

Risk-based approach and market surveillance in the Republic of Belarus

Control (supervisory)/market surveillance activities in the Republic of Belarus are regulated by:

The Presidential decree of October 16, 2009 No. 510 “On improving the control (supervisory) activity” (as amended by Decree of October 16, 2017 No. 376);

The Presidential decree of February 9, 2015 No. 48 “On measures to ensure state control (supervision) over compliance with the requirements of technical regulations”;

The Law of the Republic of Belarus of 5 January 2004 No. 262-Z «On technical regulation and standardization”;

The Law of the Republic of Belarus of October 24, 2016 No. 437-Z “On conformity assessment with the technical requirements and accreditation of conformity assessment bodies”;

The Law of the Republic of Belarus of September 5, 1995 “On ensuring the uniformity of measurements” (as amended by the Law of November 11, 2019 No. 254-3);

Resolution of the Council of Ministers of the Republic of Belarus of June 24, 2015 No. 529 “On authorized (competent) bodies of the Republic of Belarus for the implementation of state control (supervision) over compliance with the technical regulations of the Customs Union and the Eurasian Economic Union”.

It should be noted that the Presidential decree No. 376 has sufficiently liberalized approaches to the implementation of control (supervisory)/ surveillance activities:

- minimizing the intervention of inspectors/surveyors in the economic activities of business entities, protecting the interests of business during the control (supervision);
- reducing the number of inspections by eliminating scheduled inspections and reducing the grounds for appointing unscheduled inspections;
- shift the focus in the inspectors/surveyors activities to preventive work, including through monitoring, sending recommendations, conducting outreach work, informing entities about typical violations detected during inspections by regulatory authorities;
- revision of the existing system for risk assessment while appointing spot checks.

Currently, a risk-based approach is the basis for the choice of subjects for inclusion in the plans of spot checks. The selection of subjects for inclusion in spot inspection plans is carried out using risk assessment criteria.

These are 16 criteria with some sub criteria, for each of which a certain number of points is established - from 1 to 5.

The assignment of a business entity to a high risk group is carried out if the risk degree exceeds a parameter calculated according to a formula.

The more points a business entity scores, the more likely it will fall under a spot check.

In addition, a large role is given to the analysis of information from a variety of sources, the existing surveillance practice in relation to a particular product.

Along with the information obtained during the monitoring of the market situation, we also take into account the information gained from government bodies, manufacturers and importers (based on the results of their own marketing research), and public.

The application of all these approaches together allows us to talk about the high effectiveness of inspections/surveillance (90% or more), both selective (spot) and planned.

Indeed, the decisions taken on the appointment of control / inspection, as well as monitoring, should be reasonable and not create obstacles to doing business.

Today in our country, there is no practice of supervision for the sake of supervision.

Supervision should be as accurate as possible and remove from the market those who “deserve it”, promote “bona fide” fair entities, because their activities are necessary for both the economy and consumers.

In the structure of controlled products, there are:

35% food products;

29% electrical products;

12% products for children and adolescents;

10% toys;

4% building materials;

3% light industry products;

2% furniture products;

5% other products.

In order to inform consumers, manufacturers, suppliers, importers of hazardous products identified on the Belarusian market Gosstandart (BELST) has been maintained since 2015:

Register of hazardous products banned for import and circulation in Belarus;

Register of conformity assessment documents of the EAEU, the validity of which revoked in the country;

Currently, the Register of hazardous products contains about 2,800 items, and the Register of revoked (banned) documents contains about 2,000 documents.

The Register of hazardous products banned for import and circulation in the context of groups of goods contains:

- 51% electrical products;
- 20% food products;
- 12% products for children and adolescents;
- 10% toys;
- 2% light industry products;
- 5% other goods.

This information system has now serves as a guide for consumers, manufacturers and suppliers.

Belarus took this path first among Eurasian integration partners and now brings all of its accumulated experience to the implementation of a pilot project to create a similar information system within the EAEU.

Currently, the information system within the framework of an ongoing pilot project allows the EAEU countries to taste in a test mode the mechanism for exchanging information on inappropriate products identified in the single market and take quick measures to prevent its circulation in the EAEU.

The creation of an effective system for protecting the internal market of the Eurasian Economic Union from unsafe products is one of the key tasks of the Eurasian Economic Commission (EEC) and member states.

It should be noted that the territorial bodies of Gosstandart constantly monitor notifications of non-conforming products detected in the European Union countries in the RAPEX information system, designed to quickly exchange information about serious risks for consumers between member states and the European Commission.

Considering that participation in the RAPEX system is open for states outside the European Union to increase the effectiveness of interaction between the control (surveillance) authorities of the Republic of Belarus and the European Union, we consider it possible to explore the issue of mutual exchange of information on non-conforming (hazardous) products, including with using information systems.

Online shopping has now become a habitual, usual place for shopping for many people.

The acceleration of this process was ensured by the availability and mobility of Internet communications, as well as modern issues that require remote and contactless methods of purchasing goods.

Goods sold through online platforms must be safe and meet the declared characteristics, as well as those sold in stationary trading.

Being in the virtual space, it is easier to commit any violations, disappear, leaving the consumer with an unsafe and poor-quality product that fooled his expectations.

Similar violations are recorded in other EAEU countries. Therefore, the issues of the all aspects of Internet commerce began to be actively discussed at the EAEU site to take appropriate decisions.

Surveillance in this area is a fairly new challenge for the control (surveillance) bodies of the Belarus.

At the same time, the Gosstandart territorial surveillance bodies plan and carry out the monitoring of Internet resources regarding the sufficiency and reliability of the information provided to consumers, the availability of required conformity assessment documents, sales of products prohibited for import and circulation in the Belarusian market.

If violations are detected, recommendations on elimination of violations are sent to the business entity, the regulators are provided with information (Ministry of anti-monopoly regulation and trade – to recognize such advertisements as inappropriate; and Ministry of information – to restrict access to such Internet resources).

Supervisory (surveillance) authorities apply today the same tools and approach that world markets use.

We are sure the level of control in the market of the Republic of Belarus is one of the highest among the countries of the EAEU partners.

The Gosstandart supervisory (surveillance) system is not static; it is constantly being improved and developed in response to new challenges of open markets.

In the very near future, these approaches will be strengthened both at the national level and within the EAEU.

Everyone is interested in a civilized common market.