

Voluntary Report – Voluntary - Public Distribution

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Report Name: Ukraine Adopts New Labeling Requirements

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Report Highlights:

A new Ukrainian law governing the labeling of food products, including imported foods, went into effect in August of 2019. This law defines in great detail information that must be communicated to consumers. The law overruled a variety of scattered laws and regulations, providing a single reference point for all food labeling. This FAIRS Subject Report provides a detailed description of labeling regulations for further references.

General Information:

The Ukrainian law “[On Information for Consumers on Food Products](#)” (in Ukrainian) was adopted by the Parliament of Ukraine (Rada) in December, 2018 and went into effect on August 6, 2019. With this law, the Government of Ukraine attempted to unify all labeling requirements for food products that was previously scattered among a number of Laws and technical regulations. The law also introduced EU-like labeling requirements into the Ukrainian legal framework. According to lawmakers, the new law mimics [Regulation \(EU\) No 1169/2011 of the European Parliament and of the Council of 25 October 2011](#) on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 and other EU regulations, including those guiding labeling of Genetically Engineered (GE) Products.

In cases where U.S. supplier’s labeling is compliant to abovementioned EU Regulation (in course previous supplies to EU market), it is very likely that the same label (in Ukrainian language) will be suitable for the Ukrainian market. Although EU regulations and Ukrainian laws are very similar, FAS/Kyiv can not provide assurance of the acceptability of a particular label. An exporter must verify label compliance with an importer, or inquire with the [State Service of Ukraine for Food Safety and Consumer Protection](#) (SSUFSCP). Known discrepancies to EU requirements are indicated in the text below.

Scope of Ukraine’s Labeling Law

The law covers all food products sold to end retail consumers, as well as food products offered for catering and in catering establishments. An importer is recognized as “food market operator” and bears all responsibilities for proper food product labeling and mandatory consumer information, including establishing a contact point, product hotline and other requirements as appropriate.

List of Mandatory Label Particulars

The label must contain the following particulars:

- 1) the name of the food;
- 2) the list of ingredients;
- 3) substances that may cause allergies or intolerances, or ingredients derived from such substances or products, used in the manufacture or preparation of a food and are still present in the finished product, even if in an altered form;
- 4) the quantity of certain ingredients or categories of ingredients;
- 5) the net quantity of the food in defined units of measurement;
- 6) the date of minimum durability or the ‘use by’ date;
- 7) any special storage conditions and/or conditions of use;
- 8) the business name and address of the food market operator (an importer);
- 9) the country of origin or place of provenance where provided by the Law;
- 10) instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions;
- 11) with respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume (with exception of HS 2204 (wine - FAS Comment));

- 12) a nutrition declaration (with exception of products listed in List of Foods which are Exempted from the Requirement of the Mandatory Nutrition Declaration); and
- 13) Additional Compulsory Labeling Requirements as specified below.

In instances where there is a presence of a Genetically Modified Organisms (GMOs), and their share is in excess of 0.9 percent of any ingredient of the food product that contains or produced from GMOs, the products must bear “with GMO” marking. Food market operator may also put “without GMO” marking in cases where suppliers of such operators did not inform operator about presence of GMOs in their ingredients.

Quantities and other numeric indications are to be provided in International System of Measurement (SI) units or units adopted by the Ukrainian Standards Setting Body. Units of measurement units can be provided simultaneously in both Ukrainian, Latin or Greek alphabets. Units of measurement used in U.S. Customary System (known as USCS or USC), commonly used in commercial transactions, are **not** acceptable.

Special Labeling Exemptions

- Products in reusable glass bottles and jars must provide only information listed in particulars 1, 3, 5, 6 and 12, above.
- Small packaged products with packaging surface area less than 10 cm² must provide only information listed in particulars 1, 3, 5 and 6, above. Information under particular 2 is provided in other form or on demand.
- Beverages with ethanol content in excess of 1.2 percent by volume, are exempted from providing information listed in particulars 2, 4 and 12, above.
- Unpackaged food products, sold for retail or catering, must provide information under particulars 1 and 3, above. Information under particulars 2, 4, 6, 7, 8, 9, 10 and 12, above must be available on demand, in product accompanying documents or other easily available form.

Additional Compulsory Labeling Requirements

The following are foods for which labels must include one or more additional particulars:

- Foods packaged in certain gases;
- Foods containing sweeteners;
- Foods containing glycyrrhizinic acid or its ammonium salt;
- Beverages with high caffeine content, or foods with added caffeine;
- Foods with added phytosterols, phytosterol esters, phytostanols or phytostanol esters;
- Frozen meat, frozen meat preparations and frozen unprocessed fishery products.

Specific attestation for additional compulsory labeling are listed in a separate Annex nearly identical to Annex III: FOODS FOR WHICH THE LABELLING MUST INCLUDE ONE OR MORE ADDITIONAL PARTICULARS of [Regulation \(EU\) No 1169/2011](#))

Explanatory Notes to Each Particular

Particular 1: the name of the food

Customary product name or descriptive name can be used in absence of the official name. The name must be accompanied by information that reflects the physical state of the product and processing process (frozen, smoked dried etc.) in all cases when lack of such information would be misleading.

Defrosted products must be labeled as such with the exception of instances where freezing was applied to ingredients, was part of the production process, or in cases where freezing did not impact the safety and quality of the food product.

Ionization (treatment by ionizing radiation) of food products must be indicated in the name of the product or immediately after.

Replacement of a food product component or ingredient which consumers would expect to be in the product, and which was fully or partially replaced by the manufacturer, must be indicated. Indication must follow the name of the product and be printed in a font size of 75 percent of the product name font size.

Added water in excess of 5 percent, by weight of finished product, is to be indicated for meat and fish products. Meat and fish products that are formed of different pieces that are connected by food additives and enzymes, are to be identified as such.

Particular 2: list of ingredients

All the ingredients of the food product must be indicated in descending order by weight, as recorded at the time of their use in the manufacture process. The list must be preceded by the word “Ingredients” or “Made of.” Special attestations must be made for added water, concentrated or dehydrated ingredients, including those intended to be reconstituted by the addition of water, fruit, vegetables and/or mushroom mixes, spices and herb mixes, minor ingredients of less than two percent of the product by weight, interchangeable ingredients of less than two percent of the product, and refined oils of vegetable origin. These special requirements are listed in a separate Annex nearly identical to Annex VII: INDICATION AND DESIGNATION OF INGREDIENTS of [Regulation \(EU\) No 1169/2011](#).

Minced meat must comply with specific fat content and collagen to animal protein ratio requirements. These special requirements are listed in a separate Annex nearly identical to ANNEX VI PART B — SPECIFIC REQUIREMENTS CONCERNING THE DESIGNATION OF ‘MINCED MEAT’ of [Regulation \(EU\) No 1169/2011](#). Although, the Ukrainian competent authority reserves the right to change those ratios if scientific justification is provided.

“Natural Flavoring” words can be used only for a flavoring that is derived from content which is over 95 percent, by weight, a natural substance. The name of the substance must follow the words “natural flavoring of ...”. Quinin and caffeine are to be used first in the list of flavorings. Smoke flavoring coincides with definition provided in Article 3(2) of [Regulation \(EC\) No 1334/2008](#).

Ingredients listing is not required for the following food products:

- fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated;
- carbonated water, the description of which indicates that it has been carbonated;
- fermentation vinegars derived exclusively from a single basic product;
- cheese, butter, fermented milk and cream, to which no ingredient has been added other than lactic products, food enzymes and micro-organism cultures essential to manufacture, or in the case of cheese other than fresh cheese and processed cheese the salt needed for its manufacture; or
- foods consisting of a single ingredient, where the name of the food is identical to the ingredient name or the name of the food enables the nature of the ingredient to be clearly identified.

Complex ingredients can be indicated as such in cases when it is commonly known under its name. The list of

substances that make a complex ingredient may not be provided if that list is defined in adopted official technical regulation or if it makes up less than two percent of the food product, by weight. Spice/herb mixes are considered complex ingredients, while food additives are not.

The following food product components are not to be listed as ingredients:

- the components of an ingredient which have been temporarily separated during the manufacturing process and later reintroduced, but not in excess of their original proportions;
- food additives and food enzymes;
- component whose presence in a given food is solely due to the fact that they were contained in one or more ingredients of that food, provided that they serve no technological function in the finished product or which are used as processing aids;
- carriers and substances which are not food additives but are used in the same way and with the same purpose as carriers, and which are used in the quantities strictly necessary;
- substances which are not food additives but are used in the same way and with the same purpose as processing aids and are still present in the finished product, even if in an altered form;
- water where it is used during the manufacturing process solely for the reconstitution of an ingredient used in concentrated or dehydrated form; or
- in the case of a liquid medium which is not normally consumed.

Particular 3: substances that may cause allergies or intolerances, or ingredients derived from such substances or products, used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form

The list of Substances that May Cause Allergic Reactions and Intolerances is nearly identical to the ANNEX II SUBSTANCES OR PRODUCTS CAUSING ALLERGIES OR INTOLERANCES of [Regulation \(EC\) No 1334/2008](#).

These substances are to be distinguished by font or color among other ingredients. They must be preceded by word “contains...” unless the name of the product explicitly references such substances.

“Gluten free” and “Very Low Gluten Content” statements are applicable in cases when food products contain less than 20mg/kg or 100mg/kg of gluten respectively. It can be accompanied by statements: “suitable for gluten intolerant individuals” or “suitable for individuals with celiac disease.” The product may contain the statement “developed for gluten intolerant individuals” or “developed for individuals with celiac disease” in cases where the gluten content was decreased or ingredients that contain gluten were replaced. Oats used in food products that declared to be gluten free must be produced and processed in a way that keeps the gluten level below 20mg/kg.

Particular 4: the quantity of certain ingredients or categories of ingredients

The quantity of an ingredient is indicated as a percentage in the food product at the time of consumption. The quantity of an ingredient may be indicated in the list of ingredients or immediately after the food product name. Indication requirements are nearly identical to those listed in Article 22 and Annex VIII of [Regulation \(EC\) No 1334/2008](#).

The indication of the quantity of an ingredient is compulsory for ingredients that appear in the name of the food product, or is usually associated with that name by the consumer; for ingredients emphasized on the labelling in words, pictures or graphics and in cases where it is essential to characterize a food and to distinguish it from products with which it might be confused.

The indication of the quantity of an ingredient is not required for: liquids in which the product is sold, glazing, ingredients in small quantities added for taste and flavor, mixes of fruits, vegetables and mushrooms in variable proportion, herb mixes, and for ingredients that do not make the product distinct and thus does not impact consumer choice. Competent authorities may also adopt special technical regulations and standards that introduce other exemptions. FAS Kyiv is unaware of such additional regulations as of the end of 2019.

Quantitative indication is not applicable for cases where ingredient(s) is(are) required to be indicated in/after the name of the product (sweeteners and sugars) and for added vitamins and minerals if their nutritional value is required to be indicated separately.

Particular 5: the net quantity of the food in defined measurement units

The net quantity of a food is expressed in liters, centiliters, milliliters, kilograms or grams, as appropriate. Units of volume are used for liquid products and units of mass in the case of other products. Unlike in the EU, both units may be used for vegetable oil, mayonnaise, sour milk products, and natural honey, at the supplier's discretion.

Exceptions for net weight are nearly identical to ANNEX IX NET QUANTITY DECLARATION of [Regulation \(EC\) No 1334/2008](#).

Particular 6: the date of minimum durability, 'use by' date and freezing date

- The minimum durability date is indicated as following:

“Best before” is used in cases where the specific day is referenced and “Best before the end of” in all other cases. The date or reference to the date on packaging must follow the statement. Storage conditions may follow if needed. If food product storage term does not exceed three months, only date and month need to be indicated. For food products with storage terms in between three and 18 months, a month and a year indication will suffice. For food products with storage terms in excess of 18 months, indication of a year will suffice.

The minimum durability date indication is voluntary for the following products: fresh unprocessed vegetables and fruits with the exception of green sprouts, wine and other products under HS 2206, beverages that contain over 10 percent of ethanol by volume, bread products that are usually consumed within 24 hours, vinegar, salt, sugar, lollipops, and chewing gum.

- The “use by” is indicated in the following manner:

The date or direct reference to the date on packaging must follow words “Use by”. The date must contain a day, month and a year (if necessary). Special storage conditions should follow the date. The “use by” date is to be indicated on each package or serving.

Particular 7: special storage conditions and/or conditions of use

The special storage conditions and/or conditions of use must be indicated if exist. Special storage condition may also include condition and expiration time for packaged products after package opening.

Particular 9: the country of origin or place of provenance

Ukraine’s State Service for Food Safety and Consumer Protection is yet to publish the list of products for which the country of origin indication is compulsory. A general provision of the law requires an indication of the country of origin, or place of provenance, in cases where the lack thereof is misleading. It is compulsory for products classified under HS headings 0203 (pork), 0204 (lamb) and 0207 (poultry). Similar to the EU, county of origin for beef products (HS 0202), is not legislated.

A separate indication is necessary when the country of origin, or place of provenance, of the main ingredient is different from the origin of the food product.

Particular 12: a nutrition declaration

Mandatory nutrition declaration must include:

- 1) energy value;
- 2) the amount of fat, saturated fat, carbohydrates, sugar, protein, and salt.
Where appropriate, a statement indicating that the salt content is exclusively due to the presence of naturally occurring sodium may appear in close proximity to the nutrition declaration.

If space permits, declaration must be provided in tabular format with the numbers aligned. Where space does not permit, the declaration may be provided in linear format. If energy and nutrition values are not significant, then “contains insignificant values of…” is placed next to nutrition declaration (if any). Graphical forms or symbols may be used in addition to words or numbers, provided that the following requirements are met:

1. they are based on sound and scientifically valid consumer research and do not mislead the consumer;
2. their development is the result of consultation with a wide range of stakeholder groups;
3. they aim to facilitate consumer understanding of the contribution or importance of the food to the energy and nutrient content of a diet;
4. they are supported by scientifically valid evidence of understanding of such forms of expression or presentation by the average consumer;
5. in the case of other forms of expression, they are based either on the harmonized reference intakes, or in their absence, on generally accepted scientific advice on intakes for energy or nutrients;
6. they are objective and non-discriminatory; and
7. their application does not create obstacles to the free movement of goods.

The content of the mandatory nutrition declaration may be accompanied by voluntary declaration of one or more of the following:

- 1) mono-unsaturated fat;
- 2) polyunsaturated fat;

- 3) polyols;
- 4) starch;
- 5) edible fiber;
- 6) vitamins or minerals from special list and present in significant amounts (the list is fully identical to PART A of ANNEX XIII - DAILY REFERENCE INTAKES FOR VITAMINS AND MINERALS (ADULTS) of [Regulation \(EC\) No 1334/2008](#).

Energy value is provided in kilojoules (kJ) and kilocalories (kcal) per 100 grams or 100 milliliters of food product. Nutrients are indicated in grams (g), milligrams (mg) and micrograms (mcg) per 100 grams or 100 milliliters of food product. Nutrient indications are identical to those? Provided in ANNEX XV EXPRESSION AND PRESENTATION OF NUTRITION DECLARATION of [Regulation \(EC\) No 1334/2008](#).

If vitamins and minerals are indicated on the label, then percentage of daily intake should also be indicated. Additionally, energy value and nutrient content may also be provided in percentage to reference daily intake. Reference daily intake (for adults) of energy, fat, saturated fat, carbohydrates, sugars, protein, and salt are the same as in Part B and C of ANNEX XIII REFERENCE INTAKES of [Regulation \(EC\) No 1334/2008](#). Such reference to daily intake may be accompanied or replaced by similar energy and nutrient calculations, per serving, if the serving volume is indicated on the packaging.

Although unclear, one provision of the law also allows for the indication of energy and nutrient values per serving only if serving size is clearly indicated. FAS recommends verifying this labeling option with Ukrainian importer.

Voluntary Declarations

Food information provided on a voluntary basis shall meet the following requirements:

- (a) it shall not mislead the consumer;
- (b) it shall not be ambiguous or confusing for the consumer;
- (c) it shall, when needed, be based on the relevant scientific data; and
- (d) it must not negatively impact, or squeeze out, the mandatory information.

Special Dairy Product Labeling Declaration

A market operator may use the word “Natural” in reference to dairy products in cases where:

1. The product is not produced from artificial raw material - unnatural material of plant or animal origin, waterweeds, mushrooms, microorganisms, mineral substances, vitamins, unidentified materials;
2. The product does not contain ingredients produced from artificial raw material;
3. The product does not contain artificial colorants, flavorings, preservatives, stabilizers, food additives and sweeteners;
4. The product is produced through physical or microbiological processing methods including pH-correction by biological method;
5. The product is produced without genetic engineering.

A market operator may NOT use the word “Natural” in reference to dairy products in cases where:

1. The product is produced with full or partial replacement of dairy components (butterfat, protein and

- lactose); or
- 2. The produce is produced with the use of non-dairy fats and protein, including stabilizers and preservatives.

The Ministry of Healthcare of Ukraine adopted the following rules that guide the use of voluntary statements:

- 1) information on the possible and unintentional presence in food of substances or products causing allergies or intolerances;
- 2) information related to suitability of a food for vegetarians or vegans; and
- 3) the indication of reference intake for specific population groups in addition to the reference intake for adults.

Attachments:

No Attachments.