

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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Required Report - public distribution

**Date:** 12/17/2013

**GAIN Report Number:** UP1344

## 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 is in the process of making its food safety legislation compatible with EU regulations, however most of this work did not move beyond the draft stage. Contact information for Ukrainian regulatory authorities has been updated to match new regulatory functions explained in the report body.

## 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 the end 2013. Ukraine's official policy toward harmonization of its regulatory environment with the EU's led to an additional twist to the reform process. With EU assistance, Ukraine undertook "twinning" projects that were supposed to lead to EU compatible system. Due to ongoing reform the scope is changing over time. So far the reforms have 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 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 joined the SVPS and is responsible for plant health issues). The SVPS is also responsible for registration of the new plant varieties and veterinary drugs and feeds of both animal and plant origin. The SVPS also maintains registers of domestic producers and processors as well as registers of approved foreign facilities (if applicable according to the negotiated bilateral certificate). The Service issues import permits for product of animal and plant origins;  
*The ongoing reform envisages a further increase of SVPS authority and the creation of a single food safety authority based on SVPS. The role of the State Epidemiological Service will diminish significantly. Its authority will be limited mainly to public food establishments. The Law envisaging this major change is in the Parliament and could be adopted in the near future.*
- 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 suffered a major workforce reduction (approximately two times lower) with major structure changes. 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 Agricultural Inspection Service (AIS) of the Ministry of Agricultural Policy and Food of Ukraine (MAPFU) is responsible for quality certification of grains for export and import, certification of storage facilities and certification of seeds (through the State Seed Inspection Division);
- 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 the 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.

Ukraine undertook a massive legislation change program to make its food safety norms compatible with respective EU Directives. Most adopted norms are to be empowered in the near future; some are in the process of discussion and adoption. Safety parameters for poultry meat established by the MHCU Oder 695 will become valid on September 6, 2016. In this way poultry will be exempt from the Medical and Biological Requirements and Sanitary Norms of Quality of Raw Food Materials and Food Products. The new norms were established by MHCU on August 6, 2013 and overall harmonized with the EU requirements.

New microbiological indicators are adopted by the MHCU in 2012 by Order 548 will be empowered on August 10, 2015. The Ministry claims that new list will also be EU harmonized.

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).
- [Medical and Biological Requirements and Sanitary Norms of Quality of Raw Food Materials and Food Products](#) (in Ukrainian)

### Veterinary

- The Law of Ukraine On Amendments to the Law of Ukraine “[On Veterinary Medicine](#)” (summary version); [The Law of Ukraine On Veterinary Medicine](#) (2001 full version without later amendments in English)

### Phytosanitary

- The Law of Ukraine “[On Plant Quarantine](#)”
- [The List of Products Subject to Phytosanitary Control](#) (HS Codes in the first column; Ukrainian description is in the second)
- 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](#) 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).
- 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 (in Ukrainian)

### 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

### Seeds

- [The Register of Approved Varieties](#)

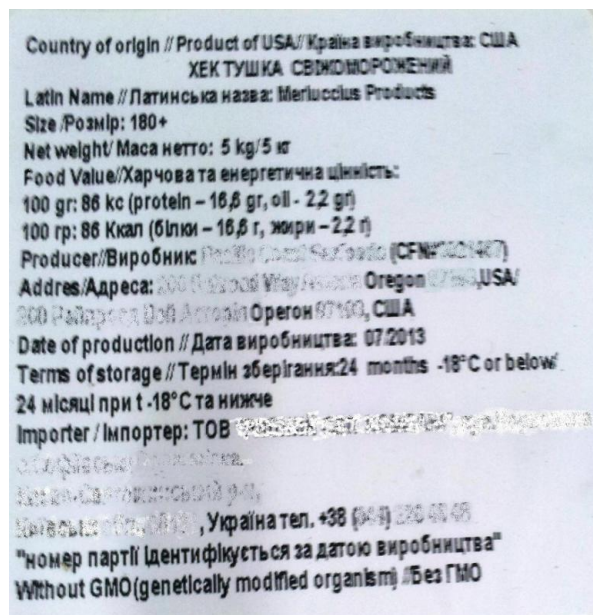
## Section II. Labeling Requirements:

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. Sample label for U.S. fish Product is provided below.



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. 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 (in Ukrainian) 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.”
- a. 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 also adopted a [Technical Regulation](#) (in Ukrainian) (a.k.a Technical Reglament) that significantly widens and explains the scope of labeling. Requirements of the National Standard DSTU 4518-2008 adopted in 2008 are not compulsory for the producers and importers. The text of the DSU is proprietary and not referenced in legal open databases. Please refer to Section VI of the Report “Conformity Certification” part for more explanations on Technical Regulation and DSTU power. The Technical Regulation as to Labeling of Food Products Rules is based on [EU Directives 2000/13/EU](#) (dated March 20<sup>th</sup>, 2000) and [2008/5/EU](#) (dated January 30<sup>th</sup>, 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 (in Ukrainian)).

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 1, 2012. However 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 1, 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. A separate report with the table is available under the following [link](#).

An exporter must be aware that Ukraine's food safety legislation does not allow import of re-exported products of animal origin, even in cases where Ukraine has a current bilateral veterinary certificate with both the country of origin and re-exporting country. Products are considered to be re-exported if they originate from a country other than the United States, and are customs cleared onto the territory of the U.S. before further export, and will not be allowed entry into Ukraine.

### **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 and Phytosanitary Service.

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. There is draft legislation envisaging risk-based testing practices, but when they will be implemented is unclear.

### **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 Regulations) 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. In recent years Ukraine adopted 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’s 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

Inspections are conducted by the State Veterinary and Phytosanitary Service (SVPS). The Head of the phytosanitary Service is appointed as Deputy Head of SVPS. The SVPS maintains a list of controlled plants and plant products. The [list](#) is available only in Ukrainian, although international HS Codes are provided.

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 import permit issued by the SVPS 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. Sample phytosanitary certificate can be viewed [here](#). It is different from the [re-export certificate](#) that Ukraine can issue (unlike for the products of animal origin).

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 SVPS 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.

## 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 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 USD 80 and USD 500 depending on the number of tests required and the number of uniform lots in the shipment. The testing procedure takes up to seven days, which makes importing some highly perishable goods impractical or impossible.

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).

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](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](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 (<sup>90</sup>Sr). Tolerances for Cesium-137 (137cs) and Strontium-90 (<sup>90</sup>Sr) 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](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 Veterinary and Phytosanitary Service of Ukraine. However the [State Register of Seed Producers](#) is maintained by the State Agricultural Inspection of 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 extent 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 Approved Varieties](#).

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](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);

Attention: The exporter is advised to be in touch with the importer as to the custom clearance document package. A whole set of additional documents might be required in order to confirm the 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. Depending on the product the importer may also be required to submit a copy of the contract with waste packaging processing facility. FAS/Kiev is aware of cases than importers were providing over a dozen of auxiliary documents and certificates.

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](mailto: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](mailto:office@medved.kiev.ua)  
Homepage: [http://www.medved.kiev.ua/home/index\\_en.htm](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](mailto: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, Safety of All Animal Products and Seafood., Phytosanitary Issues and Registration of the new Verities**

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](mailto: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: [ndki@scivp.lviv.ua](mailto:ndki@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)

**Registration of Trade Marks**

Mr. Mykola Kovinia, Head  
State Intellectual Property Service  
8 Lvivska Ploscha,  
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 Prikhodko, Director General  
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](mailto:info@ameu.org.ua)  
Homepage: <http://www.ameu.org.ua> (English)

**Association of Customs Brokers of Ukraine**

2 Solomyanska Ploscha. Office 503 (left wing)  
Tel.: +380-44-248-8202,  
Fax: +380-44-248-8203  
E-mail: [info@ambu.com.ua](mailto:info@ambu.com.ua)  
Homepage: <http://www.ambu.com.ua> (Ukrainian only).

**Foreign Agricultural Service of the United States Department of Agriculture**

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