapping) with any elements or affixing stamps;

- j) information on the system of poisons, carcinogenic, and mutagenic substances.

20. The information shown on the consumer packaging (package inserts) must be accurate and should not mislead consumers.

21. The information shown on the consumer package (package inserts) shall not contain any terms, descriptions, signs, symbols, or other designations that directly or indirectly create the false impression that a tobacco product is less harmful than other tobacco products, including words or phrases such as "low tar," "light," "Very light," "mild," "extra," "ultra," words, signs, and symbols, which create the association of tobacco products with a food product (a food additive), or that directly or indirectly create the false impression that the tobacco product has the taste of the food product (a food additive), words, with the same root, analogues of such words (cognates), transliterated from foreign languages into the state languages of the member states.

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Information stamped on consumer packing (package inserts) must not contain images of food products, drugs, medicinal plants, and also words or phrases that directly or indirectly associate tobacco products with food products, drugs, or medicinal plants.

It is allowed to use in the composed information, shown on the consumer packaging (package inserts), words or phrases that indicate the content of menthol tobacco products, the nature of the fragrance of cigars, cigarillos (cigarettes), tobacco hookah, thin cut smoking tobacco, and pipe tobacco.

22. It is not allowed to apply to consumer packaging (package inserts) numerous indicators of the content of tar, nicotine, and carbon monoxide in the smoke of tobacco, as well as information confirming that:

- a) the consumption of tobacco products (type of tobacco product) reduces the risk of disease associated with the consumption of tobacco products;
- b) this tobacco product (type of tobacco product) is less dangerous to health than other tobacco products (other kinds of tobacco products);
- c) the risk of the emergence of diseases, connected with the consumption of tobacco products (a type of tobacco product), is reduced due to the presence of (absence, of reduced content) substances emitted in tobacco consumption.

23. The information shown on the consumer packaging (package inserts) shall be marked in clear, legible,

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letters or symbols that are easy to read, indelible, and resistant to climatic factors.

Means and methods of application of information on consumer packaging (package inserts) should ensure the preservation of the information of tobacco products during the transportation, storage, and sale of products.

24. The information, shown on the consumer packaging, with the exception of named tobacco products, should be arranged in such a way in order not to disrupt the integrity of inscriptions during the opening of consumer packaging.

25. The information shown on the consumer packaging shall not be printed on transparent wrapping paper or any another external wrapping material covering other printed information but may be partially covered with stamps, except for on the front of the consumer packaging.

26. Stipulated in item 19 of these technical regulations of tobacco products, the information about tobacco products is applied in the Russian language and in the state (state) language (s) of member states with corresponding requirements in legislation of the Member State, in which the sale of tobacco products is carried out and may be repeated in other languages in part, the name of the manufacturer (authorized by the manufacturer), the importer or the inspection agency, and also the brand name of the tobacco product. The text, included in a registered trademark or industrial design, is applied in the language of the registration.

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27. For each consumer package of tobacco products (package insert), there is a warning about the dangers of the consumption of tobacco products.

Sketches of warnings of tobacco consumption and parameters of their application to the consumer packaging of tobacco products are developed by authorized bodies of the member states in healthcare and approved by the Eurasian Economic Commission.

28. The manufacturer (the manufacturer's authorized entity) or importer (seller) shall ensure the application of the sketches of warnings about tobacco consumption on consumer packaging of tobacco products in accordance with sketches within a period not exceeding 12 months from the date of their approval.

29. A warning of the dangers of tobacco consumption shall be located in the upper parts of the front and back of the main consumer packaging of tobacco products. On the reverse main side of the consumer packaging of tobacco production, there is a warning about the dangers of tobacco consumption; if it is covered by a stamp or if it is destroyed during normal opening of the consumer packaging, it is recommended to be placed on the lower part.

A warning of the dangers of tobacco consumption shall take up no less than 50 percent of the area of these sides.

On the front side of the main consumer packaging of the tobacco product, the text warning about the dangers of tobacco consumption is applied in the state language (languages) of the member state in whose territory tobacco products are sold, with the appropriate requirements

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in the legislation of that State, and on the back of the main side - in Russian.

Sketches of warnings of the harm of tobacco consumption are applied to an equal number of consumer packages of tobacco products.

30. Information about the content of the system of poisons, carcinogenic, and mutagenic substances is applied to the side surface of the consumer packaging of tobacco products in a color that contrasts with the basic color of the consumer packaging, using the Helvetica font in the inscription: "Contains systemic poisons, carcinogenic and mutagenic substances," which should occupy not less than 17 percent of the surface area of the side of the consumer packaging of tobacco products.

## VIII. Ensuring Compliance with the Requirements of Tobacco Product Technical Regulations

31. Tobacco product compliance with these technical regulations is ensured by the direct implementation of their requirements.

32. Research methods (tests) and measurements of tobacco products are established in the standards, included in the list of standards, containing rules and methods of research (tests) and measurements, including the rules of sampling, necessary for application and enforcement of the requirements of these technical regulations and implementation of compliance assessment of products.

## IX. Tobacco Product Compliance Assessment

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33. A compliance assessment for tobacco products is conducted in the form of state monitoring (supervision) and in the form of the confirmation of compliance.

34. Tobacco products before the release into circulation on the market of member states shall be subject to compliance assessment in the form of the declaration of compliance according to one of the following diagrams:

- a) for cigarettes - diagram 3d, 4d, and 6d;
- b) for other types of tobacco products - 1d and 2d.

35. When declaring compliance for tobacco products, the applicant may be registered in compliance with the legislation of a member state on its territory as a legal entity or individual, an individual businessman appearing as a manufacturer (manufacturer's authorized entity), or as an importer (the seller).

36. The declaration of compliance for cigarettes, mass-produced, is carried out under diagrams 3d and 6d, and for other types of tobacco products, mass-produced, is implemented according to diagrams 3d and 6d, for other types of mass-produced tobacco products, according to diagram 1d, for a pack of cigarettes -- according to diagram 4d, for a pack of other types of tobacco products -- according to diagram 2d.

37. When declaring the compliance for tobacco products, the applicant may be:

- a) for diagrams 1d, 3d, and 6d - a manufacturer (authorized manufacturer entity);
- b) for diagrams 2d and 4d - a manufacturer (authorized manufacturer entity) or an importer (the seller).

38. Selection of a diagram for the declaration of compliance for tobacco products is carried out by the applicant.

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39. The declaration on compliance **for** tobacco products according to diagrams 1d and 2 d is carried out by the applicant on the basis of his own evidence. Tests of samples of tobacco products according to the choice of the applicant are conducted in the testing laboratory (center) of the applicant or in an accredited testing laboratory (center),

included in the Single Registry of Authorities in Certification and testing laboratories (centers) of the Customs Union or in a test laboratory of the Customs Union.

The declaration of compliance of tobacco products according to 3d, 4d, and 6d is made by the applicant on the basis of his own evidence and evidence obtained with an accredited testing laboratory (center), included in the Unified Register of certification bodies (authorities) and testing laboratories (centers) of the Customs Union.

40. When declaring the compliance of/for tobacco products, the applicant:

a) generates and analyzes documents, confirming compliance of tobacco product requirements with these technical regulations, including:

a sample of consumer packaging (if any);

a package insert (if any);

a report (s) of testing of samples of tobacco products on compliance with the requirements of these technical regulations;

a contract (an agreement) for the delivery (contract) and shipping documentation (diagrams 2d, 4 d);

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

other documents according to the applicant's choice, are grounds for verifying compliance of tobacco products with the requirements of these technical regulations and other requirements of the technical regulations of the Customs Union, the action of which it is subject (if applicable);

b) conducts the identification of tobacco products in accordance with Section III of these technical regulations;

c) ensures the implementation of product monitoring and takes all necessary measures for the process of manufacture of tobacco products to ensure its compliance with the requirements of these technical regulations (diagrams 1d, 3d, and 6d);

d) takes all necessary measures to ensure stability of the quality management system (diagram 6d);

e) adopts a declaration of compliance, which is issued by a single form and rules, approved by the Decision of the Board of the Eurasian Commission on December 25, 2012, № 293;

f) applies a single conformity sign of products on the market states - members of the Customs Union;

g) generates, after the completion of the process, a confirmation of a corresponding set of documents, which comprise documents, stipulated in subparagraph "a" of this item and a declaration of compliance.

41. The manufacturer (entity authorized by the manufacturer) has the right to accept the declaration of compliance for each brand name

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of a tobacco product or a single declaration of compliance for the declared assortment of tobacco products of one type.

The importer (seller) has the right to adopt a compliance declaration for each brand name of a tobacco product or one compliance declaration for the declared assortment of tobacco products of one type in the frameworks of a single contract (agreement) for delivery (contract).

42. The declaration of compliance shall be registered in the order, stipulated by the decision of the Board of the Eurasian Economic Commission on April 9, 2013 № 76.

The validity of the declaration of compliance with the declaration of compliance of tobacco products under diagrams 1d and 3d is no more than 3 years, according to the diagram 6e - not more than 5 years. For a batch of tobacco products, the period of validity of the declaration of compliance is not set.

#### X. State Monitoring (Supervision) with Compliance with **to** the Requirements of these Technical Regulations

43. The state monitoring (supervision) of compliance requirements for these technical regulations in respect to tobacco products is carried out in accordance with the legislation of a member state.

#### XI. Labeling of Tobacco Products with a Single Conformity Sign on Products on the Market of Members States of the Customs Union

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44. Tobacco products that passed the conformity assessment requirements of these technical regulations and other technical regulations of the Customs Union, an action to which they are subject, shall be marked with a single conformity sign on the products on the market of member states of the Customs Union.

45. Labeling a single conformity sign on products on the market of member states of the Customs Union is carried out before the release into circulation of tobacco products.

46. A single conformity sign on products on the market of member states of the Customs Union is applied to consumer packaging (package inserts) of tobacco products in any way that ensures its sharp, clear image.

47. Labeling a single conformity sign on products on the market of member states of the Customs Union attests to the compliance of tobacco products to the requirements of these technical regulations and other technical requirements of the regulations of the Customs Union, an action to which they are subject.

#### XII. Safeguard Clause

48. Authorized bodies of member states are obligated to take all measures to limit and ban the release into circulation on the customs territory of the Customs Union tobacco products, not meeting the requirements of these Technical Regulations and technical regulations of the Customs Union, an action to which they are subject, as well as for its removal from circulation.

In this case, the authorized body of a member state shall notify the authorized bodies of other member states of

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the adoption of the corresponding decision, specifying the reason for its adoption and the provision of evidence, clarifying the need to take appropriate measures.