

Voluntary Report – Voluntary - Public Distribution

Date: April 14, 2021

Report Number: UP2021-0019

Report Name: Ukraine Adopts a New Veterinary Law

Country: Ukraine

Post: Kyiv

Report Category: Agriculture in the News

Prepared By: Oleksandr Tarassevych

Approved By: Robin Gray

Report Highlights:

The New Law of Ukraine On Veterinary Medicine was adopted by Ukraine and went into power on March 21, 2021. It is the cornerstone law that defines and distributes regulatory power among different Ukrainian government authorities. It regulates animal health and wellbeing, veterinary practices, production, use of veterinary preparations, and turnover of products of animal origin. The Law has been adopted as part of Ukraine's EU approximation effort.

Executive Summary

The Law of Ukraine “[On Veterinary Medicine](#)” (previously known as “[Law on Veterinary Medicine and Animal Wellbeing](#)” (both links are in Ukrainian)), hereafter referred to as “The Law,” went into effect on March 21, 2021. The original draft was submitted in October 2020 and underwent multiple transformations. The Law passed the final reading at the end of February and was signed by the President in early March 2021. The Ukrainian industry largely supported the law.

The law addresses the following regulatory areas:

- 1) Animal health;
- 2) Animal welfare;
- 3) Veterinary service structure and scope of authority of different Government of Ukraine (GoU) agencies;
- 4) Circulation of animal by-products; and
- 5) production, circulation and use of veterinary drugs (including active pharmaceutical ingredients), medicated feed and intermediates used for production of medicated feed, including substances with anabolic, antimicrobial, antiparasitic, anti-inflammatory, hormonal or psychotropic properties that can be used as veterinary preparations.

Although this Law does not directly regulate food products of animal origin and feed, it defines credentials of different GOU authorities that regulate them.

Certain provisions of the law are implemented immediately, although a majority of the provisions will be implemented two years after adoption (on March 21, 2023). Ukrainian authorities will use this transition period to bring existing regulations into compliance with the newly adopted law. The transitional provisions of the law provide the GOU with one calendar year after adoption of the law for development/changes of necessary/existing sub-laws and regulations.

Short Summary of the International Trade-Related Chapters of the Law

(An interested reader may refer to the full version of the Law attached to this report.)

The Law provides terms and definitions to be used by Ukraine’s Authorities. This includes a definition of veterinary status, which now includes compartments in addition to countries and separate territories.

- It defines an international veterinary certificate as a document issued by the competent authority of the country of origin or exporting country and certifying the state of health of live animals and / or safety of animal by-products, reproductive material or biological products. This limits the exporting countries’ ability to issue such certificates to competent authorities only. Although denied by other regulations adopted earlier, for example, Certificates of Free Sale that previously accompany some U.S. processed food exports will no longer be accepted as an official export-accompanying document.
- In its operation Ukrainian officials will be guided by international standards, instructions and recommendations. The World Organization for Animal Health and other international organizations that develop recommendations, instructions and standards aimed at the protection of human life and health, and animals from animal diseases will be recognized.
- “Standard” is now not defined as a mandatory document developed on the basis of consensus and approved by the authorized body, which establishes rules, instructions or characteristics related to products, processes or services. In this definition “standards” remain non-compulsory.

The Law establishes and defines the roles of three key players in regulating and implementing veterinary policies in Ukraine. The Cabinet of Minister's role remains general, while the remaining two authorities will shape Ukrainian veterinary policies in years to come. Here is how the Law divides regulatory powers:



Source: Law of Ukraine "On Veterinary Medicine"

** Abbreviated version of responsibilities by FAS/Kyiv*

Although this three-tier system was in place for some time, the new Law fully legitimizes it. The key element of the system is the shift of the regulatory development power to a separate Executive Authority. Ukraine's Country Competent Authority (CA) - the State Service for Food Safety and Consumer Protection (**SSFSCP**) is endowed predominately with executive power. The CA will have very limited regulatory capacity related to disease eradication, monitoring of contaminants or similar small-scale regulations. The CA's main responsibility is the implementation of the state policy developed by the Central Governmental Executive Authority. Currently the authority for creation of state policy is performed by the "Directorate for State Policy in the SPS Area," which is under the Ministry of Economic Development, Trade and Agriculture (MEDTA).

In this Law, Ukraine established principles upon which Ukrainian veterinary-sanitary regulations (referenced in the Law as "veterinary-sanitary measures") will be based. All veterinary-sanitary measures that Ukraine adopts are to be developed by the Central Governmental Executive Authority that Forms and Executes State Veterinary Policies with the exception of emergency measures that are developed by the CA.

All measures are to be based on the scientific principles, standards, instructions, and recommendations of relevant international organizations. Ukraine may also consider information obtained from the CAs of other countries. Ukraine recognizes the World Organization for Animal Health and other international organizations that develop international standards, guidelines and recommendations related to animal health and product safety as relevant international organizations. Ukraine will use a risk-based approach for the development of veterinary-sanitary measures.

All measures will be notifiable to international trading partners at least 60 days prior to adoption and are to be implemented at least within six months after adoption. Ukrainian authorities are obliged to explain to international trading partners any measures that deviate from standards and principles of relevant international organizations when possible. Ukraine's Central Governmental Executive Authority that Forms and Executes State Veterinary Policies (and in some cases the CA) are also obliged to collect comments on proposed veterinary measures. All veterinary-sanitary measures are adopted in a way that eliminates hidden trade restrictions or creates unjustified multiple tiers of protection that may result in trade restriction.

Ukraine may negotiate different equivalency levels with its trading partners. This includes equivalency of separate measures, a combination for different measures, as well as full system equivalency. Achieved equivalency recognition can be used for bilateral certificates negotiation purposes as well as for listing of foreign establishment in official register of approved countries and foreign facilities, maintained by the CA.

By the Law, Ukraine established additional criteria for listing of foreign countries and facilities in Ukraine's official register of approved countries and facilities. Now foreign facilities can be listed if at least one of the following criteria can be applied: facility was inspected; exporting country provided written guarantees assuring product safety or live animals health status compliance with Ukrainian legislation; or facility is listed on the appropriate register of the exporting country and its system equivalence (or part of the system) is recognized by Ukraine.

Beside the trade-related issues described above, the Law contains animal health protection chapters that provide detailed instructions on notifiable diseases; animal disease monitoring and eradication programs, animal quarantine, epizootic investigations, and related animal health issues. Another part of the Law establishes animal wellbeing principles including requirements for animal farms, slaughterhouses, transport, and animal owners. The Law also establishes rules for production, circulation and use of veterinary drugs and substances.

For more detailed information on new Law "On Veterinary Medicine," please refer to the attached text of the Law.

Attachments:

[Law of Ukraine On Veterinary Medicine Final-ENG.docx](#)