

Voluntary Report – Voluntary - Public Distribution

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Report Name: Updated Phytosanitary Regulations

Country: Ukraine

Post: Kyiv

Report Category: Sanitary/Phytosanitary/Food Safety

Prepared By: Denys Sobolev

Approved By: Robin Gray

Report Highlights:

Ukraine sets rules for operation of private phytosanitary laboratories for exporters and risk-oriented analysis for imported products of plant origin

In August 2018, Ukraine adopted the Law of Ukraine “On Amendments to Law on Plant Quarantine.” This law introduced adjustments to national phytosanitary procedures. One of the most significant adjustments was the approval of use of certain private phytosanitary laboratories to conduct commodity sampling and analysis for the purposes of export only, for more information about its potential impact to Ukrainian exports please refer to [relevant GAIN Report](#).

In January 2020, the Government of Ukraine published Resolution #1177 ([in Ukrainian](#)) that enables implementation of the abovementioned provisions. *FAS-Kyiv note: provisions reflected in the Ukrainian legislation (a Law of Ukraine), should be subsequently mirrored by relevant decisions by the Cabinet of Ministers (a Resolution) and/or relevant ministries (an Order) that contain detailed guidelines how the mentioned legislative provisions should be implemented by governmental officials on a practical level.*

The norms of Resolution #1177 allow exporters of products of plant origin from Ukraine to have a choice between use of an accredited private laboratory (with accreditation in accordance with ISO/IEC 17025 and included on the official list of accredited laboratories) or a state laboratory for phytosanitary examination of outgoing cargo. The resolution also limits delays by state inspectors in the issuance of phytosanitary certificates for export.

Resolution #1177 also contains general provisions for imported products.

Imported products of plant origin should be accompanied by a phytosanitary certificate / phytosanitary certificate for re-export that must comply with the following requirements:

- should be original;
- issued by national plant protection authority for plant quarantine of exporting/re-exporting country;
- addressed for the specific importing country;
- should be in English or any other official language of the Food and Agriculture Organization of the United Nations;
- should contain the plant name in Latin; and
- information provided on the certificate should match information on any other document accompanying a shipment.

Note: in case a shipment is accompanied by a phytosanitary certificate for re-export, it must also go together with an original phytosanitary certificate or its certified copy.

The updated procedures envisage the establishment of the national Registry of issued phytosanitary certificates. This is a database containing complete information about all phytosanitary certificates, both for export and re-export, as well as laboratory results and all other relevant documents submitted while applying for a certificate. The database is managed by the State Service of Ukraine on Safety of

Foodstuffs and Consumer Protection (SSUFSCP). The Registry should be open for the general public and should contain the following information:

- name of the product of plant origin and its volume;
- date and time of certificate of laboratory test results; and
- date and time of phytosanitary certificate.

FAS-Kyiv note: at the time of this report writing the mentioned Registry was not yet available.

The Resolution also contains the following list of HS Codes for imported commodities that are subject of phytosanitary controls:

0106 49 00; 0601; 0602; 0603; 0604; 0701; 0702 00 00 00; 0703; 0704; 0705; 0706; 0707 00; 0708; 0709; 0712 90 11 00; 0712 90 19 00; 0713; 0714; 0801; 0802; 0803; 0804; 0805; 0806; 0807; 0808; 0809; 0810; 0813; 0814 00 00 00; 0901 11 00; 0901 12 00 00; 0903 00 00 00; 0904; 0906; 0907; 0908; 0909; 0910; 1001; 1002; 1003; 1004; 1005; 1006; 1007; 1008; 1101 00; 1102; 1103; 1104; 1106; 1107 10; 1201; 1202; 1203 00 00 00; 1204 00; 1205; 1206 00; 1207; 1208; 1209; 1210; 1211; 1212 (except for 1212 21 00 00 and 1212 29 00 00); 1213 00 00 00; 1214; 1401; 1404; 1801 00 00 00; 1802 00 00 00; 2302; 2308 00; 2401; 2530 90 00 00; 2703 00 00 00; 3002 90 50 00; 3002 90 90 00; 4401; 4403; (except for 4403 10 00 00; treated with paint, etchants, creosote or other preservatives); 4404; 4406 10 00 00; 4407; 4409; 4415; 4416 00 00 00; 5101 11 00 00; 5201 00; 5301; 9406 00 20 00; 9705 00 00 00.

One of the novelties introduced by the Law of Ukraine “On Amendments to Law on Plant Quarantine” is the risk-oriented analysis for imported products of plant origin. Resolution #1177 contains a list of HS Codes that are subject to random checks by a phytosanitary inspector, as well as an explanation of the risk criterion that defines the share of shipments subject to inspection. The risk criterion is based on:

- type of the commodity: live plants, fresh vegetables, fruits and lumber, other;
- ways the commodity will be used in Ukraine: planting, consumption, other;
- pest occurrence announced on web pages of EPPO, EUROPHYT and SSUFSCP;
- transportation means used: truck, rail, container transported by a river or a sea vessel; and
- whether the shipment is homogenous or not.

The random inspection rate could vary from 25 to 100 percent, depending on the resulting calculated risk factor for an individual cargo category based on the abovementioned factors.

Attachments:

No Attachments.