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Global Agricultural Information Network

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Ukraine

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

There have been some changes affecting agricultural product quality, safety, and sanitation regulations in Ukraine since the submission of the last report. Ukraine undertook an Administrative Reform and actively changed names and authorities of state regulatory bodies. Significant changes took place in the Conformity Certification area (see Section VI). Information on Food Laws (Section I) was significantly updated and changed. Contact information for Ukrainian regulatory authorities has been updated to match new regulatory functions.

Section I. Food Laws:

The Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Kyiv, Ukraine prepared this report for the U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since the time this report was written, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Ukraine possesses a complicated and costly food safety system inherited from the Soviet Union. Controls are implemented by various state agencies that often have overlapping functions. In late 2010 the Government of Ukraine (GOU) started a major reform of the regulatory system aimed at reducing the number of controlling bodies and clear separation of their authorities. Although GOU intended to finish most of the transformation by the end of 2011, the process is still in progress and likely not to be finished by 2013. The authority scopes of both new and old agencies in transformation are provided in the report where possible. Due to ongoing reform these scopes are changing over time. So far the reform has not led to simplification of food import regime. The reader is encouraged to contact FAS/Kyiv at the addresses below should questions arise regarding regulations or regulatory system.

The following GOU agencies are involved in assuring the safety of domestically produced and imported food products, and animal and plant health issues:

- The State Epidemiological Service (SES) of the Ministry of Health Care of Ukraine (MHCU) establishes food safety standards and is responsible for all aspects of food safety. However in early 2013 the SES is to suffer a major workforce reduction (approximately two times lower) with major structure change. The new entities will be called “Public Health Centers” instead of “Sanitary-Epidemiological Stations.” A lot of food safety control functions are expected to be transferred to the State Veterinary and Phytosanitary Service;
- The State Veterinary and Phytosanitary Service (SVPS) is responsible for animal health, safety and wholesomeness of meat, seafood, other products of animal origin and live animals (State Phytosanitary Inspection Service of the Ministry of Agricultural Policy and Food of Ukraine has not fully joined the SVPS as intended by regulatory reform. It functions separately and is responsible for plant health issues);
- The Agricultural Inspection Service (AIS) of the Ministry of Agricultural Policy and Food of Ukraine (MAPFU) is responsible for plant varieties;
- The State Inspection for Consumer Rights Protection is responsible for compliance of food products with Technical Requirements and safety norms (listed in outdated State Standards which are voluntary for non-safety parts) if they are not controlled by other agencies and not covered by the new Technical Requirements.
- The State Ecological Inspection Service (SEIS) of the Ministry of Ministry of Ecology and Natural Resources of Ukraine (MENRU) is responsible for radiological and environmental control.

Due to the complexity of the existing food safety system and its unpredictable changes, it is difficult for foreign suppliers to be aware of the most current food safety regulations. Suppliers should work with experienced importers in order to verify most current import requirements prior to shipping to Ukraine. Since accession in 2008, Ukraine must comply with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, and the SPS Agreement. Currently, certain sanitary measures used in Ukraine could be considered partially non-compliant with provisions of the WTO agreement and/or with the standards established by international standards setting bodies, as well as with internationally accepted trade

practices.

Customs clearance and related inspections in Ukraine are fee-based and are viewed by many regulatory agencies as a source of additional revenues. Exporters should be prepared for two or more GOU agencies to take samples from their shipment and test for the same safety indicators.

Although the country's regulatory environment is constantly evolving, most food safety requirements have not been revised since the breakup of the Soviet Union in 1991. The main document which regulates food safety indicators in Ukraine is the Medical and Biological Requirements and Sanitary Norms of Quality of Raw Food Materials and Food Products that was approved by the Ministry of Health Care of the USSR on August 1, 1989. This document divides all food products into nine major categories: meat, meat products, poultry, and eggs; milk and dairy products; fish, fish products and other seafood; bread, pasta, and cereals; sugar and confectionary; vegetables, melons, gourds, fruits, berries, and processed products of thereof; fat products; drinks and fermented products; and, other products. The document establishes a set of nutritional (content of protein, energy, carbohydrates, vitamins, micro elements, etc) and safety (maximum residue levels (MRLs) for heavy metals, micro-toxins, antibiotics, hormones, pesticides and microbiological limits) standards for each product category. Ukrainian health authorities have declared their intention to revisit the norms; however, no official information is available at this point.

Imported food products must meet the same requirements as domestically produced foods. While enforcement of food safety norms has been generally effective, outdated nutritional norms have not been rigorously enforced. The short list of applicable Ukrainian legislation on food safety follows (in English unless otherwise noted):

Food Safety

- [The Law of Ukraine On Quality and Safety of Food Products and Food Raw Materials](#) (As amended):
- (The most recent amendments to conform to WTO norms and standards from 2004-05 are provided [separately](#).)
- The Law of Ukraine No. 3037-III "[On Ensuring Sanitary and Epidemic Safety of the Population](#)," of February 7, 2002 (summary version);
- [Provisional Procedures of the State Sanitary and Hygienic Expertise](#) (in Ukrainian) (approved by the Ministry of Health, Order #247, dated October 9, 2000).

Veterinary

- The Law of Ukraine On Amendments to the Law of Ukraine "[On Veterinary Medicine](#)" (summary version);

Phytosanitary

- The Law of Ukraine "[On Plant Quarantine](#)"
- [The List of Quarantine Organisms](#)
- The Law of Ukraine "[On Protection of Rights to Plant Varieties](#)" No. 3116-XII (in English as amended in 2006)

Compliance Regulation

- Law of Ukraine [On State Market Surveillance and Control of Non-food Products](#) (in Ukrainian). Short review in English [here](#). Although this law is unrelated to agricultural imports, its Ending Remarks removed the qualitative control from agricultural products leaving only safety requirements. This compliance regime is in place since August 1, 2011.
- Presidential Decree 465 [Provision on State Inspection on Consumer Rights Protection](#) (in Ukrainian). This Decree established Inspection, but it was not fully functional by the time when this report was drafted.
- Law of Ukraine [On Technical Regulations, Standards and Compliance Verification Procedures](#) (in Ukrainian)
- Law of Ukraine [On Standardization](#) (in Ukrainian)
- Law of Ukraine [On Conformity Certification](#) (in Ukrainian)

Customs

- [The Customs Code of Ukraine](#):
- The Law of Ukraine “[On Rates of Excise and Import Duty for Some Commodities \(Products\)](#)” short version adopted on August 1, 1996

Geographical Indicators

- Law on [Protection of Rights to Indication of Origin of Goods](#), # 752-XIV as amended in 2008

Trade Marks

Law “[On Protection of Rights to Marks for Goods and Services](#)”, 3689-XII as amended in 2008

Section II. Labeling Requirements:

All food products sold in Ukraine must be labeled in accordance with the Law of Ukraine On Quality and Safety of Food Products and Food Raw Materials (see a link to an English version of the Law above). The label must contain the following information:

- 1) Name of food product;
- 2) Nominal quantity of food product (weight or volume in metric measurements);
- 3) List of all ingredients in the food product, including other food products and food additives used;
- 4) Nutritive values and energy (this category is also compulsory for raw products and other products for further processing);
- 5) Expiry date, or the date of production with indicated shelf life;
- 6) Storage conditions;
- 7) Indication of a normative document according to which the product was produced (applicable for domestic food products subject to compulsory compliance certification);
- 8) Producer’s name, address, and place of production;
- 9) Terms of use (if any);
- 10) Presence of genetically modified organisms (GMO) in excess of 0.9 percent if any; Non presence also must be noted.
- 11) Consumption warning for food products by certain consumer categories (children, pregnant, elderly, athletes, etc.);

The label must be in the Ukrainian language and meet the abovementioned requirements; therefore, the product cannot enter Ukraine if it has only a standard U.S. label.

Stick-on tags that meet Ukrainian food safety law requirements are allowed and can be placed on the side of or over the standard U.S. label. There are no restrictions as to the number of languages, and some products sold in Ukraine have been labeled with as many as ten European languages. The recent Language Policy Law that introduces regional languages allows importers to use both Ukrainian and regional languages on the label. Post is yet to see such labels from domestic or foreign suppliers. Use of additional languages can be justified mostly from a marketing standpoint.

Customs authorities require compliance with Ukrainian labeling import requirements prior to granting final product clearance. Most importers prefer to deal with products already labeled to meet Ukrainian requirements, while others prefer to attach labels in a licensed customs warehouse in Ukraine if this option is granted by control authorities. The Ukrainian Veterinary Service has recently imposed a requirement for Ukrainian language labels on all boxes within a container prior to their unloading from the vessel.

The product’s expiration date (or its shelf life indicated with the date of production) must appear on the label. Although Ukrainian food safety legislation allows producers to determine the shelf life of the product, it is highly advisable to verify with the importer whether it meets the existing Ukrainian technical regulations (GOST or DSTU). There have been some

discrepancies between producer-determined shelf life and old Soviet-era technical standards that have resulted in Ukrainian veterinary authorities stopping imports of certain seafood products.

The legislation and implementing regulations do not set the rules for label size and format; however, they stipulate that labels must be “easily understood”. It is prohibited to include health claims, make statements targeting particular consumer groups (children, pregnant women, athletes) without prior approval from the MHCU (follow this [link](#) for definitions, in Ukrainian).

Food product labeling legislation requires Genetically Modified Organism (GMO) content indicated on food products that are sold to Ukrainian consumers. The Government of Ukraine defines GMO presence in a product according to the [GOU Resolution #661 \(Ukr\)](#) as follows:

- a. Any food product that contains more than 0.9 percent of GMOs, or if any ingredient in a food product contains GMOs as well as food products that do not contain any GMOs but are produced at least in part with agricultural products that contain GMOs and the total weight of GMO or GMO derived products in a single food product package exceeds 0.9 percent of its total weight, this food product has to be labeled “Contains GMO.”
- b. If a single package of food product contains zero or less than 0.9 percent GMOs, this product shall be labeled “No GMO.” Food products that contain ingredients that are listed in the Ukrainian GM-monitored list and possess no labeling are not permitted for sale in Ukraine and are subject to confiscation and fines.

However, there are also the Law of Ukraine on Safety and Quality of Food Products and the Law of Ukraine on State Biosafety for Developing, Testing, Transportation and Use of Genetically Modified Organisms that regulate GMO presence and labeling in the country. These most recent editions of these laws do not provide any detection limit (e.g., the 0.9 percent used in many other countries) for GMOs. Thus, state authorities can use the later laws for testing purposes and set a zero percent limit for GMO presence for food product labeling purposes.

Since early 2011, a list of food products that require testing and monitoring for GM content was limited to 18 product categories. All food products that are made with or contain at least one ingredient from the GMO-monitored list in accordance with the Ministry of Health of Ukraine Order #971, dated November 9, 2010, ought to be tested and certified for biotech content. Such products like table salt or drinking water are no longer required to be labeled according to its GMO content (e.g. “No GMO”) as was the case in the past in Ukraine. FAS-Kyiv released a separate report that describes this legislation and its impact in more detail. Please refer to the following link: [FAS-Kyiv GAIN Report UP1103](#). Law #1778-VI “On Amendments to the Law of Ukraine (Law #771/97) “On Safety and Quality of Food Products” (signed December 17, 2009 and effective December 30, 2009) established the mandatory labeling of food products per their GM content.”

Law #1779-VI “On Amendments to Some Legislation of Ukraine on Providing Information About GMO Content in Food Products” (signed December 17, 2009 and effective two months after publication) relates to the Law of Ukraine #1023-12 “On Consumer Rights Protection” and mandates the development and implementation of the registration system of GMOs and products derived with biotechnology as well as food product labeling per their GMO content.

Although the Law of Ukraine On Quality and Safety of Food Products and Food Raw Materials provides a comprehensive list of labeling requirements, Ukraine adopted a [Technical Regulation](#) (a.k.a Technical Reglament) that significantly widens and explains the scope of labeling. Please refer to Section VI of the Report “Conformity Certification” part for more explanations on Technical Regulation power. The Technical Regulation as to Labeling of Food Products Rules is based on [EU Directives 2000/13/EU](#) (dated March 20th, 2000) and [2008/5/EU](#) (dated January 30th, 2008).

Section III. Packaging and Container Regulations:

As a part of the mandatory state sanitary and hygiene testing, the packaging of imported food products is also checked for transfer of polymers (and other elements) to food products. Regulations on Ukrainian packaging requirements can be

obtained from the Institute of Ecohygiene and Toxicology of the MHCU (see Appendix I for an address).

Exporters must consider utilization of used/recycled packaging material while planning their shipment to Ukraine. Ukrainian legislation on Waste Products requires the provision on utilization or re-exportation of used packaging materials in the export contract (Article #17, Law # 3073-III dated March 3, 2002).

There are no particular container requirements in Ukraine. Due to small shipment volumes from overseas, exporters should be prepared to ship mixed product loads in one container. A separate health or veterinary certificate for each homogenous product lot in the container is required. Odessa and Illichivsk Sea Ports are by far the largest ports for handling containerized cargoes in Ukraine and can accept general-purpose containers. Both ports can handle refrigerated containers. It is highly advisable to verify with the freight forwarder whether or not other ports can process a particular cargo, pallet or container size.

In cases where U.S. legislation allows for reuse of packaging, all old labels must be completely removed from the boxes found within a container. FAS-Kyiv is aware of cases when double labeling caused problems for a U.S. exporter. Separate packaging or disinfectant requirements apply to many products subject to veterinary control. In such cases the requirements are clearly indicated in the bilateral health certificate (see [FAIRS Certificate Report](#) for links to particular veterinary certificates).

Section IV. Food Additives Regulations:

Ukraine is a CODEX Alimentarius Commission member, but it maintains its own positive list of food additives. According to the WTO accession Working Group Report (Paragraph 2327), Ukraine agreed to accept recommendations of the CODEX Alimentarius Commission as to maximum residue levels. Cabinet of Ministers [obliged](#) the Competent Authorities to establish CODEX-compliant rules by January 1st 2012. However the Post was not able to receive confirmation that this practice is in place. Previously the MHCU was conducting its own risk assessment for each new substance. The list of approved food additives in Ukraine is provided in a separate [GAIN Report](#). It is prohibited to import food products into Ukraine that contain food additives that have not received approval from MHCU.

There are four food additives, which are not on the list of approved additives, but which have been cleared for use in imported products. The Ukrainian sanitary authorities have conducted a food safety risk assessment and have established “maximum allowable levels” (MAL) in order to monitor imported food products. Importers of food products that contain non-registered food additives may seek their registration with the MHCU. There is no information available on the MAL for approved food additives since the GOU discontinued publishing them in January 1999.

Section V. Pesticides and Other Contaminants:

Ukraine establishes its own Maximum Residue Limits (MRLs) for chemical and biological contaminants in food products. The list of MRLs controlled in the products of animal origin is available as separate [FAIRS subject report](#). All product specific tests are conducted at the port of entry. No risk analysis is used to reduce test number. The Ukrainian sanitary service recognizes the norms established by the Codex Alimentarius Commission for non-registered pesticides in the case of imported foods. Similarly to food additives, the Cabinet of Ministers [obliged](#) the Competent Authorities to establish CODEX-compliant rules by January 1st 2012. However Post was not able to receive confirmation that this practice is in place.

The use of officially registered pesticides and their application procedures are controlled by the Ministry of Ecology and Natural Resources (MENRU) using the norms established by the MHCU. The MENRU publishes the Catalogue of Pesticides and Agricultural Chemicals Allowed for Use in Ukraine every year. The Catalogue lists all registered pesticides by brand name, group, owner, country of origin, active ingredients, and duration of registration. Agricultural chemicals not

listed in the catalogue cannot be used domestically, and no residues in agricultural products are allowed. The list is published in paper format and available from FAS/Kyiv Office upon request.

Section VI. Other Regulations and Requirements:

Agricultural and food products imported into the customs territory of Ukraine shall be subject to sanitary testing, compulsory certification, radiological, veterinary and/or phytosanitary inspections. Due to the complexity of Ukrainian food safety regulations, FAS Kyiv has prepared a single table to illustrate the types of controls exercised on imported products by the Harmonized System (HS) of Codes. Sanitary and veterinary inspections have been combined into one category for convenience, although, a separate veterinary inspection is conducted for the products that fall under the following HS categories: 01-05; 07; 10; 12; 14-16; 19; 21 and 23.

Sampling and Testing Requirements

Sampling and testing of imported products are regulated by the Cabinet of Ministers Decree #833 adopted on June 14, 2002. The Decree defines “uniform allotment of the product” and establishes sample sizes and sampling time. The uniform allotment of product is defined as any quantity of the product of the same kind, name, production date, processing method, produced by the same shift with the same technological regime.

For fish uniform allotment may be comprised of up to five consecutive production dates with sample size of 5-6 kilograms, but no less than five fishes if weight of one fish exceeds three kilograms. For canned food products one allotment is limited to one date and one production shift of one producer. For milk and dairy product allotment is limited to one sort, one producer, one technological cycle and one production date. Uniform allotment for feeds is limited to one load, but no more than 100 tons. Allotments of any product must not exceed one railway car, one truck or one tanker or tank. Each allotment must be accompanied by the certificate that insures safety and quality of the product.

Given total sampling and testing of imported products in Ukraine, sampling (especially of expensive products such as caviar, fish or chilled meat) as well as testing fees may pose a significant burden on the importer. In many cases the U.S. exporter may receive a request from the importer to put as few “uniform allotments” in the container as possible. FAS/Kyiv is aware of cases when as many as 19 uniform allotments were discovered in one 25 ton refrigerated container by Ukrainian Veterinary Service. Testing fees and product loss due to sampling completely consumed the anticipated profits for that particular shipment.

The potential importer should be prepared for inevitable losses associated with testing of product. All imported commodities undergo testing at destination point, although in ports only random testing is performed. The testing period may vary from four days for certain meat products to 15 days for canned products. To get more information about particular product testing time and sampling, the importer is advised to contact FAS/Kyiv office, since the list is quite extensive.

State Sanitary Inspection of Food Products

The state sanitary inspection of food products is the major control element in the Ukrainian food safety system. It is especially true for processed products that are not subject to veterinary and/or phytosanitary control. The State Sanitary and Epidemiological Service of the MHCU tests imported food products for compliance with the Medical and Biological Requirements and Sanitary Norms of Quality of Raw Food Materials and Food Products (please refer to Section I of this report). The MHCU will grant the certificate of state sanitary and hygiene testing to the importer upon the completion of required testing. The importer or producer must pay for such testing for each food product.

Imported products will be tested for compliance with state safety norms (tolerance levels of toxic elements, pesticides, micro-toxins, bacterial contamination and radio nuclides).

Conformity Certification

The Ukrainian certification system is based on the Law on Standards, Technical Requirements and Compliance Evaluation Procedures, Law on Standardization, Law on Conformity Certification, and Presidential Decree “Provision on State Inspection on Consumer Rights Protection”. These regulations define the development and application of Standards (known by the Ukrainian abbreviation “DSTU”) and Technical Regulations. Ukrainian legislation on conformity certification also contains multiple Cabinet of Minister Resolutions. Current legislation also puts the State Inspection on Consumer Rights Protection ([SICRP](#)) created on April 6, 2011 and eight other authorities in charge of certification and compliance. The SICRP became a part of the Ministry of Economic Development and Trade. Compliance Certification of agricultural products will be conducted through the SICRP, State Veterinary and Phytosanitary Service, State Agricultural Inspection of the Ministry of Agriculture and Food and State Sanitary Epidemiological Service of the Ministry of Health of Ukraine.

In its design current Ukrainian legislation in many instances mimics EU system, but remains in transition from Soviet-type scheme to a modern one. This transition adds to uncertainty that agricultural producer or importer face. The system is based on both compulsory (Technical Regulation a.k.a. Technical Reglements) and voluntary (State Standard) regulations.

Technical Regulations are legal public acts establishing mandatory requirements for product, service, or production process to eliminate threats to national security, to protect life, health, and property rights of consumers, protect animals, plants and environment. It may also contain requirements for terminology, labels, packaging, marking or labeling requirements as they apply to a product, process or production method. When this report was drafted Ukraine adopted slightly over 30 Technical Regulation most of which copy EU safety Directives.

State Standards (DSTUs) are documents approved by the competent authority, which provides guidelines or characteristics that relate to the products, production processes or services with which compliance is not mandatory. The standard also may include requirements for terminology, labels, packaging, marking or labeling requirements as they apply to a product, process, or service. In a view of legislator, a Standard is a auxiliary document that if followed allows to achieve compulsory safety requirements listed in Technical Regulation; although producer is free to chose other production techniques that can yield the same safety result.

Although clearly marked as “not mandatory” safety requirements of DSTUs may be considered as mandatory in case if related Technical Regulation is not yet adopted, which is the case for the majority of products. Another Law also recognizes DSTU as mandatory in cases if there is a direct reference to DSTU in a Technical Regulation, but in both cases qualitative requirements of the DSTUs are not compulsory. SICRP remains in charge for compliance certification since no Law guiding state market surveillance and control of food products is adopted.

The major controlling agencies: the State Customs Service, State Border Control, Ministry of Health, Ministry of Agricultural Policy and Food, Ministry of Culture and Tourism, Ministry of Environment, Ministry of Transport and Communications, adopted joint Order No. 265/211/191/210/14/147/326 on March 27, 2009 which separated the authorities among agencies and excluded the SICRP from controlling functions. At the same time conformity certification remains compulsory for certain processed products. The list of products subject to compulsory certification is provided in a separate [GAIN Report](#). The list is not extensive and includes mostly seafood, canned product for children consumption, wine and tobacco products.

There are more than 100 institutions that are authorized to conduct certification under the Ukrainian State Certification System (UkrSEPRO). The importer should seek out the lowest certification price. In most cases the samples are collected independently from the samples collected for the sanitary and veterinary inspections, thus an importer should be ready to pay the additional associated charge. It is unclear on what grounds and under what circumstances SICRP honors sanitary and veterinary labs tests, but FAS\Kyiv is aware of such cases.

The applicant is charged the cost of the certification (either exporter or importer). There are usually two options available to exporters and importers depending on the value and the frequency of shipments. The first option requires compliance by a foreign facility to existing Ukrainian norms and regulations on quality and safety. The supplier receives a certificate of conformity valid for two to three years. This approach avoids the requirement of certifying each shipment. The second option involves certification of each product shipment with mandatory laboratory tests upon arrival in Ukraine. The SICRP is in charge of conformity certification procedures and either grants or denies issuing valid certificates for eligible food products sold in the customs territory of Ukraine. The SICRP also maintains the Single State Register of Certified Products.

Voluntary Certifications

Ukrainian importers may ask for a Quality Certificate (QC) from the U.S. exporter. This certificate has no connection to the Ukrainian certification bodies and can be viewed as a generic wholesomeness certificate issued by the producer. Normally the QC requested of the U.S. producer/supplier will contain the following:

- Name of the producer and facility number;
- Name of the supplier (if different from the producer);
- Statement that the product “fits for human consumption”;
- Number of the containers in the shipment (if more than 1);
- Net weight of the product in the container;
- Number of boxes supplied;
- Production date(s) (usually only month of the production is required);
- Expiry date (shelf life) of the product.

Being a semi-official document (not bilaterally negotiated and agreed) it speeds up both customs and veterinary procedures, so the QC is demanded by both authorities that monitor these procedures. Usually the QC will be on the company letterhead and written and may be under the signature of different employees, depending on Company’s operational structure and availability.

U.S. exporters may also refer to the [Country Commercial Guide](#) prepared by the Foreign Commercial Service of the U.S. Department of Commerce in Kyiv to learn more about certification in Ukraine and recognition of the international ISO-9000 series standards in Ukraine (Chapter 5: Trade Regulations).

Phytosanitary Inspection

Technically, the State Veterinary and Phytosanitary Service (SVPS) is in charge of phytosanitary inspections, but due to slow administrative reform the authority is not yet fully transferred. Inspections are still conducted by the Main State Phytosanitary Quarantine Inspection Service (MSPQIS). The Head of the MSPQIS is appointed as Deputy Head of SVPS, although staffs of both authorities continue separate functioning. An importer may wish to contact FAS/Kyiv for the most recent information.

The MSPQIS maintains a list of controlled organisms in plant products. This includes ticks, pests, fungal, bacterial and viral plant diseases and weeds. The [list](#) is available only in Ukrainian, although Latin names are provided. It contains two main chapters: A1 – controlled organisms that are not present in Ukraine and A2 – controlled organisms that have limited presence in the country.

In [cases](#) when phytosanitary inspection of food and/or agricultural products is required, the exporter(s) or freight forwarder(s) are advised to obtain a copy of the [Quarantine Import Permit](#) issued by the MSPQIS prior to applying for the Federal Phytosanitary Certificate, [PPQ Form 577](#) issued by USDA’s Animal and Plant Health Inspection Service. The Import Permit contains product-specific requirements, including disinfectant and/or de-infestation treatment. If such treatment is required, the PPQ Form 577 should contain the necessary information on the chemical, concentration used, duration, temperature and date of treatment.

An initial inspection of the cargo will be conducted at the port of entry by Ukrainian Phyto-sanitary inspectors. Product samples will be taken and laboratory tests conducted to verify that live quarantine pests are not present in the cargo.

Products have to be either fumigated for a second time or refused entry if quarantine pests are found alive at the port of entry. The local branch of the MSPQIS conducts the secondary phytosanitary inspection of the cargo at an in-land point of cargo destination to verify compliance with import conditions. Products receive the final phytosanitary clearance following the second inspection. The complete list of products subject to compulsory phytosanitary inspection is provided in a separate [GAIN Report](#).

Veterinary Inspection

The requirements for products that are subject to state veterinary surveillance and control are governed by Order #71, which was adopted by the State Veterinary and Phytosanitary Service (SVPS) on June 14, 2004. The order contains a complete list of products under their control and lists the requirements for each product. The list is the following:

- Brood cattle;
- Bovine semen;
- Bovine embryos;
- Cattle for slaughter, sheep and goats;
- Brood sheep and goats;
- Ovine semen;
- Brood horses;
- Swine semen;
- Pigs for slaughter;
- Racing horses;
- Temporarily imported racing horses for sport horse competitions;
- Horse semen;
- Horses for slaughter;
- Day-old chicks and hatching eggs;
- Fur animals, rabbits, dogs, cats;
- Wild animals for zoos and circuses;
- Fish, Live fish, fish roe, crustaceans, mollusks, and other aquatic animals;
- Honeybees, bumble-bees, and Alfalfa Leaf-cutting bees;
- Reindeer;
- Camels;
- Primates;
- Red meats and meat products;
- Poultry;
- Horse meat;
- Canned meat, sausages, and other ready to eat products;
- Rabbit meat;
- Milk and dairy products;
- Meat of wild animals;
- Fish, seafood and ready to eat seafood products after thermal treatment;
- Hides, horn-hoof, furs, sheep pelt, lambskin, goat under fur raw material, wool, hair coat, horsehair, down and feather of chicken, duck, goose, and other species;
- Feed fishmeal;
- Ready to use feeds and feed additive of animal origin, including those made of poultry and fish;
- Feeds and feed additive of animal origin, including those made of poultry and fish;
- Feeds of plant origin (feed grains, soybeans, soybean and almond meals);
- Pet food.

Prospective U.S. exporters should refer to the list even if the commodity in question is not subject to veterinary control in the United States. Ukrainian state veterinarians will conduct inspections at the border of animal feeds of plant origin (such as soybean meal), ready-to-eat seafood products and frozen fish. Detailed procedure of such certification is provided in Section III of the most recent GAIN FAIRS Certificate Report. FAS\Kyiv advises a potential U.S. exporter contact their Ukrainian importer or agent to get accurate updates on most recent changes to the list. Currently, there is no distinguishing line of authority that separates the SDVM from the State Sanitary and Epidemiological Service in animal products, so in some cases inspections from both organizations could be demanded. FAS\Kyiv is unaware of cases when veterinary inspections were conducted on products other than those listed above.

Every shipment arriving in Ukraine will be inspected and sampled regardless of the statements made in the accompanying

health certificate. The list of tests for products, subject to veterinary control is provided in a separate [GAIN Report](#). The exporter or importer will have to bear the costs associated with border lab testing or the cost of appeal, which is arbitrated at the Central Laboratory of the Veterinary Service. The cost of testing varies between USD80 and USD500 depending on the number of tests required and the number of uniformed lots in the shipment. The testing procedure takes up to seven days, which makes importing some highly perishable goods impractical or impossible. In some cases Ukrainian veterinarians may examine a shipment for compliance with safety norms of Ukrainian State Standards (DSTUs). The importer should be aware that product shelf life terms in the Ukrainian Standards are often shorter than those, adopted in the U.S. Imported products may remain wholesome according to the U.S. export certificate, but have expired shelf life according to Ukrainian standards. U.S. exporters are advised to contact their Ukrainian partners to avoid this problem.

Sampling of imported products is conducted according to the Cabinet of Ministers Decree #833, of June 14, 2002. The Decree defines “uniform allotment” for different products of animal origin. In many cases it is a product produced by one enterprise during one production cycle, but often there are severe time limits for production dates. In some cases the Ukrainian veterinary service defines allotments based on production dates (boxes produced five days apart or by different shifts maybe defined as belonging to different allotments). Many Ukrainian importers will request that their U.S. exporters ship fewer allotments to avoid excessive sampling, testing and long delays. U.S. exporters should be advised that none of the existing bilateral certificates requires veterinary inspections of U.S. facilities.

The list of products, allowed for export to Ukraine and falling under the auspices of the Food Safety Inspection Service can be found on the official USDA FSIS web page:

http://www.fsis.usda.gov/Regulations & Policies/Ukraine_Requirements/index.asp

Protocols for exporting animals to Ukraine are available through the International Regulations Retrieval System (IRRS) of USDA's Animal and Plant Health Inspection Service at the following address:

http://www.aphis.usda.gov/regulations/vs/iregs/products/product_ukraine.shtml

For frozen fish and seafood products, an exporter is advised to contact the proper U.S. Competent Authorities. An export certificate can be issued by either the U.S. Food or Drug Administration (FDA):

<http://www.fda.gov/AnimalVeterinary/default.htm> or (in case of fish and other aquatic animals) by the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce: <http://www.noaa.gov/> for frozen fish import regulations and standards.

In case of a discrepancy between statements required by Ukrainian SVPS Order #71 and those made in the negotiated U.S.–Ukraine Health/Veterinary Certificate, the official certificate will prevail. The complete list of products subject to compulsory veterinary inspection is provided in a separate [GAIN Report](#).

Radiological Inspection of Food Products

Following the Chernobyl accident in 1986, the GOU rigidly controlled food contamination of radionuclides in order to protect consumers. In 1997, the MHCU approved the state hygienic norms (so called DR-97) that established the maximum allowable levels (MAL) for the two most occurring radionuclides – Cesium-137 (137Cs) and Strontium-90 (⁹⁰Sr). Tolerances for Cesium-137 (137Cs) and Strontium-90 (⁹⁰Sr) in food products and water can be obtained from FAS/Kyiv on request.

Samples Shipped Via Express Mail

Samples worth less than €200 can be cleared duty-free according to Ukrainian legislation. The regulations do not distinguish product samples from food products; therefore, samples shipped via express mail could be subject to sanitary, veterinary, phytosanitary, radiological and ecological inspection if the customs officer determines that such control is necessary.

Section VII. Other Specific Standards:

Pet Food and Feed Additives

According to Article 14 of the Law of Ukraine “On Veterinary Medicine”, the State Scientific and Control Institute of Veterinary Drugs and Feed Additives (Appendix I) conducts assessments for pet food and feed additives in Ukraine.

The official document for pet food or feed additive registration in Ukraine is the Registration Certificate. Purchase and utilization of pet food and feed additives that are not registered in Ukraine is prohibited. The Registration Certificate and the Manufacturer’s Quality Certificate are mandatory documents and must be presented at the point of entry into Ukraine.

The U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (USDA/APHIS) published the official veterinary certificate for U.S. pet food exports to Ukraine at:

http://www.aphis.usda.gov/regulations/vs/iregs/products/downloads/up_pf_cert.pdf .

A company that applies for registration will assume all costs associated with the procedure. Experts from the State Scientific and Control Institute of Veterinary Drugs and Feed Additives will establish a separate registration procedure for every pet food or feed additive sample. Field trials may be required for some products. The cost of registration is USD 600 to USD 3,200 depending on the number of tests and field trials. The cost will be lower if a group of similar products is registered. The procedure should not take longer than 90 days, but it depends on the accuracy of documents and samples sent. Additional information concerning registration of pet food and feed additives can be found on the Institute’s web site at <http://www.scivp.lviv.ua/>

If the Institute approves the product, the exporter will receive a 5-year registration certificate. When the 5-year term expires, the company will be required to renew the certificate. In this case the Institute will not request a product sample, but only for a set of documents, and the procedure will be somewhat quicker and cheaper.

Seeds for Planting

Exporters of seeds planting should note that prior to importing seeds for commercial release in Ukraine, each plant variety has to be registered with the State Service on Right Protection for Plant Varieties in Ukraine. The entire registration process may take up to three years and cost the applicant (variety owner, exporter or importer) USD 5,000-10,000 depending on the type of crop and the extensiveness of the field trials needed. This charge includes expenses needed for field trials and the maintenance of the variety in the Registry in Ukraine. Currently only a few U.S. corn and sunflower hybrids are included in the State Registry of Plant Varieties in Ukraine.

Plant varieties that consistently show good performance usually receive a temporary registration after the second year of field trials and may be granted permission for marketing to agricultural producers. The Ministry of Agrarian Policy and Food of Ukraine (MAPFU) can also issue single-time permits for commercial seed imports that do not require plant variety registration if it deems such imports as urgent and necessary.

At the time of the shipment, the exporter of seed for planting should plan for a 3-5 day seed certification period in Ukraine. The State Seed Inspection Service of the MAPFU inspects imported seeds for compliance with the Ukrainian state quality and purity standards even if a valid Orange International Seed Lot Certificate accompanies the shipment.

For more information on import requirements and procedures, please read Ukraine’s Planting Seeds Report at: <http://www.fas.usda.gov/gainfiles/200809/146295733.pdf> or visit the Google translated site of the State Service for Plant Varieties Rights Protection at: <http://translate.google.com/translate?hl=en&ie=UTF-8&sl=uk&tl=en&u=http://sops.gov.ua/index.php%3Fpage%3Dukr-registration-procedure&prev=t>

All imports of planting seeds require GMO presence testing. The legislation that regulates this seed testing process has not been fully registered and entered into the state system. However, the GMO testing requirement for planting seeds has been required for all importers starting in 2012. For further information on the procedures U.S. exporters are encouraged to contact the Post in Kyiv.

Special Food Products

Dietary, prophylactic food products, biologically active agents, baby food, and food for athletes are considered special food products in Ukraine (follow this [link](#) for definitions, in Ukrainian). The importer must register special food products with the Ministry of Health Care of Ukraine prior to importing them into Ukraine. After a positive verification of health claims and a food safety risk assessment, the product will be included into the [State Register of Special Food Products of Ukraine](#) (the link is in Ukrainian).

Section VIII. Copyright and/or Trademark Laws:

Protection of intellectual property rights is weak in Ukraine. Piracy is a common problem for domestic and foreign food suppliers with well-known consumer brand names. Ukraine is a member of the World Intellectual Property Organization, although U.S. exporters may consider registering their brand names in Ukraine. See Appendix I for contact information for the State Committee of Ukraine on Intellectual Property (SCUIP), which is the GOU's agency responsible for the protection of intellectual property. Suppliers should work closely with their local distributors to identify any case of piracy and report them to local law enforcement agencies or to intellectual property rights inspectors of the SCUIP.

Section IX. Import Procedures:

Note: Information in this section is considered accurate at the time of its publication. Exporters should confirm exact import procedures for individual products prior to shipment to Ukraine. There may be specific import requirements for certain products that were not mentioned in Section VII of this report (alcohol, tobacco, etc.). Ukrainian is the only official language recognized on the entire territory of the country for documentation. All documents must be bilingual, submitted in Ukrainian or be accompanied by an official translation. End note.

At the planning stage, exporters are advised to check with their importer(s) to identify the types of controls that are applicable to the product(s). Then, it is necessary to make sure that all required inspection services are present at the port of entry into Ukraine. The exporter should choose another point of entry if all of the required inspections services are not performed at a given entry point.

Any food product (except those produced for personal consumption), food raw materials and agricultural products are prohibited entry into Ukraine without documented evidence of their quality and safety. Control over food and agricultural product imports rests with the Customs Service of Ukraine. The product will not be granted final clearance until all legal procedures are met. The following documentation is required for customs clearance:

1. State sanitary and epidemiological expertise certificate, (or certificate on state registration of special food products);
2. Original Veterinary /Phytosanitary Certificate (see Sections VI and VII for applicability);
3. Import permit (wherever applicable);
4. A Quality Certificate might be required by Customs and Veterinary Services at some border posts.
5. Certificate of conformity (wherever applicable);

The exporter is advised to be in touch with the importer as to custom clearance document package. A whole set of additional documents might be required in order to confirm custom value of the product. This may include the contract, invoices, bank transfer slips, bill of lading, insurance slips if they reference custom value etc.

Labeling of food products and food raw materials must meet the requirements of Ukrainian legislation outlined in Section II.

It is highly advisable to complete mandatory state sanitary and epidemiological testing (#2 above) prior to shipping a product to Ukraine. The Ukrainian importer can submit samples for testing to the Institute of Ecohygiene and Toxicology under the Ministry of Health Care of Ukraine or another institution authorized by the Ministry to obtain a certificate of state sanitary and hygiene testing. All other certificates can be processed at the same time, so it is possible to complete the customs clearance process in 7 - 10 days including additional required laboratory tests.

Appendix I. Government Regulatory Agency Contacts:

Sanitary and Hygiene Issues Related to All Food Products, MRLs.

Anatoliy Ponomarenko, MD, Department Head
State Department of Sanitary and Epidemiological Service
of the Ministry of Health Care of Ukraine
19/22, Voloska St., Kyiv
01601 Ukraine

tel. +380-44-253-3900

fax: +380-44-253-6975

e-mail: glavgos@moz.gov.ua

Homepage: <http://www.dsesu.gov.ua/wses/dsesu.nsf/prSljNe?OpenView> (Ukrainian version only)

Prof. Mykola Produnchyuk, Director
Institute of Ecohygiene and Toxicology of
Ministry of Health Care of Ukraine
(responsible for state sanitary and hygiene expert examination, Head of Ukrainian CODEX Commission)
6, Heroiv Oborony St., Kyiv
03680 Ukraine
tel.: +38-044-251-9700
fax: +38-044-251-9643
E-mail: office@medved.kiev.ua
Homepage: http://www.medved.kiev.ua/home/index_en.htm (English version)

Codex Alimentarius Commission

Point of contact:
National Codex Alimentarius Commission
6 Geroiv Oborony Street,
03680 Kyiv, Ukraine
E-mail: secretar@codex.co.ua
Homepage: <http://codex.co.ua/eng/>
tel.: +380 44 -526-95-53
fax: +380 44 -526-96-43

Animal Health Issues and Safety of All Animal Products and Seafood.

Dr. Volodymyr Horzheyev, Head
State Veterinary and Phytosanitary Service of Ukraine
Ministry of Agricultural Policy of Ukraine
1 Grynchenko St., Kyiv
01001 Ukraine
Tel: +38-044-229-1270
Fax: +38-044-229-4883
Homepage: <http://www.vet.gov.ua/> (Ukrainian version only)

Plant Health Issues

Mr. Vadym Simonov,
Chief State Inspector of Plant Quarantine
First Deputy Head of State Veterinary and Phytosanitary Service of Ukraine
Ministry of Agricultural Policy of Ukraine
7, Koloskova St. Kyiv,
03138 Ukraine
Tel. +380-44-524-7707
Fax: +380-44-524-3107
Homepage: <http://golovderzhkarantyn.gov.ua> (Ukrainian version only)

Certification and Conformity

Sergiy Orehov, Head
State Inspection for Consumer Rights Protection
Tel.: +380-44-226-2971
Homepage: <http://www.dssu.gov.ua/control/en/index> (English/Ukrainian)

Ecological Inspection of Animals, Birds and Radiological Inspection of Food Products

State Ecological Inspection Service
Ministry of Environment and Natural Resources of Ukraine
Tel: +380-44-244-5472
Fax: +380-44-206-3107
E-mail: dei.@skif.com.ua

Pet Food and Feed Additives Registration

Dr. Igor Kotsiumbas, Director
State Scientific and Control Institute of Veterinary Drugs and Feed Additives
11 Donetska St
79019 Lviv, Ukraine
Tel.: +380-0322-523-372
Fax: +380-0322-521-193
e-mail: dndki@scivp.lviv.ua
Homepage: <http://www.scivp.lviv.ua/en.html> (Ukrainian/English)

Plant Variety Registration

Sergiy Melnyk, Chairman
State Service on Right Protection for Plant Varieties / State Veterinary and Phytosanitary Service
Ministry of Agricultural Policy of Ukraine
15, Henerala Rodimtseva vul.,
03041 Kyiv, Ukraine
Tel: +380-44-257-9933
Fax: +380-44-257-9963
Homepage: <http://sops.gov.ua/index.en.htm> (English/Ukrainian version)

Seed Certification

Mr. Serhiy Lunochkin, Department Head
State Seed Inspection Service
Ministry of Agricultural Policy of Ukraine
Suite 408, Solomyanska Ploshcha 2
03035 Kyiv Ukraine
Phone: +38-044-528-8587
Fax: +38-044-257-9963
Email: seeds@cantata.kiev.ua

Registration of Trade Marks

Mr. Mykola Kovinia, Head
State Intellectual Property Service
8 Lvivska Ploshcha,
04655 Kyiv-53, Ukraine
Tel: +380-44-212-5080, 212-5082
Homepage: <http://www.sdip.gov.ua/> (Ukrainian only)

Appendix II. Other Import Specialist Contacts:**Association of International Freight Forwarders of Ukraine (AIFFU)**

Mr. Yuriy Prykhodko, General Director
112-B Saksahanskoho Str., Apt. 20,
01032 Kyiv, Ukraine
Tel./fax +380-44-235-4021, 235-5840, 235-5115
E-mail: info@ameu.org.ua
Homepage: <http://www.ameu.org.ua> (English)

Association of Customs Brokers of Ukraine

2 Solomyanska Plosha. Office 503 (left wing)
Tel: +380-44-248-8202,
Fax: +380-44-248-8203

E-mail: info@ambu.com.ua

Homepage: <http://www.ambu.com.ua> (Ukrainian only).