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Report Highlights:

Ukraine continuously enforces food safety regulations for commercial imports despite Russia's full-scale invasion of Ukraine in February 2022, with very few exceptions. This report explains the existing regulatory landscape, including new regulations adopted throughout 2022 and early 2023 under the European Union regulatory approximation agenda. New regulations related to geographical indicators, seed imports, and food packaging are included. This report updates the corresponding sections and adds references to recently submitted FAIRS subject reports, which explain these new regulations in greater detail.

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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:

All Ukrainian laws and regulations governing commercial imports of food products, live animals, reproductive materials, seeds, and feeds remain in place despite Russia's invasion of Ukraine, which began on February 24th, 2022. The only war-related regulation concerning import procedures is Cabinet of Ministers' [Decree 537](#) (in Ukrainian; adopted on May 7th, 2022). By this Decree, the Ukrainian competent authority is allowed to exercise import controls "when the situation allows." It also simplified imports of feeds and feed additives as well as food products originating from countries where animal disease outbreaks were registered. Importers are expected to follow regular import procedures outlined in this report, although border controls may be simplified or waived in certain cases.

The introduction of the new version of the fundamental law governing Ukraine's food safety system – "The Law on Veterinary Medicine" - was postponed from February of 2023 to "one year after the cancelation of the martial law" in Ukraine. Enactment of all sub-laws that spell out provisions of the Law will also be postponed for an indeterminate period. All officially adopted "Sample Certificates" used for import of live animals and genetic materials will remain valid for this period.

Another critical new factor impacting U.S. imports does not relate to Ukraine's regulations but follows from wartime logistics. Due to the Russia-imposed blockade of Ukrainian Black Sea ports and closed airspace, the Ukraine-EU border has become the only crossing opportunity for imports. Consequently, all imports must transit or even change the mean of transportation in the EU. Imported products can only be delivered either by trucks or by rail. This imposes additional certification restrictions on imported products that must comply with EU transit regulations. Ukraine was able to negotiate the removal of many EU transit restrictions for Ukrainian exports, but all import-associated restrictions remain in place.

Ukraine remains one of the largest producers of grains, vegetable oils, legumes, and poultry meat. Although very efficient in bulk commodity production, before the war, Ukraine was a major 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). The import of agricultural products dropped by almost 20 percent in 2022 but is expected to recover somewhat in 2023.

Ukraine has comparatively low import duties for agricultural and food products. However, market access for U.S. products is often complicated by technical barriers. Some of those technical barriers were introduced through Ukraine's ongoing work to "approximate" European Union (EU) regulations under the Deep and Comprehensive Free Trade Area Agreement (DCFTA). Despite these

developments, many U.S. industries maintain rather broad market access to the Ukrainian market utilizing previously negotiated market access terms. These terms are expected to remain in place for the duration of Ukraine's EU legal approximation program. Competition with EU producers, which enjoy a free trade regime and negligible technical barriers to trade, is the largest trade obstacle.

Although some regulatory changes have stalled during the war, Ukraine continued its food safety and technical access modifications to align with EU norms and food industry standards. In the short run, those modifications 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.

Ukraine's imports from the U.S. are quite diversified. Ukraine imports sunflower and vegetable seeds, Alaskan fish and roe, edible nuts, animal feeds, beef, tobacco products, distilled spirits, and food ingredients. Basic products and ingredients are expected to meet few trade barriers, while exporting high-value-added products might become problematic as Ukraine adapts to EU regulations over time.

Section I: Food Laws

Ukraine is in the process of reforming its food safety system to incorporate international practices and simplify production and trade in agricultural and food products. Like other countries, Ukrainian regulations are designed to ensure safety, wholesomeness, and select quality aspects of foodstuff of animal and plant origin. In addition, the regulations seek to protect animal health and prevent the introduction of foreign animal diseases, quarantine pests, and microorganisms.

Ukraine joined the World Trade Organization (WTO) in 2008. It is also a party to the three sister organizations (i.e., the Codex Alimentarius Commission (CODEX), International Plant Protection Convention (IPPC), and World Organization for Animal Health (WOAH)). However, the role of the national CODEX office in the domestic regulatory processes is very limited.

In 2014, the modernization of the Ukrainian safety system was altered by signing the Deep and Comprehensive Free Trade Area Agreement ([DCFTA](#)) with the European Union (EU). Under DCFTA, Ukraine committed to an ambitious legislation approximation [program](#) (in Ukrainian), which will bring many Ukrainian practices in compliance with EU requirements. Adoption of the EU-like norms is often viewed as a market-opening tool for both the EU-area and non-EU countries that accept EU safety approaches. Although regulatory changes slowed after the war started, Ukraine's candidacy for EU status, adopted on June 23, 2022, may lead to the quicker adoption of EU regulatory practices.

Ukraine's obligations to the WTO and the EU (under the DCFTA) shape the food and agricultural products trade environment. Although Ukrainian law emphasizes the priority of international trade rules, most recent regulations are based on relevant EU directives. In recent years, major changes were introduced in the following fundamental laws: the Law on the Main Principle and Safety Requirements for Food Products, the Law On the Main Principles and Requirements for Food Product Safety and Quality, the Law On Food Safety Control and Enforcement, the Labeling Law, and the Feed Safety and Hygiene Law. The only fundamental Law yet to go into power is the Law On Veterinary Medicine. 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. Ukrainian governmental authorities maintained only control and supervisory functions.

The magnitude of this change is significant: Ukraine introduced Hazard Analysis Critical Control Point (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, official import requirements for many products and live animals, international food safety audit requirements and many other new measures. Although these changes increased transparency and streamlined food import procedures, market access for many products became cumbersome. Introduction of EU-like regulations and recognition of full food safety equivalence with the EU in April 2014 simplified market access mostly for EU-based and third-country EU-approved suppliers. U.S. suppliers maintained broad market access based on several bilateral certificates negotiated earlier. Ukrainian law recognizes those as valid despite adopting new, often more restrictive, laws and regulations that prevent future bilateral certificate negotiations.

Several 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 WOH-based) regulations and standards differ from EU regulations and standards. Certain market access conditions established by Ukraine may be 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 Annual Reports.

Ukraine implemented a single food safety authority model for its food and animal safety control, as well as consumer protection: the State Service of Ukraine on Food Safety and Consumer Protection (SSUFSCP). It is a standalone agency, and since 2022, it has been subordinated to the Minister of the Cabinet of Ministers of Ukraine. The SSUFSCP is responsible for the safety and control of veterinary drugs, feed, live animals, reproductive materials, products of animal origin for food and non-food consumption, other processed and unprocessed food products, and phytosanitary issues (plant quarantine).

The SSUFSCP possesses only oversight and control functions. New laws and regulations are developed and adopted by corresponding Ministries. Most agricultural and food product safety-related regulations are adopted by the Sanitary and Phytosanitary Policies Division of the Ministry of Agrarian Policy and Food (MAPFU) and the Ministry of Healthcare of Ukraine (MHCU). MAPFU also adopts plant variety registration and seed certification regulations, while SSUFSCP has market control and oversight functions. Within SSUFSCP, import control functions are performed by the Food Safety and Veterinary Department and the Department for Phytosanitary Safety and Control of Seeds and Nurseries. Interested readers should refer to the SSUFSCP [website](#) for a complete list of functions and controls of each SSUFSCP division. Some contacts and databases may be temporally unavailable due to wartime restrictions. 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 product safety are not addressed in this report.

The MHCU remains responsible for a limited number of food safety controls and does not overlap with SSUFSCP. MHCU authority is limited to inspections of public food establishments and epidemiological control in cases of foodborne illness investigations and elimination of outbreaks. The MHCU is also responsible for establishing maximum residue levels (MRLs) for microbiological indicators and food contaminants, as well as the registration of food additives.

The Ukrainian Food Control system concentrates on product safety. 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;
- Geographic Indicators

Ukraine’s Ministry of Finance is responsible for the country’s customs policy and regulations, while Ukraine’s Customs Service 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 introducing 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 Materials and Objects Intended for Contacts with Food Products](#) (adopted in November of 2022 and will go into force in November 2025);
- The Law of Ukraine [On State Control over Enforcement of Legislation for Foods, Feeds, Byproducts of Animal Origin, Animal Health and Wellbeing](#) of May 18, 2017;
- 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;
- Order No. 1114 [On Adoption of Hygiene Requirements to Food Supplements](#) of December 19, 2013;
- The GOU Decree No. 442, adopted on September 10, 2014, [On the optimization of the Central Government Bodies](#) by which the single food safety authority was created.
- The Law [On Information for Consumers on Food Products](#) was enacted in August 2019;
- Decree No. 537 [On Wartime State Controls Measures over Imports to the Customs Territory of Ukraine of Foods, Feeds, Byproducts of Animal Origin, and Animal Welfare.](#)

Veterinary

- The Law [On Veterinary Medicine](#); new [Law of Ukraine On Veterinary Medicine](#) (Most provisions will go into force one year after the end of martial law in Ukraine)
- [The list of Foreign Facilities](#) Inspected by the SSUFSCP is temporally disabled due to wartime regulations (follow the link on this page to access the most recent list after the war ended)

Phytosanitary

- The Law of Ukraine [On Plant Quarantine](#)
- The [List of Products Subject to Phytosanitary Control](#).
- 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 [On Information for Consumers on Food Products](#)
- [Special Requirements for Labelling](#) and the [List of Foodstuff](#) for which Indication of Country of Origin or Place of Origin is Mandatory (will go into force on May 18, 2024)
- Order 1145, "[On Approval of Requirements to Statements on Nutritional Value of Foodstuff and Statements on Health Benefit of Foodstuff](#) (enacted on August 21, 2020)
- The Law of Ukraine [On Waste Management](#) (will go into force in June of 2024);

Maximum Residue Level Requirements

- Order No. 368 "[On Approval of State Hygiene Regulations and Norms "The Regulation of Maximum Levels for Certain Contaminants in Foodstuffs"](#)
- Order No. 548 "[On Approval of Microbiological Criteria for Establishing Food Safety Indicators](#)"
- Order No. 2646 [On Approval of Foodstuff Safety Indicators "Maximum residue limits \(levels\) of active substances of veterinary drugs in foodstuffs of an animal origin"](#)
- Order No. 256 [On Approval of the State Hygienic Norms "Acceptable Levels of ¹³⁷Cs and ⁹⁰Sr Radionuclides in Foodstuffs and Drinking Water "](#)

Import Requirements

- Order No. 553 [On Approval of Import \(Forwarding\) Requirements on Customs Territory of Ukraine of Live Animals and their Reproductive Material, Foodstuff of Animal Origin, Forages, Hay, Straw, and By-Products of Animal Origin and Products of their Processing.](#)

- Order No. 1329 [On Approval of International Certificates Forms \(in English\)](#)

Customs

- [The Customs Code of Ukraine](#)

Geographical Indicators

- Law on [Protection of Rights to Indication of Origin of Goods](#)
- The Law of Ukraine [On the Special Legal Protection of Geographical Indications for Agricultural and Food Products, protection of rights and Application of Quality Schemes, Including Traditional Guaranteed Features for Agricultural and Food Products](#) (enacted in November 2022);
- The Law of Ukraine [On Geographical Indications of Alcoholic Beverages](#) (will go into force in December of 2024);

Trademarks

- Law [On Protection of Rights to Marks for Goods and Services](#)
- [The Register of Approved Varieties](#) (searchable database)
- 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 was enacted in August 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. Ukraine suspended labeling law requirements for products imported to Ukraine during the martial law period and six months after its termination date. Although the inflow of not properly labeled products was significant in the early months of the war, most commercially imported products in 2023 were labeled properly.

Although similar to [Regulation \(EU\) No 1169/2011](#) on the Provision of Food Information to Consumers, and several other EU Directives and EC regulations, it contains certain provisions not found in EU laws. U.S. exporters of processed food products are advised to review this detailed report in addition to what is summarized here.

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 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/countries (or place) of origin (detailed information required 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 (except 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 genetically engineered (GE) content, commonly referred to as genetically modified organisms (GMOs), in food products sold to Ukrainian consumers. If a product contains an ingredient that contains GE content or is produced via GE and that ingredient is more than 0.9 percent of the finished product, the products must bear the “with GMO” marking. Food producers may put a voluntary label “No GMO” on their products if there is an absence of GMO in the product. For more details, see the Labeling section of FAS Kyiv’s recent [Biotechnology and Other New Production Technologies GAIN Report](#).

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

Ukraine introduced an additional meticulously detailed set of labeling requirements for fresh, frozen, or chilled meat and edible byproducts of bovine animals, pork, lamb, goat, and poultry; honey; and unprocessed olive oil. These requirements establish the country of origin or place of provenance labeling and will go into effect on May 18, 2024. Meat producers, processors, handlers, importers, and resellers are obligated to maintain a tracking system that facilitates meat products to be traced back to their origin and animal origin (country of origin). Information on country of origin, country of raising, and country of slaughter should be collected. This information must be maintained throughout all stages of production and sales of the food products and be available to final consumers or food service establishments. FAS Kyiv prepared a separate [GAIN FAIRS Subject Report](#) explaining the labeling requirements. Additional labeling requirements for products that underwent ionizing radiation treatment are announced by the Ministry of Healthcare and are expected to be adopted in 2023-24.

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 developed guidance as to health claims (which require prior approval from the MHCU) and statements targeting particular consumer groups (e.g., children, pregnant women, athletes, vegetarians, or vegans).
- Ukraine maintains a set of voluntary requirements for labeling of dairy products as “natural.” Please, refer to the corresponding GAIN Report for more information.
- Addition 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 with only a standard U.S. label. However, the U.S. “Nutrition Facts” label coincides with Ukraine’s compulsory nutritional requirements. Ukrainian regulations allow the use of nutrition facts calculated per serving (same as FDA requirements). Therefore, a simple translation of the U.S. label may be acceptable. U.S. exporters are advised to confirm this with Ukrainian importers.

Stick-on tags that meet Ukrainian food safety law requirements are allowed and can be placed on the side of, or over top of, 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 a label in English after providing a written official assurance to apply Ukrainian language labels prior to product release into the circulation. In this case, customs officials should either understand the label in English or be provided with a written translation in Ukrainian along with the 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.

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 (e.g., reduced sodium).

Nutritional Value and Health Benefits Claims

Ukraine maintains a positive list of the following statements in claims:

- disease risk reduction statements;
- health claims;
- nutritional value change statements due to product’s;
 - energy value (caloric content);

- nutrients or other substances continent change.

Ukraine does not have any specific labeling regulations for plant-based meat and dairy alternatives.

Nutritional Value and Health Benefits Claims are allowed in cases when they are truthful (confirmed by laboratory tests or there are other confirmations), can be clearly understood by consumers (in case of health claims), are applicable to products used according to labeling instructions, and refer to products that contain active substances in a sufficient amount and available form to make the claimed impact under normal consumption. Please, refer to the separate FAIRS Subject GAIN Report on [Nutritional and Health Claims in Food Products](#), where all these requirements are explained in great detail.

Although Ukraine's requirements related to nutritional value claims significantly overlap with the EU's [Regulation \(EC\) No 1924/2006](#) "On Nutrition and Health Claims Made on Foods" and other related EU regulations, Ukrainian and EU lists of claims differ significantly. Besides reasonably expected wording/translation differences, Ukrainian lists contain multiple entries rejected by the EU since "insufficient evidence was provided to substantiate those claimed effects for the foodstuffs." Ukrainian lists also contain fewer records. Exporters are advised to consult with Ukrainian importers as to the legality and specific Ukrainian wording of intended health claims.

Section III: Packaging and Container Regulations

Ukraine's Law "On Waste Management" is already adopted but will go into force in July of 2024. The Law makes an importer responsible for the introduction of waste packaging to Ukraine. The Law will require multiple sub-laws and regulations to explain importers' responsibilities and the ways how those need to be performed. As such, waste management policies in 2023 – the first half of 2024 remain unregulated. 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 the transfer of polymers (and other elements) to food products. Regulations on Ukrainian packaging requirements can be obtained from the Scientific Center for Preventive Toxicology, Food and Chemical Safety of the MHCU (see Appendix I for an address). All packaging materials registered are [published](#) (the register publication is suppressed by the Ukrainian government until the end of martial law) in the Register of Sanitary-Hygiene Findings of the SSUFSCP website (please note that this list is subject to monthly changes).

There are no specific 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 the 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 the most recent [FAIRS Certificate Report](#) for links to 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 is 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 waste 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 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 the “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 2023, the Ukrainian competent authority has yet to publish the new official list of approved additives, as required by law. However, a draft regulation is being discussed and notified to the WTO. Ukraine is expected to introduce a positive list of food additives.

Ukrainian officials 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 and Other Agrochemicals

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](#) (2023 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 catalog cannot be used domestically, and no residues in agricultural products are allowed. MRLs for pesticides and agrichemicals are established by Hygiene Norms and Regulations of Safe Use ([in Ukrainian](#)), implemented in 2016 (last updated in 2020). Norms are established for 158 registered

chemicals (as of June 2023) and regulate the presence of active substances for Ukrainian products of plant origin and processed products of plant origin. The document references both National standards for pesticide presence ([in Ukrainian](#)) (2,830 references) and the EU Pesticide database (389 references). Additional pesticides and agricultural chemicals were added to the list in [2022](#) and [2023](#) (in Ukrainian).

On January 1, 2022, Ukraine implemented new Maximum Residue Levels (MRLs) for chlorpyrifos and chlorpyrifos-methyl in agricultural and food products at the level of 0.01 milligrams per kilogram (mg/kg) or milligrams per liter (mg/l) depending on whether the product is solid or liquid. A [separate FAIRS subject report](#) provides additional information on this issue.

Other Contaminants

The MHCU established chemical and biological MRLs in food products. 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 customs clearance. The MHCU claims that the new list is harmonized with EU norms. For control of imported products, SSUFSCP uses the 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 Levels (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 levels 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.*

Ukraine also maintains MRLs for two radiological isotopes: ¹³⁷Cesium (¹³⁷Cs) and ⁹⁰Strontium (⁹⁰Sr). FAS is unaware of trade problems associated with those indicators, but appropriate MRLs remain compulsory for all imported products. A separate [FAIRS Subject Report](#) provides information on radiological MRLs for different products. Although no requirements for foods and food ingredients treated with ionizing radiation exist, Ukraine notified corresponding draft requirements to the WTO. The list of products allowed to be treated with radiation includes only dry spices, aromatic herbs, and dry vegetable mixes.

Safety parameters for poultry meat are 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, benzopyrene, and aflatoxin B1; antibiotics including levomycetin, tetracycline group, Bacitracin, and 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 the 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 website, which is unavailable during the wartime period (due to provisions of wartime information protection law), 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. To qualify, these export establishments need to be present on a relevant EU register. A European number is 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, Seafood, and Feeds

FAS Kyiv prepared a separate [GAIN Report](#) listing all HS codes that will fall under the “Products of Animal Origin and Feeds” category and are subject to inspection at border inspection points.

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. During wartime, the importer may be required to import beef and pork products from establishments that satisfy the EU transshipment requirements, as EU member states remain the only available import transit points.

For products of animal and seafood origin other than beef and pork, composite products, feeds, live animals, and reproductive materials, the production facilities 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 list:

- 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 two months). Foreign facilities with older export history (per older version of 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 audits 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 the 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 free of charge upon written request. FAS Kyiv facilitated the inclusion of several U.S. facilities to the list. The procedure is lengthy (over two months) and requires verification of a history of importation with various Ukrainian authorities.

The 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 a listing, an exporter should contact the local Food and Drug Administration Office and request such a 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 are 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 two 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; and
- U.S. seafood suppliers need to verify their presence on the EU list of approved seafood processors prior to shipment.
- As border crossing points located at the Ukraine-EU border remain the only available crossing points during the war, all U.S. exports must comply with EU transit requirements. Importers will only be able to source products from a U.S. company that participates in the USDA Export Verification Program. Please, refer to the most recent [EU FAIRS Annual](#) report for more information.

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

Import of Products of Animal Origin, Including Processed Food Products, Composite Products, and Feeds without Bilateral Certification

U.S. competent authorities issue bilaterally negotiated certificates for all [covered products](#). According to Ukrainian regulations, the language of a bilaterally agreed certificate prevails in cases when there are discrepancies with the language in current regulations. In addition, Ukraine developed [International Generic Certificates](#) for the following imported product groups:

- Processed products of animal origin, chemicals, and food industry ingredients for human consumption;
- Processed products of animal origin, chemicals, and food industry ingredients for industrial use;
- Other foods and composite products for human use;
- Fresh meat and meat products (including minced meat) of different origins;
- Fish and seafood; and
- Animal feed.

Model Certificates must be endorsed by foreign competent authorities on an “as is” basis and are not subject to amendments and/or negotiations. The complete [list of Generic Certificates](#) by their [titles](#) is available on the SSUFSCP website or the most recent [FAIRS Certificate Report](#). The statements contained in the majority of Model Certificates go beyond food safety requirements listed in official [import requirements](#) (in Ukrainian) and require compliance with many other regulations and laws. Due to challenges related to U.S. competent authorities’ ability to issue these Generic Certificates, FAS Kyiv advises U.S. exporters to rely on existing bilaterally negotiated certificates listed in the FAIRS Certificate Report and market access terms as described in Sections I-VI of the current report.

! 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 the “international certificate” section of this report can be imported with general shipment documents (bill of lading and other transportation documents).

Per Ukrainian laws, bilaterally negotiated International Certificates or Generic Certificates 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 certificates issued by commercial companies or Non-Government Organizations (NGOs). Ukraine does not recognize U.S. State-level authorities as Competent Authorities. Ukraine requires International Certificates or Model Certificates to be issued prior to the embarkation of the product by the exporting country.

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

Section VII: Other Specific Standards

Organic Certification

New legislative provisions for organic certification came into force in 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 Ukrainian).

To establish a new entity on the Ukrainian registry of foreign certifiers, an importer/exporter of organic products must apply to the SSUFSCP. The 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 the recognition of accreditation (i.e., the USDA National Organic Program for U.S. products); and
- name of the state authority supervising the foreign certifier.

Note: Ukraine has developed procedures ([in Ukrainian](#)) for admission of organic producers to the relevant registries, and the Ministry of Economy is appointed as the registry administrator. As of June 2022, these registries are non-functional.

Novel Foods

Novel food products are subject to compulsory [registration](#) (in Ukrainian) by MHCU authorities. Respective regulations and an official register of novel food products are yet to be developed. According to the Draft Law, Ukraine defines novel foods as food products or ingredients that are 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 a significant transformation.

Biotech 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, although there were no publicly available registers as of July 2022. 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

Since May 2022, Ukraine [has required](#) (in Ukrainian) a formal notification of the intention to put food for children, food products for special medical purposes, and food products for weight control into circulation. The SSUFSCP accepts notifications via designated e-mails and maintains and publishes the

list of notifications. At least ten days prior to market introduction, the applicant must submit an e-mail that includes information on the market operator, label sample, labeling information in text format, and other information at the applicant's discretion. No product group submissions are allowed. An importer may get more information on the SSUFSCP [website](#) (in Ukrainian) on the procedure and download the forms. The register is public and available [here](#) (in Ukrainian).

Although no testing or approval is required, Ukraine maintains positive lists of nutritional claims, health benefits and health claims, and claims related to children's health and development. No deviations from the approved claim lists are allowed. Please, refer to a [special GAIN Report](#) for more information.

Ukraine also maintains [special requirements](#) (see Article 32 of the Law in Ukrainian) for children's food and baby formulae. It restricts the use of certain additives, colorants, preservatives, mechanically deboned meats, dairy products, gluten, and some other ingredients.

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

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

Ukraine is in the process of development of registration procedures for these substances. Importation of non-registered ingredients or mineral water is not allowed. Registration time for products or ingredients should not exceed 30 days.

Ukraine maintains special [safety criteria](#) (in Ukrainian) for dietary supplements. These criteria also contain positive lists of vitamins, minerals, and their forms that can be used in dietary supplements. Although there is a procedure for [online](#) food products for special dietary use, functional food products, and dietary supplements, FAS Kyiv was unable to locate the official register of those 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](#) (in Ukrainian) allow importers to bring samples for trade shows and scientific research upon preliminary notification of Ukraine's Competent Authority (SSUFSCP) and subsequent import approval. Product Samples must not originate from a premise/facility under quarantine or other trade restrictions. Upon completion of the research or a trade show, any remaining samples must be either re-exported or destroyed by methods that eliminate harm to animal and human health. SSUFSCP must be informed about product destruction or re-export no later than five working days after the show's end.

The product may cross the border if it is accompanied by a document that confirms that Ukraine's competent authorities were notified at least ten days prior to the product's 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. The importer must assure product traceability, follow packaging, storage, and hanging requirements, and keep import records for at least six months after product import.

Conformity Certification

Through multiple interactions, Ukraine completely abolished conformity certification for food products and tobacco requirements in 2018. The Ministry of Economy 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 out 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 public legal acts establishing mandatory requirements for products, services, or production processes to eliminate threats to national security, protect the life, health, and property rights of consumers, and 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. By June 2022, Ukraine adopted [Regulations](#) (in Ukrainian), most of which mimic EU safety directives word for word. The list includes technical regulations related to food products labeling, packaging materials, volume and weight packaging measurements, cocoa and chocolate products, brandy production, and requirements for honey.
- *National (State) Standards* (DSTUs) are documents approved by the competent authority, which provide 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. However, producers are free to choose other production techniques that can yield the same safety results.

Voluntary Certifications

Voluntary certifications are 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 a 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](#) and Ministry of Agrarian Policy and Food [Order 490](#) (in Ukrainian). Additional conditions are listed in Law 1602-VI and Law 2042-19. Decree 833 defines a “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, and processing method which was 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 the 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 a certificate that ensures the 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 the product. SSUFSCP adopts an annual risk assessment process for different product groups. Product sampling and testing can be conducted under routine import checking procedures, special enhanced import controls, and an annual state testing program. Most 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 five years.

Law 1602-VII justifies the 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 discovers a need for sampling. This might be either well-grounded suspicion during the importation process or the 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 is discovered during the document check and compliance verification. The product is recalled at the importer's expense if the test results reveal noncompliance with adopted safety norms.

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, Feed, and Feed Additives

In January 2020, Ukraine abandoned the official registration of feeds. According to Articles 18-20 of the Law of Ukraine “On Feed Safety and Hygiene,” only feed additives are subject to registration. However, Section X of the Law allows for circulation (including import into the territory of Ukraine) of already registered feeds and premixes in cases when valid registration certificates are available. The products can remain in domestic legal turnover until the end of the validity of their registration papers.

However, importation of new feed, feed mixes, premixes, and feed for non-productive animals that were not registered before January 2020, is possible only after state registration of any feed additives present in these products. Ukraine is yet to adopt registration dossier requirements that will make registration of feed additives possible.

The State Scientific and Control Institute of Veterinary Drugs and Feed Additives (contacts are in Appendix I) conducts assessments for feed additives in Ukraine. 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 feed additive sample. Field trials may be required for some products. The registration cost is \$600 - \$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 the documents and samples sent. Additional information concerning the registration of feed additives can be found on the Institute's [website](#).

The exporter will receive a five-year registration certificate if the Institute approves the product. When the five-year term expires, the company must 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 faster and less expensive.

Planting Seeds

Exporters of planting seeds should note that before 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](#) (in Ukrainian, the most recent document). Before the product is exported, the plant variety intended to be imported into Ukraine should be included on the [Register of Approved Varieties](#), which makes it eligible for commercial distribution in 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 International Seed Testing Association (ISTA) or Organization for Economic Co-operation and Development (OECD) certificates, *in addition to* the original phytosanitary certificate. The list of specific seeds subject to phytosanitary control can be found in the [GAIN Report, “Product Groups Subject to Official Controls.”](#)

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 ISTA or OECD without obligatory prior certification in the territory of Ukraine.

Seeds included in the OECD registry but not included in the Ukrainian registry could be imported to Ukraine only for reproduction and subsequent export of the final product outside the territory of Ukraine. The detailed procedures are available [in Ukrainian](#).

Unregistered seeds could be imported for a strictly limited number of uses (research, registration, and exhibition), and the maximum import volume is also limited. These are subject to a specific preapproval procedure ([in Ukrainian](#)) by SSUFSCP.

To introduce new seeds into the Ukrainian market, sample seeds must be provided to Ukrainian authorities for testing purposes.

On June 10, 2023, Ukraine updated the Law “[On Seeds and Planting Materials](#)” (in Ukrainian), canceling compulsory field trials for all plant varieties registered in respective EU or U.S. registers. The new law speeds up the registration process (that used to last for up to three years). It also saves 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. If a plant variety submitted for registration is found in the [EU database of registered plant varieties](#) or the [International Union for the Protection of New Varieties of Plants](#), the competent authority has 15 days to review the application and register this plant variety or provide arguments why it cannot be registered. More information is provided in a separate [FAIRS report](#).

The State Seed and Propagation Department of the SSUFSCP 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 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 a state registration in Ukraine. According to the [National GE Registry](#) (in Ukrainian), currently, no GE plants are registered in Ukraine. There is also no complete set of regulatory procedures for registering GE events for seeds in place. Therefore, the current policy environment does not facilitate commercial imports of GE seeds into Ukraine.

U.S. exporters are encouraged to contact FAS Kyiv for further information on these procedures.

Section VIII: Trademarks, Brand Names, and Intellectual Property Rights

The 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 Economy is the GOU's agency responsible for protecting intellectual property. Suppliers should work closely with their local distributors to identify any piracy case and report it to local law enforcement agencies or intellectual property rights inspectors of the SSUIP.

The SSUIP maintains a system of registers of patents on inventions, useful models, industrial samples, microchip topographies, trademarks for goods and services, product origins, etc. However, these registers are unavailable during wartime.

According to the Deep and Comprehensive Free Trade Area (DCFTA) Agreement with the EU, Ukraine accepted an extensive list of geographical indicators (GIs) provided by the EU. An additional set of GIs was accepted as a part of the Ukraine-United Kingdom FTA. Ukraine is obliged to protect the listed indicators from any direct or indirect commercial use of a protected name for comparable products not compliant with the product specification of the protected name, any misuse, imitation, or evocation, even if the true origin of the product is indicated, or any other practice liable to mislead the consumer as to the true origin of the product. The GIs listing, delisting, and review rules are established in Annexes XXII A and B to Chapter 9 of DCFTA. The list of EU-proposed GIs is available in Annexes XXII C ([page 1779](#) of DCFTA). The list of Great Britain-proposed GIs is available in Annexes XXII C ([page 509](#) of the Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland and Ukraine). The U.S. exporters (especially exporters of U.S. dairy products) are strongly advised to consult their Ukrainian counterparts as to GI use.

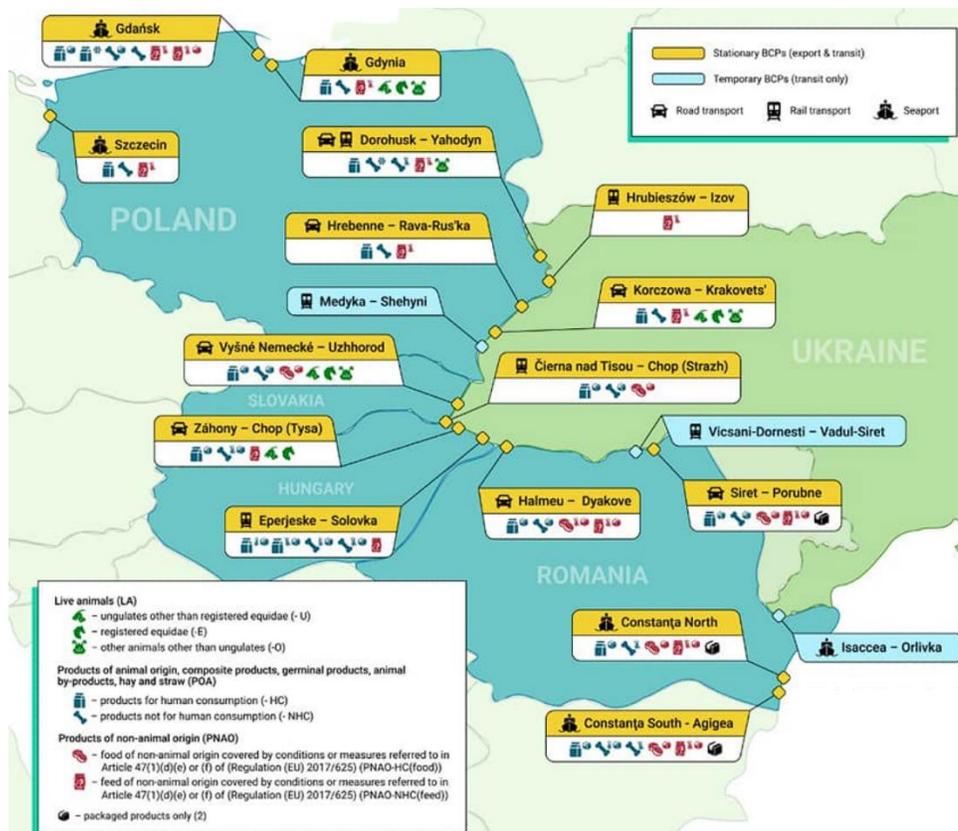
Although a general GI-regulating Law [existed](#) (in Ukrainian), in 2022, Ukraine adopted a [separate law](#) (in Ukrainian) regulating agricultural GIs. The law lays out the condition for the registration of GIs, the registration of traditional product traits, and the use of special quality indicators. The SSUFSCP is tasked with control over GIs, traditional products, and special quality indicators use. Another separate law regulating alcoholic beverage GIs is expected to go into force in late 2024.

Section IX: Import Procedures

Note: Information in this section is considered accurate at the time of its publication. Exporters should confirm the exact import procedures for individual products prior to shipment to Ukraine. There may be specific import requirements for certain products not mentioned in Section IX of this report (e.g., tobacco, alcoholic beverages, etc.). Ukrainian is the only official language recognized in the entire territory. All documents must be bilingual, submitted in Ukrainian, or accompanied by an official translation. Originals of all accompanying documents must be presented to appropriate competent authorities prior to customs clearance of the product. No exceptions are allowed! At the planning stage, exporters are advised to check with their importer(s) to identify the types of controls that apply to the specific product(s). Then, it is necessary to ensure that all required inspection services are present at the port of entry into Ukraine. The exporter should choose another entry point if all the required inspection

services are unavailable at the planned entry point. Please, refer to the wartime product entry points map below. A more detailed list is available [here](#).

Figure 1. Commercial Trade Borders Crossing Points Available after the Russian Aggression Start in February of 2022



Source: EU 4 Safer Food Project, SSUFSCP, FAS Kyiv

Food products (except those produced for personal consumption and selected food products of plant origin), raw food materials, and agricultural products (for specific HS codes, refer to [GAIN Report UP1833](#)) are prohibited from entering 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 2016, Ukraine implemented a “Single Window Customs Clearance System” that allows for one-point document submission. The following documentation is required for Food Safety clearance:

- The original Shipment Accompanying Document
- The appropriate sanitary or phytosanitary certificate:

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* (for plant products);

- Import Document (with Section I filled by the importer)
[Common Veterinary Entry Document](#) for Product Entry for products accompanied by Veterinary Certificate (with Chapter I filled by the importer) or [Common Entry Document](#) (with Chapter I filled by the importer) for all other food products shipments
[Detailed Manual for filling the Common Veterinary Entry Document](#) and [Manual for filling Common Entry Document](#) is available on the SSUFSCP website (in Ukrainian)
- Bill of Lading (for all products). A Bill of Lading also serves as a transport document for food products of plant origin that do not need to be accompanied by any other certificate.
- Voluntary Certificates (if available).

Attention: This list does not contain documents necessary for customs clearance. The exporter is advised to be in touch with the importer as to the customs clearance document package. Additional documents are likely 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 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 simultaneously. Therefore, it is possible to complete the customs clearance process in 5 - 10 days, including additional required laboratory tests. The following import procedures have been implemented:

- At least one day prior to the product’s 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 the Common Entry Document / Common Veterinary Entry Document
In this notification, an importer describes the product, declares the approximate time of cargo arrival, and provides copies of import certificates and other documents as required by Ukrainian Law.
- Upon product arrival at 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 of whether the product matches the certificate);
3. Physical inspection of imported products with the frequency established by SSUFSCP;
4. Upon product arrival, the SSUFSCP inspector conducts document checks and compliance verification: checks container seals, documents stamps, official identifications, wholesomeness statements, etc. Physical checks are conducted in cases when there is a justified suspicion of non-compliance. In other cases, physical inspections are conducted as required by the risk-based system used by SSUFSCP. Assigned physical inspection may include:
 1. Simple tests (including organoleptic tests);
 2. And/or laboratory tests

In all cases, the physical check will include an inspection of the means of transport (including verification of cold chain continuity), weight verification, packaging inspection, and product sampling for simple or laboratory tests. Additional steps:

- 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 Customs 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 could be released onto the market. The product is recalled at the importer's expense if the test results reveal noncompliance with adopted safety norms. 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's food and feeds 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.

Phytosanitary Inspection

The SSUFSCP conducts all inspections. 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 be shipped through a quarantine zone notified by a plant protection authority.

All shipments are subject to standard phytosanitary control by SSUFSCP, which includes document verification and ensuring that quarantine pests are not present in the cargo. A certain percentage (based on risk analysis) of batches is subject to selective checks.

Shipments that fail standard phytosanitary control procedures are detained and isolated. They become subject to extensive phytosanitary controls, i.e., laboratory tests intended to identify whether it has been infested by quarantine organisms. If quarantine pests are found alive at the point of entry, the product must be either fumigated 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 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 2019. The order contains a complete list of products under their control and lists the requirements for each product.

Officials will sample some shipments arriving in Ukraine (Ukrainian legislation uses the “expanded veterinary control” term). Expanded veterinary control will be conducted on first-time shipments and on every 5th shipment arriving in the country.

The exporter or importer will have to bear the costs associated with border lab testing or the cost of the appeal, which is arbitrated at the Central Laboratory of the Veterinary Service. The cost of testing varies between \$100 and \$600 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 USDA Food Safety Inspection Service (FSIS) 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 (APHIS) 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 radionuclides 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.

Ukraine requires International Certificates for selected products of animal origin for human consumption, processed food products, fruits and vegetables, nuts, and feeds. The international certificate is defined as a “health certificate, international veterinary certificate or any other document issued by the exporting country that certifies the safety of a food product, feed, hay, straw or animal byproduct.” A certificate is required for selected products classified under headings: HS 2-13, 15-23, 28, 33, 35, 38, 39, 41-43, 51,67, 71, 96, and 97. The products under most of those headings are regulated by the U.S. Food and Drug Administration (FDA). FDA may provide this certification in a form the agency determines appropriate. For food products, FDA provides written certification for exports in the form of certificates for specific products or destinations. For more information on FDA-Issued Export Certificates, go to FDA’s website for [Food Export Certificates](#). All U.S. exporting facilities must be registered by SSCUFSCP as explained in Section VI of this report.

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 a substantial transformation in the third countries will be allowed into Ukraine. International rules for the origin of goods will be applied in this case.

Ukraine may accept products that 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, the 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 besides 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 envisages electronic certificate acceptance, at this point, there are no bilaterally negotiated electronic certificates with the United States. 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, 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, the 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 Facilities may take over two months. 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 and can be quite lengthy. Officially the ruling should take 30 days, but the Customs Service may extend the ruling deadline. The applicant must submit a contract (compulsory) plus additional voluntary documents, e.g., auxiliary documentation, drawings, and product samples. After an initial review stage (that takes 15 days), the Customs Service 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 the Customs Service webpage. However, the link to the webpage is unavailable during wartime.

The importer must be aware 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 the Customs Service upon product entry. In case of discrepancy, it may withdraw an advance ruling and open a new classification procedure.
- The Customs Service 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 the use of this procedure only when an importer believes it is essential.

Country of Origin Advanced Ruling

Although similar to tariff classification, the country of origin classification is developed by the Ministry of Finance for the Customs Service’s use. It is not regulated in the Customs 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). The Customs Service has 30 days to adopt a ruling. If additional information is requested, the review period can be extended. The review process must not exceed 150 days if all requested documents are provided. The Customs Service may refuse a country of origin ruling when requested documents are not submitted or considered insufficient. The ruling is not final and can be recalled by the Customs Service.

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 Customs Service 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: <https://dpss.gov.ua/en>
 e-mail: info@dpss.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: <https://dpss.gov.ua/en>

- 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> (in Ukrainian)

Scientific Center for Preventive Toxicology, Food, and Chemical Safety, named after Medved of MHCU (responsible for state sanitary and hygiene expert examination)

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://medved.kyiv.ua/>

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

Ministry of Environment and Natural Resources of Ukraine

Tel: +380-44-244-5472

Fax: +380-44-206-3107

E-mail: info@dei.gov.ua

Homepage: <https://eng.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/> (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/en> (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: <https://ukrpatent.org/en>

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://mepr.gov.ua/> (in Ukrainian)

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: <https://ameu.org.ua/en/>

Association of Customs Brokers of Ukraine

2 Solomyanska Ploscha. Office 503 (left wing)
Tel.: +380-44-248-8202,
Fax: +380-44-248-8203
E-mail: info@ambu.org.ua
Homepage: <http://ambu.org.ua/en/>

Foreign Agricultural Service of the U.S. Department of Agriculture
4 Igor Sikorsky Str.
04112 Kyiv, Ukraine
E-mail: agkyiv@usda.gov

Attachments:

No Attachments