

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/UKR/124

16 December 2004

(04-5545)

**Working Party on the
Accession of Ukraine**

Original: English

ACCESSION OF UKRAINE

Check-list of Illustrative Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) Issues

The following submission, dated 6 December 2004, is being circulated at the request of the Delegation of Ukraine.

Commitments (by the time of accession)	WTO Reference	Draft Law of Ukraine "On Introducing Changes to the Law of Ukraine 'On Veterinary Medicine'"	Draft Law of Ukraine "On Introducing Changes to the Law of Ukraine 'On Plant Quarantine' "	Draft Law of Ukraine "On Introducing Changes to the Law of Ukraine 'On the Quality and Safety of Food Products and Food Raw Materials'"
1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.	1. Generally agreed principle in WTO accession negotiations.			
2. Establishment and operation of a single Contact Point for Information ("enquiry point").	2. Article 7 and Annex B.3.	Cabinet of Ministers of Ukraine draft Resolution on the Centre for Processing Enquiries and Providing Notifications Regarding SPS Measures (the enquiry and notification centre referred to in the Law "On Veterinary Medicine") at the Ministry of Economy and European Integration	Cabinet of Ministers of Ukraine draft Resolution on the Centre for Processing Enquiries and Providing Notifications Regarding SPS Measures (the enquiry and notification centre referred to in the Law "On Plant Quarantine") at the Ministry of Economy and European Integration	Cabinet of Ministers of Ukraine draft Resolution on the Centre for Processing Enquiries and Providing Notifications Regarding SPS Measures (the enquiry and notification centre referred to in the Law "On the Quality and Safety of Food Products and Food Raw Materials") at the Ministry of Economy and European Integration

Animal Health Legislation

Commitments (by the time of accession)	WTO Reference	Draft Law of Ukraine "On Introducing Changes to the Law of Ukraine 'On Veterinary Medicine'"
3. Transparency: notification and access to documentation:	3. Articles 7 and Annex B, Also G/SPS/7.	Article 22: Notifying Proposed Veterinary-Sanitary Measures
(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Annex B.5.(b) and Annex B.10.	Paragraph 1, item 2: When a proposed veterinary-sanitary measure is expected to significantly affect the exporting opportunities of other countries, the Department shall prepare a relevant notification to be sent to interested trading partners through the centre for processing enquiries and notifications regarding veterinary-sanitary measures (hereinafter: enquiry and notification centre).
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5(a).	Paragraph 2: The notice referred to in item 2 of paragraph 1 of this Article shall be submitted no less than 60 days before adoption of the proposed veterinary-sanitary measure. The notice shall be prepared in the format required by the relevant international organisations or international agreements to which Ukraine is a party and shall include the commodities to be covered and/or affected by the veterinary-sanitary measure together with a brief indication of the objective and rationale of the proposed measure.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5.(c).	Paragraph 3: When requested in writing by a person or interested trading partners, the Department shall provide the text of the proposed veterinary-sanitary measure and, whenever possible, identify the parts which in substance deviate from international standards, guidelines and recommendations.
(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.	(d) Annex B.5(d).	Paragraph 4: Upon written request of an person or interested trading partners, prior to finalizing the veterinary-sanitary measure, the Department shall discuss comments that were received, and, without discrimination, take those into account when preparing the final draft of the veterinary-sanitary measure. Paragraph 2: The notice referred to in item 2 of paragraph 1 of this Article shall be submitted no less than 60 days before adoption of the proposed veterinary-sanitary measure. The notice shall be prepared in the format required by the relevant international organisations or international agreements to which Ukraine is a party and shall include the commodities to be covered and/or affected by the veterinary-sanitary measure together with a brief indication of the objective and rationale of the proposed measure.

Commitments (by the time of accession)	WTO Reference	Draft Law of Ukraine "On Introducing Changes to the Law of Ukraine 'On Veterinary Medicine'"
<p>4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.</p>	<p>4. Article 2.2.</p>	<p>Article 24: Principles for Applying Veterinary-Sanitary Measures - Paragraph 1, item 1:</p> <p>Veterinary-sanitary measures shall be applied only to the extent necessary to fulfil the objectives referred to in Article 16 of this Law;</p> <p>Article 16: Objectives and Goals of Veterinary-Sanitary Measures</p> <p>The Department shall undertake appropriate and necessary veterinary-sanitary measures to fulfil the following objectives:</p> <p>Protecting animal life and health from the risks resulting from the entry, establishment or spread of animal diseases, animal disease-carrying, or animal disease-causing organisms into Ukraine or minimizing those risks;</p> <p>Protecting human life and health from the risks resulting from the entry, establishment or spread of zoonoses, zoonoses-carrying, or zoonoses-causing organisms or minimizing those risks; and</p> <p>Protecting animal life and health from the risks resulting from the existence of contaminants and animal disease-causing organisms in non-edible products of animal origin and feed.</p>
<p>5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.</p>	<p>5. Articles 2.2, 3.3 and 5.2.</p>	<p>Article 18: Preparing, Reviewing, Revising and Adopting Veterinary-Sanitary Measures - Paragraph 1, item 1:</p> <p>Subject to the provision of item 4 of this paragraph, all veterinary-sanitary measures shall be based on scientific principles and available scientific evidence, including relevant processes and production methods; relevant inspection, sampling, and testing methods; prevalence of specific animal diseases; existence of zones that are free of or have low prevalence of animal diseases; relevant ecological and environmental conditions; and preventive animal quarantine or other treatment.</p> <p>Paragraph 1, item 4:</p> <p>When scientific evidence needed for risk analysis is insufficient, or in urgent circumstances, veterinary-sanitary measures shall be prepared on the basis of available relevant information obtained from the relevant international organisations or the veterinary-sanitary measures employed by interested trading partners.</p>
<p>6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.</p>	<p>6. Articles 3.1, 3.3 and 3.4.</p>	<p>Paragraph 1, item 2:</p> <p>All veterinary-sanitary measures shall be based on international standards, guidelines, and recommendations of the relevant international organisations.</p>
<p>7. Equivalence: members shall recognize different measures that achieve the same level of protection.</p>	<p>7. Article 4.</p>	<p>Paragraph 4:</p> <p>When preparing, reviewing, revising, and adopting veterinary-sanitary measures, relevant measures in another country shall be considered equivalent to those of Ukraine, and consequently accepted, if the other country shows in an objective manner that its measures achieve the same or higher level of protection of animal health and life as is required by Ukraine.</p>

Commitments (by the time of accession)	WTO Reference	Draft Law of Ukraine "On Introducing Changes to the Law of Ukraine 'On Veterinary Medicine'"
8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.	8. Article 5.1, 5.2 and 5.3.	Paragraph 1, item 3: In case international standards, guidelines, and recommendations do not exist or are insufficient to fulfil the appropriate level of animal and related human health protection, veterinary-sanitary measures shall be prepared following a risk analysis using the methodology developed by the relevant international organisations.
9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.	9. Article 6 and Annexes A.6 and A.7.	Paragraph 2: When preparing, reviewing, revising, and adopting veterinary-sanitary measures applicable to imported commodities, the Department shall take into account Ukraine's veterinary-sanitary status relative to that of the country of origin of commodities.
10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	10. Article 2.3, and Annex C.1(a) and (d).	Paragraph 3: When preparing, reviewing, revising, and adopting veterinary-sanitary measures, arbitrary or unjustifiable discrimination shall be prohibited between interested trading partners exporting to Ukraine when Ukraine and the country of origin of commodities or when one country of origin relative to another country of origin have identical or similar veterinary-sanitary status.
11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the Agreement.	11. Article 8 and Annex C.	Article 26: Control, Inspection, and Approval Procedures The Department shall ensure, with respect to any procedure to check and ensure the fulfilment of the requirements of veterinary-sanitary measures, that: <ul style="list-style-type: none"> - Such procedures conform to the standards, recommendations, and guidelines of the relevant international organisations; - Such procedures are executed expeditiously and without unjustifiable delay; - Sampling requirements for control, inspection, and approval procedures are limited to what is reasonable and necessary; - The applicant requesting control, inspection and approval procedures must be immediately informed of any deficiencies in the application so as to avoid any delay and even if there are deficiencies in the application, the procedures shall be undertaken as far as practicable upon the request of the applicant; - The expected time for completing such procedures shall be communicated to the applicants upon their request; - The results of the procedure shall be promptly transmitted in written form to the applicant and in a complete manner; - Such procedures shall be applied equally to objects subject to state veterinary-sanitary control and supervision of foreign as well as Ukrainian origin; - All adopted procedures, including procedures to ensure that a product that has been changed (treated, processed or otherwise changed) continues to meet requirements of veterinary-sanitary measures, as well as the information required to conduct control, inspection, and approval procedures must be limited to what is necessary for the fulfilment of the veterinary-sanitary measures; - Confidentiality of provided information shall be respected in order to protect the commercial interests of the applicants;

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		<ul style="list-style-type: none"> - The fees collected for control, inspection, and approval procedures for imported commodities shall be equitable in relation to those for domestic commodities and not exceed the approximate cost of the service rendered; - The sampling procedure and requirements associated with use of particular facilities for carrying out control, inspection, and approval procedures shall minimize inconvenience and be equitable for all objects subject to state veterinary-sanitary control and supervision, regardless of whether they are imported or of domestic origin; and - A procedure for reviewing complaints concerning the operation of control, inspection, and approval procedures shall be established, including means to take corrective action when a complaint is justified. <p>The relevant body of state power shall issue the necessary sub-legal acts for the execution of this Article. The Cabinet of Ministers of Ukraine shall establish the level of fees, if any, to be collected for control, inspection, and approval procedures, according to the provisions of Article 99 of this Law.</p> <p>Article 99: Fees for Services Rendered</p> <p>All fees charged in connection with any administrative procedure laboratory analysis, expertise, control or other procedure required in connection with this Law shall be equal to the actual cost of the service rendered plus a reasonable rate of return.</p>

Plant Health Legislation

Commitments (by the time of accession)	WTO Reference	Draft Law of Ukraine "On Introducing Changes to the Law of Ukraine 'On Plant Quarantine'"
3. Transparency: notification and access to documentation:	3. Articles 7 and Annex B, Also G/SPS/7.	Article 20: Notifying Proposed phytosanitary Measures
(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Annex B.5.(b) and Annex B.10.	Paragraph 1, item 2: When a proposed phytosanitary measure is expected to significantly affect the exporting opportunities of other countries, the Chief State Inspectorate for Plant Quarantine of Ukraine shall prepare a relevant notification to be sent to interested trading partners through the centre for processing enquiries and notifications regarding phytosanitary measures (hereinafter: enquiry and notification centre).
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5(a).	Paragraph 2: The notice referred to in item 2 of paragraph 1 of this Article shall be submitted no less than 60 days before adoption of the proposed phytosanitary measure. The notice shall be prepared in the format required by the relevant international organisations or relevant international agreements to which Ukraine is a party and shall include the plants, plant products, and other regulated articles to be covered and/or affected by the phytosanitary measure together with a brief indication of the objective and rationale of the proposed measure.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5.(c).	Paragraph 3: When requested in writing by a person or interested trading partners, the Chief State Inspectorate for Plant Quarantine of Ukraine shall provide the text of the proposed phytosanitary measure and, whenever possible, identify the parts which in substance deviate from international standards, guidelines and recommendations.
(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.	(d) Annex B.5(d).	Paragraph 4: Upon written request of a person or interested trading partners, prior to finalizing the phytosanitary measure, the Chief State Inspectorate for Plant Quarantine of Ukraine shall discuss comments that were received, and, without discrimination, take those into account when preparing the final draft of the phytosanitary measure. Paragraph 2 The notice referred to in item 2 of paragraph 1 of this Article shall be submitted no less than 60 days before adoption of the proposed phytosanitary measure. The notice shall be prepared in the format required by the relevant international organisations or relevant international agreements to which Ukraine is a party and shall include the plants, plant products, and other regulated articles to be covered and/or affected by the phytosanitary measure together with a brief indication of the objective and rationale of the proposed measure

Commitments (by the time of accession)	WTO Reference	Draft Law of Ukraine "On Introducing Changes to the Law of Ukraine 'On Plant Quarantine'"
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Article 2.2.	<p>Article 22: Principles for Applying Phytosanitary Measures - Paragraph 1, item 1:</p> <ul style="list-style-type: none"> - Phytosanitary measures shall be applied only to the extent necessary to fulfil the objectives referred to in Article 14 of this Law. <p>Article 14: Objectives and Goals of Phytosanitary Measures</p> <p>The central body of executive power on agrarian policy issues shall undertake appropriate and necessary phytosanitary measures to fulfil the following objectives:</p> <ul style="list-style-type: none"> - Protect plant life and health in the territory from the risks resulting from the entry, establishment or spread of hazardous organisms in the territory of Ukraine, or minimizing those risks; and - Preventing or limiting any other damages caused as a result of the entry or the spread of hazardous organisms.
5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.	5. Articles 2.2, 3.3 and 5.2.	<p>Article 16: Preparing, Reviewing, Revising and Adopting Phytosanitary Measures - Paragraph 1, item 1:</p> <p>Subject to the provision of item 4 of this paragraph, all phytosanitary measures shall be based on scientific principles and available scientific evidence, including relevant processes and production methods; relevant inspection, sampling, and testing methods; prevalence of specific hazardous organisms; existence of zones that are free of or have low prevalence of hazardous organisms; relevant ecological and environmental conditions; and quarantine or other treatment.</p> <p>Paragraph 1, item 4:</p> <p>When scientific evidence needed for risk analysis is insufficient, or in urgent circumstances, phytosanitary measures shall be prepared on the basis of available relevant information, obtained from the relevant international organisations, or the phytosanitary measures employed by interested trading partners.</p>
6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.	6. Articles 3.1, 3.3 and 3.4.	<p>Paragraph 1, item 2:</p> <p>All phytosanitary measures shall be based on international standards, guidelines, and recommendations of the relevant international organisations.</p>
7. Equivalence: members shall recognize different measures that achieve the same level of protection.	7. Article 4.	<p>Paragraph 4:</p> <p>When preparing, reviewing, revising, and adopting phytosanitary measures, relevant measures in another country shall be considered equivalent to those of Ukraine, and consequently accepted, if the other country shows in an objective manner that its measures achieve the same or higher level of protection of plant health and life as is required by Ukraine.</p>

Commitments (by the time of accession)	WTO Reference	Draft Law of Ukraine "On Introducing Changes to the Law of Ukraine 'On Plant Quarantine'"
8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.	8. Article 5.1, 5.2 and 5.3.	<p>Paragraph 1, item 3:</p> <p>In case international standards, guidelines, and recommendations do not exist or are insufficient to fulfil the appropriate level of plant health protection, phytosanitary measures shall be prepared on the basis of risk analysis using the methodology developed by the relevant international organisations.</p>
9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.	9. Article 6 and Annexes A.6 and A.7.	<p>Paragraph 2:</p> <p>When preparing, reviewing, revising, and adopting phytosanitary measures applicable to plants, plant products, and other regulated articles presented for import, Ukraine's status of hazardous organisms relative to that of the country of origin of plants, plant products, and other regulated articles shall be taken into account.</p>
10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	10. Article 2.3, and Annex C.1(a) and (d).	<p>Paragraph 3:</p> <p>When preparing, reviewing, revising, and adopting phytosanitary measures, arbitrary or unjustifiable discrimination shall be prohibited between interested trading partners exporting to Ukraine when Ukraine and the country of origin of plants, plant products, and other regulated articles or when one country of origin relative to another country of origin have identical or similar status of hazardous organisms.</p>
11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the Agreement.	11. Article 8 and Annex C.	<p>Article 24: Control, Inspection, and Approval Procedures</p> <p>The Chief State Inspectorate for Plant Quarantine of Ukraine shall ensure, with respect to any procedure to check and ensure the fulfilment of the requirements of phytosanitary measures, that:</p> <ul style="list-style-type: none"> - Such procedures conform to the standards, recommendations, and guidelines of the relevant international organisations; - Such procedures are executed expeditiously and without unjustifiable delay; - Sampling requirements for control, inspection, and approval procedures are limited to what is reasonable and necessary; - The applicant requesting control, inspection and approval must be immediately informed of any deficiencies in the application so as to avoid any delay and even if there are deficiencies in the application, the procedures shall be undertaken as far as practicable upon the request of the applicant; - The expected time for completing such procedures shall be communicated to the applicant upon their request; - The results of the procedure shall be promptly transmitted in written form to the applicant and in a complete manner; - Such procedures shall be applied equally to plants, plant products, and other regulated articles of foreign as well as Ukrainian origin; - All adopted procedures, including procedures to ensure that a regulated article that has been changed (treated, processed or otherwise changed) continues to meet requirements of phytosanitary measures, as well as the information required to conduct control, inspection, and approval procedures must be limited to what is necessary for the fulfilment of the phytosanitary measures; - Confidentiality of provided information shall be respected in order to protect the commercial

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		<p>interests of the applicants;</p> <ul style="list-style-type: none"> - The fees collected for control, inspection, and approval procedures for plants, plant products, and other regulated articles in consignments presented for import shall be equitable in relation to those for domestic plants, plant products, and other regulated articles and not exceed the approximate cost of the service rendered; - The sampling procedure and requirements associated with use of particular facilities for carrying out control, inspection, and approval procedures shall minimize inconvenience and be equitable for plants, plant products, and other regulated articles in consignments presented for import or export and domestic plants, plant products, and other regulated articles; and - A procedure for reviewing complaints concerning the operation of control, inspection, and approval procedures shall be established, including means to take corrective action when a complaint is justified. <p>The relevant body of state power shall issue the necessary sub-legal acts for the execution of this Article. The Cabinet of Ministers of Ukraine shall establish the level of fees, if any, to be collected for control, inspection, and approval services according to the provisions of Article 56 of this Law.</p> <p>Article 56: Fees for Services Rendered All fees charged in connection with any administrative procedure, laboratory analysis, testing, control, supervision or other procedure required in connection with this Law shall be equal to the actual cost of the service rendered plus a reasonable rate of return.</p>

Food Safety Legislation

Commitments (by the time of accession)	WTO Reference	Draft Law of Ukraine "On Introducing Changes to the Law of Ukraine 'On the Quality and Safety of Food Products and Food Raw Materials'"
3. Transparency: notification and access to documentation:	3. Articles 7 and Annex B, Also G/SPS/7.	Article 14: Preparing, Reviewing, Revising, Adopting and Applying Sanitary Measures
(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Annex B.5.(b) and Annex B.10.	Paragraph 5: All proposed sanitary measures that do not conform to international standards or for which no international standards exist, that are expected to significantly affect the exporting opportunities of interested trading partners, shall be notified through the centre for processing enquiries and notifications regarding sanitary measures (hereinafter: enquiry and notification centre) no less than 60 days before preparing a final draft sanitary measure in accordance with the provisions of relevant international agreements.
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5(a).	Paragraph 5: All proposed sanitary measures that do not conform to international standards or for which no international standards exist, that are expected to significantly affect the exporting opportunities of interested trading partners, shall be notified through the centre for processing enquiries and notifications regarding sanitary measures (hereinafter: enquiry and notification centre) no less than 60 days before preparing a final draft sanitary measure in accordance with the provisions of relevant international agreements.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5.(c).	Paragraph 6: When requested in writing by a person or interested trading partner, the central executive power body in the sphere of health protection shall provide the text of the proposed sanitary measure, whenever possible, identify the part which in substance deviate from international standards, guidelines and recommendations.

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<p>(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.</p>	<p>(d) Annex B.5(d).</p>	<p>Paragraph 4</p> <p>A summary of all proposed sanitary measures, information on how to obtain a copy of the proposed measure, and a solicitation for comments from interested parties shall be published in mass media publications to enable participants in the food sector to comment on the proposed measure. The comment period shall be not less than 60 days.</p> <p>Paragraph 5:</p> <p>All proposed sanitary measures that do not conform to international standards or for which no international standards exist, that are expected to significantly affect the exporting opportunities of interested trading partners, shall be notified through the centre for processing enquiries and notifications regarding sanitary measures (hereinafter: enquiry and notification centre) no less than 60 days before preparing a final draft sanitary measure in accordance with the provisions of relevant international agreements.</p> <p>Paragraph 7:</p> <p>Comments received as a result of the notification and publication of proposed new or changed sanitary measures shall be taken into consideration in a non-discriminatory manner before such measures are adopted.</p>
<p>4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.</p>	<p>4. Article 2.2.</p>	<p>Paragraph 12:</p> <p>All sanitary measures shall be applied only to the extent necessary to protect human health and without unjustified discrimination between food products locally produced or imported or between different suppliers of imported food products.</p>
<p>5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.</p>	<p>5. Articles 2.2, 3.3 and 5.2.</p>	<p>Paragraph 1, item 1:</p> <p>All sanitary measures shall be based on scientific principles and available scientific evidence except as provided in item 4 of paragraph 1 of this Article.</p> <p>Paragraph 1, item 4:</p> <p>When scientific evidence needed for risk assessment is insufficient or in urgent circumstances that may cause or threaten to cause human health problems, sanitary measures shall be prepared based on available relevant information obtained from the relevant international organizations, or sanitary measures employed by interested trading partners.</p>
<p>6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.</p>	<p>6. Articles 3.1, 3.3 and 3.4.</p>	<p>Paragraph 1, item 2:</p> <p>If international standards, guidelines, or recommendations exist, they shall be used as the basis for the preparation of sanitary measures unless such international standards, guidelines, or recommendations are insufficient to fulfil the appropriate level of human health protection.</p>

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7. Equivalence: members shall recognize different measures that achieve the same level of protection.	7. Article 4.	Paragraph 11: When preparing, reviewing, revising, adopting and applying sanitary measures, relevant measures in another country shall be considered equivalent to those of Ukraine, and consequently accepted, if the other country shows in an objective manner that its measures achieve the same of higher level of human health protection as is required by Ukraine.
8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.	8. Article 5.1, 5.2 and 5.3.	Paragraph 1, item 3: In case international standards, guidelines, and recommendations do not exist or are insufficient to fulfil the appropriate level of human health protection, sanitary measures shall be prepared based on a risk assessment, taking into account the risk assessment techniques developed by the relevant international organizations;
9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.	9. Article 6 and Annexes A.6 and A.7.	<Not applicable to food products>
10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	10. Article 2.3, and Annex C.1(a) and (d).	Paragraph 12: All sanitary measures shall be applied only to the extent necessary to protect human health and without unjustified discrimination between food products locally produced or imported or between different suppliers of imported food products.
11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the Agreement.	11. Article 8 and Annex C.	Article 17: Control, Inspection, and Approval Procedures The Sanitary Service and the Veterinary Service shall ensure, with respect to any procedure to check and ensure the fulfilment of the requirements of sanitary measures (hereinafter: control, inspection, or approval procedures), that: <ul style="list-style-type: none"> - Such procedures conform to international standards, guidelines, and recommendations, of the relevant international organisations; - Such procedures are executed expeditiously and without unjustifiable delay; - Sampling requirements for control, inspection, and approval procedures are limited to what is reasonable and necessary; - The applicant requesting control, inspection and approval must be immediately informed of any deficiencies in the application so as to avoid any delay, and even if there are deficiencies in the application, the procedures shall be undertaken as far as practicable upon the request of the applicant; - The expected time for completing such procedures shall be communicated to the applicant upon their request; - The results of the procedure shall be promptly transmitted to the applicant in written form and complete manner; - Such procedures shall be applied equally to objects subject to sanitary measures of foreign as well as domestic origin; - All adopted procedures, including procedures to ensure that food product that has been

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		<p>changed (treated, processed or otherwise changed) continues to meet requirements of sanitary measures, as well as the information required to conduct control, inspection, and approval procedures must be limited to what is necessary for the fulfilment of the sanitary measures;</p> <ul style="list-style-type: none"> - Confidentiality of provided information shall be respected in order to protect the commercial interests of the applicants; - The fees collected for control, inspection, and approval procedures for imported objects subject to sanitary measures shall be equitable in relation to those for domestic objects subject to sanitary measures; - The sampling procedure and requirements associated with use of particular facilities (objects) for carrying out control, inspection, and approval procedures shall minimize inconvenience and be equitable for imported, exported, and domestic objects subject to sanitary measures; and - A procedure for reviewing complaints concerning the operation of control, inspection, and approval procedures shall be established for taking corrective action when a complaint is justified. <p>The relevant body of state power shall issue the necessary sub-legal acts for the execution of this Article. The Cabinet of Ministers shall establish the level of fees, if any, to be collected for control, inspection, and approval procedures according to the provisions of Article 59 of this Law.</p> <p>Article 59: Fees for Services Rendered</p> <p>All fees charged in connection with any administrative procedures, laboratory analyses, expertise, control or other procedure required in accordance with this Law shall be equal to the actual cost of the service rendered plus a reasonable rate of return.</p>
