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Sanitary and phytosanitary measures. Overviews of the approximation progress, plans, challenges and perspectives

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About the Project “German-Ukrainian Agricultural Policy Dialogue” (APD)

The project “German-Ukrainian Agricultural Policy Dialogue (APD)” has been implemented with the support of the Federal Ministry of Food and Agriculture (BMEL) since 2006 and is currently being implemented until 2024 at its request through the executor of GFA Consulting Group LLC, as well as a consortium consisting of IAK Agrar Consulting, Leibniz Institute for Agricultural Development in Transition Economies and GOPA AFC GmbH.

The recipient of the project is the National Association of Agricultural Advisory Services of Ukraine “Dorada”. In implementing important measures for the development of the land market, the use of state land areas, and privatization, APD cooperates with BVVG Bodenverwertungs- und -verwaltungs GmbH. The beneficiary of the project is the Ministry of Agrarian Policy and Food of Ukraine.

The project should support Ukraine in the areas of sustainable agriculture, efficient processing industry and international competitiveness in accordance with the principles of market and regulatory policies taking into account the development potential that arises under the Association Agreement between the EU and Ukraine. To meet this goal, the Project should provide information on German experience, as well as international European experience in development of agrarian and forestry policy framework, as well as on the organization of relevant agrarian and political institutions.



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1. Brief overview of the legal basis for the process of approximation of EU legislation

The process of legal approximation of sanitary and phytosanitary measures (hereinafter – SAPS) in Ukraine to EU can be considered in 2 stages.

I. Association Agreement Ukraine-EU (2016-2022).

The process of legal approximation of Ukrainian legislation to EU acquis has started in 2014 after Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (hereinafter – Association Agreement) was signed.

Article 64 of the Title IV Trade and trade-related matters of Association Agreement sides agreed that Ukraine will approximate its own legislation for sanitary and phytosanitary measures to EU legislation as foreseen in Annex V to the Agreement.

The basic legal acts that fix the arrangements between Ukraine and EU in SPS are:

- ✓ Resolution of Cabinet of Ministers of Ukraine No 228-p dated 24.02.2016 On approval of Comprehensive strategy for the implementation of Title IV (Sanitary and phytosanitary measures) – abovementioned Annex V;
- ✓ Decree of the Cabinet of Ministers of Ukraine No 1106 dated 25.10.2017 On implementation of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part. The Action plan for AA implementation was approved;
- ✓ Council Decision (EU) 2017/1391 of 17 July 2017 on the position to be adopted, on behalf of the European Union, within the Sanitary and Phytosanitary Management Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the modification of Annex V to that Agreement;
- ✓ Council Decision 2019/1748 of 7 October 2019 on the position to be taken on behalf of the European Union within the Sanitary and Phytosanitary Management Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the modification of Annex V to Chapter 4 of that Agreement.

On 18 of November 2019 the Sanitary and Phytosanitary Management Sub-Committee of the Committee in Trade Configuration in accordance with article 74 of Association Agreement A took the common Decision No 1/2019 on approval of the Annex V with the list of EU acquis to be approximated by Ukraine.

Sanitary and phytosanitary area is the one of the widest and most comprehensive in Association Agreement that need to be approximated to the EU standards and covers 12% of all obligations of Ukraine under EU approximation.

Annex V consist of the 232 legal acts to be approximated in SPS and covers the following of EU legislation area:

- ✓ animal health and diseases;
- ✓ animal identification and registration;
- ✓ animal welfare standards;
- ✓ requirements for food and feed safety;
- ✓ food additives, enzymes, flavourings;
- ✓ vitamins and minerals in food products;
- ✓ labeling and information for consumers;
- ✓ contaminants and residues;
- ✓ feed and feed additives;
- ✓ animal by-products;
- ✓ plant health;
- ✓ seeds and plant seedling material;
- ✓ GMO control;
- ✓ official control in SPS.

II. The candidate status for EU accession (2022 – today).

The candidate status for EU accession has changed the situation for legal approximation for Ukraine in SPS. Compare before 2022 Ukraine has only approximated its legislation to EU, however since 2022 as a part of candidate status and start of the EU accession negotiations in 2023 the certain EU legal act must be approximated and implemented in accordance with best EU practices for free trade in EU market.

The legal framework of negotiation process for Ukraine in SPS is covered under Resolution of CMU 133-p dated 09.02.2024 On approval of Action plan for implementation of recommendations of European Commission for Enlargement report 2023, that in fact provides the implementation of the recommendation of European Commission by executive power bodies.

2. Current status for Ukraine in application of the EU standards and practices in sanitary and phytosanitary area

Current status of legal approximation in SPS area since Association Agreement came in force can be assessed based on the results under **Sanitary and Phytosanitary Management Sub-Committee meeting**, and provides the possibility to have the gradual progress made by Ukraine since 2014 both at the legislative and implementation levels.

Over the past 10 years, Ukraine has taken many steps to meet the European model for the production, circulation and control of food products.

It is too early to talk about a comprehensive assessment of Ukraine's readiness for the negotiation process regarding EU accession, as the procedure for assessing the progress of the Association Agreement implementation (screening) will continue in 2024.

If we talk about the current state of approximation of EU acquis, then the progress in the field of SPS is one of the largest among other areas of the Association Agreement, and apply to the set of measures to implement by Ukraine of the EU requirements for the food safety, feed, fertilizers, animals, seeds and plants, as well as implementation of state sanitary and phytosanitary control.

The Action plan for the implementation of the Association Agreement and approximation of EU legislation in accordance with the resolution of the CMU No. 1106 includes 1943 legal acts, accordingly the SPS covers 12% of the measures.

For an initial assessment of the dynamics of progress in the approximation of legislation in SPS area, it should be known that in 2019 the approximation of 43% of acts to EU legislation was ensured, in 2020 the total progress was 52%, and in 2021 – 64%. Of course, the 2022 of martial law had many challenges related to institutional sustainability, reorientation of human and financial resources of power bodies, change of priorities regarding the renewal of logistical routes and keeping the state's economy "afloat".

As of today, the Ministry of Agricultural Policy and Food of Ukraine announced 82% implementation of EU legal acts since the entry into force of the Association Agreement and in accordance with the approximation plan of the legislation of Ukraine in SPS. In fact, despite the martial law and existing challenges, Ukraine continues to actively approximate EU legal acts. In more detail, the status for horizontal and vertical legislation will be considered in later.

Approximation of EU acquis is not the only obligation of Ukraine within the framework of EU accession, as there is a number of other measures related to implementation, control, application of procedures and systems, etc.

In 2016, a single competent authority in the field of food safety, plant protection, animal health, endowed with the functions and powers of similar structures of the EU Member States was created – the State Service of Ukraine for Food Safety and Consumer Protection.

As part of the optimization of state structures and reforms in Ukraine, the SSUFSCP was additionally endowed with functions atypical for the SPS, in particular the protection of consumer rights, market surveillance of non-food products, regulation of state prices, registration of agricultural machinery, however, all the main functions in the sphere of SPS in accordance with European practice, are under umbrella of one institution. It should be taken into account that since its creation, SSUFSCP has been reformed several times in terms of reducing the number of subordinated institutions and the staff of territorial bodies, while during this time a number of new functions have been added that require

the involvement and training of relevant specialists, in particular the control of geographical indications, GMOs, organic production.

Attention should be paid to the progressive transition of Ukraine to the use of information technologies in state institutions, the introduction of the use of information resources for the purpose of data collection, analysis, optimization of procedures to improve the supervision and control system. In addition to the introduction of its own information products, Ukraine shows significant engagement in the use of EU information products, in particular the information management system for official control (IMSOC) and its components.

Today, the animal disease the EU Animal Disease Information system (ADIS) is actively used which allows the transparency of animal health situation in Ukraine, which has a direct impact on trade.

Ukraine is a member of the RASFF (Rapid Alert System for Food and Feed) for reporting emergency cases and non-compliance of food products and feed during import-export procedures between Ukraine and the EU.

Regarding the EUROPHYT system of notifications and emergencies related to plant health, as of today, this component is not used by the competent authority, due to the presence of its own system similar in functions.

The impetus for the development and use Trade Control and Expert System (TRACES) for certification and control of trade in live animals, food products and plants for Ukraine took place in 2022 with martial law and the blocking of traditional logistics routes for the export of Ukrainian agricultural products. In 2024, as part of a pilot project, Ukraine has started to the use of TRACES in all regions of Ukraine, the use of electronic signatures and seals when certifying individual shipments of food products of animal origin to the EU market, which in turn provides an opportunity for Ukrainian exporters to shorten and speed up the official control procedure at the state border with EU.

Ukraine is taking the first steps in introducing European risk assessment approaches in the food chain to assure of a high level of protection of human health and consumers' interest in relation to food, whilst ensuring the effective functioning of the internal market using principles of strong science base, efficient organisational arrangements and procedures to underpin decision-making in matters of food and feed safety.

Since 2014 Ukraine has been moving towards establishing a model of production, circulation and control of food products based on the principle "from farm to fork".

Thus, today Ukraine approved to export to the EU the products produced by 446 Ukrainian enterprises, namely: poultry meat, poultry meat products, dairy products, fish products, honey, eggs and egg products, snails, hunting trophies, leather raw materials, organic fertilizers, petfood, etc.

The European official control regulation provides that the staff of the competent authority in addition to the appropriate competence and experience, must undergo appropriate training and competence improvement within the framework of legislative changes and practices. In the context of EU accession this is extremely important for

Ukraine, because the adoption of new approaches to production and control require the relevant knowledge and understanding of the new legislation, as well as the accurate implementation. The creation of a system of continuous professional development of employees of the competent authority was laid in 2020. Thus, today there are certain achievements in ensuring constant access to educational courses and trainings regarding the application of new legislation, European best practices, as well as mechanisms for knowledge verification.

The first assessment of the progress of Ukraine as a candidate for EU accession is contained in the Commission's first annual enlargement report on **Progress Report on the EU Enlargement Package on Ukraine (2023 Progress Report)**, where the European Commission assessed in detail the current status and progress achieved by Ukraine in a number of priority areas in previous years.

The decision of the European Commission to start the negotiation process for Ukraine's accession to the EU contributed to the powerful dynamics of reforms, including SPS area, despite the military situation and economic destabilization. In fact, Ukraine's ability to make progress in the approximation of legislation even in martial law was demonstrated.

Thus, the 2023 Progress Report clearly demonstrates that some progress has been made in the areas of sanitary and phytosanitary measures, in particular in the approximation of legislation, but it is emphasized that for proper implementation of the legislation should be carefully monitored and administrative capacities and disease surveillance stepped up.

As part of the assessment of progress, the European Commission in November 2023 recommended that the Government of Ukraine implement a number of measures that are a priority within the framework of the assessment of progress, in particular:

- ✓ continue to implement and update the strategy for aligning with and implementing the EU acquis to meet the requirements of the Association agreement, with a focus on the animal health and phytosanitary measures;
- ✓ accelerate EU market integration through a project to pilot the EU's trade control and expert system (TRACES) and subsequently extend its use to the whole country;
- ✓ enhance food safety through the reform of food safety bodies (State Service of Ukraine on Food Safety and Consumer Protection, State Agency for Animal Identification and Registration, authorized laboratories), strengthening food safety controls and implementing robust disease surveillance and vaccination.

In order to implement the above recommendations provided by the European Commission, the Government of Ukraine adopted the Resolution of the Cabinet of Ministers of Ukraine dated 09.02.2024 No. 133 "On the approval of the Action plan to implement the recommendations of the European Commission, presented in the 2023 Progress Report within the framework of the 2023 EU Enlargement Package".

According to this Resolution, the responsible state authorities – the Ministry of Agrarian Policy and Food of Ukraine, the State Service of Ukraine on Food Safety and

Consumer Protection, must ensure the implementation of 17 actions in 2024 according to 5 basic recommendations of the European Commission.

Thus, the specified actions cover the approximation of legislation to EU legal acts, in particular, the drafting of laws on plant protection, official control, veterinary medicinal products, approval of a number of requirements and instructions. It is planned to accelerate and ensure the introduction of the TRACES system in Ukraine, optimize the SSUFSCP's laboratory network.

The assessment of progress in the implementation of the recommendations of the European Commission will be officially available at the end of 2024, but in fact it is possible to give an interim assessment of progress in 5 months.

For today a number of legal acts were drafted, in particular the draft law on control in the field of SPS, draft of the order on requirements for pre- and postmortem inspection of animals, a draft of the procedure for issuing international certificates for food products, and a draft of requirements for the welfare of animals during transportation.

As for the integration of Ukraine into the TRACES, in 2024 there are already the first results related to the use of the system in all regions of Ukraine, the training of relevant officials (a total of 1,500 people) and the increased number of certificates for export to the EU (from 5 forms in 2023 to 12 forms in 2024). Since June 2023, 10764 certificates have been issued, and since the beginning of 2024 – 12424.

The reform on optimization of the SSUFSCP's laboratory network is undergoing. The assessment of capabilities, the existing material and technical base and human resources as well as development concept are underway.

To sum up, 2 out of 17 actions are fully implemented (2 acts were adopted), 6 actions on approximation of legislation were partially implemented, and 2 in progress for practical implementation. At the same time, the greatest progress is observed precisely in the implementation of the TRACES system.

3. Assessment of the status for approximation EU acquis and future regulatory plans

Ukraine's progress in the approximation of legislation can be assessed in terms of a level of adoption of primary and secondary legislation.

Regarding primary legislation the progress has been achieved in the main legislative areas of SPS EU acquis. Below is the chronological order of adoption of the main Laws of Ukraine (horizontal legislation):

- ✓ On animal by-products not intended for human consumption – adopted in 2015 (in force since 2016);
- ✓ On basic principles and requirements for food safety and quality – adopted in 2015 (in force since 2016);

- ✓ On state control on food, feed, animal by-products, animal health and welfare – adopted in 2017 (in force since 2018);
- ✓ On feed safety and hygiene – adopted in 2017 (in force since 2020);
- ✓ On basic principles and requirements for organic production, circulation and labeling of organic products safety and quality – adopted in 2018 (in force since 2018);
- ✓ On food information to consumer – adopted in 2018 (in force since 2019);
- ✓ On veterinary medicine (new edition) – adopted in 2021 (in force in 1 year after martial law will be cancel);
- ✓ On plant variety protection – adopted in 1993 (new edition since 2024);
- ✓ On pesticides and agrochemicals – adopted in 1995 (new edition since 2024);
- ✓ On protection of geographical indicators for agriculture and food products, rights protection for quality schedule – adopted in 2022 (in force since 2022);
- ✓ On geographical indicators for alcoholic drinks – adopted in 2022 (in force since 2022);
- ✓ On state regulation of genetically modified organisms and state control over GMO and products market access – adopted in 2023 (in force since 2026);
- ✓ On animal identification and registration – adopted in 2009 (new edition since 2023).

In fact, over the past 10 years Ukraine has adopted 14 laws that has approximated the basic European laws. In case of evaluation of the progress in the implementation of secondary legislation, then according to the information of the Ministry of Agriculture and Food of Ukraine, the progress in the implementation of EU acts in the field of SPS since the entry into force of the Association Agreement is 82%.

The progress in 2023-2024 deserves special attention, because in the conditions of martial law and the beginning of the negotiation process regarding Ukraine's accession to the EU, the dynamics of accelerating adoption of legislation plays a significant role.

In 2023, the 2 laws were adopted and signed, as well as 1 draft law was adopted in the first reading. In total 5 regulations in the field of veterinary medicine and animal welfare were adopted, 8 regulations – in the field of food safety, 2 regulations – In the field of plant protection.

Taking into account the results of the 2023 Progress Report the Ministry of Agrarian Policy adopted the Plan for the approximation of legislation for 2024, which is quite ambitious, but is easily explained by the urgent need to introduce systemic reforms, in particular in the SPS area.

Thus, in order to ensure the production and export of safe and healthy agricultural and food products in 2024, it is planned to develop and adopt 2 laws, as well as 34 regulations in the following areas: food safety, animal health and welfare, phytosanitary safety.

For 5 months of 2024, 6 out of 34 acts have been adopted to date and 7 drafts have been developed. To sum up, the level of implementation is 32% (including implemented and partially implemented).

What challenges should be paid attention to in the framework of assessing the progress of Ukraine's achievements in the approximation of EU legal acts and European practices and procedures.

In 2021, a new Law on veterinary medicine was adopted, which in accordance with the transitional periods enters into force a year after the end of martial law. Currently, the Ministry of Agrarian Policy and Food of Ukraine is actively drafting and adopting the relevant legal acts for its implementation. However, the delay in the entry into force of this Law actually delays Ukraine from transitioning to a full-fledged animal health control system in accordance with European regulations, in particular Regulation (EU) 2016/429.

In addition, evaluating a number of adopted basic laws, it becomes obvious that there are no fully adopted secondary legal acts for their implementation. Thus, the Law of Ukraine on by-products of animal origin not intended for human consumption entered into force in 2021, but the implementing by-laws have not yet been adopted, which actually makes its implementation impossible. The plan and status of approximation of the acts of the Ministry is provided in the annex.

4. Quality and safety standards for production of the certain products

The level of increase in trade between Ukraine and the EU in recent years can be assessed according to various criteria. However, it can be clearly noted that the goods covered by sanitary and phytosanitary measures in recent years have been in much more favorable conditions for access to the EU market as part of the approximation of legislation.

The process of approximating the norms and standards of EU legal acts in Ukraine began long before the signing of the Association Agreement, and it was connected precisely with the interest of Ukrainian business in access to the EU market, as well as the trade games of 2014 and the need to reorient Ukrainian producers in the export of agricultural products.

The beginning of access for agricultural products to the EU market was back in 2005 when Ukraine passed the first verification audits of the European Commission. For almost 20 years, Ukraine has passed 24 verification audits of the European Commission for various categories of animal and plant origin goods, the results of which are public and available on the official website of the relevant EC Directorate General.

The conditions for access to the EU market are strictly and clearly regulated at the level of the relevant EU legal acts and include a number of mandatory stages to grand access for EU market, in particular the assessment by the European Commission of the implementation of special legislation, verification of the food control system of the competent authority, verification of the compliance of individual facilities, the adoption of the relevant regulation by the European Parliament regarding the approval of the country for

import into the EU and a separate procedure for approving capacities for import into the EU.

The fact that Ukraine has been approved by the European Commission for the export to the EU of fish products, dairy products, poultry meat and its products, eggs and egg products, honey, snails and frogs' legs, animal feed means that according to the results assessment of compliance with food safety standards, the control system in Ukraine is equivalent to achieve the same level of protection of European control system. Of course, the issue of efficiency and stability of the control system during production and export from Ukraine, as well as the EU control system during import and placement on the EU market are also important.

This aims both the responsibility of the producer and the inspector of the competent authority certifying the safety of the product, as well as the conditions of storage and transportation, risk-oriented inspection by EU inspectors during the import and sale of such products, etc.

Of course, we are talking exclusively about compliance with the EU requirements of those business operators authorized to export to the EU. Today, there are not many authorized food producers in Ukraine, only 432. Full access to the European market of all producers requires full approximation of legislation in the field of sanitary and phytosanitary measures, but this is a long process and will require significant investments in agriculture.

The result of the legislation approximation in the field of SPS to the acts of EU law in recent years has been a constant increase in the volume of trade between Ukraine and the EU in agricultural and food products. Thus, Ukraine is among the top three exporters of agricultural products to EU member states.

Compare with previous years, there were changes in the structure of imports from Ukraine to the EU of agricultural products in 2023, in particular a significant increase in the import of grain (+1.2 billion euros), sugar (+254 million euros) and poultry meat (+148 million euros).

Let's consider certain types of goods that Ukraine currently has the right to export to the EU, in particular, the state of approximation of relevant regulatory legal acts that affect this.

Products of animal origin, such as **poultry meat, eggs and egg products, honey**, it is need to be highlighted that the process of their entry into the EU market and, accordingly the approximation of the regulatory framework to fulfill market access requirements was quite long for meat as well for poultry – 5 years (2015), for eggs – 5 years (2013).

If we talk about the basic food legislation, the general requirements for hygiene, the mandatory implementation of HACCP at all Ukrainian facilities, the principle of traceability have been a part of Ukrainian legislation for a long time. Regarding the special

requirements for these products, the approximate regulatory framework and its implementation in Ukrainian legislation should be considered. For convenience, a table of correspondence between EU law and Ukrainian legislation has been prepared.

	EU legislation	Ukrainian legislation
HACCP	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs	Law of Ukraine "On basic principles and requirements for the safety and quality of food products" (No. 771/97)
Hygienic requirements	Sections II and V Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin	Order of the Ministry of Agrarian Policy and Food of Ukraine "On Amendments to the Order of the Ministry of Agrarian Policy and Food of Ukraine of October 20, 2022 No. 813 and Approval of requirements for individual quality indicators for poultry meat on approval of hygienic" (No. 625 of 27.03.2023)
Microbiological requirements	Commission Regulation (EU) 2023/915 of 25 April 2023 of 15 November 2005 on maximum levels for certain contaminants in food	Order of the Ministry of Health of Ukraine "On approval of microbiological criteria for establishing food safety indicators" (No. 548 dated 19.07.2012)
Contaminants	Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food	Order of the Ministry of Health of Ukraine "On approval of State hygienic rules and norms "Regulation of maximum levels of certain contaminants in food products" (No. 368 dated 05/13/2013); Order of the Ministry of Health of Ukraine "On approval of poultry meat safety parameters" (No. 695 dated August 6, 2013)
Residues of veterinary drug	Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products	Law of Ukraine "On state control over compliance with the legislation on food products, feed, by-products of animal origin, animal health and welfare" (No.2042 dated 18.05.2017); Order of the Ministry of Health of Ukraine "On approval of food safety indicators "Maximum levels of residues of active substances of veterinary drugs in food products of animal origin" (No. 2646 dated 23.12.2019)
Animal health	Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council,	Order of the Ministry of Agrarian Policy and Food of Ukraine "On approval of the Instruction on the prevention and elimination of Avian Influenza" (No. 547 dated 17.10.2011);

	<p>as regards rules for the prevention and control of certain listed diseases (HPAI, Newcastle disease)</p> <p>Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents</p> <p>Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health</p>	<p>Order of the Ministry of Agrarian Policy and Food of Ukraine "On approval of the Instruction for the prevention and elimination of Newcastle Disease" (No. 548, October 17, 2011);</p> <p>Order of the Ministry of Agrarian Policy and Food of Ukraine "On approval of the Instruction for the prevention and elimination of Salmonellosis" (No. 310 dated 19.09.2016)</p> <p>Order "On the approval of the Instruction on the prevention and elimination of bee diseases" (No. 9, issued on January 30, 2001)</p>
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Sugar. The provisions of the EU Council Directive No. 2001/111/EC of December 20, 2001 on certain types of sugar intended for food consumption were adopted in Ukraine by the order of the Ministry of Agriculture of November 2, 2017 No. 592 "On Approval of requirements for types of sugars intended for human consumption". which was supposed to enter into force in September 2022. However, due to the introduction of martial law, its implementation was delayed 3 months after the termination or cancellation of martial law.

This document establishes requirements for certain types of sugars and their labeling (in particular, extra white, white, semi-white sugar) intended for human consumption that is approximated to European standards.

It should be noted that today Ukrainian sugar producers produce white sugar according to DSTU 4623:2006 "White sugar. Technical conditions", according to which most of the requirements of sugar parameters meet the requirements contained in the EU Council Directive No. 2001/111/EC. However, the above-mentioned national standard of Ukraine is currently voluntary, so the adoption of the order of the Ministry of Agricultural Policy and Food of Ukraine will make it mandatory for producers of sugar to meet the requirements for the types of sugar intended for human consumption. This, in turn will help improve the quality of sugar and increase its export to the EU.

Corn, oats (oat flakes), cereals. Regarding the requirements for the safety of grains intended for human consumption, they must meet the maximum levels of mycotoxins (aflatoxins, ochratoxins, deoxynivalenol, zearalenone, fumonisins), heavy metals and pesticides, which are established by the order of the Ministry of Health of Ukraine dated 13.05.2013 No. 368 " On the approval of the State hygienic rules and regulations

"Regulation of maximum levels of certain contaminants in food products", which is approximated to Regulation (EC) No. 2023/915 of April 25, 2023 regarding the maximum levels of certain contaminants in food products.

The main non-compliance in the export of Ukrainian corn, oat and cereals in 2022-2024 when exported to the EU were the presence of chlorperiphos and mycotoxins.

Corn (feed), oats. Previously, when exports took place through ports, the requirements for the quality of corn grain were ordinary: grain moisture, damaged grains, impurities. Now when exports have been redirected across European borders, quality and safety requirements have begun to play a significant role.

Regarding the requirements for the safety of feed grains, the list of contaminants in feed in Ukraine is determined by the order of the Ministry of Agrarian Policy and Food of Ukraine dated 19.03.2012 No. 131 "On approval of the List of maximum permissible levels of undesirable substances in feed and feed raw materials for animals", which is close to the requirements of Directive 2002/32/EC of the European Parliament and the Council of May 7, 2002 on undesirable substances in animal feed.

Requirements for maximum levels of pesticide in grains should be checked regularly using the frequently updated European Pesticide Database. In addition, the requirements of EU Regulations establish maximum levels of such grain contaminants as fungal toxins (mycotoxins), heavy metals (arsenic, lead, cadmium, and others).

The main non-compliances in 2022-2024 in Ukrainian corn exported to the EU were the presence of a high level of mycotoxins, salmonella and mold.

5. Challenges and risks in view of accession of Ukraine to the EU

The Association Agreement and the candidate status for Ukraine for accession to EU is not only about the approximation of legislation, but also about the availability and effectiveness of procedures, capabilities, resources, financing, stability, responsibility, etc. In Ukraine there should be a system of implementing legislative regulations and monitoring their implementation, as well as understanding the rules and procedures on the part of both businesses and consumers.

We are not talking about blind copy pasting of European regulations and directives. Business entities, regulatory bodies and society should be aware that the introduction of new approaches requires not only investments and new technologies, but also understanding, raising awareness and responsibility.

In essence, this is the creation of its own national system of production, circulation and control of food products, which provides an equivalent result of achieving the regulations and directives of EU legislation.

Today, there are a number of challenges that affect Ukraine's fulfillment of obligations in the context of EU accession and are related not only to the risks of martial law,

but also to the capacity and resources of the country, with a more systematic and sustainable approach to the implementation of European legislation.

What affects Ukraine's ability to fully transition to the European model of the food product control system "from farm to table".

First of all, the effectiveness of the system is about the stability of the government and the capacity of the relevant authorities. However, in recent years, there has been a trend towards unpredictability of reforming the system of responsible state bodies, chaotic adoption of new laws, delays in the adoption of by-laws, insufficient development of professional personnel.

During the years of independence in Ukraine, there were a few attempts to optimize government bodies, including those responsible for the field of sanitary and phytosanitary measures. The Ministry of Agrarian Policy and Food of Ukraine is the policy-making body in the sphere of SPS and has been reorganized, liquidated, merged, restored twice in the last 5 years, and there are again rumors of a merger with another ministry.

Of course, the need for reforms and optimization in the conditions of war can be understood, but experiments on reforming the responsible authorities during the screening and evaluation by the European Commission regarding the status for EU accession can lead to irreparable consequences.

Analyzing previous experience, we can see that such decisions lead to delays in the adoption of legislation, loss of professional personnel, destabilization of institutional capacity, loss of specialized associations' ability to be heard when making important state decisions.

All this is happening in times of professional human resources loss due to the war in Ukraine, the loss and destruction of the infrastructure and material and technical base of not only business, but also state institutions, laboratories, etc.

It is clear that in the conditions of martial law, the economy of state budget is crucial, as a result of which a significant reduction in civil servants has been announced in 2024. The level for personnel decrease for the Ministry of Agrarian Policy and Food of Ukraine is 10.7%, for the SSUFSCP – 31.4%.

The reduction in the number of employees in time the need for accelerated adoption and implementation of a significant number of legal acts raises concerns about the ability to implement the announced reforms in the future.

In the context of challenges, it is impossible not to mention that the approximation of legislation and its implementation are directly related to the perception and understanding of what is written in European directives and regulations. After all, the question is not about the translation of EU legal acts and their transfer into Ukrainian legislation.

The approximation of EU acquis depends on a deep understanding of how this or that provision works in practice, how interconnected actions, responsibilities and approaches are in various regulations.

On the example of EU member states, it is impossible to find two identical national food safety control systems, because EU regulations and directives establish the level and requirements for the SPS, and each MS implements them at the national level to achieve a European approach. At the same time, the administrative territorial rules and, accordingly, vertical or horizontal control, geographical and climatic conditions, economic realities of the country, the level of agricultural development, etc. are taken into account.

Therefore, Ukraine must find its own way of organization and reaching the level of EU MS, having a real understanding of what the EU acts are about, accordingly, the experience of European countries that have similar criteria and characteristics for Ukraine, the use of assistance from technical assistance projects are extremely useful here, communication with colleagues from similar ministries and competent authorities.

However, we should also remember the other important side of the process of approximation – the use of a more systematic approach, as while Ukraine is approximating the EU acquis, the European Parliament adopts new acts. Accordingly, Ukraine begins to approximate them in its legislation after their adoption by the EU. In fact, it looks like an endless process, and requires a transition to another model of cooperation between Ukraine and the EU.

It is appropriate to consider the issue of Ukraine's involvement as an observer when discussing amendments to EU legislation, as well as to foresee the procedures for future updates in Ukrainian legislation before it enters into force in the EU, which will make it possible to adopt relevant changes more quickly.

The risk of Ukrainian business being unprepared for new reforms and approaches deserves special attention. Of course, the majority of progressive manufacturers have long been looking for optimization of production, new technologies and investments, export-oriented establishments are in line with requirements of the third countries. However, there are still a number of manufacturers who think that they will be bypassed by the new rules or that they will receive "bonuses" for the implementation of European practices.

It should also be taken into account that a only understanding of EU law is not enough for the state and business, the population of Ukraine must understand and strive for the introduction of certain norms and standards, and for this the state needs to work on raising awareness of certain norms, what advantages Ukraine will have and how such norms will help protect the life and health of the population, consumer rights, etc. Previously, the process of legislation approximation was accompanied only with information about the adopted EU acts with a brief description of the changes, but in recent years the situation has changed and the authorities have switched to the use of media, infographics, explanations, webinars, which make it possible to better understand the depth of the European integration processes in the state.

6. Assessment of the prospects of Ukraine and recommendations for risk managements

Evaluating the level of progress made by Ukraine in the field of approximation of sanitary and phytosanitary measures, especially in recent years, it should be noted that the martial law gave an impetus to the acceleration of reforms, reduction of bureaucratic procedures while agreeing on the legal framework aimed at approximation to EU legislation.

In fact, considering the prospects of Ukraine within the negotiation process regarding EU accession, it is necessary to be aware of the expectations and achievements that Ukraine and its population will have from the application of European approaches in the sphere of SPS, in particular:

- ✓ introduction of an effective food safety control system in accordance with EU requirements and international standards;
- ✓ increasing the safety of food and feed, ensuring the protection of life and human health, as well as animal and plant health;
- ✓ strengthening the protection of consumers' interests, in particular by providing consumers with adequate information about food products;
- ✓ creation of transparent business conditions;
- ✓ increasing the competitiveness of Ukrainian manufacturers.
- ✓ expansion of access to the EU market and access to new international sales markets.

Under existing risks and challenges for building a European model of sanitary and phytosanitary measures, it should be remembered that the chosen European integration direction and the pace of implementation of measures to approximate legislation should remain a priority for the government.

It is necessary to avoid as much as possible unforeseeable actions that can affect the dynamics of progress in the field of SPS, because in the conditions of European Commission assessment, the institutional stability of state bodies and professional human resources are an integral component for success and the implementation of future EC recommendations, from the understanding and the quality of execution of which will depend on both the negotiating framework for Ukraine and the transitional periods for Ukrainian business.

The issue of the outflow of professional personnel was quite acute even before the war, and taking into account the importance of understanding and applying the new legislation, orientation towards European approaches, it is necessary to think about the training of the future personnel resource. And it is not only about the search for specialists with at least basic competencies and knowledge, but about creating conditions for learning the necessary competencies, improving qualifications and obtaining practical skills, as well as learning of foreign languages for working with the original text of EU regulations and directives.

It should also be understood that before the war it was more a matter of state bodies, in martial law and post-recovery period businesses will have to think about it as well.

There is the issue of a sustainable approach of Ukraine and the EU to the development, adoption and further approximation of legislation, as in order to avoid the endless process of Ukraine being late with the adoption of EU legal acts, it is necessary to look for legislative and practical mechanisms for their regulation now. It may be expedient to consider Ukraine's involvement as an observer when discussing changes to the legislation of the EU law, which will make it possible to adopt relevant changes more quickly.

While building its own food safety control system, Ukraine should take into account the experience of EU Member States, depending on the structure of agriculture, strengths and weaknesses, involving their practical expertise.

An equally important issue for overcoming existing challenges is the awareness of business and consumers both in Ukraine and in the EU. After all, both the one and the other must understand why the European model of application of the SPS is for them, what it will give them, how it will protect consumer rights and make business conduct more transparent. For the European population, increasing awareness of Ukraine's agriculture, its standards and safety rules for exported products will prevent the risks of spreading rumors about the non-compliance of products in Ukraine with European legislation, the possibility of low-quality products reaching the consumer's table, a kind of "debunking of myths", which was worth devoting time since the entry into force of the Association Agreement.

The economic condition of Ukraine as a result of the war led to a significant reduction in the internal demand of the population for the consumption of food products, due to the spread of poverty and the transition of a large part of the population to the consumption of cheap and affordable food products. This challenge should be considered in the context of preserving production, jobs, and supporting the economy. For this, it is necessary to pay attention to reorientation to external consumers, export of products, search for markets available for trade, their requirements and trends.

However, when exporting to the EU, in order to preserve export opportunities, the requirements for safety and quality indicators of food products and feed should be properly observed. In connection with the identified inconsistencies, Ukrainian exporters should strengthen the systems of internal control of raw materials for the production of feed, in particular regarding treatment with plant protection products not prohibited in the EU, conditions of storage and transportation of products for export, inspection of exported goods before shipment for compliance with the requirements of European standards.

**Implementation of the work plan
Ministry of Agrarian Policy and Food of Ukraine
in the field of sanitary and phytosanitary measures
(I quarter of 2024)**

№	Action	Status
Action 5.1. Food safety		
5.1.1.	Development of the draft Law of Ukraine "On state control over compliance with legislation in the field of sanitary and phytosanitary measures"	In progress
5.1.2.	Development of a draft resolution of the Cabinet of Ministers of Ukraine "On Amendments to the Resolution of the Cabinet of Ministers of Ukraine dated October 31, 2018 No. 896 "Some issues of implementation of planned measures of state control by the State Service for Food Safety and Consumer Protection"	In progress
5.1.3	Review and amendments to the Procedure and criteria for the authorization of accredited laboratories, including reference laboratories, approved by Resolution No. 10 of the Cabinet of Ministers of Ukraine dated January 10, 2019	Implemented partially. The draft is prepared, internal negotiation is ongoing
5.1.4	Development of a draft resolution of the Cabinet of Ministers of Ukraine "On approval of the Procedure for issuing, refusing to issue, canceling, temporarily suspending, reissuing and renewing the validity of an operating permit, operating permit form, temporary operating permit form and recognizing certain resolutions of the Cabinet of Ministers of Ukraine as having lost their validity»	Implemented. The resolution of CMU dated 12.01.2024 № 27 was adopted
5.1.5.	Development of the draft order of the Ministry of Agrarian Policy "On approval of the Procedure for state registration of capacities and the Procedure for maintaining the state register of market operators and their capacities"	Implemented. The order of Minagro dated 15.02.2024 № 341 was adopted
5.1.6.	Development of the draft order of the Ministry of Agrarian Policy "On approval of Requirements for pre-slaughter and post-slaughter inspection of animals, including those slaughtered outside the slaughterhouse"	Implemented. The order of Minagro dated 02.04.2024 № 1032 was adopted
5.1.7.	Development of the draft order of the Ministry of Agrarian Policy "On approval of Hygienic requirements for agro-food markets"	Implemented partially. The draft is prepared, internal negotiation is ongoing
5.1.8.	Development of a draft order of the Ministry of Agriculture "On approval of Hygienic requirements for facilities that produce and/or circulate beekeeping products"	Implemented. The order of Minagro dated 15.11.2023 № 1968 was adopted
5.1.9.	Development of the draft order of the Ministry of Agriculture "On approval of the Requirements for the production and circulation of live bivalve molluscs,	Implemented partially. The draft is prepared, internal negotiation is ongoing

	live echinoderms, live gastropods and live marine gastropods, for the classification of production territories and territories for the re-inhabitation of live bivalve molluscs, as well as for sanitary inspection, monitoring and keeping a list of relevant territories»	
5.1.10.	Development of the draft order of the Ministry of Agrarian Policy "On approval of the Rules for veterinary and sanitary examination of milk and dairy products"	In progress
5.1.11.	Development of the draft order of the Ministry of Agriculture "On approval of the Procedure for issuing international certificates and other documents required by the legislation of the country of destination for cargoes with food products"	In progress
5.1.12.	Development of the draft order of the Ministry of Agrarian Policy "On Amendments to the Order of the Ministry of Agrarian Policy dated March 12, 2019 No. 118 "On Approval of Requirements for the Safety and Quality of Milk and Dairy Products", registered in the Ministry of Justice of Ukraine on June 7, 2019 under No. 593/33564"	In progress
5.1.13.	Development of the draft order of the Ministry of Agrarian Policy "On Amendments to the Order of the Ministry of Agrarian Policy dated August 8, 2023 No. 1503, registered in the Ministry of Justice of Ukraine on September 8, 2023 under No. 1597/40653"	In progress
5.1.14.	Development of the draft order of the Ministry of Agriculture "On approval of the Requirements for the introduction of the System of rapid notification of threats related to food products and fodder"	In progress
5.1.15.	Development of the draft order of the Ministry of Agrarian Policy "On approval of the Rules for conducting laboratory research (testing) of food products in agro-food markets"	In progress
5.1.16.	Bringing methods (methods) of sample selection and laboratory research (tests) into line with European legislation	In progress
5.1.17.	Revision and amendments to the order of the Ministry of Agrarian Policy dated October 1, 2012 No. 590 "On the approval of the Requirements for the development, implementation and application of permanent procedures based on the principles of the Food Safety Management System (HASSR)", registered in the Ministry of Justice of Ukraine on October 9, 2012 under No. 1704/22016	In progress

Action 5.2. Animal health and welfare, stable animal health in Ukraine		
5.2.1.	Development of the draft Law of Ukraine "On Amendments to the Law of Ukraine dated February 4, 2021 No. 1206-IX "On Veterinary Medicine"	In progress
5.2.2.	Development of a draft resolution of the Cabinet of Ministers of Ukraine "On approval of the Procedure for maintaining the Register of state certificates on the availability of sufficient knowledge and skills in compliance with the requirements of the legislation on animal welfare"	In progress
5.2.3	Development of the draft order of the Ministry of Agrarian Policy "On the approval of some normative legal acts regarding the issuance of a state certificate and temporary admission of the staff of the facility to the performance of duties related to the maintenance, killing, transportation of agricultural animals, as well as to the implementation of related operations"	In progress
5.2.4.	Development of the draft order of the Ministry of Agrarian Policy "On approval of the Authorization Procedure for carrying out training of personnel of facilities and testing of knowledge and skills regarding compliance with the requirements of the legislation on animal welfare, suspension of authorization, deprivation of authorization, term of authorization and criteria that legal entities must meet for their authorization"	In progress
5.2.5.	Development of the draft order of the Ministry of Agriculture "On approval of veterinary and sanitary requirements for facilities (facilities) for the processing and processing of by-products of animal origin"	Implemented. The order of Minagro dated 18.04.2024 № 859 was adopted
5.2.6.	Development of the draft order of the Ministry of Agrarian Policy "On approval of the Instruction on diagnosis, prevention and control of spongiform encephalopathy of cattle"	Implemented. The order of Minagro dated 07.03.2024 № 699 was adopted
5.2.7.	Development of the draft order of the Ministry of Agriculture "On approval of Requirements for the organization of control of salmonella and other agents of zoonotic diseases"	In progress
5.2.8.	Development of the draft order of the Ministry of Agrarian Policy "On Amendments to the Order of the Ministry of Agrarian Policy and Food of Ukraine dated May 6, 2019 No. 241"	In progress
5.2.9.	Development of the draft order of the Ministry of Agriculture "On approval of the Procedure for Issuing Veterinary Documents and the Procedure for Maintaining the Unified State Register of Veterinary Documents"	In progress
5.2.10.	Development of the draft order of the Ministry of Agrarian Policy "On approval of Requirements for ensuring the welfare of farm animals during their transportation"	In progress
5.2.11	Development of a draft resolution of the Cabinet of Ministers of Ukraine "On approval of the Amounts and procedure of payment of fixed sums of reward for the found carcasses of wild boars, which pose a threat of the spread of notifiable animal diseases"	In progress
5.1.12.	Development of the draft order of the Ministry of Agrarian Policy "On the approval of the Instruction on measures for the prevention and elimination of classical swine fever"	In progress

5.1.13.	Development of the draft order of the Ministry of Agriculture "On approval of the List of mandatory or necessary anti-epizootic measures, the implementation of which by specialists of veterinary medicine who conduct veterinary practice is paid"	In progress
5.1.14.	Development of the draft order of the Ministry of Agrarian Policy "On the approval of the Instruction on measures for the prevention and elimination of African swine fever"	In progress
Action 5.3. Plant health		
5.3.1.	Development of the draft resolution of the Cabinet of Ministers of Ukraine "On Amendments to the Resolution of the Cabinet of Ministers of Ukraine dated November 15, 2019 No. 1177"	In progress
5.3.2.	Development of the draft order of the Ministry of Agrarian Policy "On Amendments to the Order of the Ministry of Agrarian Policy of Ukraine dated December 22, 2005 No. 731 and Approval of the Procedure for Registration of Persons Carrying Out Economic Activities Related to the Production and Circulation of Regulated Objects"	Implemented partially. The draft is prepared, internal negotiation is ongoing
5.3.3.	Development of the draft resolution of the Cabinet of Ministers of Ukraine "On approval of the Regulation on the State Commissionз оцінювання ризику ГМО»"	In progress
5.3.4.	Development of the draft resolution of the Cabinet of Ministers of Ukraine "On the approval of the Regulations on the Scientific and Methodological Center for Testing Genetically Modified Organisms"	In progress
5.3.5.	Development of a draft resolution of the Cabinet of Ministers of Ukraine "On approval of the Procedure for state registration (re-registration) of GMOs"	In progress
5.3.6.	Development of a draft resolution of the Cabinet of Ministers of Ukraine "On determining the boundaries of territories (from the state border line) on which the production (cultivation) of GMOs and GM products is prohibited"	In progress
5.3.7.	Development of a draft resolution of the Cabinet of Ministers of Ukraine "On approval of the Procedure for maintaining the State Register of GMOs"	In progress