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Accession of Ukraine**

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ACCESSION OF UKRAINE

Sanitary and Phytosanitary (SPS) Harmonization Programme of Ukraine

The following submission, dated 1 June 2005, is being circulated at the request of the Delegation of Ukraine.

Ukraine is prepared to fully implement the SPS Agreement upon accession provided adequate technical assistance from WTO Members to modernize testing laboratories, border inspection, control methods, and sampling procedures and to train relevant personnel. Ukraine has already drafted amendments to bring relevant SPS Laws into full conformity with the SPS agreement including substantive provisions, procedural and transparency aspects. These will be submitted to the Parliament before Summer 2005 for consideration as priority draft laws.

A. Food Safety Sanitary Measures

The Government of Ukraine recognizes the importance of harmonized standards when applied to trade and the protection of the consumer health. The use of standards in assuring the marketing of safe and high quality consumer products has long been a tradition in Ukraine. This importance is demonstrated by the long-standing dedication to both the development and the enforcement policy of national standards. This is particularly true when considering the standards for the safety and quality of food for human consumption. At the present time, within the sanitary service, the administration of sanitary measures assuring the safety of foods for human consumption is within the State Sanitary and Epidemiological Service of Ukraine under the Ministry of Health.

Presently, mandatory food safety requirements of all imported/exported food products for human consumption and food raw materials are being reviewed to determine the degree of compliance or the need for further harmonization with the international food standards of the Codex Alimentarius Commission.

In order to manage the harmonization process, a program of comparative review has been initiated which will result in the comparison of mandatory food safety requirements against Codex standards for compliance with or equivalence to the Codex standards.

Codex does not have food standards for all food commodities. In the circumstance where there is no Codex standard, the mandatory requirements will prevail if it is reasonably equivalent to the requirements of other WTO member countries for the same product. Where there are considerable or significant differences, depending on the level of difference, then consideration will be given to revising mandatory food safety requirements. Should the mandatory requirements provide a higher level of protection than those of other WTO countries, consideration will be given to revising these requirements or to perform a risk assessment to determine if scientific justification is supportive of the level of protection.

Ukraine also anticipates additional issues which may result from the harmonization process which may result in the need for technical assistance from other WTO member countries, namely:

- A complete list of Codex Standards presently in effect and accurately translated into Ukrainian language is required.
- It is likely that analytical methodology for various testing under the Codex standards may not be within the technical capability or instrumental capacity to be carried out without additional personnel training and upgrading of laboratory analytical instruments and facilities.
- International accreditation, laboratory quality assurance programmes and a system of reference laboratories are required.
- It is anticipated that an entire new border control system will be required to streamline the control process and to meet timely import product inspection and testing processing requirements
- Border personnel will require technical training in inspectional procedures, cargo examination, statistical sampling methods, and sample handling and shipment procedures within the Codex guidelines. It is also probable that the cost of these operations will increase beyond present resource allocations.

- Training is needed in risk assessment methods for scientific personnel when scientific justification is needed to support a higher level of protection in food safety requirements.
- All procedures, instructions, legal and non legal policy documents, mandatory food safety requirements, used in food control are in the Ukrainian language. A considerable volume of these documents will require translation into one of the official languages of the WTO. Financial assistance may be needed to make these documents available to the WTO in a timely and accurate fashion.
- To assist in carrying out an effective and efficient national Codex Coordination and Contact Point function and national Codex support staff will require facilities, equipment, training, information and other support related to their role and responsibilities, functions, method and procedures.
- English language enhancement training is needed for internationally positioned national Ukrainian staff to augment communications at the international level.

The Ministry of Health has formulated a programme for harmonization of mandatory food safety requirements in three phases. The first phase includes the acceptance of Codex standards on a provisional basis pending the outcome of the comparative review of the national and Codex standards during a second phase. The first phase has begun. It is anticipated that 40 per cent of the mandatory food safety requirements will be equivalent to the Codex standards, consequently no further action will be required for those standards.

The second phase has also started. It includes the comparative review of mandatory food safety requirements and Codex standards. Commodities with high volume and/or value in trade will be identified and will make up the first tier of mandatory requirements to be reviewed and evaluated on a priority basis. It is anticipated that within one year, the second phase of the harmonized program can be completed and an estimated 80 per cent of the mandatory food safety requirements and Codex standards will be harmonized by that time.

The third phase of the harmonization programme will include the comparative review of the second tier of commodities (those commodities with less trade significance) or those commodities for which no Codex standards exist, to complete the total review. At this time, mandatory food safety requirements for which there are no Codex standards will be reviewed for comparability with standards of other WTO member countries. These requirements will be considered equivalent to the requirements used elsewhere, revised to meet the other WTO country's standards when significantly different or will be subject to risk assessment procedures should it be necessary to establish a higher level of protection.

It is anticipated that this third phase will result in a 100 per cent compliance level for equal or equivalent mandatory food safety requirements with Codex, with the requirements of other WTO member countries where there are no Codex standards, or will be justified by the results of a risk assessment.

B. Animal Health

The State Department of Veterinary Medicine of the Ministry of Agricultural Policy of Ukraine has as long history of dedication to the protection of animal health and life in Ukraine. Traditionally, the animal health standards of the International Office of Epizootic (OIE) are followed, specifically the OIE Terrestrial and Aquatic Animal Health Codes which give guidelines for all control measures that are adopted by OIE member countries.

A thorough review of the measures governing the administration of control procedures and requirements for handling domestic and imported live animals and animal products has been prepared.

Of particular note, the draft law "On Veterinary Medicine" includes a provision permitting the use of hormones and other veterinarian preparations for medicinal and other uses provided levels of such in edible animal products do not exceed established maximum limits.

The recent revision of import requirements for animals and animal products has brought animal health measures closer to full compliance with the SPS Agreement. Refinements to the import requirements will continue in order to account for the animal health status of Ukraine compared to its trading partners.

Ukraine anticipates that additional issues which may result from a harmonization process and from the application of refined control measures for animal health protection may require some technical assistance from WTO member countries. This would include:

- Methodology for various testing of food from animal origin for guidelines from the OIE will require additional technical capability, personnel training, and upgrading of analytical instruments necessary to carry out the testing.
- International accreditation, laboratory quality assurance programmes and a system of reference laboratories are required.
- Border personnel may require additional technical training in inspectional procedures, sampling methods and procedures, when necessary, and sample shipment and handling. It also is probable that the cost of these operations will increase beyond present resource allocations.
- Training is needed in risk assessment methods for scientific personnel when scientific justification is needed to support a higher level of protection to be applied for animal health protection standards.
- English language enhancement training is needed for internationally positioned national Ukrainian staff to augment communications at the international level.
- The cost of translation for many of the animal health control procedures and for sanitary measures related to harmonized food for human consumption safety standards may require financial assistance during the initial phases of notification to the WTO. English language document such as guidelines from OIE will also require translation to Ukrainian for a more complete understanding by Ukrainian national.

C. Phytosanitary Measures

The Government of Ukraine also recognizes the importance of harmonized standards when applied to the protection of plant health and life. This importance is demonstrated by the long-standing dedication to both the development and the enforcement policy of phytosanitary measures.

Ukraine commenced the harmonization process for its phytosanitary measures with international standards, guidelines and recommendations of the International Plant Protection Convention (IPPC) and the relevant regional plant protection organizations (RPPO). At the present time, Ukraine is not a member of the IPPC (but is a member of EPPO). Initiation of IPPC application procedures has already been started. While IPPC membership is being processed, harmonization of Ukrainian phytosanitary measures with standards, guidelines and recommendations of the IPPC and the RPPO will commence.

It is anticipated that additional issues will be resulting from a harmonization process which may result in the need for technical assistance from other WTO member countries. These include:

- It is likely that methodology for various examination and testing procedures under the IPPC and the RPPO standards may not be within the current technical capability requiring personnel training and updating of analytical testing equipment and facilities
- International accreditation and a reference laboratory for plant protection detection methods and testing is required.
- Border control procedures will be re-examined in light of the new requirements and streamlined to meet timely import product inspection and testing processing requirements. This will require additional technical assistance in the form of upgrading facilities at designated border inspection posts.
- Training in risk assessment methods for scientific personnel when scientific justification is needed to support a higher level of protection for plant protection and pest control will be required
- A contact point and coordination activity will be necessary to activate the general activities of the IPPC at the national level. Staff assigned to this activity and that for the RPPO should receive training in effectively administering this coordination activity. Study tours to countries which have active programs which can serve as models would be useful to initiate the start-up functions of this activity.
- English-language enhancement training is needed for internationally positioned national Ukrainian staff to augment communications at the international level.

All procedures, instructions, legal and non-legal policy documents, standards and requirements used in plant protection control are in the Ukrainian language and may require translation for the notification process to the WTO. A considerable volume of these documents will need translation for notification purposes. Financial support for this activity may be needed initially due to the sheer volume of material.
