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Ukraine

Food and Agricultural Import Regulations and Standards Report

Annual

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Report Highlights:

Since the last submission of this report there have been significant changes effecting agricultural product quality, safety, and sanitary regulations. In 2018, Ukraine introduced a new approach to import controls based on the intended use of the product. New port of entry control procedures and documents have also been introduced and new facility registration requirements came into place. New import certificate requirements for agricultural and food products were published and implemented. Ukraine abolished the conformity certification system and introduced a single window system at border crossing points.

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The Office of Agricultural Affairs of USDA/Foreign Agricultural Service in Kyiv, Ukraine prepared this report for 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 the process of reforming its food safety system. In the 1990's and 2000's, the largest Ukrainian international markets remained within the former Soviet Union (FSU) countries with Russia being Ukraine's main export market. 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 the 2000's and 2010's, Ukraine exercised its competitive advantage in grains and oilseeds production, becoming a major exporter of these products. Production of meat products remained relatively less attractive and Ukraine became a net importer of meat products. Simultaneously, Ukraine lost its Russian market share as additional trade barriers were created by Russia 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 for Ukrainian exports and reduced Ukraine's incentive to maintain the old-style food safety system. In 2014, the reform process was accelerated by the signing of the Deep and Comprehensive Free Trade Agreement (DCFTA) with the European Union (EU).

From 2013 to 2018, Ukrainian authorities moved toward bringing Ukrainian food safety legislation into compliance with internationally accepted principles. Some changes mimic EU regulations and approaches. 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, On State Control and Enforcement of the Legislation on Foods, Feeds, Animal Byproducts, Animal Health and Wellbeing. In the domestic market, responsibility was transferred from governmental authorities to producers and processors of food products. 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 specified course of action for infractions. 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 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 “traditional food products” from all other products (traditional food products 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;
- Establishing special requirements for organic products; and
- Informing consumers of food product traits 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 of Ukraine on Safety of Foodstuffs and Consumer Protection](#) (SSUFSCP). The SSUFSCP is responsible for the safety of veterinary drugs, feed, products of animal origin for food and non-food consumption, other processed and unprocessed food products, phytosanitary issues (plant quarantine), and market control and control over consumption of precious metals and gems.

Plant variety registration and seed certification functions remain under the Ministry of Agrarian Policy and Food, while SSUFSCP has market control and oversight functions. The SSUFSCP is responsible for all aspects of food safety for all imported and domestically produced 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 in open-air markets. It establishes criteria for the 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 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, prevention of human disease introduction from abroad, human environment risk factor control, tobacco use control. It is also in charge of the state sanitary-epidemiological expertise, epidemiological investigations, human health risk factor assessments, state control of HACCP procedures, assignment of inspection frequency, state programs for dangerous factors monitoring, conducting of state sanitary-epidemiological expertise of pesticide and chemical registration plans, and the monitoring of 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 enforcement of seed legislation; state control over turnover of seeds and seedlings; issuance of approvals for imports of seeds that are not registered in Ukraine and/or are not part of the OECD registry for selection, research and exhibition purposes.

The current SSUFSCP structure also includes the Division for Supervision over Controlled Prices. The GOU abandoned price controls for so-called “socially important products” on July 1, 2017 by Cabinet of Minister [Decree 394](#) (in Ukrainian). No imported food, feed, seeds, live animals or animal byproducts are subject to price controls.

The SSUFSCP also has divisions responsible for consumer rights protection, market supervision, assay service control, advertising control, domestic trade control, utilities pricing 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, 2008. Ukraine is a member of the World Health Organization (WHO), CODEX Alimentarius Commission (CODEX) and World Organization for Animal Health (OIE).

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. According to Ukraine’s implementation plan for the DCFTA ([in Ukrainian](#)), the vast majority of approximation norms are to be adopted between 2019 and 2021. 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. In cases when EU requirements deviate from internationally-accepted scientific norms it might limit access to Ukrainian market for U.S. products.

A number of Ukrainian laws adopted after DCFTA adoption declared Ukraine’s adherence to both “international and/or EU norms.” These laws do not address cases when international (CODEX-based) regulations and standards differ from EU regulations and standards. 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 where there is a 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.

Customs clearance and related product sampling and testing services are fee-based. Ukraine is working on the introduction of full-scale risk evaluation procedures. As a result, exporters should be prepared for possible frequent fee-based sampling and testing.

FAS-Kyiv will provide 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 State Control over Enforcement of Legislation for Foods, Feeds, Byproducts of Animal Origin, Animal Health and Wellbeing](#).
- The Law of Ukraine [On the Main Principles and Requirements for Food Products Safety and Quality](#) (Edition as of January 1st, 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;
- [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 1st 1989).
- The GOU Decree #442 adopted on September 10th, 2014 [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 SSUFSCP (follow the link on this page to access the most recent list)

Phytosanitary

- The Law of Ukraine [On Plant Quarantine](#)
- The [List of Products Subject to Phytosanitary Control](#). Table at the end of the document that contains the following columns:
 1. HS Code;
 2. Ukrainian description;
 3. List of countries/territories that have a ban for imports of products of plant origin to Ukraine;
 4. List of importing countries that require phytosanitary certificates for products for plant origin for products of plant origin (re-)exported from Ukraine.
- The [List of Regulated Harmful Organisms](#) (contains the list of organisms in Latin)
- [Selective Phytosanitary control](#) of wood packaging materials under HS Code 4415.

Labeling and 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 Consumer Information on Food Products](#)

Customs

- [The Customs Code of Ukraine](#) (in English)

Geographical Indicators

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

Trade Marks

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

Seeds

- [The Register of Approved Varieties](#) (please, follow the link on this page to access the most recent list)
- 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

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). The importation of food products that contain non-registered additives is not allowed, although importers may seek registration with the MHCU. For the list of other additives and substances subject to registration in Ukraine, please refer to subsection “Special Food Product” on page 13.

The old [list](#) of approved food additives was canceled by the Cabinet of Ministers as of September 24, 2015. As of November 2018, the Ukrainian competent authority has yet to publish the new official list of approved additives, as required by 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 potential exporters.

An importer may submit a petition to the MHCU requesting 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 a recognized, competent, international organization (see Chapter I for a list of recognized organizations; the CODEX Alimentarius Commission is included), the additive can be registered under expedited procedures. Under expedited procedures, 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 the approved detection method availability. The expedited registration process should take less than 30 days. FAS/Kyiv is unaware of any non-EU feed additive registration cases.

According to the WTO accession Working Group Report (Paragraph 2327), Ukraine agreed to accept recommendations of the CODEX Alimentarius Commission on 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](#) (2018 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, food and feed, 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 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 on maximum residue levels, FAS/Kyiv has not been able to confirm 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.

Food Product Safety Requirements

All product specific tests are conducted prior to custom clearance.

Current microbiological indicators were adopted by the Ministry of Healthcare of Ukraine (MHCU) in 2012, by [Order 548](#) (in Ukrainian), 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 Maximum Residue Level (MRLs) for the presence of the following pathogens, toxins and substances in food products:

- *Listeria monocytogenes*,
- *Salmonella* (no strains specified),
- *Staphylococcal enterotoxins*,
- *Cronobacter* spp. (*Enterobacter sakazaki*),
- *E. coli* (as fecal masses contamination indicator),
- *Histamine* (for selected fish products)
- *Salmonella typhimurium* (for poultry).

Some MRLs establish zero tolerance for pathogens. Safety parameters for poultry meat established by the MHCU [Order 695](#) (in Ukrainian) became valid on September 6, 2016. The new norms are harmonized with EU requirements. It establishes MRLs for the following contaminants: toxic elements including lead, arsenic, cadmium, tin, chrome, mercury, benzapiren and aflatoxin B1; antibiotics including levomycetin, tetracycline group, Bacitracin, nitrosamines; pesticides including DDT and hexachlorocyclohexane; dioxins; and a number of pharmacological substances.

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). As a part of the mandatory state sanitary and hygiene testing, the packaging of 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 [most recent lists](#) (please note that this list is subject to regular changes).

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 batch in the container is required.

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. Special packaging requirements apply to many products subject to veterinary control. In such cases, the requirements are clearly indicated in the bilateral health certificate (see [2017 FAIRS Certificate Report](#) for links to particular veterinary certificates).

The SSUFSCP administers selective phytosanitary control of wood packaging materials under HS Codes 4407 and 4415. The share of packaging falling under control vary from country to country and based on the results of previous inspections as well as the number of regulated pests in the exporting country and information about their identification by the EU Member States. For more information about parameters of risk analysis, please refer to page 34 of Cabinet of Minister [Decree 960](#) (in Ukrainian).

Section V: Labeling Requirements

FAS/Kyiv is aware of a draft law which, if passed, is likely to streamline existing controversial labeling regulations. The law has not yet been adopted, but adoption is expected sometime in 2019. A separate FAIRS subject report will be submitted to alert U.S. exporters if the new labeling law is adopted.

As of 2018, 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 for use of EU Technical Regulation in cases when a 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 the “Conformity Certification” section (Section VI) for more explanation on Technical Regulation and DSTU authority.

FAS/Kyiv advises that the label must contain the following mandatory information (NOTE: this is FAS/Kyiv’s 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;
 - Nominal quantity of food product (weight or volume in metric system);
 - Time indication of the food product consumption suitability;
 - Storage conditions if special storage conditions are required;

- Consumption conditions and recommendations in cases when the product needs them;
- 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.
- Batch number;
- Marking as to genetically modified organism content;*
- Place of origin for imported products that were packaged in Ukraine if absence of this information is misleading for consumers;
- 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; and
- 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: if a product contains GE material, and that ingredient exceeds 0.9 percent of the food product, the seller must label it as “Containing GMO.” Food producers may put a voluntary label “No GMO” on their products if there is an absence of GMO in a product. For more details see the Labeling section of the FAS/Kyiv 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.

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.

Since April, 2018 an importer may custom clear the unlabeled product after providing a written obligation to apply Ukrainian language labels. In this case, customs officials should either understand the label in English or be provided with a written translation in Ukrainian along with credentials of the interpreter. 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. Existing regulations are established for retail packaging only.

The legislation and implementing regulations do not set the rules for label size and format. However, the regulations 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

Currently Ukraine is migrating from one version of organic legislation to another. The new legislative provisions will come into force in early August 2019.

The provisions below describe the situation prior to **August 2, 2019**.

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 will change in 2019, according to new laws. 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. The "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.

The provisions below describe the situation that will exist **after August 2, 2019**.

According to the newly established [Organic Law](#) (in Ukrainian), Ukraine would operate open and publically available registries for:

- organic producers;
- organic seeds and seedlings;
- certification authorities;
- substances (ingredients, components) allowed in organic production.

All organic producers must be certified and undergo annual audit by certification authorities to ensure compliance.

In accordance with requirements of Article 29 of the mentioned law, organic certificates issued by third countries are recognized in Ukraine only if the foreign certifier, which issued the mentioned certificate, has been included in the Ukrainian registry of foreign certifiers.

In order to establish a new entity on the Ukrainian registry of foreign certifiers, an importer/exporter of organic product must submit an application to the SSUFSCP. This application should contain the following information:

- name of the country where the foreign certifier is located;
- confirmation of accreditation of the foreign certifier by the national accreditation authority of the foreign country participating in the international or regional agreements for recognition of accreditation;
- name of the state authority supervising the foreign certifier.

Note: At this stage, FAS/Kyiv cannot provide more specificity as the relevant sub-legislation is in the process of development.

Novel Foods

Novel Food Products are subject to compulsory [registration](#) by MHCU authorities. Ukraine defines novel foods 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; or
- 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 importation 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.

Besides the food additives described in Section III of this report, Ukrainian law requires registration of the following ingredients and food products:

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

Safety criteria establishment, reference testing methods and registration of these products is performed by the MHCU. Importation 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 €150 can be cleared duty-free according to Ukrainian legislation (at the time of report writing). Starting July 1, 2019, the duty-free limit will be lowered to €100. The regulations allow importers to bring samples for trade shows and scientific research upon preliminary notification of Ukraine's Competent Authority and subsequent approval to import. Upon completion of research or a trade show, any remaining samples must either be destroyed or re-exported.

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 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 publishes a [list of bilateral veterinary certificates](#) and a [List of Foreign Facilities](#) inspected by the SSUFSCP (follow the link on this page to access the most recent list). The latter list acts as a list of eligible countries and facilities for export to the territory of Ukraine.

Individual foreign facilities may be included on the list of approved facilities after successful completion of an individual facility audit. A facility audit can be requested through a direct petition to SSUFSCP, or through a petition to the Competent Authority of the exporting country. It is possible to include all facilities approved by the Competent Authority of the exporting country in cases where equivalency agreements have been established between the two countries. There is no such equivalency agreement between Ukraine and the United States.

Selected historic exporters have been eligible for automatic inclusion on the list of approved facilities. Since April 4, 2018, SSUFSCP adopted the following rules for registration of historic exporters:

- Facilities that exported products to Ukraine five years prior to April 4, 2018 will be eligible for inclusion on the list of approved facilities upon request.
- Foreign facilities with older export history that have kept their registration active will remain on the list.

No formal procedure for inclusion of foreign facilities on the list of approved countries and facilities has been published. The SSUFSCP includes facilities upon written requests. FAS/Kyiv facilitated a number of U.S. facilities to be included on the list. The procedure is lengthy (usually several months)

and requires verification of a history of importation with various Ukrainian authorities.

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 enacted 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 opened the way for product imports from facilities approved by the European Commission and included on the appropriate registers. A European number is recognized as a necessary and sufficient condition for such imports. All U.S. exporting facilities eligible for export to the EU can be automatically included on the list of approved facilities.

For products that are not included on EU registers, the Order provides two alternative options:

- Imports 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; and/or
- 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 law does not specify the financing sources for audits, but stipulates equal treatment for domestic and foreign producers.

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 export 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 an importer encounter such a problem, they should refer to The State Veterinary and Phytosanitary Service internal explanatory letter No.15-9-2-2-11/25895 issued on December 4, 2014, or contact FAS/Kyiv immediately.

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. facilities that exported to Ukraine during last five-year period are eligible for export to Ukraine without any restriction**

upon petition and consequent introduction to the list of approved facilities (takes several months);

- **All other animal product exporters from the U.S. that have never supplied to Ukraine need to undergo an individual audit by Ukrainian food safety authorities.**

Section VIII: Other Certification and Testing Requirements

Processed Food Products Safety Certification

According to the Law 1602-VII, 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.

The International Certificate refers to health or veterinary certificates that certify animal health or safety of food, feed or animal byproducts. Per Ukrainian law, an International Certificate is a document which must be issued by the Competent Authority of the exporting country. For official control purposes Ukraine does not accept “proxy” certificates such as certificates of free sale or other certifications issued by commercial companies or Non-Government Organizations (NGOs). Ukraine requires International Certificates to be issued prior to embarkation of the product by the exporting country. As such, U.S. issued “in lieu of” certificates are no longer be accepted by Ukraine.

! All processed and raw food products of animal origin as well as combined products (processed products that contain any amount of ingredients of animal origin) imported into the customs territory of Ukraine are to be accompanied by International Certificates. For the explicit list of HS headings that need to be accompanied by International Certificates, refer to GAIN Report UP8033. HS Codes of food products of plant origin not listed in “international certificate” section GAIN Report UP8033 can be imported with general shipment documents (bill of lading and other transportation documents).

For processed food product certification, importers should contact the U.S. Food and Drug Administration (FDA) either for a “Certificate Of Exportability: Food For Human Consumption” or a “Certificate to a Foreign Government: Food for Human Consumption.” A detailed description of the on-line application procedure is available on the [FDA website](#).

Conformity Certification

Ukraine discontinued the conformity certification requirements on January 1, 2018. In most cases, the conformity certification of food products was canceled prior to that date (Article 32 of the Law On Main Principle and Safety Requirements for Food Products). Tobacco was the only remaining agricultural product [subject to conformity certification](#) in Ukraine. In January 2018, Certification of tobacco was [discontinued](#) as well.

The Ministry of Economic Development and Trade (MEDT) is responsible for the reform of conformity certification. In accordance with obligations taken under the DCFTA with the European Union, Ukraine is planning to adopt some EU Standards. Conflicting National Standards will be canceled.

Although Ukraine zeroed its compulsory certification lists, its certification system remains in place. The 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.

Voluntary Certifications

Voluntary Certification is a business and marketing tool that is not used for official clearance procedures. 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); and
- Expiry date (shelf life) of the product.

As an unofficial document (not bilaterally negotiated and agreed) a QC may speed up both customs and veterinary procedures, assist in custom valuation process and serve other auxiliary purposes. Usually

the QC will be written on company letterhead and may be under the signature of different employees, depending on the company's operational structure and availability. Neither producer-issued nor state-issued or Chamber of Commerce issued and endorsed certificates can serve as the only necessary and sufficient documentation for customs, sanitary or veterinary clearances. For all food products and feed, Ukrainian legislation requires Competent Authority-issued certificates to accompany the product at the moment of arrival.

U.S. exporters may also refer to the [Exporter Guide GAIN Report](#) prepared by FAS/Kyiv staff or 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).

Sampling and Testing Requirements

Sampling and testing of imported products are regulated by the Cabinet of Ministers Decree #833 adopted on June 14, 2002. Additional conditions are listed in Law 1602-VI and Law 2042-19 which provided a new sampling and testing approach that was implemented in April, 2018. 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 a 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 feed 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 requirements for products imported into Ukraine, the sampling and testing fees may pose a significant burden on the importer, especially for expensive products such as caviar, fish, or chilled meat. 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 the SSUFSCP identified as many as 19 uniform batches in one 25-ton refrigerated container.

The potential importer should be prepared for some losses associated with testing of product. SSUFSCP adopts [annual risk assessment](#) for different product groups. Product sampling and testing can be conducted under routine import checking procedures, special enhanced import control and annual state testing program. The majority of products are subject to 5-10 percent testing. Special enhanced import control for high risk products originating from high-risk countries can reach 50 percent. The testing period may vary from 4 days for certain meat products to 15 days for canned products. Ukraine will sample and test all first-time shipments and shipments arriving from facilities that have not exported to Ukraine in the last 5 years.

Law 1602-VII justifies usage of national sampling standards and the 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.

On April 4, 2108 Ukraine implemented Law No. 2042 which specifies a different sampling requirement. Sampling will be conducted in cases when physical inspection of imported products is deemed necessary. This might be either well-grounded suspicion during the importation process or implementation of routine sampling as a part of a risk-based verification system. The sampled product is released for free circulation if no threat to human or animal health or life is discovered during the document check and compliance verification. If the test results reveal noncompliance with adopted safety norms, the product is recalled at the importer’s expense.

The new sampling requirement allow for the physical inspection of one percent of items/packages in the cargo. However, the number of items physically inspected cannot be less than two and no more than 10. If bulk products are imported, five samples are taken from different places in the cargo. The new rules allow for partial unloading of the cargo in cases when access to different parts is required for sampling.

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 planting seeds should note that prior to importing seeds for commercial release in Ukraine,

each seed producer must be registered with the Ministry of Agricultural Policy and Food of Ukraine and the [State Register of Seed Producers](#) (follow the link on this page to download the list in Ukrainian). Before product is exported, the plant variety intended to be imported into Ukraine should be included on the [The Register of Approved Varieties](#) (please, follow the link on this page to access the most recent list), which makes it eligible for commercial distribution in Ukraine.

In order to introduce new seeds into the Ukrainian market, sample seeds must be provided to Ukrainian authorities for testing purposes. This process is necessary in order to receive preliminary approval (as stipulated by the Cabinet of Minister's Resolution 436 [in Ukrainian](#), specific HS Codes included in Annex 6). In accordance with national regulations, an exporter/importer completes and submits an application form ([Ukrainian](#)) to the SSUFSCP prior to shipping. SSUFSCP provides either the official confirmation or refusal within 5 business days. The application is free of charge. If permission is granted, the seeds brought into Ukraine must be accompanied by a phytosanitary certificate and are subject to subsequent sampling and laboratory testing by SSUFSCP staff before they can be customs-cleared. The importer/exported should file a report for usage of imported seeds with SSUFSCP at the end of the year.

Field trials are an integral part of the registration process for new plant varieties. Field trials can take up to three years and cost the applicant (variety owner, exporter or importer) between USD 5,000 and USD 10,000, depending on the type of crop and the extent of field trials needed. This charge includes expenses needed for field trials and to maintain the variety on the Registry. For more information about registration, please refer to [Ukrainian Institute of Plant Variety Examination](#).

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

Exports of commercial seed batches that have already been registered in Ukraine should be accompanied by quality certificates issued by the exporting country, or OECD or ISTA certificates, **in addition to** the original phytosanitary certificate. The list of specific seeds subject to phytosanitary control as per Cabinet of Minister [Decree 960](#) (in Ukrainian) includes the following HS Codes: 0601, 0602, 0701 10 00 00, 0703 10 11 00, 0703 10 90 00, 0703 20 00 00, 0703 90 00 00, 0712 90 11 00, 0712 90 19 00, 0713 10 10 00, 0713 20 00 00, 0713 33 10 00, 0713 40 00 00, 0713 50 00 00, 0713 35 00 00, 1001 11 00 00, 1001 91, 1002 10 00 00, 1003 10 00 00, 1004 10 00 00, 1005 10, 1006 10 10 00, 1007 10, 1008 10 00 00, 1008 21 00 00, 1008 30 00 00, 1008 40 00 00, 1008 50 00 00, 1008 60 00 00, 1008 90 00, 1201 10 00 00, 1202 30 00, 1204 00 10 00, 1205 10 10 00, 1205 90 00 10, 1206 00 10 00, 1207 10 00 00, 1207 21 00 00, 1207 30 00 00, 1207 40 10 00, 1207 50 10 00, 1207 60 00 00, 1207 70 00 00, 1207 91 10 00, 1207 99 20 00, 1209.

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 Ukrainian state sanitary and plant quarantine standards. Each seed batch sold in the Ukrainian market should be properly labeled in accordance with the national legislation as well accompanied by a valid seed certificate. The national seed labeling requirements are available [in Ukrainian](#).

All imports of planting seeds require testing for the presence of genetically engineered (GE) events. 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 without state registration in Ukraine. In accordance with national GE Registry ([in Ukrainian](#), please note that the link might be subject to change when the Registry is updated), currently there are no GE events registered in Ukraine. There is also no complete set of regulatory procedures for the registration of GE events for seeds in place. Therefore, FAS/Kyiv does not foresee the ability to import biotech seeds into Ukraine for the near future.

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. Since 2018 Ukraine implemented a “Single Window Custom Clearance System” that allow for one-point document submission. The following documentation is required for Food Safety clearance:

1. Original of the Shipment Accompanying Document
 - International Certificate (for raw and processed food products of animal origin, combined products and selected products of plant origin) or
 - Veterinary Certificate (for food products of animal origin, feeds, live animals and animal byproducts) or
 - Original Phytosanitary Certificates (see Sections VI - VIII for applicability);
2. Import Document (with Section I filled by importer)
 - [Common Veterinary Entry Document](#) for Product Entry for products accompanied by Veterinary Certificate (with Chapter I filled by importer) or
 - [Common Entry Document](#) (with Chapter I filled by importer) for all other food products shipments

Detailed filling [Manual for filling the Common Veterinary Entry Document](#) and [Manual for filling Common Entry Document](#) are available on SSUFSCP website (in Ukrainian)

3. Bill of Lading (for all products). Bill of Lading also serves as transport document for food products of plant origin that do not need to be accompanied by any other certificate.
4. Voluntary Certificates (if available).

Attention: This list does not contain documents necessary for custom clearance. The exporter is advised to be in touch with the importer as to the customs clearance document package. Additional documents are likely to be required for customs clearance and customs valuation of imported products. Such documentation usually includes customs declaration, the contract, invoices, bank transfer slips, insurance slips if they reference customs value, etc. FAS/Kyiv is aware of cases when importers were required to provide over a dozen auxiliary documents.

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

Due to introduction of the “Single Window” procedure in late 2018, all documents can be processed at the same time. Therefore, it is possible to complete the customs clearance process in 5 - 10 days including additional required laboratory tests.

As of 2018, Ukraine requires [Common Veterinary Entry Document / Common Entry Document](#) which serves as a single document during veterinary/sanitary clearances. The following import procedures have been implemented:

- A. At least 1 day prior to the product arrival at the port of entry, an importer informs SSUFSCP of upcoming shipment in one of the following ways:
 - In written form
 - Electronically
 - By officially submitting a completed Section I of Common Entry Document / Common Veterinary Entry DocumentIn this notification an importer describes the product, declares approximate time of cargo arrival, provides copies of import certificates and other documents as required by Ukrainian Law.
- B. Upon product arrival to the port of entry an importer must present the original valid international certificate issued by the competent authority of the exporting country.
- C. Inspectors of SSUFSCP may conduct three different product inspections:
 - Documentary (inspection of international certificate and other required documents);
 - Verification of Compliance (visual verification whether the product matches the certificate);
 - Physical inspection of imported product with frequency established by SSUFSCP;
 - Upon product arrival, the SSUFSCP inspector conducts document check and compliance verification: checks container seals, documents stamps, official identifications, wholesomeness statements, etc. Physical checks are conducted in cases when there is justified suspicion of noncompliance. In other cases physical inspections are conducted as required by the risk-based system used by SSUFSCP. Assigned physical inspection may include:

- Simple tests (including organoleptic tests);
 - And/or laboratory tests
- In all cases the physical check will include inspection of the means of transport (including verification of cold chain continuity), weight verification, packaging inspection, sampling of the product for simple or laboratory tests.
- D. The SSUFSCP inspector signs and stamps Section II of the Common Entry Document / Common Veterinary Entry Document. The importer receives a signed and stamped copy.
- E. The original Common Entry Document / Common Veterinary Entry Document is passed to the Custom Service of Ukraine which conducts Customs Clearance of the product. Customs clearance of food and feed of plant origin is also possible via the electronic information system of the Competent Authority.
- F. The product is released in circulation. If physical tests were assigned and test results could not be obtained immediately, but no threat to animal or human health was detected during document and compliance inspections, the product can be released in free circulation. If the test results reveal noncompliance with adopted safety norms, the product is recalled at the importer's expense. The release procedures and document turnover for products of animal origin (including combined products) and products of plant origin are somewhat different and have yet to be spelled-out by additional regulations.

Ukraine also reserves the right to apply a special import regime with selected trading partners. A special import regime is based on an exporting country food and feed safety system evaluation (system audit). This regime can be in the form of a list of approved countries and products originating from those countries. Special import certificate forms and special import conditions for products originating from those countries are applied. As of 2019, Ukraine recognized equivalence only with EU-28 countries.

Phytosanitary Inspection

Inspections are conducted by the SSUFSCP. The SSUFSCP maintains a list of controlled plants and plant products. The list includes the following Harmonized Trade System Codes: HS 0601-04, 0701-09, 0712-14, 0801-10, 0813, 0909-10, 1001-08, 1103-04, 110710, 1201-02, 1204-07, 1209-12 (excluding 1212 21 00 00 and 1212 29 00 00), 1214, 1401, 1404, 2302, 2308, 2401, 253090, 2703, 3002 90 50 00, 3002 90 90 00, 4401, 4403-04 (excluding 440310), 440610, 4407, 4409, 4415, 510111, 5301 and 9705 (per Cabinet of Minister Decree 705 (in Ukrainian), 2007).

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).

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 a verification of all documents at the point of entry. Sampling and testing may be conducted at the customs-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 ([in Ukrainian](#)), which was adopted by the State Veterinary and Phytosanitary Service (SVPS) on June 14, 2004 (Please refer to the most recent [FAIRS Certificate Report](#) for Order text). 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 meat 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 feed 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); and
- 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 the 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 feed 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.

NOTE: Order 71 is likely to be changed in 2019.

Some shipments arriving in Ukraine will be sampled (Ukrainian legislation uses the “expanded veterinary control” term). Expanded veterinary control will be conducted on first-time shipments and on every 5th 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 UP1833.

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.

Radiological Inspection of Food Products

Ukraine controls radiological contamination in imported products. In 1997, the MHCU approved the state hygienic norms (so called DR-97) that established the maximum allowable levels (MAL) for the two most occurring radionuclides – Cesium-137 (137Cs) and Strontium-90 (⁹⁰Sr). In late 2018 inspection was simplified upon introduction of “Single Window” clearance procedure.

Re-Export of Products of Animal Origin

An exporter must be aware that Ukraine’s food safety legislation does not allow for the importation of re-exported products of animal origin, even in cases where Ukraine has a 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.

Ukraine may accept product which has been re-packed in a custom-bonded warehouse without formal customs clearance. An exporter may exercise this possibility only in cases when the original certificate is provided along with the new certificate issued by the competent authorities of the country where repacking occurred. In most cases, presentation of the original certificate is not possible as they are retained on file by the third country’s competent authority. The product has a high chance of being rejected if copies of the original certificate are presented.

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. The State Service of Ukraine on Intellectual Property (SSUIP) lost its regulatory power in 2017. The [Ministry of Economic Development and Trade](#) 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 it 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 Ministry of Agrarian Policy and Food. The [register](#) is published annually on the Ministry's website. For more information, please refer to Seeds for Planting chapter above.

Appendix I. Government Regulatory Agency Contacts:

Food and Feed Safety, Animal Health Issues, Safety of All Animal Products and Seafood, Phytosanitary and PPQ Issues

State Service of Ukraine on Food Safety and Consumer Protection (SSUFSCP)

1 B. Grynchenko St., Kyiv

01001 Ukraine

Tel: +38-044-229-1270

Fax: +38-044-229-4883

Homepage: <http://www.consumer.gov.ua/#>

e-mail: head@consumer.gov.ua

Contacts in SSUFSCP for PPQ and Plant Health Issues

7, Koloskova St. Kyiv,

03138 Ukraine

Tel. +380-44-524-7707

Fax: +380-44-524-3107

Homepage: <http://www.consumer.gov.ua/#>

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

Homepage: <http://moz.gov.ua>

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@gmail.com – office

olena.golohova.medved@gmail.com

Homepage: http://www.medved.kiev.ua/home/index_en.htm (English version)

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: info@dei.gov.ua

Homepage: <http://dei.gov.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

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)

e-mail: sops@sops.gov.ua

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.me.gov.ua/>

Ministry of Ecology and Natural Resources

35 Lypkivsky Str.

Kyiv, Ukraine 03035

Tel: +38-044- 206-33-02

e-mail: gr_priem@menr.gov.ua

Homepage: <https://menr.gov.ua/en/>

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
Homepage: <http://www.ameu.org.ua>

Association of Customs Brokers of Ukraine
2 Solomyanska Ploshcha. Office 503 (left wing)
Tel.: +380-44-248-8202,
Fax: +380-44-248-8203
E-mail: info@ambu.org.ua
Homepage: <http://www.ambu.org.ua>

Foreign Agricultural Service of the United States Department of Agriculture

Robin Gray, 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
Homepage: <http://ua.usembassy.gov/embassy/kyiv/sections-offices/foreign-agricultural-service/>