

Russia: New regulations on government control over consumer protection

July 2021



On 25 June 2021, the Russian Government passed Resolution No. 1005, which approved the Regulations on Federal State Control (Oversight) Over the Protection of Consumer Rights (the "**Regulations**").

This document was passed as part of the reform of control and oversight in connection with the entry into force from 1 July 2021 of the majority of the provisions of Federal Law No. 248-FZ dated 31 July 2020 "On State Control (Oversight) and Municipal Control in the Russian Federation".

The Regulations contain norms that support the implementation of new statutory requirements on state control by the Federal Service for the Oversight of Consumer Protection and Welfare ("**Rospotrebnadzor**"). Certain aspects of the Regulations will be of interest to manufacturers and organisations that sell goods or provide services to consumers. On the whole, the new legislation pursues the government's intention to reduce the pressure on business from the supervisory authorities, and to make preventative control measures more of a priority.

Performance of state oversight

Rospotrebnadzor carries out government oversight without performing scheduled control measures. Several categories of unscheduled control measures have been established:

1) measures conducted through interaction with entities subject to oversight, such as test purchases, product review test purchases, spot controls, inspection visits, surprise inspections, document reviews, field reviews.

2) measures conducted without interacting with entities subject to oversight, such as observation of compliance with mandatory requirements and field monitoring.

A list of specific control actions is assigned to each type of control measure. For example, during a document review Rospotrebnadzor employees may obtain written explanations, seize documents, and carry out expert reviews.

Preventative measures

The Regulations establish a list of preventative measures to be taken by Rospotrebnadzor. Among other things, this list includes measures to incentivise honest business practices among entities subject to oversight. Rospotrebnadzor can review entities subject to oversight for compliance with criteria for honest business practices over the previous three years.

The following measures are employed as incentives:

- nomination of representatives of the entity to a public authority under Rospotrebnadzor;
- performance of inspection visits and field reviews using remote tools for interaction;
- awarding the entity a reputational status for three years, confirming that the entity has complied in good faith with the law's mandatory requirements.

These measures may have a positive effect in future and may also improve relations between Rospotrebnadzor and business.

Kind regards

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