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Accession of Ukraine**

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ACCESSION OF UKRAINE

Memorandum on Sanitary and Phytosanitary Measures

The following information concerning the sanitary and phytosanitary measures of Ukraine has been received from the Governmental Commission on Ukraine's Accession to WTO.

Submitted Information

1. Document on Phytosanitary standards in Ukraine (document WT/ACC/UKR/45) and information on the sanitary measures system in Ukraine (document WT/ACC/UKR/46).

Introduction

2. The sanitary and phytosanitary regime in Ukraine is divided into two parts. The first one is the system of sanitary measures, and the second is the system of phytosanitary measures for plant quarantine.

Sanitary Measures

3. The current system of sanitary measures in Ukraine is aimed at the control of products which may have a negative influence on the peoples' health. The main law regulating introduction of sanitary measures is the Law of Ukraine "On Ensuring Sanitary and Epidemic Safety of the Population", No.4004-XII, of 24 February 1994 and some other provision of Ukrainian legislation in the health protection area. The Ministry of Health Protection of Ukraine is authorized to act as the central government executive body in the field of health protection. The Ministry of Health Protection is responsible for the development of hygiene and safety standards for products, technologies and services. It also has some special functions, which include: developing scientifically based criteria, indicators and norms; designing methods for the control of compliance with such requirements; implementing preliminary sanitary control by state organs at the stage of drafting new legislation and developing new technologies and products; deciding whether to permit importation into and distribution of specific products in Ukraine; prohibiting the manufacturing, the distribution and the use of products which fail to meet established product safety standards; investigating the causes of possible negative effects resulting from the consumption of low-quality products.

4. The Ministry of Health Protection of Ukraine accomplishes the aforementioned tasks through its network of sanitary centers, science and research institutes, and institutions of higher education. The State Sanitary Service includes laboratories, clinics and specialized research institutes which carry out research projects in fields such as hygiene and toxicology. Only conformity certificates issued upon completion of hygiene and sanitary examination at the Ministry of Health Protection of

Ukraine are accepted as proof of a product's conformity with the prescribed requirements. Such examination is carried out in accordance with Articles 10-12 and 16 of the Law of Ukraine "On Ensuring Sanitary and Epidemic Safety of the Population", No.4004-XII, of 24 February 1994. Order of the Ministry of Health Protection of Ukraine "On Performing State Sanitary Expert Examination Concerning Development, Production and Use of Products Potentially Harmful to Health", No.190, of 20 October 1995, determines the procedure for examination by the state sanitary bodies and establishes the list of products subject to obligatory examination by the state sanitary bodies.

5. Order of the Ministry of Health Protection of Ukraine "On Prices on Additional Services Rendered to Organizations, Commercial, Private and other Firms by the State Sanitary Bodies", approved by the Resolution of the Cabinet of Ministers of Ukraine "On Approving the List of Services Provided by the State Health-Protection Institutions and Higher Medical Institutes", No.1138, of 17 September 1996, the Resolution of the Cabinet of Ministers of Ukraine "On Introducing Changes and Amendments to Resolution of the Cabinet of Ministers of Ukraine, No.1138, of 17 September 1996", No.449, of 12 May 1997, establish a fee schedule for sanitary examinations and the issuance of the necessary documentation.

6. The State Department of Veterinary Medicine of the Ministry of Agro-Industrial Complex of Ukraine is the authorized state body designated by the Government of Ukraine to carry out veterinary control.

Pursuant to Law of Ukraine "On Veterinary Medicine", No.567/96, of 5 December 1996, the main tasks of veterinary medicine are the:

- protection of the Ukrainian territory against the entry of pathogens of quarantine-designated diseases for animals from the territory of another country or from a quarantine zone;
- control over the transfer, export and import of animals, products and raw materials of animal origin, veterinary preparations, fodder, and fodder additives;
- carrying out of veterinary and sanitary examinations for products and raw materials of animal and plant origin designated for human consumption; fodder and premixes designated for the feeding of animals, as well as measures for the protection of animals during their export and import; and,
- establishment of restrictions or prohibitions on the export and import of animals, food products, and raw materials of animal origin, and agricultural products from specific countries or regions following the increase of highly dangerous animal diseases, including those common to animals and human beings.

7. In order to fulfill Article 22 of the Law of Ukraine "On Veterinary Medicine", No.567/96, of 5 December 1996, the Resolution of the Cabinet of Ministers of Ukraine "On Approving the Regulation and Transport on Regional Service of the State Veterinary Control at the State Border of the State Department of Veterinary Medicine of the Ministry of Agro-industrial Complex of Ukraine", No.264, of 2 March 1998, was issued.

The regional services of the state veterinary control at the state borders and for transport are authorized to supervise the observance of veterinary requirements in international and domestic transportation of all kinds of animals, products, raw materials of animal origin, fodder, veterinary preparations, biological, microbe, virus plants and mushrooms, collection articles of animal origin, veterinary medicine preparations, as well as articles and materials that may be carriers of pathogens of animal infectious diseases, and other goods that are under the control of the service of the state veterinary medicine.

The regional services also check veterinary documents, conduct clinical inspection of animals, and veterinary and sanitary examinations of raw materials and products of animal and plant

origin, fodder and preparations designated for the purposes of veterinary medicine in the course of import, export and transit through the Ukrainian territory.

8. Goods subject to control by the state veterinary medicine service, as well as articles and materials that may carry pathogens of animal infectious diseases, and other goods subject to control by the service of the state veterinary medicine, shall cross the customs border of Ukraine only after they pass the obligatory veterinary control.

The customs clearance of goods is completed only after the above control thereof is carried out by specialists from the regional services of the state veterinary control, customs offices, and customs points.

Goods subject to control by the state veterinary medicine service may be exported, imported or transited through the territory of Ukraine only if the documents agreed upon by international agreements are submitted and the veterinary requirements are observed. The entry of vehicles subject to obligatory veterinary control is permitted on the same conditions.

9. Sale of imported products and raw materials of animal origin and fodder for animals is permitted only after a veterinary examination thereof.

Phytosanitary Measures

10. Phytosanitary measures in Ukraine are set forth in the Law of Ukraine "On Quarantine of Plants", No.3348, of 30 June 1993, Charter of the State Service for Plants' Quarantine, approved by the Resolution of the Cabinet of Ministers "On the Charter of the State Service for Plants' Quarantine" No.892, of 28 October 1993, and other ancillary legislative acts. Requirements of quarantining plants are aimed at the protection of the Ukrainian territory from the importation and for disbursement of dangerous disease-carrying pathogens of plants and weeds that are not characteristic to the country. The above requirements also cover plants, processed products thereof, and raw materials.

11. The Main State Inspectorate on Plant Quarantines at the Ministry of Agro-Industrial Complex of Ukraine is the state body designated by the Government of Ukraine to carry out phytosanitary regulations. The following authorities are subordinated to the Main State Inspectorate on Plant Quarantines:

- The central science and research laboratory;
- The central fumigation unit;
- The state border inspectorate on plant quarantine in the Autonomous Republic of Crimea;
- The state border oblast and state oblast inspectorates on plant quarantines, the state municipal inspectorates on plant quarantines; and,
- The oblast quarantine laboratories and fumigation units.

12. The following goods are subject to quarantine control: seeds and sowing materials, agricultural, forestry and decorative crops, plants and parts thereof (shoots, bulbs, tubers, fruit, etc.), as well as other products of plant origin that may contain vermin, plant diseases and seeds of weeds, spores and mushroom bacteria; viruses, nematodes, ticks, insects, collections, herbariums, samples, agricultural equipment, devices for soil cultivation, specific industrial goods, packages and goods produced from materials of plant origin that may contain vermin, plant diseases and seeds of weed; monoliths and samples of soils, and vehicles that come from foreign countries and Ukrainian regions where special quarantine regimes are in existence.

13. The main tasks of the State Service for Plant Quarantines are as follows:

- protection of the territory from objects of quarantine that may be imported or independently come from abroad or from a quarantine zone;
- timely detection, reduction and destruction of objects subject to quarantine, as well as prevention of imports thereof to the regions of Ukraine where they are not yet present; and,
- ensuring the fulfillment of all special quarantine regime requirements and measures concerning plant quarantine in the course of growing, procuring, export, import, storage, processing, sale, and use of materials and objects that are under quarantine.

14. Additional requirements are carried out in the course of importing plant materials under quarantine that are infected with quarantine organisms and are dangerous to Ukraine. The list of objects that are considered dangerous is reviewed every five years. The list is prepared on the basis of evaluating the potential harm that an organism may cause. Evaluation is carried out in the following way:

- The list of harmful organisms subject to quarantine, prepared by the European Organization for Plant Quarantine is used as an initial reference point. Groups of experts submit their suggestions on each of the harmful organisms, taking into account the established criteria of risk evaluation.
- Joint consultations are conducted, and a decision on potential “harmfulness” for Ukraine is made.
- Recommendations, which account for the potential harm an organism may cause, are prepared. They also cover the ways in which are spread organisms, including their country of origin, the climatic conditions of Ukraine, and the possibility of contagion in different climatic zones.
- Thereafter, the reviewed list is prepared. The Ministry of Agriculture and Food of Ukraine in conjunction with the Ukrainian Academy of Agrarian Sciences approve the list.

15. Materials under quarantine are permitted to be imported into Ukraine if the following requirements are satisfied:

A phytosanitary certificate is issued by the state bodies for quarantine and plant protection of an exporting country. Ukrholovderrzhquarantine (State Inspectorate of quarantine) allows the import of materials under quarantine from countries that do not have the state bodies for quarantine and plant protection without the phytosanitary certificate with a preliminary issuance of a quarantine permit for import.

A quarantine permit on import (transit) is issued by the Main State Inspectorate on Plant Quarantine in advance, at least five days prior to the importation of the materials under quarantine.

16. The Resolution of the Cabinet of Ministers of Ukraine, No.958, of 24 November 1993, establishes a scale of fees for inspections of materials that are under quarantine:

| Amount of material that is under quarantine | Fee for the issuance of a quarantine license for import or transit (hryvnias) | Fee for the issuance of a phytosanitary certificate for export of materials that are under quarantine (hryvnias) |
|---|---|--|
| Less than 50 tons | 18.03 | 15.45 |
| Less than 100 tons | 36.08 | 30.83 |
| Less than 1000 tons | 72.13 | 61.40 |

17. A phytosanitary certificate for export is issued on the basis of a form used by the European Organization for Plant Quarantine. Materials of plant origin exported from Ukraine are accompanied by Ukrainian phytosanitary certificates for export. Such phytosanitary certificates are issued only if the results of field and laboratory tests prove that the product does not contain harmful organisms and that the product is exported from a zone that is considered quarantine free by the importing country. At the same time, a phytosanitary certificate for goods exported from Ukraine may be issued if an importing country or provisions of an international agreement in the field of quarantine and plant protection so require.

18. A conformity certificate with sanitary requirements (“hygiene certificate”) is issued for each agricultural product imported into Ukraine after examination by specialists from the state services for sanitary and hygiene. After the goods are imported and the examination concluded with positive results, a permit for the sale of goods in a specific region is issued, and goods are released from the control of the state service, if no further obligatory certification is required. If the product is subject to such mandatory certification, the appropriate certificate is issued subject the requirements prescribed by the Ukrainian System for Products Certification (UkrSEPRO).

19. The Chief State Sanitary Doctor of Ukraine (Kyiv, the Ministry of Health Protection of Ukraine) issues a hygiene certificate for product imported into Ukraine. The Chief State Sanitary Doctor of the Republic of Crimea, sanitary doctors of oblasts and Kyiv and Sebastopol issue hygiene certificates for product that is not subject to mandatory certification. All of the procedures, as a rule, take 5-7 days. Hygiene certificates for produce imported are valid for periods from one to three years. This period may be extended after review of accompanying documentation for produce submitted by a manufacturer or importer along with indicators of product safety. In response to other questions, a representative of Ukraine stated that a new importer of previously certified produce is not obliged to undertake certification of this product, if the importer presents a copy of a valid hygiene certificate issued for the same product and certified by the manufacturer. A representative also added that the modified product has to be checked as if this produce has never been imported to Ukraine.

20. Ukraine has already begun negotiations with its trade partners on mutual recognition of conformity certificates of sanitary and phytosanitary requirements: some level of equal recognition may be achieved in this area. In this connection, a representative of Ukraine has stated that sanitary certificates issued by foreign bodies are taken into account in the course of expert examinations to issue a hygiene certificate on imported goods in Ukraine.

21. Different ministries research the issue of Ukraine’s membership in the FAO and the Code Alimentarius Commission. It is expected that the issue of accession to Code Alimentarius Commission with respect to food additives, export and import controls, certification, product hygiene, methods of analysis, residues of pesticides, and veterinary preparations in produce will be resolved in the nearest future. It is also expected that in the nearest future Ukraine will make a decision concerning the ratification of the International Convention on Plant Protection signed in Rome on 6 December 1951. The current regime of imports, inspection, storage, sale and application of herbicides and pesticides is established according to the Law of Ukraine “On Pesticides and Agricultural Chemicals”, No.86/95, of 2 March 1995. This law has been drafted by taking into account the main provisions of the International Convention on Plant Protection.

22. The development of a national sanitary and phytosanitary legislation is carried out by taking into account international agreements to which Ukraine is a signatory, as well as other international treaties. However, preference is always given to measures that ensure the highest level of protection. Some standards developed in Ukraine provide for much higher levels of protection than corresponding international standards. Nevertheless, only in cases of necessity does Ukraine introduce sanitary standards for the protection of its population, animals and plants. High standards

have been established for the pesticide residues in raw materials and food products, migration of polymeric components and other synthetic materials into the environment, as well as for products designated for specific groups of people (children, old people, pregnant women, and nurses). Such high standards are based on the norms established by the appropriate scientific institutions of the Ministry of Health Protection of Ukraine. Any specific questions concerning the aforementioned issues may be submitted to the Ministry of Health Protection of Ukraine or to the Chief Sanitary Doctor of Ukraine.

23. Concerning the introduction of notification requirements of the WTO Agreement on Sanitary and Phytosanitary Measures in Ukraine, it should be mentioned that Ukraine does not have a mechanism for the consideration of national sanitary standards by experts of various non-governmental organizations, including foreign ones, prior to their official approval and publication thereof. However, a procedure exists for the discussion of standard drafts with the appropriate leading experts of the state organizations. Further, issue concerning the application of the Reference bureau in accordance with the Agreement on Sanitary and Phytosanitary Measures is under consideration.
