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**Report Highlights:**

There have been insignificant changes affecting Ukrainian agricultural product quality, safety, and sanitary regulations since Post's previous FAIRS Annual Country Report. Ukraine passed a new Animal Feed Safety Law that became effective in January of 2020. Terms for the listing of foreign establishments on Ukraine's Official List of Approved Countries and Facilities were updated. This new FAIRS Annual now has a section on Trade Facilitation. Additionally, Post added references to the recently submitted FAIRS subject reports on maximum residue levels of certain chemical and biological contaminants.

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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.**

### **Executive Summary:**

With rich farmland, a well-developed agricultural and industrial base Ukraine has become one of the largest producers of grains, vegetable oils, legumes and poultry meat. Although very efficient in bulk commodity production, Ukraine remains a large importer of food and feed ingredients, planting seeds, processed food products, seafood, alcoholic beverages, fruit, wine and high-quality meat products (both processed and raw). Ukraine is unlikely to become self-sufficient in many of these large sectors anytime soon. Ukraine is a low-middle-income country, according to the World Bank classification, but economic growth observed in the last four years has opened new market opportunities for U.S. products.

Ukraine has rather low import duties for agricultural and food products. However, market access is often complicated by technical barriers. The majority of those technical barriers were introduced through the recent legal approximation of Ukrainian regulations to EU requirements. Despite these developments, many U.S. industries maintain rather broad market access to the Ukrainian market. Competition with EU producers, which enjoy a free trade regime and negligible technical barriers to trade, is the largest trade obstacle.

In the near future, Ukraine is expected to continue its food safety and technical access modifications in an attempt to align with EU norms and standards. In the short run those regulations are not expected to create prohibitive trade barriers for U.S. products, but in the long run, market access for non-EU-approved U.S. exporters may become more complicated. The vast majority of remaining modifications are expected to be adopted between 2020 and 2022.

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

Ukraine is in the process of reforming its food safety system to adopt the best international practices and to simplify production and trade in agricultural and food products. Similar, to other countries, Ukrainian regulations are designed to ensure safety, wholesomeness and selected quality aspects of foodstuff of animal and plant origin. The regulations are supposed to ensure animal health and prevent the introduction of foreign animal diseases, quarantine pests and microorganisms.

Ukraine has been a WTO member since 2008. It is also a party to three sister organizations - the Codex Alimentarius Commission (CODEX), International Plant Protection Convention (IPPC), World Organization for

Animal Health (OIE) and recognizes its obligations to those international bodies. However, the role of the national CODEX office in domestic regulatory processes is very limited.

In 2014, the modernization of the Ukrainian safety system was altered by the signing of the Deep and Comprehensive Free Trade Area agreement ([DCFTA](#)) with the European Union (EU) which imposed additional obligations as to the compliance of Ukrainian food safety rules with EU ones. Under the DCFTA commitment, Ukraine adopted an ambitious legislation-approximation program ([in Ukrainian](#)), which should bring many 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.

Ukraine's obligations to the WTO and Ukraine's obligations to the EU shape the food and agricultural products trade environment. Although Ukrainian law emphasizes the priority of international laws, the majority of recent regulations are based on relevant EU directives. In recent years, the major changes were introduced in fundamental laws: On the Main Principle and Safety Requirements for Food Products, the Law On Veterinary Medicine, the Law On the Main Principles and Requirements for Food Product Safety and Quality, the Law On Food Safety Control and Enforcement, Labeling Law and Feed Safety Law. As a result, the responsibility for food safety was transferred from governmental authorities to market operators – producers, processors or importers of food and agricultural products.

The magnitude of this change is significant: Ukraine introduced HACCP requirements for all food processors (including foreign), country residue monitoring plans, formal product recall procedures, traceability requirements on the “one step back” and “one step forward” principle, positive lists of approved facilities, international food safety audit requirements and many other new measures. Although these changes resulted in increased transparency and streamlining of food import procedures, market access for many products became cumbersome. Introduction of EU-like regulations and recognition of food safety equivalence with EU in April of 2014 simplified market access mostly for EU-based and EU-approved suppliers.

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 or OIE-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.

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 Food Safety 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 and phytosanitary issues (plant quarantine).

The SSUFSCP is an executive governmental body. New laws and regulations are developed and adopted by the newly created Ministry of Economic Development, Trade and Agriculture (MEDTA). MEDTA was created in

2019, when Ukraine merged the Ministry of Economic Development and Trade and the Ministry of Agricultural Policy and Food. In SSUFSCP import control functions are performed by the Department of Food Safety and Veterinary and Department for Phytosanitary Safety and Control of Seeds and Nurseries. Interested readers should refer to SSUFSCP [website](#) (in Ukrainian) for a complete list of functions and controls of each of the SSUFSCP divisions. The SSUFSCP is also responsible for all aspects of food safety for all imported and domestically produced food products. Other regulatory functions of SSUFSCP not related to food and agricultural products safety are not addressed in this report. Plant variety registration and seed certification functions are controlled by respective MEDTA departments, while SSUFSCP has market control and oversight functions.

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 MHCU is also responsible for establishment of Maximum Residue Levels (MRLs) for microbiological indicators, food contaminants as well as registration of Food Additives.

The Ukrainian Food Control system concentrates on safety of the product. Selected controllable 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’s Ministry of Finance is responsible for the country’s customs policy and regulations, while Ukraine’s Customs Service (CSU) is responsible for customs clearance of all imported products. Customs clearance and related product sampling and testing services are fee-based. Ukraine is working on the introduction of full-scale risk evaluation procedures for customs, veterinary, sanitary, and phytosanitary clearances.

## **List of Laws and Regulations Guiding Importation of Food and Agricultural Products (in Ukrainian unless noted otherwise)**

### *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 1, 2016);
- The Law [On Feed Safety and Hygiene](#) of August 6, 2019;
- 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 1 1989);

- The GOU Decree #442 adopted on September 10, 2014 [On optimization of the Central Government Bodies](#) by which the single food safety authority was created.
- The Law [On Information for Consumers on Food Products](#) went into power in August of 2019;
- The Law [On Safety and Hygiene of Feeds](#) will go not power on January of 2020.

#### *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*

- Law of Ukraine [On Information for Consumers on Food Products](#)
- Law of Ukraine [On Technical Regulations, Standards and Compliance Verification Procedures](#)
- Law of Ukraine [On Standardization](#)

#### *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

#### *Trademarks*

- Law [On Protection of Rights to Marks for Goods and Services](#)
- [The Register of Approved Varieties](#) (please, follow the link for 2019 list)

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

## Section II: Labeling Requirements

A new food labeling law streamlining existing labeling requirements went into effect in August of 2019. FAS Kyiv prepared a separate FAIRS subject report [Ukraine Adopts New Labeling Requirements](#) to alert U.S. exporters. This report contains detailed information on compulsory and voluntary labeling information, health claims and other related requirements.

Although similar to [Regulation \(EU\) No 1169/2011](#) On the Provision of Food Information to Consumers, and a number of other EU Directives and EC regulations, it contains certain provisions not found in EU laws. U.S. exporters of processed food products are strongly advised to review this detailed report in addition to brief information provided in the current section.

### *Compulsory Labeling Requirements*

Existing regulations are established for retail and catering establishments only. Ukrainian regulations require that food labels contain the following information:

- the name of the food;
- the list of ingredients;
- substances that may cause allergies or intolerances, or ingredients derived from such substances or products, used in the manufacture or preparation of a food and are still present in the finished product, even if in an altered form;
- the quantity of certain ingredients or categories of ingredients;
- the net quantity of the food in defined units of measurement;
- the date of minimum durability or the 'use by' date;
- any special storage conditions and/or conditions of use;
- the business name and address of the food market operator (an importer);
- the country of origin or place of provenance where provided by the Law;
- instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions;
- with respect to beverages containing more than 1.2 % by volume of alcohol, the actual alcoholic strength by volume (with exception of HS 2204 (wine - Wine of fresh grapes, including fortified wines));
- a nutrition declaration (including energy value, the amount of fat, saturated fat, carbohydrates, sugar, protein, and salt); and
- Additional Compulsory Labeling Requirements as specified below.

Food product labeling legislation continues to require an indication of GE content in food products sold to Ukrainian consumers. In instances where there is a presence of a Genetically Modified Organisms (GMOs), and their share is in excess of 0.9 percent of any ingredient of the food product that contains or produced from GMOs, the products must bear "with GMO" marking. 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 and Other New Production Technologies GAIN Report](#).

The label must also identify foods packaged in certain gases, foods containing sweeteners, foods containing glycyrrhizinic *acid* or its ammonium salt, beverages with high caffeine content, or foods with added caffeine, foods with added phytosterols, phytosterol esters, phytosterols or phytosterol esters, frozen meat, frozen meat preparations and frozen unprocessed fish products.

#### *Voluntary Labeling Requirements*

- Voluntary statements must not be misleading and, when needed, be based on sound science. Additional statements must not negatively impact, replace, or squeeze out mandatory statements.
- The Ministry of Healthcare of Ukraine develops guidance as to health claims (require prior approval from the MHCU) and statements targeting particular consumer groups (children, pregnant women, athletes, suitability of a food for vegetarians or vegans).
- Ukraine maintains a set of voluntary requirements for labeling of dairy products as “natural”.
- Additional nutritional data may include mono-unsaturated fat, polyunsaturated fat, polyols, starch, edible fiber, and a list of vitamins and/or minerals.
- “Per serving” nutritional numbers accompanying serving size (volume) data are also considered voluntary.

#### *Other Requirements*

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. However, U.S. “Nutrition Facts” label coincide with Ukraine’s compulsory nutritional requirements. In vague language Ukrainian regulations allow the use of nutrition facts calculated per serving (same as FDA requirements), thus a simple translation of the U.S. label may be acceptable. U.S. exporters are advised to clear this fact with Ukrainian partners.

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.

An importer may custom clear the product with label in English after providing a written official assurance to apply Ukrainian language labels prior to product release into circulation. 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. FAS Kyiv is aware of technical problems with implementation of this regulatory provision. An exporter is advised to clarify this option with a local importer.

Absolute and relative descriptors (such as “low,” “high,” “less,” “fewer,” “reduced,” etc.) are allowed in cases when, in the production process, the products underwent a transformation that increased/decreased content of certain substances below/above the level found in similar products.

Ukraine is yet to establish the list of products for which the country of origin indication is compulsory. A general provision of the law requires an indication of the country of origin, or place of provenance, in cases where the lack thereof is misleading.

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

Materials in direct contact with food products are subject to state registration by the SSUFSCP. 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 are [published](#) in the Register of Sanitary-Hygiene Findings of the SSUFSCP website (please note that this list is subject to monthly 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 U.S. exporters. 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 [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.

Although there are domestic regulations as to packaging materials and wastes utilization, none of them impacts imported products or require special packaging marking.

### **Section IV: 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 Ministry of Healthcare. 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 “Special Food Product” subsection.

The old list of approved food additives was canceled by the Cabinet of Ministers as of September 24, 2015. As of June 2020, the Ukrainian competent authority has yet to publish the new official list of approved additives, as required by law. However, Ukrainian officially verbally stated that all EU-registered food additives are allowed in domestically produced and imported food products. 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 Executive Summary 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 on the EU-list when such substances would be approved.

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

### *Pesticides*

All pesticides and agricultural chemicals are subject to state registration. The list of approved chemicals is maintained by the Ministry of Ecology and Natural Resources of Ukraine (MENRU). The MENRU publishes the biannual [Catalogue of Pesticides and Agricultural Chemicals Allowed for Use in Ukraine](#) (2020 list in Ukrainian). 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. Maximum residue limits (MRLs) for pesticides and agrichemicals are established by [Hygiene Norms and Regulations of Safe Use](#) (in Ukrainian) implemented in 2019. Norms are established for almost 2000 active substances of 744 registered chemicals. The document references both CODEX Alimentarius Commission (15 references) and EU Pesticide database (330 references) norms implemented for Ukrainian products of plant origin and processed plant products.

### *Other Contaminants*

The MCHU established chemical and biological MRLs in food product. These MRLs are enforced by SSUFSCP inspectors. The MRLs and detection methods for pesticides and other agricultural chemicals are established during the state pre-registration (tests and trials). The SSUFSCP inspectors control these MRLs in agricultural products, food and feed, including imported products. All product-specific tests (if assigned) are conducted prior to custom clearance. The MHCU claims that the new list is harmonized with EU norms. For control of imported products SSUFSCP uses Microbiological Criteria for Food Products Safety developed by MHCU.

A separate FAIRS Subject Report was prepared to assist exporters with current [Ukraine's MRLs for Microbiological Contaminants](#).

Ukraine established Maximum Residue Level (MRLs) for the presence of the following pathogens, toxins and histamine 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), and
- *Salmonella typhimurium* (for poultry).

Some MRLs establish zero tolerance level for these pathogens.

Another FAIRS Subject Report - [Ukraine's MRLs for Certain Contaminants](#) provides information on MRLs for the following substances and chemicals in food products:

- *nitrates (in fresh greens and vegetables),*
- *mycotoxins,*
- *heavy metals,*
- *3-monochloropropane-1,2-diol (3-MCDP),*
- *dioxins,*
- *polychlorinated biphenyls (PCBs),*
- *polycyclic aromatic hydrocarbons, and*
- *melamine.*

Additional norms for other contaminants (insecticides, disinfectant, heavy metals etc.) are listed on the [Medical and Biological Requirements and Sanitary Quality Norms for Food Products and Raw Materials](#) (in Ukrainian; Last updated in 2016). For microbiological requirements, this document partially overlaps with the Microbiological Criteria for Food Products Safety referenced earlier. In cases where there is an overlap, new MRLs prevail.

Safety parameters for poultry meat established by a separate [regulation](#) (in Ukrainian) of MHCU. 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.

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 for all contaminants. 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.

## **Section VI: Other Requirements, Regulations, and Registration Measures**

### *Facility Registration Requirements*

Ukrainian law requires that the SSUFSCP maintain a positive list of eligible countries and facilities for export of live animals, reproductive materials, food products of animal origin composite products, fish and seafood, and feeds (of both plant and animal origin). There is no facility registration requirement for processed food products or for unprocessed products of non-animal origin.

The SSUFSCP register [page](#) (in Ukrainian) contains two Lists of Countries and Foreign Establishments that can Export to Ukraine. The first list provides a directory of all approved suppliers of food products that contain ingredients of animal origin. The second list provides a directory of all establishments that can export live

animals and reproductive materials. These lists are subject to monthly updates. In addition to these lists, Ukraine accepts products from all EU-approved establishments. In order to qualify, these export establishments need to be present on a relevant EU register. A European number is recognized as a necessary and sufficient for such imports. SSUFSCP will verify it on the proper EU register prior to clearance. All U.S. exporting facilities eligible for export to the EU are eligible for export to Ukraine.

#### *Export requirements for U.S. Exporters of Products of Animal Origin and Seafood*

Due to special [Beef](#) and [Pork](#) bilateral veterinary certificate provisions, all U.S. federally inspected facilities are eligible for export to Ukraine without restriction. There is no need for facility registration. These blanket provisions do not differentiate between new and old suppliers, providing unrestricted market access to all. Should an importer encounter a problem with facility recognition, it 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.

Production facilities for other (than beef and pork) products from animal and seafood origin, composite products, feeds, live animals, and reproductive materials need to be listed on the Ukrainian Lists of Approved Foreign Facilities and Establishments or on the EU-approved list. There are two ways to become listed on the Ukrainian lists:

- If a facility/farm/genetics center had exported to Ukraine between April 4, 2013 and April 4, 2018 (per Law 2042 ending remarks), it may petition for automatic inclusion on the list (verification of previous export history and listing procedure may take over a month). Foreign facilities with older export history (per older version of the Law 1602) that kept their registration active will remain on the list.
- A facility/farm/genetics center may undergo an individual audit, or the U.S. food/animal safety system for a specific product group must undergo system audit's, with positive results. Consent from the U.S. competent authority will be needed to conduct a system audit. In this case all federally approved facilities would obtain market access.
- 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 by the exporting country's Competent Authority.

No formal procedure for inclusion on the historic exporters (facilities/farms/genetics centers) list of approved countries and facilities has been published. The SSUFSCP includes facilities upon written request. FAS Kyiv facilitated the inclusion of a number of U.S. facilities to the list. The procedure is lengthy (over one month) and requires verification of a history of importation with various Ukrainian authorities.

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.

Suppliers of U.S. seafood products must verify their presence on the EU lists of approved seafood processing facilities prior to export to Ukraine. In case of lack of such listing, an exporter should contact the local Food and Drug Administration Office and request such listing based on mutual equivalency recognition with the EU. The procedure may take over a month.

## Summary of Current Market Access Conditions for Products of Animal Origin and Seafood 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 or facility registration;
- 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 U.S. facilities that exported to Ukraine between April 4, 2013 and April 4, 2018, are eligible for export to Ukraine without any restriction upon petition and consequent introduction to the list of approved facilities (takes over a month);
- 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; and
- U.S. seafood suppliers need to verify their presence on the EU list of approved seafood processors prior to shipment.

\* All products are to be accompanied by veterinary/health certificates issued by USDA competent authority or NOAA.

### *Processed Food Products Safety Certification*

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. However, a Competent Authority’s corrections to a certificate that had already been issued are acceptable.

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](#).

**! All processed and raw food products of animal origin as well as composite 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 “[Product Groups Subject to Official Controls](#)”. HS Codes of food products of plant origin not listed in “international certificate” section of the Report can be imported with general shipment documents (bill of lading and other transportation documents).**

## Section VII: Other Specific Standards

### *Organic Certification*

The new legislative provisions came into force in early August 2019. According to the newly established [Organic Law](#) (in Ukrainian), Ukraine would operate open and publicly available registries for:

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

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

In accordance with the 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 products 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; and
- 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](#) (in Ukrainian) 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.

**Note:** FAS Kyiv was unable to locate the Register of Novel Foods by the time when this report was published.

### *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 MHCU prior to importation into Ukraine. All registered foods are published on 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. Registration time for products or ingredients will not exceed 30 days.

**Note:** FAS Kyiv was unable to locate the Register of Special Food Products by the time when this report was published.

### *Product Samples and Mail Order Shipments*

Mailed samples worth less than €100 can be cleared duty-free. The regulations allow importers to bring samples for trade shows and scientific research upon preliminary notification of Ukraine's Competent Authority (SSUFSCP) and subsequent import approval. Upon completion of research or a trade show, any remaining samples must be either re-exported or destroyed by methods that eliminates harm to animal and human health.

The product may cross the border in certain cases if it is accompanied by a document that confirms that Ukraine's competent authorities that were notified at least 10 days prior to products arrival at the border inspection post (BIP). Country access will be granted if the BIP does not possess the competent authority's justified objection against the product's entry into the country. Preliminary notification must contain the description of the food product, planned border inspection entry point, expected time of arrival, and destination point. Show samples handling rules were supposed to be adopted by the State Service of Ukraine for Food Safety and Consumer Protection. However, as of June 2020, FAS Kyiv is unaware of the adoption of such rules.

## *Conformity Certification*

Through multiple interactions, Ukraine completely abolished conformity certification for food products and tobacco requirements in 2018. The Ministry of Economic Development and Trade (MEDT) is responsible for reforming the 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 the 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-for-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 legislator’s perspective, a Standard is an auxiliary document that if followed will help achieve compulsory safety requirements listed in a 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 the customs valuation process and serve other auxiliary purposes. Usually the

QC will be written on company letterhead and may be signed by 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 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.

### *Sampling and Testing Requirements*

Sampling and testing of imported products are regulated by the Cabinet of Ministers [Decree #833](#) (in Ukrainian) 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 the 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.

In 2018, Ukraine implemented Law No. 2042 which specifies additional sampling requirements. Sampling will be conducted in cases when physical inspection discovered a need in sampling. 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 allows 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 ten. If bulk products are imported, five samples are taken from different locations in the cargo. The new rules allow for partial unloading of the cargo in cases where access to different parts is required for sampling.

### *Pet Food, Feeds 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 (contacts are in 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 [website](#).

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.

### *Planting Seeds*

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](#) (the most recent document). Before the product is exported, the plant variety intended to be imported into Ukraine should be included on the [The Register of Approved Varieties](#) (the most recent document), 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 Ministers'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 to the SSUFSCP prior to shipping. SSUFSCP provides either the official confirmation or refusal within five 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/exporter 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 can be found in [GAIN Report "Product Groups Subject to official Controls"](#).

At the time of shipment, the seed exporter should plan for a three-to-five day seed certification period in Ukraine. The State Seed Inspection Service of the MEDTA inspects imported seeds for compliance with Ukrainian state sanitary and plant quarantine standards. Each seed batch sold on 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, 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](#)), currently there are no GE plants 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 VIII: Trademarks, Brand Names and Intellectual Property Rights

Protection of intellectual property rights are 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.

## 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 IX of this report (tobacco, alcohol beverages etc.). Ukrainian is the only official language recognized in the entire territory. 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! 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.

Food products (except those produced for personal consumption and selected food products of plant origin), raw food materials and agricultural products as identified in [GAIN Report UP1833](#) are prohibited to enter 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. The original Shipment Accompanying Document
2. International Certificate (for raw and processed food products of animal origin, combined products and selected products of plant origin) or
3. Veterinary Certificate (for food products of animal origin, feeds, live animals and animal byproducts) or
4. Original Phytosanitary Certificates (for plant products);
5. 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 [Manual for filling the Common Veterinary Entry Document](#) and [Manual for filling Common Entry Document](#) are available on SSUFSCP website (in Ukrainian)

6. 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.
7. 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 II.

Due to the introduction of the “Single Window” procedure in late 2016, 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 2019, 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:

- 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:
  1. In written form
  2. Electronically
  3. By officially submitting a completed Section I of Common Entry Document / Common Veterinary Entry Document  
In 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.
- 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.
- Inspectors of SSUFSCP may conduct three different product inspections:
  1. Documentary (inspection of international certificate and other required documents);
  2. Verification of Compliance (visual verification whether the product matches the certificate);
  3. Physical inspection of imported product with frequency established by SSUFSCP;
  4. 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:

5. Simple tests (including organoleptic tests);
6. 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.

- 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.
- 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.
- The product is released onto the market. If physical tests were assigned and the 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 onto the market. 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 2020, Ukraine recognized equivalence only with EU-28 countries.

### *Phytosanitary Inspection*

Inspections are conducted by the SSUFSCP. 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);
- should not contain quarantine organisms ([in Ukrainian](#) the list contains Latin names of the pests and diseases);
- should not originate or shipped through a quarantine zone notified by a plant protection authority.

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, the product has to be either fumigated for a second time or it is 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 verify 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 #553](#) (in Ukrainian), which was implemented by the SSUFSCP in November of 2019 (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.

SSUFSCP also published draft regulation implementing [Model Certificates](#) (in Ukrainian) that can be used in absence of bilaterally negotiated certificates. Majority of Model certificates go beyond food safety requirements listed in order #553 and require compliance with many other regulations and laws. FAS is unaware of the U.S. competent authorities' ability to issue Model Certificates. The final version of the Model Certificates rule is yet to be adopted and officially published. FAS Kyiv advises U.S. exporters to rely on bilaterally negotiated certificates listed in the FAIRS Certificate Report and market access terms as described in Sections I-VI of the current report.

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 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 in some cases, but the product is usually released after testing.

The list of products allowed for importation into 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 [live animals](#) and [animal products](#) controlled by USDA's Animal and Plant Health Inspection Service are available at the 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 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.

## *Sanitary Inspection of Food Products*

SSUFSCP became responsible for all sanitary controls of imported food products and products of animal origin including combined products. All food products of non-animal origin must be accompanied by the

“international certificate” as explained in Section VI: Other Requirements, Regulations, and Registration measures. 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, mycotoxins, bacterial contamination, and radio nuclides and other norms as explained in Section V of this report. The importer or producer must pay for product testing if assigned. The cost of testing is similar to other products of animal origin.

### *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 certificate 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. Products that underwent substantial transformation in the third countries will be allowed into Ukraine. International rules for origin of goods will be applied in this case.

Ukraine may accept products which have 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 Trade Facilitation**

Ukraine does not utilize additional preclearance programs for agricultural and food products beside those explained in the “Import Procedures” section of this report. All products must be cleared at the point of entry and **original** bilateral or model certificates need to be presented to competent authorities. Although Ukrainian legislation envisage electronic certificate acceptance, at this point there are no bilaterally negotiated electronic certificates with the United States. In order to speed up import procedures, the importer is advised to use an electronic Common Entry Document and Veterinary Common Entry Document.

The Single Window procedure implemented by the Ukrainian Customs Service will also speed up the process. Ukraine adopted and empowered a Single Window approach for custom clearance of imported goods in August 2016. All sanitary, phytosanitary and veterinary, ecological and radiological controls became integral components of the new system. Single Window procedures were changed and upgraded many times to include transit shipments, procedures to speed-up control and physical inspection (when required) and simplify paper turnaround.

In recent years, Ukraine streamlined its clearance procedures to eliminate duplicative controls and testing. However, implementation of risk-based procedures remains an issue. In many cases testing frequency is based on the number of shipments. Previous testing results and country risk are not taken into consideration. Testing delays, testing fees, expanded testing and physical product inspections remain the most frequent reasons for product clearance delays.

Facility registration requirements are rigorously enforced and therefore, importers must pay close attention to compliance with those requirements. Listing of eligible facilities on the official Lists of Approved Countries and Facility may take up to a month. Detained products will not be allowed free circulation until all formalities are finalized.

Ukrainian authorities use three types of advanced ruling procedures: Tariff Classification Advanced Ruling (including product components that are shipped separately), Country of Origin Advanced Ruling and Special Customs regime rulings. Ukraine does not use Advanced Custom Valuation rulings.

### *Tariff Classification Advanced Ruling*

Ukrainian regulations allow for advanced product classification when an importer is not sure of the classification of an imported product. The product may contain different components or multiple codes may be applicable to the product. The procedure is conducted by Ukraine's Customs Service (CS) and can be quite lengthy. Officially the ruling should take 30 days, but CS may extend the ruling deadline. The applicant needs to submit a contract (compulsory) and auxiliary documentation, drawings and product samples (voluntary). After an initial review stage (that takes 15 days), CS may request additional documents and specifications. The countdown starts over again every time new documents are submitted. This prolongs the advanced ruling procedure. All tariff classification rulings are public and available on CS [webpage](#) (in Ukrainian).

The importer must beware of the following:

- An advanced ruling will only be applicable to the specific product, shipped under a specific contract.
- An importer should have a reasonable expectation as to the timing of the advanced ruling procedure. In many cases, the timing of the advanced ruling may exceed the product delivery timing.
- An advanced ruling is not final. The final ruling will be adopted by CS upon product entry. In case of discrepancy, the CS may withdraw an advance ruling and open a new classification procedure.
- CS may refuse the advanced ruling after a documents review.

Although in place, the Tariff Classification Advanced Ruling procedure is very bureaucratic and impractical. FAS Kyiv advises use of this procedure only when an importer believes it is essential.

### *Country of Origin Advanced Ruling*

Although a bit similar than a tariff classification, the country of origin classification is developed by the Ministry of Finance for Ukraine's CS use. It is not regulated in the Custom Code of Ukraine. The Country of Origin Advanced Ruling is valid for three years after adoption. The applicant may submit originals or notarized copies of all documents. Required documents include pictures, drawings, commercial information and papers that provide information about processing in the country of origin (if available). CS has 30 days to adopt a ruling. If additional information is requested the review period can be extended. The total review process must not exceed 150 days if all requested documents are provided. CS may refuse a country of origin ruling in cases when requested documents are not submitted or considered insufficient. The ruling is not final and can be recalled by CS.

Although Ukrainian regulation requires publication of the “Register of Adopted Country of Origin Advanced Rulings” the register is not public and is available only to CS officials.

## **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](mailto: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](mailto: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](mailto:office.medved@gmail.com) – office

[olena.golohova.medved@gmail.com](mailto:olena.golohova.medved@gmail.com)

Homepage: [http://www.medved.kiev.ua/home/index\\_en.htm](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](mailto: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](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)

e-mail: [sops@sops.gov.ua](mailto: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](mailto: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](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

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](mailto:agkiev@fas.usda.gov)

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

## **Attachments:**

No Attachments