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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 significant changes affecting agricultural product quality, safety, and sanitary regulations since the submission of the last report. In 2015-16, Ukraine deregulated some food safety import procedures and significantly modified its food safety legislation, introducing HACCP principles. Ukraine also introduced new international certificate requirements for food products and reinforced its legislation related to the approval of foreign exporting facilities. Created in 2014, the State Service on Safety of Foodstuffs and Consumer Protection has become the national competent authority for all food products in 2016.

The Office of Agricultural Affairs of 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 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**

### **Section I: General Food Laws**

Ukraine is in a process of reforming its food safety system. In the 90's and 00's, the largest Ukrainian international markets remained within the former Soviet Union (FSU) countries with Russia being the major one. These markets inherited the same Soviet-type food safety and hybrid quality control system and did not demand major legislation updates. As the economy changed in 2000s and 2010's, Ukraine exercised its competitive advantages in grains and oilseeds production, turning into a large exporter of these products. Production of meat products remained relatively less attractive and the country became a net importer of these products. Simultaneously, Ukraine was losing its Russian market share as additional trade barriers were built to foster domestic production and to apply political pressure on the Ukrainian government. Recent political developments led to a complete closure of the Russian market and reduced incentive to maintain the old-style food safety system. In 2014, the reform process was accelerated by signing the Deep and Comprehensive Free Trade Agreement (DCFTA) with the European Union (EU).

In 2013-15, Ukrainian authorities conducted a major step toward bringing Ukrainian food safety legislation in compliance with internationally accepted principles. More responsibility is transferred from governmental authorities to producers and importers of food products. Major changes were introduced in fundamental laws: On the Main Principle and Safety Requirements for Food Products, the Law On Veterinary Medicine, and On the Main Principles and Requirements for Food Product Safety and Quality. New legislation envisages civil and criminal responsibility of market operators for unsafe products. Previously absent, a formal product recall procedure was introduced with specific deadlines and courses of action. Basic traceability requirements were introduced. An importer would have to know its suppliers and customers in the chain based on the "one step back" and "one step forward" principle. The new law establishes basic requirements for HACCP procedures in cases where processing takes place.

Similar to other countries, Ukrainian regulations are designed to ensure safety, wholesomeness and selected quality aspects of imported foodstuffs of animal and plant origin. It is supposed to ensure animal health and prevent introduction of foreign animal diseases, quarantine pests and microorganisms.

Selected quality aspects include indicators or traits of the food product that are used for:

- Separation of the "traditional food product" from the rest of products (these are household produced foods that are usually sold in open-air markets);
- Establishing special requirements for baby formula and food for special medical purposes and weight control;
- Informing consumers of the traits of the food product through labeling.

Ukraine implemented a single food safety authority model for its food and animal safety control as well as consumer protection. The single regulatory agency is called the [State Service on Safety of Foodstuffs and Consumer Protection](#) (SSUFSCP). The SSUFSCP combined the authorities of the former State Veterinary and Phytosanitary Service, State Inspection for Consumer Rights Protection, State Sanitary-Epidemiological Service of the Ministry of Health of Ukraine, State Assay Service and the State Agricultural Inspection Service. The SSUFSCP is responsible for the safety of veterinary drugs, feed, products of animal origin for food and non-food consumption, other food products, phytosanitary issues (plant quarantine), market control and control over consumption of precious metals and gems. The GOU is in a process of moving plant variety registration and seed certification under the Ministry of Agrarian Policy and Food. The SSUFSCP is responsible for all aspects of food safety for all imported food products. The Ministry of Healthcare of Ukraine (MHCU) remains responsible for food safety issues in public food establishments and epidemiological control in cases of food-borne illness investigations and elimination of outbreaks.

The Department of Food Safety and Veterinary (DFSV) of SSUFSCP has the following divisions and brief list of responsibilities\*:

- *Food and Feed Safety Division* (FFSD) is responsible for food and feed safety including products sold at open-air markets. It establishes criteria for safety and wholesomeness of food products including meat, seafood and other products of animal origin, develops technical regulations and standards. The Division develops the maximum residue level (MRLs) control plan and implements it. It is in charge of risk evaluation and control of supervised products. It manages accredited and reference laboratories, samples the product for state control, and organizes testing. The division controls Hazard Analysis and Critical Control Point (HACCP) implementation by processors, and audits implemented HACCP systems.
- *Animal Health and Wellbeing Division* (AHWD) approves annual state animal health monitoring and control plans and programs. It implements measures aimed at prevention of OIE List A disease introduction to Ukrainian territory, as well as other notifiable diseases from other countries and quarantine zones. It is responsible for disease elimination programs and disease outbreak liquidation including export and import restrictions in the case of confirmed outbreaks inside and outside of Ukraine.
- *State Control Division* (SCD) is responsible for state control of food and feed safety and quality, live animal registration, non-food products of animal origin, reproductive materials, veterinary drug registration, etc. It also evaluates risks and establishes control frequency of the production facilities. SCD approves and registers exporting facilities, conducts foreign audits and inspections, licenses veterinary practitioners, maintains official registers, and conducts registration of GMO-sources and veterinary drugs.
- *Sanitary Regulations Enforcement Division* (SRED) is responsible for sanitary measures, biological and pathological materials handling, prophylactics and epidemiological measures, human disease introduction from abroad prevention, human environment risk factor control, tobacco use control; it is also in charge for the state sanitary-epidemiological expertise, epidemiological investigations, human health risk factor assessments, state control of HACCP procedures, assigns inspection frequencies, state programs for dangerous factors monitoring, conducts state sanitary-epidemiological expertise of pesticide and chemical registration plans, monitors pesticide and agricultural chemical MRLs in foods and water.

\* Interested readers should refer to the Department of Food Safety and Veterinary (DFSV) of SSUFSCP website for a final and complete list of functions and controls of each of the SSUFSCP divisions.

The Department for Phytosanitary Seeds and Nurseries of SSUFSCP has the following divisions and responsibilities:

- *Phytosanitary Safety Division (PSD)* is responsible for phytosanitary risk analysis, phytosanitary expertise aimed at discovery and identification of regulated organisms; and it issues phytosanitary export certificates and verifies import certificates and their compliance with Ukrainian phytosanitary requirements.
- *Seeds and Nurseries Control Division (SNCD)* controls seed production, registration and certification; verifies varieties and seeding qualities; issues permits for import of seeds to Ukraine; maintains the Registers of seed varieties and seed producers, attests seed producers and resellers.

*Remark as to SSUFSCP Structure:* Current SSUFSCP structure also includes the Division for Control of Nurseries and Seed Production, but recent legal changes transfer those functions to the Ministry of Agricultural Policy and Food. Although sub-laws are yet to be amended, this report relies on acting laws even if necessary sub-laws are absent.

Current SSUFSCP structure also includes the Division for Supervision over Controlled Prices. The GOU proclaimed free market support, temporally abandoning price controls for so called “socially important products” on October 1<sup>st</sup> 2016 (by Cabinet of Minister [Decree 656](#)). After the temporary control ban’s expiration on January 1<sup>st</sup>, 2017, price control can be abolished completely.

The SSUFSCP also has divisions responsible for consumer rights protection, market supervision, assay service control, advertising control, domestic trade control, utilities prices and metrological control. Functions of these divisions are not described as they remain outside of the scope of this report.

*The Role of International Institutions:* Ukraine is a WTO member since May of 2008. Ukraine is a member of the World Health Organization (WHO), CODEX Alimentarius Commission (CODEX) and World Organization for Animal Health (OIE). All three international organizations are recognized as “competent international organizations” by Ukrainian law.

In 2014, Ukraine signed the Deep and Comprehensive Free Trade Area ([DCFTA](#)) with the European Union (EU). Under the DCFTA commitment, Ukraine adopted an ambitious legislation-approximation program, which should bring a lot of Ukrainian practices in compliance with EU requirements. Adoption of the EU norms is often viewed as a market-opening tool for both the EU-area and non-EU countries that accept EU safety approaches.

A number of Ukrainian laws adopted after DCFTA adoption declared Ukraine’s adherence to both “international and EU norms”. The laws do not address cases when international (CODEX-based) regulations and standards differ from the EU ones. Currently, certain market access conditions established by Ukraine may be considered partially non-compliant with provisions of the WTO agreement and/or with the standards established by international standards setting bodies. The U.S. exporter should rely on bilateral certificates and bilaterally negotiated market access terms as described in the FAIRS Certificate and current FAIRS Narrative Reports. An exporter may also wish to get in touch with the competent authorities in cases when there is discrepancy between the two.

The Ukrainian [Codex Alimentarius Commission](#) serves as an auxiliary authority that assists the GOU in establishing Maximum Residue Levels (MRLs) for various contaminants (chemicals, veterinary drugs, etc.), food safety control methods, dietary additives MRLs, HACCP procedures, etc. Following the food safety reforms, the

Ukrainian CODEX Commission [lost](#) its status as an auxiliary government body.

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.

Customs clearance and related product sampling and testing services are fee-based and are viewed by many regulatory agencies as a source of additional revenue. Ukraine has yet to introduce full-scale risk evaluation procedures, so exporters should be prepared for rather frequent fee-based sampling and testing.

Current microbiological indicators were adopted by the Ministry of Healthcare of Ukraine (MHCU) in 2012, by Order 548, and empowered on August 10, 2015. The Ministry claims that the new list is harmonized with EU norms. The first chapter of the law established criteria for presence of the following pathogens, toxins and substances in food product:

- *Listeria monocytogenes*,
- *Salmonella*,
- *Staphylococcal enterotoxins*,
- *Cronobacter spp. (Enterobacter sakazaki)*,
- *E. coli* (as fecal masses contamination indicator),
- *Histamine* (for some fish products)
- *Salmonella typhimurium* (for poultry).

Safety parameters for poultry meat established by the MHCU [Order 695](#) became valid on September 6, 2016. The new norms were established by MHCU on August 6, 2013, and, overall, are harmonized with EU requirements.

FAS-Kyiv will be providing additional information in the FAIRS narrative GAIN Report and FAIRS subject reports. 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.

### Food Safety

- The Law of Ukraine [On the Main Principles and Requirements for Food Products Safety and Quality](#) (Edition as of January 1<sup>st</sup>, 2016).
- The Law [On State Regulations of Imported Food Products](#) of July 17, 1997
- The Law of Ukraine No. 3037-III [On Ensuring Sanitary and Epidemic Safety of the Population](#) of February 7, 2002;
- [Provisional Procedures of the State Sanitary and Hygienic Expertise](#) (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](#) (approved by the USSR Ministry of Health, Order # N 5061-89 dated August 1<sup>st</sup> 1989).
- The GOU Decree #442 [On optimization of the Central Government Bodies](#) by which the single food safety authority was created.
- [Technical Regulation on Food Products Labeling](#) adopted on October 28, 2010.

### Veterinary

- The Law of Ukraine On Amendments to the Law of Ukraine [On Veterinary Medicine](#); [The Law of Ukraine On Veterinary Medicine](#) (2001 full version without later amendments in English)
- [List of Foreign Facilities](#) Inspected by the SVPSU

### Phytosanitary

- The Law of Ukraine [On Plant Quarantine](#)
- The [List of Products Subject to Phytosanitary Control](#) (Table at the end of the document provides HS Codes in the first column; Ukrainian description is in the second)

### Compliance Regulation

- Presidential Decree 465 [Provision on State Inspection on Consumer Rights Protection](#)
- Law of Ukraine [On Technical Regulations, Standards and Compliance Verification Procedures](#)
- Law of Ukraine [On Standardization](#)
- Law of Ukraine [On Technical Regulations and Conformity Certification Procedures](#)

### Customs

- [The Customs Code of Ukraine](#)

### 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](#)
- The Law of Ukraine [On Seeds and Planting Stock](#)
- The Law of Ukraine [On Protection of Rights to Plant Varieties](#)

## Section II: Food Additives Regulations

Ukraine is a CODEX Alimentarius Commission member, but it maintains its own positive list of food additives. All food additives are subject to in-country registration (per Chapter 5 Article 29 of the Law 1602-IV) by the National Competent Authority for Healthcare (Ministry of Healthcare of Ukraine - MHCU). Import of food products that contain non-registered additives is not allowed, although importers may seek their registration with the MHCU.

The old [list](#) of approved food additives was canceled by the Cabinet of Ministers as of September 24<sup>th</sup>, 2015. As of November 2016, the Ukrainian competent authority has yet to publish the new official list of approved

additives as required by the law. However, Ukraine officially accepted and allowed for use all EU-registered food additives. The most recent consolidated EU list as stipulated by Annex II, Regulation (EC) No 1333/2008 is available [here](#). This EU list is currently the only guidance for the potential exporter.

An importer may submit a petition to the MHCU about registration of a non-EU approved food additive. The registration process should take less than 120 days. In cases where the food additive is approved by recognized international competent organizations (with CODEX Alimentarius Commission being one of them - see Chapter I for the list of recognized organizations) then the additive can be registered under expedited procedure. During this procedure the MHCU will review a dossier available from the international organization and will conduct an assessment review of specific Ukrainian use conditions as well as approved detection method availability. The expedited registration process should take less than 30 days. FAS-Kyiv is unaware of any non-EU feed additives registration cases.

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. However, an exporter is advised to follow the EU-established MRLs for EU-approved substances and CODEX established MRLs for substances not in the EU-list when such substances would be approved.

### **Section III: Pesticides and Other Contaminants**

All pesticides and agricultural chemicals are subject to state registration performed by SSUFSCP. Although the list of approved chemicals is maintained by the Ministry of Ecology and Natural Resources of Ukraine (MENRU). The MENRU publishes the [Catalogue of Pesticides and Agricultural Chemicals Allowed for Use in Ukraine](#) (2016 list in Ukrainian) annually. The Catalogue lists all registered pesticides by brand name, group, applicant, 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.

SSUFSCP establishes its own maximum residue limits (MRLs) for chemical and biological contaminants in food products. The MRLs and detection methods for pesticides and other agricultural chemicals are established during the state pre-registration (Tests and trials). The use of officially registered pesticides and their application procedures are controlled by the SSUFSCP. The SSUFSCP inspectors control these MRLs in agricultural products, foods and feeds, including imported products.

There is not a single list of MRLs for pesticides and other agricultural and chemical contaminants. Selected MRLs established prior to food safety reform (prior to 2016) can be found in the “Normative Base” chapter of the MHCU’s State Sanitary Service website. The [list](#) of MRLs controlled in the products of animal origin (including processed), eggs, honey, vegetable oils, grains and feed (including aflatoxins) is available as a separate [FAIRS subject report](#). Although Ukraine agreed to accept recommendations of the CODEX Alimentarius Commission as to maximum residue levels, FAS-Kyiv was not able to receive confirmation that this practice is in place. Existing registration and testing systems may allow for deviation from CODEX norms to EU or Ukraine’s own MRLs. Exporters experiencing problems with unjustified MRLs are advised to contact FAS-Kyiv.

All product specific tests are conducted prior to the custom clearance.

### **Section IV: Packaging and Container Regulations**

Materials in direct contact with food product are subject to state registration by the competent authority in charge for the healthcare (Ministry of Health of Ukraine – MHCU). FAS-Kyiv is aware of a new draft law that is likely to change registration procedures in 2017, although change of the competent authority is not expected.

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 Eco-hygiene and Toxicology of the MHCU (see Appendix I for an address). All packaging materials registered prior to food safety reform (prior to 2015) are published in the Register of Sanitary-Hygiene Findings of the MHCU's State Sanitary Service website. Those registered after the reform are published by SSUFSCP in the [2016 lists](#) (please note that SSUFSCP are subject to frequent changes).

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

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, Mykolaiv and Illichivsk Sea Ports are by far the largest ports for handling containerized cargoes in Ukraine and can accept general-purpose containers. All three 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 [2016 FAIRS Certificate Report](#) for links to particular veterinary certificates).

## Section V: Labeling Requirements

All food products sold in Ukraine must be labeled in accordance with the general requirements provided in the Law [On the Main Principles and Requirements for Food Products Safety and Quality](#) Law [On Consumer Rights Protection](#) and specific requirements listed in [Technical Regulation on Packaging of Food Products](#). This Technical Regulation significantly widens and explains the scope of labeling. It is based on [Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs](#), and [Commission Directive 2008/5/EC of 30 January 2008 concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Directive 2000/13/EC of the European Parliament and of the Council](#). The Law also allows usage of the EU Technical Regulation in cases when the Ukrainian one is not adopted. Requirements of the National Standard DSTU 4518-2008, adopted in 2008, are not compulsory for producers and importers. The text of the DSTU is proprietary and not referenced in legal open databases. Please refer to Section VI of the Report's "Conformity Certification" section for more explanations on Technical Regulation and DSTU power. The label must contain the following mandatory information (FAS-Kyiv-compiled list based on related chapters of the listed laws. An exporter is advised to verify it with their partner):

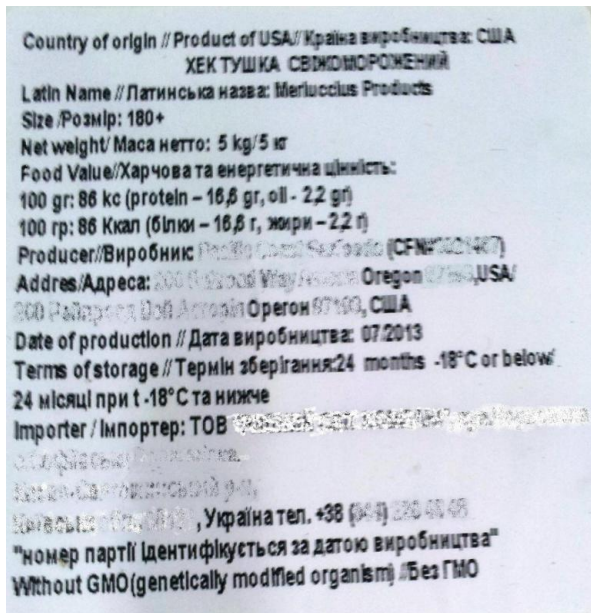
1. Name of food product (which may be accompanied, but not replaced by the commercial name);
2. Ingredients (or ingredient categories) of food products (see Technical Regulations Chapter 18 for more



- information);
3. The quantity of ingredients starting with the largest share in product;
  4. Nominal quantity of food product (weight or volume in metric system);
  5. Time indication of the food product consumption suitability;
  6. Storage conditions if special storage conditions are required;
  7. Consumption conditions and recommendations in cases when the product needs them;
  8. Producer's name, address, and place of production, their phone number or hot-line phone number, imported products are required to list importer's name, address, and phone number. In cases where consumers' complaints are handled by a different entity - name, address, and phone number of that entity.
  9. Batch number;
  10. Marking as to genetically modified organism content;\*
  11. Place of origin for imported products that were packaged in Ukraine if absence of this information is misleading for consumers;
  12. Nutritional (food) value of the product with indication of proteins, carbohydrates and fats in common unit measurements per 100 grams (100 milliliters) of the product;
  13. Consumption warning for food products by certain consumer categories (children, pregnant, elderly, athlete and people with allergies) if the product may have adverse impact on their health.

*\* Food product labeling legislation continues to require an indication of GE content presence in food products sold to Ukrainian consumers. In accordance with the provisions of the Law of Ukraine #1602-VII ([in Ukrainian](#)) the following labeling requirements are in place: In case a product contains GE materials, and in case their share in product exceeds 0.9 percent in any of the ingredients of product, which includes, composed of or made of GE materials, food product labeling must contain label "Containing GMO". Food producers may put a voluntary label "No GMO" on their products if there is absence of GMO in a product. For more details see our recent [Biotechnology GAIN Report](#).*

The label must be in Ukrainian and meet the abovementioned requirements; therefore, the product cannot enter Ukraine if it has only a standard U.S. label. The text size of the product name should be at least 2.0 mm high, while other information at least 0.8 mm high. A sample label for U.S. fish products is provided on the next page.



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. The 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 purchase products already labeled in order to comply with Ukraine’s requirements, while others prefer to attach labels in a licensed customs warehouse in Ukraine. On September 20<sup>th</sup>, 2015, Ukraine abolished compulsory labeling on boxes (cartons). Existing regulations cover only retail packaging.

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, or make statements targeting particular consumer groups (children, pregnant women, athletes), without prior approval from the MHCU.

## Section VI: Other Specific Standards

### Organic Certification

Ukraine adopted its own [organic legislation](#) (in Ukrainian) in 2013, with major amendments in 2015 as part of a deregulatory package. Organic production is certified as such if one of the following conditions are met:

- 95 percent or more of live and unprocessed ingredients are produced with organic material or
- 90 percent or more of processed ingredients are produced with organic material.

The SSUFSCP is responsible for organic certification in accordance to domestic requirements. At this point the agency does not perform this function due to discrepancies in laws and the on-going reform process. An exporter should be aware that the organic law may change in 2017, as amended draft laws were circulated. At

this point all organic producers in the country are certified according to EU organic standards. Products, which are certified in the EU as organic are accepted in Ukraine as organic without additional certification. USDA's [Organic Export Certificate](#) Form is not officially recognized in Ukraine and would not replace any other certificate required for import. "USDA Organic" logo will not qualify imported products as organic in Ukraine, despite an organic certification equivalency agreement between the EU and U.S. Ukraine is not qualified as a third party to this agreement. On the other hand, EU's "Green Leaf" logo on the product will allow for product placement on the organic shelf.

The Ukrainian Organic Law directly bans use of the words "organic", "biodynamic", "biological", "ecological" or "bio-" prefix in the name of the products that are not produced according to organic standards. Imported products that have those words and prefixes in their names must be translated as "organic product" when a Ukrainian label is attached.

### **Novel Foods**

Novel Food Products are subject to compulsory [registration](#) by MHCU authorities. Ukraine defines novel food as a food product or ingredient that is substantially different from the common food products or ingredients present on the market. The product is considered "novel" if it has one of the following traits:

- The product has no history of safe consumption in Ukraine and underwent significant transformation;
- The product is obtained as a result of a new plant/animal production process which was not used for this purpose before;
- The product is obtained through a technological process that was not previously used for this purpose;
- The product has no safe consumption history in Ukraine, but has such history abroad and underwent significant transformation.

GM products and mineral/drinking water are not considered to be "novel" and do not fall under novel food provisions. Products that have a consumption history abroad are not considered to be "novel" even if they are new to the Ukrainian market. The Register of novel foods is maintained by the MHCU (there were no publicly available registers when this report was drafted). Registration time for new novel foods is 180 days.

### **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). Registration of special food products is conducted by the Sanitary and Epidemiological Service of the Ministry of Health Care of Ukraine prior to importing them into Ukraine. All registered foods are published in the State Register of Special Dietary Food Products, Functional Food Products and Dietary Supplements on the MHCU's State Sanitary Service website.

Ukrainian law also requires state registration of the following ingredients and food products:

- Aromatic substances;
- Enzymes;
- Drinkable mineral water.

Safety criteria establishment, reference testing methods and registration of these products is performed by the MHCU. Import of non-registered ingredients or mineral water is not allowed. No food products or food product ingredients other than those listed in Sections II, III, IV and VI of this report require state registration.

Registration of products or ingredients must not exceed 30 days with the exception of novel foods and food additives.

### **Product Samples and Mail Order Shipments**

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: Facility and Product Registration**

There is no facility registration procedure for processed food products of non-animal origin.

Ukrainian law requires the SSUFSCP to maintain a positive list of eligible countries and positive list of eligible facilities for export of food products of animal origin into Ukraine. The registers are to be published on the official website of the Authority. At this point the SSUFSCP website accommodates only a [list of bilateral veterinary certificates](#) and [list of inspected foreign facilities](#) (in Ukrainian).

The Competent Authority of the exporting country may petition the SSUFSCP for inclusion in the list of eligible countries. This inclusion is possible upon a Ukrainian food safety system audit of the exporting country. An exporting country has the right to petition for inclusion of selected production facilities into the list of eligible exporters.

According to the Law 1602-VII, all countries and exporting facilities that have a history of supplying the Ukrainian market before September 20<sup>th</sup>, 2015, will be automatically included into the list of approved countries/facilities. No lists were officially published when this report was drafted. One shipment from a U.S. exporting facility that had a history of exporting to Ukraine was rejected due to lack of the registration procedure in December of 2015.

### **Recognition of EU Equivalency and Implications for New Exporters of Products of Animal Origin**

On April 1, 2014 the Ministry of Agrarian Policy and Food of Ukraine empowered Order 118 "On the Recognition of Equivalency of the EU Control System for Manufacture and Circulation of Animal Origin Products and Raw Materials". This Order recognizes the official EU production and control systems for products of animal origin and raw materials as equivalent to Ukraine's system of food safety and quality.

This Order opens the way for product imports from facilities approved by the European Commission and included in the appropriate registers. A European number is recognized as a necessary and sufficient condition for such imports. For products that are not included in EU registers, the Order provides two alternative options:

- Import from non-listed facilities can be allowed after individual inspection of such facilities by Ukraine's Veterinary and Phytosanitary Service with consecutive introduction into Ukraine's register of approved facilities;
- Recognition of the exporting country's competent authority equivalence after a system audit of the safety system.

Terms and conditions of the individual facility audit are not yet approved. The existing draft law does not

specify the financing sources for audits, but stipulates equal treatment for domestic and foreign producers.

Order No.118 and related Government of Ukraine Decrees eliminated and replaced a non-transparent system of individual import permits that remained in place for almost a decade.

Provisions of the Order partially overlap with Law 1602-VII as to eligibility of foreign facilities and inclusion into the official List of Approved Facilities. All U.S. facilities that have a supply history must use Law 1602 for automatic inclusion in the List. All new suppliers must satisfy one of the options listed in Order 118.

### Special Beef and Pork Clauses

Due to special [Beef](#) and [Pork](#) bilateral veterinary certificate prefaces (cover letters) all U.S. federally inspected facilities are eligible for exports to Ukraine. These blanket provisions do not differentiate between new and old suppliers, providing unrestricted market access to all. FAS-Kyiv is aware of multiple problems that appear at the border when new shipments from non-listed facilities arrive. Should such problem be encountered, the importer should refer to The State Veterinary and Phytosanitary Service explanatory letter No.15-9-2-2-11/25895 issued on December 4<sup>th</sup>, 2014, or contact FAS-Kyiv immediately.

FAS-Kyiv is conducting discussions with the Ukrainian VS as to market access terms and conditions for first-time suppliers of products of animal origin. FAS-Kyiv will be informing importers through separate GAIN reports as new developments occur.

Summary of current market access conditions for products of animal origin exported from the U.S.

- **All beef and pork products are eligible for export to Ukraine from all U.S. federally-inspected facilities without any restrictions;**
- **All other animal products exported from U.S. facilities that were approved by the EU are eligible for export to Ukraine without any restrictions;**
- **All other animal product exporters from the U.S. that exported to Ukraine prior to September 20<sup>th</sup> of 2015, are eligible for export to Ukraine without any restrictions upon development of a procedure for their introduction to the list of approved facilities;**
- **All other animal product exporters from the U.S. that have never supplied to Ukraine need to undergo an individual audit by Ukrainian single food safety authority.**

## Section VIII: Other Certification and Testing Requirements

### Processed Food Products Safety Certification

According to the Law 1602-VII, all food products imported into the customs territory of Ukraine must be accompanied by an “international certificate or another document issued by the exporting country competent authority”. The law does not define this document further and provides no other options.

FAS-Kyiv is working with Ukrainian competent authorities to determine whether U.S. State-issued certificates can be accepted as international certificates. Additional information will be provided in a separate GAIN Report.

### Producer Declaration

According to the Law on Food Safety and Quality (Article 21), a Producer Declaration may be demanded for food products, food additives and auxiliary materials (packaging). A declaration can be issued for the production process or to the specific batch of imported product. In the first case scenario batches covered should also be listed in the document. The declaration should include: the name and address of the producer, name of the product, technical regulations, standards or sanitary measures the product complies with; conditions under which this compliance will be insured (transportation, storage and other conditions), date of issuance, name, position and signature of the certifying person. An exporter is responsible for statements in the declaration and should base its statements on implemented measures and conditions (HACCP Plan, GMP, accredited lab test results, etc.). It is not clear whether a Producer's Declaration can be used as an "International Certificate" as stipulated by Law 1602-VII. FAS-Kyiv is working with Ukrainian authorities on resolution of this trade issue.

### Conformity Certification

In most cases conformity certification of food products is not required (Article 32 of the Law On Main Principle and Safety Requirements for Food Products). 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 envisage the following compliance documents:

- *Technical Regulations* are legal public acts establishing mandatory requirements for products, services, or production processes 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 mimic EU safety Directives word-by-word.
- *National (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. From the legislators perspective, a Standard is an auxiliary document that if followed will help achieve compulsory safety requirements listed in Technical Regulation; although producers are free to choose other production techniques that can yield the same safety results.

Only tobacco remains to be [subject to conformity certification](#) in Ukraine. Although no Technical Regulations are approved for this product and outdated DSTUs are used for compliance measures. In 2016, Ukraine canceled conformity certification of all fish and seafood products and alcohol as contradictory to other laws and regulations. The list of products subject to compulsory certification is routinely provided by FAS-Kyiv as a separate [GAIN Report](#) along with other controls applicable to food and agricultural products.

SSUFSCP remains the certifying authority in Ukraine. 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

SSUFSCP is in charge of conformity certification procedures and either grants or denies issuing valid certificates for eligible products sold in the customs territory of Ukraine. The Cabinet of Ministers of Ukraine publishes the [List of Restrictions Imposed on Products that are Imported on the Custom Territory of Ukraine](#) including a list of products requiring certification.

### 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 from 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 is “fits for human consumption”;
- Number of 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 written on the company letterhead 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 [Exporter Guide GAIN Report](#) prepared by FAS/Kyiv staff or [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).

### Sampling and Testing Requirements

Sampling and testing of imported products are regulated by the Cabinet of Ministers Decree #833 adopted on June 14, 2002; although additional conditions are listed in Law 1602-VII. The Decree 833 defines “uniform batch of the product” and establishes sample sizes and sampling times. The uniform batch of product is defined as any quantity of the product of the same kind, name, production date, processing method, produced by the same shift and with the same technological regime.

For fish, a uniform batch may be comprised of up to five consecutive production dates with sample size of 5-6 kilograms, but no less than five fish if weight of one fish exceeds three kilograms. For canned food products one batch is limited to one date and one production shift of one producer. For milk and dairy products, a batch is limited to one sort, one producer, one technological cycle, and one production date.

A uniform batch for feeds is limited to one load, but no more than 100 tons. A batch of any product must not exceed one railway car, one truck, or one tanker or tank. Each batch must be accompanied by the certificate that ensures safety and quality of the product.

Given the 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 batches” in the container as possible. FAS-Kyiv is aware of cases when as many as 19 uniform batches were identified in one 25-ton refrigerated container by the 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 the point of destination, although at the port random testing can be required and usually is since it is an opportunity for Ukrainian Veterinary and Phytosanitary Service officials to gain additional revenue. The testing period may vary from 4 days for certain meat products to 15 days for canned products. There is draft legislation envisaging risk-based testing practices, but when the authorities will implement these is unclear. Ukraine will sample and test all first-time shipments and shipments arriving from facilities that have not been exporting for the last 5 years. All frequent suppliers will get each 5<sup>th</sup> shipment tested. The SSUFSCP is working on bringing its testing practices in compliance with the best risk-based international practices. The change is likely to take place in 2017.

Law 1602-VII justifies usage of national sampling standards and use of EU or international standards in case of their absence. The law also allows for reference-methods adopted by the EU or “appropriate international organizations”. Arbitrage testing can be conducted by any independent lab which uses these reference methods.

### **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 registration procedure for U.S. pet food exports to Ukraine [here](#). 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 five-year registration certificate. When the five-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 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 Ministry of Agricultural Policy and Food of Ukraine. However the [State Register of Seed Producers](#) is still maintained by the State Agricultural Inspection of Ukraine, which is currently undergoing liquidation. The entire registration process for a new plant variety 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](#). Imports of seeds for testing purposes are subject to preliminary import notification as stipulated by the Cabinet of Minister’s Resolution 436 ([in Ukrainian](#), specific HS Codes included in Annex 6).

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.

Due to the recent liberalization of seed legislation, Ukraine allowed seed imports for their reproduction within Ukraine and subsequent exports accompanied by certificates issued by the International Seed Testing Association (ISTA) or Organization for Economic Co-operation and Development (OECD) without obligatory prior certification on the territory of Ukraine.

Seeds exported to Ukraine should be accompanied with certificates issued by the exporting country. At the time of shipment, the exporter of seeds for planting should plan for a three-to-five day seed certification period in Ukraine. The State Seed Inspection Service of the MAPFU inspects imported seeds for compliance with the Ukrainian state sanitary and plant quarantine standards even if a valid Orange International Seed Lot Certificate accompanies the shipment.

All imports of planting seeds require GMO presence testing. In accordance with the national Biosafety Law ([in Ukrainian](#)) commercial imports of biotech seeds (as well as any other genetically engineered organisms) are not allowed before their state registration in Ukraine.

At the time of this report, amendments have been introduced to the Laws of Ukraine “On Seeds and Planting Stock” and “On Protection of Rights to Plant Varieties” that will significantly change seed registration and testing procedures for domestic seed production. Given that they have not yet drafted the necessary sub-legislation guidance/procedures, FAS-Kyiv expects further regulatory changes that might change the actual requirements and procedures for seeds imported to Ukraine.

For further information on the procedures U.S. exporters are encouraged to contact FAS-Kyiv.

## **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 VIII of this report (tobacco, etc.). Ukrainian is the only official language recognized in the entire territory of the country for documentation. All documents must be bilingual, submitted in Ukrainian, or be accompanied by an official translation. Originals of all accompanying documents must be presented to appropriate competent authorities prior to custom

clearance of the product. No exception is allowed! 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 inspection 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 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. Original International Certificate, (for processed food products) or Original Veterinary /Phytosanitary Certificates (see Sections VI - VIII for applicability);
2. Bill of Lading (for customs clearance)
3. Customs Declaration (based on Product Invoice - for customs valuation purposes)
4. A Quality Certificate (if available).
5. Producer's declaration of safety and wholesomeness (if available).
6. Certificate of conformity (wherever applicable);

Attention: The exporter is advised to be in touch with the importer as to the customs clearance document package. A whole set of additional documents might be required in order to confirm the customs value of the product. This may include the contract, invoices, bank transfer slips, insurance slips if they reference customs 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-Kyiv is aware of cases when importers were providing over a dozen auxiliary documents and certificates.

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

All other certificates can be processed at the same time, so it is possible to complete the customs clearance process in 5 - 10 days including additional required laboratory tests.

### **Phytosanitary Inspection**

Inspections are conducted by the State Service on Safety of Foodstuffs and Consumer Protection (SSUFSCP). The SSUFSCP maintains a list of controlled plants and plant products, which is available only [in Ukrainian](#), although international HS Codes are provided.

Imported products of plant origin are required to be accompanied by the original phytosanitary certificate (e.g. the Federal Phytosanitary Certificate, [PPQ Form 577](#) issued by USDA's Animal and Plant Health Inspection Service) and should not contain quarantine organisms ([in Ukrainian](#) the list contains Latin names of the pests and diseases). Sample phytosanitary certificates 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 point of entry by Ukrainian phytosanitary inspectors. Product samples will undergo laboratory tests conducted to verify that quarantine organisms are not present in

the cargo.

In case quarantine pests are found alive at the point of entry, a product has to be either fumigated for a second time or refused entry. The local branch of the SSUFSCP 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**

All products subject to veterinary inspection must be accompanied by the original veterinary certificate at the point of entry. The list of available certificates is provided in a separate [FAIRS Certificate GAIN Report](#). The SSCUSFCP will conduct all document verification at the point of entry. Sampling and testing may be conducted at the custom-bonded warehouse at the destination customs office. 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 pelts, 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 additives of animal origin, including those made of poultry and fish;
- Feeds and feed additives of animal origin, including those made of poultry and fish;
- Feeds of plant origin (feed grains, soybeans, soybean and almond meals);
- Pet food.

Please refer to Annex I of the most Recent GAIN FAIRS Certificate Report for Order 71 translation.

FAS-Kyiv advises a potential U.S. exporter to contact their Ukrainian importer or agent to get accurate updates on most recent changes to the list. FAS-Kyiv is unaware of cases when veterinary inspections were conducted on products other than those listed above. 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). Detailed procedures of such certification are provided in Annex III of the most recent GAIN FAIRS Certificate Report. Order 71 is likely to be changed in 2017.

Some shipments arriving in Ukraine will be sampled (Ukrainian legislation uses the “expanded veterinary control” term). Expanded veterinary control will be conducted on the first-time shipments and on every 5<sup>th</sup> shipment arriving to the country.

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 batches in the shipment. The testing procedure takes up to seven days, which makes importing some highly perishable goods impractical or impossible.

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 [here](#). Protocols for exporting [live animals](#) and [animal products](#) controlled by USDA’s Animal and Plant Health Inspection Service are available at APHIS website.

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 by the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce: <http://www.noaa.gov/> for frozen fish and seafood products or by the U.S. Food or Drug Administration (FDA): <http://www.fda.gov/AnimalVeterinary/default.htm> for processed products.

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.

### **Sanitary Inspection of Food Products**

SSUFSCP became responsible for all sanitary controls of imported food products and products of animal origin. All food products of non-animal origin must be accompanied by the “international certificate” as explained in Section VII: Other Certification and Testing Requirements, Processed Food Products Safety Certification. SSUFSCP checks food for compliance with the Medical and Biological Requirements and Sanitary Norms of Quality of Raw Food Materials and Food Products (tolerance levels of toxic elements, pesticides, micro-toxins,

bacterial contamination, and radio nuclides) and affixes “approved” stamp on import documents. The importer or producer must pay for product testing if assigned. The “State Sanitary and Hygiene Findings” certification is canceled for all food products in September of 2015. Earlier issued “State Sanitary and Hygiene Findings” remain valid and can be used for custom clearance till their expiration dates.

### **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).

### **Re-Export of Products of Animal Origin**

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 valid bilateral veterinary certificates with both the country of origin and the 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 third country before further export.

In case of product re-packing in the custom-bonded warehouse without formal customs clearance, Ukraine reserves the right to refuse such product. An exporter may use this loophole only in cases when the original certificate is provided along with the new certificate issued by the competent authorities of the country where repacking took place. In most cases presentation of the original certificate is not possible as they are retained on file by the third country’s competent authority.

### **Section X: 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 Service of Ukraine on Intellectual Property (SSUIP), 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 SSUIP.

The SSUIP maintains a [system of registers](#) (in Ukrainian) of patents on inventions, useful models, industrial samples, microchip topographies, trademarks for goods and services, product origins etc. Some registers are incomplete and search engines are complicated.

Registration of plant varieties is conducted by the SSUFSCP under the Ministry of Agrarian Policy and Food. The [register](#) is published annually on the SVPS website. For more information, please refer to Seeds for Planting chapter above.

### **Appendix I. Government Regulatory Agency Contacts:**

**Sanitary and Hygiene Issues Related to All Food Products, MRLs.**  
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: [moz@moz.gov.ua](mailto:moz@moz.gov.ua)

Homepage: <http://www.dsesu.gov.ua/ua/>

(Attention! Attempts to access the official registers listed on this official MHCU website may lead to pages with malware. We expect the GOU to fix this problem at some point in the future. FAS/Kyiv has removed all infected links from the text of this GAIN Report, although there are text references directing to pages where the registers can be found in case one wants to proceed at his/her own risk. )

**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**

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/> and <http://www.consumer.gov.ua/>

**Plant Health Issues**

Head of PPQ Position is vacant,

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://www.vet.gov.ua> and <http://www.consumer.gov.ua/>

**Certification and Conformity**

Inspection Head Position is Vacant  
State Inspection for Consumer Rights Protection  
Tel.: +380-44-226-2971  
Homepage: <http://www.consumer.gov.ua>  
E-mail: [head@consumer.gov.ua](mailto:head@consumer.gov.ua)

**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**

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](mailto:dndki@scivp.lviv.ua)  
Homepage: <http://www.scivp.lviv.ua/en.html> (Ukrainian/English)

**Plant Variety Registration**

State Institute for Plant Varieties Expertise / 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://www.sops.gov.ua/> (English/Ukrainian version)

**Registration of Trade Marks**

State Intellectual Property Service  
8 Lvivska Ploscha,  
04655 Kyiv-53, Ukraine  
Tel: +380-44-212-5080, 212-5082  
Homepage: <http://www.sdip.gov.ua/>

**Ministry of Ecology and Natural Resources**

35 Lypkivsky Str.  
Kyiv, Ukraine 03035  
Tel: +38-044- 206-33-02  
[gr\\_priem@menr.gov.ua](mailto:gr_priem@menr.gov.ua)

**Appendix II. Other Import Specialist Contacts:**

**Association of International Freight Forwarders of Ukraine (AIFFU)**  
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>

**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.org.ua](mailto:info@ambu.org.ua)  
Homepage: <http://www.ambu.org.ua>

**Foreign Agricultural Service of the United States Department of Agriculture**  
Dwight Wilder, Agricultural Attaché  
4 Igor Sikorsky Str.  
04112 Kyiv, Ukraine  
Tel.: +38-044-521-5496  
Fax: +38-044-521-5038  
E-mail: [agkiev@fas.usda.gov](mailto:agkiev@fas.usda.gov)  
Homepage: <http://ukraine.usembassy.gov/fas.html>